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## **Submission to the Environment Committee Komiti Whiriwhiri Take Taiao: Inquiry into Sea Bed Mining In New Zealand**

The **New Zealand Association for Impact Assessment (NZAIA)** thanks the Environment Committee for the opportunity to comment on its Inquiry into Sea Bed mining in New Zealand.

### **About the New Zealand Association for Impact Assessment (NZAIA)**

The NZAIA is a community of impact assessment (IA) specialists and supporters. Our membership comprises 80–100 practitioners: consultants, academics, researchers and students, and other assorted professionals and interested parties. They share a deep interest in impact assessment, a decision-support method that is one of the most important tools we have for safeguarding the environment, and the wellbeing of people and communities.

NZAIA is an affiliate of the International Association for Impact Assessment (IAIA), a professional association with some 1700 members across more than 120 countries. NZAIA has MoUs with the Environment Institute of Australia and New Zealand Inc. (EIANZ); and the Secretariat of the Pacific Regional Environment Programme (SPREP), and is an Affiliate Organisation of the Royal Society Te Aparangi.

## **Submission**

### **Overview**

On 20<sup>th</sup> Sept 2023 New Zealand was a signatory to the *Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction*, often referred to as the Oceans' Treaty. It is important that this country, in managing its own marine areas, sets an example for the rest of the world, but especially Pacific Island Countries and Territories, by following the highest standards for the protection of marine biodiversity in the face of increasing demand for access to seabed mineral resources. Given the high level of uncertainty about the response of sensitive marine ecosystems to disruption from mining activities, it is vital that adequate consideration be given to potential adverse impacts as well as to the distribution of any benefits. Consequently, and mirroring ongoing discussion among Treaty signatories, impact assessment must be central to decision-making with respect to sea bed mining in the New Zealand marine area.

**Impact assessment** methods<sup>1</sup> are used where appropriate to identify the potential implications, especially unintended negative consequences, of proposed policies, plans and projects, resulting in better proposals. Impact assessment also encourages more integrated, strategic thinking, countering a tendency to adopt proposals on the basis of limited criteria.

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<sup>1</sup> IA methods include: strategic environmental assessment, cumulative effects assessment, social impact assessment, health impact assessment, cultural impact assessment, and ecological impact assessment.

## Specific comments

The ToR for the inquiry refer to New Zealand's existing domestic regulatory settings and whether these need to be updated, or maintained.

With respect to the EEZ, and the *Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012* in particular, NZAIA strongly supports the retention of the existing environmental impact assessment provisions for resource development proposals. However, we would favour a revision of the definition of “environment” to include people and communities relevant to the marine area, to ensure that the impact of proposals on those who hold significant values for the marine system, including shore-based communities, can be examined within the impact assessment process. There is growing international common law recognition of indigenous relationships with marine areas, including the sea bed, and although the Committee’s ToR had “a Te Ao Māori perspective on these issues” as the last of 10 bullet points, we believe it should be given much greater prominence in future legislation.

NZAIA was one of a number of submitters on the original *Exclusive Economic Zone and Continental Shelf (Environmental Effects) Bill* who argued for the use of **strategic environmental assessment (SEA)** to guide resource management decisions in New Zealand’s marine area.

Just as spatial planning has been identified as the key missing component of environmental management on land in New Zealand, we believe it is also essential for managing the marine environment, with SEA as a crucial part of that process. SEA is used in over 50 countries to assess the wider implications of policies and plans, and to use that information to shape better proposals. It is also the most appropriate level for assessing the cumulative effects of activities within and across geographical areas.

Spatial planning informed by SEA will allow government to guide resource developers away from marine areas that have high ecological, social or cultural values, especially where they are very sensitive to disturbance. This would give developers greater certainty that mining would be allowed in defined areas subject to meeting normal requirements. We note a similar approach is taken to off-shore wind farm development.

Lastly, impact assessment is essentially about moving forward, armed with the best available information about consequences. But we must recognise that we know comparatively little about the marine environment, other than they are exceptionally fragile. We often have little information about whole areas of the seabed let alone specific locations, such as volcanic vents, where complete ecosystems can exist in small areas. Therefore, future legislative changes must include the precautionary principle: development of the seabed should not be allowed to proceed until there is sufficient information about the ecological, social and cultural and understanding of processes to be very certain that adverse impacts can be avoided.

## Conclusion

It is essential that New Zealand retains, and improves on, the existing provisions for environmental impact assessment of sea bed mining proposals. But these need to be complemented by spatial planning approaches that include provisions for strategic environmental assessment. This would signal New Zealand’s role as a leader in protecting marine biodiversity and the health of marine ecosystems.

*Prepared by Emer. Prof Richard Morgan and Dr Nick Taylor on behalf of NZAIA.*