

## Submission from Straterra To the Department of Conservation Western South Island stewardship land reclassification July 2022

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### Key points

- The economic consequences and the lost opportunities from ending the right to apply for access to conservation land for other uses could be considerable, with impacts hitting people locally, regionally, and nationally across access to work, and subsequently economies, as well as the Crown's tax takes and export earnings.
- It seems remiss that economic and social value, including mineral prospectivity, were not part of the criteria for the stewardship land reclassification, when there is every reason why they should be for a holistic view and in the best interests of meeting the objectives of management of public conservation land.
- In many cases, reclassification could result in irreversible decisions that prevent the use of the land for other equally important uses.
- We argue for a case-by-case approach whereby applications for alternative uses of conservation land are able to be assessed against the conservation values present.
- We support the recommendations of the Ngāi Tahu Mana Whenua Panel that there be no reclassification of stewardship land to national parks.
- This submission is further to Straterra's Stewardship Land Review March 2022 submission – which addresses the broader issues of the stewardship land reclassification process – and endorses the points made therein.
- Straterra wishes to appear in person at any hearings further to the submission process.

### 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 are grateful for the opportunity to submit on the [classification of stewardship land on the West Coast](#). The Western South Island National Panel and the Ngāi Tahu Mana Whenua Panel have released [recommendations and supporting documents](#) for 504 parcels of West Coast stewardship land.

3. Straterra's main interest in the stewardship land review is that mining's right to apply for access to conservation land generally, and stewardship land specifically, should be retained. The box below provides a picture of mining on conservation land today.
4. This submission makes general comments about the review. Our members will be making separate submissions on individual pieces of land that they may have an interest in. However, we have commented on Parcel MAW\_53 in the appendix to this submission.

## The stewardship land review

5. We question the need for the stewardship land review to achieve protection of high value conservation land because such protections already exist under current legislation.
6. We do not see the conservation land classifications as relevant under a system which allows economic and other non-conservation activities, including mining, to be considered on their merits as the current system does.
7. A case-by-case approach allows for every application for alternative uses to be assessed against the conservation values present, irrespective of the conservation land category.
8. The biggest challenges to indigenous biodiversity and conservation are weeds and pests. While we fully support the Government's conservation objectives, we believe the negative impact of mining is often overstated. The truth is that mineral extraction, suitably regulated, can and should contribute to the solution by providing a 'no net loss'. This is achieved through the value of the activity itself and by use of flexibility mechanisms, such as mitigation, offsets, and compensation.
9. The stewardship land review is looking at the conservation values of stewardship land. Under the current settings, once the land is reclassified, in itself, nothing will have changed when it comes to applications to mine on conservation land other than where:
  - the review results in the reclassification of stewardship land as national park or other Schedule 4<sup>1</sup> land, which means it would automatically become off limits to mining
  - there is a future Government decision to implement a 'no new mines on conservation land' policy on land that has not been disposed of or classified as lower value conservation land e.g. retained as stewardship land.
10. We argue in this submission that there needs to be careful consideration to avoid irreversible decisions and care must be taken to not make decisions that will prevent the use of the land for other equally important uses. The economic consequences and the lost opportunities from ending the right to apply for access to conservation land for other uses could be considerable.

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<sup>1</sup> Schedule 4 land refers to land listed under schedule 4 of the Crown Minerals Act 1991 where access restrictions apply to land within it. National parks are listed in the schedule.

## Mining on conservation land

New Zealand has allowed mining on conservation land, excluding national parks and Schedule 4 land for many decades. Such activity is consented under the Resource Management Act (RMA) and other regulation on a case-by-case basis. The RMA and the Environment Court provide an independent, contestable forum to assess resource proposals. Straterra's view is that while this process could be improved, the RMA has served the conservation estate and broader societal objectives well, insofar as mining is concerned. We have prepared some [case studies](#) on how mining and quarry companies manage the environmental effects of their activities.

Our most recent assessment is that only 0.04% of the land area of the conservation estate is currently disturbed by mining and quarrying. The footprint is small because of the realities of commercial mining. Economic mineral resources are hard to find. Mining only occurs where the minerals are present and economically recoverable and where the consent conditions imposed under the RMA and other applicable legislation can be met. Farming, ski fields, roads and carparking occur on conservation land and have a greater footprint than mining. What is more, unlike the other land uses, mining has a finite life and mining land is returned after rehabilitation, often in a better condition than it was when mining commenced.

It is acknowledged that mineral deposits often tend to be located under areas with conservation value. (This natural phenomenon is often as a result of geological outcomes.) But for all activities, if the environmental cost is too high, the case-by-case assessment means that a land use proposal with too high an environmental impact (mining or whatever), will not be allowed to proceed.

## Terms of reference

11. The recommendations have been prepared in accordance with the statutory criteria according to ecological, cultural, historic, landscape and recreational values and they are in the terms of reference for the panels.
12. We are disappointed that economic and social value, and mineral prospectivity were not part of the criteria. This is important because reclassification of stewardship land may well prevent the use of the land for other equally important uses if the outcomes in paragraph 9, above, eventuate. The economic consequences and the lost opportunities from ending the right to apply for access to conservation land for other uses could be considerable, with impacts hitting people locally, regionally, and nationally across access to work, and subsequently economies, as well as the Crown's tax takes and export earnings.
13. In the case of minerals, demand for critical minerals is increasing, particularly for low-emission technologies – copper, nickel, vanadium, rare earths, lithium, coking coal, and gold being some examples. New Zealand has potential for some of these minerals and GNS Science has assessed that much of that potential lies in the conservation estate. To meet New Zealand's imperatives and expectations around a low-emissions future, it makes sense to keep the option open for mining on the conservation estate (excluding land listed on Schedule 4 of the Crown Minerals Act 1991). The appendix to this submission contains an example of the potential lost opportunities from the review, because of the criteria being too narrow.

14. Demand for aggregates is also increasing as the Government addresses the housing crisis and infrastructure deficit. Aggregates are an essential component in housing and road construction and in the manufacture of concrete.
15. We are pleased to note that the Ngāi Tahu Mana Whenua Panel has incorporated economic and social value into its decision making (e.g. in its support for grazing, mining and hydroelectricity, as well as relocation of housing) and we welcome this holistic approach coming from the panel as kaitiaki of the region. In line with the terms of reference, the Mana Whenua Panel has also looked at each parcel of land with a cultural and/or historic lens which is important and, of course, with an eye to Te Tiriti o Waitangi.

## National parks

16. The National Panel has recommended 12% of the total land in question be reclassified as national parks. The Mana Whenua panel, reinforced by Ngāi Tahu in a public statement, has recommended that there be no reclassification of stewardship land as national park.
17. We support the recommendation of the Mana Whenua Panel that there be no reclassification of stewardship land as national parks. There are many reasons for this which have been well articulated by the Mana Whenua Panel, not least that it will not give effect to the principles of Te Tiriti o Waitangi. As already stated, reclassification to national park status would, in many cases, rule out alternative uses without any positive impact on conservation. We question not only the sense of that, but also the Department of Conservation's (DOC) capacity to manage it, given the funding available and the prioritisation of conservation management that must occur within that funding. DOC is deeply underfunded to manage one-third of New Zealand's land and must prioritise conservation management in a small fraction of that total land area.
18. As stated in the box, above, national parks and certain other classes of conservation land are listed in Schedule 4 of the Crown Minerals Act 1991 where access restrictions apply. We fully support this exclusion because of the special status of national parks. However, it means care needs to be taken when reclassifying land as national park or other Schedule 4 land as it would automatically rule out access to that land for mining and exploration. The lost opportunities resulting from this would be damaging, as outlined in paragraph 12, above.
19. We argue, consistent with the Mana Whenua Panel's recommendations on some land parcels, that the economic consequences of the land coming under Schedule 4 and being excluded from mineral extraction and other activities (e.g. site rehabilitation) must be considered.
20. We are not convinced that the conservation value and other characteristics justifying reclassification as national park status for all the land in question have been sufficiently demonstrated in all cases. We would be concerned if stewardship land has been tagged on to national parks for convenience perhaps because it is adjacent to, or near an existing national park.
21. Our main argument is that the assessment is incomplete because minerals prospectivity and other economic, social, and cultural considerations have not been considered, when there is every reason why they should be for a holistic view and in the best interests of meeting the objectives of management of public conservation land.

## Appendix – Example of potential lost opportunity

22. Parcel MAW\_53 – Hōhonu Forest in the Hōhonu Range provides a good example of a potential economic opportunity for the West Coast, and New Zealand, at risk from the reclassification.
23. Both panels recommend reclassifying the area as a historic reserve.
24. Part of the Hōhonu Range is subject to an application for a minerals prospecting permit for a suite of metals including lithium and rare earth elements (REEs). Lithium and REEs are critical minerals that are used in batteries, electronics, ICT, digital technologies, and in wind turbine magnets and electric vehicles, etc. and are expected to make a major contribution to global and New Zealand emissions reductions in the coming years.
25. While we respect the reasons given by the panels for their recommendations, we consider that if economic criteria had been part of the terms of reference, the potential for the extraction of lithium and REEs would have been taken account of and given more weight – not just by the panels but also by the public in their submissions. It is always going to be better for New Zealand to source the materials we – and the rest of the world – will need to create a low-emissions future in our own “backyard”, rather than having to rely on imports and the costs, social and environmental impacts that come from sourcing from countries that may not share our values in this regard. We cannot simply shift climate change challenges offshore and therefore, “out of sight and out of mind” and expect to be seen as authentic in our quest to lower-emissions and solve climate change challenges.
26. We oppose this recommended reclassification.