



# Submission from New Zealand Minerals Council to the Environment Committee on Conservation Amendment Bill

July 2026

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## 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. We welcome this opportunity to make comment on the [Conservation Amendment Bill](#).

## Key points

3. The mining sector supports the existing case-by-case approach taken to approve mining applications on conservation land and is not looking to change the settings to increase access to conservation land.
4. We support the strengthened economic focus of the bill including the Department of Conservation's (DOC) additional function to recognise economic opportunities arising from the use of conservation land.
5. We do not see this as undermining, or shifting away from, the department's conservation management role, and neither would we want it to.
6. Increased flexibility for land exchange and disposals allows greater optimisation of conservation land both from conservation and economic perspectives.
7. Being forced to retain some parcels of conservation land can draw DOC resources away from more effective conservation investments. Exchanging conservation land, often of low conservation value, for land more suited to conservation purposes can result in enhanced conservation outcomes overall.
8. Rather than remove outright the provisions in the bill enabling sale and disposal of land, as the Minister of Conservation has since instructed the select committee to do, we recommend these provisions be redrafted. We appreciate there is a need to allay concerns of extensive privatisation and assure New Zealanders that the Government does not intend to sell off vast swathes of the conservation estate. But we believe in the actual intent of the bill which is that land exchanges and sales of small parcels should be able to occur when it makes sense to do so.
9. The mining sector needs the ability to apply for access to the conservation estate. It does not seek ownership of conservation land.
10. A net conservation benefit test is the assurance / guarantee needed that land exchanges will result in an enhanced conservation outcome overall.
11. The concession regime is material to mining both on conservation land and adjacent to it, for example, where an access road to a mine may need to be built partially across conservation land. Changes to the

concession regime could have far reaching economic consequences if for example, they made it impossible for a mining project to proceed.

12. It is important that activities which are not categorised exempt or pre-approved are not disadvantaged and that they continue to be able to be considered on their merits on a case-by-case basis.
13. We support longer term limits for concessions. Longer terms should be available for more than just activities which contain critical infrastructure.
14. Allocating concessions on a first-in-first-served basis and competitive tender is not always the best way to allocate concessions.
15. We support shorter timeframes for processing concession applications. Mechanisms to ensure timeframes are achieved need to be introduced such as discounted fees if benchmarks are missed.
16. As is often the case when legislation is amended, other laws are impacted. In this submission we suggest aligning access provisions between the Conservation Act and the Reserves Act for this reason.
17. We would like to appear before the Environment Committee to speak to our submission.

## **Mining on conservation land**

18. There is a great deal of misinformation about mining on conservation land, so prior to commenting on the bill we make these brief comments.
19. Mining currently occurs on conservation land excluding National Parks and Schedule 4 land. This has been the case for decades. Mining applications are considered on a case-by-case basis against the conservation values of the land in question. We fully support this approach.
20. Mining to-date has impacted just 0.04 percent of the conservation estate.
21. Mining on conservation land is infrequent and the footprint small because mineral resources are hard to find and strict environmental hurdles have to be navigated before approval to mine is given. For a mine to proceed, the economics also have to stack up, i.e. the cost to get the mine up and running is extremely high, so the value of the mineral mined has to be well in excess of that cost.
22. Assessing applications on their merits on a case-by-case basis is a more versatile system than one based on land categorisation such as allowing mining on stewardship land only (which we oppose).

## **Functions of the department**

23. Clause 6 of the bill (new section 6(ea)) provides for DOC to recognise the economic opportunities that arise from the use and development of conservation land and resources, and to enable this “to the greatest extent practicable”.
24. We support this amended function. We do not see it as undermining, or shifting away from, the department’s conservation management role, and neither would we want it to.
25. The rest of section 6, and the Conservation Act as a whole, are able to ensure that conservation values prevail in the conservation system and in the department’s functions.
26. Introducing an economic purpose does not usurp the conservation focus of the act and giving DOC the ability to recognise economic opportunities does not need to be qualified by expressly stating that conservation must be given primacy, or that resources can be used and developed only “to the extent consistent with conservation”. Economic development and conservation management do not have to

be mutually exclusive and in fact, taking advantage of economic opportunities can enhance conservation with greater access to funding and resources.

27. This is also true of mining activity on conservation land. Mining companies contribute significantly to conservation management, as indicated elsewhere in this submission.

## **Streamlining the management planning framework**

28. The bill streamlines DOC's management planning framework by introducing a National Conservation Policy Statement (NCPS) (new section 13D) and replacing the lower order planning hierarchy with a single layer of nonoverlapping 'area plans' (new section 13H).
29. We support these changes.
30. The existing excessive plan development and consultation has been cumbersome for those engaged with conservation. It has diverted official resources that could have been spent elsewhere and the time and cost of reviewing planning documents (for the public and officials) is significant. In practice, conservation management strategy(s) and associated conservation management plans which are intended to have a 10-year outlook, often remain unreviewed for significantly longer periods. The changes will improve efficiency and provide greater consistency.
31. What will be important for the mining sector though, is that mining is recognised and provided for in the NCPS and area plans. We would be concerned if the drive to simplify resulted in higher order documents not recognising and providing for activities such as mining.
32. We note that the centralised, nationally directed approach will impact regions differently. The West Coast, which has a larger area of conservation land and higher conservation values than other regions, will be impacted disproportionately by the new framework<sup>1</sup>. It will be important that area plans are flexible enough to allow for this and that they do not place excessive restrictions on existing economic activities such as mining.

## **The purpose of the NCPS**

33. Under new section 13D(2)(b), one of the purposes of the NCPS will be to reflect the new function of the department to recognise the economic opportunities that arise from the use and development of land and other resources managed by the department, and to enable this use and development to the greatest extent practicable.
34. We support this and as stated earlier, we do not see economic development as undermining the importance of conservation management. Certain development of conservation land can in fact result in enhanced conservation outcomes, with greater access to funding and resources.

## **Enabling more flexibility for land exchange and disposals**

35. Clause 23 of the bill introduces new section 15 which broadens the Minister of Conservation's ability to exchange or dispose of conservation land.

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<sup>1</sup> Around 85% of the West Coast is public conservation land and 25% of New Zealand's total conservation estate lies on the West Coast.

36. We support this and agree that increased flexibility for land exchange and disposals supports more effective land management and allows greater optimisation of conservation land.
37. The changes are intended to allow the rationalisation of small land parcels when it makes sense to do so, not open the gates to wholesale privatisation. We appreciate there is a need to allay concerns of extensive privatisation given the way the bill is worded. But we believe in the actual intent of the bill which is that land exchanges and sales of small parcels should be able to occur when it makes sense to do so. It would be a mistake to totally reverse the intentions of the bill, as is signalled by the Minister of Conservation in his media release [Government acts on conservation bill concerns](#), dated 25 June 2026. We recommend that these provisions not be removed and that instead they are rewritten to achieve the Government's original intentions.
38. It needs to be emphasised that the mining sector is not looking at these land exchanges and disposals as an opportunity to take ownership of quantities of conservation land, as has been implied by some commentators. Miners need the ability to apply for access to the conservation estate on an as needs basis, with all the appropriate conditions that entails.
39. We support the categories of land ineligible for exchange or disposal as set out in new Schedule 5.

## **Exchanges**

40. There are often occasions where both private landowners adjacent to conservation land and DOC can benefit from the exchange of land parcels. The ability to rationalise holdings makes sense for both parties.
41. Often private land holders, including mining and quarrying companies, hold land more suited for conservation purposes adjacent to land needed for business purposes. Exchanges make sense for both parties. On many occasions private land holders are better placed than DOC to undertake conservation activities/functions on the land exchanged.
42. It should be noted that mining companies on and outside the conservation estate are engaged in a number of conservation activities including pest control, kiwi breeding programmes, native planting programmes, bird protection, and other conservation projects and they have an excellent track record in making a difference with positive outcomes.
43. From DOC's point of view, being forced to retain some parcels of conservation land can draw resources away from more effective conservation investments on other more valued areas of the estate. Exchanging conservation land, often of low conservation value, for private sector land more suited to conservation purposes can result in enhanced conservation outcomes. Enabling land to be exchanged or sold can raise funds for conservation purposes (e.g. pest control) and/or ensure the land is being held by an owner, best able to optimise the conservation value.

## **Net conservation benefit**

44. New section 15 emphasises the concept of net conservation benefit. 15A(1) says a land exchange can be authorised by the Conservation Minister only, if a net conservation benefit will result.
45. We support this. A net conservation benefit test is the assurance / guarantee needed that land exchanges will result in an enhanced conservation outcome overall. This and the other conditions set out in new section 15 should be more than adequate to satisfy the concerns of groups ideologically opposed to asset recycling or disposal of Crown land.
46. We believe a net conservation benefit should be able to incorporate financial contributions paid to DOC if benefits are not easily demonstrated in the values of the parcels of land exchanged.

## Net benefit overall

47. Net conservation benefit is a much harder test than net benefit overall (i.e. taking account of other government priorities, economic benefits generated by the economic activity, or the payment received by DOC).
48. There would be a strong case for broadening the test to overall net benefit but we are happy to support net conservation benefit.

## Disposal

49. New 15K(1) says that land disposals will only be possible if the land is not important for conservation of threatened species or threatened ecosystems, or both. While we agree with this in principle, in practice it can be difficult to define what is important for the preservation and protection of threatened species and ecosystems.

## Aligning access provisions between the Conservation Act and the Reserves Act

50. In line with amendments to the Conservation Act, we seek two minor amendments to the Reserves Act relating to non-Crown owned local purpose reserves so the statutory process for obtaining access to such reserves is aligned with the process for conservation land and Crown owned local purpose reserves.
51. Amend section 23 Reserves Act by adding a new subsection (2A) as follows:
  - (2A) Notwithstanding any other provision of this Act, if an application for an access arrangement under s 59 of the Crown Minerals Act is made in respect of a local purpose reserve which is not Crown land, then s 61 of the Crown Minerals Act applies as if the local purpose reserve were Crown land, and references to the Minister in that section shall be deemed to be references to the relevant administering body of the local purpose reserve.
52. This amendment adds a new provision that, consistently with Schedule 4 of the Crown Minerals Act, confirms that local purpose reserves are intended to be reserves to which access arrangements under that act can be granted. This amendment aligns the matters to which regard must be had under section 61 of the Crown Minerals Act with respect to local purpose reserves and conservation land.
53. Amend section 109 of the Reserves Act as follows:
  - 109 Application of Crown Minerals Act 1991 Mining Act 1971 and Coal Mines Act 1925 to reserves.
    - (1) Nothing in this Act shall in any way restrict the operation of any of the provisions of the Crown Minerals Act 1991 Mining Act 1971 with respect to dealings under that Act with reserves.
    - (2) [Repeal.]
    - (3) [Repeal.]
    - (4) [Repeal.]
54. This is a simple restatement of the provision but is updated to correctly reference the current act. The Mining Act 1971 and the Coal Mines Act 1925 have been repealed. This is also why subsections 2 to 4 are repealed; they do not make sense as they require repealed legislation to still be in force.

## Improving the concessions regime

55. The bill has a number of provisions to improve the concessions regime.
56. Mining activity on conservation land is governed by the Crown Minerals Act through access arrangements. But concessions are still needed for associated activities outside the Crown Minerals permit boundary (for example, access roads, water treatment plants, administration buildings, parking for mobile plant, and aircraft movements, to name a few.) Consequently, mining has a strong interest in the concessions regime.

## Exempt or pre-approved activities

57. Under new section 13E the NCPS may classify activities as exempt or pre-approved so that a concession is either not necessary or is pre-approved.
58. It is highly unlikely that any mining associated activities seeking concessions would fall into the exempt or preapproved categories.
59. We support the ability for DOC to make these exempt or pre-approved classifications, but it will be important that activities which are not categorised this way are not disadvantaged in terms of concession applications and that they continue to be able to be considered on a case-by-case basis.
60. Without the ability for mining companies to apply for a concession for mining associated activities, (such as an access road), the whole mining operation or project could be disrupted or unable to proceed, even if all other consents are held.

## Statutory time frames for concession applications

61. Clause 23 (new section 14N) shortens the timeframes for processing concessions. The deadline for non-notified applications must be within 100 days from application, and a notified application within 180 days. (The Minister has discretion to extend the timeframes).
62. We support these shorter timeframes which will reduce costs and provide more certainty for applicants. More efficient processing of concessions will also free up resources for more complicated applications.
63. It is important, however, that there are mechanisms to ensure timeframes are achieved, including discounts if deadlines are missed. For example, the mechanism under section 36AA of the Resource Management Act 1991 and the Resource Management (Discount on Administrative Charges) Regulations 2010 require councils to discount administrative fees if processing benchmarks are missed without a valid time extension.

## Allocation of concession opportunities

64. New Subpart 3 (14ZF to 14ZH) provides flexibility in how concessions are allocated. We support this. Allocating concessions on a first-in-first-served basis and competitive tender is not always the best way to allocate concessions and could have unintended consequences.
65. Competitive allocation of concessions would not work well for mining related activities, because they have a locational and functional need to occur in specific areas, and there are risks losing a competitive tender for a concession for one part of the project would jeopardise the overall project.
66. For example, a concession to build an access road to a mine or quarry may be required for an operation on adjoining private land. If that operator were to be unsuccessful in obtaining a concession through an allocation process to build that access road, the overall project could be jeopardised.

67. Competitive allocation could encourage a competitor or an opponent of mining to come in and 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 mining proposal going ahead, even though the full project would have a much higher overall value to the economy than just the concession area.
68. The criteria used for determining the use of an allocation process should take such circumstances into account.

## **Variations to conditions**

69. We support new section 14ZV, which enables variations to conditions imposed on concessions.
70. Such variations will allow the concession holder to address consequences on the environment that were not anticipated during the application process quickly, rather than relying on a protracted process for the review of consent conditions.

## **Terms lengths**

71. The bill increases the term limits a concession may be held for.
72. New section 14ZY allows the Minister to approve concession terms of up to 60 years where infrastructure is useful for longer than 30 years.
73. Longer concession terms are important to provide certainty for concession holders who have invested in their operations. It is also costly and time-consuming for short time periods to be continually reviewed.
74. Longer terms should be available for more than just activities which contain critical infrastructure as specified in clause 14ZY(2)(c). The useful life of fixed assets and structures need to be considered when setting the terms.

## **Transferal to new operator**

75. New section 14ZZB makes it easier to transfer an entire concession to a new operator, if for example there is the sale or transfer of ownership of a mine on conservation land to another party. We support this.
76. As a separate issue, where the government transfers land with a concession attached to it to another party, for example an iwi as part of a Treaty settlement or otherwise, there needs to be clarity as to what happens to the concession and the rights of the concession owner. The rights attached to the concession and all its conditions should ideally continue for the existing holder (in spite there being a new owner of the land) or some form of compensation should be provided.