

First Name:

Ministry of

Last Name: *

Business, Innovation and Employment

Organisation:

New Zealand Petroleum and Minerals

On behalf of:

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Would you like to present your submission in person at a hearing?

 Yes I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Additional requirements for hearing: N/A

Attached Documents

File
NZPM Submission - Proposed Waikato District Plan
Proposed District Plan Notified July 2018

Submission on Proposed Waikato District Plan 2018 (Stage 1)

To: Waikato District Council
From: New Zealand Petroleum and Minerals
PO Box 1473
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0508 263 782
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Name of submitter: NEW ZEALAND PETROLEUM AND MINERALS (NZPM).

1. This is submission on the Proposed Waikato District Plan 2018 (**Proposed Plan**).
2. NZPM could not gain an advantage in trade competition through this submission.
3. NZPM's submission focuses on the provision for minerals and extractive industries in the Proposed Plan. NZPM is broadly supportive of the provisions in section 5.4 of the Proposed Plan for minerals and extractive industries. However, NZPM considers that there should be not be a requirement to avoid all adverse effects of extractive industries in identified Outstanding Natural Features and Outstanding Natural Landscapes as this will effectively prohibit mineral activities in these areas. NZPM also requests amendments to ensure offsetting and compensation are available as options to manage the residual adverse effects of mining activities.
4. The specific provisions this submission relates to, decisions requested, and reasons are set out in Appendix A. NZPM seeks the decisions set out in Appendix A, or such similar or consequential relief as necessary and appropriate to address the decisions requested.
5. NZPM wishes to be heard in support of its submission.
6. If others wish to make a similar submission, NZPM will consider presenting a joint case with them at the hearing.

Dated: 8 October 2018.



Sarah Stevenson
Manager, Resource Markets Policy
NEW ZEALAND PETROLEUM AND MINERALS



NEW ZEALAND
PETROLEUM & MINERALS



APPENDIX A: SPECIFIC SUBMISSION POINTS

Provision	Oppose/ support	Decision requested	Reasons
3.3.3 Policy - Protection from inappropriate subdivision, use and development	Support in part.	Amend clause (a)(iv) as follows: <i>(a) Ensure that the attributes of identified Outstanding Natural Features and Outstanding Natural Landscapes are protected from inappropriate subdivision, use and development by:</i> <i>(iv) <u>avoiding, remedying, mitigating, offsetting or compensating</u> the adverse effects of extractive industries and earthworks.</i>	<p>NZPM recognises that Outstanding Natural Features and Outstanding Natural Landscapes are valued areas for a range of reasons and agrees that the attributes of these areas should be protected from inappropriate subdivision, use and development. NZPM does not oppose a more stringent management regime for extractive industries in these areas. However, a requirement to avoid (i.e. 'prevent the occurrence of') absolutely all adverse effects of extractive industries effectively equates to a prohibition of mining activities in these areas as it is not possible to avoid all adverse effects.</p> <p>A requirement to avoid, remedy and mitigate adverse effects is more consistent with Part 2 of the Resource Management Act 1991 (RMA) while still ensuring that inappropriate mining activities are avoided in Outstanding Natural Features and Outstanding Natural Landscapes.</p> <p>NZPM also seeks amendments to Policy 3.3.3 to ensure that offsetting and compensation are options available to manage residual adverse effects of mining activities that cannot be avoided, remedied and mitigated. This is consistent with the 2017 amendments to the RMA which inserted section 104(ab) to make it clear that adverse environment effects can be offset or compensated under</p>

			<p>the RMA. The relief sought is also consistent with the mitigation hierarchy promoted by the Business and Biodiversity Offsets Programme.</p> <p>NZPM considers that this amendment will help ensure Policy 3.3.3 is better aligned (and does not conflict with) Objective 5.4.1 and will therefore assist with plan integration.</p> <p>NZPM supports the intent of this objective to ensure that mining resource use can provide economic, social and environmental benefits to the Waikato District.</p>
5.4.1 Objective – Minerals and extractive industries	Support.	Retain as notified.	
5.4.2 Policy – Access to minerals and extractive industries	Support in part.	<p>Amend as follows:</p> <p><u>Protecting and enabling Access to minerals use and extractive industries</u></p> <p><i>(a) Enable extractive industries provided that adverse effects are appropriately avoided, remedied, or mitigated, <u>offset or compensated.</u></i></p> <p><i>(b) Protect access to, and extraction of, mineral resources by:</i></p> <p><i>(i) Identifying lawfully established existing extractive industries in Aggregate Extraction Areas and Coal Mining Areas on planning maps;</i></p> <p><i>(ii) Identifying the site of a potential extractive industry</i></p>	<p>NZPM generally supports the intent of this policy to protect and enable mineral use and extractive industries. However, NZPM seeks some minor amendments to:</p> <ul style="list-style-type: none"> • Make the title more aligned with the intent and focus of the policy. • Ensure that offsetting and compensation are options available to manage residual adverse effects of mining activities that cannot be avoided, remedied and mitigated. The reasons are consistent with those outlined in relation to Policy 3.3.3 above. • Remove references to 'lawfully established' extractive activities as this is unnecessary. NZPM also considers that clause (c) should apply to new and existing extractive industries.

		<p>within an Aggregate Resource Area on planning maps;</p> <p>(c) Ensure that lawfully-established extractive industries are not compromised by new subdivision, use or development;</p> <p>(d) Avoid the location of any sensitive land use within specified buffer areas which otherwise risks the effective operation of <u>an existing</u> lawfully established extractive industry.</p>	
<p>22.1.5(I)(D8)(a) – Extractive activities within Rural Zone</p>		<p>Support in part.</p> <p>Request a more lenient activity status for prospecting and exploration activities.</p>	<p>NZPM does not oppose discretionary activity status for extractive activities in the Rural Zone to allow all potential effects and relevant matters to be assessed through the resource consent process.</p> <p>However, consideration should be given to a more lenient status (e.g. restricted discretionary) for prospecting and exploration activities given these activities are of a smaller scale and have less adverse effects than extraction. NZPM notes that prospecting and exploration are a permitted activity in the Rural Zone in the Thames Coromandel District Plan and there is no reason why these activities should have a much more stringent activity status under the Proposed Waikato District Plan.</p>
<p>22.1.5(I)(NC2)(a)(i)(ii)(iii)(iv) – Extractive Activities within any Outstanding Natural Feature,</p>	<p>Support in part.</p>	<p>Retain as notified.</p>	<p>NZPM considers that non-complying activity status is appropriate for extractive activities in identified outstanding areas. This still allows these activities to be assessed on its merits. However, NZPM's support for this</p>

**Outstanding Natural
Landscape, High natural
character area or
Outstanding Natural
Character area.**

rule is subject to the relief sought to Policy 3.3.3 as a non-complying status coupled with policy direction to **avoid all adverse effects** of extractive industries would effectively prohibit these activities in these areas.

