



CTA-011-Drilling Activity-New Zealand

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OCEAN NATURAL RESOURCE GOVERNANCE – ANDREW MORGAN

Developing New Zealand Offshore Environmental Management Regimes: Industry

Developing New Zealand Offshore Environmental Management Regimes: Industry Compliance and Standards

By oceanNRG • October 28, 2012 • Print-Friendly



In New Zealand the [Environmental Defence Society](#) is alarmed by suggestions from the petroleum industry that exploratory petroleum drilling could be made a permitted activity by regulations being developed under the [Exclusive Economic Zone and Continental Shelf \(Environmental Effects\) Act 2012 \(EEZCS\)](#). The EEZCS Bill became law on 3 September 2012. The [Ministry for the Environment](#) is the policy agency responsible for the development of this legislation. The Environmental Protection Authority ([EPA](#)) is the [designated authority](#) for administering the EEZCS legislation. It administers applications for major infrastructure projects of national significance and regulates new organisms, hazardous substances, chemicals and the [Emissions Trading Scheme](#).

The EPA was established through the [Resource Management Act \(RMA\) \(Simplifying and Streamlining\) Amendment Bill 2009](#). The EPA Act describes functions of the EPA and streamlines and strengthens national environmental regulatory functions that were spread across government. Prior to formation of the EPA, RMA reforms, and development of the EEZCS Act, a [major review of offshore petroleum HSE legislation](#) in New Zealand was conducted. It recommended that the Department of Labour (DoL) and [Maritime New Zealand \(MNZ\)](#) identify expanded opportunities for interagency cooperation, coordination, and sharing of expertise and resources. It also pointed to the [Ministry of Economic Development \(Crown Minerals\)](#) be legally empowered to require and consider relevant HSE information (including [strategic environmental assessments](#)).



It also indicated that DoL to continue to have lead responsibility for health and safety but that an interagency review be undertaken as a matter of priority to determine ways in which regulatory coordination and organisational capability to monitor and enforce health and safety can be improved and that consideration be given to establishing a specialist offshore process safety unit. In achieving these approaches it also recommended the current regulatory approach to Safety Cases be maintained but DoL investigate ways in which the regulatory consideration of



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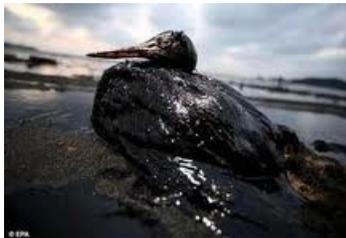
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individual Safety Cases might be enhanced or improved. Included was that an environmental regulatory framework for petroleum permitting, based on EIAs, be established within the exclusive economic zone.



Some controls already exist for activities in the NZ EEZ. For example, fishing and shipping are already regulated by existing legislation and the new EEZ legislation does not replace this. Furthermore, under the [Maritime Transport Act 1994](#) Maritime New Zealand (MNZ) has the power to make emergency rules in certain circumstances. Existing [Maritime rules](#) relate to the safety of ships and people. The rules prescribe requirements for ship design, construction, equipment, crewing, operation and tonnage measurement, and for the carriage of passengers and cargoes. Many of the standards are based on international ship safety conventions. Existing [Marine protection rules](#) aim to prevent the disposal of waste and marine pollution from ships. Marine protection rules implement international conventions and standards. These rules regulate dumping of waste at sea, oil spill contingency plans and controls in relation to harmful substances.



Activities which will be managed under the new EEZ legislation may have regulatory requirements under other acts as well, including the Maritime Transport Act. Activities in the Exclusive Economic Zone and Extended Continental Shelf that will be managed under the new EEZ Act include the construction of petroleum platforms, seabed mining, aquaculture structures, carbon capture and storage and marine energy generation structures.



Some petroleum exploration drilling is already permitted or due to start under existing regimes. Until the EEZ Act comes into force, voluntary interim measures have been established to enable industry and the EPA to trial some of the processes that will be required under the Act. This voluntary regime applies to any new petroleum exploratory drilling activity in the Exclusive Economic Zone and Continental Shelf. Industry have been invited to prepare impact assessments and provide them to the EPA for review on a voluntary basis. Any recommendations the EPA makes on a voluntary impact assessment will be non-binding. The Ministry for the Environment is developing regulations identifying which activities are permitted and which will require a marine consent.



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Regulations are being made specifying which activities, in what locations, are to be permitted, discretionary, or prohibited. Anyone proposing to carry out a discretionary activity must prepare an environmental impact assessment and apply to the Environmental Protection Authority for a marine consent. However, a permitted activity can proceed but Regulations (which are currently under development) should not allow permitted activities if the effects are likely to be significant. Voluntary participation in preparation and submission of impact assessments by operators raises concerns about the quality of submissions and the ability of the regulator to assess an EIA as an interim measure against criteria when regulations governing those criteria do not currently exist.

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