



Office of Hon Kate Wilkinson

Minister of Conservation
Minister of Labour
Minister for Food Safety

Associate Minister of Immigration

1 APR 2010

Ken Sims
Co-Chairman
Council of Outdoor Recreation Associations of NZ (CORANZ)
Kiwiken@bigfoot.com

Dear Ken

Thank you for your Official Information Act request dated 15 February 2010 to the Minister of Energy and Resources seeking information relating to current mining operations on public conservation land. Your request has been transferred for my reply.

Please find attached the list of the name and location of the 82 sites of mining operations working on public conservation land as at September 2009.

These 82 sites were all operational at that time. There are other sites on public conservation land where agreements exist but which were not operational in September 2009. Most of the 82 operational sites are on the South Island's West Coast and include relatively small-scale mining operations such as black-sand mining located along beaches.

The Department of Conservation does not have figures on the number of tourists that visit each site per year. Accordingly, this part of your request is declined under section 18(g) Official Information Act. You are entitled to seek an investigation and review of this decision by making a written complaint to an Ombudsman under section 28(3) Official Information Act. While the department requires that smaller mine site operators do not reduce public enjoyment of public conservation areas, larger industrial mine sites are often not safe for the public to visit due to health and safety concerns. Two mines, the Pike River Coal Mine in the Eastern Paparoas, and Oceana Gold's Globe Hill gold mine near Reefton, have been closed to the public for unrestricted access under the Conservation Act due to concerns over public safety.

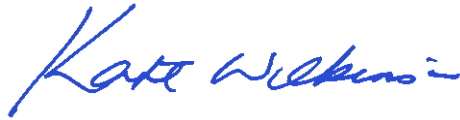
The Globe Hill mine near Reefton, however, does have a concession in place with conditions agreed to between the department and the mining company, to allow visitors to visit safely the mine. The Oceana Gold Globe mine site had over thirteen hundred people visit it in 2009 under a concession approved by the department. The Pike River Coal Company is also considering seeking such a concession to allow members of the public to visit the mine under safe conditions. Standard conditions of access for this type of activity include requirements that the concessionaire taking the mine tours ensures that guided groups do not impede or hinder use of tracks and facilities by other users, and that vehicle use is confined to formed roads and vehicle tracks.

Mine site access arrangements are specific to the area for which they are granted and each contains conditions to manage the effects of mining on conservation values at that site. Attached for your information is a summary of a standard access arrangement document with typical conditions relevant to most mining operations on public conservation land. In most cases there are additional conditions for each access arrangement relevant to the specific mine site. You can compare these access conditions with the suggested access arrangement provisions set out in section 60 of the Crown Minerals Act 1991.

K.

I trust that this provides some useful information for you and your council. Thank you for your interest in this matter.

Yours sincerely

A handwritten signature in blue ink, reading "Kate Wilkinson". The signature is written in a cursive, flowing style.

Hon Kate Wilkinson
Minister of Conservation

Enc (2)

5. Closed:

- List of 82 mining operations (operating as at September 2009)
- Standard access arrangement document with typical conditions

The following 82 mineral extraction operations are currently operating (as at September 2009) on Department of Conservation-administered land (all are opencast or alluvial operations unless otherwise described). Operations in areas covered by Schedule 4 shown in bold.

Mine name or location	Region	Mineral	CM Permit No
Te Paki Quarry	Northland	Gravel	41-692*
Te Hapua Quarry	Northland	Gravel	41-693
Ruakaka	Northland	Sand	41-862
Broken Hills	Waikato	Gold	42-024
Maratoto Quarry	Coromandel	Rock	32-1794
Te Puke Stone Quarries	Te Puke	Rock	41-892
Katikati Quarries	Katikati	Andesite	32-3132
Tatu mine	near Ohura, Wanganui	Coal	41-511
Mount Burnett	Golden Bay	Dolomite	41-899
Matakitaki marginal strip	Murchison	Gold	41-666
Lower Waimangaroa	Buller (Westport) Area	Coal	40-720
Browns Ck, Buller Gorge	Buller (Westport) Area	Limestone	41-598
Koronui Incline	Buller (Westport) Area	Coal	50-798
Mount Augustus	Buller (Westport) Area	Coal	40-628
Whitecliffs	Buller (Westport) Area	Coal	40-641
Lyell	Buller (Westport) Area	Metallic minerals	40-732
Mt Radiant (1)	Buller (Westport) Area	Metallic minerals	40-846*
Mt Radiant (2)	Buller (Westport) Area	Metallic minerals	40-862*
Stockton (1)	Buller (Westport) Area	Coal	41-810
Stockton (2)	Buller (Westport) Area	Coal	37-150-02
Millerton (1)	Buller (Westport) Area	Coal	37-123
Millerton (2)	Buller (Westport) Area	Coal	37-124
Cascade Creek, Denniston	Buller (Westport) Area	Coal	41-455
Mitchell's Gully	Buller (Westport) Area	Iron sands	41-941
Berlins, Ohikanui	Buller (Westport) Area	Coal	41-542
Okuru, Haast	Fox Glacier Area	Rock	32-3230
Gillespies Beach	Fox Glacier Area	Gold	41-558
Paringa Quarry	Fox Glacier Area	Rock	41-560
Makawhio River	Fox Glacier Area	Gemstones	41-724
Bruce Bay (1)	Fox Glacier Area	Gold	41-830
Bruce Bay (2)	Fox Glacier Area	Gold	41-805
Wanganui River	Franz Josef Glacier Area	Rock	32-3197
Whataroa River	Franz Josef Glacier Area	Gold	41-0076
Greens Beach (1)	Franz Josef Glacier Area	Gold	41-130
Greens Beach (2)	Franz Josef Glacier Area	Gold	41-212
Greens Beach (3)	Franz Josef Glacier Area	Gold	41-224
Greens Beach (4)	Franz Josef Glacier Area	Gold	41-433
Greens Beach (5)	Franz Josef Glacier Area	Gold	41-461
Greens Beach (6)	Franz Josef Glacier Area	Gold	41-572
Whataroa River	Franz Josef Glacier Area	Gold	41-609
Greens Beach (7)	Franz Josef Glacier Area	Gold	41-650

mine name or location	Region	Mineral	CM Permit No
Whataroa River	Franz Josef Glacier Area	Gold	41-819
8 Mile, Rapahoe	Greymouth Area	Rock	32-3272
Garvey Ck, Reefton	Greymouth Area	Coal	41-269
(Echo)			
Upper Grey River	Greymouth Area	Limestone	41-328
Giles Creek, Mai Mai	Greymouth Area	Coal	41-454
Big Hohonu (Greenstone) River	Greymouth Area	Gold	41-546
Garvey Creek	Greymouth Area	Coal	41-685
Karoro Foreshore	Greymouth Area	Gravel	32-3209
Blaketown Foreshore	Greymouth Area	Gravel	32-3235
South Beach Foreshore	Greymouth Area	Gravel	32-3250
Moonlight Creek	Greymouth Area	Gold	41-570
13 Mile	Greymouth Area	Gravel	41-826
Nelson Creek	Greymouth Area	Gold	41-972
Granville Ecological Area	Greymouth Area	Gold	50-143
Rapahoe	Greymouth Area	Underground coal	37-175
Reefton	Greymouth Area	Gold	41-164
Maruia	Greymouth Area	Gold	40-452
Blackwater North and South	Greymouth Area	Gold	40-183
Waiuta - Minimum impact	Greymouth Area	Gold	40-604
Waiuta - Blackwater Creek drilling	Greymouth Area	Gold	40-542
Krantz Ck	Greymouth Area	Gold	40-705
Merrijigs	Greymouth Area	Gold	40-821
Blackwater North and South	Greymouth Area	Gold	40-530
Reefton	Greymouth Area	Gold	41-232
Cockabulla Creek	Greymouth Area	Gold	41-318
Marsden			
Paparoa Range (Pike River)	Greymouth Area	Underground coal	41-453
10 Mile Creek	Greymouth Area	Underground coal	41-711
Quinns Tce (1)	Greymouth Area	Gold	41-743
Quinns Tce (2)	Greymouth Area	Gold	41-756
Hart Creek, Reefton	Greymouth Area	Gold & gemstones	41-870
Krantz Ck (Bullsworth)	Greymouth Area	Gold	50-216
Capleston	Greymouth Area	Gold	50-438
Craigieburn	Greymouth Area	Gravel	41-742
Fox Creek	Hokitika Area	Gold	50-322
Striplands Creek	Hokitika Area	Gold	50-969
Shamrock Ck, Stafford	Hokitika Area	Gold	41-148
Totara River, Ross	Hokitika Area	Gold	41-856
Donnelly's Creek, Ross	Hokitika Area	Limestone	32-1041
Lower Dart Conservation Area	Otago	Schist rock	41-628
Kawarau Gorge Mining Centre	Otago	Gold fossicking	41-828
Two mines at Round Hill	Southland	Gold	41-653
			41-145

* Permit's surrendered during September 2009

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ACCESS ARRANGEMENT

THIS AGREEMENT for an Access arrangement pursuant to section 61 of the Crown Minerals Act 1991 dated <insert date> between the Minister of Conservation (hereinafter together with the Minister's agents referred to as "the Minister") and <INSERT PERMIT HOLDER> (hereinafter referred to as the "Permit holder").

WHEREAS

- (a) The Land described in the First Schedule is administered by the Department of Conservation pursuant to section <insert relevant section(s)> of the Conservation Act 1987 and the Minister is responsible for that Department;
- (b) The Permit holder has been granted a minerals permit (Mining Permit<insert permit number>) by the Minister of Energy pursuant to section 25 of the Crown Minerals Act 1991 to undertake mining and mining operations in and on the Land;
- (c) The Permit holder pursuant to section 59 of the Crown Minerals Act 1991 has requested from the Minister an Access arrangement in respect of the Land described in the First Schedule to conduct mining and mining operations.

IT IS AGREED between the Minister of the first part and the Permit holder of the second part that the Permit holder may enter the Land described in the First Schedule subject to the terms and conditions set out below and in the Second Schedule hereto:

1. INTERPRETATION

"Access arrangement" means this agreement for an access arrangement.

"Act" means the Crown Minerals Act 1991.

"Department" means the Department of Conservation.

"Conservator" means the person for the time being holding the office of Conservator for the West Coast Conservancy of the Department of Conservation and includes any person authorised by the Conservator to act on his behalf in respect of this agreement.

"Mining" and "mining operations" have the same meanings as defined in section 2 of the Crown Minerals Act 1991.

"Permit holder" includes the permit holder, its servants, agents, contractors and assignees.

"Land" means the land described in the First Schedule.

"Annual Work Programme" and "Work Programme" means the Work Programme referred to in Condition 6(b).

ASSIGNMENT

2. The Permit holder will not assign, transfer or sublet any rights herein granted or any part thereof without the prior written consent of the Minister.

COMPENSATION

3. Pursuant to section 76 of the Act, the Permit holder will pay the Minister:

<insert compensation amounts>

Compensation will be paid by the Permit holder at the time of presentation of the first Annual Work Programme prior to commencement of mining and mining operations and is payable into a Department of Conservation administered trust account for conservation purposes in the West Coast Conservancy.

ADMINISTRATION COSTS

4. Pursuant to section 76 of the Act the Permit holder will also pay to the Conservator all actual and reasonable costs to cover the administrative costs of processing this Access arrangement.
5. Pursuant to section 76 of the Act the Permit holder will pay to the Conservator:
 - (a) The actual and reasonable costs of administering this Access arrangement.
 - (b) The actual and reasonable costs of monitoring compliance of the conditions in this Access arrangement including all associated inspections of the Land by the Department.

PRECONDITIONS BEFORE ENTRY TO LAND FOR MINING

6. The Permit holder will not enter in or on to the Land for the purpose of commencing mining and mining operations until:
 - (a) The documents referred to in Condition 8 have been supplied to the Conservator; and
 - (b) The Permit holder has submitted to the Conservator an Annual Work Programme in accordance with Condition 51 in the second schedule; and

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- (c) Any payments referred to in Conditions 3, 4, 5, 15 and 19 which are due and owing have been paid; and
 - (d) The Conservator has approved the plans required to be submitted by Condition 6(b) and has issued the Permit holder with an authority to enter and operate as provided by Condition 9.
7. The Conservator may require the Permit holder to vary the proposed Annual Work Programme to ensure the mining and mining operations are not inconsistent with the conditions of this Access arrangement. Where required by the Conservator the Permit holder will amend the proposed Annual Work Programme accordingly.
8. The Permit holder must seek an Authority to Enter and Operate from the Conservator. At the time of seeking an Authority to Enter and Operate, the Permit holder will submit to the Conservator:
- a) A copy of the insurance policies and the premium payment receipts and guarantees or bonds as required in Conditions 18 and 19; and
 - b) A copy of the mining permit granted pursuant to section 25 of the Act; and
 - c) A copy of all resource consents granted under the Resource Management Act 1991, and a copy of any reports that the Permit holder has been required to submit to the consent authority as a requirement of any resource consent relating to the mining permit.
9. Upon the Conservator being satisfied that the requirements of Conditions 6, 7 and 8 have been met, the Conservator will issue the Permit holder with a written "Authority to Enter and Operate" permitting the Permit holder to enter in or on to the Land to commence mining and mining operations for a period of 12 months, unless the mining permit has a lesser term remaining.
10. Prior to the expiry of the first Authority to Enter and Operate, and each subsequent Authority to Enter and Operate thereafter, the Permit holder will submit to the Conservator for approval a further Annual Work Programme and any other plans or amended plans as required by Condition 6(b) and any other requirements of Conditions 6, 7 and 8 for the succeeding 12 month period (or a lesser period if considered appropriate by the Permit holder).
11. Except as permitted by the Conservator, the Permit holder will not after the expiry of an Authority to Enter and Operate, undertake any work prior to each subsequent Authority to Enter and Operate has been issued by the Conservator pursuant to Condition 9.
12. The Conservator will not unreasonably fail to grant a subsequent Authority to Enter and Operate where the Permit holder has supplied all the required

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documentation and made all the payments required by Condition 10, and the further Annual Work Programme is consistent with the project description contained in the application for this Access arrangement and the conditions of this Access arrangement.

13. Pending the granting of a subsequent Authority to Enter and Operate the Conservator may in his or her discretion, issue an interim Authority to Enter and Operate providing the documents and payments required by Condition 10 have been submitted.

INDEMNITIES

14. The Permit holder will indemnify and keep indemnified the Minister against all claims by any person in respect of any injury, loss or damage (including fire damage) caused or suffered as a result of or arising out of any act or omission of the Permit holder, or otherwise caused as a result of the mining and mining operations on the Land.
15. If due to the Permit holder's mining or mining operations the Land or any part of it is assessed as rateable land under the Local Government (Rating) Act 2002, or any amendment to that Act, or the introduction of a new Act in substitution for it, the Permit holder is to pay any of the rates which may be struck in respect of the Land and/or the mining or mining operations; but both parties expressly agree that such payment is not to constitute an acknowledgement of exclusive possession by the Permit holder of the Land.
16. The Minister will not be liable for and does not accept any responsibility for damage or interference to the mining and mining operations, equipment, buildings or structures, held or erected on the Land due to any cause whatsoever including (without restriction) any acts or omissions by the Minister, their servants, agents, or contractors (other than acts or omissions arising from the wilful misconduct of the Minister, his servants, agents or contractors), natural disaster, vandalism, sabotage, fire, exposure to the elements or any other cause whatsoever.
17. The Permit holder will take all reasonable steps to protect the safety of persons present on the Land during mining and mining operations and between work periods and will, when required by the Conservator, erect protective fencing or erect signposts warning the public of any dangers that may be encountered as a result of the mining and mining operations. The Permit holder will take all reasonable steps to mitigate any dangers to the public and will clearly mark any that remain.
 - (a) Where the Permit holder, to ensure the safety of the public, employees, plant and equipment, requests the Conservator (acting under delegated

authority from the Minister) to close public access to the Land the Conservator may do so if he or she considers it appropriate.

- (b) The Permit holder will give the Conservator reasonable notice of its request so that the Conservator can ensure that all reasonable steps are taken to ensure members of the public are made aware of the closure and the reasons for it.
- (c) The Permit holder will be responsible for the costs of ensuring that the public is made aware of the closure.

INSURANCE

- 18. Prior to commencing mining and mining operations the Permit holder will effect and maintain during the term of this Access arrangement insurance cover on terms acceptable to the Conservator for an amount of **<insert insurance amount>** for public liability and for a further amount of **<insert insurance amount>** for any costs arising out of any necessary action to put out or contain any fire caused by the mining and mining operations whether negligently or otherwise and which may extend beyond the Land to the adjoining land whether held by the Minister or otherwise. The Conservator may from time to time require the cover of any insurance to be increased to such an amount as considered reasonably necessary.

BONDS

- 19. Prior to commencing mining and mining operations the Permit holder will provide a bond to ensure compliance by the Permit holder with the conditions of this agreement. The bond will be in a form approved by the Conservator and the initial bond will not be less than **<insert bond amount>**.
- 20. Notwithstanding Condition 19 the Conservator may during consideration of any Annual Work Programme or variation to any Annual Work Programme require the bond amount to be increased.
- 21. The bond or bonds will not be released and will remain effective until such time as all conditions of this agreement have been complied with, notwithstanding the completion of mining and mining operations. In the event that there is an adverse effect to the Land and its natural resources whether during or after the completion of the mining and mining operations which is not permitted by this agreement and could not have reasonably been foreseen, the Permit holder will take all action necessary to mitigate or remedy those adverse effects. If the Permit holder fails to mitigate or remedy those adverse effects to the Conservator's satisfaction, the Conservator may undertake any necessary action to do so and recover the costs associated with undertaking the work by calling on the bond or bonds.

22. If the Permit holder breaches any condition of this arrangement the Conservator may call on the bond or bonds, or any portion thereof to ensure compliance with the conditions of this agreement.

FIRE PRECAUTIONS

23. The Permit holder will:

- (a) Take all reasonable precautions to ensure no fire hazard arises from the mining and mining operations;
- (b) Not light any fire except by permit issued by the Conservator;
- (c) Not store or permit to be stored fuels or other combustible materials on the Land without the prior written permission of the Conservator;
- (d) Comply with the Conservator's requirements for fire safety equipment and for fire fighting equipment to be kept on the Land.

PROTECTION OF THE ENVIRONMENT

24. The Permit holder will ensure that in respect of all mining and mining operations under this Access arrangement:

- (a) Environmental disturbance is minimised and land affected by mining and mining operations is kept stable and free from erosion.
- (b) There is no land disturbance other than that authorised under this Access arrangement.
- (c) All indigenous flora and fauna are protected except for disturbance authorised under this Access arrangement.
- (d) No debris, rubbish or other dangerous or unsightly matter will be deposited in or on the Land, or any pollution will occur of any water body, except as permitted by this Access arrangement and any resource consent granted under the Resource Management Act 1991.
- (e) There will be no destruction, damage or modification to any archaeological site in the area (as defined by the Historic Places Act 1993) without the authority of the New Zealand Historic Places Board of Trustees obtained under section 14 of that Act. The Permit holder must produce such authority to the Conservator.
- (f) Any artefact (as defined by the Protected Objects Act 1975) or object of historic significance found in the area will be left in situ and the

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Conservator and Secretary of Internal Affairs notified as soon as reasonably practicable.

- (g) Every person under the Permit holder's control entering on to the Land complies with the provisions of this Condition (Condition 24).

SUPPLY OF INFORMATION

25. The Permit holder will lodge with the Conservator copies of the renewal of or substitution for any insurance policies including receipts for payment of premiums, any variations to bonds and evidence that the bonds are in force.
26. The Permit holder will provide to the Minister all information required from time to time by the Minister in respect of the use of the Land and any buildings or equipment thereon including any details concerning the mining and mining operations and details concerning the numbers of people employed by the Permit holder or permitted or allowed by the Permit holder to come onto the Land.
27. The Permit holder will submit to the Minister a copy of any application lodged with The Ministry of Economic Development to vary the minerals permit covering the Land including any application to transfer the mining permit to another person or party.
28. The Permit holder will apply for a variation to this Access arrangement should it wish to undertake mining or mining activities on any land managed or administered by the Minister within any variation to the minerals permit granted by the Ministry of Economic Development that is not already covered by this Access arrangement.
29. Notwithstanding Condition 28 it will be at the Minister's discretion as to whether any variation applied for in accordance with Condition 28 is approved or not.

MONITORING

30. The Permit holder will allow the Conservator or any other person authorised by the Conservator to enter in or on to the Land at any time:
- (a) To inspect the Land or to consider approval of any Annual Work Programme or other plans, or to monitor compliance with the conditions of this Access arrangement.
- (b) To undertake any work necessary for the exercise of the Minister's functions and powers in respect of the Land provided that such work will not unnecessarily interfere with the Permit holder's rights under this Access arrangement.

31. Monitoring may include but is not limited to, the taking of soil and water samples, and the taking of a photographic record of activities occurring on the Land subject to the Access arrangement.

BANKRUPTCY OR INSOLVENCY

32. If the Permit holder will become bankrupt or insolvent or have a receiving order made against it or compound with its creditors or being a corporation or company commence to be wound up or carry on its business under a receiver for the benefit of creditors or any of them the Conservator may either:
- (a) Terminate this Access arrangement forthwith by notice in writing to the Permit holder or to the receiver or liquidator or to any person in whom the Access arrangement may become vested; or
 - (b) Give such receiver or liquidator or other person the option of continuing the Access arrangement subject to the provision of a guarantee for the due and faithful performance of the Access arrangement up to an amount to be agreed.

TERM

33. The term of this Access arrangement will be for a period of <insert term> from the date of execution of this Access arrangement, or for the term of Mining Permit <insert permit number>, whichever is the lesser.

BREACH OF CONDITIONS

34. Subject to Condition 32 if the Permit holder becomes bankrupt, insolvent, or has a receiving order made against it or is wound up or otherwise ceases to function the Minister may terminate this Access arrangement by notice in writing. Such notice will not release the Permit holder from liability in respect of any breach of this Access arrangement prior to the termination of the Access arrangement.
35. If the Permit holder is in breach, or fails to observe any of the conditions contained herein or the requirements of any approved Annual Work Programme or any other approved plan, then the Minister may by notice in writing terminate this Access arrangement.
36. Notwithstanding Conditions 34 and 35, termination of this Access arrangement will not release the Permit holder from liability in respect of any breach of this Access arrangement.
37. Upon termination or expiry of this Access arrangement the Minister will not be liable to pay any compensation whatsoever for any buildings, structures or improvements erected by the Permit holder. If requested by the Minister the

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Permit holder will remove all such buildings and structures and improvements. The Permit holder will repair at its own expense all damage which may have been done by such removal and will leave the Land in a clean and tidy condition for restoration as set out herein. If the Permit holder fails to remove any buildings within a reasonable time of the request of the Minister, the Minister may undertake this work and recover the costs from the Permit holder.

MISCELLANEOUS

38. If the Permit holder has:

- (a) Not paid any compensation payment as provided by Condition 3; or
- (b) Not submitted an Annual Work Programme to the Conservator-

Within two years of the date of execution of this Access arrangement, this Access arrangement will terminate and cease to have any effect.

39. Any notice required to be addressed by either party will in the absence of proof to the contrary be sent by ordinary post or by facsimile during normal business hours and will be deemed to have been received by the other party on such date and at such time upon which the ordinary post or facsimile would have been delivered.
40. The Minister's address, phone and fax number for service will be C/- The Conservator, The Department of Conservation, Private Bag 701, Hokitika; Ph (03) 756 9100; Fax (03) 756 9188.
41. The Permit holder's phone number and address for service will be <insert permit holder's address for service>.

DISPUTE RESOLUTION

42. The parties agree to negotiate in good faith to resolve any differences which arise in connection with this Access arrangement.
43. Failing resolution in accordance with Condition 42, any differences and disputes between the parties concerning this Access arrangement, its interpretation, effect or implementation or any act or thing to be done in pursuant thereof (except as otherwise expressly provided) is to be referred to arbitration in New Zealand by a single arbitrator who is to be mutually agreed upon and, failing agreement, are to be appointed by the President of the New Zealand Law Society.

GENERAL

44. Except where inconsistent with this Access arrangement, the Permit holder will comply with the provisions of any conservation management strategy or

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conservation management plan pursuant to Part IIIA of the Conservation Act 1987, together with any amendment or review of any strategy or plan.

45. The Permit holder will at all times comply with all statutes, ordinances, regulations, by-laws or other enactments affecting or relating to the Land or affecting or relating to the mining and mining operations including the Health and Safety in Employment Act 1992, the Forest and Rural Fires Act 1977, the Hazardous Substances and New Organisms Act 1996, and the Conservation Act 1987 and all Acts included in its First Schedule.
46. The Permit holder will not use any Land subject to this Access arrangement for any purposes other than those specified in this Access arrangement. Unless otherwise authorised by this Access arrangement, or otherwise approved by the Conservator, the Permit holder will not erect, install or operate anything on the site other than that described in the approved Annual Work Programme or any other approved plans submitted in accordance with Condition 6(b).
47. The headings set out in this Access arrangement have been inserted for convenience and will not in any way limit or govern the construction of this Access arrangement.
48. Nothing in this Access arrangement including Special Conditions in the Second Schedule will prevent the Minister from participating in any statutory process in respect to any matter relating to mining and mining operations in or on the Land defined in this Access arrangement.
49. If any conditions attached to any resource consent obtained by the Permit holder are in the opinion of the Minister inconsistent with this Access arrangement the Minister may review the provisions of this Access arrangement and this Access arrangement may be varied accordingly.
50. If, in the opinion of the Conservator, the mining operations of the Permit holder are having, or may have an adverse effect on the natural, historic or cultural values of the Land, which are not permitted by this Access arrangement and could not have reasonably been foreseen, the Conservator may either suspend the Access arrangement until the Permit holder remedies or mitigates such adverse effects to the extent satisfactory to the Conservator; or review the conditions of this Access arrangement and impose any further conditions necessary to avoid, remedy or mitigate such adverse effects.

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Signed for and on behalf of)
the Minister of Conservation)
by <Insert Name>)
Community Relations Manager,
<Insert Name> Conservancy
Department of Conservation,)
pursuant to a written delegation)
from the Minister of Conservation)
under the Crown Minerals Act 1991)

in the presence of:

.....

.....

Signed on behalf of
<Insert Permit Holder>

By:

Name:.....

Signed:.....(Director)

in the presence of:

.....

.....

Name:.....

Signed:.....(Director)

in the presence of:

.....

.....

FIRST SCHEDULE

The Permit holder, subject to the conditions contained in this Access arrangement, will have access to approximately <insert area> hectares of <insert land status> contained within Mining Permit <insert permit number> located <insert location description> and shown on the attached plan.

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<Insert map or plan>

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*Include special conditions as necessary – examples below. Standard special conditions are highlighted yellow but may be amended when appropriate.

SECOND SCHEDULE

SPECIAL CONDITIONS:

ACCESS ARRANGEMENT FOR MINING PERMIT <insert permit number>

NOTE: These conditions are in addition to the conditions in the main body of the Access arrangement and do not in any way affect the generality of those conditions.

ANNUAL WORK PROGRAMME CONDITIONS

51. Before undertaking any mining or mining operations under this Access arrangement, the Permit holder will submit to the Conservator for approval the first Annual Work Programme and thereafter annually submit for approval a new Work Programme for the succeeding 12 month period.

The Annual Work Programme will include:

- a) A recent aerial photograph or plan at an appropriate scale showing the mining permit boundary and the conservation land boundary and the location of all proposed mining and mining operations for the forthcoming 12 months.
 - b) A description of all mining related activities including operations, mitigation measures, monitoring and reporting carried out in the previous 12 months.
 - c) A detailed description of all mining operations, mitigation measures, monitoring and reporting intended to be carried out in the next 12 months with an approximate timetable of events.
 - d) A description and analysis of any unexpected adverse effect on the environment that has arisen as a result of activities within the last 12 months and the steps taken to mitigate or remedy any effects that resulted.
 - e) Any other information required by other conditions of this agreement or that is required by any resource consent held by the Permit holder relating to this mining operation.
52. The Permit holder will undertake all work in accordance with the approved Annual Work Programme.
53. The Permit holder may, at any time, submit to the Conservator for approval an amended Annual Work Programme.

OTHER CONDITIONS

Mining Operations

54. The Permit holder will undertake all mining and mining operations in accordance with the Access arrangement application lodged by the Permit holder, this Access arrangement approved by the Minister, and an Authority to Enter and Operate issued by the Conservator in accordance with Condition 9. In the event of inconsistency, the Access arrangement and Authority to Enter and Operate shall prevail over the application for Access arrangement.
55. During the term of this Access arrangement and subject to the requirements of a current Annual Work Programme, the Permit holder shall be entitled to use the Land to gain access to and egress from the adjoining land to which mining permit 41941 extends to enable the Permit holder to carry out mining operations on such adjoining land and to remove minerals obtained from such operations.

Buffer

56. The Permit holder must maintain a vegetation buffer along the road edge of the Land (apart from at the access way) to help screen the mining operations from State Highway 6. The buffer will be a minimum of 5 metres wide and be on the inside of the roadside drain. The Permit holder must undertake additional planting where necessary to enhance the vegetation buffer.

Storage and Structures

57. The Permit holder must not erect/place on the Land any sheds, containers or similar structures unless the prior written approval from the Conservator has been obtained.

Public Access

58. The Permit holder will not prevent public access to the Land or parts of the Land unless written approval to do so has been obtained from the Conservator.

Dogs

59. The Permit holder will not take any dog or other domestic animal on to the Land unless written approval to do so has been obtained from the Conservator.

Weed and Pest Control

60. The Permit holder will ensure that all plant and equipment to be used for mining and mining operations permitted by this Access arrangement are as far as

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practicable, clean and free of any exotic weed and seed material prior to entry on to the Land.

61. The Permit holder will control exotic weeds for a term of 2 years after the mining operations have been completed in areas where disturbance to the Land and vegetation has occurred while undertaking mining activities in accordance with this Access arrangement.

Removal of Material

62. At the completion of the mining and mining operations the Permit holder will remove from the site all materials including rubbish, associated with the mining operation, unless the Conservator has given prior written approval for the item(s) to remain.

Catchment Protection

63. No works in the bed of any river, as defined by the Resource Management Act 1991, shall be undertaken other than in accordance with the Resource Management Act 1991 and with the written approval of the Conservator.
64. No works shall be undertaken within 5 metres of any riverbed, as defined by the Resource Management Act 1991, other than in accordance with the Resource Management Act 1991 and with the written approval of the Conservator.
65. No water, as defined by the Resource Management Act 1991, will be diverted other than in accordance with the Resource Management Act 1991 and with the written approval of the Conservator.
66. The Permit holder will not discharge any contaminants or water containing contaminants to any land or water covering any land that is subject to this Access arrangement other than in accordance with the Resource Management Act 1991.

Rehabilitation

67. During operations and upon the completion of mining the Permit holder will restore the landforms and vegetation of all disturbed areas to the satisfaction of the Conservator. Rehabilitation will comprise of the contouring of the Land, respreading of overburden and topsoil (which may be sourced from the adjacent private land), covering with manuka or other indigenous vegetation slash, and replanting with appropriate locally sourced native species.
68. Rehabilitation will include rehabilitation of all disturbed areas including mined areas, access ways (including ripping up any sealed track) and overburden/vegetation storage areas.

Historic Sites

69. Upon the discovery of any historical or archaeological object or artefact not authorised for destruction, damage or modification by the New Zealand Historic Places Trust, the Permit holder shall immediately cease mining or mining operations and protect from damage any such object or artefact, and shall forthwith notify the Conservator. Conditions protecting the historical or archaeological object or artefact, shall be defined by the Conservator and/or the New Zealand Historic Places Trust, and must be adhered to by the Permit holder.
70. The Permit holder will be required to record the location and details of any historic site and object/artefact found on, in or under the Land. The Permit holder will protect from damage any historic site and object/artefact, and contact the Department on finding any such sites and objects/artefacts.

Pounamu

71. The Permit holder acknowledges that pounamu (including all nephrite, semi-nephrite, bowenite and serpentine) is under the ownership of Te Rūnanga o Ngāi Tahu pursuant to the Ngāi Tahu (Pounamu Vesting) Act 1997.
72. No pounamu may be removed or recovered by the Permit holder or its employees unless written authorisation is first entered into with Te Rūnanga o Ngāi Tahu. Where any pounamu is found by the Permit holder or its employees on or under the Land during the course of operations the Permit holder is required to immediately notify the Pounamu Manager, Te Rūnanga o Ngāi Tahu, Christchurch, Ph. 0800 Kai Tahu (0800 524 8248) AND Te Rūnanga o Ngāti Waewae Chairperson, Ph. 0508 786 2642, email: francois@ngatiwaewae.org.nz AND Te Rūnanga o Makaawhio Office, Ph. 03 755 7885, email makawhio1@xtra.co.nz".