

The Crown Minerals Act 1991

Section 61 Access arrangements in respect of Crown land

(1) The appropriate Minister may, by agreement, enter into an access arrangement in respect of Crown land.

(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 Schedule 4, 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) In considering whether to agree to an access arrangement in respect of Crown land, the appropriate Minister shall have regard to—

- (a) The objectives of any Act under which the land is administered; and
- (b) Any purpose for which the land is held by the Crown; and
- (c) Any policy statement or management plan of the Crown in relation to the land; and
- (d) The safeguards against any potential adverse effects of carrying out the proposed programme of work; and
- (e) Such other matters as the appropriate Minister considers relevant.

(3) Where a permit holder has secured the right, under the Resource Management Act 1991, to exclusive occupation of Crown land in the coastal marine area (as defined in section 2(1) of that Act), it shall not be necessary for the permit holder to enter into an access arrangement in respect of that land.

(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 Schedule 4.

(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 Schedule 4 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.

Subsection (1A) was inserted, as from 26 November 1997, by section 2(1) Crown Minerals Amendment Act (No 2) 1997 (1997 No 91).

Subsection (3) was inserted, as from 28 September 1993, by section 12 Crown Minerals Amendment Act 1993 (1993 No 139).

Subsections (4) to (8) were inserted, as from 26 November 1997, by section 2(2) Crown Minerals Amendment Act (No 2) 1997 (1997 No 91).

Subsection (7) was amended, as from 21 October 2000, by section 22 Forests (West Coast Accord) Act 2000 (2000 No 45) by omitting the words “the West Coast Accord as set out in”.

Schedule 4 Description of Crown land to which section 61(1a) applies

This Schedule was inserted, as from 26 November 1997, by section 3 Crown Minerals Amendment Act (No 2) 1997 (1997 No 91).

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 Schedule 1 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 Schedule 1 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.
13. The following marine reserves established under the [Marine Reserves Act 1971](#):
 - (a) Auckland Islands—Motu Maha Marine Reserve (SR 2003/389):
 - (b) Kapiti Marine Reserve (SR 1992/71):
 - (c) Long Bay-Okura Marine Reserve (SR 1995/215):
 - (d) Long Island—Kokomohua Marine Reserve (SR 1993/72):
 - (e) Motu Manawa-Pollen Island Marine Reserve (SR 1995/216):
 - (f) Piopiotahi (Milford Sound) Marine Reserve (SR 1993/315):
 - (g) Pohatu Marine Reserve (SR 1999/162):
 - (h) Te Angiangi Marine Reserve (SR 1997/130):

- (i) Te Awaatu Channel (The Gut) Marine Reserve (SR 1993/316):
- (j) Te Matuku Marine Reserve (SR 2005/205):
- (k) Te Tapuwae o Rongokako Marine Reserve (SR 1999/351):
- (l) Tonga Island Marine Reserve (SR 1993/338):
- (m) Tuhua (Mayor Island) Marine Reserve (SR 1992/386):
- (n) Ulva Island—Te Wharawhara Marine Reserve (SR 2004/398):
- (o) Westhaven (Te Tai Tapu) Marine Reserve (SR 1994/56):
- (p) Whanganui A Hei (Cathedral Cove) Marine Reserve (SR 1992/387).

Schedule 4 clause 13: added, on 6 November 2008, by [clause 3](#) of the Crown Minerals Act (Schedule 4) Order 2008 (SR 2008/378).

14. The following marine reserves established by [section 7\(1\)](#) of the Fiordland (Te Moana o Atawhenua) Marine Management Act 2005:
- (a) Hawea (Clio Rocks) Marine Reserve:
 - (b) Kahukura (Gold Arm) Marine Reserve:
 - (c) Kutu Parera (Gaer Arm) Marine Reserve:
 - (d) Moana Uta (Wet Jacket Arm) Marine Reserve:
 - (e) Taipari Roa (Elizabeth Island) Marine Reserve:
 - (f) Taumoana (Five Finger Peninsula) Marine Reserve:
 - (g) Te Hapua (Sutherland Sound) Marine Reserve:
 - (h) Te Tapuwae o Hua (Long Sound) Marine Reserve.

Schedule 4 clause 14: added, on 6 November 2008, by [clause 3](#) of the Crown Minerals Act (Schedule 4) Order 2008 (SR 2008/378).

15. The following national parks or parts of national parks constituted under the National Parks Act 1980:
- (a) Arthur's Pass National Park additions (*Gazette* 7 July 1994, p 2227):
 - (b) Fiordland National Park addition in relation to Waitutu Forest (*Gazette* 23 September 1999, p 3211):
 - (c) Kahurangi National Park (*Gazette* 4 April 1996, p 977):
 - (d) Kahurangi National Park addition (*Gazette* 28 March 2002, p 807):
 - (e) Paparoa National Park eastern additions (*Gazette* 28 March 2002, p 807, excluding Area "B" shown on SO 302281 (formerly part Section 1, SO 15152)):
 - (f) Paparoa National Park western additions (*Gazette* 25 July 2002, p 2317):
 - (g) Rakiura National Park (SR 2002/6):
 - (h) Westland National Park additions (*Gazette* 28 March 2002, p 808).

Schedule 4 clause 15: added, on 6 November 2008, by [clause 3](#) of the Crown Minerals Act (Schedule 4) Order 2008 (SR 2008/378).

16. The following areas declared to be wilderness areas under the [Conservation Act 1987](#):
- (a) Adams Wilderness Area (*Gazette* 22 May 2003, p 1380):
 - (b) Paparoa Wilderness Area (*Gazette* 1 July 2004, p 2073).

Schedule 4 clause 16: added, on 6 November 2008, by [clause 3](#) of the Crown Minerals Act (Schedule 4) Order 2008 (SR 2008/378).

17. The following reserves under the [Reserves Act 1977](#):
- (a) a scientific reserve in the Mackenzie District (*Gazette* 29 August 1996, p 2465):
 - (b) Tuku Nature Reserve (Chatham Islands) (*Gazette* 15 August 1996, p 2269):
 - (c) Whatipu Scientific Reserve (*Gazette* 26 September 2002, p 3776).

Schedule 4 clause 17: added, on 6 November 2008, by [clause 3](#) of the Crown Minerals Act (Schedule 4) Order 2008 (SR 2008/378).