



Ministry of Business, Innovation & Employment

**Report on consultation in relation to the proposed
Block Offer 2013**

March 2013

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Introduction

The Crown Minerals Act 1991 and the Minerals Programme for Petroleum 2005 (MPP) allow for petroleum exploration permits to be allocated by staged work programme bidding via competitive block offers.

The block offer allocation method enables the government to fairly and efficiently manage the allocation of petroleum exploration rights, provide for better and more transparent planning and promotion, and consult more proactively with iwi, industry, and other stakeholders.

Under the MPP, the Minister may determine the location and area of any petroleum exploration permit block offered for bid following consultation with appropriate iwi and hapū. The MPP requires that a period of no less than twenty working days be provided to iwi and hapū to comment on the proposal. Iwi and hapū may request up to an additional twenty working days for making comment.

To better reflect community views, the government also extended consultation in 2012 to territorial authorities where proposed blocks or Offshore Release Areas lie within or across regional or district council boundaries.

Block Offer 2013 consultation process

Block Offer 2013 sees a mixture of both onshore and offshore areas proposed for offer. These comprise:

- five defined onshore blocks, three in Taranaki (13TAR1, 13TAR4, 13TAR5) and two on the East Coast (13EC1, 13EC2),
- three offshore release areas in the Northland/Reinga Basins (13RNL-R1), the Taranaki Basin (13TAR-R1) and the Canterbury/Great South Basins (13GSC-R1).

In total the proposed onshore blocks comprise a total of 1,562 square kilometres, while the proposed offshore release areas comprise a total of 173,462 square kilometres.

The offshore release areas further contain a mesh of smaller blocks (or 'graticules'), each of approximately 250 square kilometres. The intention is that companies will be able to bid for one or more of these smaller blocks (and may bid for a combination of adjacent blocks) up to a limit of 10,000 square kilometres in frontier areas (Northland/Reinga and Canterbury/Great South Basins), and up to 2,500 square kilometres in the offshore Taranaki Basin.

Block and offshore release area selection

The selection of areas for competitive tender is carried out the beginning of the block offer process by officials from the Ministry of Business, Innovation and Employment (the Ministry). The areas selected for competitive tender comprise areas nominated by industry participants as being of high commercial interest, and which are also highly prospective for oil and gas. These selection of these areas are also influenced by the Block Offer Strategy.

The proposed blocks and offshore release areas were selected to take account of geology, prospectivity, and to provide options for onshore and offshore exploration (including some deepwater) and coal seam gas. Officials sought to ensure the areas for tender span 'appraisal' blocks in well-explored areas containing a previously drilled well and flowing hydrocarbons to the surface, through to large blocks in frontier regions where little to no exploration has taken place.

The selection of areas for tender also requires consideration of their sensitivity. Officials from the Ministry sought views from other government agencies¹ in deciding which areas are available for tender and gave consideration to areas of sensitivity in determining the proposed blocks, including Schedule 4 land, World Heritage Sites, marine mammal sanctuaries and marine reserves. In addition, any which land that fell under section 4.2-4.6 of the MPP was removed.²

Changes to the proposed tender areas included the further deferral of two onshore blocks in Taranaki that were deferred as part of Block Offer 2012 (12TAR1 and 12TAR3), as the process underway to map sensitive wāhi tapu sites in these blocks had not been completed, and the removal of both onshore and offshore acreage on the East Coast.

A six nautical mile buffer was also inserted in offshore release areas 13RNL-R1 and 13GSC-R1 between the shoreline and the offshore release areas as additional protection for sites of sensitivity on the coast.

Engagement with iwi/hapū and councils

On 8 November 2012, details of the proposed Block Offer were emailed and mailed-out to iwi authorities and local government geographically associated with the proposed blocks. Officials also contacted these groups to advise them that consultation on the proposed Block Offer would commence on 9 November 2012, and that they would shortly be receiving information on the proposal from the Ministry.

Details of the proposal were also made publicly available on the New Zealand Petroleum & Minerals (NZP&M) website on 8 November 2012.

The first 20 working days for making comment concluded on 4 December 2012. Officials emailed all iwi/hapū and local councils on 19 November 2012 informing them that a further 20 working days were available and that all submissions were due by Wednesday, 30 January 2012.³

¹ Officials sought views from the Office of Treaty Settlements, Te Puni Kokiri, the Ministry of Primary Industries, Local Government New Zealand, the Environmental Protection Authority, the Department of Conservation, the Ministry for the Environment, the Treasury, the Ministry of Business, Innovation and Employment's Labour Group, Maritime New Zealand, Land Information New Zealand, and the Department of Prime Minister and Cabinet. The Ministry will continue to engage with these groups at key points throughout the process.

² Section 4.2-4.6 of the MPP lists areas of land which is unavailable for permitting on request from iwi due to its particular importance to their mana.

³ "Working days" as defined under the Crown Minerals Act 1991 does not include the period 20 December to 15 January.

Officials also contacted all groups on Thursday, 22 January 2013 to remind them that the deadline for submissions was Wednesday, 30 January 2013.

Direct consultation with affected iwi and councils was also undertaken both prior to the beginning of the submission period, and throughout this period, by officials from NZP&M. This included a combination of both regional visits and video conferences. The previous Minister of Energy and Resources also attended several of these sessions.

A total of 30 submissions were received: 15 from iwi and 15 from councils. Submissions have been summarised by Ministry officials. This report has been prepared for the Minister of Energy and Resources.

Summary of officials' recommendations

As a result of submissions received on the proposed Block Offer 2013, officials recommend that sections of Blocks 13EC1 and 13EC2 are deferred for competitive tender until such a time as it will be possible to make a more informed decision regarding the balance of providing active protection and appropriate resource development. This decision takes into account the large number of sites in the area of deferral, their density of distribution and the geographic specificity with which they have been identified.

These deferrals will allow for more time to address iwi concerns about the potential impact of petroleum resource development on sites and for officials to gather more specific information about the nature of the sites iwi have identified.

Officials also recommend, subject to the amendments above, that:

1. the following five onshore blocks be released as part of Block Offer 2013:
 - 13TAR1
 - 13TAR4
 - 13TAR5
 - 13EC1
 - 13EC2

2. the following three offshore release areas be released as part of Block Offer 2013:
 - 13RNL-R1
 - 13TAR-R1
 - 13GSC-R1

Part One: Summary of submissions

Overview of general themes

A number of general themes were evident from the submissions. These were:

1. concern around the management of health and safety and environmental risks
2. the importance of early and on-going engagement on resource matters
3. the need for awareness of sites of local, cultural and historical significance
4. a desire for the benefits of resource development to be seen at the local/regional level
5. comments on the relationship between the Crown and iwi/hapū over the Crown's management of the petroleum regime.

Concern around the management of health and safety and environmental risks

A number of submitters expressed concerns about the health, safety and environmental impacts of petroleum related activities. There was a desire by many that these activities should not proceed unless they meet stringent health, safety and environmental requirements.

Many noted both the economic and cultural importance of the natural resources in their areas of interest. In particular, many iwi and hapū expressed the seriousness with which they take their role of kaitiaki (guardians) of their rohe, and their responsibilities to preserve and protect their whenua, moana and taonga.

A number of submitters also raised concerns about the potential impacts of petroleum exploration and production activities on marine wildlife and their habitats, water quality, and indigenous flora and fauna.

The government is concerned that the health, safety and environmental impacts of these activities are managed well, and has been putting in place a number of initiatives to strengthen the regulatory regime, including:

- a preliminary consideration of operators health and safety and environmental capabilities and systems at the point of permitting (from late May 2013)
- a new regime to manage the environmental effects of all petroleum activities in the Exclusive Economic Zone and on the continental shelf (in force from June 2013)
- the new and stronger health and safety regulations for wells and well drilling activities (in force from 1 June 2013)
- the establishment of the High Hazards Unit within the Ministry with an increase in the number of inspectors and the appointment of a Chief Inspector (in 2012)

- the establishment of a new workplace health and safety agency (to be in place by 1 December 2013)
- strengthened guidelines for minimising acoustic disturbance to marine mammals from seismic operations (finalised in 2012).

These changes provide a robust framework that can adequately regulate an increased level of petroleum exploration and production activity in higher risk environments, including in deep water and beyond the 12 nautical mile limit (see Annex 5 for more information on these initiatives).

The importance of early and on-going engagement on resource matters

Many submissions from both iwi/hapū and councils stressed the importance of early and on-going engagement with both the Crown and companies throughout the block offer process. Some submissions noted improvements on the process, with one local government submitter commenting *“It is clear that this is a far stronger approach to community consultation than in previous years, and before the Block Offer process was initiated”*. Some submitters, however, raised concern about the submission period falling over the Christmas and new-year period.

Iwi/hapū submitters stressed the importance of early engagement with Māori by all parties (oil and gas companies and the Crown) involved in the block offer. Many requested to be kept informed throughout the process so that they could work with operators to ensure sensitive sites were avoided. Some iwi submitted that they thought that the consultation process was not sufficient, though this view was not shared by all iwi.

As part of improving the block offer process, early engagement with iwi/hapū and territorial authorities ahead of formal consultation processes regarding the annual petroleum block offer has been introduced from this year. The feedback from this process has been positive.

The proposed Block Offer 2013 Invitation for Bids (IFB) also includes a requirement that successful bidders provide a written report to the Ministry each year summarising the iwi and hapū engagement undertaken in the previous year, as per the requirements of the recently amended Crown Minerals Act 1991 (CMA).

The proposed changes to the Crown Minerals regime will also strengthen the Crown’s engagement with iwi, and foster long term productive relationships between permit holders and iwi (see Annex 3 for more information on these changes).

The Ministry will continue engaging with iwi/hapū and local government representatives on Block Offer 2013 and future block offers, as well as on wider issues relating to the sector. The Ministry will also endeavour to help facilitate the relationship between operators and iwi/hapū and councils. This may include passing on information it has received about sensitive sites to successful bidders where appropriate.

Some territorial authorities commented that they appreciated the efforts made to consult with councils over Block Offer 2013, while others welcomed the potential economic benefits that oil and gas activities could bring to their region.

The need for awareness of sites of local, cultural and historical significance

A number of submitters, particularly iwi and hapū, commented that specific blocks or offshore release areas contained sites of local, cultural (primarily wāhi tapu) and historical significance. Some submitters requested that areas be amended, or removed entirely because of this. Others were looking for assurance that genuine attempts would be made to protect these areas.

Officials recognise the importance attached to areas of local, cultural (including wāhi tapu) and historical significance and the responsibility to ensure they are actively protected from development where appropriate.

Under the MPP, the Crown has responsibilities with regard to the active protection of areas of particular importance to iwi. The exclusion of defined areas of land of particular importance to the mana of iwi from a block offer is one mechanism to achieve this. However, balanced against that, the Crown also needs to consider the relative prospectivity of the area, as well as what other legislative and regulatory protections exist for these areas.

With regards to the majority of these sites, officials consider that the best way to address the concerns of submitters is to include important sites in the block offer and to then encourage and facilitate engagement between iwi and hapū and petroleum companies to find their own solutions for avoiding or minimising any impacts of petroleum exploration activities on or near sites of significance.

The consultation process with iwi for Block Offer 2012 and 2013 has revealed a lack of resources and GIS capability available to iwi to complete mapping of wāhi tapu and areas of significance. This view is reinforced by formal submission responses received. Taranaki Iwi has been engaged with New Plymouth District Council in an extensive site mapping process for the past 15 months that is predicted to reference in excess of 1000 sites by end of 2013. Some iwi are skeptical of a mapping process fearful that identified wāhi tapu sites would then become public knowledge. Clearly a number of issues and concerns have to be worked through with iwi, but having these visible for an active discussion between iwi, companies and the Ministry is a positive step forward.

It is also important to note that actual activity undertaken by an operator typically involves a much smaller area than the area of the permit. Therefore, in many cases the best stage to address the sensitivity of specific sites is at the point prior to activity occurring. This is also the stage at which environmental legislation to manage the effects of activity has a role via the Resource Management Act 1991 (RMA) on land and within 12 nautical miles of the coastline, and the Exclusive Economic Zone (EEZ) and Continental Shelf (Environmental Effects) Act 2012 offshore beyond that point.

A desire for the benefits of resource development to be seen at the local/regional level

A number of submitters expressed their desire to see greater regional or localised benefits from oil and gas activities. This includes submissions from both iwi and councils.

While some submitters acknowledged the indirect economic benefits that could occur through increased oil and gas development, others commented on the lack of detailed analysis to illustrate these benefits.

Related to this was the sense from many submitters that the economic benefits (both direct and indirect) from oil and gas activities should be retained by those regions that bear the costs of these activities. These costs include not only the costs to the local economy in the event of disaster, in the form of lost income and clean-up costs, but also the local infrastructure costs required to facilitate these activities.

Submitters suggested that the government investigate the possibility of some portion of the proceeds from these activities being allocated to the local authorities nearest the drill sites, as well as direct investment by the Crown in infrastructure and community grants from companies.

The government notes that it receives about 42 per cent of a petroleum company's accounting profit, which includes both taxes and royalties. These taxes and royalties help pay for services that benefit all New Zealanders, such as, schools, hospitals, roads and broadband. As Crown minerals are owned by the entire population of New Zealand, it is appropriate that these royalties are collected and used at a national level.

However there are considerable regional benefits that arise from oil and gas activities. These may include job creation and training, community investment, and infrastructure development, depending on what is found and where it is found. In the case of Taranaki, for example, the only region producing oil and gas in New Zealand, Venture Taranaki has estimated that the local industry generated 5,090 direct and indirect fulltime-equivalent positions in 2009 for the Taranaki region.

Comments on the relationship between the Crown and iwi/hapū over the Crown's management of the petroleum regime

A recurring theme throughout many of the submissions from iwi/hapū was comments on the nature of their relationship with the Crown regarding natural resources. Many iwi/hapū commented that they should be the decision makers in respect to activities affecting the resources in their rohe.

Many point to the Treaty of Waitangi (the Treaty) as the key foundation of the Crown and iwi/hapū relationship. In particular, many tangata whenua submitters disputed the role of the Crown in decision making with regards to petroleum and mineral resources within their rohe. They request more of a 'partnership role' with the Crown when making decisions throughout the block offer process, from block selection through to bid evaluation and permit granting, in line with the principles of the Treaty.

A number of iwi/hapū took the opportunity in this submission process to raise broader concerns about the Crown minerals regime and the way the interests of tangata whenua are represented. Others expressed concern that the granting of permits could impact the Treaty claims settlement process.

Under the Petroleum Act 1937 petroleum was declared to be property of the Crown and is therefore not available for redress for grievances under the Treaty.

In addition, the granting of a permit does not constitute the creation of an interest in land (section 92 of the CMA).

Accordingly, officials consider the grant of a petroleum permit under the CMA will not affect the Crown's ability to return land as part of a Treaty settlement or otherwise impede the prospect of any redress under the Treaty.

However the government does acknowledge the important role iwi and hapū have regarding the natural resources in their rohe. That is why NZP&M is working to strengthen engagement between iwi/hapū and oil and gas companies working in their rohe. This has been a feature of the recent amendments to the CMA which will require for the first time operators to provide an annual iwi engagement report (see Annex 3 for more information).

At least one submitter raised the issue of Wai 796 directly and others echoed its themes. Wai 796 is a claim through the Treaty of Waitangi process which challenges the government's ownership and management of petroleum resources. Reports released by the Waitangi Tribunal on the claim have recommended that further protections be put in place to protect tangata whenua interests.

Some of the themes of the Tribunal's recommendations have been reflected in the changes made as a result of the review of the CMA, such as the new requirement for operators submit an annual iwi engagement report. In addition, capacity of NZP&M to engage has been strengthened, and there will be an increased focus on engagement between iwi/hapū, operators and NZP&M itself.

As the previous Minister of Energy and Resource noted in the first reading of the Crown Minerals (Permitting and Crown Land) Bill, these changes represent a substantial improvement in how the Crown engages on the permitting of Crown minerals. They will continue to be monitored and refined if necessary.

Officials will also continue to engage with affected iwi/hapū on these issues, including their rights as a land owner relating to land access for petroleum activities.

Block 13TAR1

Block 13TAR1 is located on the west coast of the North Island, north of Mt Taranaki near the New Plymouth suburb of Bell Block. It comprises 79.6 square kilometres.

It is prospective for oil and gas as it is adjacent to the Pohokura, Kōwhai, and Tūrangi gas mining permits and adjacent to the Moturoa permit that borders the block. Production from nearby major fields and oil and gas shows in many wells within or bordering the permit support this conclusion. The block has moderate 2D seismic coverage from the 1980s and 1990s and there is also some modern 3D seismic data on the eastern border of the proposed block area.

One submission was received on proposed block 13TAR1 from New Plymouth District Council.

Summary of comments

The submission requests that land currently zoned as being in a 'Residential, Business and Open Space Environment Area' as well as areas about to be confirmed as 'Future Urban Development' areas in the district plan be excluded from 13TAR1. They would also like to exclude any part of the block that overlaps with New Plymouth airport.

The submitter notes that "non-invasive" petroleum exploration techniques are not an issue. They do note however that drilling is generally incompatible with urban environments. They are also concerned that drilling could affect aviation safety if done in close proximity to the airport.

The council notes that much of the block is in rural areas typical of the Taranaki region and these contain a number of (unmentioned) sites of significance and wāhi tapu. The council acknowledges they are obliged to protect these sites through their district plan and the resource consent process.

The submission also states that that council officers look to "*actively protect Waahi Tapu sites where known to exist and work closely with tangata whenua and oil exploration companies to identify and avoid disturbances of these*".

Official's comments

Exclusions

An analysis of the exclusion requests from New Plymouth District Council is outlined in Part Two of this report.

Management of Sites of Significance

Under the Minerals Programme for Petroleum (2005), the Crown has responsibilities with regard to the active protection of areas of particular importance to iwi. The exclusion of defined areas of land of particular importance to the mana of iwi from a block offer is one mechanism to achieve this. However, balanced against that, the Crown also needs to consider the relative prospectivity of the area.

The council indicated they had responsibility to provide necessary protection mechanisms for wāhi tapu sites through the resource consent process.

Relevant Treaty Claims and Settlements

The Ministry has consulted with the Office of Treaty Settlements (OTS) and Te Puni Kōkiri (TPK) regarding Treaty claims and settlements that may have implications for the management of the petroleum estate.

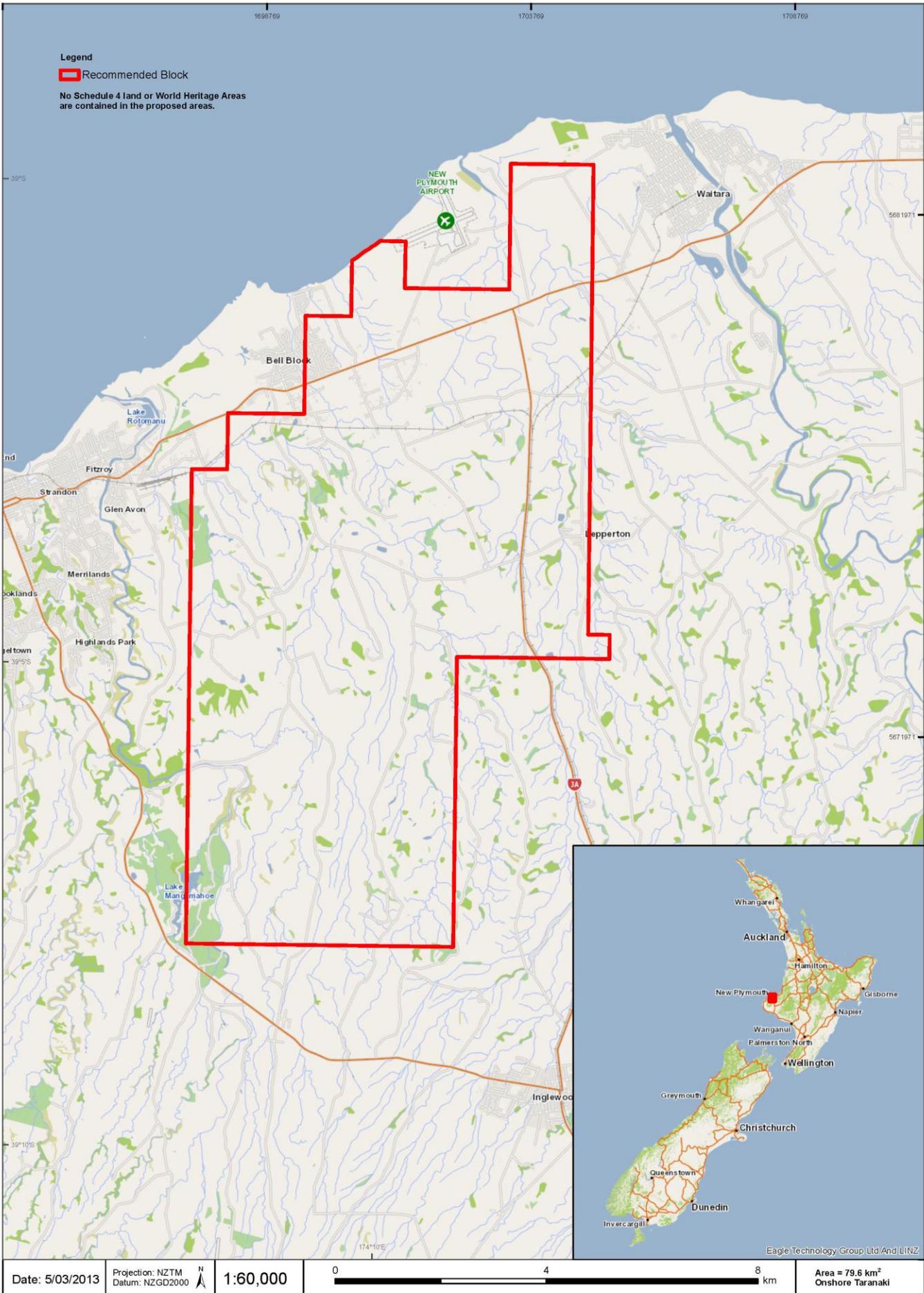
Under the Petroleum Act 1937, petroleum was declared to be the property of the Crown for the benefit of all New Zealanders and is therefore not available for redress of grievances under the Treaty.

The granting of a permit does not constitute the creation of an interest in land (section 92 of the CMA). Accordingly, Ministry officials consider the grant of a petroleum permit under the CMA will not affect the Crown's ability to return land as part of a Treaty settlement or otherwise impede the prospect of redress under the Treaty.

No iwi submissions were received on this block. It is worth noting that the block falls within the rohe of Te Atiawa who negotiated a settlement and signed an agreement in principle with the Crown in December 2012.

Recommendations

Officials recommend that Block 13TAR1 be released as per the map below.



Block 13TAR4

Block 13TAR4 is located on the west coast of the North Island, north-east of Mt Taranaki between the towns of Inglewood and Stratford. It comprises 11.8 square kilometres.

Block 13TAR4 is prospective for oil and gas as it is near to other fields including the Kaimiro/Ngātoro oil fields, the Sidewinder gas field and the Radnor gas field. There have been oil and gas shows in many wells within or bordering the permit boundary. The block has good 2D and full 3D data coverage.

Two submissions were received on proposed block 13TAR4. These submissions were from the Stratford District Council and the New Plymouth District Council.

Summary of comments

The Stratford District Council's submission outlined the council's processes around iwi engagement and protection of wāhi tapu sites. This is done through their district plan and the provisions of the RMA. No conditions or exclusions were requested.

New Plymouth District Council note that 13TAR4 falls within their district and extends over rural land. They also note that petroleum exploration has taken place in the area for many decades and the Council looks to actively protect wāhi tapu sites and significant natural areas. Much of their submission was focused on 13TAR1.

Official's comments

Exclusions and Management of Sites of Significance

No exclusions or permit conditions were requested.

Under the MPP, the Crown has responsibilities with regard to the active protection of areas of particular importance to iwi. The exclusion of defined areas of land of particular importance to the mana of iwi from a block offer is one mechanism to achieve this. However, balanced against that, the Crown also needs to consider the relative prospectivity of the area.

The councils indicated they could provide necessary protection mechanisms for wāhi tapu sites through the resource consent process.

Relevant Treaty Claims and Settlements

The Ministry has consulted with OTS and TPK regarding Treaty claims and settlements that may have implications for the management of the petroleum estate.

Under the Petroleum Act 1937, petroleum was declared to be the property of the Crown for the benefit of all New Zealanders and is therefore not available for redress of grievances under the Treaty.

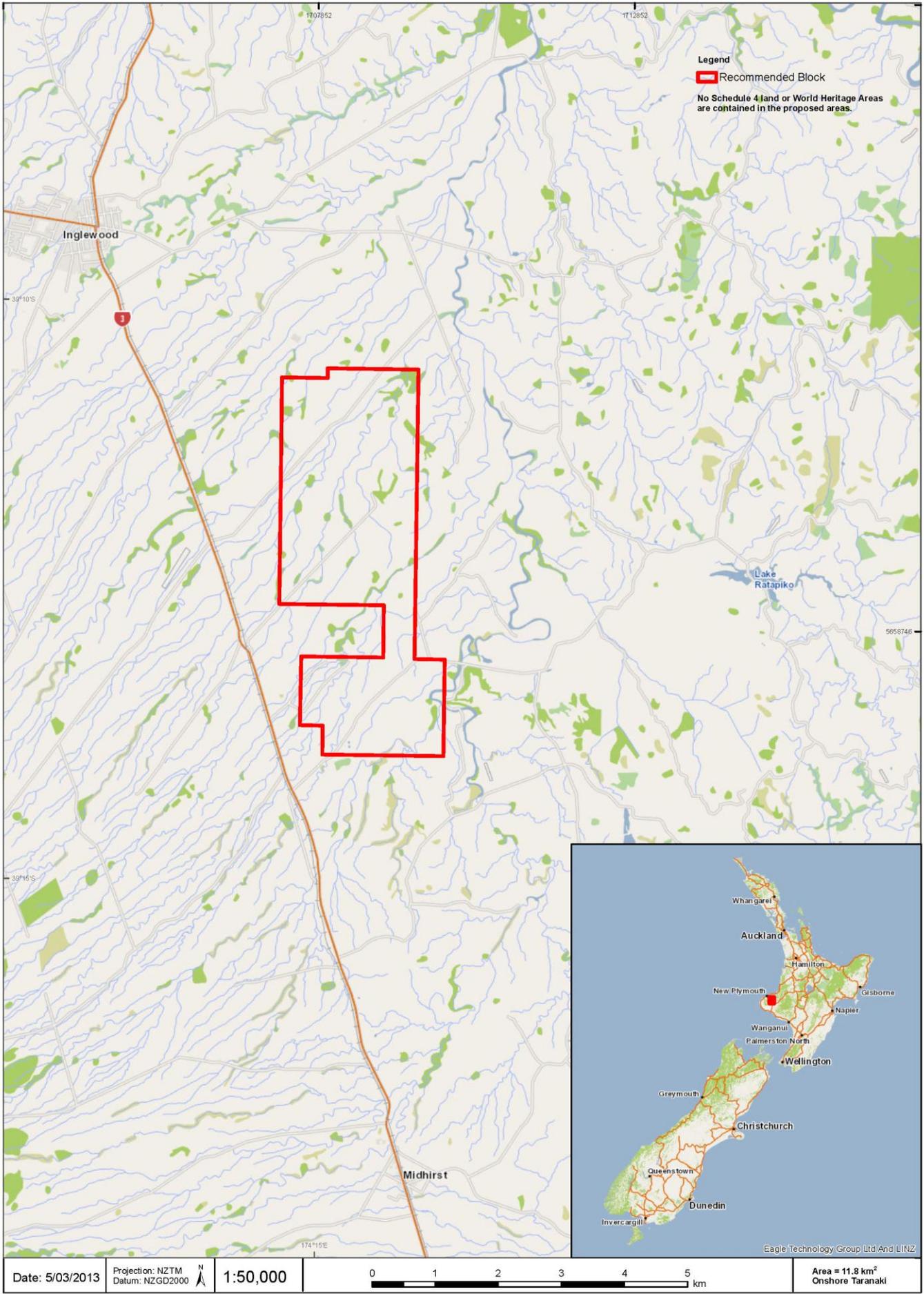
The granting of a permit does not constitute the creation of an interest in land (section 92 of the CMA). Accordingly, Ministry officials consider the grant of a petroleum permit under the CMA will

not affect the Crown's ability to return land as part of a Treaty settlement or otherwise impede the prospect of redress under the Treaty.

No iwi submissions were received on this block. It is worth noting that the block falls within the rohe of Te Atiawa who negotiated a settlement and signed an agreement in principle with the Crown in December 2012.

Recommendations

Officials recommend that Block 13TAR4 be released as per the map below.



Block 13TAR5

Block 13TAR5 is located on the west coast of the North Island, south-west of Mt Taranaki and overlays the town of Opunake. It comprises 150.7 square kilometres.

Block 13TAR5 is prospective for oil and gas as it is near to other fields (such as the Kapuni gas field) and there have been oil and gas shows further north of the permit boundary. The block has sparse 2D data. No wells have been drilled in the block.

Two submissions were received on this block: one from a territorial authority and one from an iwi.

Summary of comments

Taranaki Iwi Trust submission comments that the Taranaki Iwi supports the competitive block offer process as it *“provides for an assessment of bidders to ensure the safe and responsible development of mineral resources in Aotearoa / New Zealand”*.

The submission outlines the importance of the sites within 13TAR5 and requests that a number of areas and waterways be excluded from the block as:

- I. the areas hold historical and cultural importance for the iwi
- II. the waterways are to be the subject of statutory acknowledgement within the Taranaki Iwi Treaty settlement currently being negotiated.

The large number of significant sites is due to a number of factors including:

- I. the block was at the heart of the Taranaki Land Wars
- II. the “scorched earth” policy was used by the Crown in the block
- III. significant pā and kāinga are located there
- IV. a large number of casualties occurred as a result of points above
- V. areas within the block were subject to raupatu and confiscation from Taranaki Iwi under the New Zealand Settlements Act 1863.

In short, some of the most serious breaches of the Treaty of Waitangi occurred in this proposed block area.

Although the Taranaki Iwi submission lists a significant number of sites and waterways, the exact location of these is not provided to the Ministry. It notes *“Taranaki Iwi do not have the resources and are not in a position to provide information such as GPS map coordinates for the sites, but we are available to work with the NZPM to provide location for these sites”*. The submission also comments that not all of these sites are on the district plan or registered with the New Zealand Archeological Society.

The submission states that the cumulative effects of multiple petroleum developments over a number of years should also be considered. Further, it notes that the Block Offer 2013 Invitation for

Bids should set out that bids will be evaluated in part on the history of environmental protection the bidder can exhibit.

A further meeting between Ministry officials and the Taranaki Iwi Trust highlighted their concerns about the adequacies of the RMA to protect sites of cultural sensitivity and noted that a large number of these sites were located along the coast.

The submission from South Taranaki District Council outlines the way the Council considers and protects wāhi tapu and other sites of significance. This includes listing them in the district plan and managing them through the resource consent process. The submission notes several marae are situated within the proposed block area. The submission notes that the council issue resource consents for many petroleum exploration activities in line with their responsibilities as a regulator.

The submission also requests that government considers ways in which the economic benefits from mineral extraction activities can be shared with those areas who experience the less positive environmental effects that these activities can give rise to.

Officials' comments

Exclusion request

An analysis of the exclusion request from The Taranaki Iwi Trust is outlined in Part Two of this report.

Management of sites of local, cultural and historical significance

Officials recognise the importance attached to areas of local, cultural (including wāhi tapu) and historical significance identified by submitters and the responsibility to ensure they are actively protected from development where appropriate. There are several pieces of legislation that explicitly allow for such consideration. These provisions are detailed in Annex 3.

Under the MPP, the Crown has responsibilities with regard to the active protection of areas of particular importance to iwi. The exclusion of defined areas of land of particular importance to the mana of iwi from a block offer is one mechanism to achieve this. However, balanced against that, the Crown also needs to consider the relative prospectivity of the area.

With regard to the sites located within block 13TAR5, officials believe the best way to balance these interests is to include important sites in the Block Offer and to then encourage and facilitate iwi and oil and gas companies to engage to find their own solutions for managing sites of local, cultural and historical significance.

It is also important to note that actual activity undertaken by an operator typically involves a much smaller area than the area of the permit. Therefore, in many cases the best stage to address the sensitivity of specific sites is at the point prior to activity occurring. This is also the stage at which environmental legislation to manage the effects of activity has a role via the RMA on land and within 12 nautical miles, and the EEZ legislation offshore beyond that point, once it becomes law.

We believe such an approach is appropriate in the case of block 13TAR5, supported by strengthened provisions to ensure the active protection of areas of local, cultural (including wāhi tapu) and historical significance as detailed in Annex 4.

Relevant Treaty claims and settlements

The Ministry has consulted with OTS and TPK regarding Treaty claims and settlements that may have implications for the management of the petroleum estate.

Taranaki Iwi signed a letter of agreement (equivalent to an agreement in principle) with the Crown in December 2012. A Deed of Settlement is expected to be signed in 2013. As part of the settlement being negotiated, Taranaki Iwi is seeking statutory acknowledgment over all waterways within their rohe. As mentioned, they request a 200 m barrier either side of the waterways listed in their submission.

The Ministry is also negotiating a relationship agreement focused on meaningful engagement and information sharing for minerals and petroleum development with the Taranaki Iwi Trust as part of their settlement (along with neighbouring iwi Te Ātiawa and Ngāruahine).

It is worth mentioning that, as proposed, this block overlaps the rohe of Ngāruahine who did not make a submission. They are negotiating a Treaty settlement with the Crown and signed an Agreement in Principle in December 2012.

Under the Petroleum Act 1937, petroleum was declared to be the property of the Crown for the benefit of all New Zealanders and is therefore not available for redress of grievances under the Treaty.

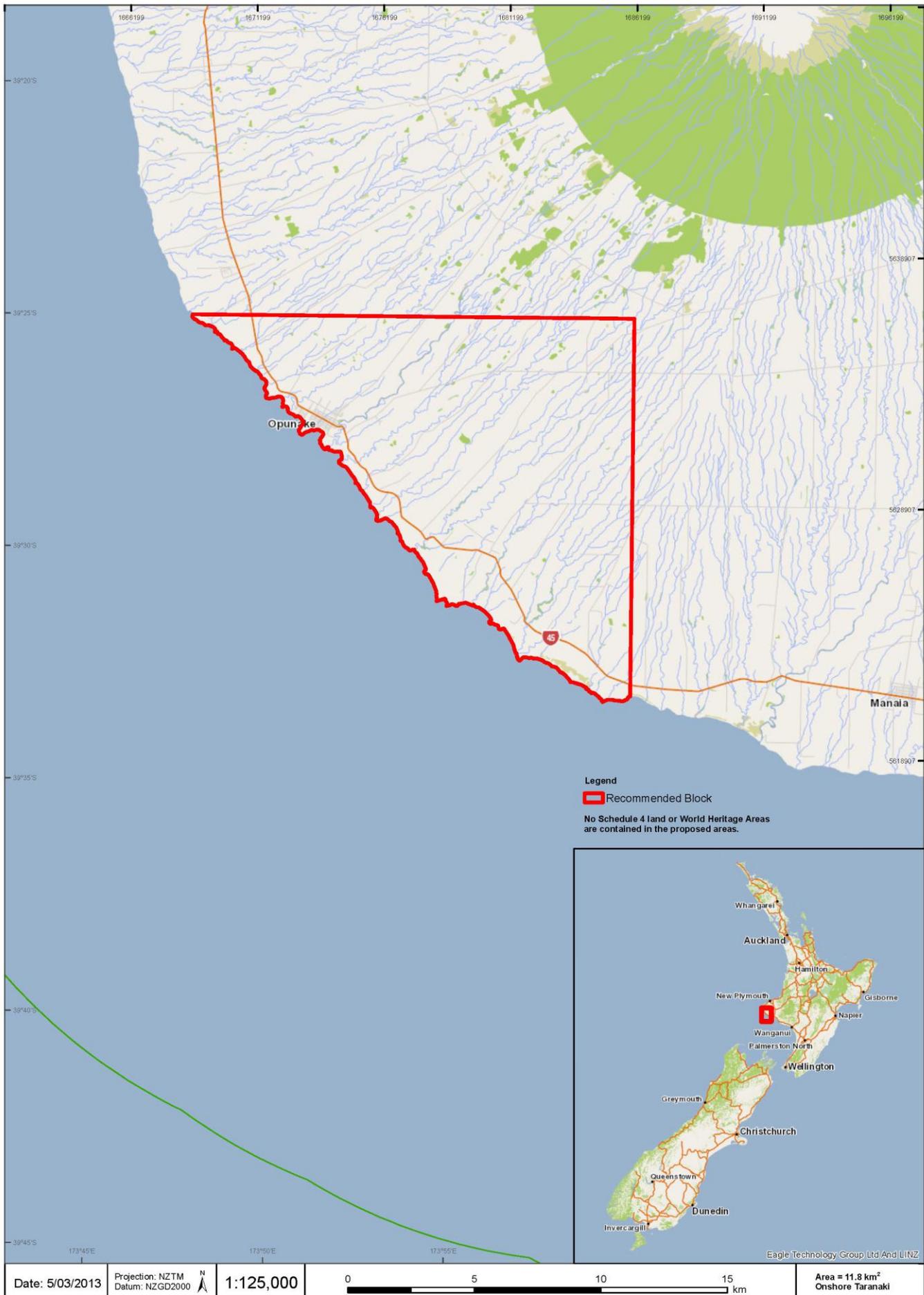
The granting of a permit does not constitute the creation of an interest in land (section 92 of the CMA). Accordingly, Ministry officials consider the grant of a petroleum permit under the CMA will not affect the Crown's ability to return land as part of a Treaty settlement or otherwise impede the prospect of redress under the Treaty.

Other considerations

In respect of comments on evaluation criteria, the evaluation of a permit application includes an assessment of the applicant's technical and financial capability to carry out the proposed work programme (according to sections 5.4.21 to 5.4.30 of the MPP). It is also important to note that a key aspect of the recently amended Crown Minerals regime is to ensure companies' health, safety and environmental capabilities are well known and scrutinised during the permitting process.

Recommendations

Officials recommend that Block 13TAR5 be released as per the map below.



Block 13EC1

Block 13EC1 is located on the east coast of the North Island and comprises 936.05 square kilometres. Its southern border abuts the northern border of 13EC2.

Block 13EC1 is prospective for oil and gas as there have been active seeps in the area and shows in historic wells. The Tōtangi oil seep lies inside the permit and its northern boundary is near the Waitangi oil seep. The Kauhauroa gas discovery lies to the south of the permit boundary. There have also been shows in test wells drilled within the permit area. The block has limited 2D seismic coverage from surveys from the 1980s and there is information recorded from historic wells.

Four submissions were received on proposed block 13EC1. Three of these came from iwi/hapū and one from a local authority.

Summary of comments

The submission on behalf of Ngāi Tāmanuhiri, Rongowhakaata and Te Aitanga ā Māhaki (known colloquially and collectively as the “Tūranga Iwi”) raised specific concerns about sites of significance within both Blocks 13EC1 and 13EC2 (including wāhi tapu, traditionally populated communities, pa sites, marae, rivers and aquifers and archaeological sites).

The Tūranga Iwi “*consider their sites and other places of cultural significance to be taonga (priceless treasures). They have historical, cultural and social importance and are all of equal importance to iwi*”. The submission requests that these sites be excluded from the block, along with a buffer zone for additional protection, and included detailed geographic information about their location within the proposed block.

The submission also raised a number of specific concerns about the draft Block Offer 2013 Invitation for Bids and the Crown Minerals Act 1991. These include challenging the Crown’s position on the ownership of petroleum and minerals through the Crown Minerals Act 1991 and the failure of the Crown to discharge its responsibility under the provisions of the Treaty of Waitangi.

The Turanga Iwi also expressed a greater desire to be involved in the policy making process and law reform of the Crown Minerals Programme and Energy Programme.

The submission from Te Runanganui o Ngāti Porou (TRONPnui) on behalf of Ngāti Porou stated their position that they should be the decision makers in respect of activities affecting the resource in its territory.

They also raised concerns about the inadequacies of both the quality and length of the engagement during the block offer process. Ngāti Porou’s preference is for consultation with iwi to occur before the blocks are selected and on a “*kanohi ki te kanohi*” (face-to-face) basis which also includes the wider hapū community. Ngāti Porou also requests that more meaningful engagement with iwi be included in the draft Block Offer 2013 Invitation for Bids and that more detailed maps of the proposed blocks be supplied.

TRONPnui note in their submission that they intend to make an application in the future to exclude particular areas from the Blocks 13EC1 and 13EC2 following appropriate consultation with hapū as to what those areas should be.

Ngāti Kahungunu Iwi Incorporated also submitted on block 13EC1. They note that Ngāti Kahungunu “*maintains its interest in petroleum, gas and minerals and it has not foregone its rights within the Iwi rohe*”. They dispute the Crown’s assertion of sole ownership and sole right to royalties. They seek both a share of profits and compensations from the Crown for the development on resources in their rohe.

The submission also refers to a Waitangi Tribunal Claim (WAI 852) they have against the Crown with respects to their rights and interests to petroleum resources with the Ngāti Kahungunu rohe. They also criticise the review of the CMA as a wasted opportunity to address the concerns of tangata whenua, and note the concerns raised by the Waitangi Tribunal in ‘The Petroleum Report’ (WAI 796).

However, the submission also states “*Ngāti Kahungunu would like to work with the Crown and petroleum companies to explore ways to ensure that economic growth and development generated from minerals found in the Ngāti Kahungunu rohe provide benefits for local tāngata whenua and communities*”.

The submission notes that Ngāti Kahungunu received notification about Block Offer 2013 too late to have extensive discussion with affected tāngata whenua and hapū. It requests that if a successful tender is granted for the block, that the successful company makes contact with them immediately to rule out sites of cultural significance.

The submission from the Gisborne District Council noted that “*mineral exploration and mining are controversial issues in our region at this time. The Council has no formal policy position on the matter*”. As a result of this, the council decided to post the Block Offer 2013 notification it had received on its website and solicit feedback from the public. This information was provided as part of their submission.

The Gisborne District Council received 33 comments on this information: 27 opposed to all proposed exploration and mining in the area, 5 supportive of exploration and mining activities and 1 neutral submission. Those opposed to exploration cited concerns about a lack of information about the process, a lack of tangata whenua and community consultation and the risk that the Gisborne District Council would be overwhelmed with submissions.

The submission also outlined the Gisborne District Council’s processes for protecting site of environmental and cultural sensitivity in their district.

Officials’ comments

Exclusion request

An analysis of the exclusion request from the Tūranga Iwi (Ngāi Tāmanuhiri, Rongowhakaata and Te Aitanga ā Māhaki) is outlined in Part Two of this report.

Management of sites of local, cultural and historical significance

Officials recognise the importance attached to areas of local, cultural (including wāhi tapu) and historical significance identified by submitters and the responsibility to ensure they are actively

protected from development where appropriate. There are several pieces of legislation that explicitly allow for such consideration. These provisions are detailed in Annex 3.

Under the MPP, the Crown has responsibilities with regard to the active protection of areas of particular importance to iwi. The exclusion of defined areas of land of particular importance to the mana of iwi from a block offer is one mechanism to achieve this. However, balanced against that, the Crown also needs to consider the relative prospectivity of the area.

In considering the submissions received on Block 13EC1, Officials considered what is known about the sites for which protection is sought, and whether exclusion from the Block Offer (or another process) will best ensure protection while being mindful of the relative prospectivity of the area.

The geographic specificity the Tūranga Iwi provided in their submission indicates that there is high number of sensitive sites located in the eastern section of the proposed block, particularly around the Waipaoa River.

Taking into account the large number of sites identified by the Tūranga Iwi, their density of distribution and the geographic specificity with which they have been identified, officials recommend that a section of Block 13EC1 is deferred until a subsequent block offer.

It is important to note that these recommendations are for deferrals only and that officials envisage that both this area will be available for future block offers. A deferral is recommended as that it would allow more time for officials to gather more specific information about the nature of the sites that have identified, and how their protection might best be managed.

Although the remaining section of Block 13EC1 also contains identified sites of sensitivity, officials consider that these can be offered active protection under the broader legislative, regulatory and operational framework, and that there are opportunities for any successful permit holder and the Tūranga Iwi to engage further on this issue.

Officials' comments

Relevant Treaty claims and settlements

The Ministry has consulted with the OTS and TPK regarding Treaty claims and settlements that may have implications for the management of the petroleum estate.

TPK advises us that the Tamanuhiri Tūtū Poroporo Trust signed a Deed of Settlement with the Crown on 5 March 2011 and The Rongowhakaata Iwi Trust signed a Deed of Settlement with the Crown on 30 September 2011. They have also advised us that Ngāti Porou signed a Deed of Settlement with the Crown on 22 December 2010.

Te Aitanga ā Māhaki has not settled and they are currently involved in a claim through the Waitangi Tribunal process.

Under the Petroleum Act 1937, petroleum was declared to be property of the Crown for the benefit of all New Zealanders and is therefore not available for any redress of grievances under the Treaty.

Officials note that the granting of a permit does not constitute the creation of an interest in land (section 92 of the CMA 1991). Accordingly, Ministry officials consider the grant of a petroleum permit under the Act is not expected to impact on, or be prejudicial to, the resolution of historical Treaty claims.

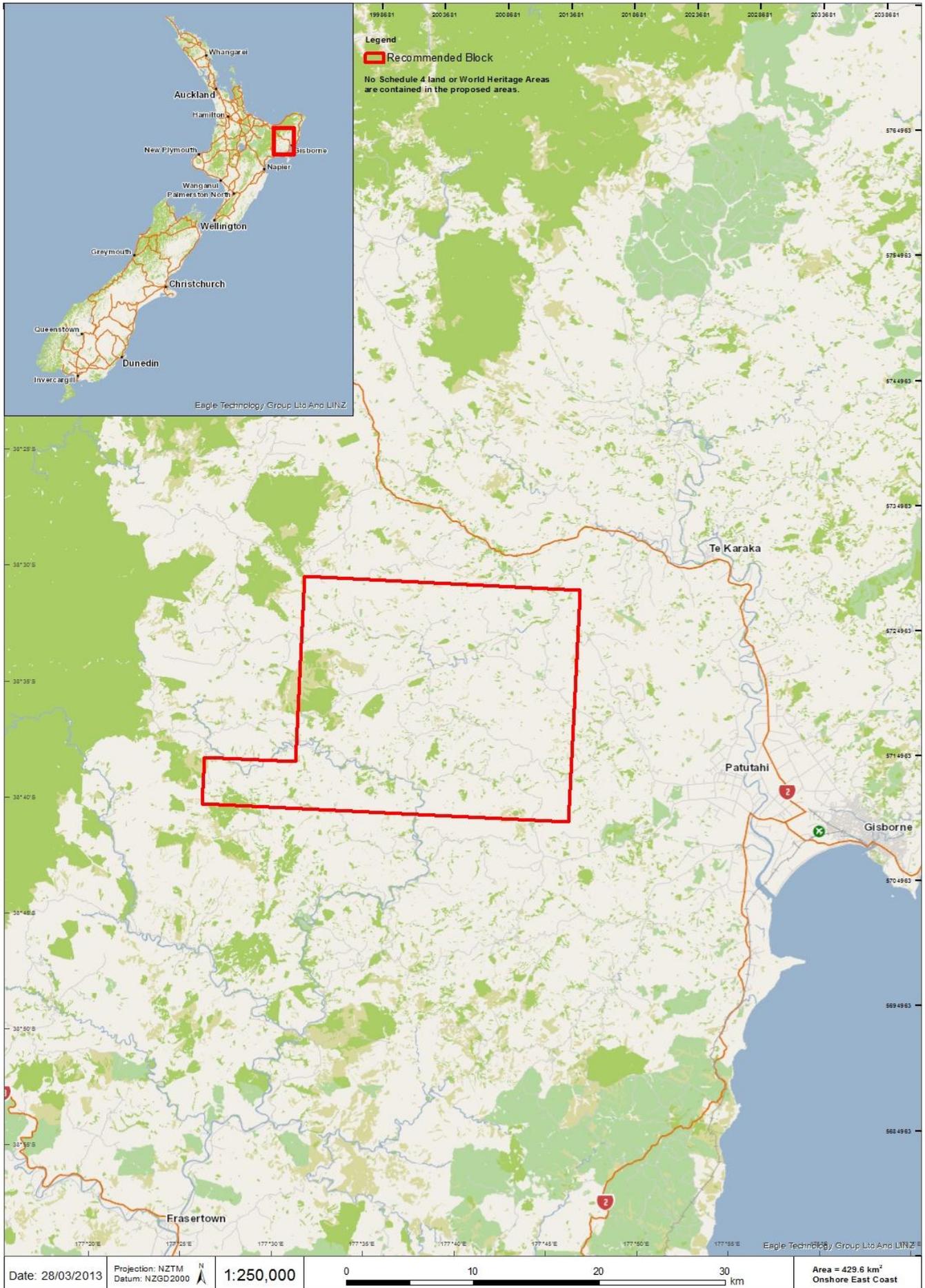
Other considerations

All three iwi submissions received on Block 13EC1 raised concerns about the broader Crown Minerals regime and requested greater engagement with iwi/hapū on the development of petroleum resources in their rohe.

Officials will consider how engagement between iwi/hapū and companies and between iwi/hapū and NZP&M can be improved in order to ensure sensitive sites are identified.

Recommendations

Officials recommend that a section of Block 13EC1 is deferred to allow more time for officials to gather specific information about the nature of the sites that have identified, and how their protection might best be managed. The revised block is indicated on the map below.



Block 13EC2

Block 13EC2 is located on the east coast of the North Island and comprises 1132.38 square kilometres. Its northern border abuts the southern border of 13EC1.

Block 13EC2 is prospective for oil and gas as there have been active seeps in the area and shows in historic wells. The Totangi oil seep lies nearby, as does the Waitangi oil seep. The area is also adjacent to the Waitangi oil and Kauhauroa gas discoveries. The block has 2D seismic coverage from previous surveys and there is data available on a number of exploration wells that have been drilled adjacent to the southern boundary.

Four submissions were received on proposed Block 13EC2. Three of these came from iwi/hapū and one from a local authority.

Summary of comments

The submission on behalf of Ngāi Tāmanuhiri, Rongowhakaata and Te Aitanga ā Māhaki (known colloquially and collectively as the “Tūranga Iwi”) raised specific concerns about sites of significance with both Blocks 13EC1 and 13EC2 (including wāhi tapu, traditionally populated communities, pā sites, marae, rivers and aquifers, and archaeological sites).

The Tūranga Iwi “*consider their sites and other places of cultural significance to be taonga (priceless treasures). They have historical, cultural and social importance and are all of equal importance to iwi*”. The submission requests that these sites be excluded from the block, along with a buffer zone for additional protection, and included detailed geographic information about their location within the proposed block.

The submission also raised a number of specific concerns about the draft Block Offer 2013 Invitation for Bids and the Crown Minerals Act 1991. These include challenging the Crown’s position on the ownership of petroleum and minerals through the Crown Minerals Act 1991 and the failure of the Crown to discharge its responsibility under the provisions of the Treaty of Waitangi.

The Tūranga Iwi also expressed a greater desire to be involved in the policy making process and law reform of the Crown Minerals Programme and Energy Programme.

The submission from Te Runanganui o Ngāti Porou (TRONPnui) on behalf of Ngāti Porou stated their position that they should be the decision makers in respect of activities affecting the resource in its territory.

They also raised concerns about the inadequacies of both the quality and length of the engagement during the block offer process. Ngāti Porou’s preference is for consultation with iwi to occur before the blocks are selected and on a “*kanohi ki te kanohi*” (face-to-face) basis which also includes the wider hapū community. Ngāti Porou also requests that more meaningful engagement with iwi be included in the draft Block Offer 2013 Invitation for Bids and that more detailed maps of the proposed blocks be supplied.

TRONPnui note in their submission that they intend to make an application in the future to exclude particular areas from Blocks 13EC1 and 13EC2 following appropriate consultation with hapū as to what those areas should be.

Ngāti Kahungunu Iwi Incorporated also submitted on Block 13EC1 and Block 13EC2. They note that Ngāti Kahungunu “*maintains its interest in petroleum, gas and minerals and it has not foregone its rights within the Iwi rohe*”. They dispute the Crown’s assertion of sole ownership and sole right to royalties. They seek both a share of profits and compensations from the Crown for the development on resources in their rohe.

The submission also refers to a Waitangi Tribunal Claim (WAI 852) they have against the Crown with respects to their rights and interests to petroleum resources with the Ngāti Kahungunu rohe. They also criticise the Crown Minerals Act review as a wasted opportunity to address the concerns of tāngata whenua, and note the concerns raised by the Waitangi Tribunal in ‘The Petroleum Report’ (WAI 796).

However, the submission also states “*Ngāti Kahungunu would like to work with the Crown and petroleum companies to explore ways to ensure that economic growth and development generated from minerals found in the Ngāti Kahungunu rohe provide benefits for local tāngata whenua and communities*”.

The submission notes that Ngāti Kahungunu received notification about Block Offer 2013 too late to have extensive discussion with affected tāngata whenua and hapū. It requests that if a successful tender is awarded for the block, that the successful company makes contact with them immediately to rule out sites of cultural significance.

The submission from the Gisborne District Council noted that “*mineral exploration and mining are controversial issues in our region at this time. The Council has no formal policy position on the matter*”. As a result of this, the council decided to post the Block Offer 2013 notification it had received on its website and solicit feedback from the public. This information was provided as part of their submission.

The Gisborne District Council received 33 comments on this information: 27 opposed to all proposed exploration and mining in the area, 5 supportive of exploration and mining activities and 1 neutral submission. Those opposed to exploration cited concerns about a lack of information about the process, a lack of tangata whenua and community consultation and the risk that the Gisborne District Council would be overwhelmed with submissions.

The submission also outlined the Gisborne District Council’s processes for protecting sites of environmental and cultural sensitivity in their district.

Officials’ comments

Exclusion request

An analysis of the exclusion request from the Turanga Iwi (Ngāi Tāmanuhiri, Rongowhakaata and Te Aitanga ā Māhaki) is outlined in Part Two of this report.

Management of sites of local, cultural and historical significance

Officials recognise the importance attached to areas of local, cultural (including wāhi tapu) and historical significance identified by submitters and the responsibility to ensure they are actively

protected from development where appropriate. There are several pieces of legislation that explicitly allow for such consideration. These provisions are detailed in Annex 3.

Under the MPP, the Crown has responsibilities with regard to the active protection of areas of particular importance to iwi. The exclusion of defined areas of land of particular importance to the mana of iwi from a Block Offer is one mechanism to achieve this. However, balanced against that, the Crown also needs to consider the relative prospectivity of the area.

The geographic specificity the Tūranga Iwi provided in their submission indicates that there is high number of sensitive sites located in the eastern section of the proposed block.

Taking into account the large number of sites identified by the Tūranga Iwi, their density of distribution and the geographic specificity with which they have been identified, officials recommend that a section of Block 13EC2 is deferred until a subsequent block offer.

It is important to note that these recommendations are for deferrals only and that officials envisage that this area will be available for future block offers. A deferral is recommended as that it would allow more time for officials to gather more specific information about the nature of the sites that have identified, and how their protection might best be managed.

Although the remaining section of Block 13EC2 also contains identified sites of sensitivity, officials consider that these can be offered active protection under the broader legislative, regulatory and operational framework, and that there are opportunities for any successful permit holder and the Tūranga Iwi to engage further on this issue.

Relevant Treaty claims and settlements

The Ministry has consulted with the OTS and TPK regarding Treaty claims and settlements that may have implications for the management of the petroleum estate.

TPK advises us that the Tamanuhiri Tutu Poroporo Trust signed a Deed of Settlement with the Crown on 5 March 2011 and The Rongowhakaata Iwi Trust signed a Deed of Settlement with the Crown on 30 September 2011. They have also advised us that Ngāti Porou signed a Deed of Settlement with the Crown on 22 December 2010.

Te Aitanga ā Māhaki has not settled and they are currently involved in a claim through the Waitangi Tribunal process.

Under the Petroleum Act 1937, petroleum was declared to be property of the Crown for the benefit of all New Zealanders and is therefore not available for any redress of grievances under the Treaty.

Officials note that the granting of a permit does not constitute the creation of an interest in land (section 92 of the CMA). Accordingly, Ministry officials consider the grant of a petroleum permit under the Act is not expected to impact on, or be prejudicial to, the resolution of historical Treaty claims.

Other considerations

All three iwi submissions received on Block 13EC2 raised concerns about the broader Crown Minerals regime and requested greater engagement with iwi/hapū on the development of petroleum resources in their rohe.

Officials will consider how engagement between iwi/hapū and companies and between iwi/hapū and NZP&M can be improved in order to ensure sensitive sites are identified.

Recommendations

Officials recommend that a section of Block 13EC2 is deferred to allow more time for officials to gather specific information about the nature of the sites that have identified, and how their protection might best be managed. The revised block is indicated on the map below.



Offshore Release Area 13TAR-R1

Offshore Release Area 13TAR-R1 is located off the west coast of the North Island. It extends as far north as Raglan in the Waikato and extends as far south as Tasman Bay. It comprises 24,223.8 square kilometres and is divided into 157 graticular blocks or part blocks, which includes acreage not awarded in Block Offer 2012. Its northern border abuts Offshore Release Area 13RNL-R1.

Offshore Release Area 13TAR-R1 is prospective for oil and gas as it covers a large portion of the currently producing Taranaki Basin. The Taranaki Basin produces both oil and gas, and the boundaries of the release area cover the existing Maui, Tui Area, Pohokura, Maari-Manaia and Kupe fields. However, little exploration has been carried out beyond the shelf edge, offering opportunities to test existing and new play concepts.

Thirteen submissions were received on proposed Offshore Release Area 13TAR-R1. Nine of these came from iwi/hapū and four from local authorities.

Summary of Comments

The submission from Ngāti Ruanui expressed support for the Block Offer process. They seek five conditions be placed on permits within their takiwā. The first three conditions would oblige applicants to consult with Ngāti Ruanui when their proposed activities may affect cetaceans and other fish; benthic organisms; or sea birds. The fourth submitted condition would oblige the applicant to consult with Ngāti Ruanui to establish appropriate responses should an incident impact on the mauri of the water, biodiversity and/or wider environment. The fifth proposed condition would oblige the Crown to consider applicants' *"proven ability or willingness to become involved in a meaningful engagement with the relevant iwi/hapū authority"* should the permit be granted. These five proposed conditions are motivated by a concern for the environment as felt by kaitiaki and a desire to see customary rights protected.

The Taranaki Iwi Trust request a number of sites of significance be excluded from 13TAR-R1. These include multiple tauranga waka, puukaawa and Tauranga ika. These sites hold historical and cultural importance for the iwi and were traditional fishing areas.

In a subsequent meeting between the Taranaki Iwi Trust and Ministry officials, they reiterated their concern about the effects of petroleum development on coastal sites within their rohe, and requested that the proposed offshore release area be amended to create a buffer to six nautical miles from the shore.

The Taranaki Iwi Trust also submit that the cumulative effect of petroleum developments over a number of years should be considered and that the Invitation for Bids set out that bids will be evaluated in part on the history of environmental protection the bidder can exhibit. Ultimately they ask that the role and responsibility of kaitiaki of Taranaki Iwi whenua, moana and taonga must be acknowledged within the block offer process.

Waikato-Tainui Te Kauhanganui Incorporated emphasise the historical and cultural significance of the waters in, and adjacent to, their area of interest, particularly the western harbours. They prefer a precautionary approach to extraction activities and are concerned about activities taking place on sites of significance.

They seek to ensure decision makers:

1. provide for the protection and preservation of the health and wellbeing of physical, natural and cultural resources
2. make decisions consistent with agreements between Waikato-Tainui and the Crown
3. do not adversely affect Waikato-Tainui rights, including rights in the western harbours
4. provide for the active involvement of Waikato-Tainui in the decision making process.

Raukawa ki te Tonga Trust request they be kept informed of any exploration proposals in the Taranaki Basin in sufficient time to consider possible consequences for their economic and environmental interests in the fishing resources which may be affected by oil exploration or mining activities.

The submission from Te Rūnanga o Ngāti Mutunga expressed concern about four things:

1. their lack of entitlement to royalties
2. oil spill management
3. the impact seismic surveys may have on plants and animals
4. the standards involved in assessing consents applications.

These concerns are derived from the mana whenua, mana moana and kaitiakitanga that Ngāti Mutunga has exercised within their rohe for generations.

Rangitāne o Wairarapa made a number of requests related to the broader petroleum regime rather than Block Offer 2013 in particular. Through reference to their submission from Block Offer 2012, the group reinforced their key points, namely their desire for a role in decision making around the granting of permits and their location and a role in monitoring the performance of permit holders. They also affirm their kaitiakitanga and their concerned for the environment.

Rangitāne o Tāmaki Nui ā Rua argues the block offer process is contrary to the Resource Management Act as it does not promote “*sustainable management*”. This iwi group opposes mining in its rohe (which is not directly affected by the areas proposed for inclusion in Block Offer 2013).

The submitter makes a number of recommendations including:

1. health, safety and environment (HSE) regulation is prioritised for the industry
2. a moratorium on fracking be introduced
3. consultation be made more “*meaningful*”
4. “*international lessons*” be learned to enhance our regulations
5. environmental impacts of activities be considered

6. effects on marine wildlife be considered
7. the Crown considers iwi fishing rights
8. the Crown makes an appropriate effort to protect wāhi tapu.

Te Ohu Tiaki o Rangitāne Te Ika a Māui Trust notes the receipt of the Block Offer 2013 material and a meeting with NZP&M stakeholder engagement staff. Due to the above, the submitter deems no further comment is necessary, other than a request to be included in correspondence and related processes in the future.

Ngā Hapū o Poutama expressed their opposition to onshore and offshore mining in their area of interest. They submitted they have rights to these mineral resources and do not give consent to the Crown or private companies to develop them. The submission notes that the proposed block offer area includes wāhi tapu, many of which are not registered or recognised by local authorities. It argues that granting a permit would impede Poutama's settlement negotiations and create new grievances and that neighbouring iwi cannot speak on behalf of Poutama.

Waitomo District Council submitted that they did not believe specific comment on the block offer process was necessary at the time of submitting, however it *"would welcome the opportunity to work closely with any successful bidder for blocks impacting on the Waitomo District from an early stage to ensure that oil exploration activities are managed in a way that leads to good environmental outcomes."* The Council notes that its district plan and the iwi management plan produced by the Maniapoto Māori Trust Board would be of interest to any successful bidder in the area.

Horizons Regional Council noted that the Council has identified resource management issues of interest to iwi and hapū and has a strong framework in place to protect these interests. The submission also lists iwi management plans and some petroleum development activities that would require resource consent if they were undertaken in the region.

Nelson City Council noted that only a small portion of the offshore release area falls within its territorial boundaries. The Council mentioned that ships and oil rigs have used the sheltered waters of Tasman Bay as protection from storms or to carry out repairs and maintenance. Therefore, they request that the formal tender documents include specific acknowledgement of an operator's responsibility to adhere to relevant marine pollution legislation. The Council also requests that vessels entering the Bay should be certified as cleaned of, and clear of, any unwarranted organisms in order to avoid creating a biosecurity risk to local fishing and aquaculture.

Greater Wellington Regional Council noted none of the blocks are within its jurisdiction but they are concerned about the possibility of environmental incidents. The Council is of the view that, *"any oil and gas exploration should not proceed unless it is clear that this activity will not result in adverse environmental impacts"*. The Council recommends that the Ministry should put in place *"formal processes with the relevant regional councils to ensure the information flows around the progress of the block offers remain open, and that a collaborative approach to discussing any issues around the Block Offer process can be maintained"*.

Officials' comments

Exclusion Request

The Taranaki Iwi Trust requested specific sites be excluded, while Rangitāne o Tāmaki Nui ā Rua and Ngā Hapū o Poutama requested their entire rohe be excluded. An analysis of these requests is outlined in Part Two of this report.

Management of sites of local, cultural and historical significance

Officials recognise the importance attached to areas of local, cultural (including wāhi tapu) and historical significance identified by submitters and the responsibility to ensure they are actively protected from development where appropriate. There are several pieces of legislation that explicitly allow for such consideration. These provisions are detailed in Annex 3.

Under the MPP, the Crown has responsibilities with regard to the active protection of areas of particular importance to iwi. The exclusion of defined areas of land of particular importance to the mana of iwi from a Block Offer is one mechanism to achieve this. However, balanced against that, the Crown also needs to consider the relative prospectivity of the area.

In considering the submissions received on Offshore Release Area 13TAR-R1, officials considered what is known about the sites for which protection is sought, and whether exclusion from the block offer (or another process) will best ensure protection while being mindful of the relative prospectivity of the area.

With regard to the majority of sites located within 13TAR-R1, officials believe the best way to balance these interests is to include important sites in the Block Offer and to then encourage and facilitate iwi and oil and gas companies to engage to find their own solutions for managing sites of local, cultural and historical significance.

It is also important to note that actual activity undertaken by an operator typically involves a much smaller area than the area of the permit. Therefore, in many cases the best stage to address the sensitivity of specific sites is at the point prior to activity occurring. This is also the stage at which environmental legislation to manage the effects of activity has a role via the RMA on land and within 12 nautical miles, and the EEZ legislation offshore beyond that point, once it becomes law.

We believe such an approach is appropriate in the case of Offshore Release Area 13TAR-R1, supported by strengthened provisions to ensure the active protection of areas of local, cultural (including wāhi tapu) and historical significance as detailed in Annex 4.

Relevant Treaty claims and settlements

The Ministry has consulted with the OTS and TPK regarding Treaty claims and settlements that may have implications for the management of the petroleum estate.

Taranaki Iwi signed a letter of agreement (equivalent to an agreement in principle) with the Crown in December 2012. It is worth noting that the Ministry is negotiating a relationship agreement

regarding petroleum and minerals with the Taranaki Iwi Trust as part of their settlement (along with neighbouring iwi, Te Atiawa and Ngāruahine, neither of whom submitted on Block Offer 2013).⁴

The Rangitāne Settlement Negotiations Trust has a mandate to represent Rangitāne o Wairarapa and Rangitāne o Tāmaki Nui ā Rua to enter into negotiations with the Crown for Treaty settlements. Rangitāne o Manawatū aim to initial a deed of settlement with the Crown in 2013.

The Waikato-Tainui Lands Claim was settled in 1995. A Deed of Settlement in relation to the Waikato River was signed in 2009. Tainui's claims to the west coast harbours (Kaawhia, Whaingaroa, Aotea and Manukau) and the Maioro land blocks remain unresolved. The iwi are in discussions with the Crown.

According to OTS, claims relating to Ngā Hapū o Poutama relating to Ngāti Tama have been settled through the Ngāti Tama Claims Settlement Act. Any outstanding claims may be dealt with through the Ngāti Maniapoto settlement. Poutama refute this.

Ngāti Raukawa ki te Tonga is currently participating in the Porirua ki Manawatū inquiry through the Waitangi Tribunal.

Ngāti Ruanui and Ngāti Mutunga settled their claims in 2003 and 2006 respectively.

Under the Petroleum Act 1937, petroleum was declared to be the property of the Crown for the benefit of all New Zealanders and is therefore not available for redress of grievances under the Treaty.

The granting of a permit does not constitute the creation of an interest in land (section 92 of the CMA). Accordingly, Ministry officials consider the grant of a petroleum permit under the CMA will not affect the Crown's ability to return land as part of a Treaty settlement or otherwise impede the prospect of redress under the Treaty.

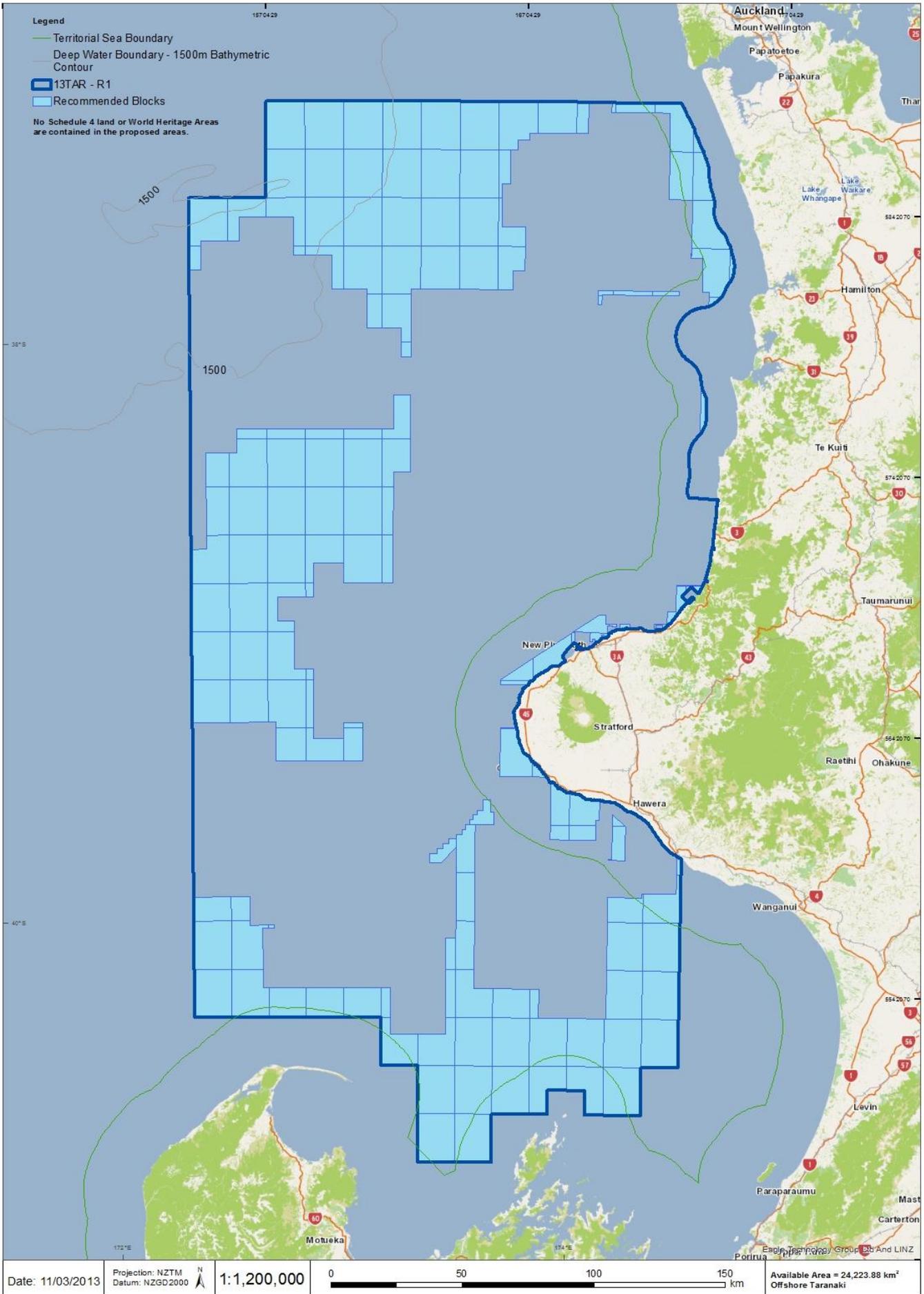
Other considerations

In respect of comments on evaluation criteria, the evaluation of a permit application includes an assessment of the applicant's technical and financial capability to carry out the proposed work programme (according to sections 5.4.21 to 5.4.30 of the MPP). It is also important to note that a key proposal of the Crown Minerals Act regime review is to develop a front-end process to ensure companies' health, safety and environmental capabilities are well known and scrutinised during the permitting process.

Recommendations

Officials recommend that Offshore Release Area 13TAR-R1 be released as per the map below.

⁴ Ngāruahine are also the claimants in the Wai 796 Treaty of Waitangi claim.



Offshore Release Area 13RNL-R1

Offshore Release Area 13RNL-R1 is located off the west coast of the North Island. It extends north beyond Cape Reinga in Northland and extends as far south as Raglan in the Waikato. It comprises 53,747.9 square kilometres and is divided into 202 graticular blocks or part blocks. Its southern border abuts offshore release area 13TAR-R1.

Offshore Release Area 13RNL-R1 is prospective for oil and gas due to its close proximity to the Taranaki Basin. There have been some shows and discoveries immediately to the south of the area in the northern part of the Taranaki Basin. Some limited drilling has occurred in the release area, although it is largely unexplored. The release area has reasonable 2D seismic coverage and historical data from the 1970's and 1980's.

Four submissions were received on proposed Offshore Release Area 13RNL-R1. Three of these came from iwi/hapū and one from a local authority.

Summary of comments

The submission from Te Rūnanga o Te Rarawa noted that this submission reinforces previous submissions on previous block offers in the region. They request that final decisions on blocks in their area of interest (including offshore) be deferred until the passing of legislation for the Te Rarawa Historical Treaty Settlement.

They also request that the six nautical mile boundary be extended to 12 nautical miles as they are concerned about the effects of offshore petroleum activity on the Te Rarawa Statutory Acknowledgement Areas contained in the Te Rarawa Deed of Settlement. Offshore Release Area 13RNL-R1 also impacts on the Fisheries Protocol Area and the Te-Oneroa-a-Tohe Management Area in the Te Rarawa deed.

They request that any decision on acreage off shore from Ninety Mile Beach be deferred until the passing of legislation for the Te Rarawa Historical Treaty Settlement which contains shared redress mechanisms for the iwi of Te Hiku.

The submission also requests that the objectives and purposes of the Te Hiku Trust be taken into account and given effect to regarding Block Offer 2013.

Ngāti Tamaoho Trust in their submission object to the blocks being offered for resource development due to concerns related largely to the limited information about the impact of resource development activities on the local marine environment.

Given the concerns about the environmental impact of resource activity undertaken in the area of Ngāti Tamaoho's rohe, this request has been treated as a request for exclusion of Offshore Release Areas 13RNL-R1 and 13TAR-R1. The submission does make one concessionary recommendation however: *"that if consent is granted the duration of the consent be five years."* This is interpreted to mean any exploration permit granted as a result of the Block Offer should be for a period of five years.

The submission from Waikato-Tainui Te Kauhanganui Incorporated noted their concern about their rights under the legal system and responsibilities as kaitiaki.

Waikato-Tainui emphasise the historical and cultural significance of the waters adjacent to their area of interest, noting “*Waikato-Tainui are tangata whenua of its rohe including all coastal areas adjacent to its traditional coastal lands; and therefore Waikato-Tainui has significant historical and cultural interest in what occurs in these waters*”.

They are concerned about mining and drilling on sites of significance (including fishing grounds) and believe a precautionary approach should be undertaken in all decision making pertaining to coastal areas.

In particular, Waikato-Tainui seeks to ensure any decision-making in those proposed 2013 block offer areas that are in the vicinity of the Manukau, Raglan, Aotea and Kaawhia harbours in undertaken to protection the health and wellbeing of the natural, physical and cultural environs of these marine and coastal areas for future generations.

They also wish to ensure these activities do not undermine agreement between the Crown and Waikato/Tainui, do not adversely impact on their rights and interests and provide for their active involvement in any decision making process.

The submission also notes that Waikato-Tainui is open to participate in some way with the Ministry in the evaluation of bids that may be received for those proposed blocks that we have commented on.

Far North District Council’s submission is generally positive about the economic benefits to the region a major oil or gas find could have, as well as the secondary benefits of infrastructure investment and job creation.

The submission expresses concern that the Ministry is not receiving adequate feedback from Councils and iwi when considering tendering for oil and gas exploration, and suggests that the Ministry working more closely with these groups in a combined workshop would be more effect than a paper based consultation.

Their submission also notes that some of the profits to central government should be allocated to the region where the activity is being undertaken, possibly on a proportional basis.

They also requests assurances from industry that international best practice would be strictly enforced for both exploration and extraction to prevent adverse effects to the area’s unique natural environment.

Officials’ comments

Exclusion request

An analysis of the exclusion requests from Te Rūnanga o Te Rarawa and the Ngāti Tamaoho Trust are outlined in Part Two of this report.

Management of sites of local, cultural and historical significance

Officials recognise the importance attached to areas of local, cultural (including wāhi tapu) and historical significance identified by submitters and the responsibility to ensure they are actively

protected from development where appropriate. There are several pieces of legislation that explicitly allow for such consideration. These provisions are detailed in Annex 3.

Under the MPP, the Crown has responsibilities with regard to the active protection of areas of particular importance to iwi. The exclusion of defined areas of land of particular importance to the mana of iwi from a Block Offer is one mechanism to achieve this. However, balanced against that, the Crown also needs to consider the relative prospectivity of the area.

In considering the submissions received on Offshore Release Area 13RNL-R1, Officials believe the best way to balance the interests of affected iwi is to include the offshore release areas as it stands in the Block Offer and to then encourage and facilitate iwi and petroleum companies to engage to find their own solutions for managing sites of local, cultural and historical significance.

It is also important to note that actual activity undertaken by an operator typically involves a much smaller area than the area of the permit. Therefore, in many cases the best stage to address the sensitivity of specific sites is at the point prior to activity occurring. This is also the stage at which environmental legislation to manage the effects of activity has a role via the RMA on land and within 12 nautical miles, and the EEZ legislation offshore beyond that point, once it becomes law.

We believe such an approach is appropriate in the case of Offshore Release Area 13RNL-R1, supported by strengthened provisions to ensure the active protection of areas of local, cultural (including wāhi tapu) and historical significance as detailed in Annex 4.

Relevant Treaty claims and settlements

The Ministry has consulted with the OTS and TPK regarding Treaty claims and settlements that may have implications for the management of the petroleum estate.

Te Rūnanga o Te Rarawa await the passing of their settlement legislation. Their Deed of Settlement was signed in October 2012. It is unknown when the legislation will be introduced. Te Rarawa had their foreshore and seabed negotiations with the Crown under the 2004 Act paused during the development of the Marine and Coastal Area (Takutai Moana) Act 2011 (MACA Act). OTS has commenced discussions under the MACA Act and will continue to progress this application this year.

Te Rarawa's Deed of Settlement also includes several Statutory Acknowledgement Areas. There are areas where the Crown recognises the cultural, spiritual, historical, and traditional association of a particular iwi/hapū with specified areas. Statutory Acknowledgements relate to "statutory areas" which include areas of land, geographic features, lakes, rivers, wetlands and coastal marine areas.

Statutory Acknowledgements are only given over Crown-owned land. However, with respect to bodies of water, such as a lake, river or wetland, the Statutory Acknowledgement applies to the whole lake, river, or wetland, except any part of the bed not in Crown ownership or control.

When Treaty settlements are complete for the iwi of the far north (including Te Rarawa), Ninety Mile Beach will be governed by a board which will include representatives from the Crown, the iwi, and the council. The board will be responsible for protecting and improving conservation values while retaining public access and recreation.

Ngāti Tamaoho are negotiating a Treaty settlement with the Crown through OTS. Ngāti Tamaoho have a coastal statutory acknowledgement. The iwi are moving through the settlement process and have signed an agreement in principle.

Waikato-Tainui Te Kauhanganui Incorporated submitted claims over Waikato-Tainui lands, the Waikato River, and the West Coast harbours in 1987. The Waikato-Tainui Lands Claim was settled in 1995. A Deed of Settlement in relation to the Waikato River was signed in 2009. Legislation was passed the following year. Tainui's claim to the west coast harbours (Kaawhia, Whaingaroa, Aotea and Manukau) and the Wairoa and Maioro land blocks remain unresolved. The iwi are in discussions with the Crown.

Under the Petroleum Act 1937 petroleum was declared to be property of the Crown for the benefit of all New Zealanders and is therefore not available for any redress of grievances under the Treaty. The granting of a permit does not constitute the creation of an interest in land (section 92 of the CMA).

Accordingly, Ministry officials consider the grant of a petroleum permit under the CMA will not affect the Crown's ability to return land as part of a Treaty settlement or otherwise impede the prospect of any redress under the Treaty.

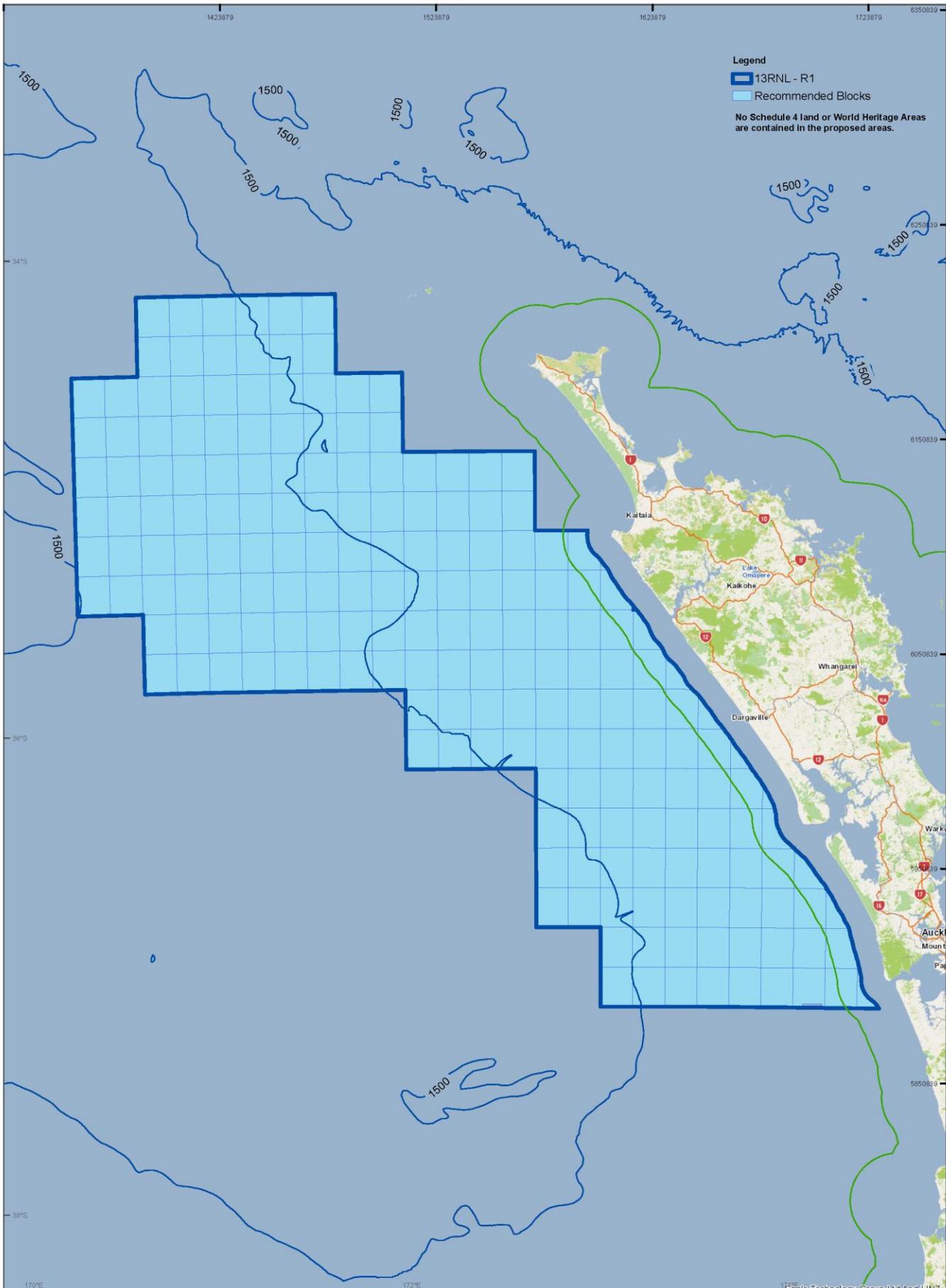
Other groups, including Te Uri o Hau and Te Rūnanga o Ngāti Whātua are discussing their interests in the common marine and coastal area with the Crown.

Other considerations

In respect of comments on evaluation criteria, the evaluation of a permit application includes an assessment of the applicant's technical and financial capability to carry out the proposed work programme (according to sections 5.4.21 to 5.4.30 of the MPP). It is also important to note that a key aspect of the recently update Crown Minerals regime is to ensure companies' health, safety and environmental capabilities are well known and scrutinised during the permitting process.

Recommendations

Officials recommend that Offshore Release Area 13RNL-R1 be released as per the map below.



Offshore Release Area 13GSC-R1

Offshore Release Area 13GSC-R1 is located off the south-east coast of the South Island and sits across the Great South and Canterbury frontier basins. It extends south beyond Stewart Island and extends as far North as Waimate. It comprises 110,460.4 square kilometres and is divided into 538 graticular blocks or part blocks, which includes acreage not awarded in Block Offer 2012.

Offshore Release Area 13GSC-R1 is prospective for oil and gas as exploration drilling has proven existing petroleum systems, with sub-commercial discoveries and shows in a number of wells. Thirteen exploration wells (including five offshore) have been drilled in the Canterbury Basin since 1920. The five offshore wells have been drilled between 1970 and 2006. The Great South Basin has had nine offshore exploration wells drilled since 1970. The offshore release area has good 2D seismic and some 3D seismic coverage.

There are also several existing petroleum permits which overlap the boundaries of the offshore release area.

Six submissions were received on proposed Offshore Release Area 13GSC-R1. Five of these came from local authorities and one from an iwi/hapū.

Summary of comments

The submission from Te Rūnanga o Ngāi Tahu on behalf of several Ngāi Tahu rūnanga⁵ outlines Ngāi Tahu responsibility of kaitiakitanga over the area of its rohe. It notes the need to exercise this responsibility in a manner beneficial to the resource, whilst also utilising it.

In particular, the submission requests that “*all of the small individual blocks that are located within 12 nautical miles of the coastline are excluded from the block offer for 13GSC-R1*”. The submission notes that Ngāi Tahu has two coastal marine Statutory Acknowledgement Areas within the proposed release area – Te Tai o Ārai Te Uru (Otago Coastal Marine Area and Rakiura/Te Ara a Kiwa (Rakiura/Foveaux Strait Coastal Marine Area) – that formally recognise sites of cultural, spiritual, historical and traditional value. In addition, there are also a number of locations along the east coast of the South Island which are customary fisheries protection areas.

The submission therefore expresses concern about the effects of petroleum based activity on the above areas of significance, and consequently completely opposes any petroleum exploration within 12 nautical miles of the coastline.

Ngāi Tahu also signal in their submission to all potential and successful block bidders that they are likely to be actively involved in the consenting process for activity both under the RMA and the EEZ Act. The submission also states that an assessment of an operator's history with working in ecologically sensitive areas and with indigenous people, as well as their contingency planning for

⁵ Te Rūnanga o Arowhenua, Te Rūnanga o Waihao, Te Rūnanga o Moeraki, Kati Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou, Hokonui Rūnanga, Ōraka-Aparima Rūnaka, Waihōpai Rūnaka, Awarua Rūnanga and Te Rūnanga o Ngāi Tahu.

managing the environmental impact from petroleum exploration, should be taken into account as part of the tender evaluation process.

Submissions were received from five territorial authorities regarding the proposed Offshore Release Area 13GSC-R1. The two submissions from Clutha District Council and Ashburton District Council stated that they had no issues they wished to raise.

Waimate and Southland District Councils both noted the potential economic benefits arising from oil and gas production, but noted also the environmental risks and need for environmental safeguards.

Southland District Council pointed out that the proposed blocks include or adjoin a number of sensitive coastal areas, such as the Titi islands which are of both cultural and ecological significance and the Foveaux Strait oyster beds. The Council noted that it is envisaged that the EEZ Act will provide adequate protection from potential adverse environmental effects within New Zealand's exclusive economic zone.

Southland District Council also suggested that royalties and other payments from the petroleum industry should be distributed regionally in the areas where the relevant activities occur.

The submission from Dunedin City Council was mainly positive on how consultation with councils had been done for Block Offer 2013, but made some suggestions for improvement. It considers that full public consultation should be conducted on subsequent Block Offers. The Council also suggested that operators be required to demonstrate that they are engaging with the community and iwi on a regular basis, which should be at least quarterly.

While the submission acknowledges the potential local and regional economic benefits that may as a result of petroleum related development, it also expresses concern that those local communities also face disadvantages from this activity. These disadvantages include the cost to the local community of paying for infrastructure to support this development, and the impact of it on local tourism.

Dunedin City Council are therefore of the view that there is a need for localised community benefits to be explored in more detail, and made several suggestions regarding this, for example that a proportion of proceeds from the development of the oil and gas industry be allocated to the local authorities nearest to drill sites.

The Council also expressed concern about the possibility of damage to its natural environment and wildlife, pointing out that some local species are endangered. It made a number of suggestions, including that a disaster-recovery fund be established from oil and gas revenue.

Officials' comments

Exclusion request

An analysis of the exclusion requests from Te Rūnanga o Ngāi Tahu is outlined in Part Two of this report.

Management of sites of local, cultural and historical significance

Officials recognise the importance attached to areas of local, cultural (including wāhi tapu) and historical significance identified by submitters and the responsibility to ensure they are actively protected from development where appropriate. There are several pieces of legislation that explicitly allow for such consideration. These provisions are detailed in Annex 3.

Under the MPP, the Crown has responsibilities with regard to the active protection of areas of particular importance to iwi. The exclusion of defined areas of land of particular importance to the mana of iwi from a block offer is one mechanism to achieve this. However, balanced against that, the Crown also needs to consider the relative prospectivity of the area.

In considering the submissions received on Offshore Release Area 13GSC-R1, officials believe the best way to balance the interests of affected iwi is to include the offshore release area as it stands in the block offer and to then encourage and facilitate iwi and petroleum companies to engage to find their own solutions for managing sites of local, cultural and historical significance.

It is also important to note that actual activity undertaken by an operator typically involves a much smaller area than the area of the permit. Therefore, in many cases the best stage to address the sensitivity of specific sites is at the point prior to activity occurring. This is also the stage at which environmental legislation to manage the effects of activity has a role via the RMA on land and within 12 nautical miles, and the EEZ legislation offshore beyond that point, once it becomes law.

We believe such an approach is appropriate in the case of Offshore Release Area 13GSC-R1, supported by strengthened provisions to ensure the active protection of areas of local, cultural (including wāhi tapu) and historical significance as detailed in Annex 4.

Relevant Treaty claims and settlements

The Ministry has consulted with the OTS and TPK regarding Treaty claims and settlements that may have implications for the management of the petroleum estate.

Te Rūnanga o Ngāi Tahu reached comprehensive settlement with the Crown through the Ngāi Tahu Claims Settlement Act 1998. As noted above, this Act recognises several coastal Statutory Acknowledgement Areas.

Statutory Acknowledgement Areas are areas where the Crown recognises the cultural, spiritual, historical, and traditional association of a particular iwi/hapū with specified areas. Statutory Acknowledgements relate to “statutory areas” which include areas of land, geographic features, lakes, rivers, wetlands and coastal marine areas

Statutory Acknowledgements are only given over Crown-owned land. However, with respect to bodies of water, such as a lake, river or wetland, the Statutory Acknowledgement applies to the whole lake, river, or wetland, except any part of the bed not in Crown ownership or control.

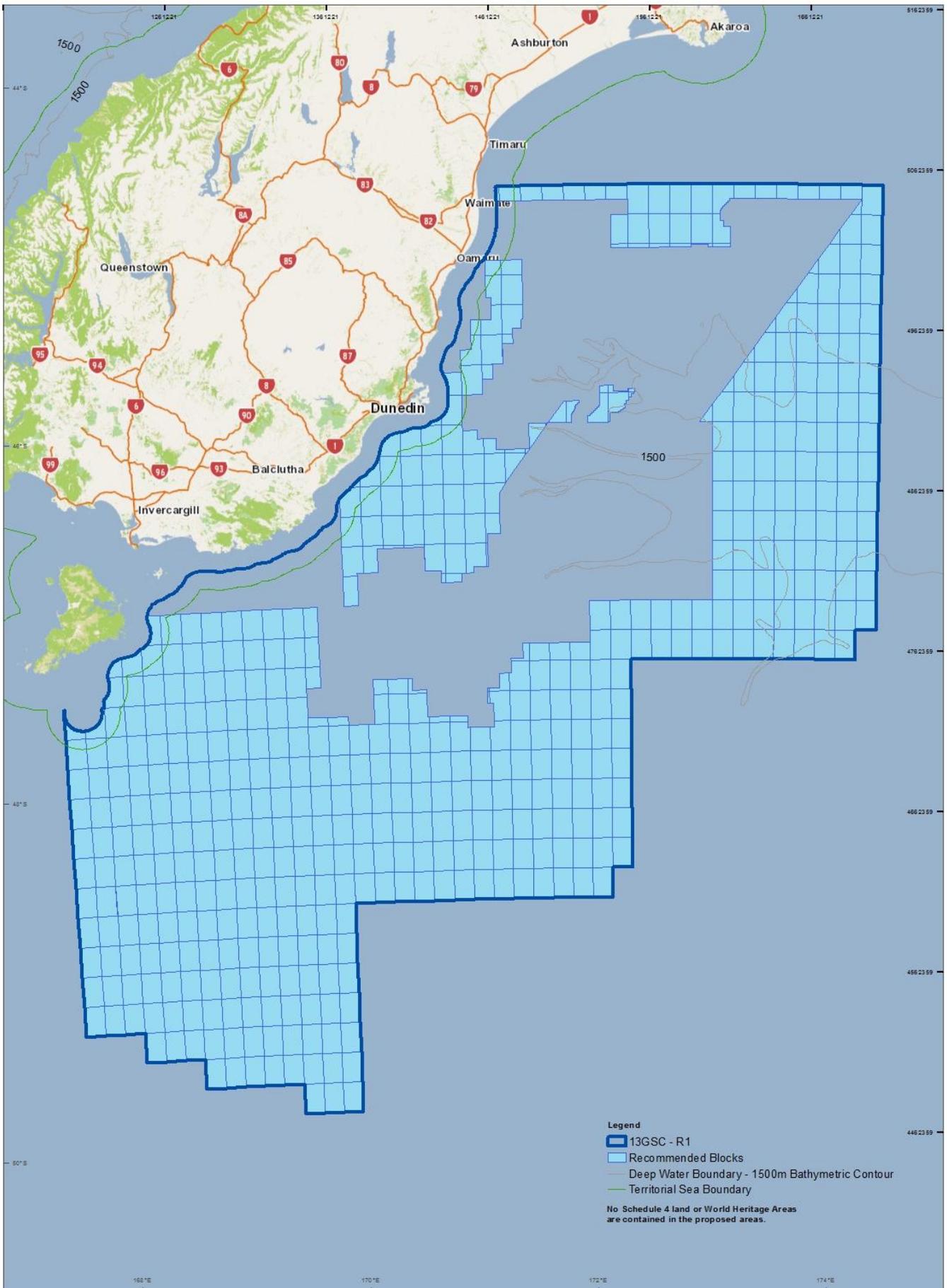
Other considerations

In respect of comments on evaluation criteria, the evaluation of a permit application includes an assessment of the applicant’s technical and financial capability to carry out the proposed work

programme (according to sections 5.4.21 to 5.4.30 of the MPP). It is also important to note that a key aspect of the Crown Minerals Act 2013 is to ensure companies' health, safety and environmental capabilities are well known and scrutinised during the permitting process.

Recommendations

Officials recommend that Offshore Release Area 13GSC-R1 be released as per the map below.



Legend

- 13GSC - R1
- Recommended Blocks
- Deep Water Boundary - 1500m Bathymetric Contour
- Territorial Sea Boundary

No Schedule 4 land or World Heritage Areas are contained in the proposed areas.

Date: 11/03/2013	Projection: NZTM Datum: NZGD2000	N	1:2,000,000		Available Area = 110,460.43 km ² Offshore Great South - Canterbury
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Annex One: List of groups consulted on the proposed Block Offer 2013

Iwi authorities

1	Awaruā Runānga
2	Hokonui Rūnanga
3	Ka Rū a Poutama
4	Kāti Huirapa Rūnaka ki Puketeraki
5	Maniapoto Māori Trust Board
6	Moana Rāhui o Aotea
7	Muaūpoko Tribal Authority Inc
8	Ngā Hapū o Ngāruahine Iwi Inc
9	Ngā Maunga Whakahii o Kaipara Development Trust
10	Ngā Taonga o Ngaitakoto Trust
11	Ngā Uri O Tahinga Trust
12	Ngāi Tāmanuhiri Whānui Trust
13	Ngāruahine Iwi Authority
14	Ngāti Apa ki Te Rā Tō Trust
15	Ngāti Kahungunu Iwi Inc
16	Ngāti Koata Trust
17	Ngāti Kurī Trust Board
18	Ngāti Maru (Taranaki) Fisheries Trust
19	Ngāti Rārua Iwi Trust
20	Ngāti Raukawa ki te Tonga Trust
21	Ngāti Tama Manawhenua ki Te Tau Ihu Trust
22	Ngāti Tamaoho Trust
23	Ngāti Te Wehi
24	Ngāti Whātua o Ōrākei Māori Trust Board
25	Ōraka-Aparima Rūnaka
26	Port Nicholson Block Settlement Trust
27	Rangitāne o Tāmaki nui a Rua
28	Rangitāne o Wairarapa
29	Rangitāne Settlement Negotiations Trust
30	Rongowhakaata Iwi Trust
31	Tainui Hapū Environmental Management Committee
32	Tanenuiarangi Manawatū Incorporated
33	Taranaki Iwi Trust
34	Te Aitanga ā Māhaki and Affiliates
35	Te Aitanga ā Māhaki Trust
36	Te Atiawa Iwi Authority
37	Te Atiawa ki te Upoko o te Ika a Māui Pōtiki Trust
38	Te Atiawa Manawhenua ki Te Tau Ihu Trust

39	Te Aupōuri Māori Trust Board
40	Te Kaahui o Rauru
41	Te Kawerau Iwi Tribal Authority
42	Te Ohu Tiaki o Rangitāne Te Ika a Māui Trust
43	Te Roroa Whatu Ora Trust
44	Te Rūnanga a Iwi o Ngāpuhi
45	Te Rūnanga a Rangitane o Wairau Trust
46	Te Rūnanga Nui o Te Aupōuri Trust
47	Te Rūnanga o Arowhenua
48	Te Rūnanga o Ati Awa ki Whakarongotai Inc
49	Te Rūnanga o Makaawhio
50	Te Rūnanga o Moeraki
51	Te Rūnanga o Ngāi Tahu
52	Te Rūnanga o Ngāti Apa Trust
53	Te Rūnanga o Ngāti Kuia Trust
54	Te Rūnanga o Ngāti Mutunga
55	Te Rūnanga o Ngāti Ruanui Trust
56	Te Rūnanga o Ngāti Tama
57	Te Rūnanga o Ngāti Whātua
58	Te Rūnanga o Ōtākou
59	Te Rūnanga o Raukawa Incorporated
60	Te Rūnanga o Te Rarawa
61	Te Rūnanga o Toa Rangatira Inc
62	Te Rūnanga o Waihao
63	Te Rūnanganui o Ngāti Porou
64	Te Rūnanganui o Rangitāne Incorporated
65	Te Tira Whakaemi o Te Wairoa
66	Te Toi Kura o Waikaremoana
67	Te Uri o Hau Settlement Trust
68	Te Whiringa Muka Trust
69	The Proprietors of Taharoa C Block
70	Tūhoe - Te Uru Taumatua
71	Tūhoe - Waikaremoana Māori Trust Board
72	Waihōpai Rūnaka
73	Waikato – Tainui Te Kauhanganui Incorporated
74	Whanganui River Māori Trust Board

Local authorities

1	Ashburton District Council
2	Auckland Council
3	Buller District Council
4	Christchurch City Council
5	Clutha District Council
6	Dunedin City Council
7	Environment Canterbury
8	Environment Southland
9	Far North District Council
10	Gisborne District Council
11	Greater Wellington Regional Council
12	Hawke's Bay Regional Council
13	Horizons Regional Council
14	Horowhenua Regional Council
15	Invercargill City Council
16	Kaipara District Council
17	Kapiti Coast District Council
18	Manawatu District Council
19	Marlborough District Council
20	Nelson City Council
21	New Plymouth District Council
22	Northland Regional Council
23	Otago Regional Council
24	Otorohanga Regional Council
25	Porirua City Council
26	Rangitikei District Council
27	Selwyn District Council
28	South Taranaki District Council
29	Southland District Council
30	Stratford District Council
31	Taranaki Regional Council
32	Tasman District Council
33	Timaru District Council
34	Waikato District Council
35	Waikato Regional Council
36	Waimate District Council
37	Wairoa District Council
38	Waitaki District Council
39	Waitomo District Council
40	Wanganui District Council
41	Wellington City Council
42	West Coast Regional Council

Annex Two: List of submitters on the proposed Block Offer 2013

1	Ashburton District Council
2	Clutha District Council
3	Dunedin City Council
4	Far North District Council
5	Gisborne District Council
6	Greater Wellington Regional Council
7	Horizons District Council
8	Nelson City Council
9	New Plymouth District Council
10	Ngā Hapū o Poutama
11	Ngāti Kahungunu Iwi Inc
12	Ngāti Tamaoho Trust
13	Rangitāne O Tamaki Nui A Rua Inc.
14	Rangitāne o Wairarapa
15	South Taranaki District Council
16	Southland District Council
17	Stratford District Council
18	Taranaki Iwi Trust
19	Te Ohu Tiaki o Rangitāne Te Ika a Maui Trust
20	Te Rūnanga o Ngāti Mutunga
21	Te Rūnanganui o Ngāti Porou
22	Te Rūnanga o Ngāti Ruanui Trust
23	Te Rūnanga o Te Rarawa
24	Turanga Iwi (Ngāi Tāmanuhiri, Rongowhakaata and Te Aitanga ā Māhaki)
25	Waikato-Tainui Te Kauhanganui Inc
26	Waimate District Council
27	Waitomo District Council
28	Ngāti Raukawa ki te Tonga Trust
29	Te Rūnanga o Ngāi Tahu
30	Waitaki District Council

Annex Three: Regulatory provisions relating to the protection of sites of local, cultural and historical significance

The government is concerned to ensure that sites of local, cultural (including wāhi tapu) and historical significance are protected from development where appropriate. There are several pieces of legislation that explicitly allow for such consideration and details of their provisions are set out below.

Crown Minerals Act 1991

The Crown Minerals Act 1991 is being amended by the Crown Minerals Amendment Act 2013, which came out of the Crown Minerals (Permitting and Crown Land) Bill that was introduced in 2012 as part of a review of the Crown Minerals Act 1991 regime. The amendments will take effect on 24 May 2013. Further information on the review of the Crown Minerals Act 1991 regime is below.

Section 14(1)(a) of the Crown Minerals Act 1991 (CMA), as it will be amended by the Crown Minerals Amendment Act 2013, requires a minerals programme to set out or describe how the Minister and the chief executive will have regard to the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) (as required by section 4 of the Act) for the purposes of the minerals programme. A new *Petroleum Programme* has been issued to take effect from 24 May 2013. Consultation on proposed blocks has been undertaken in anticipation of the requirements of the new *Petroleum Programme*.

In determining whether a request by an iwi under section 14(1)(a) should be accepted, the Minister of Energy and Resources will take into account:

- (a) what it is about the area that makes it important to the mana of iwi and hapū
- (b) whether the area is a known wāhi tapu site
- (c) the uniqueness of the area – for example, whether it is one of a number of mahinga (food gathering) areas or the only waka tauranga (landing place of ancestral canoes)
- (d) whether the importance of the area to iwi and hapū has already been demonstrated – for example, by Treaty claims and settlements, and objections made by iwi and hapū under other legislation
- (e) any Treaty claims that may be relevant and whether granting a permit over the land would impede the prospect of redress of grievances under the Treaty
- (f) any customary rights and/or interests granted under the Marine and Coastal Area (Takutai Moana) Act 2011
- (g) any iwi management plans in place that specifically state that the area should be excluded from certain activities.

The evaluation also needs to consider the value of the mineral resource, in other words the prospectivity of the area, and whether exclusion may substantively restrict the Crown's ability to manage its mineral assets. A valid consideration in this context is whether the extent of prospectivity is too uncertain to allow an estimate of the potential value of that area until exploration activity has occurred.

Furthermore, section 15(3) of the Act (pre-amendment) provides that on the request of an iwi, a minerals programme may provide that defined areas of land of particular importance to its mana are excluded from the operation of the minerals programme or shall not be included in any permit. This provision is being moved to new section 14(2)(c) of the Act once amended.

The Minerals Programme for Petroleum (2005) (MPP) describes, in accordance with section 15(3) (pre-amendment), certain areas of land that are unavailable for permitting because of importance to Māori (refer to section 3.1 of the MPP). These consist of Mount Taranaki and the Pouakai; Pukeiti and Kaitake Ranges; and the Titi and Beneficial Islands.

Further, under the current block offer, all land listed in Schedule 4 of the CMA will be excluded from petroleum exploration permits. Schedule 4 covers areas of particular natural significance and includes national parks and nature reserves.

Review of the Crown Minerals Act 1991 regime

A review of the Crown Minerals Act regime commenced in March 2012.

The review was driven by three objectives:

- encourage the development of Crown-owned minerals so that they contribute more to New Zealand's economic development
- streamline and simplify the regime where appropriate, ensuring it is in line with the regulatory reform agenda, and make it better able to deal with future developments
- ensure that better coordination of regulatory agencies can contribute to stringent health and safety, and environmental standards in exploration and production activities.

The focus of changes the Crown minerals regime in relation to iwi engagement is to strengthen the Crown's engagement with iwi ahead of permits being granted, and foster long term productive relationships between permit holders and iwi. This reflects that permit holders will generally have on-going interaction with the local community throughout the life of an operation.

One of these changes is the requirement an annual review meeting between Tier 1 permit holders⁶ and the Chief Executive of the Ministry (though this will likely be delegated to senior NZP&M in practice), and any other regulators the Chief Executive wishes to invite. The annual review meeting will provide a hands-on and coordinated means of monitoring permit holders' progress against work programme commitments, enable better coordination of reporting requirements and improve visibility of upcoming regulatory processes managed by each regulatory agency.

These changes also now requires petroleum exploration permit holders to report annually on the engagement they have undertaken with iwi and hapū affected by their permit activities. The purpose of the report is to encourage permit holders to engage with relevant iwi and hapū in a positive and constructive manner, and to enable NZP&M to monitor progress in this regard.

⁶ Tier 1 permits include all petroleum permits.

Requiring an annual report on iwi or hapū engagement signals the government's expectation that such engagement will take place, without necessarily imposing an engagement obligation on iwi and hapū.

The new *Petroleum Programme* encourages permit holders to consult with relevant iwi and hapū before submitting their iwi engagement report and, where appropriate, to include the views of consulted iwi and hapū. Ministry officials are currently developing guidance material, which will include information on the expectations for engagement between operators and iwi/hapū.

It is worth noting that the annual report on engagement with relevant iwi and hapū will be one of the agenda items on the annual work programme review meetings between permit holders and NZP&M. NZP&M will take into account any comments received from iwi and hapū on a permit holder's engagement with relevant iwi and hapū.

NZP&M may, as appropriate, discuss the outcome of the review of the permit holder's iwi engagement report with relevant iwi and hapū as part of NZP&M's on-going discussions and liaison with iwi and hapū.

Resource Management Act 1991

Resource consents will be required for most petroleum exploration and mining related activities in addition to permits under the CMA. The Resource Management Act 1991 (RMA) provides the appropriate framework for affected communities to identify areas that may need to be protected, usually because of an area's special significance. Attempting to manage local effects of activities through the CMA is unlikely to provide the best outcome as it is focused on permit allocation and management.

The RMA requires all decision makers to recognise and provide for a number of matters of national importance through regional and district plans and in consent decisions. Matters of national importance include the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development and the relationship of Māori with their ancestral lands and wāhi tapu. The RMA requires all decision makers to take into account the principles of the Treaty of Waitangi and to have particular regard to kaitiakitanga. Regional and district plans can also protect taonga and wāhi tapu sites.

The rules contained in a plan set the framework for a council to follow in respect of applications for resource consent. Where an application is publicly notified, parties will have the opportunity to lodge submissions.

Historic Places Act 1993

Wāhi tapu sites and other sites of historical importance, such as pa sites, receive protection under the Historic Places Act 1993 (HPA). There are different forms of protection.

Archaeological sites must not be damaged, modified or destroyed without authority from the Historic Places Trust (section 10 of the HPA). Archaeological sites include places associated with human activity before 1900 or that may provide evidence relating to the history of New Zealand following archaeological investigation. This will include urupā sites pre 1900. Officials are advised that authority is not normally given to damage such sites.

Sites can be registered with the Historic Places Trust. Once they are registered they will generally be listed in district plans. The register contains a number of parts, including parts relating to wāhi tapu and wāhi tapu areas. Wāhi tapu areas may be proposed to the Maori Heritage Council and the proposal is publicly notified (section 32 of the HPA). Once an area has been registered the Trust may make recommendations to the consent authorities, which must then have regard to the Trust's recommendations (section 32D of the HPA).

Sites may also be the subject of a heritage covenant that goes on the title to the land that cannot be lifted without the agreement of the landowner (section of the HPA).

Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012

The Exclusive Economic Zone (EEZ) legislation establishes an environmental effects management regime beyond the 12 nautical mile limit, that is, outside the jurisdiction of the RMA. Under this legislation, the Environmental Protection Authority (EPA) will be responsible for managing marine consents.

The EEZ Act provides that the EPA's existing Māori Advisory Committee will advise the EPA so that decisions made under the Act may be informed by a Māori perspective. The EPA's Māori Advisory Committee will be able to provide advice and assistance on matters relating to policy, process, and decisions under the EEZ legislation.

The EEZ Act also requires:

1. the Minister for the Environment to establish and use a process that gives iwi adequate time and opportunity to comment on the subject matter of proposed regulations
2. all persons performing functions and duties or exercising powers under the EEZ Act to have regard to existing interests to the extent that they are relevant. Existing interests include Treaty settlements and customary marine title and protected customary rights granted under the Marine and Coastal Area (Takutai Moana) Act 2011
3. the EPA to notify iwi authorities, customary marine title groups, and protected customary rights groups directly, of consent applications that may affect them. In this way consultation, including with iwi, will be a feature of the consent decision-making processes.

The EPA's board has approved the policy document "*Engaging with Māori for Applications to the EPA*" after submissions on the draft were sought from iwi, hapū and industry organisations. The policy provides information about the types of proposals requiring consultation; the levels of information required for effective decision making; and the need for applicants to have an engagement strategy.

This document proposes that it is appropriate for applicants to engage with Māori for any application to be processed by the EPA, that poses significant tangible or intangible impact (either positive or negative) on outcomes of importance to Māori.

The Environmental Protection Authority Act 2011 also provides the following opportunities for Māori involvement in the EPA:

1. a dedicated position/s on the board to ensure at least one member has knowledge and experience relating to the Treaty and tikanga Māori (with the potential for the Minister for the Environment to appoint more than one member with these qualifications)
2. a requirement for the board to collectively have knowledge of and experience related to the Treaty and tikanga Māori.

Land access arrangements

For any activity to occur, a permit holder requires a land access arrangement with the relevant land owner. In such cases, the land owner may negotiate terms and conditions they consider necessary to protect particular areas. If an access arrangement cannot be agreed the permit holder has the right, following a notification process, to have the terms and conditions of access determined by an arbitrator and on reasonable conditions.

Annex Four: Strengthened operational provisions to ensure the active protection of areas of local, cultural (including wāhi tapu) and historical significance.

A condition will be included in the Block Offer 2013 Invitation for Bids (IFB) requiring successful bidders to provide a written report to the Secretary (the Ministry) each year summarising the iwi engagement undertaken in the previous year. This requirement is part of the amendment to the Crown Minerals Act 1991. All companies who are granted petroleum exploration permits through this block offer, or any future petroleum block offer, will be required to report annually on the engagement they have undertaken with iwi and hapū.

This requirement for annual reporting is reinforced by the amended Petroleum Programme and in operational changes made by NZP&M. The Petroleum Programme stipulates that the annual reports will be discussed at the annual meeting between petroleum permit holders and regulators. Further, the Petroleum Programme states that permit holders are encouraged to consult with relevant iwi and hapū on their annual report before submitting them to the Ministry. NZP&M will consider information provided by iwi and hapū when evaluating the annual reports and may discuss, as appropriate, the outcomes of the annual meeting with iwi and hapū.

Further, the IFB will set out an expectation that the permit holder will regularly engage with iwi on issues that are likely to affect their interests during the petroleum exploration process, particularly in relation to sites of particular importance to iwi.

The Ministry will continue to engage with iwi and hapū, so they have an opportunity to provide further information, such as specificity in relation to particular sites of local, cultural (including wāhi tapu) and historical significance. NZP&M has hired support staff for the Chief Advisor, Māori so are better equipped for this engagement than ever before.

With the permission of those iwi and hapū who have provided information as part of the consultation process, the Ministry will provide the successful bidder with any information supplied to the Ministry that relates to areas of sensitivity to iwi and hapū in particular blocks or offshore release areas.

The Ministry will actively facilitate the relationship between successful bidders and iwi and hapū, for example, by providing introductions where appropriate.

The Ministry is mindful to ensure that the comments provided by iwi/hapū as part of this consultation process are considered during the resource consenting phase by all parties. With the submitter's permission, the Ministry intends to write to the relevant regional and district planning authorities to notify them of relevant information from the submissions received through this process.

Annex Five: Strengthening the regulatory health and safety, and environmental regime for petroleum activity

The government has been, and is, undertaking a number of initiatives this year to strengthen the overall regulatory regime for petroleum activity and to ensure an appropriate balance between economic benefits and health, safety and environmental concerns. Details of these initiatives are set out below.

Review and amendment to the Crown Minerals Act regime

The Ministry completed a review of the Crown Mineral Act regime in 2012. This has resulted in a subsequent amendment to the Crown Mineral Act 1991 and supporting programmes and regulations.

One of the main objectives of the amendments is ensure that better coordination of regulatory agencies can contribute to stringent health and safety, and environmental standards in exploration and production activities.

The health and safety and environmental regulatory framework has been strengthened by improving coordination between the Crown Minerals permitting regime, and health and safety and environmental regulatory functions for certain activities. This includes introducing an initial assessment of health and safety and environmental capability when awarding permits, as well as annual review meetings between regulators and operators.

The amended Crown Minerals Act 1991 regime also focuses regulatory effort away from those permit holders with only a financial interest in a permit and onto those responsible for day-to-day management of activities. These changes will also support collaboration among regulators to ensure health and safety is considered throughout the permitting process and provides that compliance with health and safety legislation is a general condition of permits.

This changes support but do not replicate processes under the Resource Management Act 1991, Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012, and Health and Safety in Employment Act 1992.

Protecting New Zealand's Exclusive Economic Zone

The Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 sets up a new environmental management regime to ensure activities in New Zealand's oceans must avoid, remedy or mitigate any adverse effects to the environment. The environmental effects of petroleum exploration activities beyond 12 nautical miles from the coastline will be managed by the Exclusive Economic Zone legislation once enacted.

Exploration permit holders will be required to apply for necessary environmental resource consents from the EPA who will be responsible for administering the legislation.

Regulations to support the Exclusive Economic Zone legislation are currently being developed and will be in place by the end of 2013.

www.mfe.govt.nz/issues/oceans/current-work

New Health and Safety in Employment (Petroleum Exploration and Extraction) Regulations 2013

The Safety and Regulatory Practice branch of the Ministry is working to implement new Petroleum Exploration and Extraction regulations by June 2013.

The new regulations will seek to ensure that health and safety regulation of petroleum exploration and extraction activities in New Zealand - both onshore and offshore - is more consistent with international best practice and developments in light of recent, high-profile major accidents overseas. Specifically, the new regulations will be designed to:

1. strengthen the management of hazards having the potential to cause a major accident
2. reduce the likelihood of an uncontrolled release of oil and gas (or blowout) occurring during well operations
3. ensure the regulator has sufficient data to inform the targeting of regulatory interventions and the preparation of preventative guidance.

Key elements of the new Petroleum Exploration and Extraction regulations include:

1. enhancing the existing safety case regime for offshore installations and extend it to onshore installations
2. introducing a major accident prevention policy requirement
3. making goal setting regulations to cover activities over the full life cycle of a well
4. introducing a well examination scheme requirement
5. introducing notification and reporting of dangerous occurrences.

www.dol.govt.nz/consultation/petroleum-regulations

Petroleum high hazard team

A specialist petroleum high hazard team has been established within the Safety and Regulatory Practice branch of the Ministry.

The team is responsible for improving safety outcomes in the upstream petroleum sector through the effective administration of the Health and Safety in Employment Act 1992, Health and Safety in Employment (Petroleum Exploration and Extraction) Regulations 1999, and other relevant legislation.

www.dol.govt.nz/services/highhazards/petroleum/index.asp

Establishment of a new workplace health and safety agency

The Government is to establish a new, stand-alone workplace health and safety agency to significantly improve New Zealand's workplace health and safety record.

The Crown agency will enforce workplace health and safety regulations, and work collaboratively with employers and employees to embed and promote good workplace health and safety practices

www.mbie.govt.nz/what-we-do/pike-river-implementation-plan/new-workplace-health-and-safety-agency-to-be-established

Strengthened guidelines for minimising acoustic disturbance to marine mammals from seismic survey operations

While petroleum exploration activities prior to drilling are much lower in impact than drilling, potential exists for seismic operations at sea to have an adverse impact on marine mammals through acoustic disturbance. Therefore, the “*2012 Code of Conduct for Minimising Disturbance to Marine Mammals from Seismic Survey Operations*” was developed to provide effective, practical mitigation measures for minimising acoustic disturbance of marine mammals during seismic surveys.

The Code of Conduct administered by the Department of Conservation (DOC) and was developed in conjunction with international and domestic stakeholders representing industry, operators, observers and marine scientists. The Code has been endorsed as industry best practice by the Petroleum Exploration and Production Association of New Zealand (PEPANZ).

The primary objectives of the Code are to:

1. minimise disturbance to marine mammals from seismic survey activities
2. minimise noise in the marine environment arising from seismic survey activities
3. contribute to the body of scientific knowledge on the physical and behavioural impacts of seismic surveys on marine mammals through improved, standardised observation and reporting
4. provide for the conduct of seismic surveys in New Zealand continental waters in an environmentally responsible and sustainable manner
5. build effective working relationships between government, industry and research stakeholders.

www.doc.govt.nz/publications/conservation/native-animals/marine-mammals/code-of-conduct-for-minimising-acoustic-disturbance-to-marine-mammals-from-seismic-survey-operations

Response to oil spills

New Zealand’s oil spill response capability is built through the strengthening partnerships between Maritime New Zealand (MNZ), regional councils, industry and overseas agencies. MNZ works with its partners to ensure oil spill response plans are in place and current for every region of the country. MNZ maintains an expert, nation-wide oil spill response team who are trained and equipped to respond to marine oil spills at regional and national level. They also own over \$12

million dollars of equipment to use when responding to marine oil spills. This equipment is housed in Auckland as well as at over 20 locations around New Zealand.

www.maritimenz.govt.nz/Environmental/Responding-to-spills-and-pollution/Responding-to-spills-and-pollution.asp

Part Two: Requests for amendments to, or exclusions of land, from proposed Block Offer 2013 competitive tender

Paragraph 3.10 of the Minerals Programme for Petroleum 2005 (MPP), states that *“As part of the consultation process, iwi and hapū may request an amendment to the proposed block offer or that defined areas of land not be included in any permit (block)”*.

Paragraph 3.12 of the MPP requires an evaluation of requests for amendment to, or exclusion of land, from the proposed block offer. In evaluating such requests, consideration of several matters must be made. What follows is a full consideration of these matters for each request received.

In addition, local authorities have also been consulted with in the course of Block Offer 2013. Although officials are not legally required to consider requests for exclusions from local authorities, these are also considered below.

Submission: 1

Iwi/territorial authority: Ngā Hapū o Poutama

Representative Organisation/Person: Russell Gibbs, RMA Contact

Date Received: 29 January 2013

Blocks affected: 13TAR-R1

Request(s) for an amendment to proposed Block Offer or exclusion of any land from Block Offer

Ngā Hapū o Poutama opposes all onshore and offshore mining in its rohe and area of interest. Ngā Hapū o Poutama describes that their rohe or area of interest “*begins at the Waikaramuramu stream, north to Onetai, inland east to the Herangi Ranges to Te Matai south across to Umukaimata, then to Te Nihoniho and on to Aukopae at Ohura, on to Opatu and Tangarakau, to Tahora Paroa, and west to Te Pehu, returning to the sea at Waikaramuramu. Poutama extends out from the Waikaramuramu stream and Onetai stream to the 200 mile limit. Poutama extends from the centre of the earth to ki te Rangī*”.

As none of the onshore blocks proposed overlap this area, their request has been treated as a request for an exclusion of Offshore Release Area 13TAR-R1 from Block Offer 2013.

Reasons submitted for request

Ngā Hapū o Poutama considers that it has rights as rangatira and kaitaki in its rohe, which includes the rights of ownership. It has not given consent to the Crown or private companies to take or develop resources within its rohe.

Exclusion of Offshore Release Area 13TAR-R1	
Considerations	Analysis
<i>What it is about the area that makes it important to the mana of iwi and hapū</i>	While Ngā Hapū o Poutama states that the area covered by the offshore release area is wāhi tapu and unique to them, they do not identify any individual areas within their rohe of particular importance or uniqueness (whether known wāhi tapu or otherwise). They also note that they are the rangatira and kaitaki of their rohe, a position which is reaffirmed in a document prepared by Nga Hapū o Poutama entitled ‘Te Whakapuakitanga o Poutama 2010’, referred to in their submission.
<i>Whether the area is a known wāhi tapu site</i>	Ngā Hapū o Poutama have noted that the area covered by the offshore release area is wāhi tapu, however they have not identified any specific areas

	<p>of particular importance.</p> <p>Te Whakapuakitanga o Poutama 2010 does not identify specific wāhi tapu sites in their rohe.</p> <p>Ngā Hapū o Poutama also state that very few of their wāhi tapu are registered or “recognised” by local or national authorities and those that are generally inadequately defined.</p>
<p><i>The uniqueness of the area; for example, whether it is one of a number of mahinga kai (food gathering) areas or the only waka tauranga (the landing places of the ancestral canoes)</i></p>	<p>As above</p>
<p><i>Whether the importance of the area to iwi and hapū has already been demonstrated, for example by Treaty claims and settlements and objections under other legislation</i></p>	<p>Officials have consulted the Office of Treaty Settlements (OTS) and Te Puni Kōkiri (TPK). Claims relating to Ngā Hapū o Poutama relating to Ngāti Tama have been settled through the Ngāti Tama Claims Settlement Act. Any outstanding claims may be dealt with in the Ngāti Maniapoto settlement.</p> <p>Officials note that Ngā Hapū o Poutama state in their submission that “<i>Ngā Hapū o Poutama has not completed settlement negotiations and that granting permits would both create new grievances and impede the redress of existing grievances</i>” and that previous advice from Office of Treaty Settlements to officials that any outstanding claims relating to Ngā Hapū o Poutama will be dealt with in the Ngāti Maniapoto settlement is incorrect.</p> <p>Officials have not been provided with information on the content of the negotiations and whether these areas have been identified as being of particular importance.</p>
<p><i>Any Treaty claims which may be relevant and whether granting a permit over the land would impede the prospect of redress of grievances under the Treaty</i></p>	<p>Under the Petroleum Act 1937 petroleum was declared to be property of the Crown for the benefit of all New Zealanders and is therefore not available for any redress of grievances under the Treaty.</p> <p>The granting of a permit does not constitute the creation of an interest in land (section 92 of the CMA).</p>

	Accordingly Ministry officials consider the grant of a petroleum permit under the CMA will not affect the Crown's ability to return land as part of a Treaty settlement or otherwise impede the prospect of any redress under the Treaty.
<i>Any iwi management plans in place in which the area is specifically mentioned as being important and should be excluded from certain activities</i>	The document 'Te Whakapuakitanga o Poutama 2010' is listed as a tangata whenua management plan by the Waikato Regional Council. It does not identify particular sites from which Block Offer related activities should be excluded.
<i>The area's landowner status. If the area is one of the special classes of land in section 55, landowner veto rights may protect the area</i>	As the request refers only to an offshore release area, landowners status considerations are not applicable.
<i>Whether the area is already protected under other legislation, for example the Resource Management Act 1991, Conservation Act 1987, Historic Places Act 1993</i>	<p>Ngā Hapū o Poutama have not specified any particular areas within the offshore release area that require specific protection. As a result, although it is likely that the area requested for exclusion is protected by other legislation, it is not practicable to assess the extent or effect of any such protection.</p> <p>However, historically and culturally significant sites across the region do enjoy significant levels of protection through instruments under the Resource Management Act 1991.</p> <p>For Offshore Release Area 13TAR-R1, the regulation of potential adverse effects beyond the 12 nautical mile limit will be regulated under the new Exclusive Economic Zone legislation once it is EZ regulations once they are enacted, under the Maritime Transport Act 1994, which regulates spill management, and through the safety case administered by the Safety and Regulatory Practice group in the Ministry.</p>
<i>The size of area and value of the potential resource affected if the area is excluded</i>	<p>Offshore Release Area 13TAR-R1 is sought for exclusion.</p> <p>Offshore Release Area 13TAR-R1 is prospective for oil and gas as it covers a large portion of the currently producing Taranaki Basin. The Taranaki Basin produces both oil and gas, and the boundaries of the release area cover the existing Maui, Tui Area, Pohokura, Maari-Manaia and Kupe fields. However little exploration has been carried out beyond the</p>

	shelf edge, offering opportunities to test existing and new play concepts.
<i>Other relevant considerations</i>	No other relevant considerations have been identified.

Conclusion

1. Officials acknowledge the objections Ngā Hapū o Poutama make to oil and mineral exploration in area of their rohe. While officials respect that this is their position, they do not consider that this is a sufficiently detailed basis to exclude particular areas from any particular block or blocks.
2. When exclusion or amendment has been requested by an iwi or hapū, the Minister of Energy and Resources is required to evaluate this request based on the considerations in section 3.12 of the MPP. These considerations require the Minister of Energy and Resources to balance the importance of the areas to iwi/hapū against the other legislative protections which exist, and the potential value of the resource that could be lost by exclusion or amendment.
3. Ngā Hapū o Poutama has not identified any specific important sites within the offshore release area that require protection and it is not therefore practicable to assess these areas to determine the extent or effect of any existing statutory protections. However the provisions of the RMA and the EEZ regulations will still apply.

Recommendation

4. Having regard to the above matters, it is recommended that you do not exclude Offshore Release Area 13TAR-R1 from Block Offer 2013 as a result of Ngā Hapū o Poutama's submission.

Submission: 2

Iwi/territorial authority: Rangitāne o Tāmaki nui ā Rua

Representative Organisation/Person: Hineirangi Carberry, Resource Management Officer

Date Received: 30 January 2013

Blocks affected: 13TAR-R1

Request(s) for an amendment to proposed Block Offer or exclusion of any land from Block Offer

Rangitāne o Tāmaki nui ā Rua oppose all onshore and offshore mining in its rohe. This has been treated as a request for an exclusion of Offshore Release Area 13TAR-R1.

Reasons submitted for request

Rangitāne o Tāmaki nui ā Rua (Rangitāne) strongly object to any activity that has the potential to cause blemish, pollution and devastation to Papatuanuku. Therefore they wish for their rohe to be excluded from all block offers.

Exclusion of Offshore Release Area 13TAR-R1	
Considerations	Analysis
<i>What it is about the area that makes it important to the mana of iwi and hapū</i>	Rangitāne do not identify any individual areas within their rohe of particular importance or uniqueness (whether known wāhi tapu or otherwise). Their rohe is primarily located on the east-coast of the North Island, however due to potential of it being affected adversely by activity in offshore Taranaki, their submissions has been treated as a request for an exclusion of Offshore Release Area 13TAR-R1.
<i>Whether the area is a known wāhi tapu site</i>	Rangitāne do not identify any individual areas within their rohe of particular importance or uniqueness (whether known wāhi tapu or otherwise).
<i>The uniqueness of the area; for example, whether it is one of a number of mahinga kai (food gathering) areas or the only waka tauranga (the landing places of the ancestral canoes)</i>	As above.
<i>Whether the importance of the area to iwi and Hapū has already been demonstrated, for example by Treaty claims and settlements and</i>	Officials have consulted OTS and TPK. The Rangitāne Settlement Negotiations Trust has a mandate to represent Rangitāne o Wairarapa and

<p><i>objections under other legislation</i></p>	<p>Rangitāne o Tāmaki Nui ā Rua to enter into negotiations with the Crown for Treaty settlements. The Rangitāne Settlement Negotiations Trust has signed a Treaty Settlement Engagement Policy with Ngāti Kahungunu ki Wairarapa-Tāmaki Nui ā Rua to engage in overlapping claims discussion between the two groups.</p>
<p><i>Any Treaty claims which may be relevant and whether granting a permit over the land would impede the prospect of redress of grievances under the Treaty</i></p>	<p>OTS advises that it is possible that the block permits in Taranaki may include Crown or Council land that may eventually be vested in the iwi as part of their Treaty settlements. Given that Rangitāne rohe would be affected indirectly by activities in 13TAR-R1, they are unaffected in this instance.</p> <p>Under the Petroleum Act 1937 petroleum was declared to be property of the Crown for the benefit of all New Zealanders and is therefore not available for any redress of grievances under the Treaty.</p> <p>The granting of a permit does not constitute the creation of an interest in land (section 92 of the CMA).</p> <p>Accordingly Ministry officials consider the grant of a petroleum permit under the CMA will not affect the Crown's ability to return land as part of a Treaty settlement or otherwise impede the prospect of any redress under the Treaty.</p>
<p><i>Any iwi management plans in place in which the area is specifically mentioned as being important and should be excluded from certain activities</i></p>	<p>No iwi management plan for Rangitāne has been identified.</p>
<p><i>The area's landowner status. If the area is one of the special classes of land in section 55, landowner veto rights may protect the area</i></p>	<p>Rangitāne have not specified any particular areas within the blocks that require specific protection. As a result it is not practicable to assess the extent or effect of the access veto right under section 55.</p>
<p><i>Whether the area is already protected under other legislation, for example the Resource Management Act 1991, Conservation Act 1987, Historic Places Act 1993</i></p>	<p>Rangitāne have not specified any particular areas within the offshore release area that require specific protection. As a result, although it is likely that the area requested for exclusion is protected by other legislation, it is not practicable to assess the extent or effect of any such protection.</p> <p>However, historically and culturally significant sites</p>

	<p>across the region do enjoy significant levels of protection through instruments under the Resource Management Act 1991 (RMA).</p> <p>For Offshore Release Area 13TAR-R1, the regulation of potential adverse effects beyond the 12 nautical mile limit will be regulated under EEZ regulations once they are enacted, under the Maritime Transport Act 1994, which regulates spill management, and through the safety case administered by the Safety and Regulatory Practice Group in the Ministry.</p>
<i>The size of area and value of the potential resource affected if the area is excluded</i>	<p>Offshore Release Area 13TAR-R1 is sought for exclusion.</p> <p>Offshore Release Area 13TAR-R1 is prospective for oil and gas as it covers a large portion of the currently producing Taranaki Basin. The Taranaki Basin produces both oil and gas, and the boundaries of the release area covers the existing Maui, Tui Area, Pohokura, Maari-Manaia and Kupe fields. However little exploration has been carried out beyond the shelf edge, offering opportunities to test existing and new play concepts.</p>
<i>Other relevant considerations</i>	No other relevant considerations have been identified.

Conclusion

5. Officials acknowledge objections Rangitāne o Tāmaki nui ā Rua make to oil and mineral exploration in area of their rohe. While officials respect that this is their position, they do not consider that this is a sufficiently detailed basis to exclude particular areas from any particular block or blocks.
6. When exclusion or amendment has been requested by an iwi or hapū, the Minister of Energy and Resources is required to evaluate this request based on the considerations in section 3.12 of the MPP. These considerations require the Minister of Energy and Resources to balance the importance of the areas to iwi/hapū against the other legislative protections which exist, and the potential value of the resource that could be lost by exclusion or amendment.
7. Rangitāne o Tāmaki nui ā Rua has not identified any specific important sites within the offshore release area that require protection and it is not therefore practicable to assess these areas to determine the extent or effect of any existing statutory protections. However the provisions of the RMA and the EEZ legislation will still apply.

Recommendation

8. Having regard to the above matters, it is recommended that you do not exclude Offshore Release Area 13TAR-R1 from Block Offer 2013 as a result of Rangitāne o Tāmaki nui ā Rua's submission.

Submission: 3

Iwi/territorial authority: Te Rūnanga o Te Rarawa

Representative Organisation/Person: Abraham Witana

Date Received: 30 January 2013

Blocks affected: 13RNL-R1

Request(s) for an amendment to proposed Block Offer or exclusion of any land from Block Offer

Te Rūnanga o Te Rarawa (Te Rarawa) request that:

1. final decisions on blocks in their area of interest (including offshore) be deferred until the passing of legislation for the Te Rarawa Historical Treaty Settlement
2. the 6 nautical mile boundary between the shoreline and 13TAR-R1 be extended to 12 nautical miles
3. any decision on acreage off shore from Ninety Mile Beach be deferred until the passing of legislation for the Te Rarawa Historical Treaty Settlement.

Reasons submitted for request

Te Rarawa are concerned about the impact on the Te Rarawa Fisheries Area Management (Statutory Acknowledgement) contained in the Te Rarawa Deed of Settlement.

Amendment to Offshore Release Area 13RNL-R1	
Considerations	Analysis
<i>What it is about the area that makes it important to the mana of iwi and hapū</i>	<p>While Te Rarawa do not identify any individual areas within their rohe of particular importance or uniqueness (whether known wāhi tapu or otherwise), they reference Statutory Acknowledgement Areas contained with the Te Rarawa Deed of Settlement.</p> <p>The Te Rūnanga o Te Rarawa Long Term Strategic Plan 2008 cites kaitiakitanga as a key issue and challenge. It states “<i>There is a strong desire from our hapu communities to take on the responsibilities of kaitiakitanga in relation to our natural resources and environment. Asserting our mana whenua and our kaitiakitanga rights will help us to re-establish hapu engagement of the management of our natural resources</i>”.</p>
<i>Whether the area is a known wāhi</i>	Te Rarawa do not identify any individual areas within

<p><i>tapu site</i></p>	<p>their rohe of particular importance or uniqueness (whether known wāhi tapu or otherwise).</p>
<p><i>The uniqueness of the area; for example, whether it is one of a number of mahinga kai (food gathering) areas or the only waka tauranga (the landing places of the ancestral canoes)</i></p>	<p>The Statutory Acknowledgement Areas contained with the Te Rarawa Deed of Settlement consist of:</p> <ul style="list-style-type: none"> • Hokianga Harbour • Whāngāpe Harbour • Herekino Harbour • Awaroa River • Te Tai Hauāuru • Takahue/Awanui River • Wairoa Stream
<p><i>Whether the importance of the area to iwi and hapū has already been demonstrated, for example by Treaty claims and settlements and objections under other legislation</i></p>	<p>Officials have consulted with OTS and TPK.</p> <p>The Statutory Acknowledgement Areas contained with the Te Rarawa Deed of Settlement are an acknowledgement of the Crown of the particular cultural, spiritual, historical, and traditional association Te Rarawa has with specified areas. This ensures that Te Rarawa's interests are taken into account by local and regional authorities as part of the RMA and enhances Te Rarawa's ability to participate in specified Resource Management processes.</p> <p>Te Rarawa signed their Deed of Settlement on October 2012. They await the passing of their settlement legislation and it is unknown when the legislation will be introduced.</p> <p>The Te Rarawa Deed of Settlement includes the Te Oneroa-a-Tohe/Ninety Mile Beach Management Area that reaches the 12 nautical mile limit and recognises the area's historical, cultural, spiritual and physical importance to the iwi. Although this area does not overlap with the proposed offshore release area, Te Rawara are concerned with the potential impact on this area.</p> <p>Te Rarawa had their foreshore and seabed negotiations with the Crown under the 2004 Act</p>

	<p>paused during the development of the Marine and Coastal Area Act 2011 (MACA). OTS has commenced discussions under the MACA Act and will continue to progress this application this year.</p> <p>Section 62(3) of the MACA Act provides that any applicants for consents or permits in the MACA must:</p> <ol style="list-style-type: none"> 1. notify the customary marine title applicant group about the permit application 2. seek the views of the group on the application.
<i>Any Treaty claims which may be relevant and whether granting a permit over the land would impede the prospect of redress of grievances under the Treaty</i>	As above.
<i>Any iwi management plans in place in which the area is specifically mentioned as being important and should be excluded from certain activities</i>	The Te Rūnanga o Te Rarawa Long Term Strategic Plan 2008 notes the desire of Te Rarawa to develop and implement iwi environmental management plans.
<i>The area's landowner status. If the area is one of the special classes of land in section 55, landowner veto rights may protect the area</i>	As the request refers only to an offshore release area, landowners status considerations are not applicable.
<i>Whether the area is already protected under other legislation, for example the Resource Management Act 1991, Conservation Act 1987, Historic Places Act 1993</i>	<p>Historically and culturally significant sites across the region do enjoy significant levels of protection through instruments under the Resource Management Act 1991 (RMA). The RMA will apply to those parts of 13RNI-R1 between the shore and out to 12 nautical miles from shore.</p> <p>In addition, decision-making in relation to Statutory Acknowledgement Area is further subject to the provisions of Part II of the RMA. Under Part II local authorities are required to:</p> <ol style="list-style-type: none"> 1. recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga (s.6(e))

	<p>2. have particular regard to kaitiakitanga (s.7(a))</p> <p>3. take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) (s.8).</p> <p>The regulation of potential adverse effects beyond the 12 nautical mile limit in Offshore Release Area 13RNL-R1, will be regulated under the new EEZ regulations once they are enacted, under the Maritime Transport Act 1994, which regulates spill management, and through the safety case administered by the Safety and Regulatory Practice Group in the Ministry.</p>
<i>The size of area and value of the potential resource affected if the area is excluded</i>	<p>The portion of 13RNL-R1 between 6 and 12 nautical miles is sought for exclusion.</p> <p>Offshore Release Area 13RNL-R1 is highly prospective for oil and gas due to its close proximity to the Taranaki Basin. There have been some shows and discoveries immediately to the south of the area, in the northern part of the Taranaki Basin. Stratigraphy of the offshore Northland Basin is closely related to that of the productive Taranaki Basin although the character does vary due to local differences in the depositional environment. Thick sedimentary sections, the high probability of abundant mature source rocks, and the large number of sizeable trapping structures strongly support the premise that Northland Basin is a highly prospective petroleum basin.</p> <p>The offshore release area has reasonable 2D seismic coverage and historical data from the 1970's and 1980's.</p>
<i>Other relevant considerations</i>	No other relevant considerations have been identified.

Conclusion

1. Officials acknowledge the concerns expressed by Te Rarawa in relation to petroleum exploration and mining in their rohe and note that they have specified the importance of the Statutory Acknowledgment Areas.
2. When exclusion or amendment has been requested by an iwi or hapū, the Minister of Energy and Resources is required to evaluate this request based on the considerations in

section 3.12 of the MPP. These considerations require the Minister of Energy and Resources to balance the importance of the areas to iwi/hapū against the other legislative protections which exist, and the potential value of the resource that could be lost by exclusion or amendment.

3. Officials are aware of the importance of coastal sites to iwi. To provide some protection for these sites, a buffer between the shore and 6 nautical miles has been instituted in order to provide greater protection to inshore sites of sensitivity.
4. There are already existing protections in place for sites of significance under the provisions of the RMA, and the EEZ regulations once they are enacted. Te Rarawa are likely to have a role on the consenting process for petroleum related activities under these regimes.
5. In addition, it is worth noting that the exploration phase of petroleum development can be non-invasive and may not necessarily incompatible with all the sites of a sensitive nature that have identified by Te Rarawa. The actual activity undertaken by an operator or operators typically involves a much smaller area than the total offshore release area. Therefore, in many cases the best stage to address the sensitivity of specific sites is at the point prior to activity occurring.
6. It is the view of officials that the best way to ensure that these sites receive adequate protection is to make any successful operators aware of them, and to ensure that there is a strong relationship between Te Rarawa and any successful bidders.
7. This kind of relationship will be supported through the expectations envisaged of permit holders through the Invitation for Bids that relates to engagement with iwi and through the requirements of the proposed amendment to the CMA which require an annual iwi engagement reports. Such engagement will relate to sites of importance to iwi/hapū.
8. Officials note that NZP&M are happy to help facilitate the relationship between Te Rarawa and any successful operators. NZP&M will also ask the permission of Te Rarawa to provide the information in their submission to any successful operator so that they are aware of the sites of significance in the area.
9. Officials also acknowledge Te Rarawa's request for the deferral of the offshore release area while their Treaty claims are settled. As the granting of a permit does not constitute the creation of an interest in land, officials consider the grant of a petroleum permit under the CMA will not affect the Crown's ability to return land as part of a Treaty settlement or otherwise impede the prospect of any redress under the Treaty.

Recommendation

10. Having regard to all the above matters, it is recommended that you do not amend Offshore Release Area 13RNL-R1, nor defer it for offer, as a result of Te Rūnanga o Te Rarawa's submission.

Submission: 4

Iwi/territorial authority: Ngāti Tamaoho Trust

Representative Organisation/Person: Dennis Kirkwood, Chairperson

Date Received: 30 January 2013

Blocks affected: 13TAR-R1, 13RNL-R1

Request(s) for an amendment to proposed Block Offer or exclusion of any land from Block Offer

Ngāti Tamaoho Trust objects to blocks in their rohe being offered for resource development activities.

Although the submissions comments primarily on seabed mineral activities in Ngāti Tamaoho rohe, the submission also raises issues applicable to resource development more broadly. Therefore their submission has been treated as a request for an exclusion of Offshore Release Areas 13RNL-R1 and 13TAR-R1 from Block Offer 2013.

Reasons submitted for request

The Ngāti Tamaoho Trust are principally concerned that there is a lack of knowledge around the effects mining (and, by extension, other kinds of resource development) will have on the seabed and coastline.

Exclusion of Offshore Release Areas 13RNL-R1, 13TAR-R1	
Considerations	Analysis
<i>What it is about the area that makes it important to the mana of iwi and hapū</i>	The submission from the Ngāti Tamaoho Trust does not identify any individual areas within their rohe of particular importance or uniqueness (whether known wāhi tapu or otherwise).
<i>Whether the area is a known wāhi tapu site</i>	The submission from the Ngāti Tamaoho Trust does not identify any individual areas within their rohe of particular importance or uniqueness (whether known wāhi tapu or otherwise).
<i>The uniqueness of the area; for example, whether it is one of a number of mahinga kai (food gathering) areas or the only waka tauranga (the landing places of the ancestral canoes)</i>	As above
<i>Whether the importance of the area</i>	Officials have consulted OTS and TPK.

<p><i>to iwi and hapū has already been demonstrated, for example by Treaty claims and settlements and objections under other legislation</i></p>	<p>Ngāti Tamaoho is currently in settlement negotiations as part of iwi specific settlements for the Tāmaki Collective and has signed an agreement in principle. They are also involved with settlement claims as an iwi associated with Waikato-Tainui.</p>
<p><i>Any Treaty claims which may be relevant and whether granting a permit over the land would impede the prospect of redress of grievances under the Treaty</i></p>	<p>Under the Petroleum Act 1937 petroleum was declared to be property of the Crown for the benefit of all New Zealanders and is therefore not available for any redress of grievances under the Treaty.</p> <p>The granting of a permit does not constitute the creation of an interest in land (section 92 of the Crown Minerals Act 1991 (CMA)).</p> <p>Accordingly Ministry officials consider the grant of a petroleum permit under the CMA will not affect the Crown’s ability to return land as part of a Treaty settlement or otherwise impede the prospect of any redress under the Treaty.</p>
<p><i>Any iwi management plans in place in which the area is specifically mentioned as being important and should be excluded from certain activities</i></p>	<p>An iwi management plan for Ngāti Tamaoho has not been identified.</p>
<p><i>The area’s landowner status. If the area is one of the special classes of land in section 55, landowner veto rights may protect the area</i></p>	<p>As the request refers only to an offshore release area, landowners status considerations are not applicable.</p>
<p><i>Whether the area is already protected under other legislation, for example the Resource Management Act 1991, Conservation Act 1987, Historic Places Act 1993</i></p>	<p>Ngāti Tamaoho have not specified any particular areas within the offshore release area that require specific protection. As a result, although it is likely that the area requested for exclusion is protected by other legislation, it is not practicable to assess the extent or effect of any such protection.</p> <p>However, historically and culturally significant sites across the region do enjoy significant levels of protection through instruments under the Resource Management Act 1991 (RMA).</p> <p>For Offshore Release Areas 13RNL-R1 and 13TAR-R1, the regulation of potential adverse effects beyond the 12 nautical mile limit will be regulated under the EEZ regulations once they are enacted,</p>

	<p>under the Maritime Transport Act 1994, which regulates spill management, and through the safety case administered by the Safety and Regulatory Practice Group in the Ministry.</p>
<p><i>The size of area and value of the potential resource affected if the area is excluded</i></p>	<p>Offshore Release Areas 13RNL-R1 and 13TAR-R1 are sought for exclusion.</p> <p>Offshore Release Area 13RNL-R1 is highly prospective for oil and gas due to its close proximity to the Taranaki Basin. There have been some shows and discoveries immediately to the south of the area, in the northern part of the Taranaki Basin. Stratigraphy of the offshore Northland Basin is closely related to that of the productive Taranaki Basin although the character does vary due to local differences in the depositional environment. Thick sedimentary sections, the high probability of abundant mature source rocks, and the large number of sizeable trapping structures strongly support the premise that Northland Basin is a highly prospective petroleum basin.</p> <p>The offshore release area has reasonable 2D seismic coverage and historical data from the 1970's and 1980's.</p> <p>Offshore Release Area 13TAR-R1 is prospective for oil and gas as it covers a large portion of the currently producing Taranaki Basin. The Taranaki Basin produces both oil and gas, and the boundaries of the release area cover the existing Maui, Tui Area, Pohokura, Maari-Manaia and Kupe fields. However little exploration has been carried out beyond the shelf edge, offering opportunities to test existing and new play concepts.</p>
<p><i>Other relevant considerations</i></p>	<p>The submission from Ngāti Tamaoho recommends that “<i>if consent is granted the duration of the consent be five years.</i>” This is interpreted to mean any exploration permit granted as a result of the block offer should be for a period of five years.</p>

Conclusion

1. Officials acknowledge the concerns the Ngāti Tamaoho Trust raises with regards to the development of resources within their rohe. While officials respect that this is their position, they do not consider that this is a sufficiently detailed basis to exclude particular areas from any particular block or blocks.
2. When exclusion or amendment has been requested by an iwi or hapū, the Minister of Energy and Resources is required to evaluate this request based on the considerations in section 3.12 of the MPP. These considerations require the Minister of Energy and Resources to balance the importance of the areas to iwi/hapū against the other legislative protections which exist, and the potential value of the resource that could be lost by exclusion or amendment.
3. The Ngāti Tamaoho Trust has not identified any specific important sites within the offshore release areas that require protection and it is not therefore practicable to assess these areas to determine the extent or effect of any existing statutory protections. However the provisions of the RMA and the EEZ legislation will still apply.

Recommendation

4. Having regard to the above matters, it is recommended that you do not exclude Offshore Release Areas 13RNL-R1 or 13TAR-R1 from Block Offer 2013 as a result of the Ngāti Tamaoho Trust's submission.

Submission: 5

Iwi/territorial authority: Ngāi Tāmanuhiri, Rongowhakaata and Te Aitanga ā Māhaki (Tūranga Iwi)

Representative Organisation/Person: Robyn Rauna

Date Received: 30 January 2013

Blocks affected: 13EC1, 13EC2

Request(s) for an amendment to proposed Block Offer or exclusion of any land from Block Offer

Ngāi Tāmanuhiri, Rongowhakaata and Te Aitanga ā Māhaki (Turanga Iwi) have identified sites of significance within blocks 13EC1 and 13EC2 which they would excluded from the Block Offer process. These sites are a combination of:

1. wāhi tapu
2. communities that Turanga iwi, hapū and whānau populate and have traditionally populated
3. pā sites
4. marae
5. rivers and aquifers
6. registered sites of the New Zealand Archaeological Association.

Turanga Iwi have also requested a buffer be placed around villages (5 km), marae (3 km) and Turanga Iwi sites of significance and New Zealand Archaeological Association sites (1 km) for their further protection.

Reasons submitted for request

These sites are requested to be excluded as they are sites of significance to the Turanga Iwi. Turanga Iwi considers their sites and other places of cultural significance to be taonga. They have historical, cultural and social importance and value and all are of equal importance to Iwi.

Exclusion of blocks 13EC1, 13EC2	
Considerations	Analysis
<i>What it is about the area that makes it important to the mana of iwi and hapū</i>	The submission itself describes the historical, cultural and social significance of these sites to the Turanga Iwi.
<i>Whether the area is a known wāhi tapu site</i>	Wāhi tapu sites are included in the broader list of exclusion requested by the Turanga Iwi, though they are disaggregated from the list.

	The Gisborne District Council district plan lists 116 known wāhi tapu sites which fall within its district boundaries.
<i>The uniqueness of the area; for example, whether it is one of a number of mahinga kai (food gathering) areas or the only waka tauranga (the landing places of the ancestral canoes)</i>	<p>The Turanga Iwi in their submission state the general historical, cultural and social importance and value of these sites, but do not go into detail about the uniqueness of them.</p> <p>Similarly the Gisborne District Council district plan lists significance sites in the area, but does not comment on them in detail.</p>
<i>Whether the importance of the area to iwi and hapū has already been demonstrated, for example by Treaty claims and settlements and objections under other legislation</i>	<p>Officials have consulted OTS and TPK. TPK advises us that the Tamanuhiri Tutu Poroporo Trust signed a Deed of Settlement with the Crown on 5 March 2011 and The Rongowhakaata Iwi Trust signed a Deed of Settlement with the Crown on 30 September 2011.</p> <p>Te Aitanga ā Māhaki has not settled and that they are currently involve in a claim through the Waitangi Tribunal process.</p>
<i>Any Treaty claims which may be relevant and whether granting a permit over the land would impede the prospect of redress of grievances under the Treaty</i>	<p>As above.</p> <p>Under the Petroleum Act 1937 petroleum was declared to be property of the Crown for the benefit of all New Zealanders and is therefore not available for any redress of grievances under the Treaty.</p> <p>The granting of a permit does not constitute the creation of an interest in land (section 92 of the CMA).</p> <p>Accordingly Ministry officials consider the grant of a petroleum permit under the CMA will not affect the Crown's ability to return land as part of a Treaty settlement or otherwise impede the prospect of any redress under the Treaty.</p>
<i>Any iwi management plans in place in which the area is specifically mentioned as being important and should be excluded from certain activities</i>	The submission notes that the Turanga Iwi does not currently have an Iwi Management Plan with the Gisborne District Council, but have a relationship with the council that has been developed over time through work practices and operational activity.
<i>The area's landowner status. If the area is one of the special classes of land in section 55, landowner veto</i>	As far as it is practicable to assess, the area does not belong to one of the special classes on land. Any outstanding access issues can be addressed under the

<i>rights may protect the area</i>	provisions of the Resource Management Act 1991 (RMA).
<i>Whether the area is already protected under other legislation, for example the Resource Management Act 1991, Conservation Act 1987, Historic Places Act 1993</i>	Historically and culturally significant sites do enjoy significant levels of protection through instruments under the RMA. According to the Gisborne District Council, archaeological and wāhi tapu sites are shown on planning maps and are included in the district plan. Where land disturbance activities occur that would impact on recorded sites, cultural matters are required to be considered as part of the resource consent process.
<i>The size of area and value of the potential resource affected if the area is excluded</i>	<p>Significance portions of Blocks 13EC1 and 13EC2 are sought for exclusion.</p> <p>The value and prospectivity of the areas are assessed in summary as follows:</p> <p>Block 13EC1 is prospective for oil and gas as there have been active seeps in area and shows in historic wells. The Totangi oil seep lies inside permit and its northern boundary is near the Waitangi oil seep. The Kauhauroa gas discovery lies to the south of permit boundary. There have also been shows in test wells drilled within the permit area. The block has limited 2D seismic coverage and surveys from 1980s and there is informed recorded data from historic wells. There is no 3D seismic data available.</p> <p>Block 13EC2 is prospective for oil and gas as there have been active seeps in area. The Totangi oil seep lies nearby, as does the Waitangi oil seep. The area is also adjacent to Waitangi oil and Kauhauroa gas discoveries. The block has 2D seismic coverage from previous surveys, and there is data available on a number of exploration wells that have been drilled adjacent to the southern boundary.</p>
<i>Other relevant considerations</i>	No other relevant considerations have been identified.

Conclusion

1. Officials acknowledge the concerns expressed by Turanga Iwi and the level of detail they have provided in identifying sites of sensitivity. Officials also note the broader concerns about iwi engagement and the Crown Minerals regime they refer to in their submission.

2. When exclusion or amendment has been requested by an iwi or hapū, the Minister of Energy and Resources is required to evaluate this request based on the considerations in section 3.12 of the MPP. These considerations require the Minister of Energy and Resources to balance the importance of the areas to iwi/hapū against the other legislative protections which exist, and the potential value of the resource that could be lost by exclusion or amendment.
3. There are already existing protections in place for sites of significance under the RMA. The Gisborne District Council state in their submission that archaeological sites and wāhi tapu areas in their district are shown on their planning maps. Cultural heritage matters are also required to be taken into account where land disturbance activities occur.
4. In addition, it is worth noting that the exploration phase of petroleum development can be non-invasive and may not necessarily incompatible with all the sites of a sensitive nature that the Turanga Iwi have identified. That actual activity undertaken by an operator typically involves a much smaller area than the area of the permit block. Therefore, in many cases the best stage to address the sensitivity of specific sites is at the point prior to activity occurring.
5. Officials do note, however, that not all the sites of significance identified by the Turanga iwi in their submission match those recorded by the Gisborne District Council, and the geographic specificity the Tūranga Iwi provided in their submission indicates that there is high number of sensitive sites located in the eastern section of 13EC1 and 13EC2, particularly around the Waipaoa River.
6. Taking into account the large number of sites identified by the Tūranga Iwi, their density of distribution and the geographic specificity with which they have been identified, officials recommend that a section of Block 13EC1 and Block 13EC2 is deferred until a subsequent block offer.
7. It is important to note that this recommendation is for a deferral only and that officials envisage that both this area will be available for future competitive tenders. A deferral is recommended as that it would allow more time for officials to gather more specific information about the nature of the sites that have identified, and how their protection might best be managed.
8. Although the remaining section of Blocks 13EC1 and 13EC2 also contains identified sites of sensitivity, officials consider that these can be offered active protection under the broader legislative, regulatory and operational framework, and that there are opportunities for any successful permit holder and the Tūranga Iwi to engage further on this issue.

Recommendation

9. Having regard to the above matters, it is recommended that you do defer sections of Blocks 13EC1 and 13EC2 from Block Offer 2012 as a result of Turanga Iwi's submission, but that the remainder of these blocks be released.

Submission: 6

Iwi/territorial authority: Taranaki Iwi Trust

Representative Organisation/Person: Liana Poutu, General Manager

Date Received: 30 January 2013

Blocks affected: 13TAR-R1, 13TAR5

Request(s) for an amendment to proposed Block Offer or exclusion of any land from Block Offer

Taranaki Iwi Trust has requested that a number of sites within block 13TAR5 and Offshore Release Area 13TAR-R1 be excluded from the final areas released from the block offer process.

In a subsequent meeting between the Taranaki Iwi Trust and Ministry officials, they further requested that proposed Offshore Release Area 13TAR-R1 be amended to create a buffer of 6 nautical miles from the shore.

Reasons submitted for request

The Taranaki Iwi Trust note that block 13TAR5 and Offshore Release Area 13TAR-R1 include:

1. sites which have historical and cultural importance for Taranaki Iwi
2. waterways which are to be the subject of statutory acknowledgement within the Treaty settlement currently being negotiated by Taranaki Iwi
3. areas used by iwi for customary fishing by Taranaki Iwi
4. traditional food gathering areas.

Exclusion of all blocks 13TAR5 and Offshore Release Area 13TAR-R1	
Considerations	Analysis
<i>What it is about the area that makes it important to the mana of iwi and hapū</i>	<p>The submission notes that Offshore Release Area 13TAR-R1 contains multiple Tauranga Waka, Puukaawa and Tauranga Ika.</p> <p>It notes that block 13TAR5 was:</p> <ol style="list-style-type: none"> 1. at the heart of the Taranaki Land Wars 2. where the “scorched earth” policy was implemented 3. where significant pā and kainga are located

	<p>4. where significant casualties occurred</p> <p>5. subject to raupatu and confiscated from Taranaki Iwi under the New Zealand Settlements Act 1863.</p> <p>In short, some of the most serious breaches of the Treaty of Waitangi occurred in this area.</p>
<p><i>Whether the area is a known wāhi tapu site</i></p>	<p>The submission lists a number of sites that are of importance to the Taranaki Iwi in block 13TAR5 and Offshore Release Area 13TAR-R1, including pā, urupa, kainga, tauranga waka and puukaawa, though the geographic locations of these sites are not provided.</p> <p>The submission from the South Taranaki District Council notes that sites of significance are recorded in their district plan, but that there are many other sites which are unrecorded.</p> <p>The Taranaki Iwi Trust submission notes that not all of the sites they have identified are listed on the schedules of relevant district plans or listed with the New Zealand Archaeological Association.</p>
<p><i>The uniqueness of the area; for example, whether it is one of a number of mahinga kai (food gathering) areas or the only waka tauranga (the landing places of the ancestral canoes)</i></p>	<p>As above.</p>
<p><i>Whether the importance of the area to iwi and hapū has already been demonstrated, for example by Treaty claims and settlements and objections under other legislation</i></p>	<p>Officials have consulted OTS and TPK.</p> <p>Taranaki Iwi signed a letter of agreement with the Crown in December 2012.</p> <p>As part of the Treaty settlement being negotiated, Taranaki Iwi is seeking statutory acknowledgement over all waterways within their rohe. In their submission, they also request a 200m barrier either side of specified waterways.</p> <p>They are also negotiating a relationship agreement with the Ministry over petroleum and minerals.</p> <p>Under the Petroleum Act 1937 petroleum was declared to be property of the Crown for the benefit of all New Zealanders and is therefore not available for any</p>

	<p>redress of grievances under the Treaty.</p> <p>The granting of a permit does not constitute the creation of an interest in land (section 92 of the CMA).</p> <p>Accordingly Ministry officials consider the grant of a petroleum permit under the CMA will not affect the Crown's ability to return land as part of a Treaty settlement or otherwise impede the prospect of any redress under the Treaty.</p>
<p><i>Any Treaty claims which may be relevant and whether granting a permit over the land would impede the prospect of redress of grievances under the Treaty</i></p>	<p>As above.</p>
<p><i>Any iwi management plans in place in which the area is specifically mentioned as being important and should be excluded from certain activities</i></p>	<p>No iwi management plan for Taranaki Iwi has been identified.</p>
<p><i>The area's landowner status. If the area is one of the special classes of land in section 55, landowner veto rights may protect the area</i></p>	<p>As the Taranaki Iwi Trust have not identified the geographic location of areas within 13TAR5 or 13TAR-R1 that require specific protection, it is not practicable to assess the extent or effect of the access veto right under section 55 with due specificity.</p>
<p><i>Whether the area is already protected under other legislation, for example the Resource Management Act 1991, Conservation Act 1987, Historic Places Act 1993</i></p>	<p>Historically and culturally significant sites across the region do enjoy significant levels of protection through instruments under the Resource Management Act 1991 (RMA). The RMA will apply to block 13TAR5 and those parts of 13TAR-R1 between the shore and out to 12 nautical miles from shore.</p> <p>The South Taranaki District Council note in their submission "<i>petroleum wells and production facilities trigger a discretionary activity rule which enables significant sites to be addressed. This is usually done as part of consultation with Iwi, who are usually identified as affected parties in the resource consent process.</i></p> <p>The regulation of potential adverse effects beyond the 12 nautical mile limit in Offshore Release Area 13RNL-R1, will be regulated under the EEZ regulations once they are enacted, under the Maritime Transport Act</p>

	1994, which regulates spill management, and through the safety case administered by the Safety and Regulatory Practice Group in the Ministry.
<i>The size of area and value of the potential resource affected if the area is excluded</i>	<p>Sections of Block 13TAR5 and Offshore Release Area 13TAR-R1 are sought for amendment.</p> <p>Block 13TAR5 is prospective for oil and gas as it is near to other fields (Maui gas field) and there have been oil and gas shows further north of permit boundary. The block has sparse 2D data. No wells have been drilled in the block.</p> <p>Offshore Release Area 13TAR-R1 is prospective for oil and gas as it covers a large portion of the currently producing Taranaki Basin. The Taranaki Basin produces both oil and gas, and the boundaries of the release area cover the existing Maui, Tui Area Pohokura, Maari-Manaia and Kupe fields. However little exploration has been carried out beyond the shelf edge, offering opportunities to test existing and new play concepts.</p>
<i>Other relevant considerations</i>	No other relevant considerations have been identified.

Conclusion

1. Officials acknowledge the concerns expressed by the Taranaki Iwi Trust in their submission. Officials also note their role and responsibility as kaitiaki of Taranaki Iwi whenua, moana and taonga.
2. When exclusion or amendment has been requested by an iwi or hapū, the Minister of Energy and Resources is required to evaluate this request based on the considerations in section 3.12 of the MPP. These considerations require the Minister of Energy and Resources to balance the importance of the areas to iwi/hapū against the other legislative protections which exist, and the potential value of the resource that could be lost by exclusion or amendment.
3. In their formal submissions, the Taranaki Iwi Trust did not identified the geographic location of areas within Block 13TAR5 and Offshore Release Area 13TAR-R1 that require specific protection, which makes assessing the impact of any exclusions difficult. While the submission notes that the iwi are not in a position to provide this level of information they are available to work with NZP&M to provide locations of these sites.
4. As noted above, the Taranaki Iwi Trust have also requested that proposed Offshore Release Area 13TAR-R1 be amended to create a buffer to 6 nautical miles from the shore

5. There are already existing protections in place for sites of significance under the provisions of the RMA, and the EEZ regulations once they are enacted. The Taranaki Iwi are likely to have a role on the consenting process for petroleum related activities under these regimes.
6. The exploration phase of petroleum development can be non-invasive and not necessarily incompatible with all the sites of a sensitive nature that the Taranaki Iwi Trust have identified. That actual activity undertaken by an operator or operators typically involves a much smaller area than the area of the permit or the total offshore release area. Therefore, in many cases the best stage to address the sensitivity of specific sites is at the point prior to activity occurring.
7. It is worth noting that the Taranaki Iwi Trust state that not all these sites are registered with the New Zealand Archaeological Association or listed in the schedules of relevant District Plans. Officials consider that the best way to ensure that these sites receive adequate protection is to make any successful operators aware of them, and to ensure that there is a strong relationship between the Taranaki Iwi and any successful bidders.
8. This kind of relationship will be supported through the expectations envisaged of permit holders through the Invitation for Bids (IFB) that relate to engagement with iwi and through the requirements of the proposed amendment to the Crown Minerals Act which require an annual iwi engagement reports. Such engagement will relate to sites of importance to iwi/hapū.
9. Officials note that NZP&M are happy to help facilitate the relationship between Taranaki Iwi and any successful operators. NZP&M will also ask the permission of the Taranaki Iwi Trust to provide the information in their submission to any successful operator so that they are aware of the sites of significance in the area.
10. It is also worth noting the strong prospectivity in block 13TAR5 and Offshore Release Area 13TAR-R1. Both of these areas are situated in New Zealand's only producing petroleum basin.

Recommendation

11. Having regard to the above matters, it is recommended that you do not amend Block 13TAR5 and Offshore Release Area 13TAR-R1 from Block Offer 2013 as a result of the Taranaki Iwi Trust's submission.

Submission: 7

Iwi/territorial authority: Te Rūnanga o Arowhenua, Te Rūnanga o Waihao, Te Rūnanga o Moeraki, Kati Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou, Hokonui Rūnanga, Ōraka-Aparima Rūnaka, Waihōpai Rūnaka, Awarua Rūnanga and Te Rūnanga o Ngāi Tahu (Ngāi Tahu)

Representative Organisation/Person: Philippa Lynch, Environmental Adviser

Date Received: 31 January 2013

Blocks affected: 13GSB-R1

Request(s) for an amendment to proposed Block Offer or exclusion of any land from Block Offer

Ngāi Tahu and associated Rūnanga request that all of the small individual blocks that are located with 12 nautical miles of the coastline are excluded from Offshore Release Area 13GSC-R1.

Reasons submitted for request

The submission notes that Ngāi Tahu has two coastal marine Statutory Acknowledgement Areas within the proposed release area – Te Tai o Ārai Te Uru (Otago Coastal Marine Area and Rakiura/Te Ara a Kiwa (Rakiura/Foveaux Strait Coastal Marine Area) – that formally recognise sites of cultural, spiritual, historical and traditional value. In addition, there are also a number of locations along the east coast of the South Island which are customary fisheries protection areas.

The amendment to the offshore release area is required to provide protection for these sites as a manifestation of Ngāi Tahu responsibility of kaitiakitanga over its area.

Amendment to Offshore Release Area 13GSB-R1	
Considerations	Analysis
<i>What it is about the area that makes it important to the mana of iwi and hapū</i>	<p>The submission notes the importance of the spiritual, historic, and traditional association of Ngāi Tahu Whānui with Te Tai o Ārai Te Uru (Otago Coastal Marine Area) and Rakiura/Te Ara a Kiwa (Rakiura/Foveaux Strait Coastal Marine Area).</p> <p>Identification of Mātaitai, Taiapure and Tauranga Ika enables localised management of mahinga kai, with the aim of managing local fisheries to meet the needs of Tangata Whenua, the environment and the wider community.</p> <p>The submission also notes that Taiapure are local</p>

	<p>fishery areas, in estuarine or coastal and shore regions. These areas are of special significance to iwi as a source of kaimoana or for spiritual or cultural reasons.</p> <p>The Otago Regional Council coastal regional plan also lists coastal protection areas, which includes sites of important cultural or spiritual value.</p> <p>Information on Te Tai o Ārai Te Uru and Rakiura/Te Ara a Kiwa is also contained in Iwi Management Plans for Otago and Southland.</p>
<i>Whether the area is a known wāhi tapu site</i>	These sites are not explicitly identified as wāhi tapu, but their definition as Statutory Acknowledgement Areas indicates their spiritual, historic and cultural significance.
<i>The uniqueness of the area; for example, whether it is one of a number of mahinga kai (food gathering) areas or the only waka tauranga (the landing places of the ancestral canoes)</i>	<p>The importance of these areas is demonstrated through their inclusion in the Ngāi Tahu Claims Settlement Act 1998.</p> <p>Taiapure and Tauranga Ika are also areas of special significance due to their spiritual, historic and cultural associations.</p>
<i>Whether the importance of the area to iwi and hapū has already been demonstrated, for example by Treaty claims and settlements and objections under other legislation</i>	<p>Officials have consulted OTS and TPK.</p> <p>Te Rūnanga o Ngāi Tahu reached a comprehensive settlement with the Crown through the Ngāi Tahu Claims Settlement Act 1998. As noted above, this Act recognises several coastal Statutory Acknowledgement Areas.</p>
<i>Any Treaty claims which may be relevant and whether granting a permit over the land would impede the prospect of redress of grievances under the Treaty</i>	As above.
<i>Any iwi management plans in place in which the area is specifically mentioned as being important and should be excluded from certain activities</i>	<p>Ngāi Tahu has an Iwi Management Plan for Ōtākou/Otago and an Iwi Management Plan for Murihiku/Southland.</p> <p>Kai Tahu ki Otago Natural Resource Management Plan 2005 is a recognised Iwi Management Plan and it provides the principal planning document for Kai Tahu ki Otago. This Plan has specific references to the</p>

	<p>cultural significance of Te Tai o Ārai Te Uru (Otago Coastal Marine Area) and has specific policies around the protection of this culturally significant marine area.</p> <p>The Cry of the People / Te Tangi a Tauira 2008 is the recognised Ngāi Tahu ki Murihiku Resource and Environmental Iwi Management Plan and it provides the principal planning document for Ngāi Tahu ki Murihiku. The Cry of the People / Te Tangi a Tauira 2008 has specific policies on Offshore Petroleum Exploration. The significance of Rakiura / Te Ara a Kiwa (Stewart Island/Foveaux Strait Coastal Marine Area) is specifically referenced in some of these policies</p>
<p><i>The area's landowner status. If the area is one of the special classes of land in section 55, landowner veto rights may protect the area</i></p>	<p>As the request refers only to an offshore release area, landowners status considerations are not applicable.</p>
<p><i>Whether the area is already protected under other legislation, for example the Resource Management Act 1991, Conservation Act 1987, Historic Places Act 1993</i></p>	<p>Historically and culturally significant sites across the region do enjoy significant levels of protection through instruments under the Resource Management Act 1991 (RMA). For example, the Otago Regional Council's Coast Regional Plan contains information on protected coastal areas (including sites of importance to iwi) in Schedule 2, and Chapter 5 lists the policies that protect them. This document will be used by the council when considering resource consent applications for activities within the 12 nautical mile limit.</p> <p>In addition, decision-making in relation to Statutory Acknowledgement Area is further subject to the provisions of Part II of the RMA. Under Part II local authorities are required to:</p> <ol style="list-style-type: none"> 1. recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga (s.6(e)) 2. have particular regard to kaitiakitanga (s.7(a)) 3. take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) (s.8). <p>For Offshore Release Area 13GSC-R1, the regulation</p>

	<p>of potential adverse effects beyond the 12 nautical mile limit will be regulated under the EEZ regulations once they are enacted, under the Maritime Transport Act 1994, which regulates spill management, and through the safety case administered by the Safety and Regulatory Practice Group in the Ministry.</p>
<p><i>The size of area and value of the potential resource affected if the area is excluded</i></p>	<p>A portion of offshore release area 13GSC-R1 is sought for exclusion.</p> <p>The area requested for exclusion affects approximately 2993 square kilometres of proposed Offshore Release Area 13GSC-R1 under graticules. This works out as approximately 3% of the total initially proposed offshore release area.</p> <p>Offshore Release Area 13GSC-R1 is prospective for oil and gas as exploration drilling has proven existing petroleum systems, with sub-commercial discoveries and shows in a number of wells. Thirteen exploration wells (including five offshore) have been drilled in the Canterbury Basin since 1920. The five offshore wells have been drilled between 1970 and 2006. The Great South Basin has had nine offshore exploration wells drilled since 1970. The offshore release area has good 2D seismic and some 3D coverage.</p> <p>The sediment thickness contour image shows an intriguing area involved in moving the boundary from six nautical miles to 12 nautical miles. In this area sediment rapidly thickens to the south east and is a zone where there is some prospectivity, likely due to migration upslope from the deeper parts of the basin and some structural trapping. Leads and plays have been mapped by operators in and adjacent to this proposed exclusion area, indicating this.</p> <p>Typically, prospectivity is considered to increase at approximately 4 km sediment thickness (which allows for the maturation process to take place with sufficient temperature and pressure). In the case of the area in question here, leads and plays are being mapped in sediments approximately 2 km thick, and this area intersects partially the area proposed in the exclusion.</p>
<p><i>Other relevant considerations</i></p>	<p>Several existing petroleum exploration permits overlap the area requested for amendment (50122, 52589,</p>

	38264 and 52717) which indicates the strong prospectivity in the area and the high level of commercial interest in the site.
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Conclusion

12. Officials acknowledge the concerns expressed by Ngāi Tahu, and in particular the importance of the Statutory Acknowledgment Areas they have identified. Officials also note Ngāi Tahu's role and responsibility as kaitiaki over their rohe.
13. When exclusion or amendment has been requested by an iwi or hapū, the Minister of Energy and Resources is required to evaluate this request based on the considerations in section 3.12 of the MPP. These considerations require the Minister of Energy and Resources to balance the importance of the areas to iwi/hapū against the other legislative protections which exist, and the potential value of the resource that could be lost by exclusion or amendment.
14. Officials are aware of the importance of coastal sites to iwi. To provide some protection for these sites, a buffer between the shore and six nautical miles has been instituted in order to provide greater protection to inshore sites of sensitivity.
15. There are already existing protections in place for sites of significance under the provisions of the RMA, and the EEZ Act. Ngāi Tahu are likely to have a role on the consenting process for petroleum related activities under these regimes as an affected party.
16. In addition, it is worth noting that the exploration phase of petroleum development can be non-invasive and may not necessarily be incompatible with all the sites of a sensitive nature that have been identified by Ngāi Tahu. The actual activity undertaken by an operator or operators typically involves a much smaller area than the total offshore release area. Therefore, in many cases the best stage to address the sensitivity of specific sites is at the point prior to activity occurring.
17. It is the view of officials that the best way to ensure that these sites receive adequate protection is to make any successful operators aware of them, and to ensure that there is a strong relationship between Ngāi Tahu and any successful bidders.
18. This kind of relationship will be supported through the expectations envisaged of permit holders through the IFB that relates to engagement with iwi and through the requirements of the proposed amendment to the Crown Minerals Act which require an annual iwi engagement reports. Such engagement will relate to sites of importance to iwi/hapū.
19. Officials note that NZP&M are happy to help facilitate the relationship between Ngāi Tahu and any successful operators. NZP&M will also ask the permission of the Ngāi Tahu to provide the geographic information in their submission to any successful operator so that they are aware of the sites of significance in the area.

20. It is also worth noting the strong prospectivity in Offshore Release Area 13GSB-R1. In particular, geology indicates that the area between 6-12 nautical miles from shore could contain significant prospectivity. This is reinforced by the existing exploratory petroleum permits which overlap the area.

Recommendation

21. Having regard to all the above matters, it is recommended that you do not amend Offshore Release Area 13GSB-R1, as a result of Ngāi Tahu's submission.

Submission: 8

Iwi/territorial authority: New Plymouth District Council

Representative Organisation/Person: Colin Comber, Manager Environmental Strategy and Policy

Date Received: 25 January 2013

Block(s) affected: 13TAR1

Request(s) for an amendment to proposed Block Offer or exclusion of any land from Block Offer

The New Plymouth District Council has requested that the follow areas are excluded from 13TAR1:

1. land currently zoned Residential, Business or Open Space Environment Areas
2. land about to be confirmed as Future Urban Development (FUD) overlay in the District Plan
3. any land comprised in the New Plymouth Airport property.

Reasons submitted for request

Land currently zoned Residential, Business and Open Space Environment Area, as well as that about to be confirmed as Future Urban Development (FUD) in the District Plan overlap, is requested to be excluded due to concerns about the compatibility of well drilling with the urban environment. The submission notes that non-invasive techniques are not considered to be an issue.

With regards to land which comprised part of the property of New Plymouth Airport, aviation safety and the need to limit disruptions to day to day activities is also cited as the reason for exclusion.

Amendment to block 13TAR1	
Considerations	Analysis
<i>What it is about the area that makes it important to the mana of iwi and hapū</i>	N/A
<i>Whether the area is a known wāhi tapu site</i>	N/A
<i>The uniqueness of the area; for example, whether it is one of a number of mahinga kai (food gathering) areas or the only waka tauranga (the landing places of the</i>	N/A

<i>ancestral canoes)</i>	
<i>Whether the importance of the area to iwi and hapū has already been demonstrated, for example by Treaty claims and settlements and objections under other legislation</i>	N/A
<i>Any Treaty claims which may be relevant and whether granting a permit over the land would impede the prospect of redress of grievances under the Treaty</i>	N/A
<i>Any iwi management plans in place in which the area is specifically mentioned as being important and should be excluded from certain activities</i>	N/A
<i>The area's landowner status. If the area is one of the special classes of land in section 55, landowner veto rights may protect the area</i>	As far as it is practicable to assess, the area does not belong to one of the special classes on land. Any outstanding access issues can be addressed under the provisions of the Resource Management Act 1991 (RMA).
<i>Whether the area is already protected under other legislation, for example the Resource Management Act 1991, Conservation Act 1987, Historic Places Act 1993</i>	<p>The provisions of the RMA will apply to petroleum related activities being undertaken within block 13TAR1. The New Plymouth District Council, as the relevant territorial authority, issue resource consents within their district. The New Plymouth District Council District Plan also provides for baseline environmental standards for the area as well.</p> <p>In addition, permit holders are required to negotiate land access arrangement with the relevant land owners. In such cases, the land owner may negotiate terms and conditions they consider necessary to protect particular areas</p>
<i>The size of area and value of the potential resource affected if the area is excluded</i>	<p>Block 13TAR1 is requested to be amended.</p> <p>Block 13TAR1 is prospective for oil and gas as it is adjacent to the Pohokura, Kowhai, and Turangi gas mining permits and adjacent to the Moturoa permit that borders the block.</p> <p>Production from nearby major fields and oil and gas</p>

	<p>shows in many wells within or bordering the permit supports this conclusion.</p> <p>The block has moderate 2D seismic coverage from the 1980s and 1990s and there is also some modern 3D seismic data on the eastern border of the proposed block area.</p>
<i>Other relevant considerations</i>	<p>An existing petroleum exploration permit (38773) is adjacent to 13TAR1 and sits atop land currently zoned Residential, Business and Open Space Environment Area, as well as that about to be confirmed as Future Urban Development (FUD) in the New Plymouth District Council District Plan overlap. It also sits atop the New Plymouth Airport.</p>

Conclusion

1. Officials acknowledge the concerns raised by the New Plymouth District Council on their submission.
2. Under the provisions of the RMA, the New Plymouth District Council has itself the ability to regulate petroleum related activities which occur within their district. As a result, it is highly likely that the zoning status of affected land in the New Plymouth District Council District plan (including Residential, Business or Open Space Environment) would play a role in decisions around granting resource consents for activity such as exploratory drilling.
3. Officials also note that different stages of petroleum development can be non-invasive and is not necessarily incompatible with urban environments. The New Plymouth District Council notes they have no concerns with non-drilling related activities.
4. Officials therefore believe that given the high prospectivity of the block, it is a better option to leave 13TAR1 as is stands to build up a better understanding of the geology of the block. The actual activity undertaken by an operator or operators typically involves a much smaller area than the block. Therefore, in many cases the best stage to address the compatibility of the activity and the location where it is occurring is at the point prior to activity occurring.
5. It is also worth noting that classification as Future Urban Development land in the New Plymouth District Plan indicates development within the next 20 years. Onshore petroleum exploration permits for Taranaki are granted for 10 years, so it is quite possible that all petroleum exploration activities could be completed on land zoned in this way before it is developed for residential use.
6. With regard to the area of block 13TAR1 that comprises part of the New Plymouth Airport, under the Crown Minerals Act 1991 any successful permit holder would be required to negotiate land access arrangements with airport landowners before commencing any

petroleum exploratory activity. This would allow the New Plymouth Airport to discuss potential impacts that any petroleum exploration activity may have on its operational activities at that stage.

Recommendation

7. Having regard to the above matters, it is recommended that you do not amend block 13TAR1 from Block Offer 2013 as a result of the New Plymouth District Council's submission.