



COASTAL LEGISLATION AND MARINE ENERGY PROJECTS

AWATEA Consenting Workshop

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Overview

A selection of key coastal legislation:

- Part A - The Foreshore and Seabed Act
- Part B - The Resource Management Act
- Part C - Conservation legislation
- Part D – Other legislation

Part A - The Foreshore and Seabed Act

- Vested ownership of the foreshore and seabed in the Crown
- Provided for applications for customary rights orders which have implications under the RMA
- Provided for Maori and the Crown to enter into agreements to recognise former territorial customary rights
- Occupation of Crown land in the coastal marine area still governed by the RMA

Part B - The Resource Management Act

- The Minister of Conservation has certain coastal roles under the RMA as the Crown Ministerial representative
 - The importance of policy statements and plans for resource consent processes, in particular regional coastal plans
 - The Proposed New Zealand Coastal Policy Statement
 - The Proposed NPS on Renewable Energy Generation
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- Plan changes following the approval of the NZCPS and NPS
- The RMA provides for both occupation of the coastal marine area and “use” consents
- Planning and the aquaculture example
- Restricted coastal activities
- Co-ordinating coastal and land consenting

Part C - Conservation Legislation

- Species protection and protected areas legislation
- The Marine Mammals Protection Act
- The Wildlife Act
- The Marine Reserves Act and Marine Reserves Bill
- The Marine Protected Areas Policy

Part D – Other Legislation

- Depending on the circumstances, a range of other legislation and interests may be relevant
- Examples include legislation relating to Treaty settlements, historic places, fisheries, maritime safety, submarine cables, biosecurity etc

Conclusions

- A range of legislation is relevant to marine energy development
- There is a need to engage in policy/planning as well as consent processes



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