

17 August 2018

Ministry for the Environment

PEPANZ Submission: National Planning Standards

Introduction

This document constitutes the Petroleum Exploration and Production Association of New Zealand's (PEPANZ) submission to the Ministry for the Environment in respect of the National Planning Standards, for which submissions close on 17 August 2018.

PEPANZ represents private sector companies holding petroleum exploration and mining permits, service companies and individuals working in the industry.

Submission

We do not comment on the templates and frameworks proposed but in Table 1 we draw attention to potential issues with two proposed definitions which should be considered by the Ministry for the Environment.

Table 1: PEPANZ comments on the definition of Bore and Aquifer

Term	Proposed National Planning Standard definition ¹	PEPANZ Comment
Bore	<p>"Bore (a) means any hole constructed into the ground that is used to—</p> <ul style="list-style-type: none"> (i) investigate or monitor conditions below the ground surface; or (ii) abstract liquid substances from the ground; or (iii) discharge liquid substances into the ground; but <p>(b) it does not include test pits and soak holes.</p>	<p>We note that rules for oil and gas drilling in local plans can be different and stricter than drilling for water. MfE should consider whether its proposed definition, which presumably includes both water and hydrocarbons, may confuse rules that are meant to manage one or the other.</p> <p>That is, there may be benefit in having two separate well/bore definitions for water and hydrocarbons.</p> <p>This is not currently an issue in the Taranaki Freshwater Plan, under which water and hydrocarbons are specifically included in the definition², but other local plans may have different approaches.</p>

¹MfE proposed definition, Table 29: <http://www.mfe.govt.nz/sites/default/files/media/RMA/FINAL%20-%20Draft%20National%20Planning%20Standards%20Combined.pdf>

² As per the definition of Bore in the Taranaki Freshwater Plan, which reads: "Bore means a hole drilled into the ground and completed for the abstraction of water or hydrocarbons to a depth of greater than 20 metres below the ground surface. Refer also to definition of Well." Source: <https://www.trc.govt.nz/assets/Documents/Plans-policies/FreshwaterPlan/RFWP2001-web.pdf>

<p>Aquifer</p>	<p>"Aquifer means a permeable geological formation, group of formations, or part of a formation capable of receiving, storing, transmitting and yielding water.</p>	<p>The proposed definition of aquifer risks being too broad, and therefore capturing activities where that may not be warranted on an effects-basis. For example:</p> <ol style="list-style-type: none"> 1. MfE's proposed definition of aquifer, which includes being "<i>capable of</i>" holding water, is different from other definitions used in plans which focus on being "<i>water-bearing</i>"³ or being "<i>capable of storing significant quantities of water</i>"⁴. 2. The idea of being "capable of receiving, storing, transmitting water" includes any water regardless of its quantity and whether it could be used as a source of water supply. <p>All the definitions from regional councils that we reviewed included either at least one of the above two concepts, i.e. holding significant quantities of water and/or being a practical water supply.</p> <p>We prefer the definition of current Taranaki Freshwater plan, which is a tested regime for managing oil and gas activity.</p>
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³As per the definition of Aquifer in the Taranaki Freshwater Plan, which reads "*Aquifer means a permeable water-bearing geological formation through which water moves under natural conditions and which yields water to wells at a sufficient rate to be a practical source of water supply*". Source: <https://www.trc.govt.nz/assets/Documents/Plans-policies/FreshwaterPlan/RFWP2001-web.pdf>

⁴As per the definition of Aquifer in the Waikato Regional Plan: https://www.waikatoregion.govt.nz/assets/PageFiles/20874/2012/Glossary_of_Terms.pdf