Minerals West Coast submission to the Environment Committee on the Conservation Amendment Bill

June 2026

To: Parliament's Environment Committee, Conservation Amendment Bill

From: Minerals West Coast, info@mineralswestcoast.org.nz

INTRODUCTION TO MINERALS WEST COAST

Minerals West Coast is an industry organisation representing the shared and collective interests of people and businesses operating in the minerals sector of the West Coast region.

Our membership is diverse, spanning individuals engaged in part-time or fulltime minerals exploration and mining operations and associated services, through to small and medium-sized, family-owned enterprises, all the way to large companies with international shareholdings.

Explorers and miners on the West Coast produce, or seek to produce a variety of minerals via a range of methods. This includes gold from alluvial and hard rock deposits, sub-bituminous coal as a source of energy for food production and space heating, bituminous coal for steelmaking, aggregates and gravels for roading and construction, limestone for fertiliser, pounamu (often as a by-product of gold mining), and mineral sands producing industrial minerals and rare earth elements.

INTRODUCTION TO THIS SUBMISSION

Note that Minerals West Coast submitted to the Department of Conservation on "Proposals to modernise conservation", lodged 28 February 2025.

That submission included our advocacy for the complete removal of all minerals activities from any requirement for a concession. Our rationale then was, and still today is to streamline regulation and remove unnecessary regulatory duplication. It is also to reflect Parliament's intent when inserting Part 3B (the concession regime) into the Conservation Act 1987, via an amendment bill in 1996. This intent is discussed in more detail below.

Our present submission refers to the following Bill and current statutes:

Conservation Amendment Bill | New Zealand Legislation

Crown Minerals Act 1991 | New Zealand Legislation

Conservation Act 1987 | New Zealand Legislation

EXECUTIVE SUMMARY

The focus of this Minerals West Coast submission on the Conservation Amendment Bill is on streamlining regulation for, and removing unnecessary regulatory duplication from all minerals activities on public conservation land. We propose:

- The elimination of all minerals activities from a requirement for a concession, because relevant matters are already addressed, or should be addressed under Crown Minerals Act 1991 access arrangements for minerals activities to public conservation land
- The above includes removing a requirement for a concession for aircraft activities, because this matter can be dealt with under access arrangements
- The same for marginal strips

One outcome of making the changes we propose to the Conservation Amendment Bill will to be enable the Department of Conservation to carry out its functions, in particular, proposed new section 6 (ea):

> "to recognise the economic opportunities that arise from the use and development of land and other natural resources and historic resources managed by the Department, and to enable this use and development to the greatest extent practicable under this Act and other enactments:"

Another is to promote the vision of the Minerals Strategy for New Zealand to 2040:

> "A minerals sector that delivers for New Zealanders, now and into the future, by supporting a productive and resilient economy through responsible and sustainable practices."

Strategy objectives include to:

- improve regulatory pathways to make obtaining permits and consents more efficient
- develop a responsible regulatory framework that benefits New Zealand, its communities, and honours Te Tiriti o Waitangi.

RECOMMENDATIONS

Minerals West Coast calls on the Environment Committee to consider the following recommendations to improve the Conservation Amendment Bill:

(a) Insert into section 2 (1) of the Conservation Act a definition of "mining activity" to mean the existing definitions in the Crown Minerals Act for exploration, mining, mining operations, and prospecting

(b) Insert a new subsection (6) into proposed new section 12, to state, "in the case of a mining activity, the exemption provided in section 14A (2) (d) applies"

(c) Insert a new subsection (8) into proposed new section 14ZC, to state, "in the case of a mining activity, the exemption provided in section 14A (2) (d) applies"

CONCESSIONS

When Part 3B was introduced into the Conservation Act in 1996, the intent was to exempt any "mining activity" from any requirement for a concession. This is because explorers and miners already have to seek access arrangements to public conservation land from the Department of Conservation and / or the appropriate minister or ministers, under the Crown Minerals Act 1991 (CMA).

Issue

In practice, the exemption for "mining activity" did not occur in its entirety. Ancillary infrastructure on conservation land, e.g. access roads, administration buildings and parking areas, and aircraft movements and access to marginal strips were and still are subject to concession requirements under the Conservation Act.

We have long considered this to be unnecessary duplication of regulation, and contrary to Parliament's intent on amending the Conservation Act in 1996.

Note that the Crown Minerals Act criteria for access arrangements include:

> Section 61 (2):
>
> In considering whether to agree to an access arrangement, or variation to an access arrangement, in respect of Crown land, the appropriate Minister (in the case of subsection (1)) or the Minister and the appropriate Minister (in the case of subsection (1AA)) shall have regard to—
>
> (a) the objectives of any Act under which the land is administered; and
>
> (b) any purpose for which the land is held by the Crown; and
>
> (c) any policy statement or management plan of the Crown in relation to the land; and
>
> (d) the safeguards against any potential adverse effects of carrying out the proposed programme of work; and
>
> (da) the direct net economic and other benefits of the proposed activity in relation to which the access arrangement is sought; and
>
> (db) if section 61C(3) applies, the recommendation of the Director-General of Conservation and summary referred to in that subsection; and
>
> (e) any other matters that that Minister or those Ministers consider relevant.

The above is similar to the considerations made by decisionmakers in relation to a concession application under the current Part 3B of the Conservation Act.

Note that in practice, the "any other matters" relate to compensation for adverse effects under section 76 of the CMA. There is also provision for compensation in the proposed new section 14ZM (d):

> "payment for any adverse effects of the activity on the Crown's or public's interest in the relevant land, unless already taken into account in the setting of any relevant activity fees."

Partial remedy

The present Conservation Amendment Bill may solve the problem to a degree. There is the exemption carried over from the current Act in proposed new section 14A (2) (d) "a mining activity authorised under the Crown Minerals Act 1991".

Now to consider the proposed new definition of "activity".

> "In section 2 (1), replace the definition of an activity with
>
> activity includes—
>
> (a) the construction, maintenance, use, or occupation of any facility or structure associated with the activity; and
>
> (b) a trade, business, or occupation; and
>
> (c) the passive use of a conservation area for gain or reward"

Limb (a) would include the ancillary infrastructure to mining listed above, and would therefore exempt all mining activities from a requirement for a concession.

Aircraft movements would come under limb (c), whereby hovering over conservation land for gain or reward – i.e. to drop off or pick up materials and equipment - could be interpreted as a "passive use of a conservation area". This, however, may require a declaration from a court to confirm at private cost, so more clarity in the Bill would be welcome. See also the below section on aircraft and marginal strips.

Full remedy

Remaining at issue is the status of prospecting and minerals exploration activities on conservation land, as regards concession requirements.

Mining (let alone minerals exploration or prospecting) is not defined in the Conservation Act; however, the Crown Minerals Act contains a comprehensive set of definitions in section 2 (1), see below:

> exploration means any activity undertaken for the purpose of identifying mineral deposits or occurrences and evaluating the feasibility of mining particular deposits or occurrences of 1 or more minerals; and includes any drilling, dredging, or excavations (whether surface or subsurface) that are reasonably necessary to determine the nature and size of a mineral deposit or occurrence; and to explore has a corresponding meaning
>
> mining—
>
> (a) means to take, win, or extract, by whatever means,—
>
> (i) a mineral existing in its natural state in land; or

(ii) a chemical substance from a mineral existing in its natural state in land; and

(b) includes—

(i) the injection of petroleum into an underground gas storage facility; and

(ii) the extraction of petroleum from an underground gas storage facility; but

(c) does not include prospecting or exploration for a mineral or chemical substance referred to in paragraph (a)

mining operations—

(a) means operations in connection with mining, exploring, or prospecting for any Crown owned mineral; and

(b) includes, when carried out at or near the site where the mining, exploration, or prospecting is undertaken,—

(i) the extraction, transport, treatment, processing, and separation of any mineral or chemical substance from the mineral; and

(ii) the construction, maintenance, and operation of any works, structures, and other land improvements, and of any related machinery and equipment connected with the operations; and

(iii) the removal of overburden by mechanical or other means, and the stacking, deposit, storage, and treatment of any substance considered to contain any mineral; and

(iv) the deposit or discharge of any mineral, material, debris, tailings, refuse, or wastewater produced from or consequent on the operations; and

(v) the doing of all lawful acts incidental or conducive to the operations; and

(c) includes any activities relating to the injection into and extraction of petroleum from an underground gas storage facility

prospecting—

(a) means any activity undertaken for the purpose of identifying land likely to contain mineral deposits or occurrences; and

(b) includes the following activities:

(i) geological, geochemical, and geophysical surveying:

(ii) aerial surveying:

(iii) taking samples by hand or hand held methods:

(iv) taking small samples offshore by low-impact mechanical methods

We propose the insertion of a definition of “mining” in the Conservation Act as encompassing exploration, mining, mining operations and prospecting, and to refer to section 2 (1) of the Crown Minerals Act for definitions.

AIRCRAFT AND MARGINAL STRIPS

Proposed new section 12 of the Conservation Act is reproduced below, via a screenshot from the Bill:

12 Restriction on aircraft in conservation areas

(1) An aircraft must not land or take off from any site within a conservation area that is not a certified aerodrome.

(2) **Subsection (1)** applies unless—

(a) a concession has been granted to do so and the operator of the aircraft complies with **subsection (3)**; or

(b) there is an emergency arising from—

(i) mechanical, structural, or operational defects in the aircraft or its equipment; or

(ii) weather conditions or other causes not under the control of the pilot-in-command; or

(c) doing so is necessary to establish, construct, operate, maintain, repair, or replace a maritime navigational aid; or

(d) the aircraft is operated by the New Zealand Defence Force or the Civil Aviation Authority of New Zealand.

(3) The operator of an aircraft must have a copy of the concession document and the pilot-in-command of the aircraft must sight it before the aircraft lands or takes off.

(4) Nothing in this section implies any responsibility or liability of the Minister for the safety of an aircraft or a person aboard an aircraft while the aircraft is in the air or landing.

(5) For the purposes of this section,—

land, in relation to an aircraft, includes hovering and setting down or taking on goods or people from the aircraft

pilot-in-command has the meaning given in section 5 of the Civil Aviation Act 2023.

Note that the term "certified aerodrome" and the definition of "land, in relation to an aircraft" – carried over from the present Act - would include helicopters hovering over an exploration drilling site to drop off or pick up materials and equipment, which is a common practice.

Issues

There would be hundreds or thousands of such sites around New Zealand to certify as aerodromes – raising a question of how the Department of Conservation can effectively and efficiently administer section 17ZF of the present Act, or proposed new section 12 (which would replace section 17ZF).

In any case, any moves to remove all minerals activities from a requirement for a concession – to promote the streamlining of regulation - would logically include aircraft movements, including drones.

We propose the insertion of an explicit exemption for any mining activity, subject to the insertion of definitions into the Conservation Act, as proposed above.

The rationale is that the matter can be dealt with by way of an access arrangement under the Crown Minerals Act.

Marginal strips

In the same vein as expressed above, access to move across or within a marginal strip or use a marginal strip in the case of any mining activity (which would include any minerals activity, as discussed) should be dealt with by way of access arrangements under the Crown Minerals Act, and not via the concessions provisions of the Conservation, to promote regulatory streamlining and removal of unnecessary regulatory duplication.