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Office of the Minister of Conservation

Cabinet Priorities Committee

Crown Minerals (Restricting Access for Mining on Conservation Land) Amendment Bill: Decisions on next steps

Proposal

- 1 This paper seeks decisions on next steps for the Crown Minerals (Restricting Access for Mining on Conservation Land) Amendment Bill (the Bill). This Bill will amend the Crown Minerals Act 1991 to deliver on the Government's commitment to protect public conservation lands from the negative impacts of mining.

Policy

- 2 The Government committed to a policy of 'no new mines on conservation land' (No New Mines) in the Speech from the Throne in 2017. On 12 December 2022 Cabinet made decisions [CAB-22-MIN-0568 refers] to progress the policy of No New Mines, including the following. Cabinet:
 - 2.1 **agreed** to progress No New Mines through adding further classifications of public conservation land (PCL) to Schedule 4 of the Crown Minerals Act 1991 (CMA) through a parliamentary legislative process;
 - 2.2 **agreed** to amend Schedule 4 of the CMA (and to associated provisions in section 61 as required) to add 12 PCL classifications (listed in paragraph 32 of this paper) meaning that access cannot be granted for most new mining operations on that land;
 - 2.3 **agreed** that stewardship land will not be added to Schedule 4 of the CMA, as these will be assessed over time through the Stewardship Land Reclassification project;
 - 2.4 **agreed** to specify that mineral access rights provided in Treaty of Waitangi settlement acts will not be impacted by the addition of the recommended land classifications to Schedule 4 of the CMA;
 - 2.5 **invited** the Minister of Conservation to engage with Ngāi Tahu on approaches that could provide for continued access to pounamu, either prior to introduction of the Bill or following its introduction;

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- 2.6 **invited** the Minister of Conservation to issue drafting instructions to the Parliamentary Counsel Office consistent with decisions made; and
- 2.7 **authorised** the Ministers of Conservation and Energy and Resources to take further detailed decisions on the drafting of provisions, consistent with the policy agreed by Cabinet.
- 3 The *Crown Minerals (Restricting Access for Mining on Conservation Land) Amendment Bill* (Appendix 1) has been drafted since December and gives effect to these decisions. The Bill will add 12 classifications of PCL to Schedule 4 of the CMA, thereby preventing access for most mining operations¹ on that land.
- 4 By adding 12 additional PCL classifications to Schedule 4, the Bill will increase the area of PCL that is protected by approximately three million hectares.² As a result, the area of PCL protected by Schedule 4 would increase from 36% currently to approximately 70%.
- 5 The total protected area would increase further once stewardship land on the West Coast of the South Island and elsewhere across the country is reclassified by the Stewardship Land Reclassification Project (see paragraphs 29, 30 and 40 below).
- 6 The Bill specifies that mineral access rights provided in Treaty of Waitangi settlement acts will not be impacted by the addition of the recommended land classifications to Schedule 4.
- 7 Adding further land classifications to Schedule 4 of the CMA would impact Ngāi Tahu's ability to obtain large quantities of pounamu as an incidental by-product of alluvial mining carried out by third-party mining operators. Discussions with Ngāi Tahu are ongoing on the best way to provide for their interests in pounamu. Further information on engagement to date with Ngāi Tahu is provided in paragraphs 68-72.
- 8 This Cabinet paper seeks decisions on next steps for progressing the Bill. It presents four timing options, namely:
- 8.1 Option 1 – Introduce the Bill to the House on 28 March, with a shortened four-month Select Committee process, aiming for enactment this term. Timing for this option would be extremely tight.
- 8.2 Option 2 – Release an exposure draft of the Bill for public comment, while engaging with Ngāi Tahu in parallel regarding the approach to provide for access to pounamu. Cabinet would make final policy decisions in July. Timing for introducing the Bill this term would be extremely tight if sought in August. Alternatively, Cabinet could make

¹ Including all stages of mining operations: prospecting, exploration, and mining.

² DOC estimates that 2,933,247ha of PCL will be added to Schedule 4 via the Bill. The estimate is approximate as some classifications of PCL overlap due to the nature of protections required for a specific place.

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final policy decisions to be announced this term, and the Bill could be introduced in the following term.

- 8.3 Option 3 – Work with Ngāi Tahu regarding the approach to provide for access to pounamu, with Cabinet then making policy decisions on the preferred approach. Cabinet could choose to make a policy announcement in June/July. The Bill would be revised and Cabinet would then consider whether to release an exposure draft in the following term of parliament.
- 8.4 Option 4 – Introduce the Bill to the House on 28 March, with a standard six-month Select Committee process, with the Bill to be passed in the following parliamentary term.
- 9 If Cabinet selects Option 1 or 4 above, then this Cabinet paper seeks agreement for the Bill to include a placeholder provision intended to ensure that Ngāi Tahu can continue to obtain pounamu as a by-product of alluvial mining by third-party operators. The intention is that this placeholder provision would be amended to reflect the outcome of ongoing discussions with Ngāi Tahu and subsequent Cabinet policy decisions, either during the Select Committee process or via Supplementary Order Paper.
- 10 Options 2 and 3 would provide an opportunity for the public, stakeholders, and tangata whenua to provide their views on the exposure draft of the Bill, prior to it being introduced to the House. The Bill would then be amended to incorporate any changes following the conclusion of engagement with Ngāi Tahu and following public consultation.
- 11 Further analysis and detailed timelines for these options are provided in Appendix 5.

Background

Mining activities cause harm to conservation values

- 12 Public conservation land (PCL) is held under the Conservation Act 1987 (and associated conservation legislation) for the purposes of protecting and preserving the intrinsic values of that land (such as biodiversity or historical values), and to ensure that the public (including future generations) can experience and enjoy them.³
- 13 All mining on PCL causes harm to the intrinsic values of the land. It typically involves closure of that land to the public for health and safety reasons. Environmental impacts of mining (especially surface mining) include modification of landscapes and habitats through vegetation and soil clearance, and diversion of waterways. Indirect impacts, if not properly

³ The Conservation Act 1987 determines that DOC shall manage land for conservation purposes and defines conservation as “the preservation and protection of natural and historic resources for the purpose of maintaining their intrinsic values, providing for their appreciation and recreational enjoyment by the public, and safeguarding the options of future generations” (cf s(6)(a) and s(2)).

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managed, can include sedimentation of waterways, acid mine drainage or leaching of chemicals into the ground and water.

- 14 The extent of the negative impact depends on the scale of operations, the location of the site, and how well the operations are managed. However, even when impacts are well mitigated, mining does still cause harm to the intrinsic values of the land and is therefore incompatible with the purpose for which the land is held.
- 15 Large-scale mining operations on PCL (such as large open-cast coal mines) can have dramatic impacts on landscapes and ecosystems and tend to draw the most attention from the public and media. However, the cumulative impacts of medium and small-scale mining operations can be just as detrimental to conservation values over time, as they may result in an ongoing cycle of negative impacts.
- 16 If an area of PCL was used for mining in the past, it often means that access for mining is more likely to be approved on that site again. This is because the conservation values on that site will have been degraded by previous operations, and the site will therefore be less likely to hold high enough conservation values to justify denying a new application for mining access. This creates a cycle of negative impacts where some areas of PCL do not get the chance to fully recover.
- 17 Information on current access arrangements for mining operations on PCL is included in Appendix 4. The Supplementary Analysis Report (SAR), attached as Appendix 2, also contains further details on the impacts of mining on PCL.

Preventing mining on additional PCL would have environmental benefits but economic costs

- 18 The environmental benefits of preventing mining on PCL are immediate insofar as it prevents mining operations that would otherwise have caused harm to conservation values. In the longer term, areas that have been mined previously will be able to recover and to serve their intended purpose in safeguarding New Zealand's biodiversity, recreational, scientific, cultural and historical values.
- 19 As noted in the SAR (see Appendix 2), the potential impact of the Bill in terms of reduced government revenue is estimated to be around \$5.4 million in royalty payments and \$3.2 million in energy resources levy payments, based on 2021 production figures. In addition, DOC will lose approximately \$0.39 million in compensation fees it receives from mining operators for loss and/or damage to conservation values caused by mining activities.
- 20 Mining (both on and off PCL) currently provides significant economic benefit to the West Coast of the South Island. In 2021, mining contributed \$183 million to the West Coast's economy (8.4% of their GDP). There is no available data on the contribution of mining on PCL alone to the West Coast economy. However, only 6% of the total national direct output from coal and

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gold mining in 2021 came from PCL. Even so, a reduction in mining on PCL would be likely to reduce the economic contribution of mining to the region.

- 21 I am seeking further advice on opportunities to support regions and their communities, such as the West Coast, that may be impacted by No New Mines.

Schedule 4 of the Crown Minerals Act provides protection from most mining

- 22 Schedule 4 of the Crown Minerals Act 1991 (CMA) lists land where access arrangements for most surface mining activities cannot be granted for Crown-owned minerals.⁴
- 23 Six PCL classifications are currently listed on Schedule 4, meaning that most access cannot be granted for mining on land in those classifications. These are national parks, nature reserves, scientific reserves, wilderness areas, sanctuary areas, and wildlife sanctuaries.
- 24 The classifications currently listed on Schedule 4 make up around 36% of the land area of PCL. The remaining 64% of PCL is not listed on Schedule 4. This means that access arrangements to mine Crown-owned minerals may be granted for that land.
- 25 Schedule 4 does not apply to privately-owned minerals⁵, to mining underneath PCL that begins off PCL, or to specified mineral activities which are generally lower impact. It also does not apply to conservation land that is owned by or vested in other parties, such as councils or iwi, hapū, or post settlement governance entities.

Resource Management Act consents

- 26 Before mining operations can begin on land or within the territorial sea, a resource consent is generally required under the Resource Management Act 1991 (the RMA) from the relevant regional and local authorities.
- 27 When considering a resource consent, the consenting authority must have regard to potential effects on the environment. However, when a resource consent application is considered relating to an area of PCL, the more fulsome assessment of impact on conservation values will already have been undertaken when DOC granted the associated access arrangement.
- 28 Therefore, in practice, the RMA consent process is very unlikely to function as an extra check relating to impacts on conservation values on PCL.

⁴ Crown-owned minerals include all minerals found on Crown land that are not explicitly owned by someone else – and all gold, silver, uranium and petroleum, regardless of the ownership of the land in which they are found (these are often referred to as ‘statute minerals’).

⁵ Privately-owned minerals refer to all non-statute minerals found on private land, non-statute minerals on Crown land that someone holds a private ownership deed for, and certain mineral classes that have been vested in someone other than the Crown, e.g. pounamu within the Ngāi Tahu takiwā.

Relationship to other work underway

- 29 Existing government work programmes related to the objectives of No New Mines include the Stewardship Land Reclassification Project. Over time, this will reclassify 2.5 million hectares of stewardship land (9% of New Zealand's land area and almost 30% of PCL). Reclassification will add further protections to preserve conservation and cultural values from the adverse effects of activities such as mining.
- 30 Cabinet agreed that the No New Mines Bill will not add stewardship areas to Schedule 4, since this land will be assessed by the Stewardship Land Reclassification Project. Most of this land will either be recommended for disposal, or for reclassification into one of the PCL classifications listed on Schedule 4, meaning that access may not be granted for most mining activities on that land.

Key elements of the Bill

Adding further land classifications to Schedule 4 of the CMA

- 31 The Bill amends Schedule 4 of the CMA by adding a new Part 2 listing 12 additional classifications of PCL. It also inserts a new clause at the beginning of the schedule clarifying that these additions shall not impact mineral access rights provided in Treaty of Waitangi settlement Acts.
- 32 Per Cabinet's decision [CAB-22-MIN-0568 refers], the Bill adds the following 12 classifications of PCL to Schedule 4:
 - 32.1 Conservation parks;
 - 32.2 Ecological areas;
 - 32.3 Watercourse areas;
 - 32.4 Amenity areas;
 - 32.5 Wildlife management areas;
 - 32.6 Recreation reserves;
 - 32.7 Historic reserves;
 - 32.8 Scenic reserves (Type A);
 - 32.9 Scenic reserves (Type B);
 - 32.10 Government purpose reserves;
 - 32.11 Wildlife refuges; and
 - 32.12 Wildlife management reserves.

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- 33 The Bill also makes consequential amendments to certain sections of the CMA that refer to Schedule 4. These changes are outlined below.

Removing defunct subsections

- 34 The Bill removes CMA subsections 61(6) and 61(7). These subsections specify restrictions that apply for adding ecological areas to Schedule 4 through Order in Council.
- 35 Since the Bill will add all ecological areas to Schedule 4 through parliamentary process, subsections 61(6) and 61(7) will no longer have any effect. Therefore, the Bill proposes to remove them.

Extending existing restrictions on removing land from Schedule 4

- 36 The Bill amends CMA subsection 61(9) to make it clear that existing restrictions on removing land from Schedule 4 via Order in Council will also apply to the new classifications to be added via the Bill.
- 37 This change is in line with Cabinet's intention to afford the 12 additional classifications of PCL the protection of Schedule 4. The amendment to CMA 61(9) ensures that the provisions that apply to current PCL classifications in Schedule 4 will apply to the classifications added via this Bill.

Clarifying that land will receive the protection of Schedule 4

- 38 The Bill amends CMA subsection 61(10) to clarify that when further land is classified as one of the classifications included on Schedule 4, that land will also be protected by Schedule 4.
- 39 The amendment of subsection 61(10) is intended to ensure that in future when land is classified as one of the 12 classifications that Cabinet has agreed to include on Schedule 4, this land receives that intended protection from the impacts of mining.
- 40 This means that stewardship land reclassified into one of the classifications included on Schedule 4 as part of the Stewardship Land Reclassification Project (see paragraph 30 above) will be covered by Schedule 4 if and when such land is reclassified into one of the classifications included on Schedule 4. This is in line with Cabinet's decision not to add stewardship land to Schedule 4 via this Bill because that land is to be reclassified [CAB-22-MIN-0568].

Approach to applications still pending decision at the point the Bill is implemented

- 41 The Bill specifies that any applications for access arrangements submitted prior to the enactment of the Bill, but not processed at the point of the Bill's enactment, will be processed in accordance with the new legislation. This means that applications DOC has received but are still pending assessment or decision at the time of enactment will be considered according to the revised list of land classifications in Schedule 4.

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- 42 This approach is consistent with that taken under the Crown Minerals Amendment Act 2013 (which amended Schedule 4) and is in line with the policy intent of No New Mines by preventing negative impacts of new mining activities. However, it will likely be perceived negatively by applicants whose applications may be declined because they relate to a land classification added to Schedule 4. Some operators may experience financial loss if they have made investments in the expectation their applications would be granted.
- 43 As of 15 February 2023, DOC had 15 access arrangement applications pending decision. These are a mix of new applications and variations to existing access arrangements. 8 out of 15 current applications relate to stewardship land, and therefore wouldn't be affected by the Bill until/unless that land is reclassified. The remaining 7 applications relate to areas that will be added to Schedule 4 via the Bill – however these applications may be processed before the Bill is enacted and therefore not directly impacted.
- 44 The length of time to process applications varies depending on the complexity and type of proposed activity, the values on the land and potential effects on them, the quality of the application, and the timing of any responses required from the applicant. Most access arrangement applications take between 2-8 months to complete with most being in the 2-6 month range.
- 45 The impact on applicants for access arrangements can be mitigated through clear communications at the point the Government announces its intention to progress the Bill.
- 46 If Cabinet agrees to release an exposure draft of the Bill (discussed in the following section), this could provide an opportunity to explore transitional arrangements with existing operators – i.e. transitional periods or resolving other access issues.
- 47 Prior to enactment of the Bill, it is likely that DOC will experience an increase in applications for new access arrangements (or variations to existing access arrangements) as applicants seek to have their applications processed under the current regime. This would have resourcing implications for DOC.

Options for progressing the Bill

- 48 I have identified four options for progressing this Bill. The options differ in terms of sequencing and milestones reached this parliamentary term.
- 49 The four timing options are summarised in the table on page 11. Further analysis and detailed timelines are provided in Appendix 5.
- 50 Option 1 would involve Cabinet agreeing today to introduce the Bill to the House on 16 March. The first reading of the Bill would be on 28 March, followed by a compressed Select Committee period of four months.

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- 51 This option involves engaging with Ngāi Tahu on approaches to provide for access to pounamu in parallel to the Bill being considered by the Select Committee. Cabinet would then make decisions on an approach to access to pounamu in May and the preferred approach would be included in the departmental report to the Select Committee in June.
- 52 Option 1 could allow for No New Mines to be implemented this parliamentary term, however the timeline for progressing the Bill would be extremely tight. It would require the Government to prioritise the Bill at each stage, in particular for House time in August. The timeline also assumes that it will be possible for the Select Committee to consider the Bill in a compressed period of four months. This will depend on various factors, including the Select Committee work programme, the number of submissions, and the extent of changes progressed through the departmental report.
- 53 Option 2 would involve the release of an exposure draft of the Bill prior to its introduction to the House. This would provide an opportunity for the public, stakeholders, and tangata whenua to provide their views on the Bill. Engagement with Ngāi Tahu would take place in parallel to consultation on the exposure draft. Following consultation and engagement, I would then report back to Cabinet to seek final policy decisions, and the Bill would be amended to reflect these decisions. We would aim to introduce the Bill to the House before the end of this parliamentary term.
- 54 Timing for introducing the Bill this parliamentary term will be extremely tight. Meeting this timeline would require very limited time to analyse submissions and consider any changes to the Bill following consultation. It would also involve Cabinet agreeing to introduce the Bill in August. If any significant issues arise during public consultation, it will not be possible to address these issues and introduce the Bill this term.
- 55 Alternatively, the timeline could be slowed down, aiming for final policy decisions and announcements this term, with the Bill introduced to the House in the following term. This would provide more time to consider issues raised in submissions and make any changes to the Bill following consultation.
- 56 Option 2 would mean that the public, stakeholders, and tangata whenua are engaging on the exposure draft of the Bill which does not include any provisions for access to pounamu. However, this could be addressed by including information about the pounamu issue as part of the exposure draft consultation material so that the public, stakeholders, and tangata whenua can provide their views. There will also be an opportunity for the public to consider any proposed pounamu provisions at the Select Committee stage, as the Bill that is introduced would include these provisions.
- 57 If Cabinet agrees to Option 2, then I seek your agreement that decisions on materials to support public consultation on the exposure draft be delegated to the Minister of Conservation, in consultation with the Minister of Energy and Resources and the Office of the Prime Minister. This would enable public consultation to occur in April/May.

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- 58 Option 3 would involve concluding engagement with Ngāi Tahu prior to the release of the exposure draft. After engagement, Cabinet would subsequently agree its preferred approach to provide for access to pounamu. Cabinet could choose to make policy announcements in June/July.
- 59 Subsequently, the Bill would then be revised to reflect the agreed approach regarding access to pounamu, and I would return to Cabinet to seek agreement to the revised Bill. Public consultation on the exposure draft could occur in the following parliamentary term.
- 60 Under this option, any provisions for access to pounamu would be included in the draft Bill when it is released as an exposure draft. This means the public would be able to consider any proposed pounamu provisions as part of the wider Bill.
- 61 However, under this option public consultation would not occur until the following parliamentary term. This is because engaging with Ngāi Tahu prior to releasing the exposure draft would mean that Cabinet does not consider the revised exposure draft until August.
- 62 Option 4 has the same sequencing as Option 1 (introducing the Bill to the House on 16 March), but would have a standard, six-month Select Committee process. This would allow more time for public and stakeholder submissions, as well as more time for engagement with Ngāi Tahu in parallel.
- 63 If we are to progress the Bill through Option 1 or Option 4, then we need to make decisions today in order for the Bill to be introduced to the House by 16 March, in time for its first reading on 28 March.
- 64 I seek your agreement to the preferred timing option.

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Option	Description	Engagement	Timeline	Comment
1. Introduce Bill on 28 March, aiming for enactment this term	Aiming to introduce and pass the No New Mines Bill this term. An approach to access to pounamu progressed through Select Committee.	Engagement with Ngāi Tahu ongoing after Bill introduced. Opportunity for stakeholders and public to submit to Select Committee. Compressed four-month Select Committee.	First reading of Bill in March. Engagement with Ngāi Tahu March to April. Select Committee April to July. Report back, second reading, Committee of the whole House, third reading and Royal assent in August.	Timing to pass the Bill this term is extremely tight. The Government will need to prioritise the Bill at each stage, particularly in August.
2. Release an exposure draft of Bill, engage with Ngāi Tahu in parallel, aiming to introduce the Bill this term	Public consultation on exposure draft of Bill (without pounamu provision). Engage with Ngāi Tahu in parallel. Aim to introduce the Bill this term. Alternatively we could aim for final policy decisions this term and introduction next term.	Public consultation on exposure draft of Bill. Engage with Ngāi Tahu at the same time as exposure draft. Potential to revise aspects of Bill following engagement.	Six weeks public consultation April to May. Engagement with Ngāi Tahu March to April. Cabinet makes final policy decisions in July. The Bill is revised and Cabinet could agree to introduce the Bill to the House in August.	Timing to introduce the Bill this term (following public consultation) is extremely tight. If any significant issues arise during consultation, it will not be possible to meet this timeline.
3. Work with Ngāi Tahu and finalise pounamu provision, then release an exposure draft after election	Engage with Ngāi Tahu on access to pounamu. Cabinet agrees approach to pounamu, and Bill is revised. Exposure draft of revised Bill released after election.	Engagement with Ngāi Tahu on provisions to be included in the Bill. Public consultation on exposure draft of Bill. Potential to revise aspects of Bill following engagement.	Engagement with Ngāi Tahu March to April. Cabinet agrees approach to pounamu in June. Bill is revised. Cabinet could make a policy announcement in June/July, and could release exposure draft of Bill next term.	Exposure draft released after election. The Bill would not be introduced this term.
4. Introduce Bill on 28 March, with six-month Select Committee process	Similar to Option 1, but with a standard six-month Select Committee process. An approach to access to pounamu progressed through Select Committee.	Engagement with Ngāi Tahu ongoing after Bill introduced. Opportunity for stakeholders and public to submit to Select Committee. Standard six-month Select Committee.	First reading of Bill in March. Engagement with Ngāi Tahu March to May. Select Committee April to September.	Bill referred to Select Committee this term. No New Mines would not be implemented this term.

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Providing for Ngāi Tahu's continued access to pounamu as a by-product of alluvial mining

No New Mines would impact Ngāi Tahu's ability to obtain large quantities of pounamu as a by-product of alluvial mining

- 65 No New Mines will not impact the ability of Ngāi Tahu to be granted access arrangements for mining operations specifically to obtain pounamu on PCL, since pounamu is privately-owned by Ngāi Tahu.
- 66 However, Ngāi Tahu currently obtains most of their pounamu through arrangements with third-party alluvial goldmining operators that uncover pounamu as an incidental by-product of their mining operations. Since the Bill will reduce the number of new alluvial mining operations, it would become more expensive and difficult for Ngāi Tahu to obtain large quantities of pounamu.
- 67 Cabinet therefore invited the Minister of Conservation to engage with Ngāi Tahu on approaches that could provide for continued access to pounamu, either prior to introduction of the Bill or following its introduction, with the preferred approach to be progressed as a Supplementary Order Paper to the Bill after it has been introduced.

Engagement to date with Ngāi Tahu on access to pounamu

- 68 The former Minister of Conservation Hon Poto Williams spoke with representatives of Ngāi Tahu in December 2022 to discuss No New Mines and the issue of ongoing access to pounamu as an incidental by-product of alluvial mining.
- 69 Department of Conservation (DOC) officials held discussions with Ngāi Tahu representatives in December 2022 and in January 2023, as well as various follow-up phone conversations. These discussions centred on potential impacts of No New Mines and options to provide for pounamu access.
- 70 I met with Ngāi Tahu in February 2023 to discuss No New Mines. Following that meeting, Ngāi Tahu has provided feedback on No New Mines, including an initial view on a policy approach to provide for ongoing access to pounamu.
- 71 I will continue engagement with Ngāi Tahu and, should Ministers agree to progress the Bill, I am hopeful that in the coming months I can return to Cabinet with a preferred option to provide for ongoing access to pounamu.
- 72 Ngāi Tahu has also expressed the following views about No New Mines:
- 72.1 The tight timeframes have impacted Ngāi Tahu's ability to engage with ngā Papatipu Rūnanga.

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- 72.2 Ngāi Tahu consider that there has not been sufficient engagement with mana whenua or regional communities on the policy.
- 72.3 Ngāi Tahu has concerns about the wider impacts and implications of No New Mines, including potential impacts on economic opportunities for Ngāi Tahu and broader regional economies.

Placeholder provision relating to pounamu as a by-product of alluvial mining, if Cabinet agrees to Options 1 or 4

- 73 If Cabinet agrees to Options 1 or 4 to progress the Bill (introduce the Bill to the House on 16 March, with the first reading on 28 March), then I seek your agreement to include a placeholder provision in the Bill. This provision would provide a mechanism to ensure Ngāi Tahu's ongoing ability to access large quantities of pounamu as a by-product of alluvial mining.
- 74 It is intended that the provisional clause be amended via the Select Committee process or via Supplementary Order Paper (SOP) once engagement with Ngāi Tahu has concluded and Cabinet has agreed to a preferred option.
- 75 If the Bill is introduced to the House in its present form, this provisional clause needs to be included in the Bill to ensure that the subsequent measures agreed by Cabinet to provide for pounamu access will be considered within scope at a later date.
- 76 If the Bill is introduced to the House at this point without this clause included, it is possible that provisions relating to pounamu would subsequently be considered out of scope of the Bill. This risk only applies to Options 1 and 4 (which involve introducing the Bill to the House this month).
- 77 The placeholder clause (61(1A)(da)) states that an access arrangement may be granted for alluvial mining on the new Schedule 4 land if it a) includes extraction of pounamu, and b) the land is designated by an Order in Council made on the recommendation of the Minister of Conservation and the Minister of Energy and Resources.
- 78 DOC officials have discussed with Ngāi Tahu the need for a provisional clause at this point in the process and the intention to amend the clause subsequently to reflect the preferred option.
- 79 Ngāi Tahu has recently advised that they would prefer the provisional clause to be updated to reflect their initial views on a preferred option. However, updating the provisional clause at this point would further delay the progression of the Bill.
- 80 DOC officials will continue to engage with Ngāi Tahu to clarify the purpose of the provisional clause and to involve Ngāi Tahu in the development and analysis of a preferred option.

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- 81 Any Cabinet policy decision relating to access to pounamu will be supported by a full regulatory impact statement, which will include additional analysis on pounamu access and impacts and risks of the policy options.

Impact analysis

- 82 A Regulatory Quality Panel with representatives from DOC and MBIE has reviewed the Supplementary Analysis Report (SAR) “No New Mines on Conservation Land” produced by DOC, dated 20 February 2023. The review panel considers that it **partially meets** the Quality Assurance criteria.
- 83 The SAR demonstrates a convincing problem definition (informed by economic impact analysis) and clearly sets out a range of options and evaluation criteria. The rationale for restricting the range of feasible options in response to previous Cabinet decisions are also clearly set out. However, the impact analysis is constrained by the fact that there has been no public consultation to date on the proposals due to the Government’s desire to enact the No New Mines legislation within this parliamentary term.
- 84 DOC officials are currently engaging with representatives from Te Rūnanga o Ngāi Tahu on approaches that could provide for continued access to pounamu [CAB-22-MIN-0568 refers] and have included a provision in the Bill for pounamu. The Panel notes that future amendments to the Bill with any decisions made as a result of engagement with Te Rūnanga o Ngāi Tahu should be accompanied by a full regulatory impact statement.

Compliance

- 85 The Bill complies with:
- 85.1 the principles of the Treaty of Waitangi;
 - 85.2 the Human Rights Act 1993;
 - 85.3 disclosure statement requirements (a copy of that statement is attached to this paper);
 - 85.4 the principles and guidelines set out in the Privacy Act 1993; and
 - 85.5 the relevant international standards and guidelines.
- 86 The Ministry of Justice has advised the Attorney General that the Bill is consistent with the New Zealand Bill of Rights Act 1990.

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- 88 The Bill mostly complies with the Legislation Guidelines (2018 edition), which are maintained by the Legislation Design and Advisory Committee. However, subsection 61(1A)(da) as currently worded does not comply with the Legislation Guidelines. This is intentional and unavoidable, as the subsection is intended to be revised, as discussed above.
- 89 The Bill and Cabinet paper was provided to Te Arawhiti as convenors of the Treaty Provisions Officials Group (TPOG). 9(2)(g)(i) [REDACTED]
[REDACTED]
[REDACTED] it was decided that a full session with TPOG was not required because of the clear and limited intent of the drafting and the policy.

Consultation

- 90 DOC has worked closely with MBIE throughout the No New Mines policy development process. MBIE officials were consulted on this paper and the Crown Minerals (Restricting Access for Mining on Conservation Land) Amendment Bill.
- 91 The following agencies were also consulted on this paper and the draft Bill: Te Arawhiti; the Treasury; the Ministry of Justice; MFAT; the Ministry for the Environment; Land Information New Zealand; Te Puni Kōkiri; and the Parliamentary Counsel Office. The Department of the Prime Minister and Cabinet was informed.
- 92 Following Cabinet's direction on 12 December 2022, targeted engagement with Ngāi Tahu is ongoing (see paragraphs 68-72 above).

Communications

- 93 Communications will be led by the Minister of Conservation, in consultation with the Minister of Energy and Resources and the Prime Minister.
- 94 The approach to communications will depend on the option Cabinet chooses to progress the Bill.
- 95 Communications for Options 1 and 4 would be timed to align with the introduction of the Bill to the House on 16 March.
- 96 If Cabinet agrees to Option 2, I recommend that there be a public announcement of the intention to release an exposure draft of the Bill (anticipated to be late March), followed by further communications at the point the exposure draft is published in early April.
- 97 If Cabinet agrees to Option 2, I seek Cabinet approval for decisions on materials to support public consultation to be delegated to the Minister of Conservation, in consultation with the Minister of Energy and Resources and the Prime Minister.

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- 98 Communications for Option 3 could take place at the same time as, or following the conclusion of, engagement with Ngāi Tahu. Final policy decisions could be announced in June/July.

Binding on the Crown

- 99 The provisions included in the Bill will bind the Crown.

Creating new agencies or amending law relating to existing agencies.

- 100 The Bill does not create any new agencies.
- 101 The Bill does not amend the existing coverage of the Ombudsmen Act 1975, the Official Information Act 1982, or the Local Government Official Information and Meetings Act 1987.

Allocation of decision-making powers

- 102 The Bill does not involve allocation of decision-making powers between the executive, the courts, and tribunals.

Associated regulations

- 103 Regulations will not be needed to bring the Bill into operation.

Other instruments

- 104 If Cabinet agrees to Options 1 or 4, then the Bill will include a placeholder provision empowering the Executive Council to designate which alluvial mining on new Schedule 4 land may still obtain access arrangements (see paragraphs 73-81 above). This provision is included to give effect to Cabinet's decision to provide for Ngāi Tahu's continued access to pounamu as a by-product of alluvial mining.
- 105 The new provision is modelled on existing provisions in the CMA that allow Ministers to designate areas as gold fossicking areas via notice in the Gazette.
- 106 In including this provision, the Deemed Regulations Report of the Regulations Review Committee has been taken into account, and the reasons for including the provisions are set out in the Bill's explanatory note.

Definition of Minister/department

- 107 The Bill does not create a new definition of Minister or department.

Commencement of legislation

- 108 The Bill will come into force on the day after the date of Royal assent.

Parliamentary stages

- 109 As noted above, I seek Cabinet's decisions on the preferred approach to progressing this Bill.
- 110 If Cabinet agrees to Option 1 or 4, then I intend for the Bill to be introduced to the House on 16 March 2023 so that first reading can take place on 28 March 2023.
- 111 I propose that the Bill be referred to the Environment Committee for a period of four months (if Cabinet agrees to Option 1) or six months (if Cabinet agrees to Option 4).
- 112 If Cabinet agrees to Option 1, the Bill should be passed by the end of August 2023.
- 113 If Cabinet agrees to Option 2, then I intend for the Bill to be introduced to the House in August 2023. Alternatively, we could make final policy decisions this term and introduce the Bill in the following term.
- 114 If Cabinet agrees to Option 3, then the Bill will not be introduced in this term of parliament.

Proactive release

- 115 This Cabinet paper follows on from the previous Cabinet paper from December last year [CAB-22-MIN-0568 refers], as well as an oral item taken by the previous Minister of Conservation [CPC-22-MIN-0038 refers]. Accordingly, I recommend that these two papers and the minutes from the three Cabinet items be released together as a package at the appropriate time.
- 116 If Cabinet agrees to Option 1 or 4, then I propose to release these documents to coincide with the introduction of the Bill to the House on 16 March. Associated advice concerning policy details may be proactively released at the point of the first reading of the Bill on 28 March.
- 117 If Cabinet agrees to Option 2 or 3, then I propose to proactively release those documents to coincide with the announcement of the intention to release an exposure draft of the Bill (anticipated to be in late March for Option 2). Associated advice concerning policy details may be proactively released at the point the exposure draft is published.

Recommendations

I recommend that the Cabinet Priorities Committee

- 1 **note** that on 12 December 2022 Cabinet [CAB-22-MIN-0568]:
 - 1.1 agreed to amend Schedule 4 of the Crown Minerals Act 1991 (CMA) (and associated provisions in section 61 as required) to add 12 named public conservation land (PCL) classifications, meaning that access cannot be granted for most new mining operations on that land;
 - 1.2 agreed to specify that mineral access rights provided in Treaty of Waitangi settlement acts will not be impacted by the addition of the recommended land classifications to Schedule 4 of the CMA; and
 - 1.3 invited the Minister of Conservation to engage with Ngāi Tahu on approaches that could provide for continued access to pounamu, either prior to introduction of the Bill or following its introduction, with the preferred approach to be progressed as a Supplementary Order Paper to the Bill after it has been introduced;
- 2 **note** that the Crown Minerals (Restricting Access for Mining on Conservation Land) Amendment Bill holds a category 3 priority on the 2023 Legislation Programme;
- 3 **note** that the Bill will provide protection from the negative impacts of mining for nearly three million hectares of PCL, effectively doubling the amount of land protected from most mining related activities;
- 4 **note** that I am seeking further advice on opportunities to support regions and their communities, such as the West Coast of the South Island, that may be impacted by the No New Mines on Conservation Land (No New Mines) policy;

Options for progressing the Bill

- 5 **agree** the preferred option for progressing the Crown Minerals (Restricting Access for Mining on Conservation Land) Amendment Bill (the Bill):

EITHER

Option 1 – Progress the Bill with a shorter Select Committee period and aim for enactment this parliamentary term

- 5.1 **agree** to progress the Bill with a four-month Select Committee period, as possible, and aim to enact the Bill this parliamentary term; and
- 5.2 **approve** the Crown Minerals (Restricting Access for Mining on Conservation Land) Amendment Bill for introduction, subject to the final approval of the Government caucus and sufficient support in the House of Representatives; and

IN CONFIDENCE

- 5.3 **agree** that the Minister of Conservation may authorise the Parliamentary Counsel Office to make any minor changes to the Bill following consideration by the Cabinet Priorities Committee; and
- 5.4 **agree** that the Bill be introduced to the House on 16 March 2023 so that the first reading can take place on 28 March; and
- 5.5 **agree** that the Government propose that the Bill be:
 - 5.5.1 referred to the Environment Committee for consideration; and
 - 5.5.2 enacted by the end of August 2023;

OR

Option 2 – Release an exposure draft of the Bill for public consultation, while engaging with Ngāi Tahu about options to provide for access to pounamu, and aim to introduce a Bill to the House this parliamentary term

- 5.6 **agree** to release an exposure draft of the Bill for public consultation; and
- 5.7 **agree** to delegate decisions on materials to support public consultation to the Minister of Conservation, in consultation with the Minister of Energy and Resources and the Prime Minister; and
- 5.8 **note** that engagement with Ngāi Tahu on options to provide for access to pounamu will continue in parallel to public consultation on the exposure draft; and
- 5.9 **invite** the Minister of Conservation to return to Cabinet Environment, Energy and Climate Committee following the conclusion of public consultation and engagement with Ngāi Tahu to seek further policy decisions to finalise the Bill; and
- 5.10 **note** that an alternative approach could be to make and announce final policy decisions this term and introduce the Bill in the following term;

OR

Option 3 – Conclude engagement with Ngāi Tahu on options to provide for access to pounamu, seek Cabinet agreement to preferred pounamu approach, then prepare to release an exposure draft in the following parliamentary term

- 5.11 **invite** the Minister of Conservation to return to Cabinet Environment, Energy and Climate Committee following the conclusion of engagement with Ngāi Tahu to seek further policy decisions on measures to provide for access to pounamu, to be included in the Bill; and

IN CONFIDENCE

IN CONFIDENCE

- 5.12 **note** that policy decisions could be announced in June/July, with the intention to subsequently seek Cabinet's agreement to release an exposure draft of the revised Bill in the next parliamentary term;

OR

Option 4 – Progress the Bill with a standard Select Committee period, with the Bill being enacted in the next parliamentary term

- 5.13 **agree** to progress the Bill with a standard six-month Select Committee period; and
- 5.14 **approve** the Crown Minerals (Restricting Access for Mining on Conservation Land) Amendment Bill for introduction, subject to the final approval of the Government caucus and sufficient support in the House of Representatives; and
- 5.15 **agree** that the Minister of Conservation may authorise the Parliamentary Counsel Office to make any minor changes to the Bill following consideration by the Cabinet Priorities Committee; and
- 5.16 **agree** that the Bill be introduced to the House on 16 March 2023 so that the first reading can take place on 28 March; and
- 5.17 **agree** that the Government propose that the Bill be referred to the Environment Committee for consideration; and
- 5.18 **note** that this means Parliament would consider whether to progress the Bill in the next parliamentary term;

Providing for access to pounamu, if Cabinet agrees to Options 1 or 4 above

If Cabinet agrees to Options 1 or 4 above:

- 6 **agree** to provide for pounamu access by including a placeholder provision in the Bill stating that access arrangements may be granted for alluvial mining on the 12 named classifications of PCL if:
- 6.1 the alluvial mining includes extraction of pounamu; and
- 6.2 the alluvial mining is designated by an Order in Council made on the recommendation of the Minister of Conservation and the Minister of Energy and Resources; and

IN CONFIDENCE

- 7 **note** that the provision relating to alluvial mining and pounamu will subsequently be amended via the Select Committee stage or through a Supplementary Order Paper to reflect Cabinet's decisions following discussions with Te Rūnanga o Ngāi Tahu regarding access to pounamu as a by-product of alluvial mining.

Authorised for lodgement

Hon Willow-Jean Prime

Minister of Conservation

Released by the Minister of Conservation

Appendices

Appendix 1 – Crown Minerals (Restricting Access for Mining on Conservation Land) Amendment Bill;

Appendix 2 – Supplementary Analysis Report: No New Mines on Conservation Land;

Appendix 3 – Departmental Disclosure Statement;

Appendix 4 – Further details on current access arrangements for mining operations on public conservation land;

Appendix 5 – Options and indicative timelines for progressing the Bill.

Released by the Minister of Conservation

Appendix 4: Further details on current access arrangements for mining operations on public conservation land

This appendix provides more detail on current mining operations on public conservation land (PCL). Table A provides an overview of what minerals are mined on PCL and Table B outlines when current access arrangements will expire. Table C provides a full list of current access arrangements, listing the holder of the access arrangement, the mineral targeted, the method of mining it relates to, and when the access arrangement expires.

Table A: The number of access arrangements targeting different minerals on PCL

Mineral Type	Number of Access Arrangements
Aggregates	6
Coal	11
Dolomite	1
Gold	59
Limestone	2
Pounamu	1
Rock	1
Sandstone	2

Table B: The lifespan of current access arrangements

Expiry of Access Arrangement	Number of Access Arrangements
Between 2023 and 2027	50
Between 2028 and 2033	27
Beyond 2033	6

Table C: Current access arrangements administered by the Department of Conservation (as at 27/02/2023)

Note that any existing access arrangements will continue to have access to PCL in these areas until the end of the respective terms. Once the new legislation comes into effect, applications for variations or extensions to current access arrangements will be considered in accordance with the new legislation. The 'impact' is the assessment that was undertaken by DOC at the time the access arrangement was assessed and granted.

Type of Permit	Holder Name	Impact	Public Conservation Land	Involves stewardship land?	Access Arrangement Term End	Ha impact
Gold - Exploration drilling	Oceana Gold (New Zealand) Limited	Medium impact	Coromandel State Forest Park		21-May-27	0.18
Gold - Exploration drilling	Reefton Resources Pty Limited	Low Impact	Victoria Forest Park; Deep Creek Amenity Area; Big River Ecological Area		19-Jun-23	0.4024
Gold - Exploration drilling	Reefton Resources Pty Limited	Low Impact	Victoria Forest Park; Merrijigs Wildlife Management Area		18-Mar-26	4
Gold - Exploration drilling	Reefton Resources Pty Limited	Low Impact	Victoria Forest Park - Alexander River		9-May-23	0.3545
Gold - Exploration drilling	Reefton Gold Limited	Low Impact	Victoria Forest Park; Boatman Creek Conservation Area, Murray Creek Amenity Area; Larrys Wildlife Management Area	Yes	11-Apr-24	0.66

Type of Permit	Holder Name	Impact	Public Conservation Land	Involves stewardship land?	Access Arrangement Term End	Ha impact
Gold - Exploration drilling	Arrow Mining 2010 Limited	Low impact	Remarkables Conservation Area	Yes	19-Jul-23	1.8
Quarry Exploration (limestone)	Kokiri Lime Company Limited	Low Impact	Card Creek Ecological Area		13-Jul-23	0.3
Gold - Underground exploration	New Talisman Gold Mines Limited	Low impact	Kaimai Mamaku Conservation Park		27-Mar-23	0.25
Coal - Exploration	Buller Coal Limited	Low impact	Waimangaroa – Granity Conservation Area	Yes	21-Dec-23	0.08
Alluvial Gold - Exploration	Whyte Gold Limited	Low Impact	Woods Creek Amenity Area		8-Aug-23	0.215
Gold - Alluvial	Geotech Limited	Medium impact	Greenstone Ecological Area; Conservation Area - Greenstone River	Yes	30-Oct-23	104
Gold - Alluvial	s9(2)(a)	Medium impact	Blackwater Creek - Souters Creek Conservation Area	Yes	24-Jan-23	10.4
Gold - Alluvial	Amalgamated Mining Limited	Medium impact	Conservation Area - Ongionui Creek	Yes	4-Apr-24	19.6

Type of Permit	Holder Name	Impact	Public Conservation Land	Involves stewardship land?	Access Arrangement Term End	Ha impact
Gold - Alluvial	Birchfield Coal Mines Limited	Medium impact	Te Wharau Wildlife Management Area		4-Apr-30	112.4
Gold - Alluvial	Newcoast Resources Limited	Medium impact	Conservation Area - Big Dam Hill	Yes	4-Nov-22	39.9
Gold - Alluvial	s9(2)(a)	Medium impact	Conservation Area - Kaniere Forest	Yes	28-Oct-24	26.07
Gold - Alluvial	Greid Mining Limited	Medium impact	German Gully and Shamrock Gully Amenity Area		12-Sep-24	13
Gold - Alluvial	Birchfield Minerals Ltd	Medium impact	Conservation Area - Grey Riverbed & Grey River & Marginal Strip Grey Riverbed, Blackball	Yes	14-Aug-23	23.4
Gold - Alluvial	s9(2)(a) (formerly Boatman's Gold Limited)	Medium impact	Victoria Forest Park		25-Nov-32	20
Gold - Alluvial	Prospect Resources Limited	Medium impact	Card Creek Ecological Area		3-Aug-24	18
Gold - Alluvial	Butlers Mining Company Limited	Medium impact	Totara - Mikonui Forests Conservation Area	Yes	15-Apr-23	4.46

Type of Permit	Holder Name	Impact	Public Conservation Land	Involves stewardship land?	Access Arrangement Term End	Ha impact
Gold-Alluvial	Butlers Mining Company Limited	Medium impact	Conservation Area - Camp Creek	Yes	16-Jul-23	10.4
Gold-Alluvial	Dempster Limited	Low impact	Big Dam Hill Conservation Area		13-Dec-23	8.7
Gold - Alluvial	Aureon Limited	Medium impact	Shamrock Creek Amenity Area		1-Nov-23	27.3
Gold - Alluvial	Tomlinson Brothers Mining Limited	Low impact	Otututu Ecological Area, Craigieburn		30-Dec-23	13.4
Gold - Alluvial	Whyte Gold Limited	Low impact	Marginal Strip - New River		31-Dec-26	5.4
Gold - Alluvial	Montgomery Gold Limited	Low impact	Conservation Area – Grey River/Māwheranui Riverbed	Yes	15-Sep-26	5.34
Gold - Alluvial	Goldriver Mining Limited	Medium impact	German Gully Conservation Area	Yes	15-Aug-24	8.8
Gold - Alluvial	Conifer Grove Assets Limited	Medium impact	Conservation Area - Big Dam Hill	Yes	21-Oct-30	11.1
Gold - Alluvial	Elect Mining Limited	Low impact	Marginal strip - German Gully		14-Jun-26	3.51

Type of Permit	Holder Name	Impact	Public Conservation Land	Involves stewardship land?	Access Arrangement Term End	Ha impact
Gold - Alluvial	Phoenix Mining Limited	Medium impact	Woods Creek Amenity Area		18-Sep-25	25.5
Gold - Alluvial	s9(2)(a)	Medium impact	Fox Creek marginal Strip		28-Jul-25	0.46
Gold - Alluvial	Otago Mining Limited	Low impact	Nokomai River Conservation Area; Nokomai River Marginal Strip	Yes	12-Mar-23	14.65
Gold -Alluvial	Southland Mining Limited	Medium impact	Conservation Area - Longwood Forest	Yes	27-Mar-23	3.4
Gold - Alluvial	Golden Bush Mining Limited	Medium impact	Conservation Area - South Round Hill, Lake Gorge	Yes	4-Mar-26	70.8
Gold - Suction Dredge	s9(2)(a)	Low impact	Paparoa Range South Conservation Area	Yes	13-Jan-31	40
Gold - Suction Dredge	Waitaha Gold Limited	Low impact	Waitaha Forest Conservation Area	Yes	7-Apr-31	57.59
Gold - Suction Dredge	s9(2)(a)	Low impact	Conservation Area - Lyell Range - Radiant Range	Yes	16-Mar-25	2.85

Type of Permit	Holder Name	Impact	Public Conservation Land	Involves stewardship land?	Access Arrangement Term End	Ha impact
Gold - Suction Dredge	Waitaha Gold Limited	Low impact	Conservation Area - Wanganui/Otira Catchments	Yes	22-Jul-25	49.5
Gold - Suction Dredge	s9(2)(a)	Low impact	Lewis Pass Scenic Reserve		6-Oct-26	37.97
Gold - Suction Dredge	s9(2)(a)	Low impact	Conservation Area - Waitangi Forest	Yes	19-Dec-23	53.7
Gold - Suction Dredge	Westland Schist Limited	Low impact	Conservation Area - Kaniere Forest	Yes	23-Dec-30	16.6
Gold - Suction Dredge	s9(2)(a)	Low impact	Conservation Area - Totara-Mikonui Forests	Yes	14-Feb-25	7.66
Gold - Suction Dredge	s9(2)(a)	Low impact	Moonlight Creek Ecological Area; Conservation Area-Paparoa Range South	Yes	12-Oct-26	21.1
Gold - Suction Dredge	Ophion Mining Limited	Low impact	Victoria Forest Park, Merrijigs Wildlife Management Area, Slab Hut Pakihi Ecological Area, Big		30-Apr-23	38.27

Type of Permit	Holder Name	Impact	Public Conservation Land	Involves stewardship land?	Access Arrangement Term End	Ha impact
			River Ecological Area			
Gold - Suction Dredge	s9(2)(a)	Low impact	Conservation Area - Waitangi Forest	Yes	19-Sep-24	20.78
Gold - Suction dredge	s9(2)(a)	Low impact	10 Mile Creek. Paparoa Range South, Mile Creek Eleven Conservation Area	Yes	11-Nov-28	27.5
Gold - Suction Dredge	s9(2)(a)	Low impact	Conservation Area - Waitangi Forest	Yes	21-Feb-33	10
Gold - Suction Dredge	s9(2)(a)	Low impact	Glenhope Scenic Reserve		14-Jan-23	4.2
Gold - Suction Dredge	s9(2)(a)	Low impact	Mt Aurum Recreation reserve		5-Jul-25	3.85
Gold - Suction Dredge	s9(2)(a)	Low impact	Moonlight Creek Marginal Strip		28-Aug-26	3.1
Gold - Suction Dredge	s9(2)(a)	Low impact	Arrow River Marginal Strip		28-Feb-23	3

Type of Permit	Holder Name	Impact	Public Conservation Land	Involves stewardship land?	Access Arrangement Term End	Ha impact
Gold - Suction Dredge	Alpine Lakes Trust	Low impact	Marginal Strip Arrow River Catchment; Macetown Historic Reserve		30-Sep-30	43.75
Gold - Suction Dredge	Fraser Gold Limited	Low impact	Kopuwai Conservation Area	Yes	14-Feb-32	56.1
Gold - Suction Dredge	s9(2)(a)	Low impact	Shotover Marginal Strip		13-Mar-23	30
Gold - Suction Dredge	Mt Pleasant Trust	Low impact	Arrow River Marginal Strip		1-Sep-30	14.76
Gold - Suction Dredge	Pisa Goldfields Limited	Low impact	Luggate Creek Marginal Strip; Luggate Creek Scenic Reserve; Pisa Conservation Area	Yes	11-Dec-28	34.5
Gold - Suction Dredge	s9(2)(a)	Low impact	Marginal Strip - Shotover River; Kopuwai Conservation Area	Yes	19-Feb-23	51
Gold - Suction Dredge	s9(2)(a)	Medium impact	Waikaia Forest Conservation Area	Yes	25-Aug-26	20

Type of Permit	Holder Name	Impact	Public Conservation Land	Involves stewardship land?	Access Arrangement Term End	Ha impact
Gold - Open Cast	Oceana Gold (New Zealand) Limited	Medium impact	Mueller Street, Waihi Conservation Area, Community Buildings Local Purpose Reserve	Yes	21-Mar-29	0.72
Gold - Underground	Broken Hills Historic Mine Limited	Low impact	Coromandel Forest Park		13-Jan-26	2.006
Pounamu - Open Cast	Te Runanga o Ngati Waewae	Low impact	Revell Terrace Amenity Area		20-Aug-29	7.5
Quarry (aggregate)	Bellingham	Medium Impact	Te Paki Recreation reserve		25-Jul-27	11.6
Quarry (aggregate)	Geotech Limited s9(2)(a)	Low impact	Conservation Area - Wanganui/Otira Catchments; Taramakau River/ Otira River; Kawhaka Forest and Marginal Strip Wainihinihi River	Yes	19-Oct-27	55.37
Quarry (aggregate)	G C Smith Contracting Limited	Low impact	Conservation Area – Paparoa Range South and Local	Yes	6-Jan-30	5.4

Type of Permit	Holder Name	Impact	Public Conservation Land	Involves stewardship land?	Access Arrangement Term End	Ha impact
			Purpose Reserve – Gravel - Greigs			
Quarry (sandstone)	West Coast Regional Council	Medium impact	Conservation Area - Blackball	Yes	18-Jan-30	3.61
Quarry (aggregate)	MBD Contracting	Medium impact	Conservation Area - Dicks Creek	Yes	21-Sep-39	2
Quarry (limestone)	Murchison Limeworks(2006) Limited	Medium impact	Upper Buller Gorge Scenic Reserve		30-Jun-31	25
Quarry (limestone)	Waipuna Lime Ltd	Medium impact	Granville Wildlife Management Area		21-Dec-25	14.7
Quarry (aggregate)	West Coast Regional Council	Medium Impact	Conservation Area- Okuru-Waiatoto	Yes	18-Jul-28	0.9
Quarry (aggregate)	Katikati Quarries (2001) Limited	Medium Impact	Kaimai-Mamaku Conservation Park		5-Mar-44	15.2
Quarry (dolomite)	Solly's Freight (1978) Limited	Medium impact	North West Nelson Forest Park		30-Jun-31	6
Rock - Open Cast	s9(2)(a)	Medium impact	Conservation Area - Dan's Paddock	Yes	14-Apr-30	17.63

Type of Permit	Holder Name	Impact	Public Conservation Land	Involves stewardship land?	Access Arrangement Term End	Ha impact
Coal-Open Cast	Francis Mining Company Ltd	High impact	Victoria Forest Park; Murray Creek Amenity Area		30-Mar-25	179
Coal - Open Cast	BT Mining Limited	High impact	Conservation Area - Plover Stream	Yes	4-Oct-25	2.09
Coal - Open Cast	Birchfield Coal Mines Limited	Medium impact	Te Wharau Wildlife Management Area		22-Dec-31	16
Coal - Open Cast	Rockies Mining Limited	High impact	Conservation Area - Waimangaroa	Yes	11-Apr-40	13.43
Coal - Open Cast	BT Mining Limited	High impact	Conservation Area - Waimangaroa - Granity	Yes	31-Mar-26	22
Coal - Open Cast	Buller Coal Limited	High impact	Conservation Area - Mount Rochfort	Yes	23-Jun-32	106
Coal - Open Cast	New Creek Mining Limited	High impact	Orikaka Ecological Area		31-May-29	9.9
Coal-Open Cast	Bathurst Coal Ltd	High Impact	Conservation Area - Mount Rochfort	Yes	30-Sep-30	84.5
Coal-Open Cast	Heaphy Mining Ltd	Medium impact	Berlins Bluff Ecological Area		26-Jul-26	37

Type of Permit	Holder Name	Impact	Public Conservation Land	Involves stewardship land?	Access Arrangement Term End	Ha impact
Coal-Open Cast	Charleston Coal Ltd	Medium impact	Charleston Scenic Reserve		22-Oct-26	2.5
Gold - Alluvial	Paradise Mining Limited	Low Impact	Nevis River Catchment Marginal Strip		15-Dec-27	6.4

Appendix 5 - Options and indicative timelines for progressing the Bill

Option	Description	Engagement	Timeline	Risks	March	April	May	June	July	August
1. Introduce Bill on 28 March, aiming for enactment this term.	Current timeline. Aiming to introduce and pass the No New Mines Bill this term. An approach to access to pounamu progressed through Select Committee.	Engagement with Ngāi Tahu ongoing after Bill introduced. Opportunity for stakeholders and public to submit to Select Committee. Compressed four month Select Committee.	Timing to pass the Bill this term is extremely tight. The Government will need to prioritise the Bill at each stage, particularly in August for second reading, Committee of whole House, and third reading.	<p>Assumptions Assumes the Bill is prioritised by the Government in the House. Assumes a positive outcome of engagement with Ngāi Tahu.</p> <p>Risks Delays in the parliamentary process due to high pressure on House time.</p> <p>9(2)(g)(i)</p>	Bill introduced to the House. First reading and referral to Select Committee.	Select Committee consideration.	Select Committee consideration. Policy work on approach to provide for access to pounamu. Cabinet considers approach to access to pounamu.	Select Committee consideration. Pounamu approach introduced through departmental report.	Select Committee consideration.	Select Committee report back. Second reading. Committee of the whole House. Third reading. Royal assent. <i>House adjourns 31 August.</i>
					Engagement with Ngāi Tahu	Engagement with Ngāi Tahu				
2. Release an exposure draft of the Bill for public consultation, while engaging with Ngāi Tahu, aiming to introduce the Bill this term. Note this option could be slowed down, aiming for policy decisions alone this term and introducing the Bill next term.	Public consultation on exposure draft of Bill, while engaging with Ngāi Tahu about options to provide for access to pounamu. Cabinet makes final policy decisions and the Bill is revised to reflect decisions. Aim to introduce the Bill to the House this term.	Six weeks of public consultation on exposure draft of Bill. Engage with Ngāi Tahu at the same time as exposure draft. Potential to revise some aspects of Bill following engagement. Alternatively, this timeline could be slowed down, aiming for final policy decisions this term and introduction of the Bill next term. This would allow for incorporating further feedback from consultation.	Timing to introduce the Bill this term (following public consultation) will be extremely tight. It would require a limited time for analysis of submissions. If there are minimal changes sought, the Bill it could be introduced in August.	<p>Assumptions Assumes next government will chose to progress the Bill.</p> <p>Risks This timeline is extremely tight. There would be limited time for analysing submissions, meaning only key themes could be considered. There would also be limited time to consider potential changes to the Bill, prepare Cabinet papers, and for Cabinet consideration of any changes to the Bill. The Bill could not be introduced in August if significant issues arose through the submissions process that required significant changes to the Bill. Introduction would also require priority from PCO for drafting. Wider Treaty partners, the general public, and key stakeholders would not be providing feedback on a complete Bill (because of the Ngāi Tahu placeholder provision).</p>	Prepare materials for public consultation.	Public consultation on exposure draft.	Public consultation. Analyse submissions.	Identify potential changes to Bill following public consultation and engagement with Ngāi Tahu. Prepare Cabinet paper seeking further policy decisions.	Prepare Cabinet paper. Cabinet makes policy decisions. Bill is then revised to reflect Cabinet decisions.	Bill is revised. Prepare Cabinet paper seeking agreement to introduce Bill to House. Cabinet agrees to introduce Bill. Bill introduced to House.
					Engagement with Ngāi Tahu.	Engagement with Ngāi Tahu.	Policy work on preferred pounamu approach.			

Appendix 5 - Options and indicative timelines for progressing the Bill

Option	Description	Engagement	Timeline	Risks	March	April	May	June	July	August
3. Work with Ngāi Tahu and finalise pounamu provision, then release an exposure draft.	Engage with Ngāi Tahu on access to pounamu. Cabinet agrees approach, and Bill is revised to include agreed pounamu provisions. Exposure draft of revised Bill released.	Engagement with Ngāi Tahu on provisions to be included in the Bill. Public consultation on exposure draft of Bill. Potential to revise aspects of Bill following engagement.	Consultation on exposure draft this term. No New Mines would not be implemented this term.	<p>Assumptions Assumes next government will choose to progress the Bill.</p> <p>Risks 9(2)(g)(i)</p>	Engagement with Ngāi Tahu.	Engagement with Ngāi Tahu.	Policy work on preferred pounamu approach. Prepare Cabinet paper seeking agreement to pounamu approach.	Prepare Cabinet paper. Cabinet agrees to pounamu approach, and could choose to make announcements on final policy decisions. Bill is revised to reflect approach.	Prepare materials for public consultation. Prepare Cabinet paper seeking agreement to release exposure draft.	Cabinet could agree to release exposure draft or wait until the next parliamentary term.
4. Introduce Bill on 28 March, with six-month Select Committee process.	Introduce Bill on same date, but have a standard six-month Select Committee process. An approach to access to pounamu progressed through Select Committee.	Engagement with Ngāi Tahu ongoing after Bill introduced. Opportunity for stakeholders and public to submit to Select Committee. Standard six-month Select Committee.	Bill referred to Select Committee this term. No New Mines would not be implemented this term.	<p>Assumptions Assumes next government will choose to progress the Bill.</p> <p>Risks Additional Select Committee consideration may not allow adequate opportunity to engage with Ngāi Tahu.</p>	Bill introduced to the House. First reading and referral to Select Committee.	Select Committee consideration.	Select Committee consideration.	Select Committee consideration. Policy work on preferred pounamu approach.	Select Committee consideration. Cabinet considers pounamu approach.	Select Committee consideration. Pounamu approach introduced through departmental report.
					Engagement with Ngāi Tahu.	Engagement with Ngāi Tahu.	Engagement with Ngāi Tahu.			



Cabinet Priorities Committee

Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Crown Minerals (Restricting Access for Mining on Conservation Land) Amendment Bill: Decisions on Next Steps

Portfolio Conservation

On 7 March 2023, the Cabinet Priorities Committee:

Background

- 1 **noted** that on 12 December 2022, Cabinet:
 - 1.1 agreed to amend Schedule 4 of the Crown Minerals Act 1991 (CMA) (and associated provisions in section 61 as required) to add 12 named public conservation land (PCL) classifications, meaning that access cannot be granted for most new mining operations on that land;
 - 1.2 agreed to specify that mineral access rights provided in Treaty of Waitangi settlement acts will not be impacted by the addition of the recommended land classifications to Schedule 4 of the CMA; and
 - 1.3 invited the Minister of Conservation to engage with Ngāi Tahu on approaches that could provide for continued access to pounamu, either prior to introduction of the Bill or following its introduction, with the preferred approach to be progressed as a Supplementary Order Paper to the Bill after it has been introduced;

[CAB-22-MIN-0568]

- 2 **noted** that a category three priority on the 2023 Legislation Programme is being sought for the Crown Minerals (Restricting Access for Mining on Conservation Land) Amendment Bill (the Bill) (to be passed if possible before the 2023 general election);
- 3 **noted** that the Bill will provide protection from the negative impacts of mining for nearly three million hectares of PCL, effectively doubling the amount of land protected from most mining related activities;
- 4 **noted** that the Minister of Conservation is seeking further advice on opportunities to support regions and their communities, such as the West Coast of the South Island, that may be impacted by the No New Mines on Conservation Land (No New Mines) policy;

Progressing the Bill

- 5 **noted** that engagement has been progressing with Ngāi Tahu on options to provide for access to pounamu, and are likely to be concluded within the next few months;
- 6 **invited** the Minister of Conservation to return to the Cabinet Environment, Energy and Climate Committee (ENV) following the conclusion of engagement with Ngāi Tahu to seek further policy decisions to finalise the bill, including the measures to provide for access to pounamu;
- 7 **noted** that ENV will consider whether to release an exposure draft of the Bill when it takes further policy decisions.

Jenny Vickers
Committee Secretary

Present:

Rt Hon Chris Hipkins (Chair)
Hon Kelvin Davis
Hon Grant Robertson
Hon Dr Megan Woods
Hon Jan Tinetti
Hon Michael Wood
Hon Dr Ayesha Verrall
Hon Willie Jackson
Hon Kiri Allan
Hon Stuart Nash
Hon Damien O'Connor
Hon Andrew Little
Hon David Parker
Hon Kieran McAnulty

Officials present from:

Office of the Prime Minister
Officials Committee for CPC