

# About the consent process to restore the Kaikōura harbours

The earthquake on 14 November 2016 and its subsequent aftershocks have caused significant damage to the Kaikōura harbours and associated infrastructure, significantly limiting their use.

Reopening the harbours is critical to support the recovery of the Kaikōura community. The harbours need to be functional so that critical supplies can be delivered to Kaikōura by sea, and also so local tourism and fisheries businesses can continue to operate. Under district and regional planning rules, gaining resource consents to restore the harbour could be a time consuming and difficult process.

The Hurunui/Kaikōura Earthquakes Emergency Relief Act 2016 (the Act) provides a modified resource consent process to enable the restoration of the harbours and associated port facilities while managing, as far as practical, the potential impacts on the marine environment and its flora and fauna.

## The modified process

The Act:

- specifies the types of work and activities the process applies to, in order to allow the harbour to be used fully, effectively and safely
- changes the status of these works and activities to ‘controlled’ unless the activities are already permitted in the relevant plan.

For any consent sought, the consent authority must undertake a shortened engagement process that includes:

- giving 10 working days for specified parties to provide written comments on the application – specified parties includes the persons listed in the Act and any person that the consent authority considers appropriate, including the public generally
- the option to hold a meeting to allow people to verbally present their comments if the consent authority considers it appropriate
- considering the comments before making a decision
- preparing a summary of the written comments before making a decision on the resource consent application
- making the summary of the comments and the consent authority’s responses to the comments publicly available at the same time as the decision on the consent application.

Resource consent applications for a controlled activity must be granted, but the consenting authority can specify conditions for the activity. The Act does not authorise the dumping of spoil at sea. The Act limits enforcement action to the consent authorities and to Ministers of the Crown.

## Use of emergency powers

The rehabilitation of the Kaikōura harbours could commence under the emergency works provisions in the Resource Management Act 1991. Before these powers are used, the Act requires that consideration must be given to the environmental effects of the proposed activities, including the environmental effects on fish, marine mammals and seabirds. The effects must be monitored, avoided, remedied, or mitigated as far as practicable.

Retrospective consent must be sought for any work conducted under the Resource Management Act's emergency provisions.

## What work will be undertaken?

The exact form and nature of the rehabilitation activities is not specified in the Act. The resource consent application is expected to contain this information. It is also expected to include an assessment of the activities' environmental effects and monitoring and mitigation of effects as far as practicable.

## Find out more

If you have any questions, please contact the Ministry or your local authority.

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