



Exclusive Economic Zone and Continental Shelf (Environmental Effects—Non-notified Activities) Regulations 2014

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 24th day of February 2014

Present:

His Excellency the Governor-General in Council

Pursuant to sections 27, 29(3), and 29D of the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council and on the recommendation of the Minister for the Environment made in compliance with sections 27(3) and 29D(2) of that Act, makes the following regulations.

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Regulations

1 Title

These regulations are the Exclusive Economic Zone and Continental Shelf (Environmental Effects—Non-notified Activities) Regulations 2014.

2 Commencement

These regulations come into force on 28 February 2014.

3 Interpretation

In these regulations, unless the context otherwise requires,—

Act means the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012

exploration drilling for petroleum—

- (a) means the drilling of—
 - (i) exploration wells for the purpose of establishing the presence or otherwise of hydrocarbons;
 - (ii) appraisal wells for the purpose of determining the nature, location, or size of a hydrocarbon discovery; and
- (b) includes the suspension of a well as part of normal operations, for example, where it is necessary in order to carry out repairs or maintenance or because of weather conditions or for safety reasons; but
- (c) does not include—
 - (i) the drilling of production wells or development wells (whether production or injection) associated with the commercial extraction of hydrocarbons; or
 - (ii) the suspension of a well for future exploration, appraisal, or production purposes

production means activities authorised by a mining permit under the Crown Minerals Act 1991 that would not be authorised by an exploration permit under that Act.

4 Purpose

These regulations classify certain activities described in section 20 of the Act that are carried out in the exclusive economic zone or in or on the continental shelf as an activity for which an application for a marine consent is not to be publicly notified.

5 Non-notified activities

Activities described in section 20(2) or (4) of the Act that are involved in exploration drilling for petroleum in the exclusive economic zone or in or on the continental shelf are classified as non-notified activities and an application for a marine consent for any of those activities is not to be publicly notified if the applicant complies with regulation 6.

Example

The kinds of activities described in section 20(2) and (4) of the Act that are involved in exploration drilling for petroleum include—

- the placement of a structure (such as a rig or moorings):
 - the removal of non-living natural material from the seabed or subsoil (such as taking seabed samples or extracting hydrocarbons):
 - the causing of vibrations in a manner that is likely to have an adverse effect on marine life (such as seismic surveying down a well).
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6 Condition

Regulation 5 applies subject to the condition that—

- (a) the geographical area covered by the application for a marine consent is the same or part of the same geographical area covered by a permit or adjacent permits under the Crown Minerals Act 1991; or
- (b) the activity is authorised by an existing privilege held by the applicant that is preserved by clause 12 of Schedule 1 of the Crown Minerals Act 1991.

Michael Webster,
for Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 28 February 2014, classify section 20 activities carried out for the purpose of exploration drilling for petroleum in the exclusive economic zone or in or on the continental shelf as non-notified activities under the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (the **principal Act**), as amended by the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Amendment Act 2013 (the **2013 amendment Act**). An application for a marine consent for an activity described in *regulation 5* is required by section 38(2)(b) of the principal Act to fully describe the proposal. The description of the proposal will need to demonstrate that the activity will be undertaken for the purpose of exploratory drilling for petroleum. The effect of these regulations is that an application for a marine consent for the activity is not to be publicly notified, provided that the condition in *regulation 6* is complied with.

The condition in *regulation 6* is that—

- the geographical area covered by the application must be the same or part of the same geographical area covered by a permit or adjacent permits under the Crown Minerals Act 1991; or
- the activity must be authorised by an existing privilege held by the applicant that is preserved by clause 12 of Schedule 1 of that Act.

Section 29D of the principal Act (as inserted by the 2013 amendment Act) empowers the making of regulations to describe any discretionary activity as non-notified or to provide that an application for a marine consent for the activity is not to be publicly notified. Under section 36 of the principal Act, an activity is a discretionary activity if regulations do not classify it as permitted, discretionary, or prohibited. Section 20 activities carried out for the purpose of exploration drilling for petroleum are discretionary activities by default because they have not been formally classified in that way.

Applications for a marine consent for a non-notifiable activity are dealt with by the Environmental Protection Agency (**EPA**) under

sections 44A and 44B of the principal Act (as inserted by the 2013 amendment Act). Section 44A requires the EPA to serve a copy of the application on iwi authorities, customary marine title groups, and protected customary rights groups. Section 44B enables the EPA to conduct a hearing on the application.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 27 February 2014.
These regulations are administered by the Ministry for the Environment.
