

# Submission from New Zealand Minerals Council to Waitaki District Council Proposed Waitaki District Plan May 2025

## Introduction

1. New Zealand Minerals Council, formerly 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 make this submission on the [Proposed Waitaki District Plan](#). Our submission is limited to issues impacting on extractives.

## Recommendations

|               | Recommendation   |
|---------------|--|
| General       | Finalisation of the proposed plan should be postponed until the Government confirms changes to national direction instruments particularly the highly productive land and indigenous biodiversity national policy statements.  |
| ECO-P2 2 a ii | Delete the term:<br><br><i>“this subparagraph does not apply to any mineral extraction that is coal mining, in which case subparagraph iv. applies instead”</i><br><br>This term has been extracted from an earlier version of the NPS-IB which has been subsequently superseded.  |
| ECO-P2 2 a iv | Delete the term:<br><br><i>“the operation or expansion of any coal mine that was lawfully established before 4 August 2023; except that, after 31 December 2030, this exception applies only to such coal mines that extract coking coal”</i><br><br>This has been extracted from an earlier version of the NPS-IB which has been subsequently superseded. |

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| <b>ECO-P2 2 a ii</b>  | <p>The term:</p> <p><i>“mineral extraction that provides significant national public benefit that could not otherwise be achieved using resources within New Zealand”</i></p> <p>is problematic and should be rewritten to be consistent with the Government’s soon-to-be-released revised national policy statements.</p> |
| <b>EW(M) Part A</b>   | We would prefer the use of a dedicated mining chapter setting out the objectives, policies rules and standards relating to mining, over the current treatment where they are included in the Earthworks chapter.   |
| <b>EW(M)-R4 - Activity status in the General Rural Zone</b> | Change activity status from ‘discretionary’ to ‘restricted discretionary’.   |
| <b>EW(M)-R5 - Activity status in other zones</b>            | Change activity status from ‘non-complying’ to ‘discretionary’.  |
| <b>EW(M)-P3 Subclauses 1 and 2</b>                          | In keeping with the effects management hierarchy, ‘offsetting’ and ‘compensation’ should be included in these subclauses.  |

## General comments

- As a general comment, the mining sector has unique characteristics for consideration when developing provisions in Resource Management Act (RMA) plans. Most importantly, minerals are location specific. Deposits occur in very few places and mining can only occur where they exist. Where mining occurs, it earns a high return from a small footprint and is almost always the highest value use of the land by comparison with other land uses.

## Mining in the proposed plan

- We are pleased with the recognition the proposed plan gives to mining in – that it is “a notable industry in the district, providing for social and economic wellbeing for the community”<sup>1</sup>.
- Mining is the largest industry by far in Waitaki, contributing 26.5% of its GDP (according to Infometrics), directly employing 747 jobs and indirectly creating many more in the district.
- Macraes mine is the largest goldmine in New Zealand and is responsible for the greater part by far of this economic contribution. Gold has recently been deemed by the Government to be a [critical mineral](#).

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<sup>1</sup> Introduction, PART C: EARTHWORKS – MINING (EW(M))

## Earthworks chapter

7. Most of the provisions relating to mining and quarrying (other than Macraes mine) are addressed in Part B of the Earthworks chapter.
8. Macraes mine is subject to the provisions in the Special Purpose Zone – Macraes Mining chapter. We support this separate special purpose zone for Macraes mine.
9. Even though a large part of mining, by definition, involves earthworks, mining activities are significantly different and broader than general earthworks and so we would prefer to see a separate, dedicated mining chapter setting out the objectives, policies, rules and standards relating to mining works rather than what is outlined in the proposed plan.
10. Having said that, providing a separate Part C for mining, a separate Part B for quarrying for aggregate, while general earthworks activities are set out in Part A, is a workable way around this.
11. We support the clarifying statement in the user notes of the Earthworks chapter highlighting that mining activities are not subject to the general earthworks provisions. This is very important to avoid confusion and contradictions created by the two sets of objectives, policies and rules.
12. There needs to be a similar statement in the Special Purpose Zone – Macraes Mining chapter that clarifies that the general earthworks provisions and the provisions relating to mining in Part B of the Earthworks chapter do not apply to the Special Purpose Zone – Macraes Mining chapter where that is the case.

## New mines in the General Rural Zone

13. We support the provisions in EW(M)-P3 which enable mining to be undertaken in the General Rural Zone subject to certain conditions. While there is little mining activity currently occurring in the district outside Macraes, it is important that the plan enables new mining to proceed should there be a commercial need. The size of the General Rural Zone means this is where a commercial extractable resource is likely to be mined. However, this is not a certainty and there needs to be a consenting pathway to enable new mines in other zones as we point out below.
14. Under the wording of subclauses 1, 2 and 3 of EW(M)-P3 (as well as elsewhere in the draft plan) adverse effects need to be 'avoided, remedied or mitigated'. We support this but we argue that in keeping with the effects management hierarchy, 'offsetting' and 'compensation' should also be available to companies and need to be included in the wording of these subclauses.

## Activity status in the General Rural Zone

15. EW(M)-R4 provides a 'Discretionary' status for mining in the General Rural Zone. We recommend it should be changed to 'Restricted Discretionary'. This more enabling activity status is justified given the location specific nature of mineral resources and because any proposal would still have to meet specific standards and strict conditions on matters the plan has listed for a consent to be issued.

## Mining in other zones

16. Under EW(M)-P5 (and elsewhere) mining activities are 'discouraged' outside the General Rural Zone and the Special Purpose Macraes Mining Zone due to the 'increased sensitivity of these receiving environments'.

17. We agree with the principle that there are places where mining may not be appropriate due to its environmental impacts. However, it is important that the term 'discourage' does not translate as 'prohibit' and that a consenting pathway is provided.
18. As pointed out in the general comments section above, commercially extractable resources are location specific and so there needs to be a consenting pathway for mining activities in zones outside the General Rural Zone.

### **Activity status in the General Rural Zone**

19. Under EW(M)-R5 the activity status for mining in zones excluding the General Rural Zone is "Non-complying". We recommend this be changed to "Discretionary". This would recognise the point made above about mineral deposits being hard to find and it would also be appropriate given the Government's stated intention to remove this activity status under the upcoming resource management legislation replacing the Resource Management Act.

## **Ecosystems and Indigenous Biodiversity chapter**

### **ECO-P2 2 a ii Protection of Significant Natural Areas (SNAs)**

20. We support the aim of this clause which is intended to enable mineral extraction in SNAs in certain circumstances. However, we have some major concerns with the wording in a number of places.
21. In particular, the second part of ECO-P2 2 a ii, *"this subparagraph does not apply to any mineral extraction that is coal mining, in which case subparagraph iv. applies instead"*, and subparagraph iv *"the operation or expansion of any coal mine that was lawfully established before 4 August 2023; except that, after 31 December 2030, this exception applies only to such coal mines that extract coking coal."*
22. Firstly, this wording is obsolete and has been taken from the wrong document. It has come from [NPSIB released in July 2023](#) which has since been superseded and not [the October 2024 version](#) which is referred and linked to in the document.
23. The Government removed the anti-coal clauses from the NPS-IB to align the consenting pathway for coal mining with the pathway for other mining activities after advice from Crown Law that the discrimination was not legal. It was recognised that biodiversity regulations should be about addressing the effects of activities, which depend on the mining method, not the type of mineral being extracted.
24. There are other parts of the NPS-IB that are problematic for the industry which have been replicated in ECO-P2.
25. For example, the first part of ECO-P2 2 a ii the term "mineral extraction that provides significant national public benefit that could not otherwise be achieved using resources within New Zealand;" is problematic for a number of reasons.
26. In particular the term "significant national public benefit". Not only is this term undefined and would likely cause uncertainty and legal challenges as to whether a project is significant and whether the benefit is correctly defined as a public benefit. It prejudices mineral extraction relative to aggregate extraction because it refers only to national benefit whereas for aggregate extraction (under ECO-P2 2 a iii) the significant public benefit can be either *national or regional* i.e. a lower hurdle to jump.
27. Also, in ECO-P2 2 a ii, the term "that could not otherwise be achieved using resources within New Zealand" provides considerable uncertainty as to what is meant.

28. As signalled by the Minister for RMA Reform, further amendments to the NPS-IB are expected in May 2025 (any day now). It is likely these issues will be addressed in that. For these reasons we recommend postponing the finalisation of the proposed plan until after these changes are confirmed.

## Highly productive land

29. GRUZ-P1 provides for the maintenance of highly productive land for primary production.
30. Because the definition of primary production in the Definitions section of the proposed plan includes mining activities, as it should, we interpret GRUZ-P1 as providing mining activities with a consenting pathway on highly productive land.
31. We point out that mining activities are the most productive of all primary production activities given the value of the scarce mineral resources. For this reason, and due to its location specific characteristic, the inclusion of mining activity on highly productive land under certain conditions is appropriate in the right circumstances.
32. The definition of highly productive land in the Definitions section includes LUC 1, 2 or 3 land. We note the Government has announced Cabinet agreement to remove LUC-3 protections from the National Policy Statement for Highly Productive Land (NPS-HPL) and so this should be reflected in the district plan.
33. As with the NPS-IB, as discussed above, there are likely to be amendments to the NPS-HPL announced in May and so we recommend postponing the finalisation of the proposed plan until after these are confirmed.

## Special Purpose Zone – Macraes Mining chapter

34. Because of the size and importance to Waitaki as well as its special characteristics, we support a separate special purpose zone for Macraes mine.
35. To be workable the Special Purpose Zone – Macraes Mining needs to be ‘stand-alone’ with its own enabling provisions that apply within the zone.
36. There are currently inconsistencies and conflicts between provisions in the zone and other parts of the plan. A stand-alone zone so that provisions elsewhere in the plan do not need to be referenced would address this.
37. When obtaining consents within the zone references to provisions in other chapters of the plan should not be needed, and those other provisions should not be allowed to preclude activities in the zone.
38. We support OceanaGold’s submission in relation to Special Purpose Zone – Macraes Mining and we refer you to that for further detail.