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**Submission:** 1  
**Iwi/local authority:** **Taranaki Iwi Trust**  
**Representative organisation/person:** Liana Poutu, General Manager  
**Date Received:** 3 March 2014  
**Blocks Affected:** 14TAR-R1 (relinquished PEP 51558)

Request(s) for an amendment to proposed additional release area, or exclusion of any land from proposed additional release area, for Block Offer 2014

Taranaki Iwi Trust requests the following exclusions from the proposed additional release area:

- Areas historically and culturally significant to Taranaki Iwi;
- Areas where Taranaki Iwi exercise customary rights, including customary fishing rights; and
- Areas where traditional kaimoana (seafood) reefs are located; and
- Areas that abut the Taranaki Iwi coastline.

Reasons submitted for request

With regard to the requested exclusions from 14TAR-R1 (offshore), Taranaki Iwi submits the following reasons:

- The consultation area contains coastal marine sites of immense significance to Taranaki Iwi. These include areas used by Taranaki Iwi for customary and recreational fishing and where traditional kaimoana (seafood) reefs are located.
- Taranaki Iwi is currently participating in a coastal mapping pilot project with Taranaki Regional Council to identify and record coastal marine sites. As this project is not yet complete, Taranaki Iwi seeks to exclude the section of the proposed additional release area that abuts the Taranaki Iwi coastline until the completion of this project.

<b>Amendments to 14TAR-R2, 14TAR-R2</b>	
<b>Considerations</b>	<b>Analysis</b>
<i>What is it about the area that makes it important to the mana of iwi and hapū</i>	Offshore areas: <ul style="list-style-type: none"><li>• The proposed additional release area contains coastal marine sites of immense significance to Taranaki Iwi. These include areas used by Taranaki Iwi for customary and recreational fishing and where traditional kaimoana (seafood) reefs are located.</li><li>• Taranaki Iwi is currently participating in a coastal mapping pilot project with Taranaki Regional Council to identify and record coastal marine sites. As this project is not yet complete, Taranaki Iwi seeks to exclude the section of the proposed Block Offer 2014 that abuts the Taranaki Iwi coastline until the completion of this project.</li></ul>
<i>Whether the area is a known wāhi tapu site</i>	While specific wāhi tapu are not identified in the offshore environment, Taranaki Iwi note that the proposed additional release area contains coastal marine sites of

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	<p>immense significance.</p> <p>As an iwi which is yet to settle grievances with the Crown, Taranaki Iwi do not have the resources to provide full information such as GPS map coordinates, but are available to work with officials to complete this task.</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 land places of 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>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 of 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 (part of the 'Tri-iwi' agreement).</p> <p>Under the Petroleum Act 1937, petroleum was declared the property of the Crown for the benefit of all New Zealanders and is therefore not available for 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). Accordingly, MBIE 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.</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 submission refers only to an offshore consultation area, landowner considerations are not applicable.</p>

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<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 have a level of protection through instruments under the RMA. The RMA will apply to block 14TAR-R2 and those parts of 14TAR-R1 between the shore and out to 12 nm.</p> <p>The regulation of potential adverse effects beyond the 12 nm limit in consultation area 14TAR-R1 is regulated under the EEZ Act, the Maritime Transport Act 1994 which regulates spill management, and through the Health and Safety in Employment (Petroleum Exploration and Extraction) Regulations administered by WorkSafe New Zealand.</p>
<p><i>The size of area and value of the potential resource affected if the area is excluded</i></p>	<p>The proposed additional release area for 14TAR-R1 covers a total of 2,850 km<sup>2</sup>.</p> <p>There are producing wells adjacent to this consultation area include Māui (gas condensate and oil), and Pohokura (gas condensate).</p> <p>Despite significant production to date, the basin remains under-explored compared to many comparable rift complex basins of its size and there remains considerable potential for future discoveries.</p> <p>The area being consulted on is a part of PEP 51558, which was relinquished in 2013. This indicates that industry has already demonstrated clear interest in the area.</p>
<p><i>Other relevant considerations</i></p>	<p>Officials have not identified any other relevant considerations.</p>

**Conclusion**

1. Officials acknowledge the concerns raised by Taranaki Iwi Trust in their submission and the history of positive engagement between the Taranaki Iwi Trust and NZP&M.
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 of 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 note that there are already existing protections in place for sites of significance under the provisions of the RMA, especially with regard to concerns related to the potential adverse environmental impact of petroleum related activities. The Taranaki Iwi is likely to have a role on the consenting process for petroleum related activities under these regimes.
4. The RMA process is also the best process in which to address concerns about the potential adverse environmental effects of petroleum related activity out to 12 nautical miles. Beyond 12 nautical miles, the provisions of the EEZ Act will also apply.
5. In addition, 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

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have mentioned. That actual activity undertaken by an operator or operators typically involves a much smaller area than the area of the permit or the total consultation area. Therefore, in many cases the best stage to address the sensitivity of specific sites is at the point prior to activity occurring.

6. 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.
7. Officials have also considered the strong prospectivity in consultation area 14TAR-R1. This area is situated in New Zealand's only producing petroleum basin.

### **Recommendation**

8. Having regard to the matters above, officials recommend that you do not amend the proposed additional release area in 14TAR-R1 for Block Offer 2014 as a result of the submission from Taranaki Iwi Trust.

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**Submission:** 2

**Iwi/local authority:** **Ngatiki Te Kohanga Reo** (Tangahoe iwi, and Tūpaea, Tanewai, Hāpōtiki, Hāmua and Hawe hapū)

**Representative organisation/person:** Angelique Ngeru

**Date Received:** 17 December 2013

**Blocks Affected:** 14TAR-R1 (**relinquished PEP 51558**)

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

Ngatiki Te Kohanga Reo requests that no mining occur within its rohe.

Reasons submitted for request

The people of Ngatiki Te Kohanga Reo forbid their lands to be drilled on.

<b>Exclusion of 14TAR-R1, 14NCD-R1, 14RNL-R1, 14PEG-R1, 14GSC-R1</b>	
<b>Considerations</b>	<b>Analysis</b>
<i>What is it about the area that makes it important to the mana of iwi and hapū</i>	Ngatiki Te Kohanga Reo do not identify any individual areas within their rohe of particular important or uniqueness (whether known wāhi tapu or otherwise).
<i>Whether the area is a known wāhi tapu site</i>	Ngatiki Te Kohanga Reo does not identify any specific wāhi tapu sites.
<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 land places of ancestral canoes)</i>	Ngatiki Te Kohanga Reo does not identify any specific unique sites.
<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>	Ngatiki Te Kohanga Reo does not identify any specific relevant Treaty claims, settlements or objections under other legislation.
<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>	Ngatiki Te Kohanga Reo does not identify any specific relevant Treaty claims, settlements or objections under other legislation.  Under the Petroleum Act 1937, petroleum was declared 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, MBIE officials consider the grant of a petroleum permit under the CMA will not affect the Crown's ability to return

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	land as part of a Treaty settlement or otherwise impede the prospect of 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>	No iwi management plans have been identified.
<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 consultation area (PEP 51558), 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>	There are already existing protections in place for the marine environment under the RMA in the territorial sea, and the EEZ Act in the Exclusive Economic Zone. Officials consider that these legislative instruments ensure effective protection of the environment from the potential effects of oil and gas activity.
<i>The size of area and value of the potential resource affected if the area is excluded</i>	<p>The proposed additional release area for 14TAR-R1 covers a total of 2,850 km<sup>2</sup>.</p> <p>There are producing wells adjacent to this consultation area include Māui (gas condensate and oil), and Pohokura (gas condensate).</p> <p>Despite significant production to date, the basin remains under-explored compared to many comparable rift complex basins of its size and there remains considerable potential for future discoveries.</p> <p>The area being consulted on is a part of PEP 51558, which was relinquished in 2013. This indicates that industry has already demonstrated clear interest in the area.</p>
<i>Other relevant considerations</i>	Ngatiki Te Kohanga Reo was not approached by New Zealand Petroleum and Minerals (NZP&M) for consultation because its database does not hold details for these iwi and hapū. Officials will request, in their response to Ngatiki Te Kohanga Reo, that they provide contact details for future reference.

**Conclusion**

1. Officials acknowledge the objections Ngatiki Te Kohanga Reo makes to oil and mineral exploration in their area of interest. While officials respect that this is their position, they do not consider that this is a sufficiently detailed basis to exclude proposed addition of PEP 51558 to Block Offer 2014.
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 of

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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. Given the prospectivity of the consultation area, commercial interest, and existing permits in its vicinity, officials consider that it is better to leave the offshore consultation areas as they stand in order to build up a better understanding of the geology of the Taranaki Basin.
4. There are already existing protections in place for the marine environment under the RMA in the territorial sea, and the EEZ Act in the Exclusive Economic Zone. Officials consider that these legislative instruments ensure effective protection of the environment from the potential effects of oil and gas activity.
5. However, the government does acknowledge the important role that iwi and hapū have regarding the natural resources in their rohe. This is why NZP&M is working to strengthen engagement between iwi/hapū and petroleum companies working in their rohe. This is reflected in the requirement under the CMA which requires operators to produce annual iwi engagement reports.
6. Officials note that the main concern of Ngatiki Te Kohanga Reo is that they were not consulted on Block Offer 2014.
7. NZP&M endeavours to fulfil its statutory consultation with iwi and hapū through its contacts database by identifying the relevant iwi and hapū. Who NZP&M consults with is determined by the geographical area that has been proposed for tender and direct impact of that proposal on an iwi/hapū rohe or takiwā. NZP&M database content was first sourced from the Te Puni Kōkiri site, Te Kāhui Māngai. Iwi and hapū often advise NZP&M of changes to their contact information and the database is amended accordingly. Tangahoe iwi and the five hapū (Tūpaea, Tanewai, Hāpōtiki, Hāmua and Hawe) are not currently recorded in the NZP&M database.
8. In their written response to the submitter, NZP&M will request that Ngatiki Te Kohanga Reo provide contact person details for Tangahoe iwi and each of the hapū so NZP&M may register this in its database for future reference.

### **Recommendation**

9. Having regard to the matters above, officials recommend that you do not amend the relinquished section of PEP 51558 to be added to Block Offer 2014.