

Submission to WHANGAREI DISTRICT COUNCIL on “PLAN CHANGE 102 MINERALS” (OCTOBER 2016)

INTRODUCTION

1. Straterra¹ welcomes the opportunity to submit on Whangarei District Council’s review of its district plan, specifically Chapter 102 concerning minerals². The deadline of 4 October 2016 is noted.
2. Straterra submits from the point of view that regulation needs to be set proportional to the matter being regulated, cost-effective, and fit for purpose. In preparing this submission, Straterra has consulted with interested members.
3. In terms of structure, Straterra makes some headline recommendations for the council to consider, followed by submission points made using the council’s template.
4. Straterra welcomes further engagement with the council as this planning process unfolds.

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¹ Straterra represents NZ minerals production, exploration, research, services, and support

<http://www.straterra.co.nz/about>

² <http://www.wdc.govt.nz/PlansPoliciesandBylaws/Plans/DistrictPlan/DistrictPlanChanges/Pages/Plan-Change-102-Minerals.aspx>

RECOMMENDATIONS

4. Straterra recommends Whangarei District Council to:

- a) Note Straterra’s submission points below;
- b) Agree that mining can be managed in a way that is compatible with the purpose and intent of the RMA;
- c) Agree that positive recognition should be made of the nature of mining in the district plan, and, accordingly, appropriate provision made for minerals activities;
- d) Agree that the nature of engagement, e.g., between industry and Maori, is such that it must be voluntary – not mandatory - though strongly encouraged, and advisable;
- e) Agree to reword district plan provisions in a way that encourages, and does not require, engagement between exploration and mining companies and Maori; and
- f) Agree to reword plan provisions to provide for cultural impact assessments to be prepared as an option that may be pursued by industry and Maori, on a voluntary basis, to preserve the integrity of the engagement process.

STRATERRA’S SUBMISSION POINTS

The specific provisions of the Plan Change(s) that my submission relates to are:

MIN 1.1 Description and expectations

“Mineral development and associated land restoration can provide an opportunity to enhance the land resource and landscape, and has done so in the past. However, the development of mineral resources has the potential to have significant adverse effects upon soil, water and air resources, and landscape heritage values if not appropriately controlled.”

I seek amendment to the specific provision listed above. My submission is:

Amend the wording to read as follows:

“Mineral development and associated land restoration can provide an opportunity to enhance the land resource and landscape, and has done so in the past, and that is also society’s expectation. However the development of mineral resources has the potential to have significant adverse effects upon soil, water and air resources, and landscape heritage values, and these are managed via conditions on resource consents.”

My reasons are:

As worded in the original, the text reads strangely, as if there were no ‘appropriate controls’ in place.

We recommend the adoption of our suggested wording, for accuracy, consistency and clarity.

The specific provisions of the Plan Change(s) that my submission relates to are:

MIN 1.1 Description and expectations

“The four iwi/hapu management plans for the Whangarei District identify the lack of control of minerals within their rohe, the adverse effects from mining and the rehabilitation of sites as significant issues.”

I seek amendment to the specific provision listed above. My submission is:

Amend the wording to read as follows:

“The four iwi/hapu management plans for the Whangarei District identify interest in, and concern over the management of minerals activities within their rohe.”

My reasons are:

The original statement raises two concerns:

- Minerals are either owned by the Crown, or by the land owner, or by some other specified person. In addition, minerals activities are subject to strict regulatory requirements under several pieces of legislation, including the RMA. It is not the case, therefore, that there is a “lack of control of minerals” in the district.
- The “adverse effects from mining” is only an issue in the planning context if they are unmanaged, which, under the RMA, would not be lawful. Ditto for “rehabilitation of sites”. What the IMPs are saying is that breaking the law is a significant issue. This statement is difficult to disagree with, and, we suggest, adds no value to the district plan. If this idea is to stay in the plan, then it should be repeated for every economic activity, for consistency.

The specific provisions of the Plan Change(s) that my submission relates to are:

MIN 1.1 Description and expectations

Missing from this section are the benefits that minerals activities provide, and the nature of the minerals industry that warrants being recognised and provided for in the district plan. For example:

- a) Economic mineral deposits occur in very few places, and then they have to be found;
- b) Prospecting occurs over a large area and has negligible or no environmental impacts; exploration occurs over a smaller area, and has environmental impacts that are typically no more than minor, and mining occurs over still smaller areas, in which the environmental impacts are usually significant, and must be managed to meet the purpose of the RMA;
- c) Mining is a high-value use of land;
- d) Mining produces essential materials for society, in New Zealand and overseas;
- e) The “new climate economy” will require more mining;
- f) Mining employs skilled people in well-paying jobs, and contributes to districts, regions, and to exports;

- g) Mining is a temporary use of land – we borrow the land, mine it and return it, into a former use, or a new or enhanced use, subject to resource consent conditions;
- h) The environmental management of mining increasingly follows a “mine life cycle guide”³ being completed by Landcare Research, CRL Energy, and the Universities of Canterbury and Otago;
- i) Mining can only be done with the permission of the landowner; and
- j) Mining companies face regulatory requirements under many pieces of legislation, including legislation covering: heritage, hazardous substances, and in some cases conservation-related matters – where there is duplication with the RMA. (We deplore this situation, accepting that district councils have limited ability to intervene.)

I seek amendment to the specific provision listed above. My submission is:

The considerations outlined above should be reflected in objectives and policies. Ditto for prospecting and exploration.

My reasons are:

Mining – managed properly – is a desirable and necessary economic activity for society, and for New Zealand.

The specific provisions of the Plan Change(s) that my submission relates to are:

MIN 1.2 Objectives

“1. Exploration, extraction and processing of minerals avoids, remedies or mitigates any adverse effects on the environment and community.”

I support the specific provision listed above. My submission is:

Retain as worded.

My reasons are:

The proposal is logical.

The specific provisions of the Plan Change(s) that my submission relates to are:

MIN 1.2 Objectives

“2. Exploration, extraction and processing of minerals avoids, remedies or mitigates any adverse effects on the relationship of tangata whenua with their ancestral lands, sites, water, waahi tapu and other taonga.”

I support the specific provision listed above. My submission is:

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

This support is qualified. While the cultural relationships that humans may hold with the environment is defined in the RMA as part of the “environment”, care is needed with implementation of this objective.

My reasons are:

The phrasing is problematic. Who decides whether these effects are avoided, remedied or mitigated? Under the RMA, it is advisable for minerals companies to engage with Maori - in part, this is to understand and seek to address any concerns that iwi may have. To that end, a cultural impact assessment may need to be prepared. That is appropriate, provided this is not a compulsory requirement. This issue needs to be addressed with great care. We elaborate further on our concerns in the section on Policies.

The specific provisions of the Plan Change(s) that my submission relates to are:

MIN 1.2 Objectives

“3. New subdivision, use and development of land does not compromise existing safe and efficient mineral extraction.”

I support the specific provision listed above. My submission is:

Retain as worded.

My reasons are:

The proposal is logical.

The specific provisions of the Plan Change(s) that my submission relates to are:

MIN 1.2 Objectives

“4. New subdivision, use and development does not unduly constrain potential access to and development of, nationally and regionally significant mineral resources.”

I support the specific provision listed above. My submission is:

Retain as worded.

My reasons are:

The proposal is logical.

The specific provisions of the Plan Change(s) that my submission relates to are:

MIN 1.3 Policies

“1. To avoid, remedy or mitigate the adverse effects of exploration, extraction and processing of minerals on the ecological, landscape, heritage and amenity values of surrounding areas and on the amenity values of existing residential areas by applying Environment and district wide provisions.”

I support the specific provision listed above. My submission is:

Retain as worded.

My reasons are:

The proposal is logical, noting that our view is subject to other chapters of the district plan being worded in a way that does not unnecessarily stymie minerals activities.

The specific provisions of the Plan Change(s) that my submission relates to are:

MIN 1.3 Policies

“2. To avoid, remedy or mitigate adverse effects of exploration, extraction and processing of minerals on the relationship of tangata whenua with their ancestral lands, sites, water, waahi tapu and other taonga by requiring a cultural impact assessment written by the relevant tangata whenua and kaitiaki for all resource consent applications for mineral extraction.”

I seek amendment to the specific provision listed above. My submission is:

“2. To avoid, remedy or mitigate adverse effects of exploration, extraction and processing of minerals on the relationship of tangata whenua with their ancestral lands, sites, water, waahi tapu and other taonga by encouraging the applicant to engage with iwi in relation to their application. Such engagement may be supported by a cultural impact assessment that may be prepared by the relevant tangata whenua and kaitiaki for resource consent applications for mineral extraction.”

My reasons are:

It is of concern to impose on a resource consent applicant a requirement to purchase a compulsory service from a monopoly provider.

In the case of State agency monopoly service providers, guidelines apply, e.g., the Treasury, Auditor-General. Such is not the case here.

Certainly, it is advisable for resource consent applicants to arrange the preparation of a CIA, as part of any engagement with iwi; however, it should not be a requirement. Framed in this way, engagement between industry and Maori is encouraged in a positive and enabling way⁴.

The specific provisions of the Plan Change(s) that my submission relates to are:

MIN 1.3 Policies

“3. To avoid adverse effects on significant areas by avoiding mineral extraction within identified Sites of Significance to Maori.”

I support the specific provision listed above. My submission is:

Supported with a qualification, elaborated on below.

⁴ Ngati Ruanui guidelines for industry engagement with Maori <http://www.nzpam.govt.nz/cms/iwi-communities/working-with-iwi-hapu/industry-engagement-with-iwi>

My reasons are:

This Policy raises the question as to what criteria are applied when identifying sites of significance to Maori. If the council adopts this Policy, it should be applied to every economic activity, including farming, forestry, roads, telecommunications infrastructure, subdivisions, renewable electricity generation, tourism infrastructure etc. The point is that there is no objective difference, for example, between earthworks for mining or for roading or any other activity.

The specific provisions of the Plan Change(s) that my submission relates to are:

MIN 1.3 Policies

“4. To manage conflicts between the effects of mineral extraction activities and other land uses by ensuring that activities that are incompatible with the effects of mineral extraction activities are not established close to existing quarries or mines.”

I support the specific provision listed above. My submission is:

Retain as worded.

My reasons are:

The proposal is logical.

The specific provisions of the Plan Change(s) that my submission relates to are:

MIN 1.3 Policies

“5. To rehabilitate sites historically used for mineral exploration and extraction to enable the land to be used by other activities.”

I support the specific provision listed above. My submission is:

Retain as worded.

My reasons are:

The proposal is logical – after mining, land is returned into a former use, or a new or enhanced use, subject to resource consent conditions.

The specific provisions of the Plan Change(s) that my submission relates to are:

MIN 1.3 Policies

“6. To identify and provide for nationally and regionally significant mineral resources (where extraction rates are known) by mapping as Mineral Extraction Areas and applying provisions.”

I support the specific provision listed above. My submission is:

Retain as worded.

My reasons are:

The proposal is logical.

Other

The provisions for minerals extraction zones are generally supported as logical and fit for purpose.