

13 June 2012

Abraham Witana
Resource Management Unit
Te Rūnanga o Te Rarawa
PO Box 361
Kaitiāia 0441

Tēnā koe Abraham,

RESPONSE TO YOUR SUBMISSION ON A PROPOSAL TO OFFER EXPLORATION PERMITS FOR METALLIC MINERALS IN NORTHLAND

Thank you for your submission of 2 May 2012 on behalf of Te Rūnanga o Te Rarawa regarding the government's proposal for a work programme based competitive tender to allocate mineral exploration permits in Northland (**the Proposal**). We appreciate the time you took to make comment on the proposal.

Your submission was also directed to the proposed changes to the Crown Minerals Act 1991 (**the Act**) and I have therefore passed a copy to the Energy and Communications Branch of the Ministry of Economic Development (**the Ministry**), which is responsible for the review of the Act.

Thank you for your support of the Minister of Energy and Resources intent to exclude certain areas from the Proposal – all land listed under Schedule 4 of the Act, and also some land that is significant to Māori (as advised during the Ministry's past engagements with iwi and hapū): Te Rerenga Wairua (Cape Rēinga); Te Oneroa a Tōhe (Ninety Mile Beach); land now known as Warawara; the Waipoua Forest Park; and Trounson Kauri Park Scenic Reserve.

Your submission was also that certain areas of land known as Te Pouahi, Kahakaharoa, and Whānui, which are of utmost cultural importance (iconic status), should be excluded from any future or potential mining activity. We apprehend that those areas of land are adjacent land parcels that are situated on Northland's west coast and within Hokianga Harbour. They are already well outside the western boundary of the Proposal. Also while they may or may not be excluded from next year's replacement Minerals Programmes, Te Rarawa's interest in them will inform any new permit application that New Zealand Petroleum & Minerals may receive.

Protecting sites of cultural and historical importance and the proposed tender document

The Proposal does include part of the rohe of Te Rūnanga o Te Rarawa, and the Crown recognises its responsibility to ensure the interests of hapū in the use of their resources and other guaranteed taonga are actively protected from development where appropriate.

The area of the Proposal enjoys a significant level of protection under the various enactments and planning instruments. For example, sections 54 and 55 of the Act, *Restrictions on determination of access arrangements by arbitrators*, provide all land owners/occupiers with the right to veto land access for mineral exploration. Where the land is held or managed under the Conservation Act 1987, it can be protected through controls imposed by the Department of Conservation on various land access instruments.

Also we note that the Far North District Plan, under the Resource Management Act 1991 (RMA), contains Appendix 1F: *Schedule of Sites of Cultural Significance to Iwi*, as one method of protecting Sites of Cultural Significance. This is an inventory of 343 such sites and the plan then restricts activities within such sites, so that where there is a resource consent application that involves disturbance of any such site, the tangata whenua are considered an affected party. The Plan also has Appendix 1G: *Registered Archaeological Sites*, which list 183 sites, including numerous middens, Pā and terraces.

However, we recognise that there will be sites of significance that are confidential and unregistered at local government level or with the Historic Places Trust. We believe the best way to balance protection for those sites, with responsible development, is to include the land in the exploration permit competitive tender offer and to then encourage and facilitate iwi and hapū and mineral companies to engage to find solutions for avoiding or minimising any impacts of exploration activities on or near sites of significance. Those discussions should occur through the expectations envisaged of permit holders through the Northland 2012¹ Invitation for Bids (IFB) (attached) that relates to engagement with iwi and hapū. Such engagement will, in particular, relate to sites of importance to iwi and hapū.

It is also important to note that actual activity undertaken by an explorer typically involves a much smaller area than the area of the permit, and the effects of these activities are generally minor and short term. Therefore, in many cases the best stage to address the sensitivity of specific sites is at the point prior to an activity occurring. This is also the stage at which environmental legislation to manage the effects of activities has a role via the RMA.

The Ministry believes the approach set out above is appropriate in this case, supported by strengthened provisions to ensure the protection of areas of local, cultural (including wāhi tapu) and historical significance in the following way:

- A new condition has been included in the IFB that will require that successful bidders provide a written report to the Ministry each year summarising the iwi and hapū engagement undertaken in the previous year. The IFB further provides an indication of how engagement with iwi and hapū would be undertaken and sets an expectation that the permit holder will regularly engage with iwi and hapū on issues that are likely to affect their interests during the exploration process, in particular in relation to sites of particular importance to iwi and hapū.
- The Ministry will continue to engage with iwi and hapū, so they have an opportunity to provide further information, such as specificity in relation to particular sites of local, cultural (including wāhi tapu) and historical significance.
- The Ministry will actively facilitate the relationship between successful bidders and iwi, for example, by providing introductions where appropriate.

¹ Northland 2012 refers to the finalised competitive tender offer for mineral exploration permits in Northland as announced by the Ministry of Economic Development.

Also for Northland 2012, as your submission generally requested, all applicants for permits are being asked, as part of the information they provide, what systems, processes and resources they have for engaging with indigenous peoples. They will also be asked to provide evidence of their iwi (in New Zealand) or other indigenous peoples (outside New Zealand) engagement for their operations (over the last three years) and highlight the mechanisms and approaches they used to address and resolve issues. Applicants are also required to provide a description of their anticipated iwi and hapū engagement strategy.

Northland 2012 bidding round

As a result of the submissions received on the Proposal, and on the basis of the approach outlined above, the Ministry has announced the competitive tender offer to allocate mineral exploration permits in Northland as set out in the attached map.

Applicants for exploration permits have until Friday 7 December 2012 to submit permit applications.

Applications will be evaluated by reference to the policy framework in the Minerals Programme for Minerals (excluding Petroleum) 2008 and on a number of criteria, including the applicant's proposed work programme and technical understanding of the area applied for, and its technical and financial capability.

Permits are expected to be awarded in April 2013.

Concluding remarks

We hope this response to your email provides adequate explanation for the government's decision on the proposal for a work programme based competitive tender to allocate mineral exploration permits in Northland.

Further information on the tender and decisions arising from the consultation process are available at www.nzpam.govt.nz/cms/minerals/competitive-tender

Nāku noa, nā



David Binnie
General Manager
New Zealand Petroleum & Minerals