

## **Paparoa National Park Management Plan – court proceeding**

*Joint Statement by the Department of Conservation, the New Zealand Conservation Authority and the Royal Forest and Bird Society of New Zealand Inc.*

The Royal Forest and Bird Society of New Zealand Inc (**Forest & Bird**) and the Federated Mountain Clubs of New Zealand Inc (**FMC**) have asked the High Court to review the New Zealand Conservation Authority (**NZCA**) and Department of Conservation (**DOC**) decisions to prepare and approve the Paparoa National Park Management Plan 2017 (**Management Plan**) in respect of recreational aircraft landings in Paparoa National Park.

The NZCA and Director-General of Conservation have been named as the respondents to the claim.

### **What is the legal issue?**

Under the National Parks Act 1980 a National Park Management Plan must be consistent with a Conservation Management Strategy.

Forest & Bird and FMC say that the Management Plan derogates from the West Coast *Te Tai o Poutini* Conservation Management Strategy 2010 (**West Coast CMS**), because the Management Plan allows for recreational aircraft landings in Paparoa National Park but such landings are not provided for in the West Coast CMS.

### **What do Forest & Bird and FMC want?**

They are asking the Court to remove certain provisions of the Management Plan that they say are not consistent with the West Coast CMS.

Forest & Bird and FMC do not intend the relief they are asking the High Court to grant to affect DOC's ability to grant concessions for any activities other than recreational aircraft landings. In particular, Forest & Bird and FMC intend that DOC's ability to allow access for park management, utilities servicing, cultural, research and WARO purposes, hang-gliding, paragliding, and for the Pike River families, will not be affected by this proceeding.

### **What is DOC's position?**

DOC agrees with Forest & Bird and FMC that the Management Plan cannot allow recreational aircraft landings, because this conflicts with the West Coast CMS.

However, DOC is concerned that the changes to the Management Plan sought by Forest & Bird and FMC may have unintended consequences for landings other than recreational landings.

### **What is the NZCA's position?**

NZCA does not admit there has been a derogation. It has not opposed the claim but has reserved its rights to do so. The NZCA will be heard by the Court on the issue of relief, and is concerned that the changes sought are not appropriate.

## **What happens next?**

The case is still at an early stage.

The parties are attempting to reach agreement on what to propose to the Court that would resolve the issue about recreational aircraft landings, without affecting other aircraft landings.

The Court has ordered that potential affected or interested parties are to apply to join or intervene in the proceeding by **30 October 2020**.

There are no current concessions for recreational aircraft landings in Paparoa National Park. DOC is aware of one current concession applicant, and that person has been directly notified.

Anyone who considers they have an interest in the legal proceeding should seek independent legal advice. If you require copies of the court documents please contact one of the parties below:

- New Zealand Conservation Authority at [melissa.hammer@al.co.nz](mailto:melissa.hammer@al.co.nz)
- Department of Conservation at [paparoajr@doc.govt.nz](mailto:paparoajr@doc.govt.nz)

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