

Submission from Straterra To the Ministry for the Environment Draft Advice for Consultation March 2022

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 wish to make this brief submission on the proposed amendments to the [NES-DW \(National Environmental Standard for Sources of Human Drinking Water\)](#), in particular on the potential for mineral extraction to get caught by the definition of earthworks in Source Water Risk Management Areas for aquifers.

Submission

3. We are concerned that the proposed amendments could result in a repeat of the Natural Wetland Regulation, which is currently being fixed, where mineral and aggregate extraction was inadvertently prohibited.
4. Mineral extraction is a locationally constrained activity. It can only occur where the minerals are found. Unlike other categories of earthworks there is no option of deciding where extraction should occur.
5. Mining's footprint is small in New Zealand, largely because of the locally constrained nature of minerals. Mining only occurs where the minerals are present and economically recoverable while meeting the consent conditions imposed under the RMA and other applicable legislation. It's important that the Drinking Water regulation does not inadvertently sterilise existing or potential mineral extraction areas (mines and quarries).
6. Drinking water quality is not impacted by mineral extraction. Existing ground water controls imposed on mining operations are rightly very stringent. In the event that there is a mine 2.5 kilometres from a bore, these controls will be adequate to protect contamination.
7. Unlike quarrying activity, the National Planning Standards do not include a specific definition for mineral extraction which leaves mining open for it to be captured within the earthworks definition.

8. The Natural Wetlands regulation (at least based on the recent consultation document and public comments by the Minister for the Environment) is likely to make an exception for mineral extraction on the grounds that it is locally constrained, as discussed above.
9. We recommend that such steps be taken to ensure that the Drinking Water regulation does not repeat this mistake.
10. Mineral extraction activities should be explicitly excluded from earthworks in terms of the application of Source Water Risk Management Areas. Not doing so will have unintended consequences in curtailing important extractive operations and, importantly for no positive impact on drinking water quality.
11. The NES-DW must not retrospectively apply to existing mineral extraction activities. Existing use rights to continue production or exploration activities (including extension within consented areas) must be protected. The consequences of not doing so would be significant in terms of the signal it would give investors (overseas and domestic) with regard to investing in New Zealand.