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Minerals West Coast feedback on proposals of recommendations of National Panel and Ngāi Tahu Mana Whenua Panel for reclassification of stewardship land in Western South Island

Introduction

1. Minerals West Coast is an industry association representing the West Coast region's mining interests.
2. The association's members include people and companies in the business of mining gold, coal, and aggregates. These range in scale from small to medium-sized, family-owned and/or owner-operators to larger firms employing anywhere up to 100 staff across different sites, as well as some of New Zealand's largest mining companies. Other members include training institutes, engineering and mechanical support services, geologists, and other contractors and consultants.
3. Mining makes a significant contribution to the West Coast region's prosperity, comprising 8.4% of GDP in the West Coast region, 3rd after 'dairy cattle farming' (10.6%) and 'electricity and gas supply' (9.1%) in 2021, according to Infometrics¹.
4. At a regional level, direct employment in the mining industry amounted to about 581 fulltime staff, according to Infometrics data for 2021².

Summary of submission

The reclassification process and recommendations laid out by the National Panel for the Western South Island and the Ngāi Tahu Mana Whenua Panel constitute a comprehensive review of a third of public conservation land on the West Coast, and about 27.7% of the region as a whole.

The future of this land has a significant bearing on the future of the West Coast, and on the 30,000 or so people living in the region.

The reclassification of stewardship land – whether as national park, ecological area, scenic reserve etc – may provide legal protection from economic development. The fact that this proposed reclassification is seen as necessary to safeguard land from economic development in and of itself confirms the land has potential economic value. If this were not the case, there would be no need for protection of any kind beyond the land's current conservation status.

Minerals West Coast does not consider economic development on conservation land – which benefits West Coasters – to be at odds with protecting the natural and historic resource values that make the land special.

¹ Based on Minerals West Coast interpretation of data from [Infometrics](#)

² Based on Minerals West Coast interpretation of data from [Infometrics](#)

In the 35 years since the establishment of the Department of Conservation, commercial use of parts of public conservation and in Aotearoa has included, but not been limited to: farming, mining, electricity generation, recreational tourism (hunting, skiing, guided walks), apiculture, and windthrown native forestry to name a few activities.

Like other economic activity on public conservation land, mining provides business and employment opportunities for people living on the West Coast and farther afield, generates revenue for the people of New Zealand by way of access and concession fees paid to the Department of Conservation, produces a domestic supply of the mineral resources New Zealanders need and value, and through the exporting of minerals such as gold and metallurgical coal for steel-making generates export earnings for the people of New Zealand.

To reclassify this stewardship land is to modify the legal tests, and the application of those tests, to any potential economic use on said land.

Minerals West Coast argues full consideration should be given to the environmental, economic, and social benefits of reclassification of land, relative to the environmental, economic, and social opportunity costs doing so.

By “opportunity costs”, Minerals West Coast means the time it takes for rehabilitation of land and conservation values disturbed by mining to occur to a standard required in legislation and regulation, and acceptable to society as a whole.

This submission comprises Minerals West Coast’s consideration of these issues, as well as views on the process and recommendations of reclassifying the 644,015.7 hectares in question.

Section 1: Concerns with basis for reclassification and process of its execution

Minerals West Coast has concerns with the underlying premise of this reclassification process – namely that stewardship land is insufficiently protected by law, and therefore needs reclassification to achieve levels of protection commensurate with the conservation values in that land.

In the terms of reference for this review³ reference is made to a 2013 report by the Parliamentary Commissioner for the Environment (PCE)⁴ which investigated the case of stewardship land. In the 2013 report, the then Parliamentary Commissioner for the Environment, Dr Jan Wright, commented that some stewardship land “clearly had the lowest level of legal protection”.

Within the context of public conservation land managed by the Department of Conservation, it may be correct to refer to stewardship land status as the “**weakest**” legal protection, but that should not necessarily be mistaken for “**weak legal protection**”.

For people in the mining industry to access stewardship land, overlapping if not duplicated legislation and regulation must be satisfied, including several layers of environmental safeguards.

³ [Terms of reference for National Panels](#)

⁴ PCE 2013 report: [Investigating the future of conservation: The case of stewardship land, 2013](#)

Section 61 of the Crown Minerals Act⁵ is cited below by way of example:

61 Access arrangements in respect of Crown land and land in common marine and coastal area⁶

(2) In considering whether to agree to an access arrangement, or variation to an access arrangement, in respect of Crown land, the appropriate Minister (in the case of subsection (1)) or the Minister and the appropriate Minister (in the case of subsection (1AA)) shall have regard to—

- (a) the objectives of any Act under which the land is administered; and*
- (b) any purpose for which the land is held by the Crown; and*
- (c) any policy statement or management plan of the Crown in relation to the land; and*
- (d) the safeguards against any potential adverse effects of carrying out the proposed programme of work; and*
 - (da) the direct net economic and other benefits of the proposed activity in relation to which the access arrangement is sought; and*
 - (db) if section 61C (3) applies, the recommendation of the Director-General of Conservation and summary referred to in that subsection; and*
 - (e) any other matters that that Minister or those Ministers consider relevant*

Minerals West Coast considers this statute provides decision-makers sufficient scope to grant or decline applications for access arrangements and place sufficient controls to manage any effects, including the requirement for offsets or compensation (under section 76 of the CMA).

In addition to the CMA access arrangement and offsets/compensation provisions, note requirements for resource consents under the Resource Management Act, wildlife permissions under a Wildlife Act authorisation, and where the activity has an effect outside of the minerals permit area a concession under the Conservation Act will also be required.

In summary, there are already multiple levels of authorisations and approvals required for mining on conservation land, including stewardship land. These are often duplicated and cumulatively ensure any adverse effects from mining found to be more than minor are considered and managed appropriately under the “effects management hierarchy”, as defined most recently in the draft National Policy Statement for Indigenous Biodiversity.

Quality of Department of Conservation reports

Minerals West Coast is concerned at the quality of the information provided in the technical reports known as *Conservation Value Reports*.

Minerals West Coast notes there are 504 conservation value reports for 504 stewardship land parcels in Buller, Grey, and Westland Districts.

Limitations of time and resources on our part make it infeasible to have each of these reports independently peer-reviewed, nor is Minerals West Coast in a position to discuss each individual parcel.

⁵ [Crown Minerals Act 1991](#)

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Some of Minerals West Coast's members, however, have interests in specific parcels relevant to present or future mining activity within stewardship land that may have its status changed depending on the outcome of this reclassification process.

One such member is Bathurst Resources, who engaged an ecologist, Dr Gary Bramley, to review the conservation value reports for seven land parcels (of the 504 parcels under review) being assessed for reclassification.

Dr Bramley's general comment and conclusion to Bathurst (screenshots of which are shown below) offer some insight into his assessment of the conservation value reports.

General Comment

It is clear from reading the Conservation Value Reports that they have been produced in a hurry without adequate peer review. The reports contain a number of errors with respect to scientific names (e.g., *Leptospermum scopariu* should be *L. scoparium*, *Halocarpus biforme* should be *H. biformis*). The reports make statements which are not supported by references or by transparent analysis. They also appear to ignore information of which the Department should be aware. It appears that the report's authors have selected information to include in their report, rather than considering all available information, but the lack of a comprehensive reference list (which is normally expected in a technical report) makes this difficult to verify. In addition, the reports also include a number of subjective statements, unqualified statements, inconsistencies and some errors of fact. Whilst there are occasional references cited in the text, none of the reports includes a list of primary literature cited which is the minimum standard expected of a technical report. Each of the seven reports identified above is considered in more detail below.

Conclusion

As I have set out above, the Conservation Value Reports appear to have been produced in a hurry without adequate peer review. They do not meet the level of objective reporting and literature citation expected in even a basic technical report. They contain a number of elementary errors and inconsistencies which cast doubt on the broad statements made which are not supported by references or by transparent analysis.

Minerals West Coast considers it of concern that one qualified ecologist's peer-review of merely seven conservation value reports can find such basic errors (erroneous species names, omission of information or selective use of information, inadequate references etc) in what should be sound and robust reports given the gravity of decisions being made. It begs the question as to how widespread similarly poor process may be throughout this comprehensive reclassification process, in which the national review panel has attempted to assess the values of about 128,000 hectares a month (assuming a review of 644,015.7 hectares over a five month period, which is the area and timeframe outlined on the Department of Conservation's website).

Bluntly, Minerals West Coast does not think the government has allowed the process and the people engaged to execute it (including wider stakeholders such as communities, industries, and the general public) sufficient time for the job to be done properly, making it much more likely to result in poor decisions being made. In short, the work does not meet a basic standard of professionalism, which government expects of miners.

On this basis, proceeding with these reports informing decisions as serious as reclassification of land status carries serious risks for the people of New Zealand. Are New Zealanders to understand that

government is taking generally a cavalier, even reckless, approach to policymaking, and policy implementation, as regards land and resources?

Section 2: Economic opportunity cost of reclassification of land

Minerals West Coast considers any lost opportunities in mineral development to carry significant costs for the West Coast as a region and for New Zealand as a nation.

As a country that struggles with workforce productivity and low wages – as Finance Minister Grant Robertson told delegates at the Civil Contractors New Zealand conference on 4 August 2022 - mining as an industry presents regions of New Zealand, such as the West Coast, with opportunities to lift both. One would hope Minister Robertson and the Government would take a keen interest in our industry, and what it can do for New Zealand.

For example, mining is the highest-paid sector in the New Zealand economy, paying almost twice the average wage, with the average employee in the industry earning about \$100,000 per year⁷.

On a per person basis, mining makes the greatest contribution to income, productivity, and GDP in the West Coast region.

Regarding two of this government's economic priorities, namely [regional economic development](#) and [Māori economic development](#), mining plays an important role in providing people opportunities to acquire on the job training in high income work.

Infometrics data reports about 5,818 full time employees in the mining sector at a national level (for the 2021 year) using the [Australian and New Zealand Standard Industrial Classification](#) (ANZSIC) system.

Of these employees, about 64% were concentrated in the Waikato, Taranaki, Otago, and West Coast regions⁸.

Stats NZ data reports the number of full-time employees in the mining industry nationwide at 4,600, 1,100 of whom identified as Māori, constituting 23.9%⁹, compared with 16.5% of the New Zealand population who identified as Māori in the 2018 census¹⁰.

The mining industry's comparatively high productivity and wages, along with its concentration in regional areas and the high proportion of Māori in the sector means it is well-placed to continue providing opportunities for these two areas of government priority in economic development.

Producing minerals people need and value

The benefits of mining are far from exclusive to those people working in the industry. Through use of the minerals produced, people throughout New Zealand and around the world benefit from the products of mining almost constantly.

As is outlined in the New Zealand Government's minerals and petroleum strategy document *Responsibly Delivering Value*, minerals enable our current way of life.

⁷ [New Zealand Petroleum and Minerals Strategy 2019-2022](#).

⁸ Based on Minerals West Coast's analysis of Infometrics data on [this online tool](#).

⁹ Based on Minerals West Coast's analysis of Stats NZ data using the [NZ.Stat tool](#).

¹⁰ Based on information from the [2018 New Zealand census](#).



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To quote the document, published by the Ministry of Business, Innovation and Employment in November 2019, ***“Our economy currently depends on minerals although alternatives are emerging which may alter our mineral dependence in the future. Until then we need to ensure we have an affordable and secured supply of the right minerals to support a productive, sustainable and inclusive economy both now and in the future.”***¹¹

Minerals produced on the West Coast region include aggregate, limestone, coal (both for energy users domestically and steel manufacturers internationally), gold, and of course, pounamu, among the first minerals in Aotearoa that humans put to use.

Companies are in development stages of production of heavy minerals sands containing concentrates of minerals such as ilmenite, garnet, and rare earth elements. We have no way of knowing what minerals will be needed in the future, nor of those, which miners on the West Coast will be able to supply. Cutting off any pathway for accessing any minerals seems wholly short-sighted.

In the absence of locally produced minerals (such as aggregate for construction and infrastructure, and coal for energy) people will secure supplies from further afield. The only alternative is to find a substitute or do without.

This inevitably increases costs (particularly for aggregate) which either have to be absorbed by the people producing the minerals or passed on to the end consumer – the person paying for the house or highway produced from aggregates, the person paying for the food produced or processed with coal or fertilised with lime. The emissions associated with getting a product to the people buying them increase with freight, which is discussed in the environmental section of this submission.

If demand remains constant, and alternative supplies are available, a willing buyer will find a willing seller and vice versa.

To look at New Zealand’s coal consumption at a national level for example, in 2012, New Zealand consumed about 3,254,710 tonnes of coal, of which 1,380 tonnes were imported.

In 2021, New Zealand consumed about 3,153,961 tonnes, but in the same year imported 1,845,198 tonnes.

In the past decade, New Zealand’s coal demand has become increasingly supplied with imported coal – this serves as an indication that whatever happens on the supply side of the equation, demand will be met one way or another. Better, surely, to meet that demand via domestic production, employing New Zealanders, and carrying out the activity subject to stringent regulation across health and safety, employment conditions, as well as the environment and conservation.

The above numbers can be explained in more depth, but the sole point of these figures is to illustrate that generally supply of minerals follows the demand for them, and not the other way around. People mine because people need minerals; it’s as simple as that.

This holds true for all minerals, not just those used to produce energy. Minerals West Coast urges the Minister for Conservation and her staff to consider New Zealand’s ongoing need for minerals in the process of this review.

¹¹ [New Zealand Petroleum and Minerals Strategy 2019-2022.](#)

Section 3: Environmental opportunity cost

Minerals West Coast understands the purpose of this reclassification is to ensure relevant land gains appropriate and adequate legal protection.

In Minerals West Coast's view, the review presupposes those 644,015.7 hectares are in urgent need of protection from imminent and permanently damaging economic use.

This is simply not the case. To take mining, which is the commercial activity on public conservation land most at risk from having access rights removed or reduced as a result of this reclassification process, the footprint is small, managed, and over time, temporary.

To give a sense of proportion and context, Minerals West Coast at the time of writing understands the footprint of mining on public conservation land to be about 3,512 hectares.

In the context of 8,838,470 hectares of public conservation land in New Zealand, this is about 0.04%, meaning 99.96% of public conservation land is not affected by mining.

Put another way, for every 10,000 hectares of public conservation land, 9,996 hectares are not affected by mining.

The impact in any reasonable sense can be described as small if not miniscule.

Minerals West Coast notes the terms of reference¹² for the national panels, in which reference is made to a 2013 report on the status of stewardship land written by the then Parliamentary Commissioner for the Environment, Dr Jan Wright.

In addition, in 2010 and 2014, Dr Jan Wright published two reports on mining on public conservation land. In the first report, Dr Wright noted that mining within the conservation estate could result in a win-win.

In her 2010 report, the then commissioner wrote ***"The greatest threat to New Zealand's unique biodiversity on the conservation estate is not mining but introduced pests, both plants and animals. Without active pest management, kiwi chicks have a one-in-twenty chance of making it to adulthood. Any many of our most precious species such as kōkako and native mistletoe would face almost certain extinction. Provided conservation takes precedence, some mining operations could well provide a net conservation benefit"***.¹³

Dr Jan Wright went on to note ***"There are some circumstances where mining could benefit the conservation estate and the purposes for which it is held. The largest and most pervasive threat facing native species and ecosystems on the conservation estate is introduced pests both plants and animals. Pests can even damage landscapes – the wilding pine invasion of the South Island high country is a worrying example. Current and projected public funding will not be enough to stop pests wiping out much of our unique biodiversity. Commercial use (including mining) of the conservation estate offers an opportunity to address some of that funding shortfall"***.¹⁴

Dr Jan Wright repeated such messages when delivering the Salmon Lecture to the Resource Management Law Association in 2014, saying ***"mines can be damaging though generally much less so than in the past. Much of the damage from a mine is very tangible, but far more destructive are***

¹² [Terms of reference for National Panels](#)

¹³ [Making difficult decisions: mining the conservation estate, 2010](#)

¹⁴ [Making difficult decisions: mining the conservation estate, 2010](#)

the silent invisible enemies within the conservation estate – the pests that feast on and smother the flora and fauna that make this country so special. The impact of a mine is generally localised, but pests are everywhere. Unlike mining companies, pests do not require concessions or access agreements before they invade and multiply across the landscape. Nor do pests have to comply with conditions in resource consents.¹⁵

Dr Jan Wright’s concluding remarks for that section of her speech were that ***“The impacts of mines are localised though can sometimes be very important. But pests – possums, rats, stoats – and a host of others are everywhere. Let us fret less about mining on conservation land and focus on knocking down pest populations***”.¹⁶

Minerals West Coast would like to simply stress these are not the words of a mining industry advocate or lobbyist, but of an independent commissioner enabled under the Environment Act who is sworn by oath to carry out the obligations and duties of the role. The Parliamentary Commissioner for the Environment sits alongside the office of the Ombudsmen and office of the Controller and Auditor-General as independent voices giving independent advice to, and reporting to, Parliament, not the government of the day.

In the eight years since Dr Jan Wright delivered the Salmon Lecture, relatively little headway has been made in the fight against introduced pests and predators.

According to the Ministry for the Environment’s *Environment Aotearoa 2022*¹⁷ report, stoats, rats, and possums are responsible each year for the majority of the **26.6 million** native bird egg and chick deaths.

In the Ministry for the Environment’s *Environment Aotearoa 2019*¹⁸ report, stoats, rats, and possums are reported to be present over more than 94% of New Zealand’s land mass.

In spite of the scale and severity of the scourge of introduced pests and predators (which include all manner of other mammals, as well as invasive plant species), there has been a failure to carry out the necessary pest control.

As a result, *Environment Aotearoa 2022*¹⁹ indicates more than 75% of terrestrial bird species, 75% of frog species, 75% of bat species, and 90% of reptile species are threatened with, or are at risk of extinction. Even of those species not at risk, many species are either data deficient or “conservation reliant-dependent”.

At the time of writing, Minerals West Coast understands the area of public conservation land under management for stoats, possums, and rats (to say nothing of a host of other invasive plant and animal pests) is a mere 12.5%²⁰, meaning 87.5% is left for the free run of these species, among a host of other animal predators and pests, along with invasive plants.

As was pointed out in Dr Wright’s report on mining on conservation land in 2010, the funding shortfall to finance the cost of pest and predator control can be partially addressed through

¹⁵ [Dr Jan Wright, Salmon Lecture, 2014](#)

¹⁶ [Dr Jan Wright, Salmon Lecture, 2014](#)

¹⁷ [Environment Aotearoa 2022](#)

¹⁸ [Environment Aotearoa 2019](#)

¹⁹ [Environment Aotearoa 2022](#)

²⁰ Predator Free 2050/Department of Conservation, [online article](#)



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commercial use of public conservation land (including mining), and provided conservation takes precedence, there can be a win-win.

Minerals West Coast considers given what can only be a lack of ability to pay for sufficient levels of pest and predator control, there is indeed an opportunity in retaining the ability to apply for access to public conservation land for the responsible prospecting and exploration for, and mining of, minerals in areas where they happen to be.

There is a clear opportunity cost to removing or unduly restricting access to these resources, a cost which, from an environmental point of view, 4,000 threatened and at risk species can scarcely afford to pay.

Climate change and emissions

As was noted in when discussing social and economic opportunity costs in Section 2 of this document, where there is clear demand for a mineral, there is almost always an incentive to meet or supply such a demand.

The West Coast is a long and narrow region of New Zealand, with a similar length from north to south as the distance between Auckland and Wellington.

Bulk resources such as limestone, aggregate, and coal are all best to be produced within as short a distance as possible as the point of consumption.

If this cannot be achieved, transport emissions will almost invariably increase as a result. Any land arbitrarily classified with a higher legal protection than that of stewardship land could lead to aggregate, limestone, coal, and other bulk mineral resources having to be carted much further than necessary to satisfy demand for roading and construction materials, fertiliser, and energy.

This would represent an opportunity cost in having low “mineral miles” and in turn emissions, compared to if resources need to be sourced from further afield.

Section 4: Preferred approach for reclassification

Minerals West Coast’s preferred approach is to leave all stewardship land either as stewardship land or reclassified as conservation park. The legal protection of these two statuses is virtually identical and gives the land more than adequate legal protection (as is mentioned above).

Classification as National Park is simply too restrictive, and while ‘protecting’ land from physical human development does very little to protect land from introduced pests and predators. For example, while National Parks comprise over 3,000,000 hectares of land (about 35% of public conservation land), this does not mean anywhere that area is effectively controlled or managed for the threat of introduced pests or predators – these species are unable to read any signs regarding land status, and do not have to comply with conditions laid out in resource consent processes.

By all accounts little over a million hectares of public conservation land is regularly managed for pests and predators.

Minerals West Coast also opposes reclassifying stewardship land as either ecological area, or scenic or historic reserve for two reasons. The first is that although such classifications do not prohibit mining, they may in practice add a great deal of cost in both time and money relative to any extra protection given. Classification as either stewardship land or conservation park allow for more than adequate legal protection and for any commercial use (including mining) to be considered based on



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its merits and application of the effects management hierarchy, and through all legal processes required to establish a mine or any other commercial operation.

Conclusions

Minerals West Coast considers the West Coast stewardship land reclassification process to be flawed on several counts.

The first of which is the premise that land classified as stewardship land is lacking in adequate legal protection. This premise is flawed, and as outlined in the body of this submission, there are sufficient protections for stewardship land in the Crown Minerals Act, the Conservation Act, and the Resource Management Act.

Secondly, the conservation value reports, and wider process have clearly been rushed and as a result decisions are being made on the future of public conservation land in this country, potentially, on poor advice that has not received sufficient scrutiny and peer review.

Thirdly, Minerals West Coast notes that there has been no acknowledgement given to the impacts reclassification may have on access to resources New Zealanders need now and into the future, even though mineral potential was mentioned in the terms of reference for the national review panels.

Finally, we reject the premise that protecting New Zealand's public conservation land from what is in practice managed, small, and often temporary use of land will achieve anything meaningful in the context of New Zealand's declining biodiversity. The fact is that by far the biggest threat to biodiversity is introduced pests, weeds and predators – a threat that mining can help address.

ENDS