SUBMISSION

New Zealand MINERALS COUNCIL

Feedback from New Zealand Minerals Council

Conservation land management proposals

August 2025

Introduction

1. New Zealand Minerals Council is the industry association representing the New Zealand minerals and mining sector. Our membership is comprised of mining companies, explorers, researchers, service providers, and support companies.

2. Thank you for the opportunity to provide feedback on the government's conservation land management proposals.

3. We are commenting here on the National Conservation Policy Statement document (**the document**) as well as the Modernisation of Land Management section of the Proposed Changes to Conservation Law presentation (**the presentation**).

4. We refer you to our earlier submission on the 2024 consultation proposals to modernise the conservation system and the document Modernising Conservation Land Management.

5. While the proposed changes to the conservation system have been somewhat refined since that document, there is still a lot of uncertainty as to the details of what is proposed and how it will affect mining and quarrying.

Scope of consultation

6. A large part of the document and presentation relates to issues surrounding the use of Department of Conservation (DoC) land and issuing of concessions for recreational and visitor economy use. We wish to clarify the scope of the consultation with regard to prospecting, exploration and mining activities on conservation land and the issuing of related concessions.

7. We understand that Access Arrangements issued in connection with Minerals Permits for Prospecting, Exploration and Mining are not captured by this consultation.

8. We request, however, that consideration is provided within the National Conservation Policy Statement and associated area plans for mineral prospecting, exploration and mining activities – given that any application for an access arrangement will be assessed against these documents.

9. It is important for the continuation of current activities and the development of new extractive activities (mining and quarrying) that these documents expressly provide for these activities, and they can be assessed on their individual merits.

10. Notwithstanding this, the proposals as set out relating to concessions are relevant to the extractive sector because concessions are needed for mining associated activities located outside of the Crown minerals permit boundary. For example, concessions can be required for access roads, water treatment plants, administration buildings, parking for mobile plant, and aircraft movements, to name a few.

11. If companies don't receive or cannot apply for a concession for mining associated activities, the mining operation or project as a whole could be disrupted or unable to proceed without any requirement to take into account the merits of the overall proposal and/or the investment that has already occurred.

12. The consultation is also important for the sector where concessions are granted to other economic activities that may conflict with mining and quarrying activities and areas.

13. While outside the scope of this consultation, a simple solution would be to allow mining permits to extend to cover all ancillary activities associated with a mine and thus to allow the whole mining proposal to use the access arrangement provisions of the Crown Minerals Act.

Contribution of mining

14. It is important in this context to note the contribution mining makes to the economy, as well as to maintaining conservation land, including predator control, planting native species, and protecting native wildlife, in addition to fees.

15. Mining brings highly productive, highly paid jobs (mining wages average $101,100 compared with the New Zealand average of $66,000) to the New Zealand economy and the Government's *A Minerals Strategy for New Zealand to 2040* identifies a goal to double exports from the sector to $3 billion by 2035.

16. It is important that the Government's imperative to have a productive economy extends across all policy, regulations and law and we note the NCPS does reference "economic aspirations" (page 3 of the document, second bullet point). In addition to export revenue, mining is significant to regional job creation and economic impact. In the Buller district, where there is a large area of conservation land, mining contributes 25% of GDP; in Hauraki 21.3 percent of GDP; and in Waitaki 26.5% of GDP.

Comments on the document

National Conservation Policy Statement and area plans

17. We are happy to support the development of a single National Conservation Policy Statement (NCPS) and a single layer of area plans to replace the current Conservation General Policy and General Policy for National Parks.

18. The excessive plan development and consultation is chewing up resources that could be spent elsewhere and the time and cost of reviewing planning documents (for officials and the public) is significant. The proposed simplification and removal of duplication makes sense.

19. What is important for us, however, is that prospecting, exploration, mining and their associated activities are recognised and provided for in the NCPS and area plans. These activities currently occur on conservation land and there is the potential for more to occur. For some New Zealand regions, especially those with a very high portion of conservation land (e.g. the South Island's West Coast), these activities are crucial to their economic and social development and security.

20. There is the risk that the new documents may end up prohibiting these activities in conservation areas outside those currently excluded (as are set out in Schedule 4 of the Crown Minerals Act.)

21. There are aspects of both the NCPS and area plans which give us cause for concern that mining and associated activities in certain areas could be restricted or even banned under some of the proposals. We believe blanket prohibitions are a blunt tool and should be avoided where adverse effects are able to be mitigated and managed. There needs to be a regulatory pathway and/or provision for these activities to occur.

22. We note that the centralised, nationally directed approach will impact different regions differently. The West Coast, which has a larger area of conservation land and higher conservation values, will be impacted disproportionately by the proposals and there is a real risk it will increase the existing restrictions on economic activities on the West Coast.

Content of area plans

23. New area plans must not result in restrictions for activities such as mining, or concessions to support mining, in the new "places" (as to be identified in the plans). Natural resources are to be identified in the plans, and it should be made clear that minerals are included as a natural resource.

24. Area plans which determine where concession activities can or cannot occur through land classifications may perversely produce unnecessary restrictions or bans.

25. For example, there are several instances currently where concessions for mining associated activities occur within areas of conservation value (e.g. kiwi habitats) and the effects of these are managed and mitigated such that there are no adverse effects and instead, conservation benefits are often achieved.

26. The area plans must avoid the potential for conflict between the range of activities discussed in the document and mining and quarrying activities. For example, visitor zones should not clash with potential extraction areas.

27. Just as "recreational and tourism experiences" are required to be identified and described in each "place" (4th bullet point, page 5), we would expect existing mines and quarries, including permit areas, to be identified too and provided for, as well as highly prospective areas.

28. At the bottom of page 5 it says DoC will be required to consider the effects of concession activities on recreation and tourism. It should also be required to consider the effects of these activities on mining and quarrying. This is important to prevent such activities encroaching on / inadvertently sterilising potential extraction areas.

29. It should be noted that, in addition to mines, there are a number of quarries on conservation land, including eight on National Parks. Some of these are used intermittently for DoC purposes, including for flood protection or repair work following severe weather events. Because they are used on and off intermittently, for an enduring period, it will be important that these areas are not encroached upon, in the intervening period, by other activities. Aggregate and sand are on the New Zealand critical minerals list.

Clarifying where activities can or cannot occur

30. We support the existing case-by-case-approach for mining on conservation land, where applications can be considered on their merits on all land except land listed in Schedule 4 of the Crown Minerals Act.

31. We do not support a land classification system when it comes to mining. This includes the approach that some groups are promoting around stewardship land i.e. allowing access for mining on stewardship land but not on other conservation land categories.

32. Conservation status of land does not always equal the conservation values of that land, or part of that land.

33. Blanket land classifications do not take account of all, or the variability, of conservation values across these broad areas. Also, the ecological or conservation values have not been assessed for every square metre of land, and it would be impossible to do so.

34. That is why a case-by-case approach, rather than saying where activities cannot occur (i.e. a blanket ban), is more appropriate and would provide for detailed assessment of values and whether any potential effects of an activity can be managed or mitigated.

35. While the document deals with concessions and not mining access arrangements, the same principle applies to the classification system proposed because the processing and assessment of access arrangements by DoC will consider the land classification and the NCPS and area plans

Exempt and pre-approved activities

36. Under this proposed approach activities are categorised as exempt or pre-approved. Our concern is the approach doesn't spell out how activities which are not categorised this way would be treated.

37. The 2024 consultation document proposed an activity classification approach which included a "prohibited" category.

38. While there is no discussion of a prohibited category or prohibited activities in this document, we note Question 10 on page 13 alludes to prohibited activities in the same context as exempt and pre-approved activities. Also, the presentation refers to a prohibited category.

39. To reiterate, we do not support unnecessary blanket bans (i.e. prohibited activities), where adverse effects are able to be mitigated and managed.

40. Most mining associated activities seeking concessions would not fall into the exempt and pre-approved categories. It is important that those activities will continue to be able to be considered on a case-by-case basis and that mining companies can continue to apply for a concession for mining associated activities. Without this ability the mining operation or project as a whole could be disrupted or unable to proceed even if all other consents are held.

41. We **recommend** introducing a category where concession applications are able to be considered on their merits on a case-by-case basis ie a 'discretionary activity' category.

Comments on the presentation

42. In this section we comment on the PDF version of the presentation as we have seen it and several of the headings and bullet points included in that.

Concession processing

43. We support speeding up concession processing. We support using designated timeframes that must be met for concession decisions along the lines of those in the presentation.

44. More efficient processing of concessions will free up resources for more complicated applications.

Longer concession terms

45. We support making longer concession terms available where it is appropriate. This is important to provide certainty for concession holders who have invested in their operations. It is costly and time consuming for short time periods to be continually reviewed.

46. Longer terms should be available for more than just critical infrastructure. The useful life of fixed assets and structures need to be considered when setting the terms.

Rents, fees and royalties

47. We note there are proposals under consideration for change regarding the ability to set standard rents, fees and royalties.

48. This is an important topic and it is essential the extractives sector is given adequate time to provide feedback on this. But at this stage we have heard very little as to what might be proposed.

49. Miners already pay a number of charges in association with access arrangements and concessions, including compensation for land disturbance and industrial intrusion. The range of fees and charges mean that in aggregate, the payment miners make to the Government is substantial – without considering the wider economic benefits such as salaries and wages and associated fiscal payments (PAYE, GST, company tax, royalties).

50. We support simplifying and streamlining the charging system but there is no case for raising the overall charges miners pay or double dipping.

51. We will be pleased to work with officials at the appropriate time to consider how mining charges can be reconfigured and improved – including consideration of rent for access to replace the existing hotchpotch of charges. But, as stated, introducing rent for access for mining activities must not result in an increase in the overall fees miners pay.

52. We note that moving to a new charging system, even if the total revenue raised does not increase, would be disruptive with some miners paying more and some less.

Competitive allocation of concessions

53. Competitive allocation of concessions would not work well for mining and quarrying related activities. Mining and quarrying have a functional and operational need to occur at certain locations and there are risks losing a competitive tender for a concession for one part of the project would jeopardise the overall project.

54. It is important to note the contribution mining makes to the economy, as well as to maintaining conservation land, including predator control, planting native species, and protecting native wildlife, in addition to fees.

55. If a company were to lose a competitive tender for a concession to build an access road to a mine or quarry, the overall project for which the access arrangement and other approvals have been given could be jeopardised.

56. Competitive allocation could encourage a competitor or a mining opponent to compete for the land where a concession is needed. They may put in a higher bid for the concession land just to impede or prevent the wider proposal going ahead and which may be of higher overall value.

57. In determining allocation, a system whereby the merits of the proposal and the capability of the applicant are taken into account should be used. This is the case with the allocation of mining permits, which works well.

Land exchanges and disposals

58. We support more flexibility for the Government to exchange, transfer, or dispose of parcels of conservation land. This can benefit both miners and DoC with enhanced conservation outcomes as well as wider benefits for society.

59. Conservation land which is suitable for mining and quarrying should be allowed to be exchanged for private sector land more suited for conservation purposes.

60. We support a **net conservation benefit test** for land exchanges. There are a number of ways to demonstrate net conservation benefit. This could involve cost contribution if it was not easily shown in the values of a land exchange.

61. We believe the aim of more flexible land exchange and disposal settings should be to support all Government priorities (including economic) while still providing a net conservation benefit and safeguarding vulnerable biodiversity

62. The list of **exclusions** for land exchanges and disposals on page 17 of the presentation is too large. Excluded areas should be limited to land included in Schedule 4 of the Crown Minerals Act. Other areas should be available to be considered on their merits.

63. We note that the conservation status of land does not always equal the conservation values of that land, or part of that land.

64. The scope of land disposal and exchange mechanisms should not be confined to just stewardship land and marginal strips. Neither should it be confined to just “no or very low conservation value” status.

65. The classification of large Ecological Areas etc. will not have had a specific assessment of all values within them therefore, there should be avenue for smaller scale carve outs of land from these areas if the objectives of exchange / disposal can be met.

66. A case-by-case assessment may deem it appropriate for apparently higher status conservation land to be transferred in some cases.