

New Zealand thanks the Secretariat for the invitation to submit information on biodiversity considerations in legislation of the mining sector in New Zealand.

Introduction

The mining industry in New Zealand is a small but important industry in New Zealand's economy. New Zealand's minerals deposits are generally confined to rural areas and mining operations provide support to these rural economies.

Mineral deposits within New Zealand are either privately owned or owned by the Crown. The ownership of the minerals can affect the legislation which applies to the mining sector activities conducted in New Zealand.

Legislation of the Mining Sector

In general the mining sectors activities in New Zealand are heavily regulated with compliance with over ten separate pieces of legislation required. Biodiversity considerations are encompassed in the following legislation applicable to the mining industry;

- Resource Management Act 1991: Manages the sustainable management of natural and physical resources whilst sustaining the potential of natural and physical resources (excluding minerals) to meet the foreseeable needs of future generation, safeguarding the life-supporting capacity of air, water soil and ecosystems and avoiding, remedying, or mitigating any adverse effects of activities on the environment.
- Conservation Act 1987: Promotes the conservation and protection of New Zealand's natural and historic resources.
- Reserves Act 1977: Providing for the preservation and management for the benefit and enjoyment of the public possessing; recreational potential, wildlife, indigenous flora and fauna, environmental and landscape amenity or natural, scenic historic, cultural, archaeological, biological, geological, scientific, educational, community or other special features.
- Wildlife Act 1953: Deals with the protection and control of wild animals and birds and the management of game. This sets out protection for threatened species.
- Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012: To promote sustainable management of the natural resources of the exclusive economic zone and the continental shelf and protect the environment from pollution.

The Crown Minerals Act 1991 is the overarching legislation controlling mining sector activities for crown owned minerals in New Zealand. The purpose of the Act is to promote prospecting for, exploration for, mining for Crown owned minerals through the efficient allocation of rights, management of those rights, ensuring activities are conducted according to good industry practice and obtaining a fair return to the Crown for its minerals.

The Crown Minerals Act does not directly consider biodiversity. However the objectives of other Acts which require the consideration of biodiversity are required to be considered under some circumstances as described below.

The granting of a permit for large scale exploration and mining activities requires a high level assessment on whether the permit holder will have the capability and systems in place to meet the requirements of the Resource Management Act or the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act. This assessment is not meant to duplicate any assessment required under the appropriate Act.

If mining sector activities are to be conducted on Crown owned land the objectives of the Act under which the land is administered must be considered. This commonly includes the objectives of the Conservation Act, Reserves Act and Exclusive Economic Zone and Continental shelf Act which contain biodiversity considerations.

Approval process for Mining Sector Activities

For Crown owned minerals, a permit for prospecting, exploration or mining activities is required under the Crown Minerals Act. If the minerals are located on Crown land then an access arrangement is required under the Crown Minerals Act.

Independent of mineral ownership or location, prior to any mining sector activities being undertaken approval for those activities must be obtained under the Resource Management Act or the Exclusive Economic Zone and Continental shelf Act. Therefore biodiversity considerations must be taken into account prior to any mining sector activities occurring in New Zealand.