




PERMITS AND LAND ACCESS



THIS FACT-SHEET PROVIDES A BRIEF INTRODUCTION TO **PERMITS AND LAND ACCESS** TO CROWN-OWNED MINERALS IN NEW ZEALAND.

OVERVIEW

Before land may be prospected, explored or developed for Crown-owned and administered minerals, a number of steps need to be taken. A mineral explorer or developer needs:

- + A **permit** from Government under the Crown Minerals Act 1991;
- + Any necessary **land access arrangement** from the landowner and occupier; and
- + Any necessary **resource consent(s)** from the relevant District Council and/or the Regional Council under the Resource Management Act 1991.

Further steps may need to be taken before mineral development can take place when a permit area falls in proximity to an historic place or area of significance to Maori.

PERMITS

In order to look for or develop Crown-owned and administered minerals, a person first needs to be granted a permit by the Government in accordance with the provisions of the Crown Minerals Act 1991, and associated minerals programme and regulations.

The granting of a permit gives exclusive right to the mineral set out in the permit. However, such permits do not give property right over the land described in the permit (the permit area) or an automatic right of access to that land.

There are three different kinds of permits:

- + Prospecting permits
- + Exploration permits
- + Mining permits

FOR MORE INFORMATION ON THESE PERMIT TYPES, SEE FACT-SHEETS:

- + **Prospecting and Exploration**
- + **Mining**

ENVIRONMENTAL EFFECTS

Permits granted under the Crown Minerals Act 1991 do not address environmental effects. Before a permit holder is able to proceed with any prospecting, exploration or mining activity, they must obtain any necessary resource consents from the relevant local authority under the Resource Management Act 1991. This is the process where the environmental effects of a permit holder's proposed activities are considered.

ACCESS TO LAND UNDER PERMITS

LAND ACCESS ARRANGEMENTS

A permit does not give its holder an automatic right to go onto any land.

Other than for minimum impact activities, before a permit holder is able to do any prospecting, exploration or mining, a land access arrangement is needed.

A land access arrangement is an agreement between the permit holder and each owner and occupier of the land, which allows the permit holder to access the land to carry out agreed prospecting, exploration or mining activities in the permit area.

MINIMUM IMPACT ACTIVITIES

A permit holder doesn't need a land access arrangement for minimum impact activities on the land under the permit, but 10 working days notice of entry must be given to each landowner and occupier. (Please see section 2 of the Crown Minerals Act for a definition of minimum activities).

Examples of minimum impact activities include undertaking geological or geophysical surveys of the land, or taking samples of minerals by hand or hand-held methods.

For certain classes of land, land owner and occupier consent is also needed for minimum impact activities. These land classes include: wahi tapu land, public conservation land, land less than 4.05 hectares in size, land under crop, and land situated near buildings.

To undertake minimum impact activities on Māori land, the permit holder must first

- + make reasonable efforts to consult with the owners of the land (who can be identified by the registrar of the Māori Land Court);
- + give 10 working days' notice to the local iwi authority of the land to be accessed.

HISTORIC PLACES

The protection given to historic places under the Historic Places Act 1993 may also need to be considered before mineral related activity can be undertaken. The purpose of this Act is to promote the identification, protection, preservation, and conservation of the historical and cultural heritage of New Zealand. The Act sets up a Register, which records four types of sites: historic places, historic areas, wahi tapu, and wahi tapu areas.

For further information on historic places and their protection, as well as details of the New Zealand Historic Places Trust's national and regional offices, see: www.historic.org.nz



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General disclaimer: The Ministry of Economic Development, in providing advice on the Crown Minerals Act 1991, is not to be taken as defining or providing a definite interpretation of the Act. Questions of interpretation are matters for the Courts to decide. Any advice given is intended as a general guide only and you are advised to carefully consider the express provisions of the Act itself. In the event of uncertainty in interpretation, it is advised that independent legal advice is sought.