

1997, No. 91

An Act to amend the Crown Minerals Act 1991  
[26 November 1997

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title---This Act may be cited as the Crown Minerals Amendment Act (No. 2) 1997, and is part of the Crown Minerals Act 1991 ("the principal Act").

2. Access arrangements in respect of Crown land---(1) Section 61 of the principal Act is amended by inserting, after subsection (1), the following subsection:

“(1A) The Minister of Conservation must not accept any application for an access arrangement or enter into any access arrangement relating to any Crown owned mineral in any Crown owned land or internal waters (as defined in section 4 of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977) described in the Fourth Schedule, except in relation to any activities as follows:

“(a) That are necessary for the construction, use, maintenance, or rehabilitation, of an emergency exit or service shaft for an underground mining operation, where these cannot safely be located elsewhere, provided that it does not result in---  
“(i) Any complete stripping of vegetation over an area exceeding 100 square metres; or  
“(ii) Any permanent adverse impact on the profile or surface of the land which is not a necessary part of any such activity:

“(b) That do not result in---  
“(i) Any complete stripping of vegetation over an area exceeding 16 square metres; or  
“(ii) Any permanent adverse impact on the profile or surface of the land that is not a necessary part of any activity specified in paragraph (a):

“(c) A minimum impact activity:

“(d) Gold fossicking carried out in an area designated as a gold fossicking area under section 98 of the Crown Minerals Act 1991:

“(e) Any activity carried out in accordance with a special purpose mining permit for demonstrating historic mining methods as provided for in the relevant minerals programme required under section 13 of the Crown Minerals Act 1991.”

(2) Section 61 of the principal Act is amended by adding the following subsections:

“(4) Subject to subsections (6) and (7), the Governor-General may from time to time, by Order in Council made on the recommendation of the Minister and the Minister of Conservation, amend the Fourth Schedule.

“(5) Before making any recommendation for the purposes of subsection (4), the Minister and the Minister of Conservation must consult to the extent that is reasonably practicable, having regard to all the circumstances of the particular case, those persons the Ministers have reason to believe are representative of interests likely to be substantially affected by the Order in Council or representative of some aspect of the public interest.

“(6) No Order in Council may be made under subsection (4) in respect of any land held under the Conservation Act 1987 for conservation purposes that is declared an ecological area under section 18 (1) of the Conservation Act 1987 unless the Minister and the Minister of Conservation make a recommendation to the Governor-General after making an assessment of---

“(a) The particular scientific value for which the land is held; and

“(b) The value of any Crown minerals in the land.

“(7) Notwithstanding subsection (6), no Order in Council may be made under subsection (4) in respect of any ecological area to the extent that the ecological area includes land subject to the West Coast Accord as set out in the Fourth Schedule of the Conservation Act 1987.

“(8) No Order in Council may be made under subsection (4) in respect of---

“(a) Red Mercury Island (Whakau); or

“(b) Green Island; or

“(c) Atiu or Middle Island; or

“(d) Korapuki Island,---

all situated in the Mercury Islands."

3. New Schedule added---The principal Act is amended by adding the Fourth Schedule set out in the Schedule.

4. Resource Management Act 1991 amended---(1) Section 2 (1) of the Resource Management Act 1991 is amended by adding to the definition of the term "prohibited activity", the words "and any prospecting, exploring, or mining for Crown owned minerals in the internal waters (as defined in section 4 of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977) of the Coromandel Peninsula, other than those prospecting, exploration, or mining activities set out in section 61 (1A) of the Crown Minerals Act 1991".

(2) The Resource Management Act 1991 is amended by inserting, in their appropriate alphabetical order, the following definitions:

“ 'Exploration' has the same meaning as in the Crown Minerals Act 1991:

“ 'Mining' has the same meaning as in the Crown Minerals Act 1991:

“ 'Prospecting' has the same meaning as in the Crown Minerals Act 1991:"

(3) Where, before the date of commencement of this section, an application has been made for a coastal permit (as defined in section 2 (1) of the Resource Management Act 1991) for any prospecting, exploring, or mining for any Crown owned minerals, other than those prospecting, exploration, or mining activities set out in section 61 (1A) of the principal Act, in the internal waters (as defined in section 4 of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977) of the Coromandel Peninsula, that application may be heard and determined in all respects, including any right of appeal, as if this section had not been enacted.

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## SCHEDULE

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### NEW FOURTH SCHEDULE OF PRINCIPAL ACT

#### Section 3

### ``FOURTH SCHEDULE

#### Section 61 (1A), (4)

#### Description of Crown Land to Which Section 61 (1a) Applies

1. All land within a national park held and administered under the National Parks Act 1980:
2. All land within any reserve classified as a nature reserve or a scientific reserve under section 20 or section 21 of the Reserves Act 1977:
3. Every part of a reserve or conservation area set apart or declared as a wilderness area under section 47 of the Reserves Act 1977 or section 18 of the Conservation Act 1987:
4. All land within any conservation area declared as a sanctuary area under section 18 of the Conservation Act 1987:
5. Every wildlife sanctuary declared under section 9 of the Wildlife Act 1953:
6. Every marine reserve declared under section 4 of the Marine Reserves Act 1977:
7. Any land within a wetland approved by the Minister of Foreign Affairs and notified to the Bureau of the Convention on Wetlands of

International Importance done at Ramsar on the 2nd day of February 1971:

8. The Otahu Ecological Area as described on page 654 of the Gazette 1976:
9. The Parakowhai Quarry Ecological Area as described on page 2408 of the Gazette 1976:
10. All land that is---
  - (a) Held, managed, or administered under the Conservation Act 1987 or under any enactment set out in the First Schedule of that Act at the commencement of this Act; and
  - (b) Situated on any island in the area bounded by latitude 35 degrees 50 minutes and latitude 37 degrees 10 minutes, and longitude 177 degrees and longitude 174 degrees 35 minutes--- but does not include---
    - (i) Red Mercury Island (Whakau); or
    - (ii) Green Island; or
    - (iii) Atiu or Middle Island; or
    - (iv) Korapuki Island,---all situated in the Mercury Islands:
11. All Crown owned land held under the Conservation Act 1987 or any enactment set out in the First Schedule of that Act on the Coromandel Peninsula that lies north and north west of State Highway 25A (Kopu-Hikuai road) and the road from Hikuai to Pauanui Beach known as the Hikuai Settlement Road:
12. The internal waters (as defined in section 4 of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977) of the Coromandel Peninsula--- where those lands or areas were so held, managed, administered, classified, declared, notified, or gazetted at the date of commencement of this Act."

This Act is administered in the Ministry of Commerce.