

Office of the Acting Minister of Conservation

Chair  
Cabinet Economic Growth and Infrastructure Committee

## ORDER IN COUNCIL FOR ADDITIONS OF LAND TO PAPAROA NATIONAL PARK

### Proposal

1. That Cabinet note that the Acting Minister of Conservation will recommend that the Governor-General sign an Order in Council to formally create an addition of land to Paparoa National Park.

### Background

2. On 25 February 2015, the Cabinet Economic Growth and Infrastructure Committee EGI (EGI Min (15) 3/3 refers)
  - **agreed** that an addition to the Paparoa National Park is the most suitable way to protect the Pike River mine site and surrounding area;
  - **agreed** that discussions with the families of the preferred boundaries be undertaken;
  - **agreed** that the necessary statutory processes be progressed;
  - **invited** the Acting Minister of Conservation, following consultation with the Pike River families, to report back to EGI on proposed additions to the Paparoa National Park;
  - **authorised** the Acting Minister of Conservation to use funds from the Non-Departmental appropriation *Crown Contribution to Pike River Recovery and Related Matters* (Pike River appropriation) to investigate and, if approved, implement the proposed additions to Paparoa National Park.
3. On 8 June 2015 the New Zealand Conservation Authority (NZCA) recommended<sup>1</sup> that areas of land totalling 3,971 hectares should be added to Paparoa National Park.
4. Solid Energy New Zealand (SENZ) will surrender its mining permit to MBIE and its access arrangement to DOC in the final quarter of 2015. The access arrangement will be surrendered once DOC is satisfied that SENZ has discharged its responsibilities under the access arrangement. SENZ is required to dismantle buildings and associated infrastructure not required by DOC, and to rehabilitate the site.
5. Further proposals to enhance visitor experience or to provide additional facilities and assets at the site are still under consideration and, as they are incidental to the addition of land, not within the scope of this Cabinet Paper. The feasibility of establishing additional visitor facilities at the site is still being investigated. It is intended that at least some existing assets will be retained and managed as a memorial to the 29 Pike River men.

### Comment

6. The boundary chosen for the addition of land to Paparoa National Park is shown on the map attached.
7. The addition is comprised of the Pike Stream, Kakapo Creek, Saxton Creek and Blacks and Creek catchments. Part of the area is within the Saxton Ecological Area.

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<sup>1</sup> Report from the NZCA *Proposal for the addition of land at Pike River to Paparoa National Park under Section 7 of the National Parks Act 1980*

## **Policy**

8. The Order in Council is in accordance with the Cabinet decision and does not amend, suspend or alter any provision in a statute.

## **Timing and 28-day rule**

9. I intend that the Order in Council will come into effect on a date prior to the 5<sup>th</sup> anniversary of the Pike River disaster, which is 19 November 2015. To achieve this, the Order in Council will need to be published in the New Zealand Gazette no later than 22 October in order to satisfy the 28 day rule, but may be published earlier.

## **Principles of the Treaty of Waitangi**

10. Policy 6(d) of the General Policy for National Parks (April 2005) states that the NZCA is required to seek the views of the tangata whenua as part of their investigation into additions of land to a national park. In order to fulfil this obligation, the NZCA met with Katiwaewae at Arahura Marae on 13 May 2015.
11. The NZCA reported that there was general agreement from Katiwaewae in support of the proposal to add land to the national park and that there will be no significant adverse impact on tangata whenua values. The NZCA consultation satisfies the requirements of the General Policy for National Parks (April 2005) and the Minister's obligations to consult with iwi, hapu or whanau as required by Section 4 of the Conservation Act 1987.

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## **Regulatory Impact Statement (RIS)**

12. This proposal contains no change to any law or regulation therefore a RIS is not necessary.

## **Publicity**

13. Once a notice for Order in Council is published in the New Zealand Gazette, it is in the public domain and cannot be amended or removed.
14. This proposal will likely be of extremely high interest to the Pike River families and of wider public and media interest also. The Office of the Acting Minister of Conservation would lead any media announcement of the national park addition at a time I deem appropriate. Any media or public queries about the national park addition will be directed to my office up until that announcement.

## **Consultation**

15. The NZCA sought the views of the Grey District Council, the West Coast Tai Poutini Conservation Board, West Coast Fish and Game Council, Tourism West Coast and Katiwaewae. All parties are supportive of the proposal.
16. The Ministry of Business, Innovation and Employment provided input to this process and it is supportive of the proposal. Treasury also provided comment. DPMC were informed of the paper.

## **Financial Implications**

17. There are no direct financial implications arising from the addition of land to the national park, as the land to be added is already public conservation land and not a new acquisition. There will be financial implications arising from the transfer of assets from SENZ to DOC, which are incidental to the land reclassification.
18. It is yet to be determined what assets will be transferred from SENZ to DOC and what their value will be accordingly. SENZ is required to dismantle buildings and associated infrastructure not required by DOC and to rehabilitate the site. Once the ownership and

value of assets are determined, then DOC would make a case for an appropriation adjustment for additional costs associated with owning and managing assets.

### **Human Rights**

19. The Ministry of Justice has advised that the effect of the Order in Council seems to be consistent with the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993.

### **Legislative Implications**

20. There is no legislation required. Section 7 of the National Parks Act 1980 is the appropriate authority.

### **Gender Implications**

21. There are no gender implications.

### **Recommendations**

22. I recommend that the Economic Growth and Infrastructure Committee:

#### **Proposal**

- (1) **note** that the Acting Minister of Conservation will recommend that the Governor General sign an Order in Council to be published in the New Zealand Gazette to formally create an addition of land to Paparoa National Park.

#### **Background**

- (2) **note** that on 8 June 2015 the New Zealand Conservation Authority (NZCA) recommended in its report 'Proposal for the addition of land at Pike River to Paparoa National Park under Section 7 of the National Parks Act 1980', that areas of land totalling 3,971 hectares should be added to Paparoa National Park.
- (3) **note** that Solid Energy New Zealand (SENZ) will surrender its access arrangement in the final quarter of 2015.
- (4) **note** that at least some existing assets will be retained and managed as a memorial to the 29 Pike River men. Further proposals to enhance visitor experience or to provide additional facilities and assets at the site are still under consideration and not within the scope of this Cabinet Paper.

#### **Policy**

- (5) **note** that the Order in Council is in accordance with the Cabinet decision and does not amend, suspend or alter any provision in a statute.

#### **Timing**

- (6) **note** that I intend that the Order in Council will come into effect on a date prior to the 5<sup>th</sup> anniversary of the Pike River disaster, which is 19 November 2015. To achieve this, the Order in Council will need to be published in the New Zealand Gazette no later than 22 October 2015 in order to satisfy the 28 day rule, but may be published earlier.

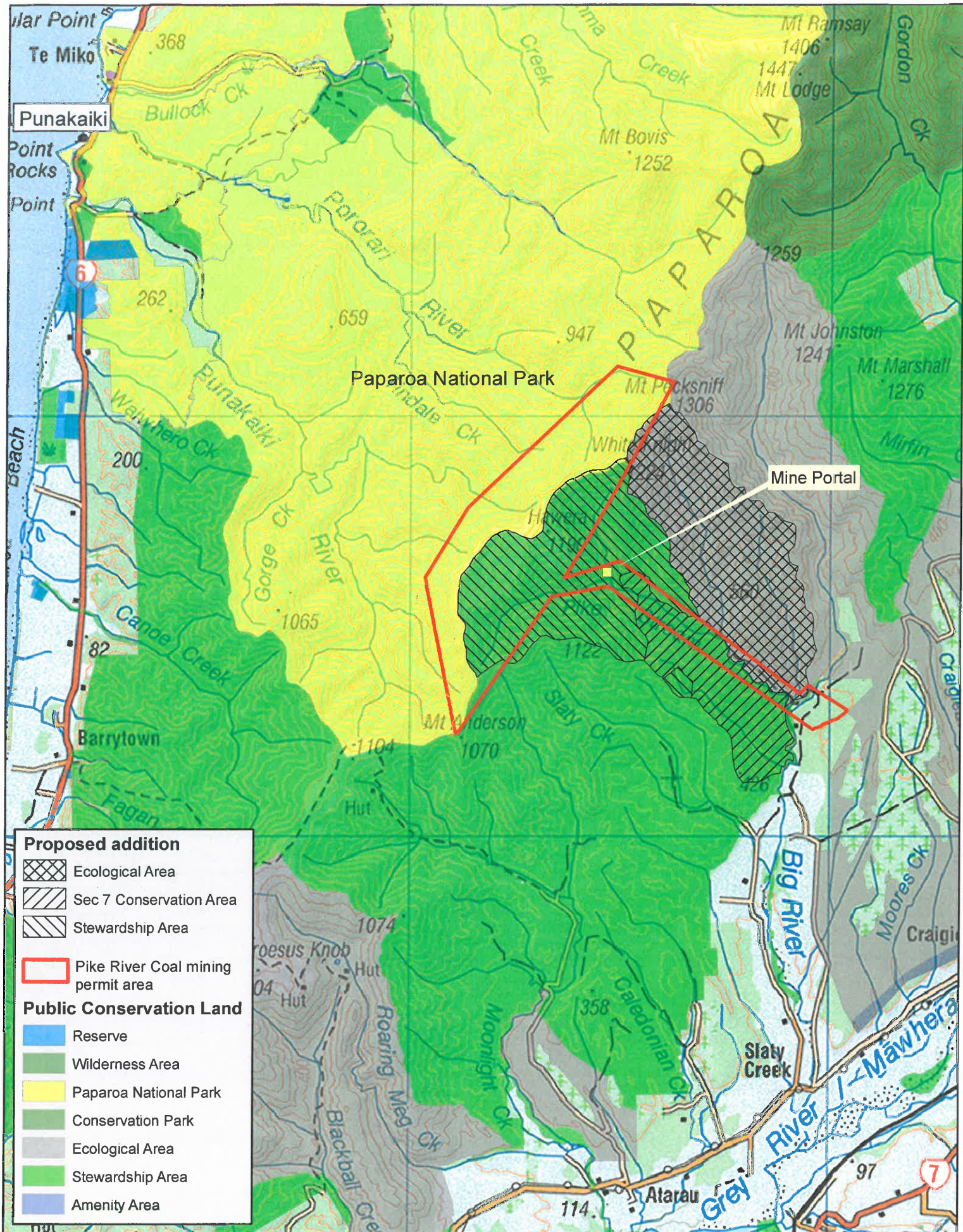
### **Financial Implications**

- (7) **note** that there are no direct financial implications arising from the addition of land to the national park, as the land to be added is already stewardship land and not a new acquisition. There will be financial implications arising from the transfer of assets from SENZ to DOC, which are incidental to the land reclassification.
- (8) **note** that I will report back on financial implications arising from the transfer of assets from SENZ to DOC, once it is confirmed which assets will be transferred and what their value will be.



Handwritten signature of Nick Smith in black ink, consisting of several overlapping loops and a long horizontal stroke.

**Hon. Dr Nick Smith**  
**Acting Minister of Conservation**



## Paparoa National Park - proposed addition