SUBMISSION

STRATERRA™
NATURAL RESOURCES OF NEW ZEALAND

Submission from Straterra
To the Ministry for the Environment
Managing our Wetlands Discussion Document
October 2021

Key Points

- Straterra supports the proposal to provide a consent pathway for locationally constrained activities in the wetlands regulations.
- We support the activity status of 'discretionary' for the proposed activities.
- We support the proposed new definition of natural wetland.
- No distinction should be made between different types of minerals in the regulations including fossil fuels and no additional conditions should be applied.
- The regulation should be focused on the *effects* of activities, not the activities themselves. The effects of the extractive sector on wetlands do not depend on the type of mineral being extracted.

Executive Summary

1. Straterra welcomes the opportunity to comment on the Ministry for the Environment's Managing our Wetlands Discussion Document.
2. We support the government's goal of no net loss in natural wetlands in New Zealand.
3. The current regulations prohibit any assessment of appropriate economic activity affecting wetlands and the overall environmental effects of such activity which may well provide a net gain to wetlands. We broadly support the government's proposal in this consultation document to provide a consent pathway for certain extra activities that meet specific criteria. The activities are quarrying, landfills, cleanfills and managed fills, mining and urban development.

Definition of Natural Wetland

4. We support the proposed new definition of natural wetland. The existing definition has created uncertainty due to the way it's written, and unintentionally captures land that is not in any normal sense of the word a wetland. The proposed new definition reflects the original intent that wet pasture areas are not wetlands.

Discretionary Activity Status

5. We support the proposed activity status of 'discretionary' for the proposed activities. A discretionary activity status would require resource consents to be applied for, and this sets a high bar for applicants who would have to show they are able to avoid, remedy, mitigate, and/or offset and/or

compensate adequately for the environmental effects of earthworks on natural wetlands, to at least a standard of no net loss.

Criteria / Gateway Test

6. We support the criteria activities would have to meet of being either locationally constrained, or of regional significance.
7. Minerals and quarrying are locally constrained. Extraction can only happen where the minerals are physically located and where the industry is able to access them cost-effectively.
8. Mining and quarrying is the highest value use of land and because of the scarcity of mineral deposits, have a small footprint across the country. They provide products that are essential for industrial supply chains in a number of other industries including those needed for a low-carbon economy.
9. We support the need to meet one or both of these gateway criteria. Because many operations will not be regionally significant, requiring *both* conditions to be met would be unworkable for the extractive sector.
10. We oppose applying conditions on mining beyond those set out in the gateway test. There are already significant hurdles for mining applications to be approved, as is the case for quarry applications, and increasing these will not achieve the objective of ensuring no net loss.
11. The 'effects management hierarchy' including the ability to offset will safeguard wetlands from further loss while also providing for economic development. This flexibility is important for the extractive sector because of its locationally constrained nature.

No Distinction between Minerals

12. There should not be a distinction made between different types of minerals or between mines and quarries (the extractive sector) in the wetland regulations.
13. The regulation should be focused on the *effects* of activities on wetlands, if wetland protection is the objective, not the activities themselves.
14. For all intents and purposes, mining and quarrying (ie the extractive sector) are the same thing. Only the products differ. The effects of the extractive sector on wetlands do not depend on the type of mineral being extracted.
15. Pounamu is often collected as a by-product or co-product of gold from alluvial gold mines. This illustrates the pointlessness of distinguishing between different minerals and reinforces the argument that it is the effects of mining that matter and discrimination between minerals should not occur.
16. It would be poor policy to use the natural wetland regulations to try and achieve a reduction in fossil fuel (coal) production or consumption. *Consumption* of coal, which is what matters for New Zealand emissions, not production, does not hinge upon New Zealand supply and so the natural wetland regulations have no bearing on our emissions.

Infrastructure Supply Chain

17. If the regulation is to provide a consenting pathway for resources that are needed in the construction of specified infrastructure, then a broad set of minerals, both mined and quarried, are relevant (not just aggregate).

Submission to the Ministry for the Environment
Managing our Wetlands Discussion Document

Introductory Comments

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 comment on the Ministry for the Environment's Managing our Wetlands Discussion Document.
3. Straterra acknowledges the importance of high-quality wetlands and share the government's desire to protect those wetlands. We support the government's intention to amend the regulatory framework so that development can occur where necessary, while still ensuring no net loss of natural wetland occurs.
4. Under the current regulations, "mineral and aggregate extraction" activity, along with earthworks generally, is prohibited on land deemed to be natural wetlands. The definition of natural wetlands is too broad, creating uncertainty and unintentionally capturing many small patches of wet grass and wetland areas dotted throughout New Zealand that cannot be described as genuine wetland.
5. The 'prohibited' activity status means there is no opportunity to assess the merits of proposed projects relative to the conservation/environmental value of the land where it is to occur. And no opportunity to consider mitigation of effects, including offsets or compensation for any disturbance to wetlands.
6. We support the government's proposal in this consultation document to provide a consent pathway for appropriate uses / activities.

Assessing proposals for industrial activity on their merits on a case-by-case basis including consideration of the value of a wetland, and how any adverse effects on it will be managed and/or mitigated is essential if responsible development is to occur. An outright ban is a solution worse than the problem.

Characteristics of the Extractive Sector

Mineral deposits are locationally constrained. They are not universally available; in fact, economic deposits are scarce. Extraction can only happen where the minerals are physically located and where the industry is able to access them cost-effectively. This is the case for all minerals including aggregate, which is extracted in bulk and then also subject to the expense of transporting it to where it is to be used. We comment more on this characteristic as it relates to the proposed gateway test in paras 23-30.

Mining and quarrying is typically the highest value use of commercial land-based activities. Because of the scarcity of economic mineral deposits, mining and quarrying have a relatively small footprint across the country and applications for consent are not made often. Also, these activities are a temporary use of land, with the land either returned to its pre-mining state, or used for other commercial or community activities on completion of rehabilitation, as per the conditions of the relevant resource consents.

The sector in New Zealand produces a range of minerals and there is prospectivity for many more as future demand dictates. The minerals sector is part of the solution to climate change, as is becoming increasingly well known. The products of mining are an essential contribution to many of the low emissions technologies that do, and will, play an important role in reducing global emissions. The World Bank is among organisations that forecast increasing demand for many minerals as the world moves to a lower-emissions economy. New Zealand has significant resources of strategic minerals that can contribute to clean technologies as part of this transition.

It will be important that opportunities to extract these minerals now and in the future are not closed down; rather, project proponents should be able to access a case-by-case assessment when seeking consents. The experience in New Zealand is that the effects management hierarchy works well in relation to delivering no net loss in wetlands, whether for infrastructure projects, or mining and quarrying. This includes the use of offsets, and/or compensation, and the discussion document provides a precis of these environmental management tools.

The sector directly provides well-paid jobs to 6,630 people across the country and thousands more indirectly and so makes a significant contribution to economic development and people's livelihoods and wellbeing in regional New Zealand. Mining earns valuable export receipts at a time when other export earners such as tourism have been severely affected by Covid-19. It provides products that are essential for industrial supply chains in a number of other industries including aggregate, sand, limestone, ironsands and coal, to provide infrastructure and housing.

Unchanged, the wetland regulations would mean New Zealand would need to, over time, import aggregates (shiploads of rock), limestone, more coal than at present, while foregoing export receipts from gold, silver, coking coal and iron sands, foregoing opportunities to mine for new minerals, including for the net zero carbon economy, such as lithium and tungsten, and potentially closing the Glenbrook steel mill and Golden Bay Cement.

Comments on the Consultation Document

Section 2 - Definition of a Natural Wetland

7. The definition of natural wetlands has created uncertainty due to the way it's written, and unintentionally captures land that is not in any normal sense of the word a wetland. Section 2 of the discussion document provides a good summary of the flaws of the current definition of Natural Wetlands.

8. We support the proposed definition of a natural wetland to exclude:

   "(c) any area of pasture that has more than 50 percent ground cover comprising exotic pasture species or exotic species associated with pasture."

9. This definition would reflect the original intent that wet pasture areas, even if they were once 'natural wetlands', should be able to continue their current use or be able to shift in land use.

10. The proposed definition would remove ambiguity and reduce the uncertainty that currently exists.

Section 4 – Additional Consenting Pathways

11. Changing the definition of natural wetlands is only part of the solution needed.

12. We are pleased the government also intends to remove the prohibition on consideration of proposed developments affecting wetlands for certain activities. These would be subject to a specified case-by-case assessment process (i.e. through the discretionary activity status consenting process), including application of the effects management hierarchy (set out in the National Policy Statement - Freshwater Management) as part of gaining consent.

13. This case-by-case approach is consistent with a key principle of the Resource Management Act 1991, and likely of its successor legislation, that projects must meet appropriate environmental hurdles before being granted consent, subject to conditions.

14. The activities, i.e. quarrying, landfills, cleanfills and managed fills, mining and urban development would be in addition to those already provided for in the Regulations.

15. The criteria for enabling these sectors, discussed in the document, of national or regional significance or their occurrence only in particular geographical locations is well founded.

16. We fully support the government's intention that no net loss of natural wetland will occur as a result of providing these additional consenting pathways.

17. The 'effects management hierarchy' will safeguard wetlands from further loss while also providing for economic development. Consent applications must demonstrate how each step of the hierarchy will be applied before the consent can be granted. Consideration must be given to avoiding adverse effects where practicable, then to minimising, remedying, offsetting, and compensating, in that order.

18. This flexibility is important for the extractive sector because of its locationally constrained nature (as discussed in the previous box) and there are many examples of how it can result in improved environmental outcomes.

19. Examples include:

    - Offsetting of disturbance of ephemeral wetlands at OceanaGold's Macraes mine, East Otago, via enhancement of an existing wetland, under resource consents for the Deepdell pit development
    - Removal of a wetland ecosystem at the Cypress extension to the Stockton coal mine, West Coast, its conservation as live habitat off site during mining, and planned replacement on site when mining at Cypress is completed
    - Redevelopment of a former tailings storage facility at the closed Golden Cross mine, Hauraki District, into a natural wetland surrounded by farmland and populated by wildfowl
    - The same approach to former tailings storage facilities at OceanaGold's closed Globe Progress mine near Reefton
    - Ravensdown's Supreme Lime quarry has created natural wetlands with associated native riparian plantings to offset muddy grass in a farm gully for an overburden dump
    - HG Leach is creating a natural wetland as its freshwater management system evolves at an andesite (volcanic rock) quarry near Te Aroha, Waikato

20. Some of these examples of sustainable management of the effects of mining are showcased on the Straterra website.

21. As outlined in some of the examples, the creation of artificial wetlands to manage water run-off and biodiversity offsetting and compensation are common requirements for mining and quarrying. While such activities may have short-term negative effects on natural wetlands, over time, these constructions can be and are being developed into natural wetlands. This process also benefits the operator via the ecosystem services that wetlands provide, such as maintaining and improving water quality, and flood water management.

The Gateway Test

22. The government proposes to use a 'gateway test' for activities, similar to the one for 'specified infrastructure' (one of the existing exemptions to Reg 53), as discussed on page 11 of the discussion document.

23. We support this approach but note there is ambiguity in the discussion document about what the test will cover and how precisely it will be worded.

24. The second paragraph on page 11 of the document states:

> The Government has recognised that additional activities require consenting pathways due to **their national and/or regional significance and/or their occurrence only in particular geographical locations**.

25. Paragraph 3 on page 11 of the discussion document refers to the same 'gateway test' as is already provided for 'specified infrastructure' in the regulations underpinning the NPS-FM. The conditions are set out at the top of the page, reproduced here:

> (a) the activity must be of significant national or regional benefit
> (b) there must be a 'functional need' for that activity in that location

26. Regarding (a) above, this would often be a difficult test for the extractive sector to meet. There are many smaller operations around the country that collectively provide a significant benefit to New Zealand or parts of the country, however, would fail tests of national or regional significance. For example, there are many quarries in Northland, many of them council owned, that, individually, would fail to meet a test of regionally significant. In aggregate of course, these quarries together are essential to maintaining the regional roading network.

27. Regarding (b), 'functional need' is not the same as 'occurrence only in particular geographical locations' (locationally constrained). We discuss these later in the submission (paras 65-70). Both can apply to the extractive sector but functional need (as well as operational need) have definitions in the National Planning Standards. We recommend that the wording used captures the government's policy intent that activities such as resource extraction which are constrained by their geographical location be given a consenting pathway.

28. We support the need to meet one or both of these criteria. Because many operations will not be regionally or nationally significant, requiring *both* conditions to be met would not work for the extractive sector. In other words, the two conditions (a) and (b) above should be separated by **'or'** or **'and'/'or'**, and not **'and'**.

29. We note that the gateway test in 3.22 of the NPS-FW, which is used as the exemplar, uses **'and'**, and so would **not** work for much of the mining and quarrying sectors.

Activity Status

30. We support the proposed activity status of 'discretionary' for the proposed activities.

31. A discretionary activity status would require resource consents to be applied for, and this sets a high bar for applicants who would have to show they are able to avoid, remedy, mitigate, and/or offset and/or compensate adequately for the environmental effects of earthworks on natural wetlands.

32. Discretionary consenting pathways also have the benefit of providing for public input in the design of the effects management approach, where resource consent applications are notified.

33. New Zealand's highest value wetland areas would not be put at risk under these safeguards because in practice no proposed offsetting or compensation would be adequate to meet the purpose of the RMA. In such cases, the development proponent would have to create the alternative wetland first and manage it to the same level of quality as the wetland to be disturbed, and this could take one or several decades, and impose significant expense on the project proponent.

Consenting pathways for mining (minerals)

34. The document sets out well why the extractive sector (mining and quarrying) should be one of the sectors given a consenting pathway. As set out in the earlier box, mines and quarries can only be situated where the resource is naturally found. They are also significant enterprises on a range of criteria.

35. Minerals are also necessary for the construction, upgrading and maintenance of infrastructure. This is relevant because the document (first paragraph on page 12) implies that resources for the construction of specified infrastructure be given a consenting pathway.

36. It will be important to include exploration and prospecting as defined by the Crown Minerals Act as well as mining, as discussed further in paras 81-82 below.

No distinction between mineral types / discrimination against minerals

37. We are mystified at the proposition in the document that there should be a distinction between different types of minerals. For example, question 13 asks whether the regulations should specify which minerals are able to be mined.

38. The document also seeks feedback as to whether any additional conditions should be placed on resource consent applications for mining, above and beyond those set out in the gateway test. It asks this for all the activities, but then prompts that only minerals that are required for projects of national significance or are not fossil fuels could be provided a consent pathway, or these could require additional conditions around offsetting.

39. There are a number of reasons why making a distinction between mineral types / discrimination against minerals is an irrelevant and fraught approach in the context of wetland regulation or resource management generally, as is imposing additional conditions on resource consent applications for mining above those on say quarrying. Such an approach cuts across the effects-based principles of the RMA and could also be said to be unprincipled.

Mining and quarrying are the same activity

40. For all intents and purposes mining and quarrying (ie the extractive sector) are the same thing. Only the product differs.

41. More precisely one could say quarries are a subset of mines. All quarries are mines, but not all mines are quarries. Underground mines are clearly not quarries, and there are many other examples.

42. In terms of the legal definitions, the RMA refers to Section 2 of the Crown Minerals Act 1991.

43. "**Mineral** means a naturally occurring inorganic substance beneath or at the surface of the earth, whether or not under water; and includes all metallic minerals, non-metallic minerals, fuel minerals, precious stones, industrial rocks and building stones."

44. In other words, minerals apply to ***everything*** inorganic the Earth is made of, including the inorganic components of soil, mud, earth, sand, stones and rock. The question of whether to specify some minerals as opposed to others is meaningless in this context.

45. Section 2 of the CMA states: "**mining**—(a) means ***to take, win, or extract, by whatever means***,- a mineral existing in its natural state in land; or (ii) a chemical substance from a mineral existing in its natural state in land;"

46. Picking up a rock is mining, by this definition, as is excavating a hole in the ground to remove minerals (mining, quarrying), as is gravel extraction or alluvial mining from existing or past riverbeds, as is evaporating seawater to produce table salt, or precipitating silica or lithium carbonate out of geothermal brines.

47. The definition of mining and minerals reinforce that mines and quarries, are essentially the same thing and should not be treated differently in the context of this regulation.

48. We note that there is a separate definition for **quarry** and **quarrying activities** in the National Planning Standards where there is no equivalent for mine or mining but there is no contradiction here because quarrying is a subset of mining under the CMA.

The effects of the activity matter not the mineral

49. The NES-F is about addressing the *effects* of activities, including those of the extractive sector, on wetlands. These effects depend on the mining or quarrying method, and do not depend on the type of mineral being extracted. They are also no different from the effects of the other proposed activities i.e. urban development and landfill etc.

50. Effects are what the RMA, generally, is concerned with. By way of an analogy, the RMA does not care per se whether a pine plantation contains radiata pine or some other species of pine (other than, say, a pest species). It does not care whether a restaurant provides French or Vietnamese cuisine in terms of the noise / odour levels it is regulating.

51. Therefore, the RMA is indifferent to what is mined or quarried at a location; it concerns itself with the values (eg biodiversity, a natural wetland) in the land to be disturbed, the effects on those values, and proposals for their management, including the use of the effects management hierarchy.

52. On this line of argument, the provision of a consenting pathway for mining and quarrying in respect of natural wetlands (or anything else for that matter) has to do with managing the effects of those activities on wetlands and has nothing to do with the mineral being sought.

Fossil Fuels

53. The document invites consultees to consider whether fossil fuels should be excluded from being provided a consent pathway, or whether these could require additional conditions around offsetting.

54. This is being suggested at a time when efforts are being made to reduce fossil fuel consumption as part of New Zealand's policy response to climate change. Coal is only one of many minerals mined in New Zealand and, as a fossil fuel, is presumably the target of this line of questioning.

55. We consider it would be very poor policy to use the natural wetland regulations as a way to achieve the objective of reducing carbon emissions for a number of reasons.

56. The government is addressing the consumption of fossil fuels, including coal, by reducing demand. For example, it is allowing the carbon price in the New Zealand Emissions Trading Scheme to increase, and it is reducing the volumes of emissions industry is permitted to emit. It is supporting this with moves to phase out existing, and ban new, industrial coal boilers. These moves have contributed to many users of thermal coal signalling a conversion to alternative sources for their process heat. The consequence of this over time will be for New Zealand industrial and commercial coal users to reduce demand for coal, which will have a consequent effect on coal supply. Mining companies mine coal to meet demand.

57. In recent months, as is well documented, New Zealand has experienced record imports of coal to meet demand. In the year to June 2021, New Zealand imported 1.6 million tonnes. For the first time ever, New Zealand now consumes more imported coal than it does locally produced coal.

58. Attempts to curtail the supply of New Zealand coal through this regulation will not curtail the demand but will simply skew the market towards more coal imports. Such an approach is not necessary, would create confusion in the market and would place at risk jobs and New Zealand's energy security. Government's policy to reduce emissions should remain a separate policy issue to that of the regulation of activities in respect of natural wetlands.

59. It should be noted that coal mining has been an "essential service" or a "key utility" throughout successive Covid-19 lockdowns because alternative fuel sources do not exist yet, commercially and at scale.

60. Finally, reinforcing the point made in the previous section, there is no case to differentiate coal from other minerals when it comes to effects on natural wetland because the effects of coal mining are no different from any other mining (including quarrying), or from excavation related to landfills, managed and clean fills, or urban development.

Additional conditions for mining resource consents

61. The document seeks feedback as to whether any additional conditions should be placed on resource consent applications for mining, above and beyond those set out in the gateway test, including additional conditions around offsetting. The same argument against discriminating between minerals applies here too i.e. the *effects* of activities should be addressed rather than the activities themselves. Discriminating against non-aggregate minerals or introducing barriers to mining would simply be a way to appease opponents of mining for no commensurate gain.

62. Furthermore, there are already a multitude of hurdles that the extractive sector must meet to get approval to mine. The RMA, the CMA, the mitigation hierarchy etc. The extractive sector is not a

significant contributor to Wetland loss – the footprint of mining is tiny compared to other land uses and the consenting regime already ensures that wetland loss is mitigated – so putting more rigour on the sector will not advance the objective of ensuring no net loss.

63. In terms of additional conditions around offsetting; offsetting is an approach whereby the effects at one site must be offset at another site to a measurable standard of no net loss, or net gain in the values under consideration. It is difficult to imagine what extra conditions might be placed on offsetting given this definition or understand why it would be appropriate.

Minerals occur only in particular geographical locations - Locally constrained

64. We support the proposal that activities which are constrained by their geographical location (locationally constrained) be given a consenting pathway. As we set out in the earlier box, mines and quarries can only be situated where the resource is located / naturally found. Therefore, the proposal for locationally constrained activities has particular relevance for the extractive sector.

65. In addition, the way mine and quarry developments are configured on available land parcels means small areas of wetland can disrupt much larger areas of development. Wetland areas are dotted in their millions around the landscape; a single small wetland could sterilise much larger surrounding areas of land.

66. We note there is ambiguity in the document about what is precisely/actually meant here with the term 'functional need' and 'occurrence only in particular geographical locations' (locationally constrained) both being used in the discussion on page 11 of the document.

67. 'Functional Need' is defined in the National Planning Standards as is 'Operational Need'. Locationally constrained is not.

68. We recommend that the wording to be used in the amended regulation captures the government's policy intent that activities which are constrained by their geographical location be given a consenting pathway.

69. We note also, there is usually a functional need for associated/ancillary activities such as overburden dumps to be located close to where the extraction activity occurs, from a logistical point of view. Some of the foregoing will be covered by the definition of clean and managed fill but not all[1].

Other Issues

Minerals necessary for specified infrastructure

70. As discussed in paras 23-30 of this submission, the proposed criteria for the new activities (quarries, mines, landfills etc) is based on whether an activity is regionally significant or locationally constrained. The exemplar for the proposed new gateway test is the existing specified Infrastructure test from 3.22

[1] Extractive activity often requires the removal and stockpiling of overburden, and/or the importation and stockpiling of cleanfill and managed fill for site rehabilitation. Most fill sites are located within valleys or gullies and are often damp areas of pasture or gully heads. While these fills do not have to be situated where the extraction occurs there are substantial cost implications, if they are not situated close to extraction sites.

of the NPS-F but this does not mean in itself specified infrastructure will be part of the criteria for the new activities.

71. Elsewhere in the document, however, (top of page 12) it implies that resources that are used in the construction of specified infrastructure could be given a consenting pathway as part of the *existing* specified infrastructure test (as opposed to the *new* activity gateway test.)

72. In other words, as well as specified infrastructure being given a consenting pathway, the resources necessary for the construction, operating, upgrading and maintenance of that infrastructure, could also be given a pathway.

73. A key context of this is the current infrastructure deficit and housing shortage New Zealand is currently experiencing. Quarrying materials such as sand and aggregate are recognised in the document as a key resource in the housing and roading upstream supply chain and the country is experiencing shortages of these. The regulations have been identified as a significant barrier to New Zealand addressing these imbalances.

74. We note that a broader set of minerals are also important to the construction of infrastructure. Coal and ironsands for example are essential inputs into the manufacture of steel, which is integral to the development of infrastructure projects. Steel is produced using locally sourced coal, ironsands and limestone. Coal used in steel manufacturing is a mineral input as well as a source of heat. There is currently no commercially viable alternative to make new steel at scale without coal. New Zealand Steel supplies around 65% of domestic demand for steel products. Coal and limestone are also essential inputs for cement manufacture, through the high temperatures required, and also, in the case of limestone, as a mineral input.

75. Minerals will continue to play an important role as we develop the infrastructure into the future including those needed for a low-carbon economy. Wind turbines, solar panels, electric vehicles and batteries etc will increase demand for minerals worldwide and in New Zealand and shortages for many are likely to arise periodically.

76. To conclude this section, if the regulation is to provide a consenting pathway for resources that are needed in the construction of specified infrastructure, then a broad set of minerals are relevant.

Customary harvest of resources

77. Currently, the customary harvest of resources undertaken in accordance with tikanga Māori is allowed to occur within or near a natural wetland (3.22 (1)(a)(i) of the NPS Freshwater.)

78. On the West Coast of the South Island pounamu is often collected as a by-product or co-product of gold from alluvial gold mines. Both minerals are produced simultaneously. For the owners of pounamu, Ngāi Tahu, often the only practical way to obtain this taonga or mineral of cultural importance is to go gold mining themselves or work with gold miners.

79. This illustrates one example of the futility of distinguishing between different minerals and reinforces the argument that it is the effects of mining that matter and discrimination between minerals should not occur.

Prospecting and Exploration

80. We note that for any amended regulations to work for the minerals industry it will be necessary to include prospecting and exploration as part of the activities allowed through the gateway. This is

because they are essential activities that must occur prior to any economic mine being identified for consenting. (Prospecting and exploration which typically take many years allow a miner to identify and refine its knowledge of the location and extent of a mineral resource). It is noted that many regional and district plans currently provide for these activities as permitted, controlled, restricted discretionary as well as discretionary.

81. We are also proposing that the terminology which is defined in the Crown Minerals Act 1991 be used for prospecting, exploration, mining and mining operations. These terms are well understood in the minerals industry and judicially tested. To introduce other terminology is simply confusing e.g. mineral mining or mineral mining activities. It is also important that mining operations as well as mining be included as it is the activities associated with the extraction of the mineral that are likely to those impacting on or to be in the vicinity of the natural wetlands. A reference to mining alone would make any changes to the Regulations nugatory.