

## Feedback to Northland Regional Council on “DRAFT NORTHLAND REGIONAL PLAN” (SEPTEMBER 2016)

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### INTRODUCTION

1. Straterra<sup>1</sup> welcomes the opportunity to submit on the draft Northland Regional Plan<sup>2</sup>. It is understood this is an informal round of feedback, ahead of Northland Regional Council developing its notified Plan.
2. Straterra submits from the point of view of New Zealand’s resource management system being workable and fit for purpose for end-users, and to achieve benefits for the NZ minerals and mining industry and for New Zealand as a whole.

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### EXECUTIVE SUMMARY / DISCUSSION

1. Straterra appreciates the effort the council has made in drafting the new Regional Plan, and the opportunity for feedback, prior to notification of the Plan.
2. As a general comment, mining presents the following characteristics for consideration when developing provisions in RMA plans:
  - Mother Nature – Papatuanuku – has placed economic mineral deposits in very few places, and then they have to be found – minerals are location specific;
  - Mining earns very high wealth off a small footprint;
  - Mining employs people in skilled jobs; and contributes to regions and exports;
  - Mining produces materials that New Zealand, and the world needs;
  - Mining is a temporary use of land – we borrow the land, mine it, and return it;
  - During and after mining, disturbed land is rehabilitated, and after closure, the site is returned into a former use, or a new or enhanced use, subject to resource consent conditions;

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<sup>1</sup> Straterra represents NZ minerals production, exploration, research, services, and support  
<http://www.straterra.co.nz/about/>

<sup>2</sup> [http://consult-nrc.objective.com/portal/planning\\_and\\_policy/rpr16?pointId=s1424298988169#section-s1424298988169](http://consult-nrc.objective.com/portal/planning_and_policy/rpr16?pointId=s1424298988169#section-s1424298988169)

- Environmental management of mining follows best-practice, with a mining life cycle guide<sup>3</sup> due to be completed in 2018, to predict and manage the environmental impacts of mining;
- Every mining project is different as to the values in the land, the actual or potential effects on the environment and proposals for their management; and
- Land owner permission must always be obtained before mining can commence.

On that basis, mining lends itself to case-by-case consideration in RMA plans, of the merits and of the effects of projects, and of how the sustainable management purpose of the RMA can be achieved.

3. Our comments on the draft Plan fall into two broad areas:
  - Policies for discharges into the environment;
  - Policies concerning heritage, landscapes, biodiversity, coasts, and hazardous substances.
4. On the first bullet, the draft provisions concerning discharges to water, air and land (D.4.1 – D.4.7, and a number of other Policies) are broadly reasonable, and draw appropriately on RMA instruments such as the National Policy Statement for Freshwater Management 2014, and the National Environmental Standards for Air Quality 2004.
5. We have concerns with the matters listed in the second bullet.
6. The Policies concerning heritage (D.2.2), and hazardous substances (D.4.8 and D.4.9) duplicate and conflict with other regulatory regimes, namely, the Heritage New Zealand Pouhere Taonga Act 2014, and the Hazardous Substances and New Organisms Act 1996 (in particular the Notice for disposal of hazardous substances, currently under review).
7. This is a serious issue for mining companies because:
  - Most mining today is done in areas where mining was done in the past; the leavings of the old-timers are now heritage;
  - Tailings storage facilities associated with metalliferous mines are also regulated as a type of landfill under the HSNO Act;
  - Discharges into the environment of contaminants (RMA), are also regulated as disposal of hazardous substances into the environment (HSNO Act).
8. While this unnecessary regulatory duplication is beyond the power of the council to fix, we look forward to the passing of the Resource Legislation Amendment Bill, and, we hope, to the resolution of these matters.
9. What the council could do, pending amendments to the RMA, is to consider the provisions of other legislation and explore better alignment between the Plan and that legislation.

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<sup>3</sup> <http://www.cmer.nz/projects/lifecycleguide.html>

10. As to Policy D.2.3 on biodiversity, care is recommended. For example, in the situations where the provision is to “avoid” effects, then very little or no development will be possible. That is an extreme position to take. (We look forward to the development of an NPS on indigenous biodiversity, to address, among other things, the lack of adequate policy on biodiversity offsets.)
11. Ditto for outstanding natural landscapes and the like (Policy D.2.4).
12. That said, the reference to transitory effects is noted, as is the reference to “discrete, localised or otherwise minor effects not impacting on the whole landscapes”. In both cases, mining projects would be manageable in terms of meeting the outcomes of the Policy.
13. A legal dispute could arise over a potential conflict between the “avoid” parts of Policy D.2.4, and the more enabling provisions. We recommend a redraft of this Policy to reflect accurately the council’s policy intent.
14. As to the coastal environment, Policy D.5.11 looks manageable.
15. On Policies concerning wetlands, these are logical in the context of conservation priorities for wetlands in New Zealand, albeit highly restrictive (D.4.20 and D.4.21).