

Introduction

Name:

Privacy of natural persons

Email:

Privacy of natural persons

Business name or organisation (if applicable):

Forest & Bird

Position title (if applicable):

Is this an individual submission or on behalf of a group or organisation?

Privacy of natural persons

Please indicate which group you most identify with or are involved in?

Please specify the group that you most identify with

Please indicate which type of group your submission represents

Non-governmental Organisation

Please specify the group or organisation that your submission is on behalf of.

Vision

Do you agree or disagree with the overall vision for the minerals and petroleum sector in New Zealand?

Disagree

Why?

Forest & Bird agrees that Aotearoa urgently needs a strategy for future Government policy in the minerals and petroleum sectors. Existing policies and legislation have for too long ignored the deep and rapid cuts needed to carbon emissions in this sector. Antiquated and ineffective regulation has exacerbated New Zealand's biodiversity crisis. Climate change is also inextricably linked to future biodiversity loss, as many species are unable to adapt to wider pest incursions, catastrophic weather events, warming oceans or ocean acidification. As Aotearoa's largest and longest-serving independent conservation organisation, Forest & Bird is uniquely placed to comment on this biodiversity crisis. Our more than 80,000 members and supporters see the impacts first hand across New Zealand. Our mission is to be a voice for nature – on land, in the sea, and in our fresh waters. We see how mining has made a substantial contribution to indigenous biodiversity loss, including through:

- current and committed climate change
- permanent destruction of historically rare ecosystems
- long-term destruction of wetlands and lowland forests
- loss of threatened species that are threatened or at risk of extinction, and their habitats and ecosystems
- water pollution and degradation of waterways and freshwater species' habitat
- impacts and threats from toxic tailings dams
- impacts from access roads, and the pest and weed highways they form

Specific examples of this include opencast coal mining of sandstone erosion pavement ecosystems of the Stockton / Denniston plateaux, hard rock gold mining in the Coromandel (habitat of one of the world's rarest frogs), and alluvial open cast gold mining of lowland forests. Many of these losses occurred through the mining of public conservation land. Under the current regulatory framework, mining faces a much lower test than any other activity on conservation land. We applaud the Government's realisation that stopping new mines on all

conservation land is a necessary first step to reversing our biodiversity crisis. With 90 percent of wetlands lost, and most of our lowland forests gone, the remaining indigenous habitats we have are more important than ever. To protect them, we must first protect conservation land, where the vast majority of our rare or naturally uncommon indigenous habitats exist. While we support the creation of a vision, we do not support the Government's proposed vision statement for reasons explained below.

What is your vision for the minerals and petroleum sector in New Zealand?

Forest & Bird's vision for New Zealand's minerals and petroleum sector is: "A world-leading minerals sector which prioritises a carbon-neutral circular economy and assists with the future wellbeing of New Zealanders in an environmentally and socially responsible way." Our reasons for amending the vision statement are: •There is no long-term future for large scale petroleum or other fossil fuel sectors in New Zealand when the world must swiftly transition to near zero extraction of fossil fuels. While existing mines and oil extraction will continue as a transition, strategic future-focussed Government policy documents such as this must clearly and explicitly signal a timeframe for the deep cuts to carbon emissions that need to be made within the next decade. •Mining is an inherently environmentally destructive activity, so any responsible future strategy must prioritise a circular economy through reduction of need, reuse and recycling of all minerals. •A vision statement should set a clear path for future actions and the word 'value' appears deliberately ambiguous. While it means general worth and importance to many, some sectors could take it to mean only monetary value. Wellbeing is a better indicator of the overall contribution of any sector to New Zealand.

How can New Zealand sustainably derive value from its petroleum and minerals resources?

New Zealand cannot sustainably derive value from fossil fuel resources. This Strategy should be amended throughout the document to provide a clearer long-term policy signal and support a fast and orderly exit from activities that cause climate change and ocean acidification. In Forest & Bird's view apart from climate change, one of the main reasons a Strategy is needed is New Zealand's biodiversity crisis. A lack of integration at the governmental level has meant that activities such as mining have been regulated in a way that undermines environmental goals, both through ongoing climate change and more direct impacts on biodiversity. This Strategy needs to acknowledge the urgency of the biodiversity crisis and the need for mining to take responsibility for its entire environmental footprint. Minerals extraction also has a long history of not being socially, culturally or even economically sustainable with its boom and bust impact on local communities, economy and environment.

Objectives for the minerals and petroleum sector

Objective for a sector that: "Responsibly delivers value for New Zealand (a) Supporting a productive, sustainable and inclusive economy (b) Supporting New Zealand's transition to a carbon neutral economy".

Disagree

Why?

This should be amended to "Responsibly provides for the wellbeing of New Zealanders by (a) Supporting a productive, sustainable and inclusive economy (b)

complying with New Zealand's swift transition to a carbon-neutral circular economy (c) protecting New Zealand's indigenous biodiversity.”

Objective for a sector that: “Is productive and innovative”.

Neither agree nor disagree

Why?

Objective for a sector that: “Is effectively regulated”.

Strongly agree

Why?

While Forest & Bird strongly agrees that the sector needs to be effectively regulated, the draft Strategy misses the key point that this is currently not the case. The current regulatory system does an extremely poor job of considering mining's environmental impacts which, compared with other land uses, are severe and long term. Ultimately the public ends up bearing the cost for this either through environmental losses or monetary cost to repair and restore damaged habitats. An example of this includes more than \$200 million worth of environmental damage associated with coal mining which the Government assumed liability for, in part to improve the likelihood of a sale of the former state miner Solid Energy. Much of this liability relates to acid mine drainage, which has a 100 year timeframe. Offsets and compensation associated with mining usually do not cover the ultimate ecological cost nor stretch to the full timeframe of the impacts: after 90 percent of the habitat of *Powelliphanta augusta* snails was mined, the captive breeding programme was only funded by Solid Energy for 10 years. The ongoing cost is now being borne by the New Zealand public through the Department of Conservation. Medium-term funding for predator control, often offered as an offset, does not usually last the full length of the impacts it is offsetting. In short the current regulatory system is ill equipped to deal with the timeframes of biodiversity damage caused by mining. Amongst the myriad of other issues is the difficulty of dealing with cumulative impacts, where a series of mines are granted consent individually and species or rare ecosystems lose ground each time. Resource consent variations are also commonly used as a way to avoid proper consideration of environmental impacts, either through increased mining footprint or other changes. One example of this is a pivotal mitigation condition offered at the last minute during court hearings on the opencast Cypress coal mine. The condition, essentially that the wetland would be rolled up, stored, and restored once mining was complete, was quietly dropped with a variation at a later date. Considerations of environmental effects are also too limited, particularly for smaller mines which are often subject to only perfunctory ecological assessments that routinely have no assessment of impacts such as blocking native fish passage or felling bat roost trees. Monitoring and compliance by territorial authorities and at times the Department of Conservation are also severely lacking, with already inadequate resource consent conditions ignored, unmonitored, not complied with and unprosecuted.

Are there any other objectives for the minerals and petroleum sector that you would like us to consider in the strategy?

Guiding principles

Principle: The environment, ecosystems, and biodiversity are respected now and in the long term.

Disagree

Why?

This principle lacks clarity and force and is inconsistent with the aim stated in the Government Our Plan that “Our unique biodiversity will be protected...” This Principle should be amended to: “The environment, ecosystems, and biodiversity are protected now and in the long term.”

Principle: Māori cultural interests are understood and respected.

Agree

Why?

Principle: Support the transition to a carbon neutral economy by 2050.

Disagree

Why?

This should be amended to “Comply with a swift transition to a carbon neutral economy by 2040.” A warming of 1.5 degrees is the limit required to protect people and nature from the worst effects of climate change and postponing carbon neutrality until 2050 is not consistent with keeping within that 1.5 degree limit.

Principle: The impact on people, communities and regions are managed in a just and inclusive way.

Agree

Why?

Principle: Support a circular economy by meeting resource needs through resource efficiency, recycling and reuse.

Disagree

Why?

This should be amended to “Transition swiftly to a circular economy by meeting resource needs through resource efficiency, recycling and reuse.”

Principle: Actions taken within the mineral and petroleum sector should align with the strategic direction of other related sectors and Government strategies.

Strongly agree

Why?

In Forest & Bird’s view a continued lack of alignment between sectors could prevent New Zealand from turning the tide on biodiversity loss. The Strategy makes some progress towards this, particularly with the intention to stop new mines on conservation land. Stopping mines on conservation land is a necessary first step, amongst other things, towards ensuring this Strategy is consistent with the proposed New Zealand Biodiversity Strategy. For example, if we were to continue to destroy conservation land for mining, it would be difficult to comply with the Biodiversity Strategy goals of no further freshwater wetland decline by 2025, no net loss of rare and naturally uncommon terrestrial habitat by 2030, or net extent of indigenous ecosystems increasing by 2050. However, there are a variety of other exemptions for the minerals and petroleum industries which continue to undermine a future whole of Government approach to reversing the biodiversity crisis and are inconsistent with the goal of protecting New Zealand’s unique biodiversity. For example RMA exemptions

prevent consideration of the impacts of activities such as burning coal, while at the same time industries such as steel making have their obligations under the Emissions Trading Scheme almost entirely subsidised. In the marine environment, where protection has lagged behind that for terrestrial ecosystems, it is especially important to address inadequate regulation or a lack of alignment between sectors. This is not currently enough being done towards this end. For example, the recently proposed Hector's and Māui dolphin Threat Management Plan fails to prohibit seabed mining within the habitat of both Hector's and Māui dolphins. The 2013 Seismic Code of Conduct is not fit for purpose and fails to meet international standards. And while the EEZ Act rightfully includes a precautionary principle which is currently absent from the RMA, councils and even governments often lack the necessary knowledge or expertise to adequately evaluate environmental impact assessments provided by industry for their activities.

Do you agree or disagree with each of the following principles for the Crown?

Principle: The Crown honours its duty towards Māori as a Treaty partner, adheres to the Principles of the Treaty of Waitangi and its duty to meet settlement commitments.

Agree

Why?

Principle: The Crown receives a fair financial return for its minerals and petroleum.

Agree

Why?

Principle: The Crown regulates in a way that is fair, transparent, reasonable and proportionate.

Agree

Why?

Principle: The Crown honours the rights of current permit holders to continue production or exploration activities under existing permits.

Neither agree nor disagree

Why?

Principle: The Crown makes policy decisions based on the best evidence, and accounting for the foreseeable need for minerals and petroleum, both now and for future generations.

Disagree

Why?

This should be amended to "The Crown makes policy decisions based on the best evidence, and accounting for the foreseeable minimal need for minerals and petroleum, both now and for future generations."

Principle: The Crown proactively engages and consults with relevant stakeholders and decisions are communicated in a clear and transparent way.

Agree

Why?

Do you agree or disagree with each of the following principles for Industry?

Principle: Pursue continuous improvements in health and safety.

Agree

Why?

Principle: Strive to implement industry best practice in operations.

Agree

Why?

Principle: Seek innovative ways to improve the resource efficiency of extraction operations; and minimise the negative impacts of these operations.

Disagree

Why?

This Strategy should clearly signal an expectation that industry will pursue a circular economy, so this principle should be amended to: “Seek innovative ways through a circular economy to reduce the need for new areas of extractive operations, then improve the resource efficiency of extraction operations and minimise the negative impacts of these operations.”

Principle: Engage with stakeholders and implement management systems to understand and manage impacts, and realise opportunities for redress where needed.

Agree

Why?

Are there any other principles you would like us to consider in the strategy?

Action areas intro

Action Area: Modernising the Crown Minerals Act

Strongly agree

Why?

Forest & Bird is strongly supportive of a review of the Crown Minerals Act, and the aims listed for that area, particularly to protect all conservation land from mining. We agree that the Act needs modernising in other ways, for example to remove some industry access to land provisions.

What future actions would you like us to consider under this Action Area?

Action Area: Securing affordable resources to meet our minerals and energy needs

Disagree

Why?

This should be amended to: “Securing the least environmentally damaging way of meeting our mineral needs.” Our obligations to reduce greenhouse gas emissions mean we cannot be mining fossil fuels for energy needs. It is also worth noting that Government-sponsored studies such as the aeromagnetic surveys are effectively a subsidy of the mining industry.

What future actions would you like us to consider under this Action Area?

Action Area: Improving Treaty partnership

Agree

Why?

What future actions would you like us to consider under this Action Area?

Action Area: Improving stakeholder and community engagement

Strongly agree

Why?

Forest & Bird's view is that a continued social licence to operate and the aim listed under this Action Area: "Trust that mining in New Zealand is occurring responsibly" will be impossible to achieve without substantial change to this Strategy and the regulatory system so that, at the very least: •There is clearer Government direction towards swift and deep cuts in our fossil fuel extraction and use, and more immediate action towards achieving a circular economy. •Exemptions are removed from all policies, plans and legislation which allow the mining and petroleum industries to cause environmental damage in ways that are not permitted by other industries. •More consents are notified. Currently some consents are not publicly notified despite high public interest and limited notified consents are often not notified to all of the interested groups/people. One example of needed change is that the permitted activity status of seismic surveys should be changed to be a notified consent under the EEZ Act to require public consultation on applications.

What future actions would you like us to consider under this Action Area?

Action Area: Improving industry compliance

Strongly agree

Why?

Improving industry compliance would improve environmental outcomes as well as helping with public trust of mining in New Zealand. Forest & Bird puts considerable resources into trying to get the best consent conditions possible, and if they are not properly monitored the work by us and other parties such as the Department of Conservation is to a large extent wasted. Government should investigate either assuming this role from territorial authorities or providing under-resourced territorial authorities with substantial help with the monitoring and compliance functions of mining consents. Government should also investigate funding future clean ups of legacy mining sites through an industry levy. Improving industry compliance should also include work on: •Electronic monitoring of sites. Improved technology means mine sites including downstream waterways could be electronically monitored so that breaches can be logged for immediate council response. Such monitoring would also improve compliance through improving the ability of councils to prosecute and additionally provide more efficiency. •Higher penalties for non compliance. Non prosecution penalties for infringements such as polluting waterways, causing slips, or mining outside allowed boundaries are set at a very low level, with fines akin to a 'slap on the wrist with a wet bus ticket'. •Bond levels. Some mine sites are incompletely and inadequately rehabilitated. It is our understanding that the bond amounts do not adequately reflect the cost required to do this work.

What future actions would you like us to consider under this Action Area?

Action Area: Research and investment in better mining and resource use

Agree

Why?

What future actions would you like us to consider under this Action Area?

Are there any other action areas you would like us to consider as part of advancing this Strategy?

Other

Are there any other comments you would like to make about the “Minerals and Petroleum Strategy for Aotearoa New Zealand: 2019-2029”?

If you wish to, attach a document to this submission.

Use and release of information

We intend to upload submissions to our website at www.mbie.govt.nz. Can we include your submission on the website?

Yes

Can we include your name?

No

Can we include your email address?

No

Can we include your business name or organisation?

Yes

Can we include your position title?

No

Can we include the group you most identify with (if submitting as an individual)?

Can we include the group your submission represents (if submitting on behalf of a group or organisation)?

Yes

If there are any other parts to your submission that you do not want public on the website please note them below:

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