



→ **Working in a NZ Marine Environment**

Offshore Wind Wānanga 2022

Enabling Offshore Wind

SLR Geography

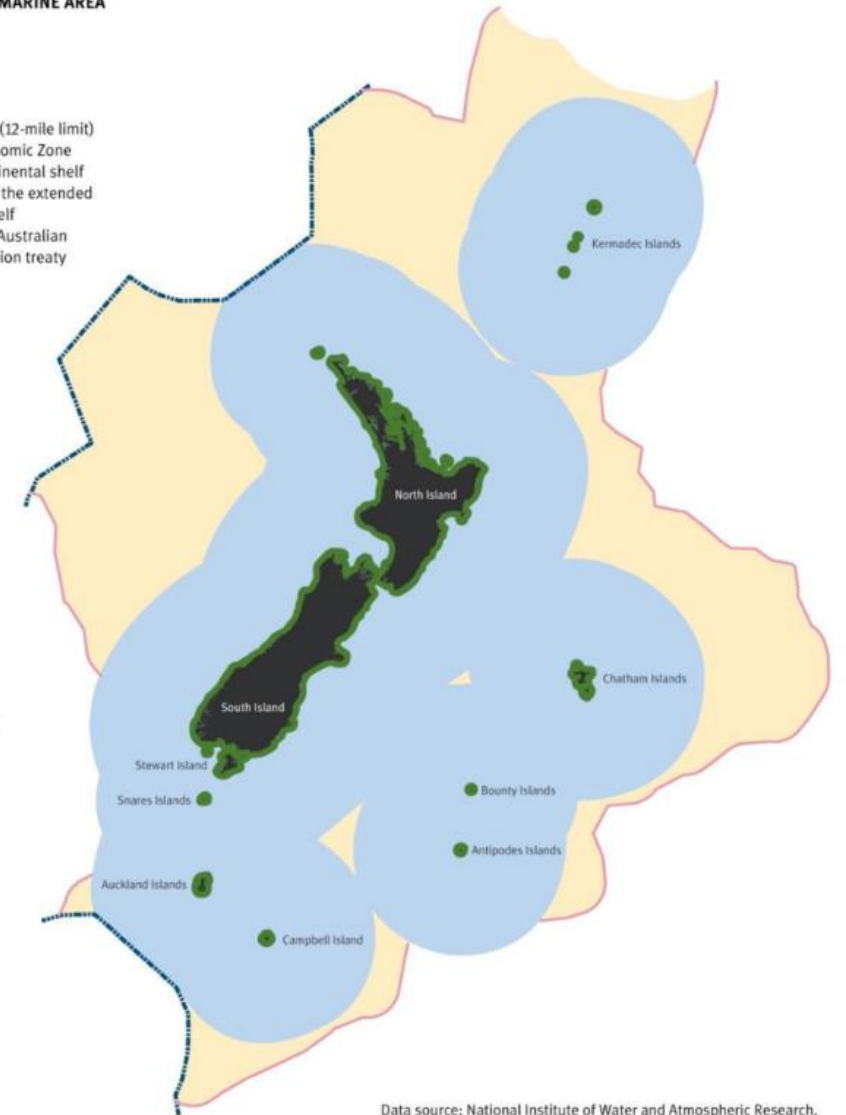
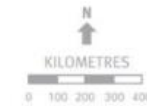


NZ's Regulatory Regime

- Management of NZ's marine area split amongst multiple management agencies - overlapping roles & responsibilities.
- Coastal Marine Area (CMA).
- Exclusive Economic Zone (EEZ).
- Likely to require approvals in EEZ & CMA.
- Other authorisations will be required.
- Allow adequate timeframes for collection of baseline data, engagement and regulatory application.

NEW ZEALAND'S MARINE AREA

- Territorial sea (12-mile limit)
- Exclusive Economic Zone
- Extended continental shelf
- Outer limits of the extended continental shelf
- New Zealand–Australian 2004 delimitation treaty



Data source: National Institute of Water and Atmospheric Research.

Existing Environment – Baseline Data

- Need to understand the existing environment.
- Good set of baseline information/data.
- Existing information is available.
- Sensitive Environments and Protected Species.
- Understanding of seasonal variability important.
- Modelling inputs need to be specific to NZ – rubbish in = rubbish out.
- Source or collect best possible environmental data for modelling inputs.
- High energy marine environment, narrow or limited operational windows.
- Lack of information on water column characteristics – i.e mixing.

Marine Mammals & Seabirds

- STB supports a diverse assemblage of marine mammals - Important Marine Mammal Area.
- WCNI MMS established 2008 part of Hector's & Māui's dolphin Threat Management Plan.
- Important to assess multiple data sources when considering cetacean distribution.
- Feeding & breeding of resident pygmy blue whales in STB.
- Whale migrations.
- STB visited by a number of seabird species – migration, foraging or permanent residents.
- No systematic or quantitative studies for seabird distribution and abundances in STB.
- Lack of sightings or records does not mean a species is not present or does not utilise the region.

Trans Tasman Resources Ltd

- The TTRL decision is the most up to date case law on a number of matters relating to the interpretation and application of certain sections of the EEZ Act.
- TTRL were granted consent in 2017 but went through various appeals.
- The Supreme Court decision (2021) provides clear direction on a number of issues and interpretations of the EEZ Act.
- “Material harm” has arisen from the Court of Appeal’s decision and is not part of the statutory language of EEZ Act.

Cultural Environment

- Marine environment highly valued by Māori communities, important in historic & present-day culture.
- Marine waters provide a valuable source of kaimoana to Māori communities.
- The Treaty of Waitangi guarantees customary fishing rights to tangata whenua.
- Statutory Acknowledgement Areas – acknowledgements by the crown of an iwi or hapū’s particular cultural, spiritual, historical or traditional association with specified areas.
- Marine & Coastal Area (Takutai Moana) Act 2011 acknowledges importance of the marine and coastal area to all New Zealanders while providing for the recognition of customary rights of iwi, hapū and whānau in the CMA.
 - Customary marine title.
 - Protected customary rights.

Cultural Impact Assessment

- Court of Appeal decision found kaitiakitanga relationship between tangata whenua and the marine environment and its resources is a relevant “existing interest” under EEZ Act.
- CIA is best way to address how proposed activities may affect interests of any iwi or hapū.
- Is an avenue to provide mātauranga Māori perspectives on the project.
- Only tangata whenua can determine the impacts associated with a proposed activity on their cultural values.

Engagement

- Engagement with existing interests important for development of any application.
- Identify persons with existing interests who may be adversely affected by the proposed activities.
- Engagement plan – critical to ensure effective and ongoing engagement occurs.
- Kanohi ki te kanohi – Face to face engagement.
- Mana ki te Mana – Chief to chief.
- Early engagement crucial to developing relationships.
- Engagement Fatigue.
- Engagement Register.

Environmental Monitoring

- An EMP will be required to assess level of impact/disturbance and recovery.
- Learnings from oil and gas industry will be helpful.
- Baseline survey.
- Pre-disturbance survey.
- Post-disturbance survey.
- Timing and seasonality is important.
- Qualitative and Quantitative methodologies.



Summary

- Utilise existing information where possible, otherwise collect a robust data set.
- Start the engagement and regulatory process early.
- Commission a CIA from the start.
- Understand the existing environment and potential impacts of activities.
- Learnings from oil and gas sector will be important for offshore wind developments.
- Utilise local providers who hold the knowledge, experience and relationships.
- Be involved in the development of offshore wind regulations.

THANK YOU



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