

**From:** [James Adams](#)  
**To:** [RPS](#)  
**Subject:** FW: Anonymous User completed Add your submission  
**Date:** Friday, 3 September 2021 1:48:12 p.m.

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**From:** Otago Regional Council <notifications@engagementhq.com>  
**Sent:** Friday, 3 September 2021 1:02 p.m.  
**To:** Lucy Summers <Lucy.Summers@orc.govt.nz>; Kyle Balderston <Kyle.Balderston@orc.govt.nz>; James Adams <James.Adams@orc.govt.nz>  
**Subject:** Anonymous User completed Add your submission

Anonymous User just submitted the survey Add your submission with the responses below.

**Please upload your submission documents here**

[https://s3-ap-southeast-2.amazonaws.com/ehq-production-australia/adccaeeacb9b1c9926f5eb8473db6d6e3e2e17b3/original/1630630857/a8095377f660de532c9a03cba4113c54\\_Submission\\_-Otago\\_RPS.docx?1630630857](https://s3-ap-southeast-2.amazonaws.com/ehq-production-australia/adccaeeacb9b1c9926f5eb8473db6d6e3e2e17b3/original/1630630857/a8095377f660de532c9a03cba4113c54_Submission_-Otago_RPS.docx?1630630857)

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**From:** [Jeremy Harding](#)  
**To:** [RPS](#)  
**Subject:** Submission from Straterra - Proposed Otago Regional Policy Statement  
**Date:** Friday, 3 September 2021 1:12:10 p.m.  
**Attachments:** [form-5-written-submissions-form-on-proposed-otago-rps-2021.docx](#)  
[Submission Straterra - Proposed Otago RPS.pdf](#)

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Please find attached a submission from Straterra on the proposed Otago Regional Policy Statement, including the form 5 written submissions form, containing contact information etc.

Please note the same submission has also been submitted online via YourSay (but without the form 5 contact information etc.)

Thanks  
Jeremy Harding  
Policy Manager  
Straterra

## Proposed Otago Regional Policy Statement 2021

### Information for Submitters

Submissions must be in the prescribed form (Form 5) specified by the Resource Management Act and must be received by Otago Regional Council  
**by 3 pm Friday 3 September 2021**

**Privacy:** Be aware that **all submissions are considered public**, including your name and address which will be uploaded to ORC website as part of this process. The Council and further submitters will use your name and contact details for correspondence in relation to the making of the Regional Policy Statement.

#### **LODGE A SUBMISSION MANUALLY** (*USING FORM BELOW*)

A template complying with the requirements of Form 5 is provided below. Once completed, please forward to ORC by one of the following:

**Email:** [rps@orc.govt.nz](mailto:rps@orc.govt.nz) Submissions in MS Word or other editable format are preferred, if possible

**Post:** Otago Regional Council, Private Bag 1954, Dunedin 9054. Att: ORC Policy Team

**Hand Delivery at**

Dunedin: Otago Regional Council Office, 70 Stafford St, Dunedin, Att: ORC Policy Team

Queenstown: Terrace Junction, 1092 Frankton Road, Queenstown, Att: ORC Policy Team

Alexandra: William Fraser Building, Dunorling Street, Alexandra. Att: ORC Policy Team

#### **INQUIRIES**

Email: [rps@orc.govt.nz](mailto:rps@orc.govt.nz)

Phone: ORC Call Centre: 0800 474 082, Monday - Friday, 8am-5pm

## NOTES TO PERSON MAKING A SUBMISSION

If you are a person who could gain an advantage in **trade competition** through the submission, your right to make a submission may be limited by [clause 6\(4\)](#) of Part 1 of Schedule 1 of the Resource Management Act 1991.

Please note that your submission (or part of your submission) may be **struck out** if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):

- it is frivolous or vexatious:
- it discloses no reasonable or relevant case:
- it would be an abuse of the hearing process to allow the submission (or the part) to be taken further:
- it contains offensive language:
- it is supported only by material that purports to be independent expert evidence but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

Go to Written Submission Form on next page

# Written Submission on Proposed Otago Regional Policy Statement 2021

*(Submissions must be received by Otago Regional Council by 3 pm Friday 3 September 2021)*

## To: Otago Regional Council

1. **Name of submitter** *(full name of person/persons or organisation making the submission. Note: The submissions will be referred to by the name of the submitter)*

Straterra

2. This is a submission on the **Proposed Otago Regional Policy Statement 2021**.
3. I **could not** gain an advantage in trade competition through this submission. *(See notes to person making submission)*
4. I **am not** directly affected by an effect of the subject matter of the submission that
- a. adversely affects the environment; and
  - b. does not relate to trade competition or the effects of trade competition *(See notes to person making submission)*
5. I **do not wish** to be heard in support of my submission
6. If others make a similar submission, I **will** *(Select one)* consider presenting a joint case with them at a hearing
7. **Submitter Details**

- a. **Signature of submitter** *(or person authorised to sign on behalf of submitter)*

*Jeremy Harding*

- b. **Signatory name, position, and organisation** *(if signatory is acting on behalf of a submitter organisation or group referred to at Point 1 above)*

*Name Jeremy Harding*

*Position Policy Manager*

*Organisation Straterra*

- c. **Date**

3 September, 2021

**Address for service of submitter** (*This is where all correspondence will be directed*)

**d. Contact person** (*name and designation, if applicable*)

Jeremy Harding

**e. Email:**

jeremy@straterra.co.nz

**f. Telephone:**

027 6316161

**g. Postal address** (*or alternative method of service under [section 352](#) of the Act*):

93 The Terrace Wellington 6035

**8. My submission is:**

**Please see the attached document.**

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<p><i>The <b>specific provisions</b> of the proposal that my submission relates to are:</i></p> <p><i>(Please enter the relevant objective, policy, method, or 'other' provision reference where possible. For example, 'AIR-O1'.)</i></p>	<p><i>I <b>support</b> or <b>oppose</b> the specific provisions or wish to have them <b>amended</b>.</i></p> <p><i>(Please indicate "support" or "oppose" or "amend")"</i></p>	<p><i>The <b>reasons</b> for my views are:</i></p>	<p><i>I seek the following <b>decision</b> from the local authority:</i></p> <p><i>(Please be as clear as possible – for example, include any alternative wording for specific provision amendments.)</i></p>

<b>Note:</b> Additional rows for each separate provision or submission point should be added as required.			

# Submission from Straterra To Otago Regional Council Proposed Otago Regional Policy Statement September 2021

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## 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 welcome the opportunity to comment on the [Proposed Otago Regional Policy Statement](#). (pORPS).
3. The pORPS places a lot of importance on protecting Otago's natural resource, as reflected in the mihi and long-term vision on page 2, for example. It overlooks the fact that mineral and aggregate resources are a valuable natural resource that are essential to society.

## General comment – What is wrong with the Proposed Otago Regional Policy Statement

4. The pORPS, as it currently stands would result in the closure of many mines and quarries as well as prevent the development of new ones. Other land-using industries will be similarly affected.
5. Essentially the pORPS too readily enables the creation of Significant Natural Areas (SNAs) across the region. Only economic activity that leaves these areas untouched would be allowed to occur, which would rule out almost all land uses in the region.
6. Sectors like extractives that are constrained in where they can operate (minerals can only be found and mined where they are located) need to be able to access the Effects Management Hierarchy and offer biodiversity offsetting and compensation as a consenting pathway for development to occur. This course of action is not open to them under the pORPS.
7. Mine and quarry extensions are consented over time as new or additional resources are identified. But under the pORPS, these consents would unlikely be granted, meaning many mines would have to close.
8. The pORPS prioritises preservation when the goal must be responsible development that generates jobs, and generates the wealth and activities required for a net positive contribution to the environment. For the Council to aim for less than that is short sighted and irresponsible.



9. More details are provided later in the submission but first it is worth pointing out why the extractives sector is important and why flexibility is necessary for responsible development of our mineral resources.

## Importance of extractives to Otago

10. The extractive sector makes an important economic contribution to the Otago Region - from the thousands of people employed to the rates paid and the economic activity generated. The minerals and aggregates produced are also vital for the region and the country. Demand for aggregate in Otago for infrastructure and housing is currently very strong and Otago gold ranks amongst New Zealand's highest export earners to Australia.
11. In Waitaki District alone which is where OceanaGold's Macraes gold mine is partially located, Infometrics figures show that mining directly contributes 32.5% of the district's GDP and 5.3% of total jobs. The indirect benefits from these numbers, once downstream multipliers are applied, are even greater.
12. In addition to this, there is significant mining and extractive activity across the region in a number of commodities and locations. Employment in corporate offices based in Dunedin and across the region also make a contribution.
13. The contribution goes beyond the region. The Otago minerals sector is important on a national scale. Otago is the second ranked region in the country in terms of numbers of jobs employed in the mining and exploration sector. Many more jobs in the region are created indirectly.
14. Much of this contribution would be at risk if the pORPS is introduced. A number of mines and quarries would be threatened by closure. For example, we understand that Macraes Mine would not be able to renew its resource consent in 2026 and would therefore face closure if the pORPS is introduced. That outcome would be a major loss to the community and the local economy and would, we would argue, lead to a net loss in environmental values.
15. It would be irresponsible for the council to cause the contraction of the extractives sector in Otago through the RPS with all the corresponding job losses and economic disruption that would occur as a result. Councils have a role to promote and enable regional economic development as much as environmental protection.

## High-tech minerals

16. The government's resource strategy (Minerals and Petroleum Strategy for Aotearoa New Zealand 2019-2029) recognises the importance of minerals in New Zealand. In particular, it places a great deal of importance on high-tech minerals given the contribution they will make in the transition to a low carbon economy.
17. There is significant potential for high-tech minerals in the Otago Region, including rare earth elements, and nickel-cobalt, for which there is prospectivity in Otago. Tungsten, which is a byproduct of gold mining currently mined in Otago, is another example. The pORPS would prevent the country accessing these minerals now and in the future. The outcome of this approach is to simply export the 'problem' to another jurisdiction.

## Out of step with central government

18. The provisions of the pORPS are inconsistent with the direction being set by central government as evidenced by upcoming changes to regulation governing natural wetlands, and, separately, indigenous biodiversity, particularly in broadening the scope for and enabling the application of the effects management hierarchy.
19. With regard to natural wetlands, the Minister for the Environment (and indeed Cabinet) has accepted there is a clear case for providing a consenting pathway for locationally constrained activities, including mining and quarrying – responsible development requires these sectors to have access to the ability to offset and/or compensate for effects on natural wetlands. This currently applies to specified infrastructure in the wetland regulation through a ‘carve out’, just as specified infrastructure is allowed for in the pORPS, but the pORPS does not allow access to the same provisions for the extractive sector.
20. The NPS for Indigenous Biodiversity, when it is released later this year, is expected to make similar allowances and acknowledgements, ie a recognition that locationally constrained industries should be able to access the effects management hierarchy. The draft NPSIB, consulted on in late 2019 and early 2020, contained well-conceived principles for determining the use of biodiversity offsetting and compensation (appendices 3 and 4) which could be applied to the pORPS, subject to a review for workability.
21. This approach is also consistent with the recent Environment Court decision in *Brookby Quarries Limited v Auckland Council* [2021] NZEnvC 120. This case addressed the issue of the conflict between maintaining and protecting indigenous biodiversity and the locational needs of the extractives sector. The Court acknowledged that where Significant Ecological Areas are present in a Quarry Zone, an applicant for resource consent does not need to first avoid adverse effects, but can apply for resource consent based on access to mitigation, offsetting and/or compensation.
22. We argue that in addition to the economic and environmental loss the pORPS would create, it would be inappropriate for ORC to go against the ‘thrust’ of this national direction.

## Superseded by new legislation

23. The RPS and other RMA planning instruments will soon be superseded by the Natural and Built Environments Act and the other legislation destined to replace the RMA. A new National Planning Framework and regional spatial strategies etc will be introduced.
24. We are opposed to the pORPS and, in addition, the council shouldn’t be implementing it at this time given the significance of these pending legislative changes. At the very least it should be put on hold, given the time and cost of the process and the fact that it will be short lived.

## Existing Otago Regional Policy Statement

25. As well as departing from central government thinking and direction, the pORPS represents a significant step back from the existing, and partly operative 2019 Otago Regional Policy Statement (ORPS). This document recognises explicitly that the mining and extraction sector is locationally constrained and it permits the sector’s proposals to be able to access the full suite of environmental effects management tools.

26. Note Policy 5.3.4 of the existing statement: Mineral and petroleum exploration, extraction and processing – recognise the functional needs of mineral exploration, extraction and processing activities to locate where the resource exists.

## SNAs

27. We accept that identifying and protecting significant natural biodiversity on private and public land is important. The problem the pORPS creates is the low hurdle for the creation of Significant Natural Areas (SNAs) and the status of land declared an SNA. In particular, an SNA would not have to be mapped in advance of an activity applying for resource consent. Instead, a consenting process would trigger how “significance” is to be identified at a site and then considered in the context of a resource consent application. That is not a regime designed to enable responsible development.
28. Appendix 2 sets out the criteria for determining whether an area is to be classified as an SNA. Using the criteria, under “Rarity”, if a threatened indigenous species that is “at risk” or “uncommon” an SNA is created. This is a particularly low threshold for a total ban on any land use or economic development that has more than zero environmental effects.
29. The threshold must be raised. One partial solution would be to restrict ecological significance to important populations of such species and require a higher threshold for the capture of “at risk” and “uncommon” species although these would be difficult to define. Alternatively, the effects management hierarchy should apply in every situation.
30. There does not seem to be any analysis by the council as to how much land would be classified as Significant Natural Area under the pORPS, but by any assessment it would be very large. It has been estimated that 50% of Otago by area would be categorised as an SNA affected.

## Impact avoidance

31. Once SNAs are created, land users would be required to completely avoid impacting them, under the pORPS. This would remove a consenting pathway to disturb SNAs. Even where the impacts of any activity can be mitigated to the standard of no net loss, the activity would be prohibited. This construct ignores the reality that activities can, and do, operate while preserving and often enhancing indigenous biodiversity. The creation of artificial wetlands to manage water run-off and biodiversity offsetting and compensation, for example, are common requirements for modern mining.
32. As stated above, our position is that industries that are locationally constrained and do not have the option to relocate should have the ability to offset or compensate for any loss that occurs. This would be similar to the pORPS’s treatment of specified infrastructure which is similarly locationally constrained.

## Cost benefit analysis

33. We are not aware of any analysis by the council of the economic activity that would be foregone as a result of changes. Certainly, the s32 report does not provide any cost benefit analysis, as is often the case for s32 reports, despite this being arguably the purpose of these reports.

34. It is extraordinary that the benefits of mining and quarrying, not to mention other land uses, are not taken account of. The economic contribution of the sector is significant, as outlined in section paragraphs 7-12 above, and conversely the loss to the region if this activity, or only some of it, is ceased needs to be acknowledged against the gains to biodiversity that might arise from the RPS.
35. The fact that the aggregate needed for the region's infrastructure requirements, including renewable electricity generation and housing growth, would not be locally available if quarrying was to be avoided should also be incorporated into a cost benefit analysis.

## Solutions

36. The Otago pORPS should be made consistent with the direction set by central government in regard to biodiversity and wetlands, by:
  - i. Recognising that mineral extraction, like infrastructure, is locally constrained.
  - ii. Allowing mineral extraction, as a functionally constrained industry, to access the effects management hierarchy – whether in an SNA or not.
  - iii. Raising the threshold for classifying SNAs. See ii above.