

FOREST & BIRD  
Pages 1-23

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IN THE HIGH COURT OF NEW ZEALAND  
WELLINGTON REGISTRY

Hearing 10/3/95  
10/3/95

CP 429/93

BETWEEN BULLER ELECTRICITY LIMITED

Plaintiff

000743

A N D

THE ATTORNEY-GENERAL sued  
in respect of the Minister of  
Conservation

Defendant

Hearing: 20 June 1995

Counsel: P.J. Radich with J.L. Johnston for plaintiff  
M.T. Parker with C.C.M. Owen for defendant

Judgment: 20 June 1995

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JUDGMENT OF DOOGUE J

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INTRODUCTION

The plaintiff in this proceeding alleges that the Minister of Conservation made a flawed decision that certain land in the Buller region is not available for a proposed Ngakawau hydro-electric scheme.

The parties have agreed that certain questions of law should be answered prior to the trial of the substantive proceeding. Those questions arise out of the decision of the Minister of 5 August 1993. That decision included the following statements:

"Before disposing of the land I must be satisfied that it is no longer required for conservation purposes."

"Furthermore I am not required by any legislation to facilitate hydro-electric development."

Excerpts namely pages  
21, 22, 47, 48, 49, 50  
61-69

Investigating the future of conservation:  
The case of stewardship land

August 2013



Parliamentary Commissioner  
for the Environment  
Te Kaitiaki Taiao a Te Winoro Paremata

DOC DM-1204530

Draft Officers Report on Hawke's Bay Regional Investment Company Limited application to Inundate Public Conservation Land

Comments: This is the DOC standard template report drafted for any notified concession application. Please note that as a draft, it represents the beginning of the Department's thinking on this matter, and was by no means the end result. Parts that are highlighted were to be investigated further, for example, we did not know who would be the decision maker on this application at this stage, so it remains blank to be filled in later. Please also note that at the point the application was put on hold, no further information request had been put to the Applicant, therefore HBRIC had not had an opportunity to respond to any of the points raised in the report.

Created 10 July 2013  
Arna Litchfield

RELEASED UNDER THE  
OFFICIAL INFORMATION ACT

04 17/8  
; 10  
to Hawke's  
concession.

DOCDM-1235251  
Internal Document - Requests for Comments – Ecosystems and Species  
3 July 2013



Printed from: <http://www.doc.govt.nz/about-doc/policies-and-plans/conservation-general-policy/6-changes-to-public-conservation-lands/> [Access keys](#) [Site map](#)

## Conservation General Policy: Conservation General Policy - 6. Changes to Public Conservation Lands

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### 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 [4.4.1](#), 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.

### Section 3.7 LAND ADMINISTRATION

The Department has a number of statutory responsibilities under the Conservation Act and Reserves Act in respect of land it administers. These actions include acquisition of land, exchanges of land, classifications of reserves, disposal of land and setting apart of land for conservation purposes. It is also required by legislation to process certain applications on behalf of clients such as local authorities. This is undertaken on a cost recovery basis and is client driven.

The Reserves, Conservation and Wildlife Acts contain provisions for the classification of lands. The purpose of protected areas classification is to ensure there is adequate control and management and appropriate levels of development and preservation for different areas managed by the Department. Protected area status can be significant in determining how an area is perceived by the public, and the level of use it receives.

The reserves classification exercise for Hawke's Bay Conservancy was undertaken by the former Department of Lands and Survey. However, there is a need to review the status of many other areas, as the existing status may not necessarily reflect their natural values. There are several large conservation areas adjoining Ruahine and Kaweka Forest Parks which the Department considers should be included in the Parks, and a number of other areas throughout the Conservancy which require investigation. Also, there are some reserves under departmental control which may be more appropriately managed through being vested in a territorial authority. Conversely there are other reserves, which are currently vested in, or controlled and managed by other authorities which may be more appropriately managed directly by the Department.

Disposal of most areas managed by the Department is subject to public notification, with many of the required approvals and consents being the responsibilities of other agencies. Departmental Land Disposal Guidelines and Procedures set out the rationale for disposal, and procedures to be followed in this process.

It is envisaged that the number of cases to formally set areas of land apart for conservation purposes will diminish over the next few years. However, it is expected that more time will be devoted to administration of protected private land agreements and covenants following the completion of stage one of the Protected Natural Areas programme for the Conservancy (see Section 3.2.2).

#### **OBJECTIVE**

**To achieve the most appropriate statutory and administrative framework for the protection of natural or historic values on lands managed by the Department.**

#### IMPLEMENTATION

- i The Department will formulate a register of potential areas for status investigation.
- ii The Department will review the status of areas under its management and proceed to appropriately alter them if necessary. This may result in a change of status to give greater protection to natural or historic values, or it may result in disposals or exchanges of lands which have low natural or historic value.
- iii The Department will ensure that reserves (including those controlled and managed by other organizations) are managed for their primary purpose.
- iv The Department will review vested reserves in the Conservancy and will endeavour to cancel the vesting if desirable in terms of protection of natural or historic values. It will also consider whether some reserves would be more appropriately vested in other authorities.
- v The Department will review all areas which are currently controlled and managed by other authorities to determine whether they may be better controlled directly by the Department.
- vi The Hawke's Bay Conservancy will, in conjunction with shared staff in Wanganui, develop an effective checking mechanism for entries in the National Land Register.
- vii All long-outstanding exchanges and allocations of land will be identified with a view to completing them. (All of these were the subject of previously negotiated agreements by the Department's parent organizations, which at that time had gone through the necessary approvals).

### 3.7.1 Implications for Specific Places in the Conservancy

The above objective and implementation provisions apply across all areas of the Conservancy. Investigations into the appropriate classification for Waitere Kiwi Conservation Area (see Section 2.3) and Stoney Creek and Tarawera Conservation Areas (See Section 2.2) are priorities, as are the proposed inclusions in the Ruahine and Kaweka Forest Parks of the numerous conservation areas surrounding them (see Section 2.1).