

Submission

To Ministry for the Environment

Draft National Planning Standards

August 2018

Introduction

1. Straterra is the industry association representing the New Zealand minerals and mining sector. Our membership is comprised of mining companies, explorers, researchers, service providers, and support companies.
2. We welcome the opportunity to make this joint submission on the Ministry for the Environment's "[Draft National Planning Standards](#)". Minerals and aggregates are essential for modern life in New Zealand and eventually mines and quarries are rehabilitated and returned – often as a community asset. It is important that we have a planning regime that recognises this and does not put the sector at an unnecessary disadvantage.

General Comments

3. We support the intent of National Planning Standards. Standardising plan format and definitions make it easier for councils to write consistent plans across the country and easier for businesses operating across the country to comply. Much of the minerals sector working through multiple planning documents has reported frustration with the challenges of grappling with the differing controls placed on its activities.
4. However we do have a number of concerns with the Draft Standards which we raise in this submission.
5. An important issue for mines and quarries operating in areas of expanding residential areas is reverse sensitivity. A key consideration for the Standards should

be protection of existing activities in the community. This would help to avoid future conflicts when unrelated or conflicting activities cohabitate in one area.

6. Reverse sensitivity effects on aggregate and quarry resources, as well as residential area mines, have the potential to sterilise existing and future resource which means lost opportunities for the local economy. Public sector revenue (through ownership of crown mineral rights) is also at stake.
7. We think there is merit, in the longer term, for the government to address this issue by looking at the Australian model of Key Resource Areas. These recognise and protect the importance of natural resources (including mines and quarries) and at the same time protect residents from any negative effects¹.
8. In the past zoning, along with centrally imposed prescriptive setback distances, have been used to address reverse sensitivity.
9. Adequate provision must be made in planning documents recognising mineral deposits (including aggregates) and providing for their extraction. Minerals, can only be extracted from where they are located and so without adequate provision at the relevant locations there is the real risk of sterilisation of the resource.
10. The reservations we have about zones for mining and quarrying are that they remove flexibility for mines and quarries to be sited where appropriate. For example, it cannot be known where economic mineral deposits are located and zoning could make it more difficult to access a deposit. Zoning not only requires identification of appropriate locations for the activity but also an understanding of the values at the location, the effects of the activity and what would be appropriate development controls, something which is not able to be pre-empted in the case of mining and often quarrying.
11. If these issues can be resolved zoning may be appropriate.

Specific Comments

12. Special Purpose Zones are for unique things that can't be provided for in another way or are at odds with their surrounds or the planning provision for that zone. We suggest a specific Minerals Extraction Zone could be introduced in the list of Special Purpose Zones on page 17.
13. A number of rural zones are proposed in the Draft Standards (ie Rural Zone, Rural Production Zones, Rural Residential Zones and Rural Settlement Zone) but these

¹ For example, the State of Victoria has just released a joint Ministerial Statement on [Extractive Resources](#)

could exclude mining under the way they are defined. One way to address this, and enable mining activities in rural areas, is to incorporate 'location of minerals' in the definition of the rural zones and defined on pages 43 and 44. For example, Rural Production Zone "... *to prioritise primary production activities that rely on the productive nature of the soils, **the location of minerals**, intensive primary production, and also providing for associated rural industry.*

14. There would also need to be a tweak to the definition of Primary Production (page 86). a way to address this is:

- under a) insert ", mining/quarrying and related" after the word "forestry"
- under c) insert "except for mining/quarrying" before "the word "does"

15. So it would read:

Primary Production

- a) *means any agricultural, pastoral, horticultural, forestry, **mining/quarrying and related** or aquaculture activities for the purpose of commercial gain or exchange; and*
- b) *includes any land and auxiliary buildings used for the production of the products that result from the listed activities; but*
- c) **except for mining/quarrying** *does not include processing of those products*

Other Issues

General District-wide Matters (page 16)

16. Mining is a specific land use *activity* so it is unclear why it appears alongside generic *effects* of land use such as noise and light etc under General District-wide Matters on page 16.

Definition of Mining (page 85)

17. The definition of 'mining' in the draft standards is taken from the Crown Minerals Act 1991. We support this approach as it is a generally accepted definition of mining.

18. However we note that unlike the Crown Minerals Act there are no definitions of the associated mining activities namely prospecting, exploration and other mining operations.
19. Prospecting and exploring, which generally have much less or no adverse impacts, are necessary ancillary operations to mining and need to be enabled by the National Standards.
20. To ensure that prospecting and exploring are also accounted for, one option is to include the Crown Minerals Act definitions of these in the National Standards. As with 'mining', these are also generally accepted definitions. Provision should also be made for "mining operations".

Definition of Earthworks (pg80) and Land Disturbance (page 84)

21. As a general comment the Standards will need to avoid overlapping definitions as these could result in additional unnecessary controls, and sometimes contradictory requirements.
22. The definitions of earthworks and land disturbance, which are very broad, are examples likely to cause problems for mining (and quarrying) through overlap and double up.
23. Clearly the nature and scale of associated earthworks and land disturbance will be considered when prospecting, exploration and mining are undertaken and therefore those activities should be excluded from these definitions.