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Committee Ara Tahi
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Policy on use and removal of natural materials from regional parks and forests

1. Purpose

To seek feedback on a proposal for managing requests to use or remove natural materials from regional parks and forests and clarify Tangata Whenua involvement in this process.

Once feedback on the proposal has been received from Ara Tahi, a paper will be presented to the Council seeking approval of the policy.

2. Background

From time to time the Parks and Forests' Department receives requests to use or take natural materials from the lands we manage. These range from community groups wanting to take a small amount of flax for weaving, to universities conducting research, or commercial nurseries seeking seeds to grow and sell. In the past year we received 16 applications, 13 were approved, of which 1 was declined and 2 are still in progress.

While we have some policy guidelines for dealing with these requests, we need revisit our processes. The purpose of a policy on the removal of natural materials would be to:

- ensure that the activity is consistent with the relevant legislation and legal status of the land and species concerned
- ensure the continued protection of environmental, heritage and cultural values in accordance with Council policies
- provide a consistent approach to processing, assessing, and recording applications and decisions
- promote an efficient process for handling applications
- clarify delegations for decision making on applications
- provide for Tangata Whenua involvement

Over the last year officers have discussed the proposed policy with rangers within Greater Wellington and with other organisations. We have also sought input from Iwi representatives. Based on those discussions this paper suggests a policy and process for managing requests.

3. Scope of the policy

We propose this policy would cover:

- applications for the collection of plant, animal or geological materials from regional parks, forests and water collection areas
- applications to undertake research in regional parks, forests and water collection areas
- applications by Tangata Whenua to collect natural materials or carry out research in regional parks, forests and water collection areas

This policy wouldn't cover:

- management activities by Council or those acting on Council's behalf
- hunting of introduced animals
- network utility companies undertaking vegetation clearance as provided for by law
- areas/natural materials specifically planted or grown for use and removal (such as the Wainuiomata Pa Harakeke/flax collecting area or the St Bernard's Woodlot at Battle Hill).

4. Legislation and other relevant requirements

Before granting any permission for the use or removal of natural materials there are a number of requirements that must be met. Firstly, we can only consider applications for land where we are the manager (and are able to grant such a right)¹.

We must also comply with legislation relating to the land or activity. For example the Reserves Act 1977 places more restrictions on taking of materials from Scenic Reserves than Recreation Reserves. Furthermore many activities are covered by legislation administered by other agencies requiring consultation with them, or decisions to be made by them rather than Greater Wellington. Examples include:

- indigenous fauna covered under the Wildlife Act 1953
- export permits, which must be approved by the Department of Conservation, due to New Zealand's obligations on the Convention on Trade in Endangered Species
- marine mammals under the Marine Mammals Protection Act 1978

¹ For example we do not currently have the authority to issue such permission in the Northern Block of East Harbour as management authority is with Hutt City Council rather than Greater Wellington.

- fishing under the Fisheries Act 1996
- pest plants and animals under the Biosecurity Act 1993
- Crown Minerals Act 1991

An area’s management plan must be considered as they contain policies directing activities in an area, while the bylaws are used to regulate activities.

5. Proposed process

Applications would be classified as minor or major according to the factors listed in Table 1 below. An application will be considered “major” when it meets one or more of the major criteria outlined below

Table 1 - Criteria for classifying applications

Minor	Major
Insignificant effect on indigenous species, habitat or ecological values Common plants from a healthy population in the park/area Small amounts relative to the species (less than 10% of any single plant to be used/taken) Material taken has only a short term effect on individual specimen, species, habitat or ecology (e.g. will be replaced within the current/next season) Short term/one off applications <i>e.g. a small amount of flax from an area with many healthy flax bushes, low level cultural harvest</i>	Significant effect on indigenous species, habitat or ecological values Area of high ecological value (or land status places restrictions on use) Any effect on rare or endangered indigenous plants or indigenous fauna Use of invasive research or collection methods Collecting material for isolation of DNA/genetic modification Repeated use or removal Commercial use Removal of material from New Zealand <i>e.g. application to take cuttings from a rare plant or to carry out research on fauna, or move fauna</i>

We propose different processes and timeframes for minor and major applications. Minor activities would be dealt with in three days and would involve minimal staff time. Major activities may take up to four weeks depending on the application and may require consultation outside the organisation (e.g. with Department of Conservation).

Staff with expertise in ecological matters will assess the applications and the potential effects of the activity. Applications will be processed and approved by Greater Wellington staff.

Factors that would be taken into account would include:

- the legal status of the land and species concerned
- the management plan for the area
- the ecological effects (including cumulative effects) of the activity on the population, habitat and functioning of the ecosystem over time
- the availability of alternative opportunities
- any other potential effects of the activity on park values

- feedback received from any consultation undertaken

Management plans contain additional policies that will need to be taken into account when assessing applications by Tangata Whenua. The plans acknowledge the special relationships of Tangata Whenua to the lands on which parks and forests are established, and recognise and provide for the customary use of natural resources by Tangata Whenua.

6. Options for Tangata Whenua input

Based on feedback from previous applications and recent discussions a range there are three main options for Iwi participation ranging from high to low levels of input:

1. Consultation on all applications (both *major* and minor) - *this would provide for the widest possible consultation but the corresponding workload and time pressure would be high for all concerned;*
2. Consultation on major applications and information on permits granted provided to Iwi at the end of each quarter (similar to Environmental Incident Reports);
3. Consultation on major applications only - *Options 2 and 3 allow for input on more significant applications only and minimise the number of applications that Iwi would have to consider*
4. A report on permits granted only – *This would not involve consultation with Iwi but rather provision of information on requests and decisions made.*

In my previous discussions there was general support from Iwi for dealing with “major” applications only, however there was also some concern that applications considered “minor” by staff could have cultural implications that they are unaware of.

Our collective aim is to ensure that matters of cultural significance are adequately addressed whilst ensuring an efficient process and minimising the burden on Iwi, staff and applicants. Officers consider that option 2 or 3 could provide the right balance, however, we seek your feedback on the most appropriate options.

We also propose that Council staff consult directly with Tangata Whenua upon receipt of the application and direct applicants to Iwi only where necessary.

7. Feedback from Tangata Whenua to date

Key concerns raised in consultation to date relate to commercial use and exploitation of natural materials, particularly how to manage any future use of any genetic or biochemical compounds isolated and associated intellectual property issues.

It is first important to note that many of the issues raised are the responsibility of the Crown who have developed or are developing policies and process to address them. So while Greater Wellington can endeavour to manage and

control some uses, the responsibility for managing many issues will lie with the Crown.

In order to address this concern it is recommended that standard provisions are included in every permit that preclude the transfer of materials to a third party, registering of patents, and any unauthorised use of DNA (these conditions are applied by the Department of Conservation). However, while the Department prohibits any commercial use, Greater Wellington has agreed to provide for some commercial use where there is a clear public benefit (such as nurseries growing eco-sourced plants for restoration projects). Furthermore we could include requirements for information sharing to ensure that Tangata Whenua receive feedback on any findings resulting from research of interest to them.

8. Where to from here?

Once we have received feedback from Ara Tahi on the proposed approach we will develop a proposal for consideration by the Council.

9. Communication

There are no communication opportunities arising from this paper at this time.

10. Recommendations

That Ara Tahi:

1. *receive the report*
2. *notes the contents of the report*
3. *Support the proposed approach*
4. *recommend to the Council that Tangata Whenua input occurs through either:*
 - a. *Consultation on all applications (both major and minor);*
 - b. *Consultation on major applications, and information on permits granted provided to Iwi at the end of each quarter;*
 - c. *Consultation on major applications only;*
 - d. *A report on permits granted only; or*
 - e. *A process agreed between the Council and each iwi representative group.*

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