

Marine consent applications: the decision makers

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When we, the EPA, receive an application for a marine consent for an activity in New Zealand's offshore waters, the pros and cons of granting the consent must be weighed up impartially. Find out more about the people who do this here.

Who is responsible?

New Zealand law states who must be the decision maker for each type of marine consent application, in the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (we will call it the 'EEZ Act' here).

Type of activity	Can the public make a submission?	Who makes the decision
Marine consent		
Exploration drilling for oil or gas	No	EPA-appointed decision-making committee
Development drilling for oil or gas	Yes	Board of inquiry
Seabed mining for minerals	Yes	Board of inquiry
Marine dumping consent		
Dumping dredged material or vessels outside of the sites already authorised by the EEZ Act	Yes	EPA-appointed decision-making committee
Dumping dredged material or vessels inside sites already authorised by the EEZ Act	No	Delegated EPA staff
Dumping specified organic wastes, and structures placed for mineral exploration, anywhere in the EEZ	No	Delegated EPA staff
Dumping specified other wastes, and structures not placed for mineral exploration, anywhere in the EEZ	Yes	EPA-appointed decision-making committee
Marine discharge consent		
Discharge of all harmful substances by existing petroleum production structures	No	Delegated EPA staff
Discharge of harmful substances by petroleum exploration structures other than offshore processing drainage	No	Delegated EPA staff
Discharge of harmful substances from new production structures other than offshore processing drainage, production water, or displacement water	No	Delegated EPA staff
Discharge of harmful substances from new production structures: as offshore processing drainage, production water, displacement water	Yes	EPA-appointed decision-making committee
Discharge of sediments and harmful substances (not otherwise classified) from seabed mining	Yes	EPA-appointed decision-making committee

Boards of inquiry

Boards of inquiry make decisions for certain marine consent applications where the public is notified and can make a submission (which means they can provide information or their views about the application).

A new board of inquiry is appointed by the Minister for the Environment for each consent application. The board is independent from the EPA and from the Minister. The board members are chosen for their knowledge, skills and experience of: the EEZ Act, the type of activity, and tikanga Māori; and for their legal and technical expertise. A board of inquiry must have between three and five members. The board has a Chair who may be a current, former or retired Environment Judge, or a retired High Court Judge.

Decision-making committees

For the applications that are considered by a decision-making committee, a new committee is appointed by the EPA Board for each application. The committee members are also chosen for their expertise, tikanga Māori knowledge and their experience in decision-making. The EEZ Act requires that each decision-making committee has at least one EPA Board member on the committee. The committees have a Chair, and between three to five members.

To see who was appointed to the boards and committees for present consent applications, see the Public Consultations area of our website <https://www.epa.govt.nz/public-consultations/>

For more about marine consent applications, and when the public are notified and can supply information in submissions to the decision makers, see our other factsheets.

Delegated EPA staff

When an application is made for a marine dumping or discharge consent where the public will not be notified (not able to make submissions), the decision is the EPA's responsibility. The EPA Board has formally delegated these decisions to our Chief Executive and certain senior EPA staff.

Timeframe for deciding

Boards of inquiry must make their decision about the application within nine months after the date that the public are first publicly notified about the application. This means the board must consider all submissions and evidence from expert witnesses, hold hearings, weigh up all of the information and make its decision within nine months.

Notified and non-notified consent applications that are decided by a committee or by the EPA delegated decision-makers take 170 and 70 working days respectively to make their decisions from the time they are first lodged with the EPA by the applicant.

A decision-making committee listens to submissions from the public at a hearing



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