

Submission to Department of Conservation on “DRAFT NORTHLAND CONSERVATION MANAGEMENT STRATEGY (MARCH 2013)”

INTRODUCTION

1. Straterra¹ welcomes the opportunity to submit on the draft Northland Conservation Management Strategy released for public consultation in late 2012. We do so in the interests of achieving benefits for the minerals sector, for the New Zealand economy as a whole, and in the interests of integrated conservation management.
2. Minerals is among sectors with growth potential in Northland. Aside from existing and potential quarries for aggregates and industrial minerals, a recent GNS Science aeromagnetic survey of minerals prospectivity reveals minerals potential for gold and other minerals.
3. Straterra submits in support of the objective of enabling business opportunities that are consistent with conservation. This CMS will need to provide the framework, and our submission makes recommendations to achieve that.

CONTENTS

INTRODUCTION.....	1
EXECUTIVE SUMMARY	2
RECOMMENDATIONS	2
DISCUSSION.....	4
Integrated management –cutting through the “legislative labyrinth”	4
Significant business opportunities should include mining.....	4
Access to land for exploration and mining	5
Historic mining heritage.....	6

¹ Straterra represents by 90 % by value of NZ minerals production, exploration, research, services, and support
<http://www.straterra.co.nz/About+Straterra>

EXECUTIVE SUMMARY

4. Straterra supports the direction of the draft Conservation Management Strategy towards integrated management. It should be explicit about enabling new business opportunities consistent with conservation to adequately reflect the Department's Statement of Intent.
5. It is noted that there is often a connection between where minerals exploration and mining is proposed today and where it was done in the past (heritage). This is relevant in the context of integrated management.
6. The proposals to streamline and increase regulatory efficiency are supported, noting there are five separate pieces of legislation on land covering environment and heritage. We flag that achieving progress here will probably require leadership at a national level.
7. The Department's attention is drawn to the Crown Minerals (Permitting and Crown Land) Bill, in which changes to the decision-making process on applications for access arrangements are proposed, notably, the inclusion of the Minister of Energy and Resources as a decision-maker, and the inclusion of economic and social criteria, in addition to conservation-related criteria.
8. In relation to restricted areas for minerals activities, we believe the CMS should defer to schedule 4 of the Crown Minerals Act 1991, which is the statutory vehicle for these restrictions. In this way, the CMS would remain up to date in the event of changes made to schedule 4 during the life of the CMS.

RECOMMENDATIONS

9. Straterra recommends the Department of Conservation to:
 - a) Note Straterra's support of the purpose of the draft Northland Conservation Management Strategy;
 - b) In relation to Rec. (a), agree to include an Objective referring to "integrated management", cf. the draft Waikato CMS;
 - c) Note Straterra's support of Objectives 1.5.5.5 and 1.5.5.6 on streamlining and improving the efficiency of regulatory processes, and that mining companies are faced with complying with up to five separate pieces of legislation covering environment and heritage;
 - d) Agree that resolution of Rec. (c) is a national issue, potentially requiring leadership at a national level;

- e) Agree to include a sentence on page A30 or thereabouts to say: “The Department will seek to identify and promote new business opportunities and partnerships that deliver conservation gains while enhancing prosperity”, as per the draft Waikato CMS and the draft Auckland CMS, to adequately reflect the Department’s Statement of Intent, and to include a new Objective encapsulating that aim;
- f) Subject to adoption of Rec. (e), note Straterra’s support of Objectives 1.5.5.4 and 1.5.5.5 in relation to engaging businesses in conservation, on the basis that this can form part of businesses’ “social licence to operate”;
- g) Agree to include within the Minister of Conservation’s responsibilities on page A4, the Minister’s role as land owner under the Crown Minerals Act 1991;
- h) Agree to amend the statement on page A87 to say: “Under the Crown Minerals Act 1991, the Minister of Conservation *and the Minister of Energy and Resources share* the consenting role for all Crown land administered by the Department, *subject to conservation, economic and social criteria under that Act*”, for consistency with the Crown Minerals (Permitting and Crown Land) Bill;
- i) In relation to Rec. (h), agree to expand on Policies 3.10.1 – 3.10.6, to provide for the broadened decision-making criteria when considering applications for access arrangements under the Crown Minerals Act 1991;
- j) Agree to amend the statement on page A87 to say: “The Minister of Conservation must not accept applications for mining *in the areas listed in* schedule 4 of the Crown Minerals Act 1991.” That wording is necessary to ensure that the CMS remains up to date when changes to schedule 4 are made during the life of the CMS, and because schedule 4 is the relevant statutory vehicle for this information; and
- k) Note the inextricable link between minerals activities today and minerals activities of the past (historic heritage), in the context of integrated management.

DISCUSSION

Integrated management – cutting through the “legislative labyrinth”

13. The purpose of the CMS (page A3) is supported: “to implement general policies ... and to establish objectives for the integrated management of natural and historic resources.” It is noted that there is no objective relating to “integrated management” in this draft CMS (cf. Objective 1.5.1.6 of the draft Waikato CMS).
14. It is noted that under the General Policy for Conservation 2005, applicants require concessions for vehicle access, ancillary infrastructure, and gravel extraction from rivers, on public conservation land and waters administered by the Department of Conservation. Coupled with the requirement for access arrangements to that land, the potential for duplication in regulation is created. As matters stand, applicants for minerals prospecting, exploration or mining on public conservation land may need approvals under as many as five separate pieces of legislation covering roughly the same territory - environment and heritage. That is unduly onerous.
15. Objective 1.5.5.5 is relevant in this context - “Work with relevant agencies to avoid duplication of regulatory controls on public conservation lands and waters” - as is Objective 1.5.5.6 “Continue to work with relevant agencies to streamline and seek efficiencies in statutory processes” (both on page A30). Both objectives are strongly supported.
16. The Department is faced, therefore, with the challenge of better aligning processes under the Conservation Act 1987 (concessions) with each of the following:
- Crown Minerals Act 1991 (access arrangements);
 - Resource Management Act 1991 (resource consents);
 - Wildlife Act 1953 (permits to move wildlife);
 - Historic Places Act 1993 (authorities to modify heritage).

In Straterra’s view, that is a significant challenge, and may be a national issue for New Zealand, and beyond the scope of individual CMSs to resolve.

Significant business opportunities should include mining

17. Straterra supports the statement: “the high-level objectives of the Department’s Statement of Intent 2012–17 ... are reflected in this CMS” (page A5). Certainly, “integrated management” is consistent with enabling new business opportunities consistent with conservation.

18. On that note, we support the statement: “Conservation is an investment in New Zealand’s future prosperity—with ‘prosperity’ defined in the broadest economic, cultural, social and environmental terms. The aim is to shift perceptions of conservation as a cost, to conservation as an investment. The Department wants to inspire and involve others to work together to achieve more conservation than it could achieve alone” (page A8).
19. We also support the heading on page A28: “Conservation gains from more business partnerships”, and the statement: “Future new, large economic development opportunities have been identified in the aquaculture and mining industries. While potentially good for the economy, these have the potential to be a source of conflict with conservation values and the Department therefore needs to engage with these proposals early on to achieve mutually-beneficial outcomes,” (page A28). Better integration of decision-making processes across the various statutes will be necessary to achieve that, as outlined earlier in this submission.
20. We observe that the Northland draft CMS lacks an importance piece of content contained in the draft Waikato CMS on page A32 of that document, and, similarly, in the draft Auckland CMS: “The Department will seek to identify and promote new business opportunities and partnerships that deliver conservation gains while enhancing prosperity”. We suggest inserting this sentence into the draft Northland CMS, to ensure adequate reflection of the Department’s Statement of Intent in the CMS, and a new Objective encapsulating that aim.
21. In support of our argument, the minerals sector in New Zealand today comprises “businesses [that] are increasingly seeking to demonstrate how they can contribute to sustaining a healthy environment”. Newmont Waihi Gold in the Waikato furnishes an excellent example, via their Dotterel Watch partnership with the Department, and riparian conservation at the Ohinemuri River, once lifeless because of historic mining, and today a valued trout stream.
22. Subject to the foregoing, Objective 1.5.5.4 “Work with regional tourism organisations, other promotional groups, concessionaires and businesses to create and develop opportunities to promote conservation products and services and build support for conservation”, and Objective 1.5.5.5 “Identify and work with businesses that are looking for ways to demonstrate their commitment to and engagement with conservation ... “, are supported.

Access to land for exploration and mining

23. It is noted that the Minister of Conservation *also* has a role as a land owner under the Crown Minerals Act 1991, in particular, in respect of access for prospectors, explorers and miners to

public conservation land (page A4). That is expressly referred to on page A87 in relation to access arrangements.

24. We propose a correction to the statement: “Under the Crown Minerals Act 1991, the Minister of Conservation has the consenting role for all Crown land administered by the Department” (page A87). Once that Act has been amended the Minister of Energy and Resources will also have a role, under broadened criteria to include “the economic and other benefits of the proposal”. We suggest including an explanation to that end in the CMS. On that note, Policies 3.10.1 – 3.10.6 on page A96 gloss over the fact that in the future access arrangement applications will be considered under broader criteria than those listed.
25. The statement - “The Minister of Conservation must not accept applications for mining under Section 61(1A) schedule 4 of the Crown Minerals Act in the following areas ... ” (page A87) - is too specific in proceeding to list every individual area listed on schedule 4 of the Crown Minerals Act 1991. The contents of schedule 4 could change during the life of the CMS, e.g., with a new national park centred on the kauri forests. It would be more appropriate and more useful to refer the reader to schedule 4, which is the relevant statutory vehicle for this information. In this way, regardless of changes made to schedule 4 during the life of the CMS, the CMS would remain up to date.

Historic mining heritage

26. We draw attention to the statement: “Northland has a very varied mining history, having produced antimony, coal, copper, diatomite, kaolinite clay, kauri gum, manganese, mercury, peat, serpentine, silica sand and silver in the past. The region contains a wide variety of mineral commodities and currently produces high-quality ceramic clays, limestone for agriculture, cement, and rock and sand aggregates. In addition, potential is recognised for aluminium, chrome, feldspar sand, gold, lead, nickel, phosphate, zeolite and zinc. Areas with potential for nearly all of these are recognised in land administered by the Department.” (page A11).
27. It is a fact that minerals exploration and mining today is usually done where there was mining in the past. The irony is that miners today must put things back as best they can, while the evidence of the old-timers’ activities has become today’s heritage.
28. The link between historic mine sites and any new mining proposal is that the resource is the same but the technology for resource discovery, extraction, and environmental management has advanced. This connection is relevant in the context of integrated conservation management.