

19-D-02622

19 December 2019

s 9(2)(a)

Dear s 9(2)(a)

Thank you for your email of 26 November 2019 requesting the following under the Official Information Act 1982 (the Act):

*In the attached briefing document on the Biodiversity Strategy and the NPSIB, it refers to engagement with the mining sector occurring between November 2018 and July 2019 (para 9). Could you please provide information including documentation relating to this engagement?*

The Ministry for the Environment has identified four items in scope of your request, as listed in the attached table. Some information within these documents has been withheld under the following sections of the Act:

- 9(2)(a) To "protect the privacy of natural persons"
- 9(2)(g)(ii) To "maintain the effective conduct of public affairs through the protection of such Ministers, members of organisations, officers, and employees from improper pressure or harassment".

In terms of section 9(1) of the Act, I am satisfied that, in the circumstances, the withholding of this information is not outweighed by other considerations that render it desirable to make the information available in the public interest.

One document is being provided to you as an extract, from Minister Mahuta's weekly update, as most of the information contained in it is out of scope of your request.

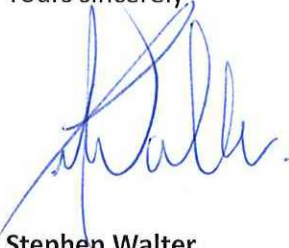
The proposed National Policy Statement for Indigenous Biodiversity (NPSIB) is currently out for public consultation and will remain so until 14 March 2020. The mining sector remains one of many key stakeholders that officials intend to engage with further over the course of the consultation period. Targeted stakeholder workshops will be held in the early stages of 2020 and officials will be using these workshops to work through any issues that mining sector representatives continue to have with the proposed NPSIB.

You have the right to seek an investigation and review by the Office of the Ombudsman of my decision to withhold information relating to this request, in accordance with section 28(3) of the Act. The relevant details can be found on their website at: [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz).

Please note that due to the public interest in our work the Ministry for the Environment publishes responses to requests for official information on our [OIA responses page](#) shortly after the response has been sent.

If you have any queries about this, please feel free to contact our Executive Relations team.

Yours sincerely



**Stephen Walter**  
Director (Acting), Natural and Built System

Released under the provision of  
the Official Information Act 1982

### List of documents

Document no.	Document date	Content	Decisions	OIA sections applied
1	25 June 2019	Email: letter Re NPS for Indigenous Biodiversity	Released in part	9(2)(a) - To protect the privacy of natural persons, including that of deceased natural persons 9(2)(g)(ii) - To maintain the effective conduct of public affairs through the protection of such Ministers, members of organisations, officers, and employees from improper pressure or harassment.
1.1	25 June 2019	Email attachment: letter Re NPS for Indigenous Biodiversity (FINAL)	Released in part	9(2)(a) - To protect the privacy of natural persons, including that of deceased natural persons
2	1 July 2019	Weekly Update: Hon Mahuta Environment weekly update week starting 1 July 2019	Released in full. Note, out of scope information has been removed	
3	23 July 2019	Email: Oceana Gold notes to send	Released in part	9(2)(a) - To protect the privacy of natural persons, including that of deceased natural persons 9(2)(g)(ii) - To maintain the effective conduct of public affairs through the protection of such Ministers, members of organisations, officers, and employees from improper pressure or harassment.

25<sup>th</sup> June 2019

Hon. David Parker  
Minister for the Environment  
Freepost PO Box 18 888  
Parliament Buildings  
Wellington 6160

And by email: david.parker@parliament.govt.nz

Dear Minister

**RE: NPS for Indigenous Biodiversity**

I refer to the current work being done by Government to replace the out-dated national Biodiversity Strategy and to introduce a new NPS for Indigenous Biodiversity. Ensuring better and more consistent management of New Zealand's biodiversity is important work, which OceanaGold fully supports.

Some initial policy drafting was completed by the Biodiversity Collaborative Group (BCG) in its report of October 2018. We wish to bring to your attention some concerns we have with that initial drafting ahead of formal consultation on the proposed NPS, which we understand is imminent. Specifically, while the report represents a large commitment of time and resources by various experts and representatives of biodiversity and land use sectors, its policy proposals have failed to include express provision for minerals land uses other than the extraction of minerals and gravel for the domestic market. We do not understand the reason for this omission.

Dealing differently with the effects of mineral development, depending on whether the minerals are processed and used domestically or whether they are exported, is not consistent with the underlying effects-based philosophy of the Resource Management Act as it stands and is not reflective of any existing Government policy that we are aware of. There have been no signals to date that domestic consumption will be favoured over exports in the upcoming national Minerals Strategy consultation, also due for release imminently. We would expect any proposal that treats exported minerals less favourably would significantly disincentivise exploration and development of the "green" minerals sector, which is contrary to what we understand will be one of the aims of the strategy. Nor has the government signalled that the contemplated changes to the Resource Management Act that are planned over the next few years will herald a move away from exports towards favouring production for domestic consumption. Ultimately effects on biodiversity values are experienced regardless of whether developments are for domestic or export markets.

This suggested change in policy direction may be due to the absence of extractives industry representatives in the BCG.<sup>1</sup> Other forms of primary production, and other important land uses, have been acknowledged. These include forestry, pastoral and urban land uses, and significant infrastructure (including hydro and geothermal power generation), along with non-export minerals. We can surmise that the importance of domestic uses for aggregate and coal, the users of which had some representation within the BCG, have ensured coverage for those minerals in the draft policies. Otherwise, the policies effectively rule out any future

<sup>1</sup>Representation for extractives was confined to some very early involvement by Straterra's policy expert. He (appropriately) left the BCG when he moved to employment within MBIE and there was no replacement made on the BCG.

mining development on private land where there is significant indigenous cover. This would include future operations of currently operating mines, such as OceanaGold's Macraes Mine, north of Dunedin, which directly employs over 500 people and produces 100% of its gold for export.

A major investment has recently been undertaken in Otago to develop comprehensive guidance in a new regional policy statement for the maintenance and protection of significant biodiversity values, while also recognising and providing for the ongoing development of the region's important mineral resources such as those at Macraes. In suggesting a differentiation between domestic and exported minerals, the draft policies suggested by the BCG fail to recognise the economic and social contributions that exported minerals production makes and appear to ascribe more importance to minerals that are used domestically than those that are exported. I am aware of no evidence upon which the BCG could have reached that position, and no basis for that position is explained in the Group's report.

In the relevant Cabinet briefings concerned with the proposed NPS and Biodiversity Strategy, the process of developing policy for the management of biodiversity has been framed as driving better alignment and focus on priorities across the biodiversity system. Key participants identified as having a role in biodiversity management include central government, local government, iwi and hapū, science and research bodies, community and environmental groups, philanthropists, landholders and *resource users* (emphasis added), with a shift towards a community partnerships model, involving private landowners in conservation efforts. We think the collaborative approach is realistic and essential to achieving a resilient set of policy documents that will provide a solid and long-term foundation for biodiversity management. For that reason, the unique drivers of land use and biodiversity management opportunities that come with the extractives sector need to be recognised and applied across the whole sector, including exporters like OceanaGold - particularly given the large-scale biodiversity protection programmes that producers on the scale of OceanaGold are able to achieve.

We would like to request a meeting with you, Associate Minister Mahuta or Associate Minister Sage (as appropriate), or if that is not convenient with the appropriate senior officials, to discuss the NPS process and its framework, given the problems outlined above in the composition of the BCG and the unequal treatment of different parts of the minerals sector that the BCG's draft NPS wording promotes.

Yours Sincerely  
**OCEANA GOLD (NEW ZEALAND) LIMITED**

s 9(2)(a)

s 9(2)(a)

Cc Hon. Nanaia Mahuta, Associate Minister for the Environment  
Hon. Eugenie Sage, Associate Minister for the Environment and Minister of Conservation  
Hon. Dr Megan Woods, Minister of Energy and Resources

## Weekly Update

Hon Nanaia Mahuta, Associate Minister for the Environment

For the week starting 1 July 2019

Acting Minister for the Environment (Parker)	4- 15 July
Acting Associate Minister for the Environment (Sage)	7- 12 July
Acting Minister for the Environment (Parker)	28 July – 2 August

The next officials meeting will be on Wednesday 24 July, 3.30 – 4.00pm

Released under the Official Information Act 1982

## 2. Updates for noting

### 1.1. Oceana Gold

The Ministry for the Environment (the Ministry) have received a letter from Oceana Gold Ltd to Minister Parker requesting a meeting about gold mining and the draft National Policy Statement for Indigenous Biodiversity (NPSIB) from the Biodiversity Collaborative Group (BCG).

We think it is appropriate that officials from the Ministry and the Department of Conservation working on the draft NPSIB meet with Oceana Gold Ltd in the first instance, as a member of this industry.

The proposed NPSIB that we will publicly consult on, while broadly consistent with the BCG draft, will include some policy revisions. Since the BCG delivered its report to Minister Mahuta in October 2018, officials have undertaken further analysis and testing of the draft NPSIB. This includes analysis of the areas of concern raised by Oceana Gold Ltd.

Released under the Official Information Act 1982

**From:** s 9(2)(g)(ii)  
**To:** [Cameron Loader](#)  
**Subject:** FW: Oceana Gold notes to send  
**Date:** Monday, 9 December 2019 12:39:39 PM  
**Attachments:** [image001.gif](#)

---

FYI – notes from Oceana meeting

---

**From:** s 9(2)(g)(ii)  
**Sent:** Thursday, 15 August 2019 11:23 a.m.  
**To:** Sean Cooper <[scooper@doc.govt.nz](mailto:scooper@doc.govt.nz)>  
**Subject:** Oceana Gold notes to send

Hi Sean,

Looks like we have only s 9(2)(a) email address from Oceana Gold Ltd: s 9(2)(a)  
As discussed, would you be able to send s 9(2)(a) the notes from the meeting we had with them (copied again below). I recall you saying you also wanted to invite them to the NZBS west coast focus group?

Thanks,  
s 9(2)(g)(ii)

#### Meeting with Oceana Gold Ltd on NPSIB

-  
Oceana Gold Ltd key concerns with BCG draft NPSIB:

- Mining always locationally constrained. While underground mining preferred due to reduced environmental effects, not always feasible. Open cast mining will result in unavoidable adverse effects on biodiversity.
- Mining footprints will often include pockets of high biodiversity value. It is not possible to avoid all adverse effects to these.
- Full effects management hierarchy should be available. Not just in Medium-SNAs. Very difficult/impossible to avoid BCG's list of adverse effects (policy 6) in High SNAs. Very small chance you can affect a Medium SNA and not affect a High SNA (particularly with regards to the representativeness criteria). Biodiversity offsets and compensation should be available as this enable management flexibility and net benefit for biodiversity.
- Expanding the exemption (policy 7) within Medium SNAs to all mining and aggregate extraction positive.
- The RIS and/or S32 should consider the impact of the High/Medium Split on the mining industry.
- Might still be able to propose an activity in line with the objective to maintain indigenous biodiversity that might not comply with policy 6/7.

#### Actions:

- Oceana Gold Ltd to send through a case-study (next 2 weeks) to illustrate how BCG draft NPSIB would affect current/future operations
- DOC/MFE to consider use of case-study in advice to Minister and/or as part of public consultation.
- DOC to invite Oceana Gold Ltd to West Coast Focus Group for NZ Biodiversity Strategy.

---

**From:** Heidi Irion <[Heidi.Irion@mfe.govt.nz](mailto:Heidi.Irion@mfe.govt.nz)>  
**Sent:** Thursday, 15 August 2019 11:18 a.m.  
**To:** s 9(2)(g)(i)  
**Subject:** FW: OceanaGold meeting with MfE and DOC - 23 July - NPS Indigenous Biodiversity

s 9(2)(g)(ii)

[Here are contacts from Oceana Gold,](#)

Cheers  
Heidi

---

**From:** s 9(2)(a)  
**Sent:** Thursday, 4 July 2019 4:08 PM  
**To:** Heidi Irion <[Heidi.Irion@mfe.govt.nz](mailto:Heidi.Irion@mfe.govt.nz)>  
**Cc:** s 9(2)(a)  
**Subject:** OceanaGold meeting with MfE and DOC - 23 July - NPS Indigenous Biodiversity

Dear Heidi

§ 9(2)(a) is in a Board meeting today and has asked me to send you the following proposed agenda for the meeting scheduled for 23 July 10-11am between OceanaGold and MfE and DOC officials.

**Proposed agenda topics for meeting re NPS Indigenous Biodiversity (NPSIB)**

- Explanation of OceanaGold’s operations and biodiversity initiatives
- Biodiversity Collaborative Group (BCG) policy drafting
  - No express provision for minerals land uses other than the extraction of minerals and gravels for the domestic market – where do minerals developments with exported minerals fit in?
- The effects-based application of the NPSIB policy (i.e. consistency based on effects, including effects on section 7 values)
- The avoid-remedy-mitigate cascade, and off-site mitigation / off-setting / environmental compensation where residual effects cannot be avoided; the Proposed Otago Regional Policy Statement example
- The application of the significance criteria in the NPSIB – how will the criteria be applied? Is it intended that all indigenous biodiversity is significant? Are the policies intended to rule out any future mining development on private land where there is any indigenous biodiversity value?
- The draft NPSIB mining policy

We would be pleased to receive a final agenda from you in advance of the meeting.

Heidi you mentioned that DOC is currently revising the policy around mining. Would it be possible for the drafting to be shared with us before the meeting, in the strictest confidence of course, so that we can constructively discuss it when we meet?

Regards

§ 9(2)(a)  
§ 9(2)(a)  
§ 9(2)(a)

**OUR VALUES RESPECT INTEGRITY TEAMWORK INNOVATION ACTION ACCOUNTABILITY**

§ 9(2)(a) § 9(2)(a) § 9(2)(a)



**OceanaGold Corporation** is a low-cost, mid-tier, multinational gold producer with significant operating and development experience. The Company owns a suite of high quality assets in the Philippines, New Zealand and the United States and is publicly listed on the Toronto and Australian stock exchanges under the trading symbol OGC.

This email is intended only for the person to whom it is addressed and may contain confidential or legally privileged material. It is also subject to copyright. If you have received it in error, confidentiality and privilege are not waived and you must not disclose or use the information in it. Please notify the sender by return email and delete it from your system. Any personal information in this email must be handled in accordance with relevant privacy laws. OceanaGold Corporation accepts no liability for the content of this email, or for the consequences of any actions taken on the basis of the information provided. Any views or opinions presented in this email are solely those of the author and do not necessarily represent those of the company.

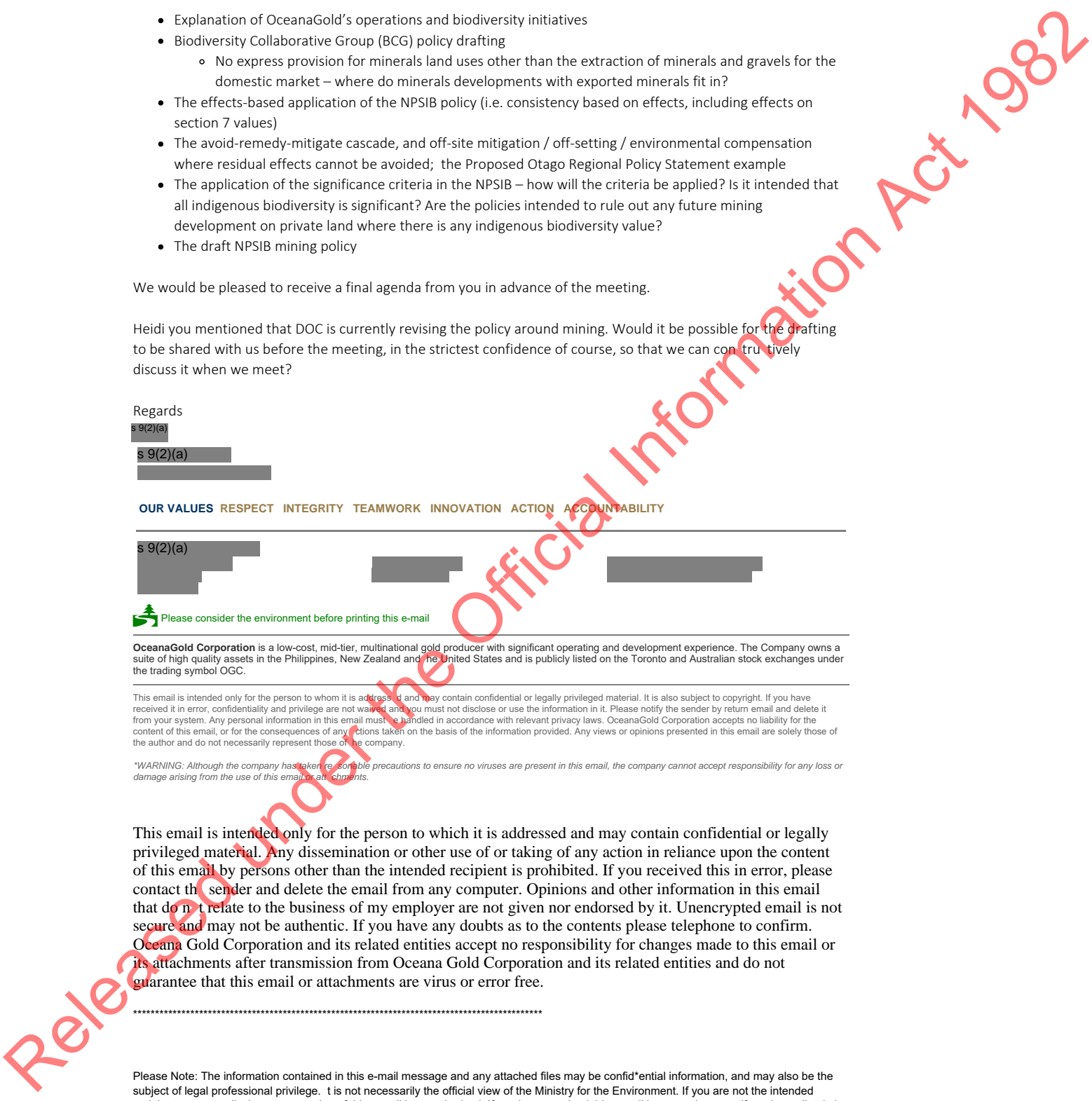
*\*WARNING: Although the company has taken reasonable precautions to ensure no viruses are present in this email, the company cannot accept responsibility for any loss or damage arising from the use of this email or attachments.*

This email is intended only for the person to which it is addressed and may contain confidential or legally privileged material. Any dissemination or other use of or taking of any action in reliance upon the content of this email by persons other than the intended recipient is prohibited. If you received this in error, please contact the sender and delete the email from any computer. Opinions and other information in this email that do not relate to the business of my employer are not given nor endorsed by it. Unencrypted email is not secure and may not be authentic. If you have any doubts as to the contents please telephone to confirm. Oceana Gold Corporation and its related entities accept no responsibility for changes made to this email or its attachments after transmission from Oceana Gold Corporation and its related entities and do not guarantee that this email or attachments are virus or error free.

\*\*\*\*\*

Please Note: The information contained in this e-mail message and any attached files may be confidential information, and may also be the subject of legal professional privilege. It is not necessarily the official view of the Ministry for the Environment. If you are not the intended recipient, any use, disclosure or copying of this e-mail is unauthorised. If you have received this e-mail in error, please notify us immediately by reply e-mail and delete the original. Thank you.

\*\*\*\*\*



Caution - This message and accompanying data may contain information that is confidential or subject to legal privilege. If you are not the intended recipient you are notified that any use, dissemination, distribution or copying of this message or data is prohibited. If you received this email in error, please notify us immediately and erase all copies of the message and attachments. We apologise for the inconvenience. Thank you.

Released under the Official Information Act 1982