

CONSERVATION GENERAL POLICY

Conservation Act 1987

Wildlife Act 1953

Marine Reserves Act 1971

Reserves Act 1977

Wild Animal Control Act 1977

Marine Mammals Protection Act 1978



Department of Conservation
Te Papa Atawhai

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Minister's Foreword

I am pleased to have approved this major initiative in conservation policy. This is the first statement of General Policy under the Conservation Act 1987. It also provides General Policy for a range of other conservation legislation, namely:

- The Wildlife Act 1953
- The Marine Reserves Act 1971
- The Reserves Act 1977
- The Wild Animal Control Act 1977
- The Marine Mammals Protection Act 1978.

The need for new general policy under the conservation legislation has been seen for some time. Indeed such policy was envisaged from the passage of the Conservation Act in 1987, especially since the operative General Policy for National Parks, approved in 1983, has provided a solid framework for the management of national parks and the development of national park management plans. Since the 1980s, however, there have been significant changes in the operating environment for conservation. These changes also affect the delivery of conservation in New Zealand, the demands faced by public conservation lands and waters, and the Crown's relationship with tangata whenua.

The conservation of New Zealand's natural and historic heritage will benefit greatly as a result of this General Policy and the allied General Policy for National Parks. It will guide, and in some cases direct, my decisions as Minister, and those of subsequent Ministers. It will similarly guide and direct decisions of the Director-General of Conservation and other decision-makers under the legislation, such as the New Zealand Conservation Authority, conservation boards and fish and game councils. In particular it will shape a new round of conservation management strategies and conservation management plans over the next few years.

The scope of the policies in this statement is broad, reflecting the wide spectrum of conservation areas administered under the legislation and the many conservation tasks to be performed. In order to achieve integrated conservation management, the policies are carefully formulated taking into account this spectrum of areas and responsibilities, but they maintain a strong statute-based focus on the protection and preservation of natural

and historic resources. The importance of conservation areas for public recreation and enjoyment is fully recognised; however, under the legislation, for most types of conservation areas such use must not be inconsistent with their preservation and protection. Policies for people's benefit and enjoyment are crafted accordingly.

A basic theme that flows throughout the General Policy is the importance of public participation in conservation management. New Zealand has a fine tradition of national and community organisations, local government, iwi and the public generally paying close attention to the way public conservation areas are managed. This tradition is sustained. There is also recognition of specific responsibilities and relationships under the Treaty of Waitangi, as articulated in section 4 of the Conservation Act.

Many substantial submissions were received on the draft policies released for public comment in August 2003. These have been carefully considered and have improved the final policies in several significant respects. I am grateful to all the people and organisations who submitted on the draft policies. I particularly wish to thank the New Zealand Conservation Authority for their huge contribution throughout the parallel processes of development of the Conservation General Policy and the review of the National Parks General Policy.

The policies that are set out in this statement will guide conservation management for the next decade or more. I commend them to you.

A handwritten signature in black ink, reading "C. J. Carter". The signature is written in a cursive style with a large, looped initial "C".

Hon Chris Carter

MINISTER OF CONSERVATION

23 MAY 2005

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Introduction

Why conserve?

He kura taiao e hokia. ‘A treasured home will always be revisited’

We conserve and care for places and species because we value them. Their qualities are such that we may be inspired by their beauty, moved by a connection felt with lands or waters, animals or plants, or struck by the intricacies, power and enchanting qualities of living systems.

Many of our species of plants and animals are unique to New Zealand. They are the inspiration for our national icons – like the kiwi and the koru – and, together with the landscape and history, they shape our identity as New Zealanders. However, the islands of New Zealand are vastly changed places when compared with the times before the first humans arrived, and often, conservation has been necessary to prevent the irreparable loss of landscapes or unique plants and animals. Our coastal and marine waters contain many taonga but are also changing in response to pressures from our own shores or beyond. Ultimately, the act of conservation is a proclamation of how highly we as New Zealanders value the outstanding diversity of treasures that still exist here – from the relatively commonplace to the extremely rare; from kereru to kahikatea forest, mudfish to mangrove, Milford Sound to remote seamount, and from hilltop pā to pioneer backcountry hut.

We also value our protected places by recreating in them. Enjoying public conservation lands and waters is a popular activity for many New Zealanders and overseas visitors, and outdoor recreation is often perceived by many to be central to our identity and way of life.

In Māori, the mission and vision statements of the Department of Conservation come together to remind the reader of the proverbial saying ‘a treasured home will always be revisited’. A Māori translation of the above Introduction follows:

Hei aha te tiaki me te manaaki ? He kura taiao e hokia

Kei roto i tō tātau ngākau nui ki te pupuri hei tāonga, kei reira te pūtake o te manaaki te tiaki me te whakaute i ngā wāhi whenua me ngā tāonga koiōra. Nā te koi o tō rātou āhua painga, e whakaawe nei tātau te ira tangata ki tō rātou ātāhua, me te whakamīharo ki ngā whakapiringa ki te whenua, ngā waiawa rānei, ngā kararehe me ngā tipuranga rānei, me te kawekawenga ki ngā pikonga, ki ngā kaha, me ngā manarū āhuatanga o te oranga aonui.

He tino ahurei te tini o ngā tāonga koiora me ngā kararehe o Aotearoa. Ko rātou nei te whakaawetanga mō o tātou pakoko kotahitanga ki Aotearoa – he ōrite ki te kiwi me te koru – tāpiri atu ki te whakanikoniko o te whenua me ngā hitori, kō rātou nei i hanga tō tātau āhuatanga tangata ki Aotearoa. E ngari, kua rerekē te āhua o ngā moutere o Aotearoa ki ngā wā o mua otirā i te taunga mai o te tangata, i reira ka tino āhei te manaaki me te tiaki kia kore ai e ngaro mō ake tonu atu ngā whakanikonikotanga ā whenua me ngā ahurei tipuranga, kararehe rānei. Kei o tātou taputai moana me ngā tāpui moana te maha o ngā tāonga ā Tangaroa engari kei roto i tenei ao ka kitea ake te huri rereke i roto i ngā pehia taumahatanga mai i o tātoa taputai moana ki ngā taputai moana o rāwahi. Mutunga mai ko te mahinga i te tiaki me te manaaki i ngā tāonga koia nei te kauhau mō te koi o tātou ngā iwi o Aotearoa ki te wāriu i ngā koiora rerengaketanga e mau ana ki tenei whenua – mai i te mea marahea ki te mea tino tāonga, mai i te kererū ki te ngahere kahikatea, ngā ikapoharu ki ngā Mānawa-waikure, mai Piopiotahi ki te tūhāhā wharekāuta moana, me te pā taumata ki te wharekāuta tūwhenua.

Ano tō tātou wāriu i ngā wāhi i rāhuitia mei i te tākaro pūangi. Ko te hākinakina i ngā whenua me ngā wai i rāhuitia mō te katoa he tino tāonga mō te nā iwi o Aotearoa me ngā iwi manuhiri o rāwahi, me te kite ake o ngā hinengaro ko te hākinakina ki runga i a Papatuanuku he tino mahi koi ki o tātoa orange.

Why the statement of General Policy has been prepared and what it seeks to achieve

This General Policy has been prepared under section 17C of the Conservation Act 1987 to provide unified policy for the implementation of the following Acts listed in the First Schedule of the Conservation Act 1987:

- The Conservation Act 1987
- The Wildlife Act 1953
- The Marine Reserves Act 1971
- The Reserves Act 1977
- The Wild Animal Control Act 1977
- The Marine Mammals Protection Act 1978.

This General Policy provides guidance for the administration and management of all lands and waters and all natural and historic resources managed for the purposes of the above Acts, excluding reserves administered by other agencies under the Reserves Act 1977.

This General Policy also provides guidance for consistent management planning for the wide range of places and resources administered or managed by the Department, including the preparation of conservation management strategies, conservation management plans and sports fish management plans.

Those policy and planning documents have a hierarchy that derives from the provisions of the legislation. Specifically:

- General Policy implements and cannot derogate (i.e. detract) from legislation;
- conservation management strategies implement general policies;
- conservation management strategies cannot derogate from any general policy; and
- a conservation management plan, freshwater fisheries management plan or sports fish and game management plan cannot derogate from a conservation management strategy.

Where any planning document is silent on an issue, the remaining documents provide direction in accordance with the hierarchy above.

Legislative and administrative context

This section describes why there is one General Policy for the Conservation Act 1987 and the above Acts, and a separate General Policy under the National Parks Act 1980. It also discusses the relationship between these two General Policies.

Each Act (apart from the Conservation Act 1987) referred to above relates to discrete functions within the overall conservation task in New Zealand. These functions were originally the responsibility of several government agencies.

The reform of environmental administration in 1986 and 1987 led to the passing of the Conservation Act 1987. This drew most conservation functions together under a single agency, the Department of Conservation (referred to as 'the Department'). The Department was also given functions not previously provided for in legislation, such as conservation advocacy. At the same time, the government disestablished the former multiple-use agencies such as the New Zealand Forest Service and the Department of Lands and Survey and introduced the concept of 'integrated conservation management'. The government retained existing legislation that dealt with some conservation tasks and repealed legislation that dealt with others, replacing the latter with Conservation Act 1987 provisions.

The Conservation Act 1987 provides (section 17C) for the other legislation such as the Reserves Act 1977 and the Wildlife Act 1953 to continue to operate. For example, the Conservation Act 1987 provision (section 4) relating to giving effect to the principles of the Treaty of Waitangi applies to all the other Acts¹. Application of section 4 of the Conservation Act 1987 provides for the integration of the principles of the Treaty into the work of the Department generally.

Similarly, the provision for general policy under the Conservation Act 1987 covers tasks carried out under the other Acts but cannot derogate from any provision in any of those Acts. The New Zealand Walkways Act 1990 has its own existing general policy, and is excluded from this current General Policy. Section 11 of the Hauraki Gulf Marine Park Act 2000 provides for statements of general policy under the Conservation Act 1987 and Acts in First Schedule of that Act.

General Policy applies to a wide range of public conservation lands and waters (see Appendix 1), both in terms of their natural resources, historical and cultural heritage, and of the specific purpose and type of protection. For example, the very high level of preservation in their natural state (including closure to public entry) accorded to the indigenous plants and animals in nature reserves or sanctuary areas established under the Conservation Act 1987, contrasts with the predominantly recreational purposes of recreation reserves established under the Reserves Act 1977. The wildlife management and the freshwater fisheries functions the Department shares with fish and game councils also extend to private lands and water bodies.

General Policy for national parks is approved by the New Zealand Conservation Authority (the Authority). A close relationship exists between these General Policies, owing to the common administration by the Department of Conservation, shared boundaries between national parks and other public conservation lands and waters, and the passage of species between different places regardless of land status.

The Authority and conservation boards are statutory bodies that provide advice to the Minister of Conservation and the Director-General regarding conservation policy, the management of public conservation lands and waters, and the other activities and responsibilities of the Department. Specific responsibilities of the Authority and/or conservation boards relate to the development, approval and implementation of general policy, conservation management strategies and plans.

¹ Where, however, there is clearly an inconsistency between the provisions of any of these Acts and the principles of the Treaty, the provisions of the relevant Act will apply (see Chapter 2).

Other agencies have statutory management roles relating to public conservation lands and waters. Under the Resource Management Act 1991, territorial authorities have responsibilities for the management of air, fresh and coastal waters, soil and natural hazards. The Ministry of Fisheries manages the sustainable use of fisheries to avoid or mitigate adverse effects of fishing on the aquatic environment. With the exception of the whitebait fishery, which is managed by the Department, freshwater fisheries with a significant commercial component are managed by the Ministry of Fisheries. Fisheries regulations identify the customary use of fisheries by tangata whenua. These responsibilities apply within public conservation lands and waters, but are not covered by this General Policy. Regional fish and game councils and the New Zealand Fish and Game Council are established under Part VA of the Conservation Act 1987. They are charged with the management, enhancement and maintenance of sports fish and game birds, and with representing the regional and national interests of anglers and game bird hunters. These responsibilities extend to public conservation lands and waters, subject to legislation and general policy.

The management of historical and cultural heritage under conservation legislation should take account of advice provided by the Ministry for Culture and Heritage as the Crown's principal adviser for cultural heritage policy. The management of historical and cultural heritage under conservation legislation is also subject to the statutory roles of the New Zealand Historic Places Trust under the Historic Places Act 1993. The Trust is an independent non-Crown agency with the leading national role in promoting the identification, protection, preservation and conservation of the historical and cultural heritage of New Zealand.

The activities of the Authority, conservation boards and fish and game councils reflect a long-term New Zealand tradition of formalised public involvement in conservation, with membership of the Authority and conservation boards being largely on the basis of public nominations, and members of fish and game councils being elected by the holders of sports fish and game licences.

As part of its commitments to the Convention on Biological Diversity (1993) the Government has developed a New Zealand Biodiversity Strategy (NZBS). The purpose of this strategy is to establish a strategic framework for action to conserve and sustainably use and manage New Zealand's biodiversity with a primary focus on indigenous biodiversity. The Department of Conservation is responsible for contributing to some of the NZBS goals and this is reflected in this General Policy.

Integrated conservation management

The purpose of conservation management strategies is to implement General Policies and establish objectives for the integrated management of natural and historic resources, including any species, managed by the Department under the Wildlife Act 1953, the Marine Reserves Act 1971, the Reserves Act 1977, the Wild Animal Control Act 1977, the Marine Mammals Protection Act 1978, the National Parks Act 1980, the New Zealand Walkways Act 1990, the Hauraki Gulf Marine Park Act 2000, the Conservation Act 1987, or any of them, and for recreation, tourism and other conservation purposes (section 17D(1), Conservation Act 1987). The shorthand term used to describe this activity is “integrated conservation management”.

Integrated conservation management at a specified “place” or across a number of “places” occurs when all streams of conservation activity contribute towards objectives that are consistent with the relevant legislation and general policy, are not inconsistent with each other and resolve conflicts between potentially conflicting objectives and interests. The starting point for determining the management objectives for a place is to identify the values of the place, consistent with the purposes for which it is held, which need to be preserved and protected. Management objectives can then be formulated to achieve planned outcomes that are consistent with the intrinsic values. Potential recreation opportunities, concession applications and other activities consistent with those outcomes can then be provided for.

A “place” in the sense used in this General Policy is an area identified in conservation management strategies and plans for the purposes of integrated conservation management. It may include any combination of terrestrial, freshwater and marine areas and may be determined by a range of criteria, including, but not limited to: ecological districts, geological features, catchments, internal departmental, regional or district council or rohe/takiwā boundaries, land status, major recreation or tourism destinations, commonality of management considerations, or unique management needs.

1. Interpretation of Policies

The policies in this General Policy recognise the need to:

- ensure that decisions are not predetermined by restricting the possibilities provided for in the legislation; and
- recognise the constitutional role of the Minister of Conservation and other decision-makers.

The level of detail included in different chapters in this General Policy varies, depending on factors such as:

- how much direction is already provided in the legislation;
- whether the matter is best addressed at a national or another level (i.e. through General Policy or through conservation management strategies or plans);
- whether the matter involves a statutory or management decision; and
- the degree to which providing guidance is necessary to ensure national consistency and to assist the development or review of conservation management strategies.

Many policies in this General Policy reflect aspects of integrated conservation management; for example, by referring to outcomes planned for places, which may be a combination of different outcomes including those for management of natural resources, historic and cultural heritage, and recreational opportunities. Each policy also needs to be considered in conjunction with all other policies. This ensures, among other things, that the policies for different types of conservation outcomes in Chapters 4-14, are considered with policies in Chapters 2 and 3 which cover how the Department will engage with tangata whenua and with the public in conservation management.

Many policies in this General Policy contain lists of criteria for decision-making. In such lists, where criteria are cumulative and all must be met, the word 'and' is used before the last criterion. Where criteria are alternative and only one criterion (at least) must be met, the word 'or' is used between all criteria.

POLICIES

1 Interpretation of Policies

- 1 (a) The policies in this General Policy will apply to all lands, waters and resources administered by the Department of Conservation, excluding national parks.
- 1 (b) Only the policies in this General Policy (identified by being placed in boxes) and the Glossary will have the effect of General Policy.
- 1 (c) Each policy will be considered in conjunction with all other policies in this General Policy.
- 1 (d) The words 'will', 'should' and 'may' have the following meanings:
 - i. Policies where legislation provides no discretion for decision-making or a deliberate decision has been made by the Minister to direct decision-makers, state that a particular action or actions 'will' be undertaken.
 - ii. Policies that carry with them a strong expectation of outcome without diminishing the constitutional role of the Minister and other decision-makers, state that a particular action or actions 'should' be undertaken.
 - iii. Policies intended to allow flexibility in decision-making, state that a particular action or actions 'may' be undertaken.
- 1 (e) Planned outcomes at places should be consistent with the intrinsic values of an area identified as a place in a conservation management strategy or plan.
- 1 (f) All policies in this General Policy will be applied consistently with the objectives of the relevant legislation and, where applicable, any statutory purposes for which the place is held under that legislation.
- 1 (g) Interpretation of the policies in this General Policy will not derogate from the provisions of the relevant legislation.
- 1 (h) Approved conservation management strategies and plans continue to have effect until they are amended or reviewed, except where they clearly derogate from General Policy.

2. Treaty of Waitangi Responsibilities

The Conservation Act 1987, and all the Acts listed in its First Schedule, must be so interpreted and administered as to give effect to the principles of the Treaty of Waitangi (section 4, Conservation Act 1987). Where, however, there is clearly an inconsistency between the provisions of any of these Acts and the principles of the Treaty, the provisions of the relevant Act will apply. There has been considerable jurisprudence on the Treaty of Waitangi and its principles, and the scope of the duties the Treaty imposes on the Crown. Interpretations continue to evolve.

Effective partnerships with tangata whenua can achieve enhanced conservation of natural resources and historical and cultural heritage. Tangata whenua responsibilities to this heritage are embodied in the ethic of kaitiakitanga. Kaitiakitanga is a spiritual and environmental ethos that governs tangata whenua responsibilities for the care and protection of mauri, the dynamic life principle that underpins all heritage. Kaitiakitanga includes components of protection, guardianship, stewardship and customary use. It is exercised by tangata whenua in relation to ancestral lands, water, sites, resources and other taonga. The focus of kaitiakitanga is manaaki (care) and rahui (protection).

In 1989 the Government published “Principles for Crown Action on the Treaty of Waitangi”. The principles are:

- The principle of government
- The principle of self management
- The principle of equality
- The principle of reasonable cooperation
- The principle of redress.

The way these principles are applied will depend on the particular circumstances of each case, including the statutory conservation framework and the significance to tangata whenua of the land, resource or taonga in question.

Customary use of traditional materials and indigenous species may be authorised under a variety of different statutory provisions, such as section 17Q and section 30 of the Conservation Act 1987, depending on the nature of the use. Other consents may be required.

POLICIES

2 Treaty of Waitangi Responsibilities

- 2 (a) Relationships will be sought and maintained with tangata whenua to enhance conservation. These relationships should be based on mutual good faith, cooperation and respect.
- 2 (b) Partnerships to enhance conservation and to recognise mana should be encouraged and may be sought and maintained with tangata whenua whose rohe covers any place or resource administered by the Department. Such partnerships will be appropriate to local circumstances.
- 2 (c) Protocols and agreements may be negotiated and implemented to support relationships and partnerships, by mutual consent between tangata whenua and the Department.
- 2 (d) Tangata whenua will be consulted when statutory planning documents are being developed. Information will be made available to facilitate their contributions.
- 2 (e) Tangata whenua will be consulted on specific proposals that involve places or resources of spiritual or historical and cultural significance to them.
- 2 (f) Tangata whenua involvement and participation in conservation on public conservation lands and waters will be encouraged and may be supported with information and technical advice.
- 2 (g) Customary use of traditional materials and indigenous species may be authorised on a case by case basis where:
 - i. it is consistent with all relevant Acts and regulations (including fisheries legislation), conservation management strategies and plans;
 - ii. it is consistent with the purposes for which the land is held;
 - iii. there is an established tradition of such customary use at the place; and
 - iv. the preservation of the indigenous species at the place is not affected.

The views of tangata whenua should be sought and had regard to.

* This part of 2(g) previously read "Non-commercial customary use of..."

- 2 (h) Public information and interpretation, where it refers to places or resources of significance to tangata whenua, should be developed with them, and should include Māori place and species names, make appropriate use of te reo Māori, and draw attention to tangata whenua values.
- 2 (i) The Department will seek to avoid actions which would be a breach of the Treaty of Waitangi.
- 2 (j) The Department will participate in and implement relevant Treaty claims settlements consistent with its statutory functions.

3. Public Participation in Conservation Management

The Department manages places and species on behalf of the people of New Zealand. Effective conservation is dependent on the level of support and understanding of all New Zealanders. They are engaged as individuals, in their communities, as neighbours, in iwi and hapū, in conservation and recreation groups, as well as farmers, foresters, fishers, scientists, businesspeople, and people working in local government and other public agencies. The conservation task is large. Effective partnerships between the Department, people and organisations can enhance the achievement of conservation outcomes by all parties.

A range of opportunities to engage in conservation is provided by the legislation and policies. People are nominated and appointed to bodies such as the conservation boards and the New Zealand Conservation Authority. People are invited to comment on draft policies, management strategies and plans and proposed actions such as the establishment of national parks and marine reserves. People volunteer their time, skills and resources to support conservation. All of this engagement needs to be underpinned with general conservation awareness and educational activities.

POLICIES

3 Public Participation in Conservation Management

- 3 (a) Relationships should be developed with people and organisations interested in public conservation lands and waters, to enhance conservation. These relationships should be based on mutual good faith, cooperation and respect.
- 3 (b) Partnerships may be developed with people and organisations to enhance conservation.
- 3 (c) Agreements may be negotiated and implemented to support relationships and partnerships.
- 3 (d) People and organisations interested in public conservation lands and waters will be consulted when statutory planning documents are developed.

- 3 (e) People and organisations interested in public conservation lands and waters should be consulted on specific proposals that have significance for them.
- 3 (f) People and organisations should be encouraged to participate in conservation and may be supported with information and technical advice where this increases their relevant skills and their understanding of conservation.
- 3 (g) Education and information should be provided to promote awareness and active support for conservation.

4. Conservation of Natural Resources

New Zealand's unique biodiversity is internationally important. High percentages of the country's indigenous species are endemic (they are found nowhere else on Earth). The uniqueness of many of New Zealand's indigenous plants and animals means that responsibility for their continued existence is entirely ours.

New Zealand's natural resources include unique species and special places on land and in marine areas that are valued and enjoyed for their intrinsic values, for what they offer to future generations, and for their contribution towards our identity as New Zealanders.

The intrinsic and intergenerational values of these natural resources are part of the heritage of all New Zealanders. Many of the natural features that give New Zealand an international reputation as an island country of outstanding natural values, lie wholly or in part within public conservation lands and waters. Tangata whenua have developed a deep understanding of and strong links to natural resources over many centuries and believe that it is for the present generation, as kaitiaki, to ensure that these taonga are available, undiminished, for future generations.

Advocacy for conservation of natural resources outside public conservation lands and waters is covered by policies in Chapter 7.

POLICIES

4.1 Terrestrial and freshwater species, habitats and ecosystems

- 4.1 (a) Each conservation management strategy and plan should include identification of:
- i. indigenous species and their habitats and ecosystems;
 - ii. recreational freshwater fisheries and freshwater fish habitats; and
 - iii. game birds and, on public conservation lands and waters, their habitats.

- 4.1 (b) Each conservation management strategy or plan should establish management objectives for indigenous species and their habitats and ecosystems and recreational freshwater fisheries and their habitats, consistent with planned outcomes at places, for the purposes of:
- i. prevention of the loss of indigenous species and the full range of their habitats and ecosystems;
 - ii. maintenance of representative examples of the full range of indigenous ecosystems;
 - iii. maintenance of populations of indigenous species, habitats and ecosystems with unique or distinctive values;
 - iv. recovery of threatened indigenous species (including their genetic integrity and diversity), and restoration of their habitats where necessary;
 - v. restoration of threatened indigenous ecosystems where necessary;
 - vi. maintenance of the ecological integrity of indigenous ecosystems consistent with the purposes for which the land is held; and
 - vii. protection of recreational freshwater fisheries and freshwater fish habitats.
- 4.1 (c) Restoration of habitats and ecosystems should use locally sourced indigenous species except where the presence of introduced species is required for the preservation of indigenous species or is consistent with the purposes for which the land is held.
- 4.1 (d) Absolutely protected wildlife, as defined in the Wildlife Act 1953, may be held in captivity only where there is a clear benefit for conservation.
- 4.1 (e) Customary use of traditional materials and indigenous species may be authorised on a case by case basis where:*
- i. it is consistent with all relevant Acts and regulations (including fisheries legislation), conservation management strategies and plans;
 - ii. it is consistent with the purposes for which the land is held;

* This part of 4.1(e) previously read "Non-commercial customary use of..."

- iii. there is an established tradition of such customary use at the place; and
- iv. the preservation of the indigenous species at the place is not affected.

The views of tangata whenua should be sought and had regard to.

4.1 (f) Fishing for whitebait and eels in reserves may be authorised only where:

- i. it is consistent with all relevant Acts and regulations (including fisheries legislation);
- ii. it is consistent with the purposes for which the land is held;
- iii. the preservation of the indigenous freshwater fisheries and the maintenance of the range and stocks are not affected; and
- iv. it is provided for in the conservation management strategy or plan.

4.1 (g) Whitebait fisheries should be managed to prevent declines in species abundance and range.

4.1 (h) The Department, the New Zealand Fish and Game Council and regional fish and game councils, in carrying out their respective functions, will liaise with each other on matters of mutual interest.

4.1 (i) The release of sports fish into waters in public conservation land should be authorised where:

- i. sports fish of the same species are already present;
- ii. release is consistent with the purposes for which the land is held;
- iii. subject to the above criterion, the protection of the indigenous freshwater fisheries and their habitat is not adversely affected; and
- iv. such releases are provided for in a sports fish management plan or, in its absence, an operational work plan approved by the Minister of Conservation.

4.2 Biosecurity and management of threats to indigenous species, habitats and ecosystems

- 4.2 (a) Conservation management strategies and plans should identify and, where possible, prioritise the threats posed by pests to indigenous species, habitats and ecosystems.
- 4.2 (b) Biosecurity and pest management programmes should give priority to:
- i. preventing pests becoming established, including illegal and inadvertent transfers;
 - ii. eradicating newly naturalised pests at places, where practicable;
 - iii. eradicating, containing or reducing the range of pests that are established but not widespread, where practicable; and
 - iv. controlling widespread pests where this is required to protect indigenous species, habitats and ecosystems, where eradication or containment of them is not practicable.
- 4.2 (c) Biosecurity and pest management programmes should:
- i. seek to maximise outcomes for the benefit of indigenous species, habitats and ecosystems;
 - ii. provide for either single or multiple species measures where required to protect specified places;
 - iii. take account of statutory pest management strategies; and
 - iv. be developed in collaboration with other relevant management agencies.
- 4.2 (d) Biosecurity and pest management programmes may include control of indigenous species, sports fish and game birds, where necessary to protect or restore threatened populations of indigenous species or habitats and ecosystems with unique or distinctive values.
- 4.2 (e) Commercial hunting of wild animals and animal pests should be encouraged to maximise the effective control of them, while minimising any adverse effects of hunting on planned outcomes at places.

4.2 (f) Recreational hunting of wild animals and animal pests should be encouraged where this does not diminish the effectiveness of operations to control them and is consistent with planned outcomes at places.

4.2 (g) The introduction of biological control organisms into public conservation lands and waters should be approved only to control species that cannot be effectively and efficiently controlled in other ways.

4.3 Fire management

4.3 (a) Conservation management strategies and plans should make provision for fire management, covering fire risk, fire protection, fire control, fire regimes, and the use of prescribed burning for ecosystem management.

4.3 (b) Conservation management strategies and plans may provide for small-scale prescribed burning where it is clearly necessary to:

- i. manage fuel loadings where this addresses a significant risk and is ecologically justified; or
- ii. preserve specified indigenous species, habitats or ecosystems.

4.3 (c) Fires may be allowed to burn where the Principal Rural Fire Officer considers that the risks to people, places and property can be managed in accordance with predetermined fire plans, which should take into account planned conservation outcomes.

4.4 Marine species, habitats and ecosystems

4.4 (a) Conservation management strategies should identify marine habitats and ecosystems which require protection, in consultation with tangata whenua and other people and organisations.

4.4 (b) Tangata whenua and other interested persons and organisations will be invited to participate in the planning, establishment and management of marine reserves.

4.4 (c) The establishment of marine reserves adjacent to public conservation lands and waters will be considered where it is beneficial for conservation management.

- 4.4 (d) Marine reserves will be managed to be maintained or restored to a natural state as far as possible.
- 4.4 (e) The Department should work with other agencies and interests to promote and develop a marine protected areas network, including marine reserves, wildlife reserves, sanctuaries and other protective mechanisms.
- 4.4 (f) Marine protected species should be managed for their long-term viability and recovery throughout their natural range.
- 4.4 (g) Where unprotected marine species are identified as threatened, consideration will be given to amending the Wildlife Act 1953 schedules to declare such species absolutely protected.
- 4.4 (h) Tangata whenua, as kaitiaki, will be:
- i. invited to participate in the protection of marine species of cultural importance to them;
 - ii. provided with access to the remains of dead marine protected species for customary use, including those incidentally caught in commercial fishing, consistent with relevant legislation and agreed protocols;
 - iii. provided with immediate notification of strandings where possible; and
 - iv. involved in the management of stranded marine mammals, in accordance with agreed protocols.
- 4.4 (i) Carcasses of stranded marine mammals should be left unburied if they are lying in remote places where this does not give rise to a public nuisance.
- 4.4 (j) Human interactions with marine mammals and other marine protected species should be managed to avoid or minimise adverse effects on populations and individuals.
- 4.4 (k) Whales and dolphins should not be brought into or bred in captivity in New Zealand or exported to be held in captivity, except where this is essential for the conservation management of the species.
- 4.4 (l) The Department should work with other agencies and interests to protect marine species.

4.5 Geological features, landforms, and landscapes

- 4.5 (a) Conservation management strategies and plans should identify landscapes, landforms, and geological features of international, national, or regional significance or of significance to tangata whenua.
- 4.5 (b) Activities which reduce the intrinsic values of landscape, landform and geological features on public conservation lands and waters should be located and managed so that their adverse effects are avoided or otherwise minimised.

4.6 Ecosystem services

- 4.6 (a) Activities on public conservation lands and waters should be planned and managed in ways which avoid or otherwise minimise adverse effects on the quality of ecosystem services.

5. Historical and Cultural Heritage

Places managed under conservation legislation contain a rich historical and cultural heritage for all New Zealanders – places of exploration, settlement, natural resource use and protection, warfare, communication, and ongoing spiritual and cultural associations. Such places provide a link between the present and the past and with the culture of those who came before.

The Department manages historical and cultural heritage on public conservation lands and waters. Advocacy for historical and cultural heritage outside public conservation lands and waters is covered by policies in Chapter 7.

POLICIES

5 Historical and Cultural Heritage

- 5 (a) Conservation management strategies and plans should identify historical and cultural heritage on public conservation lands and waters, and required conservation outcomes for that heritage.
- 5 (b) Historical and cultural heritage on public conservation lands and waters, that is assessed as having high significance in accordance with the Historic Places Act 1993, should be actively managed (including restoration where this is necessary) within the context of integrated conservation management.
- 5 (c) Tangata whenua, as kaitiaki of their historical and cultural heritage, will be invited to participate in the identification, preservation and management of heritage of significance to them on public conservation lands and waters.
- 5 (d) Significant information should be recorded where historical and cultural heritage on public conservation lands and waters is threatened by unavoidable damage or destruction.
- 5 (e) Historic buildings and structures on public conservation lands and waters should be used in ways that:
 - i. enable their preservation;
 - ii. are in keeping with their assessed significance; and
 - iii. provide opportunities for the public to appreciate them.

- 5 (f) Collections of antiquities and artifacts, including taonga, may be held or managed by the Department where it is important to preserve their association with places, or for information purposes, consistent with the provisions of the Antiquities Act 1975.
- 5 (g) Monuments, pou whenua, plaques or other memorials may be sited in places associated with people, traditions or events of exceptional importance in New Zealand or conservation history. They should be consistent with the character of the place and should not be attached to or engraved into natural features.

6. Changes to Public Conservation Lands

Public conservation land is held under a range of legislation and classifications (e.g. national parks, conservation parks, stewardship areas, scenic and other reserves, and wildlife refuges; see Appendix 1). Its management was brought together in 1987 when the Department of Conservation was established. Additions to public conservation lands since 1987 have improved their representativeness and increased the area of New Zealand protected for future generations. This chapter covers further land acquisitions and exchanges, and potential changes to land classification or land disposal to adjust the level of legal protection.

This chapter refers only to public conservation lands. Marine protected areas are covered in 4.4, and conservation beyond public conservation lands is covered in chapter 7.

POLICIES

6 Changes to Public Conservation Lands

- 6 (a) Land acquisition or exchange (including boundary changes) may be undertaken to manage, for conservation purposes, natural resources or historical and cultural heritage; or for the benefit and enjoyment of the public, including public access, where the land has international, national or regional significance; or where land acquisition or exchange will either:
- i. improve representativeness of public conservation land; or
 - ii. improve the natural functioning or integrity of places; or
 - iii. improve the amenity or utility of places; or
 - iv. prevent significant loss of natural resources or historical and cultural heritage; or
 - v. improve the natural linkages between places; or
 - vi. secure practical walking access to public conservation lands and waters, rivers, lakes or the coast; or
 - vii. achieve any other purpose allowed for under the relevant Acts.

- 6 (b) Subject to statutory requirements, the classification of any public conservation lands may be reviewed from time to time to ensure that the classification of such lands continues to either:
- i. give appropriate protection and preservation for their natural resources, and/or historical and cultural heritage; or
 - ii. give appropriate protection and preservation for their educational, scientific, community, or other special features, for the benefit of the public; or
 - iii. enable integrated conservation management identified in conservation management strategies or plans; or
 - iv. provide for access and enjoyment by the public where that is in accordance with the purposes for which the land is held; or
 - v. reflect the values of public conservation lands that are present; or
 - vi. enable specified places to achieve conservation outcomes in the future.
- 6 (c) Land disposal may be considered where the legislation to which it is subject allows for disposal and the land has no, or very low, conservation values.
- 6 (d) Subject to policy 6 (c), land disposal should not be undertaken where the land in question either:
- i. has international, national or regional significance; or
 - ii. is important for the survival of any threatened indigenous species; or
 - iii. represents a habitat or ecosystem that is under-represented in public conservation lands or has the potential to be restored to improve the representation of habitats or ecosystems that are under-represented in public conservation lands; or
 - iv. improves the natural functioning or integrity of places; or
 - v. improves the amenity or utility of places; or
 - vi. improves the natural linkages between places; or
 - vii. secures practical walking access to public conservation lands and waters, rivers, lakes or the coast.

7. Conservation Beyond Public Conservation Lands and Waters

Not all conservation goals are achievable on public conservation lands or waters. The Department needs to work cooperatively with other land-owners and occupiers and the wider community, including local government, to protect and advocate for natural resources, historical and cultural heritage, and public access. Much of this activity is carried out under the Resource Management Act 1991.

This General Policy does not affect the Minister of Conservation's statutory roles in coastal management under the Resource Management Act 1991. In some circumstances, general policy may be a relevant matter that the Minister or any consent authority under the Resource Management Act 1991 may wish to take into account in accordance with section 104 of the Resource Management Act 1991.

POLICIES

7 Conservation Beyond Public Conservation Lands and Waters

- 7 (a) The Department should work cooperatively to develop effective working relationships with people and organisations to protect natural resources, historical and cultural heritage, and public access.
- 7 (b) The Department when managing public conservation lands and waters should work cooperatively with its neighbours to seek mutually satisfactory solutions to cross-boundary issues.
- 7 (c) The Department should undertake statutory advocacy to protect the values of public conservation lands and waters where necessary.
- 7 (d) The Department should undertake statutory advocacy to protect natural resources and historical and cultural heritage outside public conservation lands and waters and for the benefit and enjoyment of the public, including public access, in particular where:
 - i. the resource or heritage is of international, national or regional significance; or

- ii. indigenous terrestrial or aquatic species or recreational freshwater fisheries are threatened with loss or decline; or
- iii. significant marine or freshwater habitats and ecosystems are threatened with loss or decline; or
- iv. significant geological or geothermal features or landforms are at risk of permanent degradation; or
- v. activities taking place or proposed in places linked to public conservation lands and waters could have adverse effects on them; or
- vi. proposed activities are likely to cause further loss, degradation, or fragmentation of significant places; or
- vii. important linkages between significant places can be maintained or improved; or
- viii. representativeness of the full range of indigenous habitats and ecosystems can be maintained or improved; or
- ix. natural character of the coastal environment and the margins of lakes and rivers would be compromised; or
- x. recreational freshwater fisheries are threatened with loss or decline; or
- xi. public walking access to rivers, lakes or the coast and to public conservation lands and waters is inadequate.

7 (e) The Department may support the protection efforts and conservation advocacy of other people and organisations.

8. Natural Hazards

Natural hazards are events which affect or may affect people, property or the environment. They include earthquakes, landslides, avalanches, volcanic eruptions, tsunamis, floods, storms and fires, and are natural processes that are part of New Zealand's natural environment. Human ability to restrain such natural forces is limited, and even when there is the technical ability to do so, natural processes in public conservation lands and waters should, where practicable, continue to function unhampered.

Understanding the risks from natural hazards and employing appropriate management tools to mitigate risks where necessary is the key to effective management of risks from natural hazards.

POLICIES

8 Natural Hazards

8 (a) Management for natural hazards on public conservation lands and waters:

- i. should be undertaken with minimal interference to natural processes, natural resources, and historical and cultural heritage;
- ii. should be consistent with the purpose for which the land is held; and
- iii. will include an assessment of the risks to people, places and property.

8 (b) When a high level of risk to people, places or property from a natural hazard on public conservation lands and waters has been identified, a hazard and risk management plan should be developed by the Department, identifying options to address risks, and interested people and organisations will be informed of any proposed actions.

8 (c) The Department should provide information to enable people to assess the risks from natural hazards that may occur on public conservation lands and waters.

8 (d) People will be responsible for their own decisions on the risks that they are prepared to take arising from natural hazards on public conservation lands and waters.

8 (e) The Department may notify the closure of any part of public conservation lands and waters to public entry when it considers there to be imminent danger to people and property that cannot be reasonably avoided by other means.

9. People's Benefit and Enjoyment

New Zealanders and international visitors are attracted to public conservation lands and waters by the sights and sounds of wild nature, qualities of remoteness, peace and natural quiet, recreational challenges, opportunities to connect with our heritage, or to just get away from the pressures of modern living.

Recreation in public conservation lands and waters now takes many forms. Careful planning and management is needed to make a range of recreational opportunities available to people, consistent with the statutory purposes for which the place is held, while avoiding adverse impacts on natural resources and historical and cultural heritage and the experiences of other people.

POLICIES

9.1 Planning and management for people's benefit and enjoyment

9.1 (a) Recreational opportunities will be provided on public conservation lands and waters. Where provided, they should be consistent with the values of and outcomes planned for places.

9.1 (b) The recreational opportunities and the outcomes planned for different places will be identified in conservation management strategies and plans and will be consistent with the statutory purposes for which the place is held.

9.1 (c) Identification of the outcomes planned for different places and the range of recreational opportunities available should include an assessment of the following:

- i. quality and characteristics of the experience to be maintained;
- ii. public access and current recreational opportunities available;
- iii. uniqueness of some current recreational opportunities;
- iv. contribution to, and compatibility with, the wider network of recreational opportunities;

- v. suitability for people with different capabilities, skills and interests; and
- vi. current and projected levels of use.

9.1 (d) Conservation management strategies should identify (based on the assessment criteria in policy 9.1(c)) how public access is to be enabled, and what types of recreational opportunities, activities, information, accommodation, facilities and services (including those provided by concessionaires) are suitable in different places and to what extent.

9.1 (e) Recreational opportunities should be managed using a variety of tools to support the outcomes planned for places, including, but not limited to, zoning and limitations on the number of people or activities, including those managed by concessionaires.

9.1 (f) Recreational opportunities at places should be managed to avoid or otherwise minimise any adverse effects (including cumulative effects) on:

- i. natural resources and historical and cultural heritage where required by the relevant Act;
- ii. the qualities of peace and natural quiet, solitude, remoteness and wilderness, where present; and
- iii. the experiences of other people.

9.1 (g) Public access to public conservation lands and waters will be free of charge. Charges may be made for the use of accommodation, facilities and services.

9.1 (h) The Department may undertake advocacy and work cooperatively with other people and organisations to secure practical walking access to public conservation lands and waters to which there is no alternative practical walking access.

9.2 Information including interpretation

9.2 (a) A range of information should be provided to:

- i. encourage and assist people in understanding, appreciating, enjoying and protecting public conservation lands and waters; and
- ii. enable people to assess the risks from hazards that may occur on public conservation lands and waters.

9.2 (b) Boundaries, entrances, tracks and features of particular interest may be signposted or interpreted. Signs should be confined to those necessary for safety, information and interpretation and should be located, and be of such a scale, design and colour so as to harmonise with the landscape and seascape, except where for safety reasons they should be clearly visible.

9.3 Hazards to people

9.3 (a) People are responsible for their own decisions on risks they are prepared to take on public conservation lands and waters and for ensuring that they and, generally, those in their care, have the level of skill and competence and the equipment required to cope with those risks.

9.3 (b) Recreational activities that create hazards for other people should be managed to reduce the risk of harm.

9.4 Sports fishing and game bird hunting

9.4 (a) Conservation management strategies should provide for access to recreational fishing for sports fish legally present in public conservation waters, where consistent with the purposes for which the land is held.

9.4 (b) Conservation management strategies should provide for hunting of game birds on public conservation lands, where such hunting:

- i. is consistent with the purposes for which the land is held; and
- ii. subject to the above criterion, does not have adverse effects on absolutely protected species or on populations of indigenous species.

9.5 The use of vehicles and other forms of transport

9.5 (a) The use of vehicles and any other forms of transport should be compatible with the statutory purposes for which the place is held, or be necessary to enable the Department to perform its functions.

9.5 (b) Conservation management strategies and plans will identify where the use of specified types of vehicles and other forms of transport may be allowed and will establish any conditions for use.

9.5 (c) The Department should work with roading and aviation controlling authorities to avoid or otherwise minimise the adverse effects of specified types of vehicles and aircraft on public conservation lands and waters and the public enjoyment of those places.

9.6 Animals

9.6 (a) Animals (including pets) will not be permitted to be taken into public conservation lands and waters unless this is consistent with legislation and specifically provided for in conservation management strategies or plans.

10. Accommodation and Related Facilities

Accommodation and related facilities, including additions and extensions and temporary shelters, on public conservation lands and waters are provided primarily by the Department of Conservation for the benefit and enjoyment of the public. They may also be provided by other people and organisations in some circumstances, including educational institutions, clubs with open membership policies and concessionaires. Accommodation and related facilities may also be constructed by the Department to enable it to carry out its functions.

POLICIES

10 Accommodation and Related Facilities

- 10 (a) Accommodation and related facilities on public conservation lands and waters may be allowed for public recreation, educational and community services, consistent with the outcomes planned for places.
- 10 (b) Accommodation and related facilities on public conservation lands and waters owned and occupied by people and organisations other than the Department, will require a concession.
- 10 (c) Any application for a concession will comply with, or be consistent with, the objectives of the relevant Act, the statutory purposes for which the place is held, and any relevant conservation management strategy or plan.
- 10 (d) Any application for a concession to provide accommodation or related facilities, or to extend or add to an existing structure or facility, should meet the following criteria:
 - i. the accommodation or related facility cannot reasonably be located outside public conservation lands and waters;
 - ii. it cannot reasonably be built elsewhere on public conservation lands and waters where the potential adverse effects would be significantly less; and
 - iii. the applicant cannot reasonably use or share an existing structure or facility.

- 10 (e) All accommodation and related facilities including replacements, additions and extensions on public conservation lands and waters should:
- i. be consistent with the outcomes planned for places;
 - ii. avoid or otherwise minimise adverse effects on natural resources and historical and cultural heritage, and on the benefit and enjoyment of the public, including public access;
 - iii. complement and, wherever possible, be located close to existing accommodation and related facilities;
 - iv. be located, designed, constructed and maintained to meet all legal requirements and standards;
 - v. be of such a scale, design and colour that they harmonise with the landscape and seascape;
 - vi. provide for disabled people in places where this is practicable; and
 - vii. be available for use by the public.
- 10 (f) The Department and all concessionaires should monitor the effects of the use of accommodation and related facilities on natural resources and historical and cultural heritage, and on the benefit and enjoyment of the public, including public access, to inform future management decisions.
- 10 (g) New accommodation and related facilities, including encampments, on public conservation lands and waters, for exclusive private use should not be permitted.
- 10 (h) Existing private accommodation and related facilities, including encampments, on public conservation lands and waters will be phased out, except where specifically provided for or allowed in legislation, in accordance with the conditions and timeframes set out in any relevant concession or conservation management strategy or plan. They should be removed at the end of the phase-out period, unless retained by the Department for public use.
- 10 (i) A ground rental should be charged for existing private accommodation and related facilities, including campgrounds, on public conservation lands and waters.

10 (j) The Department should consult the relevant conservation board on all proposals for departmental accommodation and related facilities, including replacements, additions and extensions, on public conservation lands and waters.

11. Activities Requiring Specific Authorisation (not covered elsewhere)

A variety of activities undertaken by people and organisations on public conservation lands and waters require authorisation. Most frequently, authorisation is given as a concession under Part IIIB of the Conservation Act 1987. An individual or organised group undertaking any recreational activity, whether for the benefit of the individual or the members of the group, does not need a concession if the individual or group is undertaking the activity without any specific gain or reward for that activity, whether pecuniary or otherwise.

POLICIES

11.1 All activities

- 11.1 (a) Any application for a concession or other authorisation will comply with, or be consistent with, the objectives of the relevant Act, the statutory purposes for which the place is held, and any conservation management strategy or plan.
- 11.1 (b) All activities on public conservation lands and waters which require a concession or other authorisation should, where relevant, avoid, remedy or mitigate any adverse effects (including cumulative effects) and maximise any positive effects on natural resources and historical and cultural heritage, and on the benefit and enjoyment of the public, including public access.
- 11.1 (c) The Department and all concession and other authorisation holders should monitor the effects of authorised activities on natural resources, historical and cultural heritage, and the benefit and enjoyment of the public, including public access, to inform future management decisions.
- 11.1 (d) Concession and other authorisation holders will be responsible for the safe conduct of their operations, including the safety of staff, clients, contractors, and the public, and compliance with relevant safety standards and legal obligations.
- 11.1 (e) The policies below for the activities specified are to be considered in conjunction with policies 11.1 (a) to 11.1 (d).

11.2 Grazing and farming

POLICIES

11.2 Grazing and farming

11.2 (a) The following criteria should be applied when considering applications for grazing and farming concessions:

- i. the land is in existing pasture or farming use;
- ii. the number and type of stock are suitable for the location and land type;
- iii. grazing animals can be effectively controlled;
- iv. any adverse effects of stock on waterways, wetlands and riparian zones can be avoided or otherwise minimised;
- v. there are no adverse effects on wāhi tapu;
- vi. there is no risk of erosion caused by grazing or farming;
- vii. the need to use grazing for management purposes;
- viii. the potential for restoration is not compromised; and
- ix. public access is maintained.

11.2 (b) Grazing concessions should be issued for a fixed period and market rentals should be paid.

11.3 Utilities

POLICIES

11.3 Utilities

11.3 (a) Utilities may be provided for on public conservation lands and waters where they cannot be reasonably located outside public conservation lands and waters, or if specifically provided for as a purpose for which the place is held.

11.3 (b) When new utilities are installed or existing utilities are maintained or extended, they should be of a scale, design and colour that relates to, and is integrated with, the landscape and seascape.

11.3 (c) Public access to utilities may be denied where necessary for the protection of public safety or the security or competent operation of the activity concerned.

11.3 (d) Utilities should, wherever possible, be located in, or added to, an existing structure or facility and use existing access options.

11.3 (e) Utilities that are redundant should be removed from public conservation lands and waters and the site restored as far as practicable to a natural state to minimise effects on the landscape.

11.4 Crown minerals and pounamu

The Crown Minerals Act 1991 and the Resource Management Act 1991 control mining. Mining licences are not concessions under the Conservation Act 1987.

Access to Crown minerals on public conservation lands and waters requires an access arrangement, authorised by the Minister of Conservation.

The Ngāi Tahu (Pounamu Vesting) Act 1997 vested in Ngāi Tahu ownership of all pounamu occurring in its natural condition found in the takiwā of Ngāi Tahu Whānui and in adjacent parts of the territorial sea and its seabed and subsoil. Te Rūnanga o Ngāi Tahu has issued a Pounamu Resource Management Plan that sets out its policies for the protection, collection and extraction of pounamu.

Section 8(2) of the Crown Minerals Act 1991 provides for the use of Crown-owned minerals that exist in a natural state by the Department, or any other occupiers of the land in which those minerals occur, for the purposes of reasonable domestic, road making or building purposes on that land. Removal of sand, shingle or other natural material from the bed of a lake or river and the foreshore is covered by sections 12 and 13 of the Resource Management Act 1991 and will require a resource consent from the relevant territorial authority. A concession under the relevant Act is also required.

POLICIES

11.4 Crown minerals and pounamu

11.4 (a) All applications for access arrangements to minerals on public conservation lands and waters will be considered under section 61(1A), where applicable, and section 61(2) of the Crown Minerals Act 1991.

11.4 (b) Access arrangements for the removal of pounamu from public conservation lands and waters within the takiwā of Ngāi Tahu will be considered only where the applicant has authorisation for collection from the kaitiaki rūnanga of Te Rūnanga o Ngāi Tahu.

11.4 (c) Conservation management strategies and plans will identify where sand, shingle or other natural mineral material can be removed from the bed of a lake or river or foreshore, consistent with the protection of natural resources and historical and cultural heritage values.

11.5 Commercial filming and photography

Spectacular scenery and distinctive natural features have made public conservation lands and waters popular locations for commercial filming and photography. Commercial filming and photography activities can play a valuable role in enhancing public appreciation of conservation values. They are appropriate where they do not have adverse effects on natural and historic values, on the enjoyment of the public or on sites of significance to tangata whenua.

POLICIES

11.5 Commercial filming and photography

11.5 (a) Commercial filming and photography and its associated activities should be subject to the same assessment processes and conditions as other uses.

11.5 (b) Particular care should be taken to ensure that commercial filming and photography activity does not detrimentally affect the values of sites of significance, including those of significance to tangata whenua.

11.6 Military training exercises

POLICIES

11.6 Military training exercises

11.6 (a) Military training exercises on public conservation lands and waters will be allowed where they comply with the 1990 Defence Training Agreement or any successor to it.

12. Research and Information Needs

Successful management of public conservation lands and waters requires a sound understanding of the patterns and processes of the natural world, of the impacts of use, and of the broader contribution these places make to New Zealand.

POLICIES

12 Research and Information Needs

- 12 (a) Research and monitoring on public conservation lands and waters should be allowed where it:
- i. informs conservation management or contributes to interpretation and education, or improves knowledge of natural processes;
 - ii. its effects are consistent with the statutory purposes for which the place is held;
 - iii. has no significant adverse effect on the enjoyment of the public; and
 - iv. does not pose unacceptable risks to natural, historical and cultural heritage.
- 12 (b) Cooperative research relationships should be fostered where outcomes are likely to inform conservation management.
- 12 (c) Mātauranga Māori and tangata whenua interests in research and monitoring on public conservation lands and waters, species and resources should be recognised and may be supported by cooperative arrangements.
- 12 (d) Applications for the collection of material from public conservation lands and waters, whether for commercial or non-commercial use (excluding prospecting and mining covered by the Crown Minerals Act 1991), including indigenous species (or parts thereof), fossilised plant or animal material, soils, rocks and any other geological materials will be considered on a case by case basis. Criteria include:
- i. collection is consistent with legislation, conservation management strategies and plans and the Department's Treaty responsibilities;

- ii. collection is essential for either management, research, interpretation or educational purposes;
 - iii. the amounts to be collected are small in relation to the abundance of the material;
 - iv. whether collection could occur outside or elsewhere within public conservation lands and waters where the potential adverse effects could be significantly less; and
 - v. there are minimal adverse effects from collection.
- 12 (e) Any property rights, including intellectual property rights, should be safeguarded for the benefit of the Crown, on behalf of the people of New Zealand.
- 12 (f) Recovery of authorisation costs for research, collection or educational activities may be waived or reduced where either:
- i. research or collection makes a direct contribution to management; or
 - ii. research or collection supports departmental priority outcomes; or
 - iii. research or collection is for non-commercial Māori customary use; or
 - iv. educational activities are non-commercial.
- 12 (g) Results of research and monitoring on public conservation lands and waters should be made publicly available unless withheld for good reason under the Official Information Act 1982.
- 12 (h) Management actions should be monitored and evaluated at regular intervals to assess their effectiveness and inform future management decisions.
- 12 (i) Any information collected or research undertaken by the Department requiring access to private land will only be carried out with the agreement of the landowner. The information and research results will be made available to the landowner.

13. Conservation Management Strategies and Plans

Conservation management strategies and plans are tools for achieving integrated conservation management on land and water. The purpose of a conservation management strategy, as set out in the Conservation Act 1987, is to implement general policies and establish objectives for the integrated management of natural and historic resources, including any species managed by the Department, and for recreation, tourism and other conservation purposes.

Conservation management strategies may also include objectives for the conservation of natural and historic resources and for recreation and tourism on land not managed by the Department. Objectives related to land not managed by the Department are only binding on the Department and not other landowners or managers. Conservation management strategies must have regard to all existing management plans under the Conservation Act 1987 or any other Act listed in the First Schedule to the Conservation Act 1987.

Separate conservation management plans may be necessary for some places, including marine reserves.

POLICIES

13 Conservation Management Strategies and Plans

- 13 (a) Conservation management strategies and plans should include identification of:
- i. natural resources, historical and cultural heritage, and recreational opportunities, at specific places on land and water;
 - ii. planned outcomes, objectives and policies for specific places, consistent with the purposes for which the public conservation lands and waters are held;
 - iii. potential conflicts between planned outcomes at specific places and explanation of how these will be resolved;
 - iv. the adverse effects (including cumulative effects) of different uses and explanation of how these effects will be minimised;
- and

v. objectives for departmental advocacy relating to conservation outside public conservation lands and waters;

and should also have regard to:

vi. relevant territorial authority statutory planning documents; and

vii. integrated management of places to achieve national conservation outcomes, and to coordinate planning between places covered by other conservation management strategies and plans.

13 (b) Conservation management strategies may require that a conservation management plan be prepared for places of national or international importance, where detailed objectives need to be identified, in consultation with the public, for effective management.

13 (c) Integrated management on public conservation lands and waters adjoining national parks should be complementary to and not detract from national park values.

13 (d) Conservation boards, people or organisations interested in public conservation lands and waters, including fish and game councils and tangata whenua, will be consulted when developing or reviewing conservation management strategies and plans.

13 (e) Conservation boards will be consulted on matters relevant to the implementation of conservation management strategies and plans, including applications for a concession requiring an interest in land.

13 (f) The Department will provide conservation boards with a report (at least annually) on the implementation of conservation management strategies and plans, and conservation management strategies should include major milestones towards planned outcomes to facilitate implementation reporting.

13 (g) Public consultation will be sought on a proposed amendment to a conservation management strategy or plan, except where this would not materially affect the objectives or policies expressed in the strategy or plan or the public interest in the area concerned, including where the proposed amendment either:

i. corrects a factual error; or

- ii. updates information on protected areas managed by the Department; or
- iii. changes the names or classification of places following reclassification in accordance with the relevant legislation; or
- iv. reflects changes in legislation; or
- v. provides clarification of an objective or policy; or
- vi. deletes reference to a conservation management plan that has been revoked.

14. International Agreements and Cooperation

International agreements provide the legal framework that enable countries to work together on global conservation issues.

New Zealand has a long history of involvement in international agreements relating to the conservation of the Earth's natural, historical and cultural heritage. New Zealand's natural resources are valued internationally; for example, three large areas have been designated as World Heritage Sites: Tongariro National Park, Te Wahipounamu/South-West New Zealand, and the New Zealand sub-antarctic islands, which include Auckland, Campbell, Antipodes, Snares and Bounty Islands.

The Department of Conservation is responsible for promoting the benefits of international cooperation on matters relating to conservation.

The Department is the New Zealand Government's representative or principal advisor for a number of international agreements relating to conservation. It also contributes to, and benefits from, developments in conservation work undertaken in other countries.

The Department promotes the benefits of conserving the natural and historic resources of the Ross Dependency and Antarctica generally.

POLICIES

14 International Agreements and Cooperation

- 14 (a) The Department will implement international agreements relevant to conservation that have been ratified or have legal standing in New Zealand.
- 14 (b) Conservation management strategies and plans should identify and protect places and resources that meet the requirements of international agreements.
- 14 (c) The Department should participate in international fora and work with other countries to promote international cooperation on matters relating to New Zealand's conservation interests.
- 14 (d) The Department will advocate internationally for the protection of species that migrate across New Zealand's territorial limits, and their habitats.

- 14 (e) The Department, when working internationally as the lead agency for New Zealand, should identify, in cooperation with tangata whenua and other people and organisations, whether a project is of interest or relevance to tangata whenua or others and should establish the appropriate degree and nature of their involvement.
- 14 (f) The Department will work with other agencies to ensure the protection of the Ross Dependency and Antarctica generally.
- 14 (g) The Department, when working with other agencies to develop policy for the Ross Dependency and Antarctica, will advocate for the conservation of natural and historic resources.

Glossary

Active management

Used with reference to a planned programme of work that is required to maintain the values of specific places or objects.

Aircraft

Any machine that can derive support in the atmosphere from the reactions of the air otherwise than by the reactions of the air against the surface of the earth (Civil Aviation Act 1990).

Animal

Any mammal, bird, reptile, amphibian, fish (including shellfish) or related organism, insect, crustacean, or organism of every kind; but does not include a human being (section 2, Reserves Act 1977).

Any member of the animal kingdom other than a human being (section 2, Conservation Act 1987).

Authorisation

Collective term for all types of approvals by the Minister and the Director-General of Conservation provided for in a statutory process.

Biodiversity

The variability among living organisms from all sources including terrestrial, marine and other aquatic ecosystems and ecological complexes of which they are part. This includes diversity within species, between species and of ecosystems.

Biosecurity

The exclusion, eradication or effective management of risks posed by pests and diseases to the economy, environment and human health.

Building

Has the same meaning as given to it by sections 8 and 9 of the Building Act 2004.

Concession

A lease, licence, permit or easement, granted under Part IIIB of the Conservation Act 1987, to enable the carrying out of a trade, occupation or business on areas managed by the Department of Conservation.

Conservation

The preservation and protection of natural and historic resources for the purpose of maintaining their intrinsic values, providing for their appreciation and recreational enjoyment by the public, and safeguarding the options of future generations (section 2, Conservation Act 1987).

Conservation boards

Conservation boards are established under section 6L of the Conservation Act 1987. The primary functions and powers of conservation boards are set out in the Conservation Act 1987 and the National Parks Act 1980 (sections 6M and 6N, Conservation Act 1987 and section 30, National Parks Act 1980).

Conservation management plan

A plan for the management of natural and historic resources and for recreation, tourism and other conservation purposes which implements a conservation management strategy and establishes detailed objectives for integrated management within a place or places specified in a conservation management strategy (section 17E, Conservation Act 1987).

Conservation management strategy

A strategy which implements general policies and establishes objectives for the integrated management of natural and historic resources and for recreation, tourism and other conservation purposes. A conservation management strategy is reviewed every ten years (section 17D, Conservation Act 1987).

Consultation

An invitation to give advice, and the consideration of that advice. To achieve consultation, sufficient information must be supplied and sufficient time allowed by the consulting party to those consulted to enable them to tender helpful advice. It involves an ongoing dialogue. It does not necessarily mean acceptance of the other party's view, but enables informed decision-making by having regard to those views.

Convention on Biological Diversity (CBD)

An international agreement on biological diversity that came into force in December 1993 following a meeting of governments in Rio de Janeiro. The objectives of the Convention are: the conservation of biological diversity; the sustainable use of its components; and the fair and equitable sharing of the benefits arising out of the utilisation of genetic resources.

Cumulative effect

An effect which arises over time or in combination with other effects (section 3, Resource Management Act 1991).

Customary use

Gathering and use of natural resources by tangata whenua according to tikanga.

Ecological integrity

The full potential of indigenous biotic and abiotic factors, and natural processes, functioning in sustainable habitats, ecosystems, and landscapes.

Ecosystem

A biological system comprising a community of living organisms and its associated non-living environment, interacting as an ecological unit.

Ecosystem services

A wide range of conditions and processes through which natural ecosystems, and the species that are part of them, help sustain and fulfill life.

Effect

Any positive or adverse effect; and any temporary or permanent effect; and any past, present or future effect; and any cumulative effect which arises over time or in combination with other effects regardless of the scale, intensity, duration, or frequency of the effect and also includes any potential effect of high probability; and any potential effect of low probability which has high potential impact (section 3, Resource Management Act 1991).

Encampment

Non-designated sites used for the purpose of shelter or camping on either:

- (a) a permanent or semi-permanent basis by private individuals or groups; or
- (b) for more than short-term use by individuals or groups.

Environment

Includes (a) ecosystems and their constituent parts, including people and communities; and (b) all natural and physical resources; and (c) amenity values; and (d) the social, economic, aesthetic and cultural conditions that affect those matters (Resource Management Act 1991).

Eradicate

To remove completely.

Facilities

Facilities that enable people to enjoy a range of recreational opportunities including (but not limited to): visitor and information centres, camping areas, tracks and walkways, bridges, backcountry huts, roads, car-parking areas, toilets, picnic areas, signs and interpretation panels, viewing platforms, wharves and boat ramps.

Fire Officer

Person appointed as a Rural Fire Officer pursuant to the Forest and Rural Fires Act 1977.

Fish and game council

Statutory body with functions pertaining to the management, maintenance and enhancement of the sports fish and game resource in the recreational interests of anglers and hunters (section 26P, Conservation Act 1987).

Fishery

One or more stocks or parts of stocks or one or more species of freshwater fish or aquatic life that can be treated as a unit for the purposes of conservation or management (section 2, Conservation Act 1987).

Freshwater fish

Includes finfish of the Classes Agnatha and Osteichthytes, and shellfish of the Classes Mollusca and Crustacea, that must at any time in the life history of the species, inhabit freshwater; and includes finfish and shellfish that seasonally migrate into and out of freshwater (section 2, Conservation Act 1987).

Game birds

The wildlife declared to be game specified in the First Schedule to the Wildlife Act 1953. As at the date of the adoption of this General Policy they are all birds, viz: black swan, Canada goose, chukar, grey duck, mallard duck, paradise duck, spoonbill duck, partridge, red-legged partridge, pheasant, pukeko, Australian quail, Californian quail and Virginian quail.

Habitat

The environment within which a particular species or group of species lives. It includes the physical and biotic characteristics that are relevant to the species concerned.

Historical and cultural heritage

Any building or other structure, archaeological site, natural feature, wāhi tapu, or object, associated with people, traditions, events or ideas, which contribute to an understanding of New Zealand's history and cultures.

Historic place

- (a) Means
- i. any land (including an archaeological site); or
 - ii. any building or structure (including part of a building or structure);
or
 - iii. any combination of land and a building or structure, –
that forms part of the historical and cultural heritage of New Zealand
and lies within the territorial limits of New Zealand; and

- (b) includes anything that is in or fixed to such land (section 2, Historic Places Act 1993).

Historic resource

Means a historic place within the meaning of the Historic Places Act 1993; and includes any interest in a historic resource (section 2, Conservation Act 1987).

Indigenous species

Refers to plants and animals that have established in New Zealand without the assistance of human beings and without the assistance of vehicles or aircraft. This includes species that are unique to New Zealand as well as those that may be found elsewhere in the world. Use of the words 'indigenous' and 'native' have the same meaning in this General Policy.

Information

Includes interpretation.

Integrated conservation management

The management of natural resources, and historical and cultural heritage, and existing or potential activities in a manner which ensures that priorities are clear and that the effects of each activity on others are considered and managed accordingly.

Intellectual property rights

Ownership of knowledge or vested interest in the ownership of knowledge.

Intrinsic value

A concept which regards the subject under consideration as having value or worth in its own right independent of any value placed on it by humans.

Kaitiakitanga

The exercise of guardianship by the tangata whenua of an area in accordance with tikanga. In relation to a resource this includes the ethic of stewardship based upon the nature of the resource itself.

Kaitiaki

Guardian.

Mana

Prestige; authority.

Marine protected area

An area of sea especially dedicated to or achieving the protection and maintenance of biodiversity at the habitat or ecosystem level, and managed through legal or other effective means.

Marine reserve

A marine area constituted as a marine reserve under the Marine Reserves Act.

Mātauranga Māori

Māori traditional knowledge.

Mauri

Essential life force, the spiritual power and distinctiveness that enables each thing to exist as itself.

Mining

Means to take, win or extract by whatever means, a mineral existing in its natural state in land, or a chemical substance from that mineral, for the purpose of obtaining the mineral or chemical substance; but does not include prospecting or exploration; and “to mine” has a corresponding meaning (Crown Minerals Act 1991).

National park values

The values outlined in section 4 of the National Parks Act 1980.

Natural

Existing in or produced by nature.

Natural character

The qualities of an area which are the result of natural processes and taken together give it a particular recognisable character. These qualities may be ecological, physical, spiritual or aesthetic in nature.

Natural quiet

Natural ambient conditions in a natural area; the sounds of nature.

Natural resources

Plants and animals of all kinds, and the air, water, and soil in or on which any plant or animal lives or may live, and landscape and landform, and geological features, and systems of interacting living organisms, and their environment, and includes any interest in a natural resource (section 2, Conservation Act 1987).

Natural state

Unmodified by human activity or introduced plants or animals.

New Zealand Biodiversity Strategy

A government-approved national strategy (2000) providing an integrated response to New Zealand’s declining indigenous biodiversity, prepared in part to meet a commitment under the Convention on Biological Diversity.

New Zealand Conservation Authority

A national body of 13 appointed members established under section 6A of the Conservation Act 1987. Amongst other functions, it has the statutory responsibility for approving General Policy for national parks, conservation management strategies and plans and national park management plans (section 6B, Conservation Act 1987 and section 18, National Parks Act 1980).

Outcome

A goal or end result of a conservation action or series of actions.

Participation

The contribution of effort, information and ideas towards the work of the Department.

Partnership

The relationship between individuals or groups that is characterised by mutual cooperation and responsibility for the achievement of a specific goal.

People and organisations

An inclusive phrase used to refer to all individuals, clubs, companies, councils and other organisations and groups, both public and private, with an interest in the policies of and actions undertaken by the Department of Conservation in relation to public conservation land and waters and species management.

Personal mobility device A device designed to transport one person, that is propelled by hand or a propulsion system with a maximum speed of 15 km per hour, and is ridden by a disabled person.

Pest

Any organism, including an animal, plant, pathogen or disease, capable or potentially capable of causing unwanted harm or posing significant risks to indigenous species, habitats and ecosystems or freshwater fisheries.

Place

An area identified in a conservation management strategy or plan for the purposes of integrated conservation management. It may include any combination of terrestrial, freshwater and marine areas and may be determined by a range of criteria including but not limited to: ecological districts, geological features, catchments, internal departmental, regional or district council or rohe/takiwā boundaries, land status, major recreation or tourism destinations, commonality of management considerations, unique management needs.

Pounamu

New Zealand greenstone, as defined in the Ngāi Tahu (Pounamu Vesting) Act 1997.

Prescribed burning

The controlled application of fire, under specified conditions, to achieve a fire of required intensity and rate of spread to attain planned management objectives.

Pou whenua

Marker pole or post.

Preservation

In relation to a resource, means the maintenance, so far as is practicable, of its intrinsic values (section 2, Conservation Act 1987).

Principles of the Treaty of Waitangi

The principles of the Treaty of Waitangi identified from time to time by the Government of New Zealand.

Private accommodation

Place to live or lodge which is not available to the general public on an open basis.

Protected areas

Terrestrial, freshwater and marine areas that are protected primarily for the purpose of the conservation of natural resources and historical and cultural heritage, using a range of legal mechanisms that provide long-term security of tenure, status or land use purpose, either privately or publicly owned.

Protection

In relation to a resource, means its maintenance, so far as is practicable, in its current state; but includes:

- (a) its restoration to some former state; and
- (b) its augmentation, enhancement, or expansion (section 2, Conservation Act 1987).

Public conservation lands and waters

Lands and water areas administered by the Department of Conservation for whatever purpose, including the natural and historic resources of those areas covered by this General Policy. Reserves administered by other agencies are not included in this definition.

Recreational freshwater fisheries

Means any freshwater fisheries where the fishing of sports fish and indigenous freshwater fish is lawfully carried out for recreational purposes.

Reserve

Reserve has the meaning given to that term in the Reserves Act 1977 and includes the following reserves: recreation, historic, scenic, nature, scientific, government purpose, local purpose (section 2, Reserves Act 1977).

Restoration

The active intervention and management of modified or degraded habitats, ecosystems, landforms and landscapes in order to restore indigenous natural character, ecological and physical processes and their cultural and visual qualities; or for historic heritage, to return a place as nearly as possible to a known earlier state.

Road

Means:

- (a) a road that is formed and maintained for vehicle use by the public;
- (b) a route that is marked by the Department for vehicle use by the public or identified in a conservation management strategy or conservation management plan for use by vehicles generally or for a particular type of vehicle (for example a bicycle) or as a vehicle parking area.

Rohe

Geographical territory of an iwi or hapū.

Site

A defined area within a wider place.

Species

A group of organisms which has evolved distinct common inheritable features and occupies a particular geographical range, and which is capable of interbreeding freely but not with members of other species.

Sports fish

Every species of freshwater fish that the Governor-General may declare to be sports fish for the purposes of the Conservation Act 1987; examples are trout and salmon.

Sports fish and game management plan

Plan approved by the Minister of Conservation under section 17M of the Conservation Act 1987.

Takiwā

Place or territory used by or associated with an iwi, hapū or whanau.

Tangata whenua

Iwi or hapū that has customary authority in a place.

Taonga

Valued resources or prized possessions held by Māori, both material and non-material. It is a broad concept that includes tangible and intangible aspects of natural and historic resources of significance to Māori, including wāhi tapu and intellectual property.

The Crown

Her Majesty the Queen acting through ministers and departments of state.

Tikanga

Māori custom, obligations and conditions.

Utilities

Includes but not limited to: structures and infrastructure for telecommunications; energy generation and transmission; sewerage; water supply and flood control; oil and gas; roads and airstrips; hydrological and weather stations.

Vehicle

Means any device that is powered by any propulsion system and moves on rollers, skids, tracks, wheels, or other means; and includes any device referred to previously from which the propulsion system has been removed; or the rollers, skids, tracks, wheels, or other means of movement have been removed; and does not include:

- (a) a pushchair or pram;
- (b) a child's toy;
- (c) a personal mobility device used by a disabled person.

Viability

The ability of a species or a community to persist over time.

Wāhi tapu

Place sacred to Māori in the traditional, spiritual, religious, ritual or mythological sense (Historic Places Act 1993).

Wetlands

Permanent or intermittently wet areas, shallow water or land-water margins. They include swamps, bogs, estuaries, braided rivers, and lake margins.

Whakapapa

Recounting of genealogical lineage; genealogy.

Whanau

Family groups.

Wild animal

Has the meaning set out in the Wild Animal Control Act 1977 and includes: possums, deer, wallabies, thar, wild goats, wild pigs, and chamois (section 2, Wild Animal Control Act 1977).

Wilderness Area

Any conservation area set aside as a Wilderness Area under section 18 of the Conservation Act 1987.

Wildlife

Any animal (as defined as in the Wildlife Act 1953) that is living in a wild state; and includes any such animal or egg or offspring of any such animal held or hatched or born in captivity, whether pursuant to an authority granted under the Wildlife Act 1953 or otherwise; but does not include wild animals subject to the Wild Animal Control Act 1977 (section 2, Wildlife Act 1953).

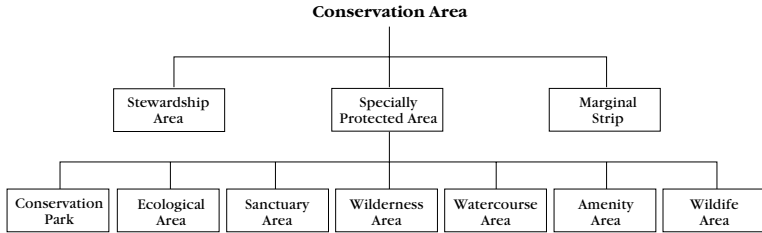
World Heritage Site

A site designated under the United Nations Educational, Scientific and Cultural Organisation (UNESCO) World Heritage Convention as being of outstanding universal value as a site of cultural or natural heritage.

Appendix 1

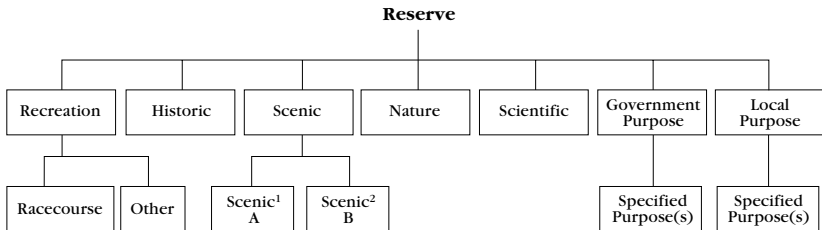
Categories of protected areas under the Conservation Act 1987, the Reserves Act 1977, and the Wildlife Act 1953.

CONSERVATION ACT 1987



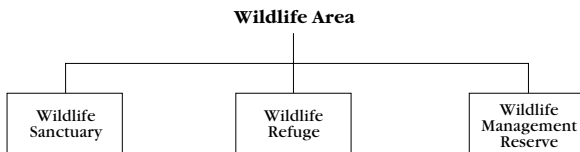
- Note: 1 A specific place may be classified as more than one type of Specially Protected Area.
 2 Wildlife Areas include Wildlife Sanctuaries, Wildlife Refuges or Wildlife Management Reserves declared under s18 of the Conservation Act. Such areas are administered under both the Conservation and Wildlife Acts.

RESERVES ACT 1977



- Note: 1 Any of these categories of reserves may also be declared to be National Reserve or Wilderness Area under s13 or s47 respectively, without changing the underlying category of reserve.
 2 Scenic Reserves Types A and B are distinguished under s19(1)(a) and s19(1)(b) of the Act respectively.
 3 Government Purpose Reserves include Wildlife Management Reserves administered under both the Reserves and Wildlife Acts.
 4 Reserves vested in or controlled and managed by an administering body are not subject to this General Policy.

WILDLIFE ACT 1953



Note: These areas are created and managed under the Wildlife Act only.

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