

May 2026

Use of Public Conservation Land Report (section 19)

For the referral application for Auld Creek Project FTAA-2604-1206



Department of
Conservation
Te Papa Atawhai

**Te Kāwanatanga
o Aotearoa**
New Zealand Government

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Introduction

This report has been prepared for the Director-General of Conservation in accordance with section 19 of the Fast-track Approvals Act 2024 (the Act or the FTAA). It provides information for the Minister for Infrastructure (the Minister) in relation to the use of Public Conservation Land (PCL) as part of the consideration of the referral application for the Auld Creek Project (the Project) by Reefton Resources PT Limited (the applicant).

The Act defines “public conservation land” as land to which either or both of the following apply:

- (a) *The land is held, managed, or administered under the Conservation Act 1987, the National Parks Act 1980, the Reserves Act 1977, or the Wildlife Act 1953;*
- (b) *The land is listed in Schedule 4.*

This report addresses the information as set out in s19(2)(a) and (b). No relevant PCL has been identified that is not administered by the Department of Conservation (DOC), so no consultation as outlined by s19(3), was required in the preparation of this report.

The information required under s19(2)(c) is not required in this report because the applicant does not require a ministerial determination under section 24(2) or (4) for new electricity lines as part of the Project, and the referral application is not required to provide information under section 13(4)(q) or (r).

The Referral Application

The Project is a phased development for an underground mining operation with the key objective being to develop the Auld Creek gold and antimony deposit located 3 kilometres (km) south of Reefton, in the West Coast Region of New Zealand. Phase one of the Project will see a near surface portal and adit development and construction of a temporary Run of Mine pad, with Phase two including the development of the surface infrastructure area and associated twin incline / decline tunnel. The Project proposes to use underground narrow-vein mining techniques and includes the on-site processing of gold and antimony concentrates. The mining permit is proposed for a duration of 30 years. The Project area encompasses multiple sites covering an area of approximately 1,009 hectares (ha). The Project area is accessed from Quigleys Road, south of State Highway 7.

The Project seeks a suite of approvals under the Act, including:

- Resource consents under the Resource Management Act 1991 (RMA);
- A mining permit under the Crown Minerals Act 1991 (CMA);
- Access arrangements over conservation land under the CMA;
- Concessions by way of leases and easements over conservation land under the Conservation Act 1987;
- Wildlife authorisation under the Wildlife Act 1953; and
- An approval, a dispensation, or an authorisation for a complex freshwater fisheries activity under the Freshwater Fisheries Regulations 1983.

The Project includes an underground mine (Figure 1) that will encroach on parts of the Victoria Forest Park (VFP), which is a Conservation Park under s 19 of the Conservation Act 1987 administered by DOC. The applicant has provided GIS shapefiles showing the Project outline. Figure 2 shows that the Project will encroach on parts of the VFP.

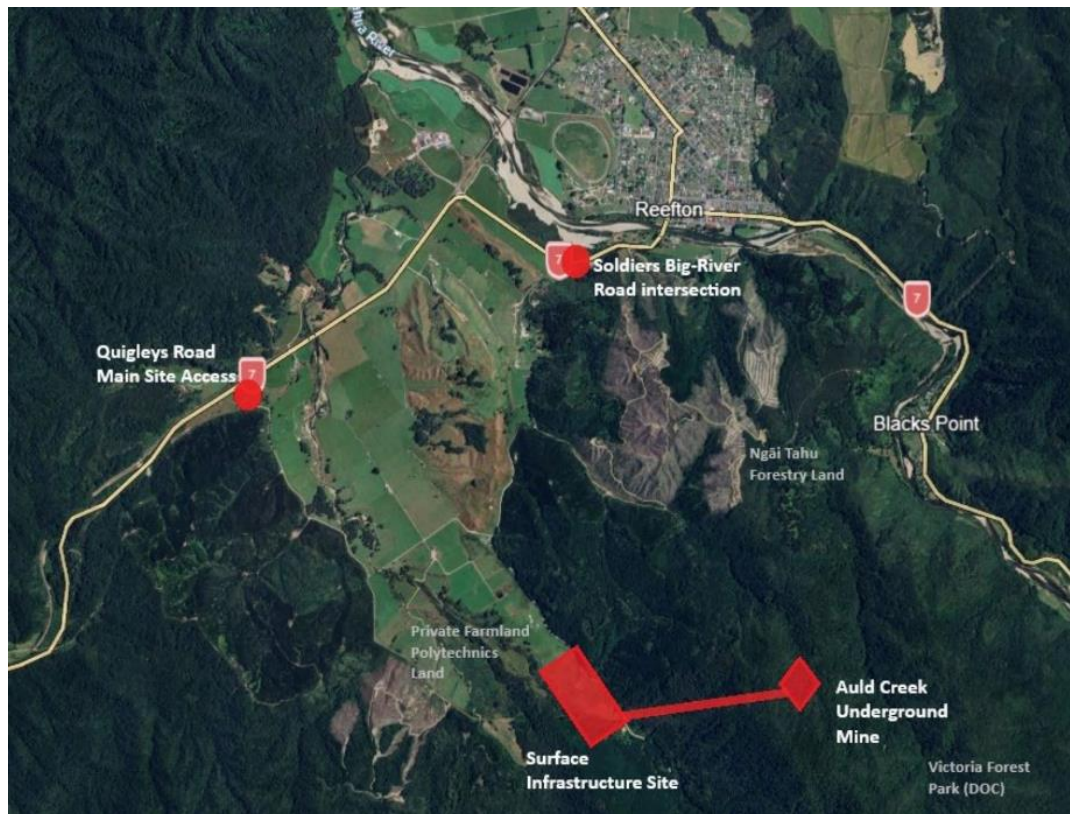


Figure 1: Location of underground mine

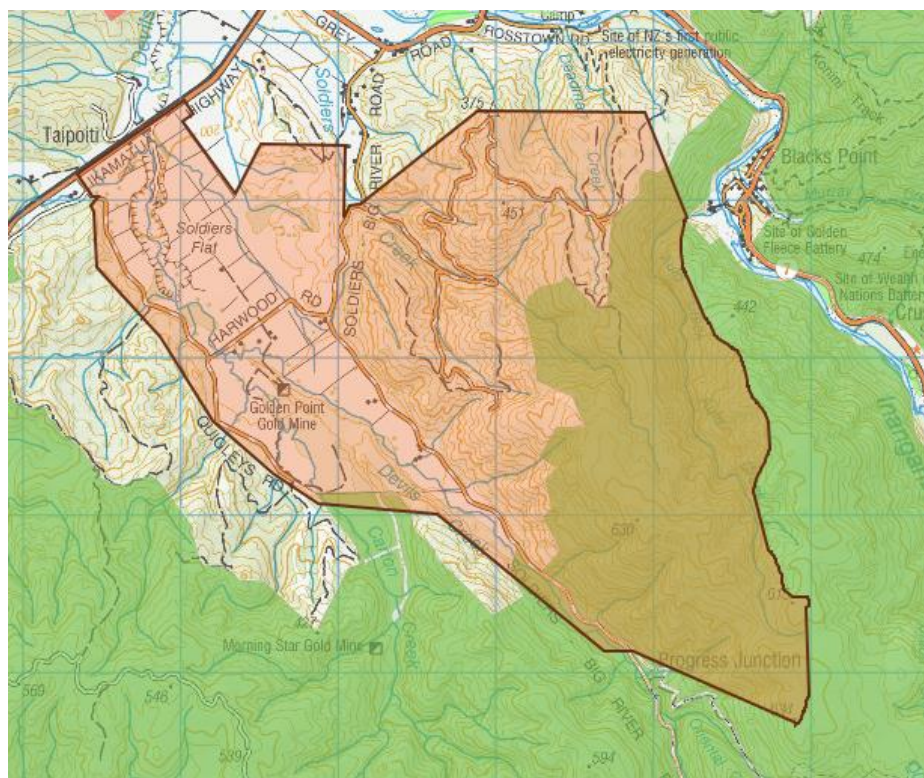


Figure 2: Indicative area of effect (orange) overlaid on areas of Public Conservation Land (green)

Summary of Advice

The detailed assessment is set out below, but the key matters are:

- The Project will impact one area of PCL, being the VFP, which is a Conservation Park under s 19 of the Conservation Act 1987 and is administered by DOC;
- The Project includes underground mining and infrastructure within the boundaries of the VFP;
- The VFP hosts a wide range of activities including mining/prospecting as well as recreational, commercial and research activities, with a reasonable number of existing permissions in effect. There is one existing permission that is directly affected by the Project – 111202 – GRA, held by Reefton Agwork Limited for grazing purposes. Impacts on this concessionaire will need to be considered and managed.
- The ability of the Project to co-exist with other existing activities within the VFP will be dependent upon the relative location of the Project and existing activities, as well as the proposed management of the Project, including any proposed exclusion areas.
- Subject to appropriate design and management, no significant risks have been identified as arising from frustration of existing activities.

Assessment

DOC has used the information points set out in section 19 of the Act as a framework for providing advice on this application.

Existing arrangements for the public conservation land

Existing permissions that are relevant to the Project area are listed in Table 1 in Attachment 1.

Risks and potential liabilities to the Crown

Risk of non-completion, failure, inability to remediate land

Partial- or non-completion, or failure of activities on public conservation land resulting in land disturbance, slumping, contamination and sedimentation, hazards, stranded assets and infrastructure can create significant financial, legal, health and safety and reputational risk for the Crown. It can create significant demand on DOC resources. For example, if a project such as the Auld Creek Project fails the Crown will have to manage the land and any impacted adjacent lands in accordance with the statutory purpose for which the lands are held and this may require remediation of the land (and ongoing commitments). Further, it is noted that DOC is classified as a Person Conducting a Business or Undertaking (PCBU) under the New Zealand Health and Safety at Work Act (HSWA). This means that, in the context of the Project, administering approvals such as concessions, and access arrangements, would be considered business activities. Given this, DOC carries a number of responsibilities in terms of primary duty of care, public safety and overlapping duties (such as when DOC hires external contractors) and officer liability (it is noted that senior leaders within DOC are considered officers under the HSWA). In addition, there may be a reputational risk to the Crown, and for the fast-track process as a whole, if a granted project is not technically feasible or there is an inability to progress the project or any part of it; particularly if those parts constitute offsetting or compensation for effects.

The mining environment associated with the Project is anticipated to be 'challenging' particularly when mining close to surface (this is discussed in the Terra Firma Mining Limited report dated 20 March and included as attachment 16 with the referral application). The Terra Firma report notes that in this zone there is an elevated risk of ground relaxation and loosening of near surface rock mass, unravelling of structurally controlled reef, alternation zones and weathered Greenland group host rock, hydraulic connectivity between surface and underground workings, and surface subsidence and localised collapse. Given this, a structured ground pre-conditioning programme is noted as being integral to mine

development and extraction. While Terra Firma notes that ground preconditioning improves rock mass strength and cohesion, reduces permeability and minimises the risk of surface subsidence and environmental impact and suggests various methods, little information is provided. The proposed mine site is also close to the alpine fault, which has been assessed as having 75% probability of rupture in the next 50 years, and 82% likelihood of that being greater than magnitude 8. Given this, geotechnical and seismic considerations need to be addressed and information provided to confirm the Applicant's ability to safely undertake the underground mining operation proposed and to address risk and liability issues.

Frustration of pre-existing activities

If a fast-tracked activity (such as the Project) were to frustrate those who hold a pre-existing lawful approval from operating in accordance with that approval and carrying out activities on the land, the Crown would be exposed to legal, financial and reputational risk. If a legal challenge succeeds against the Crown, the remedies a court may order will vary in accordance with the degree of frustration, the type of lawful approval the pre-existing holder was operating under and other contextual factors.

Frustration of concessions in the form of a lease, license to occupy or easement may lead to an order for specific performance of the lease, license to occupy or easement and/or monetary damages and costs. It may also lead to pre-existing lessees suing the operators of the fast-tracked activity for nuisance or trespass. FTAA Schedule 6 clause 7(3)(b) states that approval must be declined if *'giving effect to the approval would result in the conferral of an interest in land that is incompatible with an existing interest in land.'*

Frustration of the activities of those operating under contracts with the Director-General (entered pursuant to s 53(2)(i) Conservation Act 1987) in respect of the land may lead to an order for injunctive relief, specific performance, damages and costs. Frustration of concessions in the form of permits and other statutory approvals that do not create an interest in land may lead to equitable estoppel and specific performance, compensation and costs.

While there exists some risks and liabilities to the Crown associated with the Project in relation to existing active approvals, these are not unusually high, as most of the activities that occur on the identified areas of PCL can occur in other locations (for example guided hikes and filming). However, any exclusion areas required for the operation of the proposed mine could partially frustrate some approvals, including for recreational activities such as guiding. In respect of this, research and collection approvals for geological samples may have a slightly elevated risk, as the collection of such samples can only occur where the minerals exist. However, it is considered that the scale of the existing approvals for geological collection is minimal compared to a mining operation and therefore does not in and of itself represent a significant conflict.

It is noted that the VFP already hosts a wide range of activities including mining/prospecting as well as recreational, commercial and research activities. The degree to which the Project can co-exist with existing legal activities will depend on the way that the Project is managed, and where the Project occurs in relation to existing activities.

Attachment 1 – Existing permissions and concessions issued within Victoria Forest Park

Table 1: Summary of active, approved, and rolling on permissions on the Victoria Forest Park

Key: Blue shading indicates general permissions that are for the entire Victoria Forest Park Area.

File Reference	Holder Name	Status	Primary Service	Description	Term Ends
None listed	Victoria University of Wellington	Active	Collecting Geological Samples	Research & Collection to collect sediment/geophysical data from lakes/wetlands in the Marlborough Fault and Alpine Fault regions.	03/05/2036
None listed	Victoria University of Wellington	Active	Research	Temporary installation of earthquake monitoring equipment.	02/01/2028
None listed	University of Canterbury	Active	Research	Research and collection to survey birds, collect vegetation and trap birds within the South Island.	04/07/2029
None listed	Macquarie University	Active	Research	Collect introduced bees from a range of conservation land in the South Island for research purposes.	08/31/2027
None listed	Individual	Active	Research	Collecting spider samples for taxonomy.	08/31/2027

None listed	Individual	Active	Collecting Flora Activities	Collecting speargrass/taramea, rushes, mountain five finger, liverworts, hornworts, and moss samples from around New Zealand for taxonomic research.	10/31/2029
None listed	Wildlands Consultants Limited	Active	Wildlife Act Permit	Catch and handle native skinks and geckos in the north and western South Island regions where encountered during herpetological surveys.	12/31/2031
None listed	Katabatic Creative Limited	Active	Filming/Photography	Filming and still photography in various locations on the South Island for tourism promotion, commercial advertising, documentaries and news/editorials.	05/23/2035
None listed	Reefton Resources Pty Limited	Active	Minerals Exploration	Variation to Minerals exploration access arrangement in Victoria Forest Park to add 6 new sites, bringing the total to 33 drill sites and one camp site. Within Project Site, however Applicant is	12/20/2028

the holder of the permission.					
101764-AIR	Darling Helicopters Limited	Active	Aircraft	Commercial helicopter landings for positioning recreationists, scenic landings and servicing other concessionaires across the top of the South Island.	30/11/2034
109859-AA-V1	Reefton Resources Pty Limited	Active	Minerals - Exploration	Work Programme - minerals exploration access arrangement in Victoria Forest Park under EP60747. Variation to add 6 new sites, bringing the total to 33 drill sites and one camp site. Within Project Site, however Applicant is the holder of the permission.	6/11/2026
111202-GRA	Reefton Agwork Limited	Active	Grazing	Cropping/Grazing 4 areas in the Reefton district. Grazing is proposed within the Project Area	31/12/2033
118055-GEO	New Zealand Institute for Bioeconomy	Active	Collecting Geological Samples	Remove soil and forest floor samples for research purposes	10/03/2028

	Science Limited			across Western South Island and Northern South Island Regions.	
118712-FIL	South Island Rifle Walkers	Active	Filming/Photography	Filming on PCL, including drone use, across the South Island.	31/08/2035
119470-AIR	Oceana Gold (New Zealand) Limited	Active	Aircraft	Commercial drone use within Victoria Forest Park.	30/06/2030
122371-GUI	4x4 Explorer Adventures Limited	Active	Guiding	Guided 4WD trips in the South Island. 4WD tracks in project area to be used.	31/12/2035
122696-AIR	Reefton Gold Limited	Active	Aircraft	Commercial drone use on Orange Category Public Conservation Land per Drone Use Policy DOC-777199.	13/06/2026
122697-AIR	Reefton Resources Pty Limited	Active	Aircraft	Commercial drone use on Orange Category Public Conservation Land per Drone Use Policy DOC-777199. Permission for whole of VFP, Applicant is the holder of the permission.	13/06/2026

39923-INS	National Outdoor Leadership School (NOLS)	Active	Education/Instruction	Outdoor education leadership courses including tramping, mountaineering, camping, canoeing, sea kayaking, keelboat sailing and fishing. Permission is for whole of VFP for outdoor education trips. May be affected if NOLS use Globe Hill Track	12/03/2027
49848-FAU	Individual	Active	Permits to collect, capture, handle release or kill	WA application to catch and handle lizards while undertaking site management work in all private land in the South Island and all PCL in the South Island (except nature reserves and scientific reserves).	17/06/2031
53584-FLO	University of Otago	Active	Collecting Flora Activities	Collection of fungi and soil for research in all Regions of the South Island.	14/03/2034
53621-GEO	University of California	Active	Collecting Geological Samples	Collection of rock, sediment, organic matter, shell and samples on PCL sitting on an alpine fault line.	30/09/2035

56524-GEO	Nelson Rock and Mineral Club Incorporated	Active	Collecting Geological Samples	Collecting rocks and minerals for research and educations purposes from the Northern South Island Region. Previously authorised under 56524-GEO.	31/03/2030
63926-GUI	Youthtown Incorporated	Active	Guiding	Guided tours and camping in various South Island locations. Permission is for whole of VFP for outdoor education trips. May be affected if using the Globe Hill Track.	31/05/2028
64146-FAU	Ospri New Zealand Limited	Active	Permits to collect, capture, handle release or kill	National authorisation for trapping (leghold, kill and live capture) ferrets and possums on all land managed by the Department or the purpose of Bovine TB Eradication.	10/05/2028
71046-FAU	Individual	Active	Permits to collect, capture, handle release or kill	Capture, hold, transfer, release and take samples of all types of lizard species pursuant to Section 53 of the Wildlife Act 1953.	19/02/2029

				Continue activity from 35196-FAU.	
71414-RES	New Zealand Institute for Earth Science Limited	Active	Research	Collection of GPS observation data from PCL nationwide.	19/01/2030
80046-GUI	Adventure South Limited	Active	Guiding	Mountain biking and hiking in various locations throughout NZ.	30/11/2030
87593-AIR	Helicopter Charter Nelson Limited	Active	Aircraft	Helicopter landings as part of a charter helicopter service for scenic flights, hunting, fishing, tramping and mountain biking. Landings in NSI primarily, also WSI and ESI. Previously issued under NM-28345-AIR.	31/05/2035
94789-AIR	Amuri Helicopters Limited	Active	Aircraft	Helicopter landings for positioning concession holders, scientists, and recreationalists.	31/03/2032
97595-GUI	Tai Poutini Polytechnic Limited	Active	Guiding	Land-based and watercraft guiding in South Island regions for education purposes.	31/05/2032

97714-AIR	GCH Aviation Limited	Active	Aircraft	Aircraft landings within Canterbury, Nelson/Marlborough and West Coast Conservancies.	30/11/2032
38738-GUI	Sidetracks Limited	Rolling On	Guiding	Guided day and overnight walks in South Island, Far North, Northland, Bay of Islands, Waikato and Taranaki and Tongariro (excl.Crossing). Transport Mangatepopo and Ketetahi roads.	30/08/2024
PAC-11-09-07	Katabatic Creative Limited	Rolling On	Filming/Photography	Filming and still photography on West Coast Conservancy.	31/01/2023