
Mining Activities on Public Conservation Land

An applicant's guide



Cascade Mine - Active Opencast Coal Mine

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I. Introduction

This guide provides information for applicants on the steps of the Department of Conservation's processing and administration of Crown Minerals Act Access Arrangements and Minimum Impact Activity Consents. Brief guides are also available from the Hokitika Shared Service Centre or online at www.doc.govt.nz.

1. Background

The prospecting, exploration and mining of Crown owned minerals (including Minimum Impact Activities) are administered under the Crown Minerals Act 1991. Before any of these activities may take place a Tier 1 or Tier 2 Permit (previously called a Mining Permit) under the Crown Minerals Act, issued by New Zealand Petroleum and Minerals is required, along with permission from the land owner and occupier for access to the land.

In the case of mining and mining operations occurring on public conservation land, permission is required from the Minister of Conservation. In cases relating to Tier 1 permits (either new permits, or variations for significant exploration or mining activities) the decision on whether to grant such permission is made jointly by, or on behalf of, the Minister of Conservation and the Minister of Energy and Resources.

Useful definitions and terminology

Access Arrangement - Arrangement permitting access to land for minerals related activities, and setting out the conditions to be complied with in such access. An Access Arrangement is entered into between the Permit holder and the owner and occupier of the land. In the context of this SOP an Access Arrangement would be between the Permit Holder and the Minister of Conservation, or where appropriate, between the Permit Holder, the Minister of Conservation and the Minister of Energy and Resources.

Assessment of Environmental Effects - AEE - The Department of Conservation's role is to conserve New Zealand's natural and historic heritage and provide for public use and access. An Assessment of Environmental Effects (AEE) is required to help determine what effects your proposed activity will have on these conservation values.

Authority to Enter and Operate – AEO - The authority given by the Department to an Access Arrangement holder which approves the work programme and permits works to be undertaken in accordance with the current work programme (usually an annual requirement).

Conservation Board - Conservation boards are independent bodies, appointed by the Minister of Conservation. Each Board represents the public interest in the work of the Department and conservation in general, within the area of jurisdiction of that board. They are advisors to the Department and the New Zealand Conservation Authority.

Decision Maker - Generally the decision maker, with delegated authority from the Minister of Conservation, will be the Conservation Support Manager or the Conservator.

Hokitika Shared Service Centre - This is where all applications for Minimum Impact Activity consents and Access Arrangements on public conservation land are processed. The Hokitika Shared Service Centre may be contacted by email: permissionshokitika@doc.govt.nz; by post: Private Bag 701 Hokitika 7842; or by phone: +64 3 756 9117.

New Zealand Petroleum and Minerals- (NZP&M) previously known as Crown Minerals, is a division of the Ministry of Business, Innovation and Employment (MBIE). NZP&M is responsible for issuing Tier 1 and Tier 2 permits.

Permissions advisor - The Departmental staff member responsible for processing and administering minerals related applications.

Permit - Covers Prospecting, Exploration and Mining Permits issued under the Crown Minerals Act. Current permits and recent applications can be viewed on the New Zealand Petroleum and Minerals website, www.nzpam.govt.nz.

Tier 1 and Tier 2 permit - see definition in Appendix 1.

Work Programme - Plan provided by the Access Arrangement holder to the Department outlining in detail the proposed operations over the forthcoming period (usually 12 months). Work programmes must be in accordance with the requirements of the Access Arrangement, but will provide a greater level of operational detail than is generally required for the Access application.

1.1 CROWN MINERALS ACT 1991 AND PREVIOUS LEGISLATION

The issuing of Tier 1 and Tier 2 Permits and the granting of access to land subject to such Permits have been administered under the Crown Minerals Act 1991 since it came into force on 1 October 1991. The primary sections of the Crown Minerals Act 1991 which are relevant to public conservation land, managed by the Department of Conservation, are outlined below:

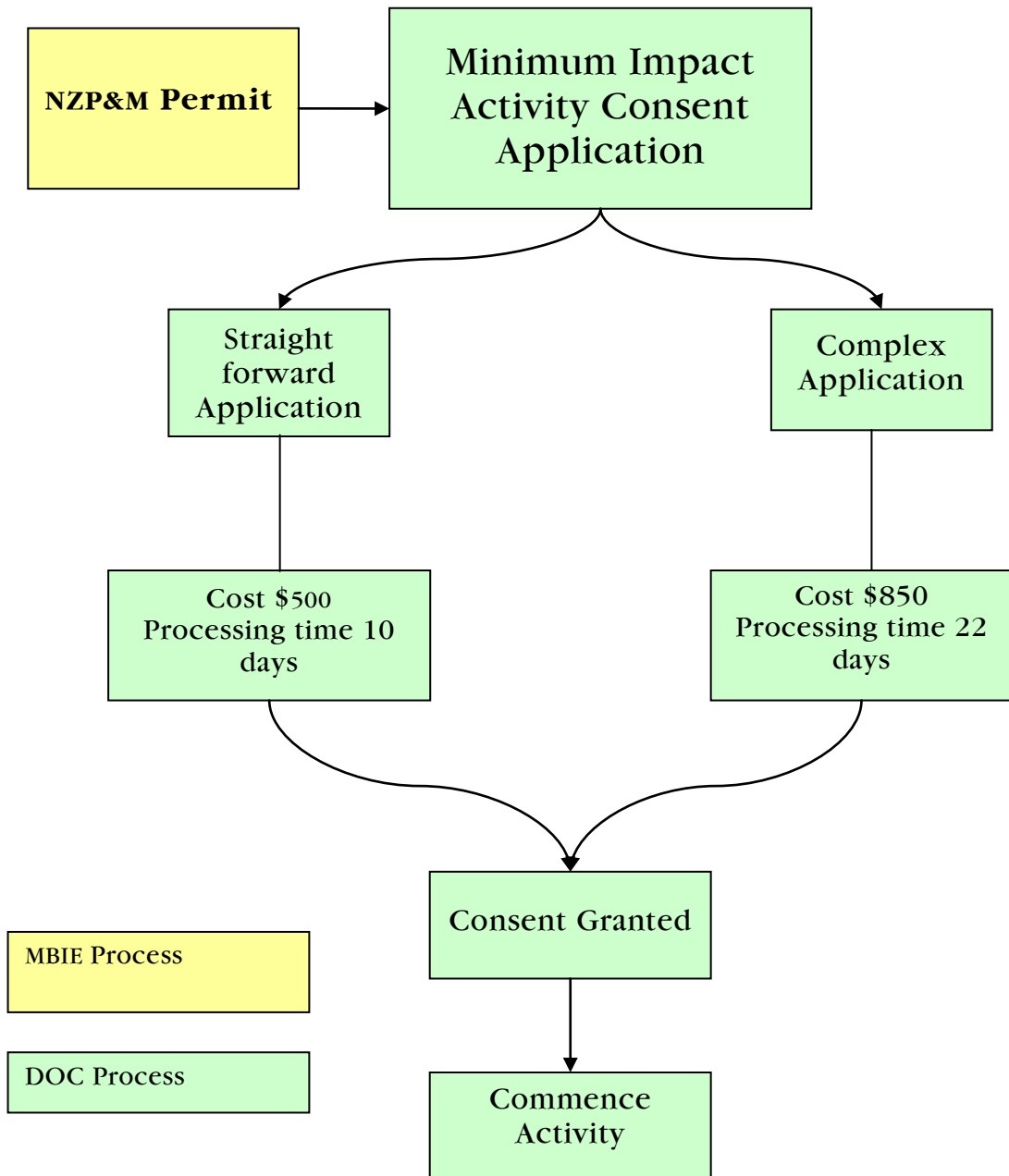
Section of CROWN MINERALS ACT 1991	Description
2 Interpretation	This section gives definitions of terms used within the Act. Minimum impact activities, exploration, prospecting and mining are all defined in this section. The Act was amended by the Crown Minerals Amendment Act 2013 which added new important definitions, especially for Tier 1 and Tier 2 permits.
50 Entry to special classes of land for minimum impact activity (in conjunction with s55)	Under this section the consent of the landowner or occupier is required for minimum impact activities to be undertaken on special classes of land (of which conservation land is one).
54 Access to land for minerals other than petroleum	This section requires the Permit Holder to hold an Access Arrangement with the land owner and occupier and undertake prospecting, exploration and mining activities in accordance with such an Access Arrangement.
57 Meaning of entry on land	This section outlines when activities under the surface do not constitute prospecting, exploration or mining.
59 Notice of request for grant of right of access 60 Grant of right of access by Access Arrangement	These sections relate to the application for an Access Arrangement and the matters that may be included in Access Arrangements (provided those matters are not inconsistent with the matters set out in section 61(2)).
61 Access Arrangements in respect of Crown land	This is the section under which Access Arrangement applications for Crown land are considered and granted. Under sub-section (1A) of this section certain applications must not be accepted by the Minister. Note that amendments have been made to this section as a result of the Crown Minerals Amendment Act 2013.
Schedule 4	The places to which section 61(1A) applies are listed here.

On 1 April 2011 the Marine and Coastal Area (Takutai Moana) Act came into force and replaced the Foreshore and Seabed Act; this new Act removed the Crown's ownership of the foreshore and seabed. This means that the Department of Conservation no longer manages activities in the foreshore and seabed on behalf of the Crown. There are some exceptions to this, such as where land is also listed in Schedule 4 of the Crown Minerals Act 1991 or where that land is also public conservation land at the time the Act was passed. If you are planning to undertake an activity in the foreshore or seabed area (or, common marine and coastal area as the foreshore is now referred to) then contact the relevant permissions/ statutory land management Shared Service Centre to check the land status and to determine if an access arrangement is required.

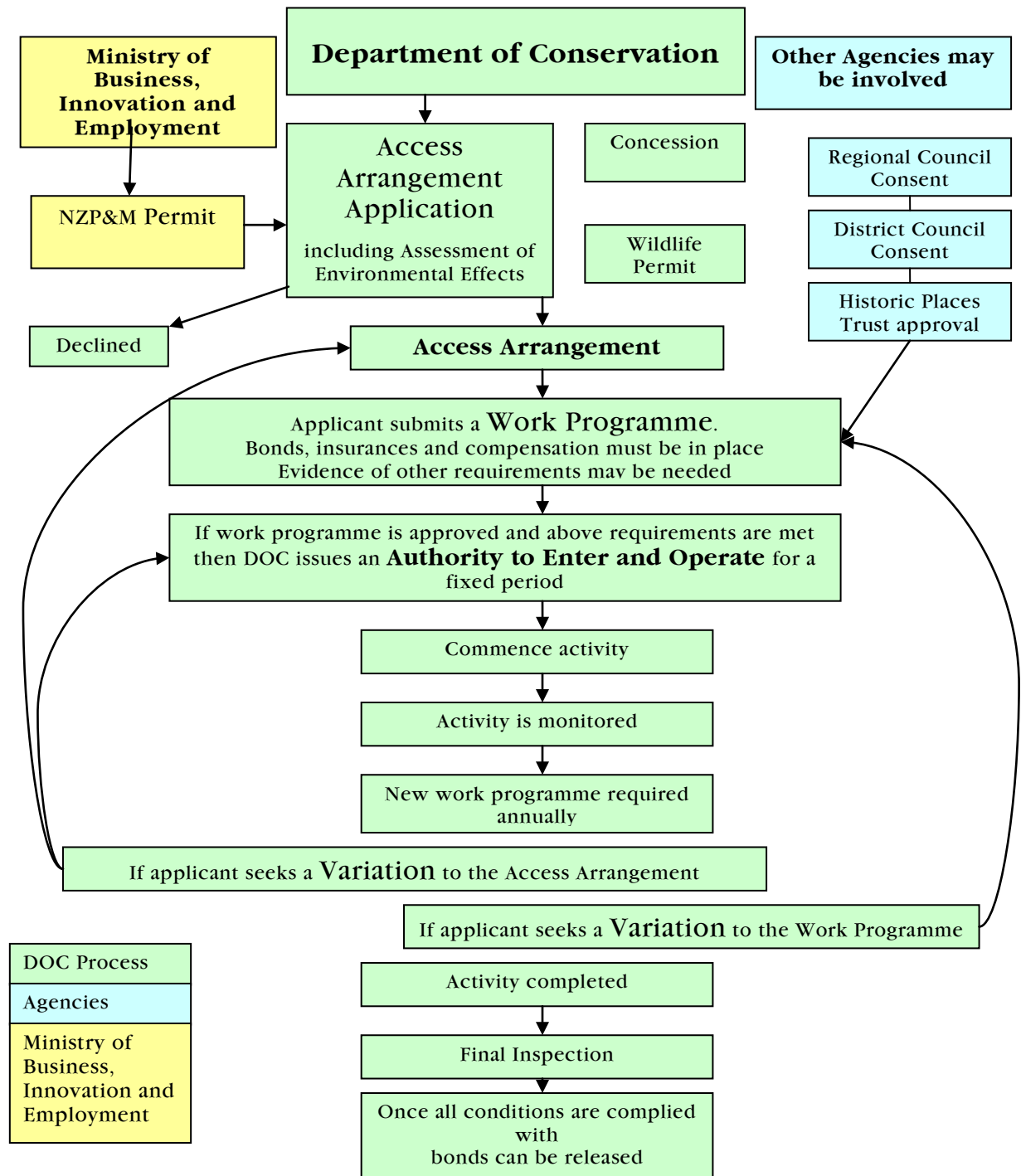
1.2 SUMMARY OF MINIMUM IMPACT ACTIVITY CONSENT AND ACCESS ARRANGEMENT PROCESSES

Below are diagrams showing the two processes. Section 2-5 describes the steps in more detail.

If you wish to explore, sample or prospect on public conservation land using **hand held methods only**:



If you wish to explore, prospect or mine on public conservation land using **more than hand held methods**:



If you wish to submit an application for any of the following, a slightly altered process may be required:

- Access to minerals that are not Crown Minerals (for example private minerals - principally pounamu) located on Crown land (footnote 1);
- Access in the Coastal Marine Area - refer sections 50, 54 and 59 of the Crown Minerals Act 1991;
- Access for petroleum - refer sections 53 and 59 Crown Minerals Act;
- Variations to remaining mining privileges issued under previous legislation.

1.3 TIMEFRAMES

The overall targets for processing applications are provided in the table below.

Process	Target Processing Time
Minimum Impact Activity Consent - Straightforward	2 weeks/10 working days
Minimum Impact Activity Consent - Complex	1 month/22 working days
Access Arrangement - Low Impact	2 months/44 working days
Access Arrangement - Medium Impact	4 months/88 working days
Access Arrangement - High Impact	8 months/176 working days

Note that the timeframes refer to the actual time during which the Department is able to process the application and do not include the time the application is put on hold while awaiting further information or comment from the applicant, or when the applicant has put the application on hold. In addition, applications may evolve during the assessment process (i.e. if the applicant makes changes to the application) and this will generally extend the overall time needed for processing.

1 Pounamu in the Takiwa of Ngai Tahu Whanui and in those parts of the territorial sea adjacent to its Takiwa is owned by Ngai Tahu under the Ngai Tahu (Pounamu Vesting) Act 1997. Access to minerals on Crown Land where minerals are not owned by the Crown is covered by Section 61B of the Crown Minerals Act 1991.

Note that Access Arrangement timeframes will be extended for any applications that are publicly notified under section 61C of the Crown Minerals Act. This extension is due to the timeframes associated with notifying applications, receiving submissions and holding hearings. In these circumstances, staff in the Hokitika Shared Service Centre will be able to advise applicants of the expected target for processing the application.

2. Minimum Impact Activity Consents

2.1 BACKGROUND

Minimum Impact Activities (MIAs) are defined in section 2 of the Crown Minerals Act 1991 and are limited to activities with very minimum impacts such as sampling/surveying using hand held methods only (refer to the Crown Minerals Act 1991 for the full definition).

Access to public conservation land for Minimum Impact Activities is provided for in section 50 the Crown Minerals Act 1991 (in conjunction with section 55). A Minerals Permit Holder requires consent from the Minister of Conservation to conduct a Minimum Impact Activity on public conservation land. Note that, while a Minimum Impact Authority is no longer required for activities occurring in the common marine and coastal area (CMCA); if the minimum impact activity is for land that is also listed in Schedule 4 of the Crown Minerals Act 1991, then under s61(1A)(c) the activity will require consent from the Minister of Conservation and will be processed as an Access Arrangement even though it is in the common marine area and for minimum impact activities.

2.2 TIMEFRAMES AND COSTS

Applications for Minimum Impact Activity consent can be broken into two categories: straightforward and complex. The majority of Minimum Impact Activity consent applications will fit the straightforward category. Those applications that are more complex may include applications involving particularly sensitive areas or where site visits are required. It is unlikely that there will be many applications that can be characterised as complex. Department staff at the Hokitika Shared Service Centre will determine which category your application fits into.

There are set fees for processing MIA consent applications. The fees and processing timeframes are outlined in the table below.

MIA Consent Application Category	Target Timeframe	Fee (GST Exclusive)
Straightforward	2 weeks/10 working days	\$500
Complex	1 month/22 working days	\$850

2.3 PROCESSING STEPS

The following steps are undertaken by Department staff to process an application.

- The Permissions Advisor receives and reviews the application.
- The local Area Office assesses the application and provides local information on the values and likely impacts.
- Consultation with Iwi and the Conservation Board if required for applications involving high values.
- Discussion with the applicant with regard to potential impacts and any required conditions.
- Report to the Decision Maker.
- MIA Consent issued and the consent holder can then commence their activity.

3. Access Arrangement Application processing

3.1 BACKGROUND

Once a Minerals Permit is obtained, access from the landowner is required. Where this is public conservation land and the application is not for minimum impact activities, the application is processed by the Department as an Access Arrangement. If the Access Arrangement is approved then a work programme must also be submitted by the applicant prior to their being permitted to commence their activity (section 4). This allows for details to be determined and ensures bonds, insurances, compensation plans and consents are in place. Once this is approved an Authority to Enter and Operate will be granted.

The process followed by the Department for assessing Access Arrangement applications is divided into Modules. These modules and their objectives are included in this guide.

3.2 TIMEFRAMES AND COSTS

All applications should be processed by the Department in a timely manner. Target processing timeframes differ depending on which processing level the application fits (low, medium or high impact). The following factors will be considered when determining the processing level of an application:

- Values present at the site;
- Potential impacts on the values;

- The scale of the operation;
- Whether Conservation Board consultation is likely to be required.

These impact levels and timeframes apply to applications for prospecting, exploration and mining (except where the activity comes under the definition of a Minimum Impact Activity - see section 2). Note that applications for prospecting and exploration will generally fit the low or medium impact category. Department staff will determine the processing level of the application.

The timeframes relate to the time from receipt by the Department of a complete application through to the making of a decision on the application. Any changes made to an application by the applicant will generally extend the overall time needed for processing.

When an application is granted, the time that may elapse before the granting of the Authority to Enter and Operate is largely driven by the applicant and will depend on a number of factors such as the work programme, ensuring the lodgement of the bond and insurances, and the payment of any compensation and cost recovery for the processing of the application.

Target Processing Timeframes for Access Arrangement Applications

Low Impact	2 months/44 working days
Medium Impact	4 months/88 working days
High Impact	8 months/176 working days

Note that target processing timeframes will be extended for applications that are publicly notified. This extension is due to the timeframes associated with notifying applications, receiving submissions and holding hearings.

Cost Recovery

DOC recovers all costs to process an access arrangement application regardless of whether the application is approved or declined. A Credit Application form must be completed by applicants.

Limited pre-application information is provided free to applicants. The Department has a policy of charging applicants for time spent on the pre-application phase, only after the first 4 hours (approximately) which are provided free of charge. If it is likely that the pre-application consultation will take significantly more than four hours the applicant will be given an estimate of costs.

The table below gives an indication of the processing costs that may be incurred, depending on the level of activity (or application type) as assessed by the permissions advisor processing the application.

Application Processing Fees		Ballpark Cost Estimate
Application Type	Set Fee	
Low Impact	\$2,150*	
Medium Impact		\$2,000 - \$30,000
High Impact		\$50,000 - \$100,000

* For standard applications and includes the issuing of the Authority to Enter and Operate. If the application is particularly complex then further costs may be incurred above the estimated fee. In this situation the applicant will be sent an estimate of costs.

3.3 MODULE 1: PRE-APPLICATION

Objective

To provide pre-application information on prospecting/exploration/mining access to potential applicants.

Outcomes

At the end of this stage the applicant will:

- Have a clear understanding of the requirements for granting access, their responsibilities and the application process, cost recovery regime and processing timeframes.
- Have received the information needed to complete an application.
- Have received information on the significance of the land status and the possible conservation values.

This is a critical part of the process. If you have clearly outlined your proposal and have been properly briefed then the potential for later problems can be minimised. It is beneficial to have a pre-application briefing with Department staff.

Is an Access Arrangement Required?

The Crown Minerals Act 1991 identifies a number of circumstances where an Access Arrangement is not required. These are:

- Section 8(2) (a) Any Crown owned mineral that—
 - (i) exists in a natural state in land of which the person is an owner or occupier; and
 - (ii) is in land which is not the subject of a permit in respect of such mineral - for use for any reasonable agricultural, pastoral, domestic, road making, or building purpose on land of which the person is an owner or occupier; or
- (b) Any sand, shingle, or other natural material in the bed of a river or a lake or in the coastal marine area unless otherwise specified in a minerals programme.
- Section 8(2A) Any Crown owned mineral in a legal road, whether formed, unformed or stopped, if

- (a) the mineral is
- (i) coal; or
 - (ii) a mineral (other than coal) for which a Tier 2 permit would, but for this provision, be required; and
- (b) the road is within an area of land that otherwise contains privately owned minerals

- Sections 49 and 50 (in conjunction with section 55) - for Minimum Impact Activities on public conservation land.
- Section 53 and 54 for access to land for petroleum and mineral other than petroleum.
- Section 57 - for activities carried out below the surface of the land that meet the requirements of this section (which relate to effects on the surface of the land).
- Section 61 for access arrangements in respect of Crown land and land in the common marine and coastal area.
- Section 98 - designated gold fossicking areas.

In addition applications for areas identified in Schedule 4 are unable to be accepted except in relation to certain activities (61 (1A)).

If as an applicant you are unsure whether or not an Access Arrangement is required, you should seek advice from mining staff at the Hokitika Shared Service Centre. The aim is to avoid an applicant spending time and money applying for access only to discover later that an Access Arrangement is not required. If an Access Arrangement is not required, it may be that a concession is required instead.

Pre-Application Module Description

As an applicant you should be provided with the information needed to submit a complete and thorough application and to understand matters related to the Access Arrangement process. A pre-application meeting will assist you to do this and should cover the following:

Permissions Required

Alongside the Access Arrangement (if required) Department staff will explain the work programme and Authority to Enter and Operate requirements (see Section 4) prior to the commencement of prospecting/exploration/mining.

In addition to an Access Arrangement, applicants will require a Permit and possibly resource consents, concessions and Historic Places Trust authorities. A Department of Conservation concession will be required where the proposed mining related activity (for example access roads, power lines, buildings) occurs on public conservation land but is not covered by the Permit.

Applying for landowner approvals first (Section 54 of the Crown Minerals Act 1991) will help to ensure that key issues are worked through with landowners prior to any other expenses being incurred. However it is fine if you choose to lodge all applications at the same time.

Be aware that the Permit must be gained prior to the Access Arrangement being granted; that landowner approval (by way of an Access Arrangement) is required for the approval of any Historic Places Trust authority required; and of the Department's potential involvement in any resource consent process. All resource consents must be obtained and provided to the Department before an Authority to Enter and Operate is granted.

Content of Application

Departmental staff will brief you on what information is needed in your application. This will include a full Assessment of Environmental Effects (AEE) that covers floral, faunal, aquatic/freshwater, landscape, recreation, scenic, historic, cultural and any other relevant values. In particular the staff member should indicate the level of detail required for each of these, for example if expert reports are likely to be required. As an applicant you should be provided with an application form and copy of the relevant Assessment of Environmental Effects (AEE) guidelines as these also give guidance to what needs to be included in the application.

There may be the necessity for an archaeological assessment. This is required where historic values would potentially be affected, or the historic values of the area are unknown but likely to be present.

Departmental staff should also discuss the potential safeguards against adverse effects including appropriate site management and rehabilitation, bonds and insurances, as well as compensation.

Applicants should be advised of the status of the land and whether the proposed activity is likely to be inconsistent with the provisions of the Conservation Act 1987 (or other relevant acts, for example Reserves Act 1977), the purposes for which the land is held, the relevant Conservation Management Strategy or Conservation Management Plan. Any known important values in the area that are likely to be of concern, including any known potential 'showstoppers' should be discussed at this time also.

If some or all of the proposed prospecting/exploration/mining activities appear to be inconsistent with the purposes for which the land is held, this will be raised by Department staff. This may save applicants time and money on a proposal that is unlikely to be approved. This is particularly the case if the land in question is listed in Schedule 4 of the Crown Minerals Act 1991 (where an application for access is unable to be accepted for Schedule 4 lands under section 61 (1A) of the Crown Minerals Act 1991).

It should be made clear to you, as the applicant, that *you* need to make the ultimate decision on whether to lodge an application.

The Crown Minerals Act also requires that you outline, as part of your access arrangement application, the "direct net economic and other benefits of the proposed activity in relation to which the access arrangement is sought".

New Zealand Petroleum and Minerals has advised that "direct net economic and other benefits" should be interpreted as the realised sales value from an activity minus the capital and operating costs. While indirect (footnote 2) and induced (footnote 3) impacts should not be included, where the activity would have a negative effect on the profits of existing businesses (for example, in the tourism sector), or reduce the amenity value of an area to visitors, these costs should also be offset against the permit holder's net benefit to allow an overall estimate of the net value of the activity. If there are any external benefits, these should also be included.

Iwi Consultation

Prior to lodging an application applicants are encouraged to contact the relevant Iwi, if appropriate, to discuss the nature of their application. This can be of considerable benefit to applicants in preparing their applications and serves three purposes:

- It informs Iwi of the proposal early in the process.
- Enables applicants to seek advice from Iwi on cultural aspects of their proposal (this will help the applicant complete their AEE).
- Enables the applicant and Iwi to discuss methods and circumstances that would be consistent with the value that tangata whenua place on the area.

It is in the applicant's interests to consult and seek support from the Iwi as this will generally reduce the time taken by the Department to process the related part of the application. Applicants can contact their local DOC office for Iwi contacts.

The following **Objective** and **Outcomes** in section 3.4 - 4.3 outline the steps the Permissions Advisor will undertake in the processing of your application. They illustrate the work undertaken in processing access arrangement applications and give some context to the processing timeframes required.

3.4 MODULE 2: RECEIVE, CHECK AND ACCEPT APPLICATION

Objective

To process the initial lodging of a prospecting/exploration/mining access application, to conduct a preliminary check to determine if the application contains sufficient information to enable it to be processed and to provide the applicant with an estimate of the costs and timeframes likely in processing their application.

2 Indirect impact is the effect of additional (or reduced) expenditure on other businesses' levels of production. For example, mining machinery purchased by a permit holder leads to purchasers of components from the supply chain of the machinery producer. Component suppliers require more inputs from other companies and so on

3 Induced impact refers to the effect of additional (or reduced) consumer spending that happens as employees, business owners and others spend their income. This includes, for example, workers' spending on essential services

Outcomes

At the end of this stage:

- Applications will have been assigned to a permissions advisor.
- A preliminary check will be completed on whether the application contains sufficient information to enable it to be processed.
- If the application contains insufficient information for the purposes of processing, applicants will be sent a letter advising as much and indicating what needs to be provided to ensure the application can be processed.
- If the application can be processed, the applicant will be sent a letter acknowledging receipt of the application and providing a cost estimate or initial ballpark estimate and expected processing timeframe.
- No further action will be taken until the applicant has returned the signed acknowledgement of costs form.

3.5 **MODULE 3: APPLICATION ASSESSMENT - INITIAL REVIEW AND SITE VISIT**

Objective

The application will be reviewed to determine further information requirements and to conduct an initial visit to the site.

Outcomes

At the end of this stage:

- An in-depth review of the application will have been undertaken.
- The application will be identified as to impact level and whether it requires a more intensive evaluation than for lesser impact applications (likely for very high impact applications).
- A site visit will have been conducted.
- The applicant will receive a letter outlining any further information requirements and a revision of the cost estimate if necessary.

3.6 **MODULE 4: APPLICATION ASSESSMENT - AREA REPORT, IWI CONSULTATION AND FURTHER ADVICE**

Objective

To gather necessary information and to enable the decision-maker to consider relevant matters.

Outcomes

At the end of this stage:

- The Area Office will have completed its investigations and reported to the Conservancy.
- Iwi consultation may have been undertaken at this stage.
- Any additional necessary information will have been gathered.

3.7 MODULE 5: DRAFT REPORT, SEEK CONSERVATION BOARD COMMENT AND FINALISE REPORT

Objective

To draft a report, seek comment from the Conservation Board, provide the applicant with an opportunity to comment on the process to date and complete the report to the decision-maker.

Outcomes

At the end of this stage processing of the application will be complete and the report will be ready to forward to the decision-maker. The Conservation Board will have had the opportunity to comment on the application/report if appropriate. Iwi may also be consulted at this stage if not previously at module 4 (depending on their preference). Applicants will have had the opportunity to comment on the report, draft conditions and any further information that has shaped the content of the report.

3.8 MODULE 5A: PUBLIC NOTIFICATION OF APPLICATIONS FOR SIGNIFICANT MINING ACTIVITIES

Objective

To notify any application for mining activities that are determined to be "significant" under s61C of the Crown Minerals Act, and hold a hearing if required. In this context, "application" will be interpreted as an initial access arrangement application or a variation.

Outcomes

By the end of this stage, the application will be publicly notified with a Departmental report, there will have been an opportunity for public submissions to be received, and a hearing held if needed. A summary of submissions will have been drafted for consideration by the decision maker/s when making their decision on the access arrangement.

3.9 MODULE 6: DECISION-MAKING AND FINALISING ACCESS ARRANGEMENT

Objective

To make a decision on the application.

Outcomes

By the end of this stage the decision will have been made on whether or not to grant access to the applicant.

Decision Making

The decision-maker/s makes/make a decision that the application should be either:

- Declined; or
- Granted with the conditions; or
- Deferred until further (specified) matters have been investigated and reported on with a later decision.

4. Administering Access Arrangements

If an Access Arrangement is approved you will still need an Authority to Enter and Operate prior to commencing work. This is issued annually. This enables the Department to consider a detailed annual work plan and ensures all requirements (such as insurance, bonds and compensation) are in place. See 1.2 for a diagram of the processes (AA, WP and AEO).

4.1 MODULE 1: CONSIDER FIRST WORK PROGRAMME AND ISSUE FIRST AUTHORITY TO ENTER AND OPERATE

Objective

To evaluate and approve the first work programme and grant the first Authority to Enter and Operate.

Outcomes

At the end of this stage the applicant's work programme will have been evaluated. A decision will have been made and the applicant will have been informed. In the case of smaller operations, the detail in the Access Arrangement application may have been sufficient that a work programme is not required for the initial AEO approval. An applicant will need to supply proof of bonds, insurances and resource consents or other authorities, compensation and cost recovery must also be paid. If the applicant has met all its obligations then the first Authority to Enter and Operate (AEO) will be granted.

4.2 MODULE 2: MONITOR PROSPECTING/EXPLORATION/MINING

Objective

To monitor compliance with conditions of the Access Arrangement and work programme. Generally carried out at the time of considering a new work programme (see below module 3).

Outcomes

At the end of this stage the Department will have undertaken monitoring of the operation (a site visit) and will be able to assess the effects of the activity and compliance with the conditions of the Access Arrangement and work programme. This is generally undertaken every 12 months, but it may be more frequent where values are high or where guidance is required. Where there are issues of non-compliance then appropriate action will have been taken.

4.3 MODULE 3: WORK PROGRAMME REMINDER, CONSIDER WORK PROGRAMME AND ISSUE AUTHORITY TO ENTER AND OPERATE

Objective

To ensure the work programme for the forthcoming 12 months is received, the permissions advisor will send a reminder three months prior to expiry. The permissions advisor may undertake monitoring (Module 2 above) evaluate the work programme ensuring that all procedural steps have been completed and that the operator can be issued the Authority to Enter and Operate.

Outcomes

At the end of this stage the work programme that has been supplied will have been evaluated. The applicant will have met all its obligations as in Module 1 (such as compensation and insurance) so that the Authority to Enter and Operate can be issued.

5. Access Arrangement Variations

5.1 INTRODUCTION

When an existing Access Arrangement Holder wishes to extend the term of its Access Arrangement, enlarge the area of land it covers or make any other changes that are outside the scope of what is covered by its Access Arrangement, it needs to apply for a variation to the Access Arrangement. The Permit Holder may also need a variation to its Permit from New Zealand Petroleum and Minerals and this will need to be granted prior to a variation to an Access Arrangement being granted.

Note that work programmes may also be varied, or may be required to be varied with some Access Arrangement variations.

5.2 TIMEFRAMES AND COSTS

As with new applications, the processing level of variation applications varies depending on the scale and impact level of what is applied for. Some variations are straightforward, such as an extension of term, while others require the same processing steps as a new application.

The table below gives target timeframes for processing variation applications. Note that only very large, complex variations with significant new activity would meet the high impact criteria.

Process	Target Processing Time
Low Impact	1 month/22 working days
Medium Impact	3 months/66 working days
High Impact	8 months/176 working days

Note that timeframes for processing variations will be extended for any significant variations for mining activities.

Each application for a variation will be treated as an individual new application and timeframes applied. Where an applicant makes multiple variation applications over a short length of time, processing timeframes apply to each individual application.

The cost for each variation application is based on the time spent to process the application. An applicant can request a cost estimate when an application is submitted.

6. Other Matters

6.1 MINING COMPLETION AND BOND RELEASE

Each individual Access Arrangement will outline the requirements for the site at the completion of mining. At the end of the Access Arrangement term, or if advised earlier by the Permit Holder that operations are completed, an assessment will be made to ensure that all requirements of the Access Arrangement have been met, and if they have, any bond held will be released.

At a minimum, a site visit will be undertaken by Department staff to assess whether the requirements of the Access Arrangement have been met.

6.2 PUBLIC ACCESS

Sites on public conservation lands where minerals related activities are undertaken are open to the public unless expressly closed to public access by the Minister.

If a Permit Holder wishes an area to be closed to the public for safety reasons it must apply to the Minister for such closure. This proposal should be made clear in the initial application for an Access Arrangement.

Public access to minerals activity sites, for example mining and drilling sites, is often managed in ways other than applying for closure of the site to the public. Methods such as signs, taping or fencing of working areas and gates over access roads are often used. In such situations the public may be required to notify the mine manager prior to entering the site so they can be informed regarding safety and dangers. It is important to note that the measures described above do not count as formally closing off an area from the public and the public still has the right of access over these areas.

6.3 HEALTH AND SAFETY OBLIGATIONS FOR MINE SITES

Health and safety obligations at minerals activity sites are the primary responsibility of the Permit Holder under the Health and Safety in Employment Act 1992. As well as managing the risks within the minerals activity site, this Act also establishes obligations toward the general public in the vicinity of the site.

In addition, the Access Arrangement has standard conditions that reinforce the requirement of the Permit Holder (and the contractor) to comply with the Health and Safety in Employment Act 1992. Persons engaging in minerals related activities are expected to have appropriate safety plans in place as part of meeting their obligations under the Health and Safety in Employment Act 1992. Where specific risks are identified in the application process (e.g. a track in the vicinity of a proposed mine site) extra conditions may be included in the Access Arrangement.

II. Appendix 1

Tier 1 permit means the following permits (as defined by the Crown Minerals Act):

“(a) a prospecting, exploration, or mining permit that relates to petroleum:

“(b) a prospecting permit that relates to a mineral listed in the first column of Schedule 5 of the Crown Minerals Act, unless the permit relates to prospecting for alluvial gold:

“(c) an exploration permit that relates to a mineral listed in the first column of Schedule 5, unless the expected total work programme expenditure in relation to the permit for the final 5 permit years of its life, or for the entire duration of its life if the permit is for less than 5 permit years, is, in the Minister's estimation, less than the amount specified for the mineral in the second column of that schedule:

“(d) a mining permit that relates to a mineral listed in the first column of Schedule 5, if, in any 1 permit year in the next 5 permit years of its life, the annual royalty or annual production in relation to the permit will be, in the Minister's estimation, equal to or more than the amount specified in the third or fourth column of that schedule:

“(e) a permit that (irrespective of the type of mineral to which the permit relates, the year of the permit's life, or any threshold amounts specified for the mineral to which the permit relates in Schedule 5)—

“(i) relates to an underground operation or an operation that is (whether wholly or partially) 50 metres or more beyond the seaward side of the mean high-water mark; and

“(ii) is not for a special purpose mining activity.

Tier 2 permit means a permit that is not a Tier 1 permit.