

Reprint  
as at 1 July 2019



**West Coast Wind-blown Timber (Conservation Lands)  
Act 2014**

Public Act    2014 No 48  
Date of assent    2 July 2014  
Commencement    see section 2

West Coast Wind-blown Timber (Conservation Lands) Act 2014: repealed, on 1 July 2019, by section 4.

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**Note**

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.  
Note 4 at the end of this reprint provides a list of the amendments incorporated.

**This Act is administered by the Department of Conservation.**

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**The Parliament of New Zealand enacts as follows:**

**1 Title**

This Act is the West Coast Wind-blown Timber (Conservation Lands) Act 2014.

**2 Commencement**

This Act comes into force on the day after the date on which it receives the Royal assent.

**Part 1  
Preliminary provisions**

**3 Purpose**

The purpose of this Act is to allow the Director-General to authorise the removal from certain conservation areas and reserves in the West Coast region of timber irreversibly damaged by Cyclone Ita (**wind-blown timber**).

**4 Repeal of this Act**

This Act expires and is repealed on 1 July 2019.

**5 Interpretation**

In this Act, unless the context otherwise requires,—

**authorisation** means an authorisation granted under section 10

**authorised person** means a person to whom an authorisation is granted under section 10

**Cyclone Ita** means the weather event that occurred in the West Coast region on 17 April 2014

**conservation** has the meaning given in section 2(1) of the Conservation Act 1987

**conservation area** has the meaning given in section 2(1) of the Conservation Act 1987

**Department** means the Department of Conservation

**designated area**—

- (a) means every conservation area and reserve within the West Coast region that is owned by the Crown and administered by the Department other than—
  - (i) any ecological area; or
  - (ii) Te Wāhipounamu (the South West New Zealand World Heritage Area); or
  - (iii) Waitangiroto Nature Reserve; and
- (b) excludes any national park

**Director-General** means the Director-General of Conservation

**ecological area** has the meaning given in section 2(2) of the Conservation Act 1987

**irreversibly damaged**, in relation to timber, means—

- (a) dead; or
- (b) damaged to the extent that it is likely to die within the near future

**national park** means a national park constituted under the National Parks Act 1980

**reserve** has the meaning given in section 2(1) of the Reserves Act 1977

**specified site** means a site to which an authorisation granted under section 10 applies

**timber**—

- (a) means trees and parts of trees; and
- (b) includes branches, roots, and stumps of trees

**West Coast region** means the region that is administered by the West Coast Regional Council

**wind-blown timber** means timber irreversibly damaged by Cyclone Ita.

**6 Act binds the Crown**

This Act binds the Crown.

**Part 2  
Removal of wind-blown timber***Authorisation of removal of wind-blown timber***7 Application**

This Act applies to the removal of wind-blown timber from the designated area.

**8 Wind-blown timber may be removed if authorised by Director-General**

A person may remove wind-blown timber from the designated area in accordance with an authorisation granted by the Director-General under section 10.

**9 Who may apply for authorisation**

- (1) A person may apply for an authorisation under section 10 only if the person has been invited to do so by the Director-General.
- (2) An application must be accompanied by the application fee (if any) specified by the Director-General under section 20(a).
- (3) The Director-General may invite a person or persons to apply for an authorisation by any means, including, without limitation, by—
  - (a) public notice (which may invite tenders or other proposals);
  - (b) notice to specific persons who the Director-General considers are qualified to undertake the removal of wind-blown timber.
- (4) If the Director-General invites applications under subsection (3), the Director-General may, in the Director-General's discretion,—
  - (a) accept or decline any application; or
  - (b) enter into private negotiations with any applicant with a view to reaching an agreement; or
  - (c) reject all applications.
- (5) Before exercising the Director-General's discretion under subsection (4), the Director-General may have regard to—
  - (a) the interests (including the financial interests) of the Crown in the relevant conservation area or reserve; and
  - (b) any other matters the Director-General considers relevant.

**10 Director-General may authorise removal of wind-blown timber from designated area**

- (1) The Director-General may, on the application of a person under section 9, grant an authorisation to the person to—
  - (a) remove wind-blown timber from 1 or more specified sites within the designated area; and
  - (b) carry out within the specified site or sites any other activities that are reasonably necessary to allow for the safe and efficient removal of the timber.
- (2) Before considering whether to grant an authorisation, the Director-General may require the applicant to submit a work plan.
- (3) The Director-General must not grant an authorisation unless the Director-General is satisfied that—
  - (a) the activities permitted by the authorisation (including timber removal) will be managed so that,—
    - (i) so far as is reasonably practicable, the safety of people working at the specified site or sites, and of members of the public, is protected; and
    - (ii) adverse effects on the environment are kept to a minimum; and
    - (iii) the activities do not unreasonably affect conservation in the conservation area or reserve within which the specified site or sites are located; and
    - (iv) the activities do not cause significant soil disturbance; and
    - (v) the effects of activities within the specified site or sites on the environment outside of the specified site or sites are not contrary to the purpose of the Resource Management Act 1991; and
    - (vi) the activities permitted within the specified site or sites do not breach any regulations made under section 43 of the Resource Management Act 1991; and
  - (b) any timber removed in accordance with the authorisation will be used for a product referred to in section 11(1).
- (4) In considering whether to grant an authorisation, the Director-General may, in addition to the matters specified in subsection (3), take into account any matters that the Director-General considers relevant.
- (5) The Director-General must impose conditions on every authorisation to address each of the matters specified in subsection (3) and may impose any other conditions that the Director-General thinks fit, including, without limitation, that the authorised person must—
  - (a) pay a bond to the Department (which may be forfeited if the person fails to meet the conditions of the authorisation); and

- (b) obtain appropriate insurance for the activities permitted by the authorisation.

## 11 Restriction on use of timber

- (1) Timber removed in accordance with an authorisation may only be used (whether in the course of removal or later) for 1 or more of the following:
  - (a) sawn or cut wood (other than firewood or woodchips):
  - (b) finished or manufactured indigenous timber products (as defined in section 2(1) of the Forests Act 1949):
  - (c) a product or products specified by the Director-General in the authorisation.
- (2) Subsection (1) does not limit the use of any incidental or secondary product resulting from the manufacture of a product referred to in that subsection.
- (3) Despite section 67C(1) of the Forests Act 1949, indigenous timber removed in accordance with an authorisation may be exported from New Zealand if the timber is—
  - (a) sawn beech; or
  - (b) sawn rimu; or
  - (c) a stump; or
  - (d) a root; or
  - (e) a tree fern trunk, or part of a tree fern trunk, or fibres from a tree fern trunk.
- (4) Section 67C(3) of the Forests Act 1949 applies to the export of timber under subsection (3).
- (5) In this section,—  
**indigenous** has the meaning given in section 2(1) of the Forests Act 1949  
**sawn beech** and **sawn rimu** have the meanings given in section 67C(4) of the Forests Act 1949.

## 12 Royalties, fees, and charges

- (1) An authorised person must pay to the Director-General the royalties and any fees or charges required by the Director-General.
- (2) The Director-General must ensure that any royalties received are paid into a Crown Bank Account.
- (3) The Director-General may, in the Director-General's absolute discretion, refund or waive payment of all or any part of any royalty, fee, or charge paid or required to be paid under this Act.

*Authorisations*

**13 Form of authorisation**

An authorisation must be in writing and must specify, without limitation,—

- (a) the specified site or sites; and
- (b) the activities permitted by the authorisation; and
- (c) the products for which the timber removed from the specified site or sites may be used; and
- (d) the conditions of the authorisation; and
- (e) the dates on which the authorisation commences and expires; and
- (f) matters relating to the amount and payment of royalties, fees, and charges.

**14 Amendment to authorisation**

The Director-General may amend an authorisation—

- (a) by agreement with the authorised person; or
- (b) in any case where the amendment is necessary to address adverse effects of the activities permitted by the authorisation that were not reasonably foreseeable at the time that the authorisation was granted.

**15 Revocation of authorisation**

The Director-General may, in the Director-General's absolute discretion, revoke an authorisation granted under this Act.

**16 Expiry of authorisation**

An authorisation expires on the earlier of—

- (a) the expiry date specified in the authorisation; and
- (b) 1 July 2019.

*Application of other legislation*

**17 Permitted activity not an offence**

A person who carries out an activity in accordance with an authorisation—

- (a) does not commit an offence against the Conservation Act 1987, Reserves Act 1977, or Wildlife Act 1953 (or any regulations, bylaws, or notices made under those Acts) in respect of the activity; and
- (b) does not require any authorisation under the Conservation Act 1987, Reserves Act 1977, or Wildlife Act 1953 (or any regulations, bylaws, or notices made under those Acts) in respect of the activity.

**18 Authorisation not a disposal of conservation area**

To avoid doubt, an authorisation is not a disposal of a conservation area, or an interest in a conservation area, for the purposes of section 16 or 26 of the Conservation Act 1987.

**19 Certain sections of Resource Management Act 1991 do not apply**

- (1) Sections 9, 13, 14, and 15 of the Resource Management Act 1991 do not apply to activities permitted by an authorisation.
- (2) To avoid doubt, the Resource Management Act 1991 applies to any activity that is not permitted by an authorisation.

*Miscellaneous***20 Fees and charges**

The Director-General may prescribe fees and charges—

- (a) for processing an application; and
- (b) where an authorisation has been granted to an applicant,—
  - (i) for monitoring compliance with the conditions of the authorisation; and
  - (ii) for monitoring the environmental effects and the effects on conservation of the activities permitted by the authorisation; and
  - (iii) to recover the costs to the department of paying any fees or charges associated with the use of the land (including, but not limited to, rates imposed under the Local Government (Rating) Act 2002); and
- (c) for any other purpose that is reasonably necessary to recover the cost to the Department of administering this Act.

**21 Amendment to Conservation Act 1987**

- (1) This section amends the Conservation Act 1987.
- (2) In Schedule 1, insert in its appropriate alphabetical order:  
West Coast Wind-blown Timber (Conservation Lands) Act 2014



## **Reprints notes**

### **1    *General***

This is a reprint of the West Coast Wind-blown Timber (Conservation Lands) Act 2014 that incorporates all the amendments to that Act as at the date of the last amendment to it.

### **2    *Legal status***

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

### **3    *Editorial and format changes***

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

### **4    *Amendments incorporated in this reprint***

West Coast Wind-blown Timber (Conservation Lands) Act 2014 (2014 No 48): section 4