

Factsheet: Changes to the EEZ Act

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Changes to the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (EEZ Act) to simplify processes, reduce costs to applicants, and improve public participation are now in effect.

Applications and Decommissioning

1. Decommissioning plan

Any activity related to the decommissioning of a structure, submarine pipeline or submarine cable needs to include a decommissioning plan for consideration and acceptance by the EPA (see sections 100A – D of the EEZ Act). A public consultation may be required as part of the process of accepting a plan.

There are no set timeframes for determining if a decommissioning plan is acceptable. Regulations are being developed to set out the information required in a decommissioning plan, the form of public consultation, and the EPA's assessment criteria.

2. Marine consent applications

Subpart 2A of the EEZ Act has been repealed and the sections relating to applications for marine discharge consent and marine dumping consent have been consolidated with those sections applying to marine consents. For example, applications for marine discharge consents and marine dumping consents are now made under section 38 of the EEZ Act instead of under section 87B.

Applications for activities under section 20(2)(a), (b), or (c) of the EEZ Act now require a description of how and when the structure, submarine pipeline, or submarine cable will be dealt with at the end of its life.

Emergency dumping consent applications are still made and granted under section 20H.

3. Impact assessment requirements

All marine consent applications need to include an impact assessment prepared in accordance with section 39 of the EEZ Act and any other regulations. New matters an impact assessment must address include:

- the effects of the activity on the biological diversity and integrity of marine species, ecosystems, and processes, and,
- the effects of the activity on rare and vulnerable ecosystems and habitats of threatened species.

Impact assessments for marine discharge consents and marine dumping consents must consider the effects of the activity on human health. Impact assessments for marine consents must describe the effects on human health that may arise from the effects of the activity on the environment. An impact assessment for marine dumping consent must also specify any practical opportunities to reuse, recycle, or treat the waste or other matter.

Definitions and New Schedules

4. Definition of Marine Consent Authority

There is a new definition of 'marine consent authority' under the EEZ Act because publicly notified marine consent applications for section 20 restricted activities now use a Board of Inquiry process, similar to that under the Resource Management Act 1991. The EPA will continue to decide the following applications:

- publicly notified applications for marine discharge and dumping activities, and
- all non-notified applications.

5. Hearing processes

Section 52 of the EEZ Act sets out the process of appointing a Board of Inquiry for restricted section 20 activities. Schedule 4 outlines the roles and responsibilities for the EPA and Boards of Inquiry during a notified marine consent process involving activities restricted under section 20, such as:

- the Board of Inquiry's role in determining whether to hold a hearing and establishing a fair hearing procedure, and
- the timelines around decision-making, producing written reports, and providing its report to the EPA.

[View the timeframe for Board of Inquiry processes \(link to EPA website\)](#)

6. Introduction of schedules

The EEZ Act now provides for three different types of hearings in the schedules. These include:

- Schedule 2: EPA hearings for non-notified applications.
- Schedule 3: EPA hearings for publicly notifiable applications other than section 20 activities

- Schedule 4: Board of Inquiry hearings for publicly notifiable applications for section 20 activities.

Changes to public notices and service of documents

7. Changes to public notices

Changes to rules around publicly notifiable activities mean lower costs to the applicant for the publishing of public notices. These changes include:

- allowing public notices to be published on the EPA's internet site instead of requiring publication of the full public notice in newspapers
- allowing for a short summary of the public notice to be published in one or more of the major daily newspapers and in the region adjacent to the area that is the subject of the application, and
- increasing the period of time in which the public can make submissions on an application from 20 working days to 30 working days.

There is now no minimum time limit for the public notices to remain on a website. Our guidance is notices should be available online for at least the entire period that the notice is relevant to the public (ie the length of the public submission period).

Any short summary of the public notice must be worded in a way that is clear and concise. This change will make it clear to the public what the matter relates to, and where the activity takes place.

The requirement for the EPA to serve copies of the public notice on specified persons has not changed.

8. Electronic delivery by default

Email is now the default service method for all notices or other documents under the EEZ Act (excluding court proceedings). The change aims to shorten the delivery times for documents. If a person requests a non-electronic method of service, the EPA may use one of the alternative methods listed in section 148(1)(b) of the EEZ Act.