

Submission to Department of Conservation on “DRAFT CANTERBURY CONSERVATION MANAGEMENT STRATEGY (SEPTEMBER 2013)”

INTRODUCTION

1. Straterra¹ welcomes the opportunity to submit on the draft Canterbury Conservation Management Strategy², released for public consultation earlier in 2013. We confine our comments to issues concerning the New Zealand minerals sector. The deadline of 13 September 2013 is noted.
2. The minerals industry in Canterbury relates mainly to aggregates and industrial minerals for roading and construction (cf. page 130), but also includes coal, and the exploration for and mining of these and other minerals must be allowed for.
3. Straterra would welcome further engagement with the Department on matters of interest and concern to the New Zealand minerals sector.

CONTENTS

INTRODUCTION	1
EXECUTIVE SUMMARY/DISCUSSION	2
General	2
Aircraft	2
Economic development	3
Mining	4
RECOMMENDATIONS	4

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

² Draft Canterbury CMS <http://www.doc.govt.nz/Documents/getting-involved/consultations/2013/cms/draft-canterbury-cms-2013-vol-1.pdf>

EXECUTIVE SUMMARY/DISCUSSION

General

4. As a general observation, the draft Canterbury Conservation Management Strategy is well written and well presented, as is the case for this generation of CMSs. For that, the Department of Conservation is to be congratulated.
5. It is noted that the Minister of Conservation, Hon Dr Nick Smith, has initiated a review of the Conservation Boards, a consequence of which could be a reduced number of CMSs. Advice on the implications for the Canterbury draft CMS would be appreciated.
6. Having submitted on the draft CMSs for Northland, Auckland, and Waikato, and in considering also the draft CMSs for Otago and Southland, we observe inconsistencies between the CMSs, e.g., in the treatment of commercial activities, and also that much of the material is the same.
7. It is our view that New Zealand would be better served with two CMSs, one for Te Ika a Maui (North Island), and one for Tewaipounamu (South Island). This would:
 - Be easier for the people developing the CMSs, the Department's stakeholders and submitters, and users of the CMSs;
 - Simplify and streamline the CMS process; and
 - Lead to better quality of the documents.

Aircraft

8. The Policies for aircraft access (pages 139-140) are generally unworkable for minerals exploration. This is the most serious concern Straterra has with this draft CMS, and, indeed, all the draft CMSs.
9. In our industry, the use of helicopters in the back country is essential to the installation and removal of portable drill rigs, equipment, materials, storage facilities, and people. The activity is usually concentrated in bursts, with long periods of no activity. Note that helicopters are often deployed in a hovering mode, as well as for take-offs and landings. A description of the nature of aircraft use in minerals exploration on page 126 would be helpful.
10. In *red* zones (Policy 3.5.3), it will be impossible to carry out minerals exploration. While the reasons for establishing red zones are understood, we believe ways could be found to provide for minerals exploration, e.g., "to support a research and collection permit (with area manager agreement)" cf. the draft Waikato CMS, on the basis that exploration is a form of research,

rather than an income-earning commercial activity. Helicopter activity could be carried out at off-peak times for visitor use of public conservation land, to minimise disturbance of people's quiet enjoyment.

11. The restriction in Policy 3.5.4 for *yellow* zones to "two landings per operator per day at any one site (defined as any landing position within a 1-km radius of the initial landing position) and a maximum of 20 landings per site per operator per year" is unworkable for minerals exploration, and takes no account of the reality of minerals exploration where there may be many days of no helicopter activity in a year, and then a few days a year where there could be six or more landings and take-offs a day at a site. Within a month of activity there would be more than 20 take-offs and landings. If we are to see exploration in these areas, these proposed restrictions must be removed.
12. We believe the timing and nature of exploration activity would be best addressed via direct discussion between the exploration company and DOC. The CMS should provide for case-by-case arrangements to be made. We make recommendations to that end. This is what happens when an access agreement is negotiated.

Economic development

13. In the minerals industry, every exploration operation or mine is different. Each proposal is best considered case by case. That is a strong case in favour of integrated management. Straterra, therefore, supports the direction (page 8) of the draft CMS towards integrated management.
14. We support the reference to the DOC Statement of Intent 2012-2017, in particular, Intermediate Outcome 5: "More business opportunities delivering increased economic prosperity and conservation gain and to enabling new business opportunities consistent with conservation". We note that this outcome is not reflected in the objectives listed on page 31, which is at variance with the draft Waikato CMS.
15. The concept of conservation partnerships with businesses is supported (Objective 1.5.5.5 on page 32). Many mining and quarrying companies around New Zealand have involvement with DOC on conservation projects or programmes.
16. The proposal to streamline and increase regulatory efficiency is supported (objective 1.5.5.6), noting there are five separate pieces of legislation on land covering environment and heritage. They are the Resource Management Act 1991 (resource consents), Crown Minerals Act 1991 (access arrangements), Conservation Act 1987 (concessions), Historic Places Act 1993

(authorities), and the Wildlife Act 1953 (permits to move wildlife). This situation is a deterrent to investment in New Zealand. It is accepted the responsibility for solving this problem lies beyond DOC. Nonetheless, an awareness among DOC staff of the problem would assist the outcomes sought.

Mining

17. On page 7, the Crown Minerals Act 1991 should be included, as relevant legislation in which the Minister of Conservation has a role.
18. The material on mining on pages 129-130, is in error. Relevant provisions of the CMS should be consistent with recent amendments to the Crown Minerals Act 1991. Notably, decision-making on applications for access arrangements will now also include the Minister of Energy and Resources. DOC is urged to consult with the Ministry of Business, Innovation and Employment to ensure accuracy.

RECOMMENDATIONS

19. Straterra recommends the Department of Conservation to:
 - a) Note Straterra's general support of the draft Canterbury Conservation Management Strategy;
 - b) Agree to include a brief description of the use of helicopters in minerals exploration on page 126;
 - c) Agree to treat the use of aircraft (helicopters) in minerals exploration in red zones (Policy 3.5.3) as "research and collection", with arrangements to be reached with the area manager or an appropriate DOC officer on the basis that exploration is a form of scientific research from which no direct income is earned, noting that arrangements could be made to minimise disturbance of others' use of public conservation land;
 - d) Agree to amend Policy 3.5.4 to recognise the reality of, and provide for reasonable minerals exploration, via case-by-case exceptions for minerals exploration, managed as proposed in Rec. (c);
 - e) Agree to amend Policies 3.5.8 and 3.5.11 to provide for activities under access arrangements, as well as concessions, for completeness;

- f) Note Straterra’s support of integrated management, as necessary for the case-by-case consideration of proposals for minerals exploration and mining;
- g) In relation to Rec. (f), agree to include an Objective on page 32 to reflect Intermediate Outcome 5 of the DOC Statement of Intent 2012-2017, for consistency with other CMSs;
- h) Note Straterra’s support of Objective 1.5.5.5, in relation to conservation partnerships with businesses, on the basis that this can form part of businesses’ “social licence to operate”, where appropriate;
- i) Note Straterra’s support of Objective 1.5.5.6 on avoiding duplication of regulatory control;
- j) Agree to include within the Minister of Conservation’s responsibilities on page 7, the Minister’s role as land owner under the Crown Minerals Act 1991; and
- k) Agree to amend the statement the material on mining on pages 129-130 for consistency with the amended Crown Minerals Act 1991, in consultation with the Ministry of Business, Innovation and Employment.