

PART 4

DISCRETIONARY ACTIONS

OVERVIEW

Introduction

While the first three parts of this Manual deal primarily with reviews of tenure of pastoral land under Part 2 or Part 3 of the CPLA, this part deals with an action under Part 1 of the Act where the Director-General is consulted.

Rights of Parties

The CCL can consent (after consultation) to the carrying out of certain activities on pastoral lease and licence land. Those activities can only be lawfully carried out by a lessee or licensee or third party with that consent.

Breach of statutory or contractual provisions

The CCL exercises a right to apply to a District Court for the examination of anything the CCL alleges to be a breach of a pastoral lease or occupation.

Protection of inherent values

The consent process may lead to the restrictive protection of inherent values through consent conditions, or refusal. Consent conditions, or refusal to consent, can be enforced.

If tenure review subsequently occurs, significant inherent values will be able to be re-assessed and considered for positive protection measures under the objects of Part 2 or Part 3 of the CPLA

In this Part

This part of the Manual covers the following topic:

Section	Topic	See Page
A	Providing comments to the CCL under the provisions of s.18 CPLA.	4-A-1

SECTION 4-A

PROVIDING COMMENTS TO THE COMMISSIONER OF CROWN LANDS UNDER SECTION 18 CPLA

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Section 4-A

PROVIDING COMMENTS TO THE COMMISSIONER OF CROWN LANDS UNDER S.18 CROWN PASTORAL LAND ACT

1. Background

1.1 The Act provides that the Commissioner of Crown Lands (CCL) must consult the Director-General of Conservation (DGC) before:

- determining whether to act under s.60(1), s.66A(1) or s.100 Land Act 1948 in relation to any **pastoral land**.
- exercising any discretion under s.66A Land Act 1948 in relation to any **pastoral land**.
- exercising any discretion under s.15 or s.16 Crown Pastoral Land Act (CPLA) in relation to any **pastoral land**.
- considering whether to grant, vary, or revoke any exemption from a stock limitation.

These actions by the CCL are called “discretionary actions” in the CPLA. In Appendix 1 you will find the details of the discretionary consent activities.

1.2 “Pastoral land” means Crown land for the time being so classified under s.51 Land Act 1948. Most pastoral land is held under pastoral leases or pastoral occupation licences and is confined to the South Island High Country.

1.3 The CCL's agent acts for the CCL in the process of consultation between the CCL and the DGC. The CCL makes the decision on a discretionary action consent, after considering the views of the DGC.

1.4 The purpose of the procedure is to outline and document the processes, standards and accountabilities that all affected DOC staff will follow when dealing with any aspect of a consultation under s.18. CPLA.

2. Process

2.1 The consultation process on an application for consent to a discretionary action is shown in the table below. Reference to the “Agent” is to the contractor carrying out the consultation process on behalf of the CCL. Reference to the “Delegatee” is to the person exercising delegated authority from the DGC to be consulted. “Officer” means the person or persons in DOC assigned by the Delegatee to report on the application.

Stage	Who Does It	What happens
1	Agent	Provides available information to DOC [See para. 9.1].
2	Delegatee	Decides whether or not sufficient information has been provided and requests information from Agent if necessary. [See appendix 6]
3	Delegatee	When satisfied that sufficient information has been provided to allow reporting, assigns the reporting responsibility to the Officer. [But see para 6.4 below]
4	Officer	Investigates the implications of the proposal in terms of the desirability of protecting inherent values for conservation reasons.
5	Officer	Prepares a report to the Delegatee and recommendations on suggestions to be made by the Delegatee to the Agent. [See Appendix 4]
6	Delegatee	Considers the Officer’s report and draft recommendations. [See para. 5 below]
7	Delegatee	Undertakes dialogue and discussion with the Agent where necessary.
8	Delegatee	Puts final views in writing to the Agent. [See Appendix 5]
9	Agent	Makes available additional relevant information (if any) that becomes available after Stage 8 and extends the consultation period if necessary.
10	Delegatee (only if Stage 9	Reviews comments/views taking into account the additional information and puts revised views to the Agent

	occurs)	(where necessary) or confirms previous views, within the extended period. Cont'd over
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Stage	Who Does It	What happens
11	Agent	Requests the Delegatee, (<u>only</u> if the CCL wishes the Agent to further consult with the Delegatee), to provide further views on the proposal.
12	Delegatee (only if Stage 11 occurs)	Undertakes any additional dialogue and discussion with the Agent (where necessary) within period agreed in each case.
13	Delegatee	Puts any further views in writing to the Agent within period agreed in each case.
14	Agent	Notifies the Delegatee of the decision, made by the CCL, on the consent application.

2.2 The **CCLs decision** is final and the Delegatee is not authorised to enter into correspondence with the CCL over it. Any DOC officer must (within 10 days) refer on to the CCL (for reply) any external questions about the decision. The DOC position on any decision must simply be that the CCL has exercised his/her discretion after considering the views of the consulted party(s). Accountability for the decision rests solely with the CCL.

3. **Matters to be considered by CCL**

3.1 In reaching a decision on a discretionary action the CCL must consider the views of any party that is consulted¹ and the protection of the Crown asset, namely the land and its associated water and soil values. He must also take into account (s.18(2) CPLA):

- the desirability of protecting specified “inherent values”
- the desirability of making it easier to use the land concerned for farming purposes.

There is no statutory Treaty of Waitangi requirement on the CCL. The DGC’s activity is not subject to s.4 Conservation Act. Information held by iwi, on inherent values, will be obtained by the CCL if s/he considers it necessary.

3.2 You will find a definition of “**Inherent values**” in appendix 2 - Part 1.

3.3 “Take into account” means to weigh one matter with others being considered and, in making a decision, effect a balance between the matters.

¹ While the CCL is obliged to consult the DGC (s.18 CPLA) he may also consult more widely.

4. Duties of the CCL in consultation

4.1 The legal duties of the CCL, in the consultation process with the DGC, arise from common law (e.g. Wellington Airport v. Air NZ). They are not specified in the CPLA.

4.2 These duties are summarised as follows:

- ensure sufficient information is available to the DGC for the DGC to be able to make intelligent and useful responses (but see para 6 below).
- seriously consider the views expressed by the DGC
- carefully weigh these views and either accept or reject them
- give a reasonable weighting to the views
- show in any decision the extent to which the DGC's views have been considered and weighed
- inform the DGC of the CCL's decision on the discretionary action consent application.

5. Duties of the Delegatee

5.1 The table below enables you to assess the views to be provided to the CCL against a set of consistent criteria. This will assist the Delegatee in meeting the four requirements specified. **The Delegatee is accountable for meeting the requirements.**

Requirement (Views)	Criteria
Relevant [see para 3 above]	<ul style="list-style-type: none">• deal with inherent values which it is desirable to protect for conservation reasons• cover likely effects of the discretionary activity• within the scope of the particular statutory provisions.
Authoritative	<ul style="list-style-type: none">• based on best practice to assess desirability of protecting inherent values for conservation reasons• based on best practice to establish likely effects of a discretionary activity (the rights applied for) on those inherent values• identify inadequate information, as a precautionary approach• inform the CCL of the date of information used (where appropriate).
Timely	<ul style="list-style-type: none">• meet the target dates in the general standard agreed between CCL and DOC (see para. 11.3)• update information where warranted• effort involved is in proportion to the significance of the likely effects of the proposed activity (on inherent values that it is desirable to protect). Cont'd over

Requirement (Views)	Criteria
Comprehensive (some criteria are applicable only where a maintenance right is discretionary - see App.1)	<ul style="list-style-type: none"> • relate to the effect of carrying out the activity that is covered by the discretionary action • relate to the effect of maintaining the activity • relate to the desirability of allowing the activity to be maintained, as a right, in the consent • include suggested restrictions or conditions to avoid, remedy or mitigate adverse effects (on inherent values that it is desirable to protect).

- 5.2 Consultation is not a negotiation. The **Delegatee** should frame views on a proposal as suggestions, or comments; with any conservation problems or difficulties, caused by the proposal, being identified. The Delegatee may propose a course of action.
- 5.3 In dealing with the Agent the **Officer** and **Delegatee** should seek creative solutions if there are any problems. The **Delegatee** should also tap into collective wisdom, minimise cost for all participants in the process, and avoid drawn-out debate that polarises opinion.
- 5.4 The **Officer** or **Delegatee** is **not** to have any **discussion with the applicant/requester** about the merits or possible outcome of a discretionary action application/request unless in support of, and when accompanied by, the Agent. The Delegatee or Officer must be careful, in any authorised dealing with the lessee or licensee, not to prejudice the CCL making his/her decision on the proposal (or on any tenure review of the property which might be being undertaken at the same time). The consideration of s.18 matters is to be divorced from any tenure review consideration, as one is not legally relevant to the other. The Delegatee or Officer should make clear to the lessee/licensee that their respective roles do not go beyond being consulted or reporting internally on the proposal. [See also para. 6.6].
- 5.5 Dialogue (between the **Delegatee/Officer** and the Agent) to uncover barriers to communication (e.g. hidden assumptions and underlying thought processes) - and discussion to evaluate ideas or proposals for specific courses of action - may be useful in the consultation process.
- 5.6 Consultation is not cost-recoverable.

6. Mutual Information Provision

- 6.1 The CCL's Agent will provide to the Department of Conservation a copy of the lessee or licensee's application² or request for consent, and any other relevant information then held by or on behalf of the CCL. The Department's expectations about information provision are set out in Appendix 6.
- 6.2 DOC will provide for itself (and the benefit of the CCL) information on those relevant matters that are listed in Appendix 3. This information will be collected as part of action at Stage 4 of the process. [See para.6.6 about field inspection.]
- 6.3 The CCL's agent (if authorised by the CCL) may seek information on inherent values from other sources. The CCL may also authorise the Agent to carry out a consultation process with other parties. Any relevant information arising will be provided to DOC at Stage 9 or earlier.
- 6.4 At Stage 2 the Delegatee may agree to proceed to Stage 3 on the understanding that further information will be sent by the Agent in sufficient time to allow the target date specified in the standard (para. 10.3) to be met. The Agent will also make available, to the Delegatee (after Stage 3) any other relevant information that becomes available.
- 6.5 At Stage 6, if the Delegatee has not received the requested further information from the Agent, the Delegatee may proceed to Stages 7 and 8. In that event, the lack of information is to be brought to the attention of the CCL through the Agent.
- 6.6 If a **field inspection** on site is necessary to obtain information, the **Officer** is to seek, **through the Agent**, the lessee/licensee's permission for entry. The Agent may arrange a joint inspection if DOC support is required in any discussion with the applicant/requester [see para. 5.4] or it is otherwise mutually advantageous.
- 6.7 If the lessee/licensee denies the Officer entry permission the Agent will deal with the CCL on the matter. The "clock stops" on the Delegatee's response time - see para 10.3.
- 6.8 The effect of the Delegatee not having sufficient information about a proposed action will be that the CCL cannot meet the requirements of s.18 of the Act. Any further action [following a situation of the kind outlined in para. 6.7] is the prerogative of the CCL. [The choice of Officer is the prerogative of the **Delegatee.**]
- 6.9 Any information gathered in the process will be "official information" for the purposes of The Official Information Act 1982.

² The proposal may be in a single application but cover more than one type of discretionary activity by the same lessee. These activities can go through the process - see the table in para. 2.1 - at the same time as each other.

7. **Legislation**

7.1 Section 18(1) CPLA (Consultation)

7.2 Section 53(2)(c) Conservation Act (Collection of information)

8. **Delegations**

8.1 The DGC has delegated his responsibilities. Each **Conservator** will nominate a Contact Officer or Officers for the Agent to send information to at Stage 1 of the process.

8.2 The general conditions and provisions of the statutory delegation apply. If, at Stage 6 or sooner, the s.18 **Delegatee** is of the opinion that the consultation should occur at a higher level of delegation, then the Delegatee must:

- (a) notify the Agent
- (b) provide the paper work to the next level.

This decision must be made by the Delegatee in time for the timeliness criteria to be met (see para. 5.1).

8.3 If the affected lease or licence is in the tenure review process the **Delegatee** should always **seek the view of the relevant High Country Tenure Review Manager** as a step at Stage 6 of the process.

8.4 The **HCTRMs are responsible** for keeping Area Managers informed of what leases and licences are undergoing review (see Section 2-B of this Manual).

9. **References**

9.1 Fraser, Tim. 1996. Re-Defining the Process and Practice of Consultation. Planning Quarterly. June.

9.2 Papers on Head Office files PAS 0002, and PAS 0041.

9.3 Wolf, Amanda. 1998. The Changing Role of the State in Public Decision-making: Consultation as Negotiation. Public Sector. Vol. 21 No.2. June.

10. Implementation

10.1 A set of step by step procedures (for all stages of this process) is not provided in this document. The steps may vary from case to case. Control is by standardised output, and the additional standards specified above and in the appendices to this SOP. There is a step by step procedure for completing the report at Stage 5 (see Appendix 4 - Part 1).

10.2 You will find the model format for the **Officer's** report in appendix 4 - Part 2. The model letter from the **Delegatee** to the Agent is in Appendix 5.

10.3 The CCL and the DGC have agreed the following **maximum target dates** for consultation over each s.18 proposal:

If	then DOC has
all the required information is provided at Stage 1	20 working days from the date of receipt from the Agent, by the contact officer nominated (see para. 9.1 above) to complete Stages 3 to 8.
there is an information deficiency at Stage 1 [but see below]	5 working days from the date of receipt by the contact officer nominated (see para. 9.1 above) to complete Stage 2 and, on receipt of the information, 20 working days from that date to complete stages 3 to 8.
at Stage 2 you agree to proceed to Stage 3 while information is being obtained (see para. 6.4 above)	20 working days from the date of giving notice to the Agent (which must be done within 5 days - as above) to complete stages 3 to 8.

10.4 If the **Delegatee** requires an extension of time s/he must negotiate one with the CCL through the Agent before the target date expires. The Delegatee should not assume that an extension will be given. The **Delegatee** is **accountable** for submitting her/his views to the Agent on time.

10.5 **Southern Region** will set up and maintain a Word template for the documents in appendices 4 and 5. **Each Conservator** will;

- keep the list of nominated officers up-dated, and changes notified to the Agent (see para. 8.1 above).
 - Set up and maintain a system for performance measurement in accordance with the Department's current standards.
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APPENDICES

APPENDIX 1: DETAILED LIST OF DISCRETIONARY CONSENT ACTIVITIES

This Appendix is divided into four parts to provide you with details about the different types of discretionary consent activity.

A lessee or licensee cannot carry out any activity under s.15 or s.16 CPLA or s.100 Land Act without the consent of the CCL. The activity must also be undertaken in accordance with any condition, direction or restriction in the consent.

1 - Activities under the Land Act 1948 (s.18(3) CPLA)

- s. 60(1) - grant of any right of way, or other easement.
- s.66A(1) - grant any person a recreation permit for commercial use (recreational, tourist, accommodation, safari or other “proper purpose”).
- s.66A(4) - deciding whether to make the granting of a recreation permit subject to surrender of any part of the land from the pastoral lease or licence to facilitate erosion - prevention measures.
- s.66A(6) - determining the terms and conditions of a recreation permit either generally or in a particular case.
- s.100 - **consent** on such terms and conditions as the CCL thinks fit, to the lessee or licensee felling, selling, or removing any timber, tree or bush growing, standing, or lying on the land in the pastoral lease or licence or **approving** of such timber, tree or bush being destroyed or burned.
(**Exception** - any timber or trees required for any agricultural, pastoral, household, road-making or building purpose on the land in the lease or licence or that has been **planted** or **purchased** by the lessee or licensee).

2 - Discretionary Activities Under s.15 CPLA

- s.15(1) - the burning of any vegetation on the land, whether felled or not. “Vegetation” does not include timber (see s.15(3) CPLA) and note the s.100 Land Act provision in ‘1’ above.
- s.15(2) - enter into an agreement for “fire control” under s.14(2) Forest and Rural Fires Act 1997 with a Fire Authority et al.

3 - Discretionary Activities Under s.16 CPLA

s.16(1) - The discretionary actions under s.16 are collectively called “activities affecting or disturbing the soil”. They are:

- clearing or felling any bush or scrub
- cropping, cultivating, draining or ploughing
- top-dressing
- sowing with seed
- planting any tree or trees
- forming any path, road, or track
- any other activity affecting or involving or causing disturbance to the soil³

s.16(3) - There is a presumption, with consent to some of the above activities, that there will be a conditional right to undertake ongoing maintenance. It affects:

- drainage works
- top-dressing to maintain the pasture created or enhanced
- sowing with seed to maintain the pasture created or enhanced
- works associated with road, paths or tracks

The CCL may expressly withhold the right to maintain.

s.16(4) - There is a presumption, with consent to crop, cultivate or plough that, on termination of the lease or licence, the land will be laid down in good permanent pasture.

4 - Discretionary Activities under s.18(3)(c) CPLA

s.18(3) - These actions are the granting, variation or revocation or exemption from stock limitations.

Stock limitations are dealt with in s.9 CPLA.

³ There is an automatic conditional right to undertake ongoing maintenance of anything constructed or formed as “any other activity”.

APPENDIX 2 MEANING OF INHERENT VALUES - PART 1 STATUTORY AND RELATED DEFINITIONS

1. “Inherent values” are defined in the Act as follows, in relation to any land:

a value arising from -

- (a) a cultural, ecological, historical, [recreational], or scientific attribute or characteristic of a **natural resource** in, on, forming part of, or existing by virtue of the conformation of, the land; or
- (b) a cultural, historical [recreational], or scientific attribute or characteristic of a **historic place** on or forming part of the land.

2. For the purposes of discretionary actions “attributes and characteristic of a **recreational** value only” must not be considered by the CCL and are therefore not relevant in the consultation.

3. In the context of s.18 of the Act it is only the inherent values of “**the land concerned**” (i.e. affected by the proposed discretionary action) which are relevant.

4. **Natural resources** means -

- (a) Plants and animals of all kinds; and
- (b) The air, water, and soil in or on which any plant or animal lives or may live; and
- (c) Landscape and landform; and
- (d) Geological features; and
- (e) Ecosystems

Note that the CCL has, in particular, to consider the desirability of protecting the inherent values of indigenous plants and animals, and natural ecosystems and landscapes. Other inherent values of natural resources (and historic places) are a less special consideration (cf. s.18(2)(a) CPLA).

5. An **historic place** means -

- (a) (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
- (b) Includes anything that is in or fixed to any such land.

Note that an “archaeological site” is not defined in the CPLA. It is commonly regarded as meaning any place that -

- (a) was associated with human activity that occurred before 1900; and
- (b) may be able (through investigation by archaeological methods) to provide evidence relating to the history of New Zealand.
c.f. s.2 Historic Places Act 1993.

“Archaeological methods” involve study, usually by excavation.

6. Other terms are assumed to have their normal dictionary meanings, as follows:

a **value - qualities** which have worth or utility or desirability.⁴

a **characteristic** - a trait, mark or **quality** which is typical or distinctive.

an **attribute** - a characteristic **quality** ascribed to a thing.

a **quality** - degree of excellence, relative nature or kind of character.

desirability - the worthiness of protecting the inherent value in question;

protection - keep safe or defend against harm.

7. These definitions have been used to derive a **list of inherent values which the Department of conservation considers (for the purposes of s.18) it is desirable to protect for conservation reasons.** This list is set out in Part 2 of this appendix.

⁴ The Department of Conservation’s interests are in those qualities which have worth or utility or desirability for “conservation” i.e., the preservation and protection of natural and historic resources for the purpose of maintaining their intrinsic values, and safeguarding the options of future generations.

APPENDIX 2: MEANING OF INHERENT VALUES - PART 2: LIST OF INHERENT VALUES WHICH THE DEPARTMENT OF CONSERVATION CONSIDERS IT IS DESIRABLE TO PROTECT FOR CONSERVATION REASONS

1. This table is provided as a checklist of “conservation values” derived from the definition in Part 1 of this appendix.
2. Where any of these values occur on “the land concerned” the advocacy to the CCL of their protection will be considered on the merits of the case [see Appendix 3 para.4].

Resource	Inherent Value
Indigenous plant/animal populations	<ul style="list-style-type: none"> • habitat of threatened species (including those which are regionally threatened). • type locality or habitat of species and communities which are at their distributional limits and/or endemic to or which have specialised habitat requirements in the High Country. • key breeding or feeding site of fully protected wildlife or sites which are important for other life-cycle stages. • habitat of species which are uncommon and/or endemic in the ecological district. • site of special wildlife significance ranking as “outstanding” to “moderate/high”.
Natural ecosystems	<ul style="list-style-type: none"> • area which currently meets the PNAP criteria as priority natural area. • wetland of ecological and representative importance included in the WERI inventory. • community or ecosystem which is uncommon and/or endemic in the ecological district. • site which supports species that contribute in an important way to the functioning of an ecosystem. • area which makes a special contribution to the overall quality, natural functioning and integrity of an

	ecosystem (e.g. linkages, buffers, etc.)
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Resource	Inherent Value
Natural landscapes	<ul style="list-style-type: none">• area which alone or collectively sustains the special natural quality and integrity of the High Country landscape, especially the indigenous component.• area which sustains the most culturally valued attributes, and their context within a High Country landscape.
Landform/Geological Features	<ul style="list-style-type: none">• threatened and special geo-physical feature of international, national or regional importance.• place which is of scientific, educational or other special interest.
Archaeological sites/ Heritage Structures and Features etc.	<ul style="list-style-type: none">• places which reflect noteworthy and representative aspects of human activities in the High Country.• place associated with noteworthy events, persons and ideas in the High Country.• place having the potential to provide important knowledge of human activities in the High Country.• place forming a significant part of the wider key historic/cultural complexes of the High Country.

APPENDIX 3: INFORMATION TO BE PROVIDED BY THE DEPARTMENT OF CONSERVATION

1. For the purpose of this process it is assumed that DOC is the expert on the identification of **those inherent values which have worth or utility or desirability for conservation reasons**. i.e., “conservation values” [see Appendix 2 - Part 2]
2. The Department will therefore identify such conservation values, for the process, under the provisions of s.53 Conservation Act, at its own expense.
3. The information will cover the following:
 - (a) Natural Resources -
 - (i) Conservation values which are associated with:
 - indigenous plants
 - indigenous animals
 - natural ecosystems
 - natural landscape

These values will be given particular consideration for identification.
 - (ii) Other conservation values which are associated with:
 - land form
 - geological features
 - soils
 - (b) Historic place -

Conservation values which are associated with:

 - archaeological sites (scientific attributes/characteristics)
 - heritage structures or features
4. The Department will not identify conservation values where their importance is so low that their protection is not desirable in the context of s.18(2) CPLA.

Note: Inherent values arising from Maori cultural attributes or characteristics of a natural resource or historic place are best obtained by the CCL from the tangata whenua. Sites of particular cultural, spiritual,

historic, and traditional association of Ngai Tahu are listed in Schedules to the Ngai Tahu Claims Settlement Act 1998. They may be relevant to a proposal within the Ngai Tahu takiwa.

APPENDIX 4 SPECIFICATION FOR PROVIDING INFORMATION TO THE DELEGATEE - PART 1: REPORTING PROCEDURE: HOW TO COMPLETE THE STANDARD REPORT ON A DISCRETIONARY ACTION PROPOSAL.

Follow all the applicable steps of this procedure, after you have completed Stage 4 of the Process, if in your opinion there are conservation values in the affected area which it is desirable to protect.

Step	Action	
1	Access the Word template	
2	Enter date, file reference, name of the Delegatee and the heading; then go to the first blank box on the left in the Attachment A table referred to in para. '1' of the report template.	
3	<p>Does the land affected have [indigenous plant or animal population(s)] which it is desirable to protect for conservation reasons?</p> <p>If <u>yes</u>, go to Step 4</p> <p>If <u>no</u>, go to Step 9</p> <p>NB. It is not intended that all values are reported on - see App.3; nor all resources unless they have conservation values which it is desirable to protect.</p>	
4	Tab to next box on the right and describe the qualities of the listed resource in terms of cultural, ecological, historical or scientific (as appropriate) attributes/ characteristics.	
5	<p>Tab to next box on the right and describe or label the conservation value(s) which arise from the listed attributes/characteristics.</p> <p>NB. It/they are the reason why protection is desirable. (See Appendix 2: Part 2)</p>	
6	<p>Will the proposed activity (or its maintenance) have adverse effect(s) on the listed conservation value(s) which you can identify and quantify? [Assume no conditions on the consent].</p> <p>If <u>no</u>, go to Step 7</p> <p>If <u>yes</u>, go to Step 8</p> <p>NB. If both situations apply complete 7 & 8. If the report covers more than one activity apply this step to each activity.</p>	
7	If you consider	then
	there will be no adverse effects	enter "None"
	there will be adverse effect(s) but you cannot measure it/them	describe the type of effect(s) and add: "The level of impact cannot be assessed"

	on present information available”
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Cont'd over

Step	Action	
7 cont'd	If you consider	then
	you cannot say there will be no adverse effects but you cannot identify the adverse effects with certainty	enter: "Not known on the basis of information at present available"
8	Describe and enter the adverse effect(s) and how you have quantified it/them. NB. Differentiate between different activities if you are dealing with more than one in the report.	
9	Repeat steps 3-8 (each time substituting the next resource item on the 8-item list in the left hand column each time) until you reach the end of the list. NB. This completes Attachment A of the report template.	
10	Go to paragraph '2' of the report template.	
11	Does the standard wording need to be modified? If <u>yes</u> , go to Step 12 If <u>no</u> , go to Step 13	
12	List the deficiencies in the department's information on conservation values or other matters (e.g. see para. 6.5 of the SOP).	
13	Go to paragraph '3' of the report template.	
14	Have you listed any adverse effects in the preceding steps? If <u>yes</u> , go to Step 15 If <u>no</u> , go to Step 20	
15	Make a draft list of conditions which would result in the listed adverse effects (in each case) being avoided, remedied or mitigated if conditional consent is given. NB. If the report covers more than one activity apply this step to each activity. All conditions should be expressed clearly and be certain (i.e. not rely on some future action where the CCL/lessee/licensee will not be able to anticipate the outcome).	
16	Are the conditions reasonable, given the provisions of s.18 CPLA? If <u>yes</u> , go to Step 19 If <u>no</u> , go to Step 18	

Cont'd over

Step	Action	
17	<p>Can all the conditions be made reasonable and still achieve the result of adequately - avoiding or remedying or mitigating the adverse effects of the activity? If <u>yes</u>, go to Step 19 If <u>no</u>, go to Step 18 NB. If the report covers more than one activity apply this step to each activity.</p>	
18	<p>Substitute this statement for the standard one in para '3': "In my opinion any conditions which would result in avoiding or remedying or mitigating some/all of the adverse affects of the proposed activity(s) would be unreasonable to impose." NB. If the report covers more than one activity specify which activity(s) this applies to.</p>	
19	<p>Refine the conditions and enter them in paragraph '3' of the report template.</p>	
20	<p>Go to para. '4' of the report template.</p>	
21	<p>Is old resource data being used which has not been re-verified on the ground at Stage 4 of the process? If <u>yes</u>, go to Step 22 If <u>no</u>, enter "Not applicable" in para '4' go to Step 23</p>	
22	<p>Enter details of data source and the date information was obtained (e.g. date of field survey).</p>	
23	<p>Go to para. '7' of the report template. (Recommendations)</p>	
24	If	then recommend
	protection can be achieved without conditions	accordingly
	protection can be achieved with reasonable conditions	choose recommendation (i)
	none of the above	choose recommendation (ii)
<p>NB. If the report covers more than one activity you need to repeat this step for each activity.</p>		
25	<p>Complete recommendations 5.2 and/or 5.3 if applicable.</p>	
26	<p>Enter name and position of Officer completing the report.</p>	
27	<p>Prepare and incorporate any additional information, you choose, as further</p>	

	attachments.
--	--------------

Step	Action
28	Place a signed, paper copy of the report on the appropriate DOC file for your office.
29	Send a copy of the report to the Delegatee. NB. You may have discussed the report with the Delegatee before preparing it or while it is still in draft.
	END of Stage 5

Additional Notes:

- You may wish to amplify the desirability of protecting inherent values (Step 27). If you consider this would help the CCL, in the weighting of the Delegatee’s views in the consultation, then you may include additional information as an attachment to the report.
- Additional information may include reference to scientific papers or other authoritative sources.
- If you believe there **are no inherent values** (for conservation reasons) which it is desirable to protect - your report should recommend: “Suggest to the CCL that there are no inherent values that it is desirable to protect for conservation reasons which will be affected by consent to the above application.”
- You may need to elaborate in your report on why you have drawn the conclusions referred to in the previous bullet point.

APPENDIX 4 SPECIFICATION FOR PROVIDING INFORMATION TO THE DELEGATEE - PART 2: STANDARD REPORT ON A DISCRETIONARY

ACTION PROPOSAL

[Date/file ref.]

To: [Name of Delegatee]

[Heading]

REPORT ON [State type of activity(s)] APPLICATION/REQUEST DATED [insert date] ON [state name of Run/Lease/Licence]

1. **Inherent Values Arising from Natural & Historic Resources which it is Desirable to Protect for Conservation Reasons.**

The table in attachment A shows these values and any adverse effects which the proposal may have on them.

2. **Deficiencies In Information About Inherent Values**

[If the report is based solely on information DOC has agreed to provide:] This report is based solely on information about inherent values which it is desirable to protect for conservation reasons. The Department does not have any information on other inherent values. [If there are deficiencies in the Department's own information base then these should be stated. See also para. 6.5 of the procedure.]

3. **Avoiding, Remediating or Mitigating Adverse Effects** [if applicable]

If the consent to [specify the activity] is made subject to the following conditions the adverse effects listed in Attachment A will be sufficiently avoided, remedied or mitigated:

[describe in bullet points any reasonable conditions/restrictions you consider would have that result; differentiate - where appropriate - between the initial activity and its maintenance. Repeat for each activity if more than one].

4. **Date of Resource Data** [Optional]

[if *old* data is being used which has not been verified on the ground this is to be stated]

5. **Recommendations**

That the Delegatee: [recommend for each activity if more than one].

[Either]

- 5.1 Option (i) Advise the CCL that the above application/request be consented to conditionally to avoid adverse effects on inherent values that it is desirable to protect for conservation reasons.

[or]

Cont'd over

Option (ii) Advise the CCL that if s/he gives consent to the above application/request, there will be adverse effects on the desirability of protecting inherent values for conservation reasons. Suggest that those effects cannot be avoided, remedied or mitigated by conditions or restrictions

5.2 [Optional] Notify the CCL that there are the following information deficiencies for a full consultation [specify].

5.3 [Optional] Notify the CCL that the following problems or difficulties will occur if s/he gives consent [specify in terms of the desirability of protecting inherent values for conservation reasons].

[Name and position of author]

Notes: The CPLA requires a new way of resource assessment. Formatted reporting is necessary so that statutory compliance can be demonstrated. The CCL cannot take into account matters which are irrelevant for the purposes of s.18.

Resource	Attribute/Characteristic (cultural, ecological, historical, scientific)	Inherent Values (Conservation)	Adverse Effects (quantify and number sequentially)
Indigenous plant and animal populations			
Natural Ecosystems			
Natural Landscapes			
Landform			
Geological Features			
Soils			
Archaeological Sites			
Heritage			

APPENDIX 5 : STANDARD LETTER TO CCL'S AGENT WHERE PROTECTION OF INHERENT VALUES IS CONSIDERED DESIRABLE FOR CONSERVATION REASONS

This is the standard format to be used by the Delegatee, in providing an output from Stage 8 of the process, where the protection of inherent values is considered by the Delegatee to be desirable for conservation reasons. The Delegatee must meet the applicable standards set out in the table in Para. 5 of the procedure.

Otherwise the letter simply needs to say :

“In my view there are no inherent values, which it is desirable to protect for conservation reasons, that will be adversely affected by the proposal”.

[Date/file ref]

[Name and address of CCL's agent]

Dear [specify name]

[Heading]

SUBMISSION OF VIEWS ON [state type of discretionary action] APPLICATION/REQUEST
DATED [insert date] ON [state name of Lease/Licence]

This response to your request [put in the date if you wish] is made under delegated authority from the Director-General of Conservation and applies to the following activity(s):

[Insert]

In my opinion it is desirable to protect (for conservation reasons) a number of inherent values which occur in the area affected by the proposed discretionary action(s). These values are outlined in the attachment to this letter.

[Use the same table format as in Appendix 4]

[Optional] The likely adverse effects of the proposed discretionary action(s) are also shown in the attachment.

[Optional] Special reasons why protection is desirable are set out in the second attachment to this letter.

[Choose (a) or (b) below - deal separately with and name each activity again if there is more than one]

- (a) I consider the following conditions or restrictions (in any consent to the discretionary action) would be reasonable and, if made by the CCL, will avoid, remedy or mitigate all the adverse effects.

[List the conditions/restrictions by bullet point] [OR]

- (b) I consider that the setting of any reasonable conditions or restrictions by the CCL will not sufficiently avoid, remedy or mitigate the adverse effects of the proposal. Accordingly I advise that consent be declined.

At the time of writing this letter the Department only had available the following information about inherent values:

- the application/request dated [insert]
- the standard information prepared under s.53 Conservation Act (see attachment A).
- [specify if any]

Please convey these views to the Commissioner so that they may be considered in the decision-making process.

Yours faithfully

[Name and job title]

Notes:

- If any information, used in the report on the proposal, is dated and not verified in the field then the Agent is to be notified. Add a statement in the above standard letter.
- If you have other relevant suggestions or comments which the CCL needs to be aware of they may be added to the standard letter.
- The Delegatee is responsible for determining what information in the Officer's report is brought forward - amended or not - into the letter to the Agent.

APPENDIX 6 : THE DEPARTMENT'S BASIC INFORMATION REQUIREMENTS ON A DISCRETIONARY ACTION PROPOSAL

- 1 To facilitate Stages 1-3 of the process (see pg. 4-A-2) the Department has provided the CCL with the following statement of expectation about information the Agent will provide on each proposal:
 - the type of discretionary action/activity(s)
 - location and boundaries of the land which will be affected by the proposal¹
 - copy of any written application/request and other relevant information held in the CCL's records by the agent
 - notice of whether or not the Agent intends inspecting/wants a joint inspection
 - notice of any particular urgency
 - name of the Agent's contact consultant in the field.
2. The Department expects this information to be provided at Stage 1.
3. If the above information requirement is met it would be unusual to take the action set out in Stage 2 of the process.
4. Stage 2 (if needed) can be handled on the telephone (with a file note) or by Internet email (with paper copy for file) or by fax (kept on file).

1 Usually this will involve accurate illustration on a suitable map which is clear enough to enable a determination of what land will be affected. This will assist a decision about whether an inspection will be necessary or not and support the inspection if it is needed.

PART 5 GENERAL APPENDICES

GLOSSARY

1. The following terms are extracted from Section 2 of the CPLA. Where those terms occur in the Manual they are used with the same meaning. However, it is prudent to check the current Act where the meaning is crucial to a decision.

"Approved plan" means a plan returned to the Commissioner under section 63 (whether directly, or by virtue of its application by section 90):

"Chief Surveyor"--

- (a) Means a person for the time being appointed under section 9 of the Survey Act 1986; and includes the deputy of a Chief Surveyor; and
- (b) In relation to any land, or any subject-matter affecting any land, means the Chief Surveyor of the land district (constituted under section 22 of the Land Act 1948) in which the land is situated:

"Concession" means--

- (a) Concession granted directly under Part IIIB of the Conservation Act 1987; or
- (b) Concession granted under Part IIIB of the Conservation Act 1987 by virtue of section 59A of the Reserves Act 1977; or
- (c) Lease under section 73 of the Reserves Act 1977 granted, by virtue of subsection (3A) (b) of that section, under Part IIIB of the Conservation Act 1987:

"Concession designation" means an element of a substantive proposal--

- (a) Designating any land as land to be restored to or retained in Crown control as conservation area or reserve, subject to the granting of a concession; or
- (b) Designating any conservation area or reserve as land to remain conservation area or reserve subject to the granting of a concession:

"Conservation area" has the meaning given to that term by section 2(1) of the Conservation Act 1987:

"Crown land" has the meaning given to that term by section 2 of the Land Act 1948:

"Crown ownership" includes Crown control and full Crown ownership and control:

"Cultivation" includes drainage, felling bush, clearing land for cropping, and clearing and ploughing land for and laying it down for or with pasture:

"Ecosystem" means a system of interacting living organisms and their environment:

"Grazing permit" means permit under section 68A of the Land Act 1948:

"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

(b) Includes anything that is in or fixed to any such land:

"Holder", in relation to a reviewable instrument, means lessee or licensee under it:

"Holder's improvement", in relation to an occupation licence,--

(a) Subject to paragraph (b), means improvement on the land effected, erected, made, or paid for by the holder or any predecessor of the holder; but

(b) Does not include improvement effected by doing (before or after the commencement of this Act) any thing specified in section 16 (1):

"Inherent value", in relation to any land, means a value arising from--

(a) A cultural, ecological, historical, recreational, or scientific attribute or characteristic of a natural resource in, on, forming part of, or existing by virtue of the conformation of, the land; or

(b) A cultural, historical, recreational, or scientific attribute or characteristic of a historic place on or forming part of the land:

"The land", in relation to a reviewable instrument, means all land held under it:

"Marginal strip" means any strip of land reserved or deemed to be reserved under section 24 or section 24E (3) or section 24G of the Conservation Act 1987 for the purposes specified in section 24C of that Act; and includes part of a marginal strip:

"Natural resources" means--

- (a) Plants and animals of all kinds; and
- (b) The air, water, and soil in or on which any plant or animal lives or may live; and
- (c) Landscape and landform; and
- (d) Geological features; and
- (e) Ecosystems;--

and "natural resource" has a corresponding meaning:

"Neighbouring" includes adjacent:

"Occupation licence" means licence granted under section 66AA of the Land Act 1948 or section 14 (7) of this Act:

"Pastoral land" means Crown land for the time being so classified under section 51 of the Land Act 1948:

"Proposed activity", in relation to a proposed concession, means activity proposed to be carried out under the concession:

"Proposed facility", in relation to a proposed concession, means structure or facility proposed for or in relation to the concession:

"Protective mechanism" means--

- (a) Easement under section 12 of the Reserves Act 1977, section 7 (2) of the Conservation Act 1987, or section 8 of the New Zealand Walkways Act 1990; or
- (b) Covenant under section 22 of the Queen Elizabeth the Second National Trust Act 1977, section 77 of the Reserves Act 1977, section 27 of the Conservation Act 1987, or section 6 of the Historic Places Act 1993; or
- (c) Sustainable management covenant:

"Renewable lease" means renewable lease as defined in--

- (a) Section 63 of the Land Act 1948; or
- (b) The corresponding provisions of any Act repealed by that Act; or
- (c) The corresponding provisions of any Act relating to the disposal of Crown land repealed before 1 April 1949:

"Reserve" means land vested in the Crown that is or is part of a reserve within the meaning of section 2 (1) of the Reserves Act 1977:

"Reviewable instrument" means instrument that is a reviewable lease or an occupation licence:

"Reviewable land" means land that--

- (a) Is held under a reviewable instrument; or
- (b) Is pastoral land not for the time being held under a reviewable instrument:

"Reviewable lease" means lease under section 66 (1) or section 67 of the Land Act 1948; but does not include--

- (a) A lease over land all of which has been vested in a State enterprise under the State-Owned Enterprises Act 1986; or
- (b) A lease under section 67 of the Land Act 1948 over land all of which is conservation area or reserve:

"Significant inherent value", in relation to any land, means inherent value of such importance, nature, quality, or rarity that the land deserves the protection of management under the Reserves Act 1977 or the Conservation Act 1987:

"Sowing" includes oversowing, and direct-drilling; and "sow" has a corresponding meaning:

"Special lease" means lease under section 67 (2) of the Land Act 1948:

"Specified", in relation to a concession, lease, or permit referred to in a proposal, means on terms specified in the proposal:

"Specified person", in relation to a proposal, means person specified in the proposal:

"Stock limitation" means--

- (a) Restriction under section 66 (2) of the Land Act 1948 subject to which a pastoral lease was granted before 30 November 1979; or
- (b) Restriction under section 66 (3) of the Land Act 1948 subject to which a pastoral lease was granted after 29 November 1979:

"Sustainable management covenant" means a covenant reserved under section 97 (1):

"Undertake" includes cause to be undertaken:

"Unrenewable occupation licence" means occupation licence that is--

- (a) An occupation licence granted under section 66AA of the Land Act 1948 in respect of which the Commissioner has decided, under section 14 (4) of this Act, that the Commissioner is not satisfied that the land should continue to be held under occupation licence for any period after the expiry of the existing licence; or
- (b) An occupation licence granted under section 66AA of the Land Act 1948 to the holder of which the Commissioner has made an offer, of a further occupation licence of the land under section 14 (5) of this Act, that was not accepted before the day specified in it; or
- (c) An occupation licence granted under section 14 (7):

"Unused Crown land" means Crown land not held under a lease, licence, or permit:

2. The following is a glossary of acronyms or other terms used in the Manual which are not defined elsewhere:

Agent	-	the contractor carrying out the process on behalf of the CCL.
CCL	-	the Commissioner of Crown Lands (in LINZ)
CPLA	-	Crown Pastoral Land Act 1998
CRM	-	the person holding the position in DOC of community relations manager in the conservancy in which the land lies.
Delegatee	-	the person in DOC exercising the statutory power for the action concerned (in the Area or Conservancy or Region in which the

land lies; or, if exercised by the HCTRM, the relevant HCTRM).

- DGC - Director-General of Conservation
- DOC - Department of Conservation
- Gazette - a weekly publication by the Department of Internal Affairs. It is authoritative and the existence of contents do not need proof. Under Acts Interpretation Act it had statutory authority.
- HCTRM - the person holding the position in DOC of High Country Tenure Review Manager in Dunedin (Otago, West Coast and Southland Conservancies) or Christchurch (Canterbury, and Nelson/Marlborough Conservancies).
- LINZ - Land Information New Zealand
- Officer - is the person or persons in DOC assigned to take the action if not otherwise specified to a particular position.
- RGM - Regional General Manager (in DOC)
- SLM - the person or persons holding the position in DOC of Statutory Land Management Officer in the conservancy in which the land lies and undertaking work on the instruction of the CRM.
- Tenure Review - The process carried out under Part 2 of the CPLA (sometimes used collectively in the Manual to cover Part 2 and Part 3 CPLA reviews).

APPENDIX 5.2 MODEL CONSERVATION COVENANTS

In this appendix you will find a copy of the model conservation covenants used by the Department under the Reserves Act and Conservation Act.

Refer to procedure 2-D of this Manual.

APPENDIX 5.3 MODEL EASEMENTS FOR PUBLIC ACCESS

In this appendix you will find a copy of the model easements used by the Department for interests in land acquired under the Reserves Act and Conservation Act or the NZ Walkways Act.

Refer to procedure 2-D of this Manual.

APPENDIX 5.4 DELEGATIONS UNDER CPLA

In this appendix you will find a copy of the statutory delegations of powers by the Director-General of Conservation and the Minister of Conservation.

Statutory references are given for each action in the relevant procedure concerned in Part 2, Part 3 or Part 4 of this Manual.

CROWN PASTORAL LAND ACT 1998

SCHEDULE

In this Schedule that sets out the Delegations the “X” column shows from whom the power, function or duty originates; that is, either the Minister (“M”) or the Director-General (“D”). The “O” column is reserved.

Definitions

- AM - means Area Manager
- HCTR - means High Country Tenure Review Manager, Otago and Canterbury
- C - means Conservator
- RGM - means Regional General Manager

<u>SECTION</u>	<u>SUMMARY OF POWERS</u>	<u>LIMITATION OF POWERS</u>	<u>O</u>	<u>X</u>	<u>DELEGATION</u>
18	Be consulted by the Commissioner over any action specified in s.18(3) for a discretionary action			D	RGM, C, HCTR, AM
26(1) to (3)	Be consulted by the Commissioner over any action specified in s.26(3)			D	RGM, C, HCTR
31	Give or decline to give prior written agreement to the Commissioner’s including in a review of land that is, or includes, land held under a reviewable lease, any neighbouring conservation area or reserve.			M	RGM, C
41(1)	Give or decline to give prior written provisional consent to preliminary proposals providing for any matter specified in s.41(1)(a) to (h).			M	RGM, C
41(2)	Decide whether to be satisfied that it is reasonably likely that the Minister would consent to a substantive proposal containing the designation.			M	RGM, C

<u>SECTION</u>	<u>SUMMARY OF POWERS</u>	<u>LIMITATION OF POWERS</u>	<u>O</u>	<u>X</u>	<u>DELEGATION</u>
48 (a), (b)	Give or decline to give prior written consent for substantive proposal as land to be restored to or retained in Crown control as a conservation area or a reserve, subject to the granting of a concession or to designate any conservation area or reserve as land to remain conservation area or a reserve, subject to the granting of a concession.			M	RGM, C
50	Be satisfied as to whether, in terms of s.51, it is both appropriate to grant a concession (of the type specified in s.50) and lawful to grant it and, if not so satisfied, refuse consent to a substantive proposal to designate land in the manner specified by s.50.			M	RGM, C
51(1)	Be satisfied as to whether the granting of a concession would not comply with or be inconsistent with the provisions of the Reserves Act 1977 or the Conservation Act or any CMS or CMP and, if so satisfied, refuse consent to a substantive proposal containing a designation.			M	RGM, C
51(2)	Have regard to matters specified in section 51(2).			M	RGM, C
51(3)(a)	Consider whether information available to Minister is insufficient or inadequate to enable the Minister to assess effects of any activity proposed to be carried on, or facility proposed, under the concession contained in a substantive proposal.			M	RGM, C

<u>SECTION</u>	<u>SUMMARY OF POWERS</u>	<u>LIMITATION OF POWERS</u>	<u>O</u>	<u>X</u>	<u>DELEGATION</u>
51(3)(b)	Consider whether there are no adequate methods or no reasonable methods for remedying, avoiding or mitigating the adverse effects of any activity proposed to be carried on, or facility proposed, under the concession contained in a substantive proposal.			M	RGM, C
51(5)(a)	Be satisfied as to whether any of the activities proposed to be carried on under the concession could reasonably be undertaken in another location of the type specified in s.51(5)(a).			M	RGM, C
51(7)	Be satisfied as to whether exclusive possession of the land concerned in a concession designation is necessary for any of the purposes referred to in s.51(7).			M	RGM, C
52(1)	<ul style="list-style-type: none"> • Decide whether to refuse consent to a substantive proposal containing a concession designation relating to land that is or is to become a marginal strip. • Be satisfied as to whether it is more appropriate to enter into agreement or arrangement under s.24H Conservation Act. 			M	RGM, C
52(3)	Be satisfied as to whether or not the matters specified in 52(3) (a) to (c) are met.			M	RGM, C
53	Be satisfied as to whether the concession concerned will be granted subject to conditions appropriate for any proposed activity or facility.			M	RGM, C

<u>SECTION</u>	<u>SUMMARY OF POWERS</u>	<u>LIMITATION OF POWERS</u>	<u>O</u>	<u>X</u>	<u>DELEGATION</u>
54	Be satisfied as to whether the concession concerned will be granted subject to the matters specified in section 54.			M	RGM, C
55(1)(b)	Be satisfied as to whether there are exceptional circumstances where the term of a lease or licence (including renewals) exceeds 30 years.			M	RGM, C
55(3)(a)(i)	Be satisfied as to whether the easement provides a right of way access to a property to which there is no other practical access.			M	RGM, C
55(3)(a)(ii))	Be satisfied as to whether the term of the easement is appropriate.			M	RGM, C
	<ul style="list-style-type: none"> Consult with local Conservation Board. 			M	RGM, C
57	Give or decline to give prior written consent to the matters specified in s.57(a) and (b).			M	RGM, C
58(1)	Give or decline to give prior written consent to a substantive proposal designating any reserve as land to be disposed of by exchange under the Reserves Act 1977.			M	RGM, C
58(2)	<ul style="list-style-type: none"> Give or decline to give prior written consent to a substantive proposal designating any reserve that is or is part of a recreation reserve as land to be granted by lease under s.73 Reserves Act 1977. 			M	RGM, C
	<ul style="list-style-type: none"> Consider whether it is in the public interest to give consent. 			M	RGM, C

<u>SECTION</u>	<u>SUMMARY OF POWERS</u>	<u>LIMITATION OF POWERS</u>	<u>O</u>	<u>X</u>	<u>DELEGATION</u>
59	Give or decline to give prior written consent to a substantive proposal designating any land for disposal in the circumstances specified in s.59(a) and (b).			M	RGM, C
66(a)	Receive written notice from the Commissioner.			M	RGM, C
66(b)	Grant concession in accordance with substantive proposal.			M	RGM, C
67(a)	Receive written notice from the Commissioner.			M	RGM, C
67(b)	Appoint person as manager of land.			M	RGM, C
68(a)	Receive written notice from Commissioner.			M	RGM, C
70(a)	Receive written notice from the Commissioner.			M	RGM, C
70(b)	Grant a concession to person concerned.			M	RGM, C
71(a)	Receive written notice from the Commissioner.			M	RGM, C
71(b)	Appoint person as manager of land.			M	RGM, C
72(a)	Receive written notice that unused Crown land designated to be retained in Crown control as a reserve has vested subject to the granting of a concession.			M	RGM, C
72(b)	Grant a concession of unused Crown land designated to be retained in Crown control as a reserve to the person concerned.			M	RGM, C
72(c)	Cancel grant of concession.			M	RGM, C

<u>SECTION</u>	<u>SUMMARY OF POWERS</u>	<u>LIMITATION OF POWERS</u>	<u>O</u>	<u>X</u>	<u>DELEGATION</u>
75(a)	<ul style="list-style-type: none"> Promptly (in accordance with an approved plan which has been registered) grant a concession of the land to the person concerned. cancel grant of concession 			M	RGM, C
76	Promptly appoint person as manager of marginal strip in accordance with plan, when an approved plan that designates any marginal strip as land of which a person is to be appointed manager under s.24H(1) Conservation Act has been registered.			M	RGM, C
77(a)	Receive from the Commissioner a copy of approved, registered, plan that designates any conservation area as land to be disposed by way of exchange.			M	RGM, C
77(b)	Do all things necessary to dispose of the land in accordance with the proposal.			M	RGM, C
78(1)(a)	Receive from the Commissioner a copy of approved, registered plan that designates any reserve as land over which a concession (other than a lease under s.73 Reserves Act) is to be granted.			M	RGM, C
78(1)(b)	Promptly, in accordance with the proposal, grant a concession of the land to the person concerned.			M	RGM, C
78(1)(c)	Cancel grant of concession.			M	RGM, C
78(2)(a)	Receive from the Commissioner a copy of an approved, registered, plan that designates reserve as land to be disposed of by way of			M	RGM, C

exchange.

<u>SECTION</u>	<u>SUMMARY OF POWERS</u>	<u>LIMITATION OF POWERS</u>	<u>O</u>	<u>X</u>	<u>DELEGATION</u>
78(2)(b)	Promptly grant lease.			M	RGM, C
79(a)	Receive from the Commissioner a copy of an approved, registered, plan that designates any reserve as land to be disposed of by way of exchange.			M	RGM, C
79(b)	Promptly do all things necessary to effect the disposal of the land.			M	RGM, C
80(1)(a)	Receive from the Commissioner an easement over land of the type specified in s.80(1).			M	RGM, C
80(1)(b)	Promptly do all acts necessary to enable acceptance of the easement.			M	RGM, C
80(2)(a)	Promptly agree with Commissioner that Minister should acquire an easement for conservation purposes in the circumstances specified in s.80(2)(a).			M	RGM, C
80(2)(b)	Promptly do all acts necessary to acquire the easement.			M	RGM, C
80(3)(a)	Receive from the Commissioner an easement over land in the circumstances specified by s.80(3)(a)			D	RGM, C, HCTR
80(3)(b)	Do all acts necessary to enable creation of an easement in the circumstances specified by s.80(3)(b)			D	RGM, C, HCTR
85(1) to (3)	Be consulted by the Commissioner about the taking of any action specified in section 85(3)			D	RGM, C, HCTR
87(1)	Give or decline to give prior written provisional consent to a preliminary proposal that designates land as suitable for disposal subject to the creation			M	RGM, C

of a protective mechanism.

<u>SECTION</u>	<u>SUMMARY OF POWERS</u>	<u>LIMITATION OF POWERS</u>	<u>O</u>	<u>X</u>	<u>DELEGATION</u>
87(2)	Be satisfied as to whether it is reasonably likely that the Minister would consent to a substantive proposal containing the designation.			M	RGM, C
91	Give or decline to give prior written consent to a substantive proposal that designates any land as suitable for disposal subject to the creation of a protective mechanism.			M	RGM, C