

Seabed mining in New Zealand – Feb 2024

The Government's coalition commitments relevant to seabed mining

- The Government's coalition agreements include the following commitments relevant to seabed mining:
 - Investigate the strategic opportunities in New Zealand's mineral resources, including vanadium [found in iron sands], and develop a plan to develop these opportunities.
 - Amend the Resource Management Act 1991 (RMA) to make it easier to enhance the primary sector, including mining.
 - Update the Crown Minerals Act 1991 (CMA) to clarify its role as promoting the use of Crown minerals.
 - Explore the potential for a critical minerals list, where such minerals would have a preferential pathway for development once identified.
- New Zealand Petroleum & Minerals (part of the Ministry of Business, Innovation and Employment) is responsible for the allocation of Crown-owned minerals (amongst other things) under the CMA.
- New Zealand has *A Minerals and Petroleum Resource Strategy for Aotearoa New Zealand: 2019-2029*. Part of this strategy was to develop a critical minerals list. This list has not yet been compiled.

Environmental consenting framework

- There are existing environmental consenting frameworks under the RMA and the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (EEZ Act).
- In the territorial sea – within 12 nautical miles (nm) from land – seabed mining is regulated by the RMA. Regional councils are responsible for considering seabed mining applications in their regions.
- In the EEZ (out to 200 nm), seabed mining is regulated under the EEZ Act. The Environmental Protection Authority (EPA) is responsible for administering the EEZ Act and considering applications for seabed mining.
- Aside from sand and aggregate mining near to shore, to-date no applications have attained the necessary environmental consents to undertake seabed mining in New Zealand.
- One application under the EEZ Act to mine seabed minerals (Trans-Tasman Resources Limited, off Taranaki coast) is currently being reconsidered by the Environmental Protection Authority (hearings expected March-May 2024), and two previous applications have been declined.
- The extent of environmental impacts from seabed mining are not currently well understood. Current seabed mining technology results in environmental impacts due to the disruption of the seabed and the generation of sediment plumes.

Select Committee inquiry into seabed mining in New Zealand

- In May 2023, the Environment Committee initiated a select committee inquiry into seabed mining in New Zealand, with the purpose of identifying the potential risks and benefits and considering whether changes to the domestic regime are needed. The inquiry was not completed before the 2023 general election. We understand the Committee is yet to decide whether to continue with this inquiry.

New Zealand's has said it will not support seabed mining in areas outside any country's control until regulations are agreed to govern that mining, consistent with international law

- The UN Convention on the Law of the Sea (UNCLOS) mandates the International Seabed Authority (ISA) to govern seabed mining in areas beyond any country's national jurisdiction. No mining in these areas has yet taken place.
- Since 2014, ISA members, including New Zealand, have been negotiating regulations to enable the extraction of mineral resources in these areas.
- 6(a) [REDACTED]
[REDACTED] For this reason, New Zealand communicated the position in October 2022 that we would not support deep sea mining in the area governed by the ISA until regulations can be agreed that ensure the effective protection of the marine environment. We referred to this position as a 'conditional moratorium'.
- Advice will soon be going to the Minister of Foreign Affairs from MFAT to seek approval of New Zealand's approach to deep sea mining in this area.