



Exclusive Economic Zone and Continental Shelf (Environmental Effects—Permitted Activities) Amendment Regulations 2018

Rt Hon Dame Sian Elias, Administrator of the Government

Order in Council

At Wellington this 3rd day of April 2018

Present:

The Right Hon Jacinda Ardern presiding in Council

These regulations are made—

- (a) under sections 27(1), 30(1), and 35 of the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister for the Environment given after the requirements of sections 32, 33, and 34 of that Act have been met.

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Regulations

1 Title

These regulations are the Exclusive Economic Zone and Continental Shelf (Environmental Effects—Permitted Activities) Amendment Regulations 2018.

2 Commencement

These regulations come into force on 5 April 2018.

3 Principal regulations

These regulations, except for regulation 7, amend the Exclusive Economic Zone and Continental Shelf (Environmental Effects—Permitted Activities) Regulations 2013 (the **principal regulations**).

4 Regulation 3 amended (Interpretation)

- (1) In regulation 3, replace the definition of **authorised launch deposit area** with:
authorised launch deposit area means the area to the north, east, north-west, south, and south-west of New Zealand that—
 - (a) is bounded by the line extending from 46°05'S 166°11'E to 46°52'S 161°48'E (south-west of the South Island); and
 - (b) is bounded by the line extending from 34°13'S 172°40'E to 30°55'S 171°10'E (north-west of the North Island); but
 - (c) does not extend beyond the exclusive economic zone and continental shelf
- (2) In regulation 3, revoke the definition of **authorised test launch deposit area**.
- (3) In regulation 3, insert in its appropriate alphabetical order:
closed seamount area means the areas described in—
 - (a) regulation 2B(2)(a) and (b) of the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986; and
 - (b) regulation 6B(2)(a) and (b) of the Fisheries (Central Area Commercial Fishing) Regulations 1986; and
 - (c) regulation 4C(2)(a) to (e) of the Fisheries (South-East Area Commercial Fishing) Regulations 1986; and

- (d) regulation 15JA(2)(a) to (c) and (e) of the Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986

5 Regulation 8A replaced (Deposit of material on seabed from launch of space vehicle)

Replace regulation 8A with:

8A Deposit of material on seabed from launch of space vehicle

The deposit on the seabed of material jettisoned from any launch of a space vehicle from New Zealand is a permitted activity if the person undertaking the activity complies with the following conditions:

- (a) there are no more than 100 space vehicle launches from New Zealand in total (regardless of who undertook the activity); and
- (b) the material jettisoned from the space vehicle is—
 - (i) deposited within the authorised launch deposit area; but
 - (ii) not deposited within the closed seamount area; and
- (c) the person complies with the pre-activity and post-activity requirements in Schedule 4A.

6 Schedule 4A replaced

Replace Schedule 4A with the Schedule 4A set out in the Schedule of these regulations.

7 Exclusive Economic Zone and Continental Shelf (Environmental Effects—Permitted Activities) Amendment Regulations 2016 amended

- (1) This regulation amends the Exclusive Economic Zone and Continental Shelf (Environmental Effects—Permitted Activities) Amendment Regulations 2016.
- (2) Revoke regulation 4.

Schedule
Schedule 4A replaced

r 6

Schedule 4A
Pre-activity and post-activity requirements for deposit of material on seabed from launch of space vehicle

r 8A

1 Pre-activity requirements

- (1) The person undertaking the activity must provide the EPA with the following information no later than 10 working days before the planned space vehicle launch:
 - (a) the proposed dates and times of the launch; and
 - (b) the predicted flight path or paths of the launch; and
 - (c) the area in which the material jettisoned from the space vehicle is expected to land; and
 - (d) details of any additional proposed actions to avoid, mitigate, or remedy any adverse effects of the activity on existing interests.
- (2) The EPA must publish on its Internet site the information provided under subclause (1) as soon as is reasonably practicable after the person provides it.

2 Post-activity requirements

- (1) The person undertaking the activity must—
 - (a) provide the EPA with a post-activity report no later than 5 working days after the space vehicle launch; and
 - (b) also provide the EPA with a post-activity report at quarterly intervals or after 10 consecutive launches (whichever happens first).
- (2) The post-activity report required by subclause (1)(a) must include the following information:
 - (a) the date and time of the launch; and
 - (b) the observed flight path of the launch; and
 - (c) as far as is reasonably possible,—
 - (i) the volume of material jettisoned from the space vehicle; and
 - (ii) the co-ordinates of each area in which that material landed; and
 - (d) details of any deviations from the pre-activity information provided under clause 1.

- (3) The post-activity report required by subclause (1)(b) must for each space vehicle launch—
 - (a) advise if the person received any written complaint alleging that the conditions for undertaking the activity were breached; and
 - (b) if a complaint was made, provide—
 - (i) a summary of the complaint (which must include the date on which the complaint was received); and
 - (ii) an explanation of how the person dealt with the complaint.
- (4) The EPA must publish a summary of any post-activity report provided under subclause (1)(a) or (b) on its Internet site as soon as is reasonably practicable after the person provides it.

Michael Webster,
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 5 April 2018, amend the Exclusive Economic Zone and Continental Shelf (Environmental Effects—Permitted Activities) Regulations 2013 (the **principal regulations**).

These regulations relate to the deposit on the seabed of material jettisoned from space vehicles launched from New Zealand (**jettisoned material**). Depositing jettisoned material on the seabed is a permitted activity under the principal regulations.

These regulations, among other things,—

- greatly enlarge the area in which jettisoned material may be deposited on the seabed; and
- prescribe new requirements and time frames relating to information that must be provided to the Environmental Protection Authority before and after the launch.

Regulatory impact assessment

The Ministry for the Environment produced a regulatory impact assessment in February 2018 to help inform the decisions taken by the Government relating to the contents of this instrument.

A copy of this regulatory impact assessment can be found at—

- <http://www.treasury.govt.nz/publications/informationreleases/ris>
- <http://www.mfe.govt.nz/ris/jettisoned-material>

**Exclusive Economic Zone and Continental Shelf
(Environmental Effects—Permitted Activities)
Amendment Regulations 2018**

2018/53

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These regulations are administered by the Ministry for the Environment.

Wellington, New Zealand:

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