

# Conservation Board functions and duties – other than Conservation Act 1987

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## Crown Minerals Act 1991

[Link to Crown Minerals Act 1991](#)

### Consultation with Conservation Boards

Under section [61\(4\)](#) of the Crown Minerals Act, Schedule 4 of that Act can be amended by Order in Council made on the recommendation of the Minister of Energy and the Minister of Conservation. Before making such a recommendation the Ministers must consult, to the

extent that is reasonably practicable, having regard to all the circumstances of the particular case, those persons the Ministers have reason to believe are representative of interests likely to be substantially affected by the Order in Council or representative of some aspect of the public interest. [\(s61\(5\)\)](#). It is considered that Conservation Boards would fall into the category of “representative of some aspect of the public interest” under s61(5).

(Schedule 4 contains a list of lands for which the Minister of Conservation must not accept any application for an access arrangement or enter into any access arrangement relating to any Crown owned mineral in any Crown owned land or internal waters (as defined in section 4 of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977). [s61\(1A\)](#))

## **Crown Pastoral Land Act 1998**

[Link to Crown Pastoral Land Act 1998](#)

Consent of Minister of Conservation needed for proposed exchanges of conservation area

A substantive proposal must not designate any conservation area as land to be disposed of by way of exchange under the Conservation Act 1987 without the prior written consent of the Minister of Conservation. The Minister must not give consent unless satisfied, after consultation with the local Conservation Board, that the exchange will enhance the natural and historic resources of land managed by DOC for conservation purposes and promote the purposes of that Act. [s56](#)

## **Forests (West Coast Accord) Act 2000**

[Link to Forests \(West Coast Accord\) Act 2000](#)

Land status may be changed by declaration

The Minister of Conservation must not make a recommendation to the responsible Ministers to make a declaration under [s8\(1\)](#) for land to be:

- held under the Conservation Act 1987 for conservation purposes and any other purposes specified in the notice [\(s8\(1\)\(a\)\)](#)
- set apart as a reserve, or added to an existing reserve, and classified under the Reserves Act 1977 for any purposes specified in the notice [\(s8\(1\)\(b\)\)](#)
- added to a national park under the National Parks Act 1980 [\(s8\(1\)\(c\)\)](#)
- Crown land subject to the Land Act 1948 [\(s8\(1\)\(d\)\)](#)

except on the recommendation of the NZCA, made after consultation with the appropriate Conservation Board [\(s8\(3\)\(b\)\)](#).

Effect of change of status of land on draft West Coast conservation management strategy

If the West Coast CMS is in draft when a declaration is made under [s8\(1\)\(a\), \(b\) or \(c\)](#) changing the status of land, DOC may, after consulting with the West Coast Conservation Board, initiate a review of, or an amendment to, all or part of the most recent draft CMS. [s11\(1\)](#)

## Freedom Camping Act 2011

[Link to Freedom Camping Act 2011](#)

Freedom camping notices

[\(s17\)](#) Freedom camping notices

(1) The Director-General may, by notice published in accordance with [section 18](#) —

(a) define conservation land where freedom camping is restricted and the restrictions that apply to freedom camping on that land:

(b) define conservation land where freedom camping is prohibited.

(2) A notice may be published under subsection (1) only if—

(b) the Director-General has first consulted the Conservation Board established under section 6L of the Conservation Act 1987 that has jurisdiction over the conservation land to which the notice relates.

## Game Animal Council Act 2013

[Link to Game Animal Council Act 2013](#)

Functions of [Game Animal] Council

[\(s7\)](#) Functions of [Game Animal] Council

(1) The Council has the following functions in relation to game animals:

(g) to liaise with hunters, hunting organisations, representatives of tangata whenua, local authorities, landowners, the New Zealand Conservation Authority, conservation boards, and the Department of Conservation to improve hunting opportunities

Minister may designate herds of special interest

[\(s16\)](#) Minister may designate herds of special interest

(2) In determining whether a species of game animal is of special interest to hunters and can be managed for hunting purposes, the Minister must have regard to the advice, if any, of –

...

(f) any relevant conservation board.

#### Herd management plans

##### [\(s19\)](#) Herd management plans

(5) Before making or amending a herd management plan, the Minister must—

(d) consult—

...

(vi) any relevant conservation board.

#### Delegation of Minister's powers to Council

##### [\(s20\)](#) Delegation of Minister's powers to Council

(6) The Minister must not delegate any power under this section to the Council unless the Minister—

(a) first consults –

(iii) any conservation board having jurisdiction over land affected by the delegation.

## Local Government Official Information and Meetings Act 1987 (LGOIMA)

[Link to LGOIMA](#)

[Part 7](#) of the Act applies to Conservation Boards and is detailed further in sections [8](#) and [10](#) of the Conservation Board Manual.

## Marine Mammals Protection Act 1978

[Link to Marine Mammals Protection Act 1978](#)

#### Conservation Management Strategies (CMS)

Every CMS must establish objectives for the integrated management of marine mammals under the Marine Mammals Protection Act. Section [17F](#) of the Conservation Act 1987

applies to their preparation [\(s3C\(1\) and \(2\)\)](#). In addition, the following provisions of the Marine Mammals Protection Act also apply:

- DOC shall consult the responsible chief executive, the Secretary for Transport, and all regional councils that are affected [\(s3C\(2\)\(a\)\)](#)
- DOC shall also send a copy of the draft strategy to the responsible chief executive and the Secretary for Transport [\(s3C\(2\)\(b\)\)](#)
- Before sending the strategy to the Boards affected, DOC shall consider any comments made by the responsible chief executive, the Secretary for Transport, and all such regional councils that are affected [\(s3C\(2\)\(c\)\)](#).

#### Procedure for preparation and approval of population management plans

The Minister may from time to time approve a population management plan in respect of one or more species, being threatened species or other species of marine mammal [\(s3E\(1\)\)](#). (“Threatened species” means any marine mammal that is declared by notice under [s2\(3\)](#) to be a threatened species.)

DOC must prepare every population management plan in consultation with every Conservation Board affected by the proposal [\(s3H\(1\)\(a\)\)](#).

## Marine Reserves Act 1971

### [Marine Reserves Act 1971](#)

#### Conservation Management Strategies (CMSs)

Every CMS shall establish objectives for the integrated management of marine reserves under the Marine Reserves Act.

[Section 7\(2\)](#) provides that [s17F](#) of the Conservation Act applies to the preparation of CMSs under the Marine Reserves Act. In addition, the following provisions of the Marine Reserves Act apply:

- DOC shall consult the Director-General of Agriculture and Fisheries before notifying a draft strategy under [s17F\(a\)](#) of that Act [\(s7\(2\)\(a\)\)](#)
- As soon as practicable after the draft strategy has been prepared, the Director-General shall send a copy of the draft strategy to the Director-General of Agriculture and Fisheries, the Secretary for Transport, and all regional councils that are affected [\(s7\(2\)\(b\)\)](#)

- Before sending the draft strategy to the Conservation Boards affected, the Director-General shall consider any comments made by the Director-General of Agriculture and Fisheries, the Secretary for Transport, and such regional councils [\(s7\(2\)\(c\)\)](#)

### Conservation Management Plans (CMPs)

The purpose of a CMP under [s8\(1\)](#) of the Marine Reserves Act is to establish objectives for the management of a marine reserve or reserves.

Section [8\(2\)](#) provides that [s17E](#) of the Conservation Act (except subsections (1), (4), (6), and (7)), [17G](#), and [17N](#)) applies to the preparation of CMPs under the Marine Reserves Act, subject to the following provisions:

- In addition to the consultation required by [s17F\(a\)](#) of the Conservation Act, DOC shall also consult the Director-General of Agriculture and Fisheries, the Secretary for Transport, and all regional councils that are affected. [\(s8\(2\)\(a\)\)](#)
- In addition to the notification required by [s17F\(a\)](#) of the Conservation Act, DOC shall also send a copy of the draft CMP to the Director-General of Agriculture and Fisheries, the Secretary for Transport, and all such regional councils that are affected [\(s8\(2\)\(b\)\)](#)
- Before sending the draft CMP to the Conservation Boards affected, the Director-General shall consider any comments made by the Director-General of Agriculture and Fisheries, the Secretary for Transport, and all such regional councils that are affected [\(s8\(2\)\(c\)\)](#)

## National Parks Act 1980

[Link to National Parks Act 1980](#)

### Constitution of national parks and addition of land to national parks

The Minister must not make any recommendation under [s7\(1\)](#) except on the recommendation of the NZCA, made after consulting the appropriate Conservation Board (if any) to-

- declare that any Crown land described in the order, to be a national park
- add any such land to any park:
- declare that any foreshore described in the order shall be a national park or be added to any park:
- assign a name to any new national park or change the name of any existing national park [\(s7\(1\)\)](#)

### Acquisition of land for national parks

Where the Minister, on the recommendation of the NZCA made after consultation with the appropriate Conservation Board (if any), considers that any private land, or any easement over private land, or the interest of any lessee or licensee in any land, should be acquired by the Crown for national park purposes—

- the Minister may contract for its purchase or lease, or contract for an easement, or interest, or accept the land, easement, or interest as a gift; or
- the land, easement, or interest may be taken or otherwise acquired under the Public Works Act 1928 (repealed) as for a public work under that Act [\(s 9\(1\)\)](#).

### Specially protected areas in national parks

Before setting apart any part of a park as a specially protected area for the purposes of the National Parks Act, the Minister must consult with the appropriate Board [\(s12\(1\)\)](#).

The Minister must consult with the appropriate Board before:

- cancelling any such setting apart of any part of a park as a specially protected area; or
- altering the boundaries of any specially protected area by including or excluding any area of the park that, in the Minister's opinion, should be so included or excluded [\(s12\(1\)\)](#)

### Role of Boards relating to wilderness areas under other Acts that are constituted national park land

Where land set apart as, or declared to be, a wilderness area under the [Reserves Act 1977](#) or the [Conservation Act 1987](#) is constituted as a national park, DOC (in preparing the first management plan for the area) and the Board (in considering that plan) must consider whether or not the area should continue to be a wilderness area and whether or not any boundary adjustments should be made to the area [\(s14A\(3\)\(a\)\)](#).

### Other functions of Conservation Boards under the National Parks Act

In addition to the functions specified elsewhere in the National Parks Act or in any other Act, the functions of each Board are to recommend—

- management plans, and
- the review or amendment of such plans

for parks within the jurisdiction of the Board in accordance with [sections 45 to 47](#) of the National Parks Act [\(s30\(1\)\(a\)\)](#)

Boards also:

- consider and determine priorities for the implementation of management plans for national park; [\(s30\(1\)\(b\)\)](#)
- make recommendations to the Minister for the appointment of honorary rangers under s40 of this Act [\(s30\(1\)\(c\)\)](#)
- review and report to DOC or the NZCA as appropriate, on the effectiveness of the administration of the general policies for national parks within the jurisdiction of the Board [\(s30\(1\)\(d\)\)](#)
- give advice to DOC or the NZCA;
  - (i) on the interpretation of any management plan for a park; and
  - (ii) any proposal for the addition of land to any national park or the establishment of a new national park; and
  - (iii) on any other matter relating to any national park, within the jurisdiction of the Board [\(s.30\(1\)\(f\)\)](#).

#### Whanganui National Park only

The Board that has jurisdiction in respect of the Whanganui National Park must, in carrying out its functions—

- have regard to the spiritual, historical, and cultural significance of the Wanganui River to the Whanganui iwi; and
- seek and have regard to the advice of the Whanganui River Maori Trust Board on any matter that involves the spiritual, historical, and cultural significance of the park to the Whanganui iwi [\(s30\(2\)\)](#).

#### Amendment and review of National Park Management Plans (NPMPs)

DOC and the affected Board must amend or review the NPMP so that it takes account of increased knowledge or changing circumstances [\(s46\(1\)\)](#).

DOC and the affected Board may review a NPMP in whole or in part [\(s46\(2\)\)](#).

Every NPMP must be reviewed (and that review approved as a whole) at intervals of not more than 10 years in accordance with [s47](#) of the National Parks Act. [\(s46\(3\)\)](#).

Every amendment under [s46](#) must be made in accordance with [s47](#) (except subsection (1)) and [s48](#) of the National Parks Act (subject to section [46\(5\)](#)) [\(s46\(4\)\)](#)

Section [46\(5\)](#) provides that where DOC and the affected Board consider that an amendment of a NPMP will not materially affect:



- the objectives or policies expressed in the plan, or
- the public interest in the area concerned

the amendment must be dealt with in accordance with [s47](#) (except subsections (1) to (3)) and [s48](#).

#### Procedure for preparing and reviewing NPMPs

Before preparing or reviewing a NPMP for any park, DOC must consult the Board having jurisdiction over that park [\(s47\(1\)\)](#).

DOC must prepare every NPMP initially in draft form in consultation with the Board [\(s47\(2\)\)](#).

The Board and DOC must give every person or organisation who, or which, in making any comments after public notification under [s47\(2\)](#), asked to be heard in support of their comments a reasonable opportunity of appearing before a meeting of the representatives of the Board and DOC in support of their comments [\(s47\(3\)\)](#).

After DOC has amended a draft NPMP in the manner provided by [s47\(4\)](#), DOC must send it to the Board [\(s47\(4\)\)](#).

The Board must consider the amendments made by DOC under [s47\(4\)](#), and must either:

- send the draft back to DOC for further consideration and revision and after such consideration send the draft to the NZCA for approval; or
- send the draft to the NZCA for approval [\(s47\(5\)\)](#).

With every recommendation made under [s47\(5\)](#), the Board must also send to the NZCA:

- a summary of the comments received and a statement of the extent to which they have or have not been accepted; and
- statements of any matters relating to the management plan on which DOC and the Board have been unable to reach agreement [\(s47\(6\)\)](#).

In exercising its functions, duties, and powers under [s47](#), the Board must have regard to any relevant concessions in force [\(s47\(7\)\)](#).

Every approved NPMP must be available for public inspection during ordinary office hours, free of charge, at places decided by the Board, and at DOC's office at Wellington [\(s48 \(4\)\)](#).

## Official Information Act 1982

[Link to Official Information Act 1982](#)

Conservation Boards are listed in [Schedule 1](#) of the Act as being subject to the Act. This is detailed further in section [10](#) of the Conservation Board Manual.

## Ombudsmen Act 1975

[Link to Ombudsmen Act 1975.](#)

Public service agencies and organisations to which this Act applies

[Schedule 1](#) - Public service agencies and organisations to which this Act applies

Part 3 - Local organisations

Conservation boards

## Reserves Act 1977

[Link to Reserves Act 1977](#)

Committees

The Minister may appoint any Board to be a committee for the purposes of the Reserves Act [\(s9\(3\)\)](#).

The Board can:

- exercise on the Minister's behalf such powers and functions delegated to it under [s10](#) of the Reserves Act, or
- advise the Minister as to matters within the Minister's jurisdiction generally, or
- advise the Minister in any particular case/s or matter/s or
- advise the Minister in any particular class of cases or matters, or
- advise the Minister on the administration of any reserves or group of reserves. [\(s9\(1\)\)](#).

In the exercise of its powers, every Board appointed as a committee is under the control of the Minister [\(s9\(1\)\)](#).

Members of any committee who are not members by being officers of any Department are to be paid fees, salary, or allowances and travelling allowances and expenses in accordance

with the [Fees and Travelling Allowances Act 1951](#). The provisions of that Act apply as if the committee were a statutory Board within the meaning of that Act [\(s9\(4\)\)](#).

#### Vesting of reserves

Notwithstanding [s26\(3\)](#), the Minister is not required to publicly notify the proposed vesting where the Minister has consulted the relevant Board and Fish and Game Council, and those bodies have advised the Minister that:

- the proposed vesting does not have any adverse effects on the management of and the interest of the public in the reserve; and
- public notification is considered by them to be unnecessary [\(s26\(4\)\)](#).

#### CMPs for reserves administered by DOC

Section [40B\(8\)](#) provides that for the purposes of [s40B](#), [sections 17E](#) (except subsections (1), (4), and (6)), [17G](#), [17H](#), [17I](#), and [17N](#) of the Conservation Act 1987, with any necessary modifications, apply to management plans under [s40B](#).

## Resource Management Act 1991

[Link to Resource Management Act 1991](#)

#### Heritage Protection Authority

A local Conservation Board (a Conservation Board whose boundaries are wholly or partly in an area administered by a particular local authority) can recommend to the Minister of Conservation that the Minister be a heritage protection authority [\(s187\)](#).

A heritage protection authority may give notice to a territorial authority of its requirement for a heritage order for the purpose of protecting any place of special interest, character, intrinsic or amenity value or visual appeal, or of special significance to the tangata whenua for spiritual, cultural, or historical reasons [\(s189\)](#).

#### Advocacy and the right to be heard in courts and tribunals (under the Conservation Act)

In addition, a Conservation Board's powers under the Conservation Act include advocating its interests at any public forum or in any statutory planning process [\(s6N\(2\)\(a\)\)](#); and appearing before courts and tribunals in New Zealand and being heard on matters affecting or relating to the Board's functions. [\(s6N\(3\)\)](#). This would include Resource Management Act hearings and appearances in the Environment Court.

## Wild Animal Control Act 1977

[Wild Animal Control Act 1977](#)

Conservation Boards' responsibilities under the Wild Animal Control Act arise through their role in the preparation and implementation, review and amendment of CMSs (refer [s6M\(1\)](#) Conservation Act). Nothing in any wild animal control plan or statement of general policy under [s5](#) shall derogate from any provision in any CMS ([s5A\(1\)\(b\)](#)).

Boards can also advise the NZCA and DOC on any other conservation matter relating to any area within their jurisdiction (refer [s6M\(1\)\(d\)](#) Conservation Act). This would include wild animal control and eradication issues under this Act.

## Wildlife Act 1953

[Link to Wildlife Act 1953](#)

Procedure for preparation and approval of population management plans

DOC must prepare every population management plan in consultation with every Board affected by the proposal, and anyone else DOC considers are representative of classes of persons interested in the plan, including representatives of Māori, environmental interests, commercial interests, and recreational interests ([s14](#))

## Fiordland (Te Moana o Atawhenua) Marine Management Act 2005

[Link to Fiordland \(Te Moana o Atawhenua\) Marine Management Act 2005](#)

*(This Act only applies to Southland Conservation Board)*

Guardians may be appointed as committee under Conservation Act 1987

[\(s14\)](#) Guardians may be appointed as committee under Conservation Act 1987

(3) If the Southland Conservation Board decides to appoint a committee under [s6N\(2\)\(b\)](#) of the Conservation Act 1987, the Guardians must be appointed to that committee.

## Hauraki Gulf Marine Park Act 2000

[Link to Hauraki Gulf Marine Park Act 2000](#)

*(This Act only applies to Auckland Conservation Board)*

Auckland Conservation Board responsibilities

The responsibility of the Auckland Conservation Board under the Hauraki Gulf Marine Park Act 2000 arises also through its role in the preparation and implementation, review and amendment of CMSs. ([s6M\(1\)](#) Conservation Act)

It can also advise the NZCA and DOC on any other conservation matter relating to any area within its jurisdiction ([s6M\(1\)\(d\)](#) Conservation Act). This would include Hauraki Gulf Marine Park issues.

The Conservation Board approves conservation management plans, and the review and amendment of such plans, under the Act. ([s6M\(1\)\(b\)](#) Conservation Act.)

#### Inclusion of land in private ownership in Park

If the owner of land located in the Hauraki Gulf, its islands, or coastal area and described in [s35\(2\)](#) consents to the inclusion of that land in the Park, the Minister may, by notice in the Gazette, and after consulting the Hauraki Gulf Forum and the Conservation Board for the area where the land is located, include the land if, in the opinion of the Minister, the inclusion of that land accords with the purpose of the Park ([s35\(1\)](#)).

The Conservation Board advises the NZCA and DOC on the implementation of the CMP for the Park ([s6M\(1\)\(c\)](#)).