

2023

Conservation Management and Processes

Summary of Submissions



Department of
Conservation
Te Papa Atawhai



**Te Kāwanatanga
o Aotearoa**
New Zealand Government

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Conservation Management and Processes – Summary of Submissions

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Conservation Management and Processes – Summary of Submissions

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Purpose

1. This report presents a summary of the submissions on the options for legislative change proposed in Conservation Management and Processes Discussion Document, May 2022 (the discussion document).
2. The original discussion document can be accessed online at <https://www.doc.govt.nz/get-involved/have-your-say/all-consultations/2022-consultations/cmap-2022-consultation/>
<https://www.doc.govt.nz/get-involved/have-your-say/all-consultations/2022-consultations/cmap-2022-consultation/>

Acknowledgements

3. The Department of Conservation (DOC) is grateful to everyone who joined discussions and meetings, raised questions, and provided feedback.
4. The submissions and engagement have been constructive and valuable, with contributors bringing many different perspectives, including tangata whenua perspectives and perspectives from commercial, recreation, conservation, local government, and statutory organisations.

Next Steps

5. The submissions were considered by the Minister of Conservation and DOC while determining options for legislative change. The Minister of Conservation reported back to Cabinet in November 2022. The submissions will also inform further analysis for the drafting of legislation.

Background

Context

6. The discussion document sought feedback on options to make targeted amendments to conservation legislation, particularly the Conservation Act 1987, the National Parks Act 1980, and the Reserves Act 1977.
7. The options proposed were designed to improve statutory processes and decision-making frameworks relevant to conservation management planning and the concessions system. Additional changes are also explored to address minor and technical issues within conservation legislation.

Consultation Process

8. The discussion document was the primary means of seeking tangata whenua, stakeholder, and public input. The discussion document was hosted on DOC's website and accompanied by short accessible summaries, an overview video, and instructions on how to make a submission.
9. DOC also conducted eight weeks of engagement between May and July 2022 to encourage tangata whenua and stakeholder feedback. To make engagement as efficient as possible,

engagement hui were held in conjunction with early engagement on DOC’s review of the Wildlife Act 1953.

10. Most engagement hui were held online, with some being held in-person or with a mix of online and in-person. A regional approach was taken for engagement with tangata whenua. Whānau, hapū, iwi, and post settlement governance entities (PSGEs) were invited to a collective hui in most DOC operational regions. In some cases, individual hui were held with hapū, iwi, and PSGEs. Hui with stakeholder organisations were grouped by sector.
11. A total of 124 written submissions were received, and a total of 41 hui were held.
 - Seventeen hui were held with whānau, hapū, iwi, and PSGEs.
 - Fifteen hui were held with a range of stakeholders from the environmental, tourism, recreation, Crown-research, university research, fisheries, and farming sectors.
 - Eight hui with conservation boards, and one with the NZCA, were also held.
12. In total, more than 250 individuals attended these hui.
13. Table 1 presents how many submissions were received from different groups. Note that the tables throughout this document are based on feedback from submissions rather than hui. In some cases, hui participants requested their points be considered as an oral submission.

14. Table 1: Number of submissions, by submitter group

Submitter Group	Number of Submissions
Councils	8
ENGO	3
Individual	29
NGO	7
Non-Research Concessionaire	21
Other Stakeholder	28
Research Concessionaire	5
Statutory Bodies established by the Conservation Act	8
Tangata Whenua (whānau, hapū, iwi) ¹	15
Total	124

15. The hui saw useful discussion with varying levels of depth around the proposals. For example, feedback received during hui with whānau, hapū, iwi, and PSGEs were focused on how they would be able to engage with the management planning and concessions processes, while conservation boards and research concessionaires highlighted that general authorisation held a risk of unmonitored cumulative impacts.

The Structure of the Summary of Submissions

16. The topics summarised in this document are presented in a similar order to the topics raised within the discussion document. The discussion document sought comments on the following topics:

¹ This group includes 14 submissions and one response.

- The objectives for legislative changes
- Chapter 1: Conservation Management Planning
 - Issue 1A: The requirement that Conservation Management Strategies (CMS), Conservation Management Plans (CMP), and National Park Management Plans (NPMP) are fully reviewed every 10 years is contributing to the growing backlog of documents in need of full review or development
 - Issue 1B: Once a planning document is approved, it cannot be easily updated to reflect changing needs, new technologies, and evolving pressures
 - Issue 1C: The current process for public engagement in developing and reviewing planning documents is outdated and inflexible
 - Implementation and monitoring
- Chapter 2: Concessions
 - Issue 2A: All activities require individual concessions, even when these activities are commonplace and have no or minimal adverse effects that can be appropriately managed
 - Issue 2B: DOC cannot make a concession for pre-approved activities available on demand
 - Issue 2C: It is unclear whether a concession application can be returned if tendering the opportunity would be more appropriate
 - Issue 2D: The tender process does not allow a successful tender candidate to be offered a concession outright
 - Issue 2E: There is no statutory timeframe for when requests for reconsideration of a decision may be sought
 - Implementation and monitoring
- Chapter 3: Minor and Technical Amendments
 - Issue 3A: NZCA members and conservation board members could be personally liable for their decisions when exercising their statutory powers
 - Issue 3B: The financial statements of reserve boards and reserve administering bodies must be audited, regardless of their annual revenue and expenditure
 - Issue 3C: The Public Service Commission must provide written consent for any power delegated to the Director-General of DOC under the Public Service Act 2020 to be delegated to a DOC officer or employee
 - Issue 3D: Under the Reserves Act 1977, the role of Commissioner may only be delegated to a specified individual and their specific role
 - Issue 3E: Part of the statutory process to establish a nature reserve or scientific reserve does not contribute to the effective regulation of establishing such reserves
 - Issue 3F: The Reserves Act 1977 only allows public notification via newspaper
 - Issue 3G: The Conservation Act 1987 does not explicitly state when an aircraft concession is required
 - Issue 3H: The Conservation Act 1987 does not explicitly state that recreational aircraft users require a concession to operate on public conservation land
 - Issue 3I: The definition of a 'conservation management plan' in the Conservation Act 1987 does not include management plans approved under the National Parks Act 1980
 - Issue 3J: The New Zealand Police requires approval from DOC to hold any item seized under the Wild Animal Control Act 1977
 - Issue 3K: The Conservation Act does not appropriately define a 'disability assist dog'

- Issue 3L: The National Parks Act 1980 does not correctly refer to the Westland National Park/Tai Poutini National Park
 - Monitoring and implementation.
17. Note that the feedback received on the *implementation and monitoring* section of each chapter has been summarised together, following issue 3L.
 18. The key themes from tangata whenua engagement have been presented at the beginning of the summary of submissions. Feedback received from tangata whenua has also been built into the summary of each issue.
 19. There was a significant amount of feedback that has been considered out of scope. This has nevertheless been captured and reported in the final section of this document.

Summarising the Feedback Received

20. The types of questions asked were consistent throughout the discussion document. These include:
 - Do you agree with how the problem and its impacts have been described?
 - Which is your preferred option?
 - Do you think there are any impacts that are not identified here?
 - Are there further options that DOC should consider?
21. There were also additional questions that were designed to address specific aspects of some options.
22. The summary of submissions has reported the feedback received in such a way that it attempts to best reflect how people have responded to the proposed options and the questions. In some cases, this means that the feedback received has been unchanged. For others, sections of sentences or paragraphs have been slightly altered so that what is presented is legible on its own.
23. To give a picture of the responses for each option, tables have been used to show the amount of support for each option by group, as well as total support.
24. Some submitters did not directly support an option, but they have either expressed concern, provided general comments, or offered an alternate suggestion. These submitters have been included on each of the overview tables under the column titled additional input.
25. It is also important to note that submitters who supported an option often provided additional feedback to support their preference. Although this has not been reflected in its own column on the overview tables, further feedback in support of an option has been reported throughout the summary of submissions.

Summary of Submissions

26. This section summarises all submissions on the topics and options outlined in the discussion document.
27. The depth of feedback varies, with submitters providing a mixture of preferred options and further analysis. This has produced a valuable collection of feedback across each of the options.
28. Not all submitters engaged with every topic. However, this has been considered reflective of the length of the document and the breadth of options.
29. It is important to note that the feedback has been reported in such a way that it attempts to best reflect how people have responded to the proposed options and the questions.

Key Themes Raised by Tangata Whenua (Whānau, Hapū, Iwi, and PSGEs)

30. The key themes raised by tangata whenua during consultation include:
 - Section 4 of the Conservation Act 1987 and the principles of the Treaty should be prioritised.
 - Tangata whenua should be appropriately resourced to engage with DOC.
 - Small tweaks to legislation are not going to fix the problem, but systematic change could.
 - Tangata whenua advice should be regarded as expert advice.
 - Any proposed option should be co-designed with tangata whenua.
 - The rights and interests of iwi and hapū should not be negatively affected by any of the proposed options.
 - DOC need to increase their cultural capabilities.
31. The key themes raised by tangata whenua regarding Chapter 1 (Management Planning) include:
 - Tangata whenua should have their mana reflected in statutory planning documents.
 - Tangata whenua should be remunerated for providing DOC with their expert advice.
 - There needs to be clear mechanisms for working in partnership with tangata whenua.
32. The key themes raised by tangata whenua regarding Chapter 2 (Concessions) include:
 - Tangata whenua should be remunerated for their time spent contributing to the consideration of concession applications.
 - Concessionaires need to appropriately engage with mana whenua.
 - Tangata whenua should receive preferential treatment in tender processes.
33. In addition to this summary of key themes, feedback received from tangata whenua (whānau, hapū, iwi) have also been built into the summaries of each option.

Objectives

34. The options for legislative changes that were described in the discussion document have been assessed against the following six objectives:
 - **Conservation values:** To ensure processes enhance outcomes to protect conservation values

- **Public participation:** To enable appropriate public participation in conservation management processes to ensure statutory decisions are well informed by public preferences on how places should be managed
- **Cost and time effectiveness:** To reduce the time and costs required of those involved in conservation management processes; this includes tangata whenua (iwi, hapū, and whānau), stakeholders, researchers, businesses, local councils, the public, and DOC
- **Regulatory stewardship:** To clarify policy intent; this includes transparency and consistency in decision making and making rules clear for users
- **Principles of the Treaty of Waitangi:** To enable DOC to give effect to the principles of the Treaty of Waitangi, as required by section 4 of the Conservation Act 1987, when running conservation management processes
- **Keeping planning documents up to date:** To better enable conservation management planning documents to be kept up to date.

35. The discussion document asked submitters:

- Do you agree with the objectives?
- Are there any additional objectives that should be included?

36. The totals of those who supported an option, provided additional input, or did not engage with the objectives are presented in Table 2. These figures should be considered alongside the points provided following the table.

Table 2: Overview of feedback on the objectives

Submitter type	Total	Supported objectives	Did not support	Additional input	No statement
Councils	8	1	0	0	7
ENGOS	3	0	0	1	2
Individuals	29	5	1	6	17
NGOs	7	0	0	2	5
Non-Research					
Concessionaires	21	7	0	1	13
Other Stakeholders	28	9	0	4	15
Research					
Concessionaires	5	2	0	0	3
Statutory bodies	8	3	0	1	4
Tangata Whenua	13	1	0	0	11
Total	122	29	1	15	77

37. Submitters who supported the objectives believed that they provided for an inclusive and robust process and offered meaningful guidelines and intention.

38. The only submitter who did not support the objectives did not explain why.

39. Additional objectives suggested by submitters include:

- Public access rights

- Purpose-fit processes
- Recreational value
- Tourism
- Giving effect to Te Mana o te Taiao
- Transparency and stability of the system for concessionaires
- Robust evidenced-based decision making
- Ōhanga/whairawa (economic prosperity and wellbeing)
- Manaakitanga (shared respect, hospitality, generosity, and care for others)
- Kaitiakitanga (guardianship/sustainability)
- Whanaungatanga (a sense of family and belonging, relationships built on shared experiences, and working together).

40. Other feedback received from submitters include:

- Conservation values including the protection and preservation of biodiversity and the natural world should be prioritised and strengthened.
- Principles of the Treaty of Waitangi should be read alongside each of the other objectives.
- ‘Public participation’ is replaced with ‘meaningful public input’.
- Processes should not merely enhance outcomes. The processes are to achieve protection and should be actively expressed.
- Objectives do not strengthen the durability of measures necessary for nature conservation.
- Objectives should encourage and support the establishment and continued growth of existing and new private wildlife sanctuaries.
- The scope of public participation should be wider to ensure public participation in the management of PCL&W.
- They need to reflect current practice, strategies, and new research-based knowledge.

Chapter 1 Proposals

41. Chapter 1 of the discussion document proposes changes to conservation management planning legislation. DOC has undertaken internal analysis of the existing legislation and identified specific legislative impediments that potentially contribute to slow and resource-intensive processes for developing and reviewing statutory management planning documents.

42. The specific legislative impediments identified are:

- **Issue 1A:** The requirement that planning documents are reviewed in full every 10 years is contributing to the growing backlog of documents in need of full review or development.
- **Issue 1B:** Once a planning document is approved, it cannot be easily updated to reflect changing needs, new technology, and evolving pressures.
- **Issue 1C:** The prescriptive requirements for public engagement in developing and reviewing planning documents are inflexible and outdated.

43. This chapter sought tangata whenua, stakeholder, and public feedback on seven change options that could ease pressure on specific legislative impediments within the management planning system.

44. There are three types of statutory planning documents:

- Conservation Management Strategies (CMS)
- Conservation Management Plans (CMP)
- National Park Management Plans (NPMP).

Issue 1A

Table 3: Options for Issue 1A

The requirement that CMSs, CMPs, and NPMPs are fully reviewed every 10 years is contributing to the growing backlog of documents in need of full review or development.	
<i>Note: These options are mutually exclusive. It would not be appropriate or effective to amend legislation to enact both Option 1 and Option 2.</i>	
Option 1	Amend the Conservation Act 1987 and National Parks Act 1980 to replace the 10-year full-review requirement with a statutory check-in process at 10 years to assess the need for a review and the scale required
Option 2	Amend the Conservation Act 1987 and National Parks Act 1980 to extend the timeframe for full review of planning documents to 20 years
Option 3	Retain the status quo

45. The discussion document asked submitters:

- Do you agree with how the problem and its impacts have been described?
- Which is your preferred option?
- Do you think there are any impacts that are not identified here?
- Are there further options that DOC should consider?

46. The totals of those who supported an option, provided additional input, or did not engage with issue 1A are presented in Table 4. These figures should be considered alongside the points provided following the table.

Table 4: Summary of Submission Responses for Issue 1A

Submitter Group	Option 1	Option 2	Option 3	Additional input	No statement
Councils	5	0	0	0	3
ENGOS	1	0	1	1	0
Individuals	5	0	4	4	16
NGOs	5	0	2	0	0
Non-Research Concessionaires	7	0	0	4	10
Other Stakeholders	11	0	4	2	11
Research Concessionaires	2	0	0	0	3
Statutory Bodies	7	1	1	0	0
Tangata Whenua	3	0	1	2	9
Total	47	1	11	13	52

47. Submitters who supported option 1 said that:

- This option could give DOC flexibility and choice.
- Provides adaptability to changing circumstances.
- This option should support efficient processes.
- It is the best and only feasible option presented on this issue.

- It allows for the scale of the review to be considered to help a planning document keep pace with legislative and societal changes.
- Could free up resources for additional conservation work.
- This option could support more regular reviews of statutory planning documents.
- Could support efficiently reviewing sections of planning documents that do not require a full review.
- Option 1 lets the system pivot with greater prescience to unimagined future happenings or developments in the real world rather than squandering the opportunity.
- This is a good alternative given that this option eases the rules.
- The Director-General, who would have regard to the view of tangata whenua, the NZCA, and relevant conservation boards is essential to the successful implementation of this option.

48. Despite the options being presented as mutually exclusive of one another, the only submitter who supported option 2 wanted it to be implemented alongside option 1.

49. Submitters who supported option 3 said that:

- The problem would likely get worse if timeframes were extended out to 20 years.
- The timeline is not the issue; the lack of functional public consultation is the issue.
- Option 3 forces DOC to reflect on the currency of their documents.
- The problem is a departmental process issue, not a legislative issue.
- The status quo should be retained because statutory planning documents should be reviewed every 10 years.

50. Some submitters suggested further options for DOC to consider, including:

- It could be effective in the near term to transition the plans to becoming 'living documents' where changes and amendments can be implemented.
- The general public should be given 40 days to submit on the decision made at the statutory check-in point.
- Rather than having to wait 10 years, there should be a trigger for a statutory check-in upon the completion of a Treaty settlement or an order under the Takutai Moana Act.
- A five- or seven-year check-in would be appropriate.
- The plans should be constructed in two parts: firstly, with a strong enduring 'core' and, secondly, areas of management flexibility that can move with the times.
- One submitter proposed that conservation strategies should have high-level outcomes and policies, with a check-in process every 10 years.
- It could be useful to have a full review required once documents have been out of date for a certain period of time.
- We propose that submissions must be considered by the decision-making authorities and where there is a significant volume of submissions that do not support the proposed decision of the deciding authorities that the matter be referred to the minister to consider whether a full review is required.
- Migrating more high-level direction to the overarching general policies may reduce the number of generic issues covered by CMSs, CMPs, and NPMPs. This would reduce the scope of those documents to location-specific issues, which may simplify the review process.
- A time limit should be included whereby the statutory check-in is completed within 20 working days of the document's 10-year anniversary.

- Management planning documents should be live, malleable documents that would therefore not require a timeframe.

51. Submitters provided the following feedback on how the check-in process may work in practice:

- More analysis needs to be done to determine what criteria would be used to determine whether a full, partial, or no review is required.
- Community consultation on the 'statutory checklist' is essential to ensuring that all stakeholder views are incorporated.
- Reviewing several documents concurrently where possible, for example, a CMS and a management plan could help with alignment and efficiency.
- There is currently a lack of statutory tests to decide whether reapproval, partial, or a full review is required.
- Would conservation boards input into whether a full or partial review is required?
- Greater clarity is required as to the basis on which the need for a review and the scale of review required would be assessed, to avoid a situation where resourcing constraints drive a conclusion that no review is required.

52. Some submitters suggested that the current backlog is due to DOC resourcing and capability:

- It is not the timeframe which contributes to the backlog, it is solely a matter of resourcing, which includes funding and getting qualified staff.
- The current system fails both the resourcing and effectiveness tests – reviewing the documents is extremely resource intensive, but they quickly fall out of date and relevance.
- It would be helpful to focus on the reasons why full reviews are so time consuming and expensive.
- Appropriate resourcing of the review process is required to enable DOC to adhere to timeframes.
- Concern that the discounted option of increasing funding available to resource, this option should be implemented regardless of any legislative amendments proposed.
- A problem with option 1 is it doesn't resolve the lack of funding to do a review if the 'check-in' suggest a review is necessary.

53. Other feedback received from submitters include:

- It is questionable how much impact this option would have given that the majority of planning documents are out of date and require a full review.
- Extending the current full review timeframe from 10 years to 20 years is likely to worsen, not improve, conservation outcomes. It could also further entrench DOC's inability to respond to changing needs, new technology, and evolving pressures.
- It is crucial that documents which are currently out of date are reviewed in full before this option is used to either partially or even not review them.
- Section 4 requires more than the consideration of the views of tangata whenua; it requires all process and decisions to be carried out in a way that best gives effect to the Treaty principles.
- In one submitter's experience the reason plans are slow, late, and burdensome is that the allocation of resources is a contested issue with powerful and well-resourced tourist industries always pushing the boundary of the natural world.
- Ensuring that the partial review can be undertaken quickly is paramount to the success of this option to address the objectives of the reform.

- Ideally plans would be fully reviewed every 10 years.
- Neither option is likely to resolve the issue.
- Partial review won't be able to solve everything.
- The problem with option 1 is that it completely removes the public from the question of whether a review is needed. The public view should be sought – they are the users of the conservation estate and pay taxes to contribute to its care.
- Any partial review, unless extremely narrow, would still require an analysis of the whole plan to assess whether proposed changes are consistent with the whole document.
- Given the number of planning documents, and the breadth of topics covered within them, the current frequency of partial reviews is insufficient to keep planning documents up to date in between full reviews.
- The review of statutory planning documents should be initiated in time for it to be completed prior to the expiry of the document.
- In conducting a review, the original document should be analysed to understand areas that require redrafting or drafting to reflect new issues and information identified by the department, tangata whenua, stakeholders, and the public.
- Changes in our physical environment, technology, people's behaviour, and expectations, and other legislative requirements, all suggest that even a 10-yearly review is maybe too long.

Issue 1B

Table 5: Options for Issue 1B

Once a planning document is approved, it cannot be easily updated to reflect changing needs, new technology, and evolving pressures.

Option 1 Amend the Conservation Act 1987 and National Parks Act 1980 to introduce a new streamlined process for partially reviewing planning documents where public interest is limited

Option 2 Retain the status quo

54. The discussion document asked submitters:

- Do you agree with how the problem and its impacts have been described?
- Which is your preferred option?
- Should all types of planning documents be addressed by this proposal?
- Do you think there are any impacts that are not identified here?
- Are there further options that DOC should consider?

55. The totals of those who supported an option, provided additional input, or did not engage with issue 1B are presented in Table 6. These figures should be considered alongside the points provided following the table.

Table 6: Summary of Submission Responses for Issue 1B

Submitter Group	Option 1	Option 2	Additional Input	No statement
Councils	3	0	1	4
ENGOS	1	1	1	0
Individuals	5	4	5	15
NGOs	2	1	2	2
Non-Research Concessionaires	12	1	3	5
Other Stakeholders	9	4	2	13
Research Concessionaires	2	0	0	3
Statutory Bodies	4	2	2	0
Tangata Whenua	3	0	3	9
Total	41	13	19	51

56. Submitters who supported option 1 said that:

- This option would be an improvement in the reviews of conservation planning documents.
- This option is supported so long as the streamlined process is only used for amending up-to-date and well-structured planning documents, but not for tinkering with out-of-date ones.
- The option is supported where changes are inconsequential and do not materially affect objectives and policies.
- This change could be used to address changing societal priorities.
- There is need for a streamlined process because in terms of efficiency, DOC is a little bit in the dark ages.
- Clearly continuing with the way that things are is not working for DOC.
- It's better to make some progress than none.
- The reduced process is supported purely on the basis of efficiency.

57. Submitters who supported option 2 said that:

- There is no aspect of conservation that is not of public interest.
- The lack of resources DOC faces does not provide confidence that affected parties would be adequately identified and considered.
- There needs to be a much better definition of what 'public interest' is.
- Full public engagement is essential to getting the planning processes right.
- It is not acceptable to expect a government agency to define who the affected parties are.

58. Submitters expressed the following concerns with DOCs ability to identify affected parties:

- In this situation, a key check is lost on the governance of public conservation land.
- Option 1 is problematical because it is crucial to define where public interest is limited, and it could mean different things to different people.
- A model of streamlined partial reviews needs to be robust in ensuring that parties who need to be informed and aware of the reviews that potentially impact them are given an opportunity to participate.
- This option would need careful consideration of what is meant by 'directly affected parties' as the potential risk of parties missing out because they are not deemed to be directly affected is real.
- If the streamlined process only applies to issues of limited public interest, it is not going to significantly affect the relevance of the documents. And if the public is not interested, there

won't be much to process so the question is raised as to whether it's worth limiting public participation.

- Identifying affected persons has not been done well by DOC in the past.
- Option 1 could potentially exclude interested parties.
- Members of the public and stakeholders should be able to register their interests in this process.
- There is a risk of disenfranchising the public through inadequate consideration especially in the context of urban populations.
- The test for determining 'limited public interest' should be statutorily defined.
- The option for consultation should remain open for those who feel affected.

59. Some submitters suggested that further analysis is needed to determine what criteria is required for decision making, to what extent a streamlined process can be used, and who makes what decision when.

60. Some submitters suggested further options for DOC to consider, including:

- A streamlined option that does not limit public participation to those who DOC consider as affected parties.
- Reviews could be sped up if they are undertaken concurrently.
- Planning documents could be simplified if they are split into separate sections where one covers matters where minimal or immaterial changes are proposed, and a second section where more significant changes are proposed.
- DOC should explore further refining and simplification to speed up and better use the partial review process.
- An intermediate option involving an opportunity for public submissions, without hearings.
- There should be a mixture of making it easier to have partial reviews but ensuring that all parties who believe they have an interest are able to be aware of the proposals and become involved.

61. Other feedback received from submitters included:

- Some considerations of the costs for the wider public and stakeholders would need to be carried out.
- The cost implications of rolling partial reviews on the wider public and stakeholders needs some serious thought because people could be expected to engage more often as a result.
- A streamlined partial review is unlikely to be able to solve everything within a CMS because its scope is so wide.
- There is a real risk that this could result in plans being changed in an ad-hoc way.
- Improvements to the team's performance could improve the efficiency of management planning processes.
- Option 1 sounds similar to the limited notification option in the RMA for consent applications where the adverse effects are limited to a small number of people or properties, which has reduced time and resources in a statutory process.
- Assumptions about the level of public interest in a proposed change is risky. Framing the provisions around who is an affected party is important.

- Option 1 should be tested regularly to ensure it is 'fit for purpose' and delivering the benefits in the interests of the environment and the public.
- Partial reviews would not necessarily solve everything within a CMS.

62. Other feedback received from tangata whenua included:

- Tangata whenua engagement is paramount.
- All conservation planning processes should comply with section 4, and engagement with tangata whenua should occur as Tiriti partners throughout all stages of planning processes.
- The criteria used to identify directly impacted persons and organisations, including whānau hapū, and iwi, should also be clearly defined to ensure all those with rights and/or interests are given the opportunity to participate in the review process.

Issue 1C(i)

Table 7: Options for Issue 1C(i)

The requirement to publicly notify the intent to develop or review an NPMP is inefficient.	
Option 1	Amend the National Parks Act 1980 to remove the requirement to publicly notify the intent to prepare or review an NPMP
Option 2	Retain the status quo

63. The discussion document asked submitters:

- Do you agree with how the problem and its impacts have been described?
- Which is your preferred option?
- Do you think there are any impacts that are not identified here?
- Are there further options that DOC should consider?

64. The totals of those who supported an option, provided additional input, or did not engage with issue 1C(i) are presented in Table 8. These figures should be considered alongside the points provided following the table.

Table 8: Summary of Submission Responses for Issue 1C(i)

Submitter Group	Option 1	Option 2	Additional input	No statement
Councils	4	0	2	2
ENGOS	1	2	0	0
Individuals	1	7	3	18
NGOs	4	1	0	2
Non-Research Concessionaires	5	2	6	8
Other Stakeholders	4	4	5	15
Research Concessionaires	2	0	0	3
Statutory Bodies	4	1	2	1
Tangata Whenua	3	0	3	9
Total	28	17	21	58

65. Submitters who supported option 1 said that:

- Removing this requirement is sensible and should reduce time and costs of notification when there are no drafted changes to a document for the public to comment on.

- The current legislative process for public engagement in reviewing planning documents is outdated and inflexible.
- Having one opportunity for involvement is a logical process which is easier to manage for those wanting to be involved.
- Support the need to avoid double consultation periods as it is a burden for not-for-profit organisations and members of the public.
- The Acts should not prescribe how consultation is undertaken, but best practice should.
- Agreement that the current legislation is creating a situation where public input is duplicated across two different processes.
- Removing this notification step could improve the efficiency of the process and reduce its costs by eliminating one of two submission processes. The consequential benefits to DOC resulting from eliminating one notification and associated submission process is also likely to be significant in terms of improved process efficiency.

66. Submitters who supported option 2 said that:

- It is in both DOC's and the public's interest to retain the ability to consult and be consulted and for the public to input on a draft NPMP.
- Strenuously oppose any reduction in the opportunities for public input.
- The department appears to equate involving the public with cost and time delays.
- It is important that there is an opportunity to provide feedback on the shortcomings of the existing document before a new version is drafted by DOC.
- The department has not provided any analysis of how restricting public notice of changes to national park management plans would be perceived.
- Making decisions and processes more transparent and potentially open to technical challenge would mean that the documents are more likely to be effective.
- Streamline your public consultation process through a survey rather than expecting written submissions.
- Notification for public participation needs to be broadened through the use of technology.

67. Some submitters suggested further options for DOC to consider, including:

- It is nonsensical that Reserve Management Plans have a greater requirement for public notification than National Park Management Plans. If option 1 is adopted, a corresponding amendment should also be made to s41(5) of the Reserves Act 1977.
- DOC should retain the obligation to undertake pre-consultation with ENGOs, key stakeholders, and other affected parties.
- Only consultation with the conservation boards should remain at this stage.
- This process could involve an online survey to gain information from the public and concession users regarding concerns they have with the existing planning document.
- In other legislative reforms, draft exposure processes have been a valuable way of articulating the problem and outlining the potential improvements that could be made.

68. Other feedback:

- The status quo of consulting both prior to and after a proposed plan has been drafted risks reducing the effectiveness of public participation through consultation 'burn-out'.
- We caution that overseas studies highlight the importance of early engagement and consultation in achieving robust and effective conservation outcomes.

- Reiterating the need to ensure the remaining processes are fair and transparent.
- It is considered important that there are processes for letting the public, stakeholders, and the tourism industry know of matters that concern them and that the most appropriate method should be used to communicate with these groups.
- The public should still have full access to providing feedback and being notified of their right to do this as citizens of New Zealand.
- If option 1 is adopted, the remaining one opportunity for public input (on a draft) MUST be adequate, well-advertised, and allow sufficient time.

69. Other feedback received from tangata whenua included:

- If a decision is made to remove the requirement to publicly notify the intent to prepare a review, the requirement to engage with tangata whenua as a Tiriti partner must be retained throughout all national park planning processes.
- Option 1 should include a requirement to consult with tangata whenua to ensure seeking more than just participation.

Issue 1C(ii)

Table 9: Options for Issue 1C(ii)

The requirements for public notification and seeking public input on a notified draft planning document are outdated and overly prescriptive.

Note: These options are mutually exclusive. It would not be appropriate or effective to amend legislation to enact both Option 1 and Option 2.

Option 1	Amend the Conservation Act 1987 and National Parks Act 1980 to modernise the requirements for public notification and seeking public input on a notified draft planning document, including removing the requirement to hold hearings
Option 2	Amend the Conservation Act 1987 and National Parks Act 1980 to modernise the requirements for public notification and seeking public input on a notified draft planning document, but retain a modified hearings process
Option 3	Retain the status quo

70. The discussion document asked submitters:

- Do you agree with how the problem and its impacts have been described?
- Which is your preferred option?
- Do you think there are any impacts that are not identified here?
- Should different types of planning documents be addressed through different options?
- Would newspaper advertisements or online notifications be more effective?
- Would you prefer a wider range of options?
- How important do you think hearings are?
- Are there further options that DOC should consider?

71. The totals of those who supported an option, provided additional input, or did not engage with issue 1C(ii) are presented in Table 10. These figures should be considered alongside the points provided following the table.

Table 10: Summary of Submission Responses for Issue 1C(ii)

Submitter Group	Option 1	Option 2	Option 3	Additional input	No statement
Councils	3	1	0	1	3
ENGOS	0	2	0	1	0
Individuals	2	5	1	4	17
NGOs	1	4	0	1	1
Non-Research Concessionaires	1	6	0	3	11
Other Stakeholders	2	8	1	4	13
Research Concessionaires	2	0	0	0	3
Statutory Bodies	1	5	0	1	1
Tangata Whenua	2	4	0	2	7
Total	14	35	2	17	56

72. Submitters who supported option 1 said that:

- This option should provide the most flexibility and could therefore futureproof the legislation to account for changes proposed for streamlining the processes that apply to minor changes to management planning documents.
- The utilisation of online channels to publish and notify information would improve accessibility to information for all.

73. Submitters who supported option 2 said that:

- It is optional whether any submitter wants to be heard.
- Hearings are valuable as they get participants in the same space, increasing understanding and providing opportunity for dialogue, both formal and informal. They allow for important nuance, detail, and clarification to written submissions that can be missed otherwise.
- Hearings have value as a networking and group discussion forum for participants of common interest who would otherwise have no chance to meet in person.
- Hearings are important to provide transparency in a process, and they are crucial to ensuring channels for engagement with the community.
- This option helps to streamline the consultation process and still give members of the public and organisations an opportunity to provide feedback and allow some hearings in appropriate cases.

74. The two submitters who supported option 3 did not justify their reasons why.

75. Submitters who engaged with answering whether newspaper advertisements or online notifications would be more effective gave a range of answers. Although it was generally accepted that the utilisation of online channels to publish and notify information should improve accessibility, there is still a desire by some to have notification occur in newspapers as well.

76. Some submitters noted that traditional mechanisms for public notification still hold value because there is still a portion of society who are not confident with IT or have poor internet access. Despite this, others had a strong preference for a digital-by-default approach.

77. Some submitters suggested further options for DOC to consider, including:

- Although it is not always desirable to hold a hearing, it would be beneficial to retain the ability to hold a hearing when appropriate.
- Like the RMA, only submissions supported by further evidence should be able to be heard.
- For iwi/hapū and marae entities some sort of targeted news would provide timely information for proactive participation.
- Collaborative processes and facilitated workshops can be time consuming and expensive, but if executed well could reduce costs at the latter end of a planning process.
- Webinars and online workshops are increasingly popular modern approaches to engagement, particularly targeted workshops on key topics and/or to specific groups.
- We recognise that given recent changes in society related to COVID and concerns for climate change that online consultation could be used in lieu of in-person meetings.
- Online notifications should have some form of subscriber list.
- Having an independent commissioner conduct the hearings process could improve the transparency of the process.
- Submitters should be able to present online or by telephone if they wish to do so.
- Submitters should have a choice between presenting a formal oral submission, participating in a workshop, or presenting a formal oral submission via audio-visual link.
- Hearings should be run on the basis that the panel pre-reads the submissions and submitters have the opportunity to highlight specific aspects of their submission, with the bulk of the hearing devoted to any questions the panel may have of submitters clarifying their submission and discussing alternative ways in which their submission might be addressed.
- Streamline the public consultation process through a survey rather than written submissions.
- Reviews of statutory planning documents should take place concurrently.

78. Submitters who commented on the representation of the NZCA sitting on the hearing panel typically agreed that it would add value and allow the NZCA to implement their role more effectively if they were able to understand community issues from the offset. No submitter opposed NZCA representation on the hearing panel.

79. Some submitters shared their thoughts on the pros and cons of hearings:

- Formal hearings can be intimidating and exclude members of the public from fully engaging with the plan's development.
- Some people struggle to articulate in writing their thoughts, and hearings allow them a forum to have their say in a manner that suits them.
- Hearings are much less important than submissions because they often result in the submitter reading their material.
- While they may be intimidating for some, if run well, public hearings are still a valuable avenue for public input. And they dissolve the impression that DOC is a faceless organisation.
- In its current form, hearings are ineffective and not producing good outcomes but with that being said, public consultation should be encouraged.
- Hearings are still useful because it gives panel members an opportunity to ensure that submitter points are fully understood.

- Not all people are literate, and it is important that they have an opportunity to express their opinion.
- When there are fundamental disagreements about specific issues, an optional hearing process might be the best way to resolve it.

80. Other feedback:

- The current timeframe for submissions should be retained. These are large documents and take time to analyse, especially for mana whenua and community groups.
- Other communication methods can still be run in addition to, rather than as a replacement of, the current hearings process.
- Genuine engagement requires time, and shortening timeframes can make it more difficult for interested people to input into planning processes.
- It is not clear how this change would reduce the backlog of work to be undertaken on planning documents.
- DOC should appreciate that the majority of submitters are individuals or non-government organisations that are not able to dedicate days and weeks of full-time work, with teams of employed staff, to submit on proposed changes.
- There is a need to make better use of technology and targeted engagement to speed up the process and not waste people's time when given freely to improve conservation.

81. Other feedback received from tangata whenua:

- The utilisation of online channels to publish and notify information could improve accessibility to this information for all.
- Tangata whenua don't understand what these processes or documents are used for so educational information evenings would be appropriate to achieving active engagement and participation.
- The retention of a hearings process, albeit modified, provides a vital opportunity to speak to their submission kanohi ki te kanohi with the decision makers.
- Limiting participation options because of costs or a lack of resources demonstrates a lack of intent to engage in good faith on DOC's behalf. This should be addressed internally by capitalising on the costs savings gained from the other changes to the proposed process.

Issue 1C(iii)

Table 11: Options for Issue 1C(iii)

The requirements for publishing draft or approved planning documents do not reflect modern preferences for accessing information.

Option 1 Amend the Conservation Act 1987 and National Parks Act 1980 to modernise the publication requirements for planning documents

Option 2 Retain the status quo

82. The discussion document asked submitters:

- Do you agree with how the problem and its impacts have been described?
- Which is your preferred option?
- Do you think there are any impacts that are not identified here?
- Are there further options that DOC should consider?

- Would you have trouble accessing planning documents online?
- Do you think any of the objectives not included in the analysis are relevant?

83. The totals of those who supported an option, provided additional input, or did not engage with issue 1C(iii) are presented in Table 12. These figures should be considered alongside the points provided following the table.

Table 12: Summary of Submission Responses for Issue 1C(iii)

Submitter Group	Option 1	Option 2	Additional input	No statement
Councils	4	0	0	4
ENGOS	2	0	1	0
Individuals	7	1	1	20
NGOs	5	1	0	1
Non-Research Concessionaires	7	0	2	12
Other Stakeholders	10	0	2	16
Research Concessionaires	2	0	0	3
Statutory Bodies	4	0	2	2
Tangata Whenua	4	0	2	9
Total	45	2	10	67

84. Submitters who supported option 1 said that:

- It is a sensible and necessary change because it would reduce time and costs of printing paper copies.
- An online-by-default approach has long been accepted as the norm, plus it is widely affordable and accessible.
- The names of cities as locations for publicising documents does not need to be prescribed in legislation.
- There are inherent limitations in relying on hard copies of documents, it can be difficult to store, keep up to date, and even find hard copies of relevant statutory documents.
- The world has moved on, and it is unfortunate the Act was drafted with such restrictive wording, option 1 is supported because it reflects changing needs, new technology, and evolving pressures.

85. One of two of the submitters who supported option 2 expressed that they did not support the suggestion that printed copies would only be provided upon request.

86. Some submitters suggested further options for DOC to consider, including:

- A modified version of option 1 being digital by default but also providing hard copies in one or more public library within the district or region and hard copies for organisations.
- Under option 1 there should still be an ability for anyone to obtain hard copies either through DOC offices or by requesting them directly from DOC by mail.
- A hardcopy of any planning document should be available upon request
- Online copies of statutory planning documents should include hyperlinks with greater explanation or context for particular objectives, policies, and implementation methods to help people understand the institutional knowledge.

- If option 1 is adopted, there should still be a requirement to advertise proposed changes in relevant newspapers and hard copies should still be available at regional and national DOC offices.

87. A number of submitters noted that those in rural areas and those from older generations often do not find it easy to access the internet. Many believe that both traditional and modern mechanisms for public notification should be utilised by DOC.

88. Other feedback received from submitters included:

- On the West Coast, we have found that older members of the community often do not have access to the internet or a computer or know how to access documents on the internet. The department may wish to print copies for the main public libraries, but it does not have to be specified in the Acts.
- Reviewing a hard copy of documentation is often easier for most people than reviewing online documents and so the access to hard copies should be available.
- Timeframes for responding to documents would need to be amended to allow for some parties to send and receive information in a timely manner.
- Either option should ensure that appropriate methods should be used to communicate with relevant groups.

89. Other feedback from tangata whenua:

- From a practical and sustainable perspective, a digital-by-default approach should be adopted where appropriate.
- The digital-by-default approach to publishing planning documents is not opposed because it has long been accepted as the norm.

Other Considerations

90. Many submitters made general comments on engagement within the management planning processes:

- Greater efficiency, improved processes, and modernisation with regards to conservation management planning are important. However, that should be balanced with a suitably high level of public engagement.
- There needs to be checks put in place to ensure that existing stakeholders have been contacted by DOC.
- Excluding the public from participating in the planning process is counter intuitive to the purpose for which the land is held.
- Public participation in the management of these lands held for the benefit of the public is a distinct part of Aotearoa New Zealand's identity and should be preserved in legislation.
- DOC cannot talk about partnerships and then leave their partners out of the planning process.
- Given the committed efforts of many to greater conservation outcomes, we cannot stress enough that we would like to see consultation retained in at least its current state.

- The overall tone of the discussion document is that it is costly and a hassle to involve the public in conservation management so let's just reduce their input.
- Consultation processes should not be reduced just to make DOC processes run faster.
- It is essential that members of the public continue to have the right to have input into planning for public conservation land, foremost because the land is publicly owned, and also because the public has relevant knowledge that is not necessarily held by the department.

Chapter 2 Proposals

91. Chapter 2 of the discussion document proposes changes to concessions legislation. DOC has identified opportunities to make targeted amendments to the Conservation Act 1987 to enable more proactive and efficient concessions processes without removing DOC's statutory ability to protect conservation values.
92. This chapter sought tangata whenua, stakeholder, and public feedback on six change options that could ease pressure on specific legislative issues within the concessions system.
93. The proposed options address the following legislative issues:
- **Issue 2A:** All activities require individual concessions, even when these activities are commonplace and have no or minimal adverse effects that can be appropriately managed.
 - **Issue 2B:** DOC cannot make a concession for pre-approved activities available on demand.
 - **Issue 2C:** It is unclear whether a concession application can be returned if tendering the opportunity would be more appropriate.
 - **Issue 2D:** The tender process does not allow a successful tender candidate to be offered a concession outright.
 - **Issue 2E:** There is no statutory timeframe for when requests for reconsideration of a decision may be sought.

Issue 2A

Table 13: Options for Issue 2A

All activities require individual concessions, even when these activities are commonplace and have no or minimal adverse effects that can be appropriately managed.

Option 1	Provide the Minister of Conservation with the ability to make regulations that generally authorise specific activities, removing the need for a concession
Option 2	Retain the status quo

94. The discussion document asked submitters:
- Do you agree with how the problem and its impacts have been described?
 - Which is your preferred option?
 - Do you think the process for generally authorising activities is appropriate?
 - Do you agree with the proposed eligibility criteria?
 - Should general authorisations apply only to specific locations and people?

- Do general authorisations sufficiently give effect to the Treaty principles?
- Are there further options that DOC should consider?

95. The totals of those who supported an option, provided additional input, or did not engage with issue 2A are presented in Table 14. These figures should be considered alongside the points provided following the table.

Table 14: Summary of Submission Responses for Issue 2A

Submitter Group	Option 1	Option 2	Additional input	No statement
Councils	5	0	2	1
ENGOS	0	2	1	0
Individuals	4	3	0	22
NGOs	4	1	0	2
Non-Research Concessionaires	10	0	7	4
Other Stakeholders	11	0	3	14
Research Concessionaires	5	0	0	0
Statutory Bodies	5	1	2	0
Tangata Whenua	3	1	3	8
Total	47	8	18	51

96. Submitters who supported option 1 said that:

- Removing the need for a concession for a lot of activities could have the flow-on benefit of improving the processing period for other concessions.
- This change is appropriate where there is certainty that an activity is known to have no or minimal environmental impacts.
- This option would likely lead to improved public access to the conservation estate and could remove red tape from accessing public land for certain recreational purposes.
- Should lead to more streamlined handling of activities which have no or minimal adverse effects.
- This could result in significant time and cost savings for DOC and concession holders alike.
- This is a simple and common-sense solution to a number of concessions that require lengthy processes to obtain permission and carry out an activity.

97. Submitters who supported option 2 said that:

- Activities assumed to have little or no effects, such as filming, can be intrusive and exclude the public or harm their experience and provide no contribution or environmental gain to public conservation land and waters.
- The proposed regulation making power would create significant risks for tangata whenua by reducing opportunities for tangata whenua to have input into concession decisions.
- There is strong opposition to a pan-Māori approach to the authorisation of activities through regulations.

98. Some submitters suggested further options for DOC to consider, including:

- Where the purpose of the activity is for public good, then we request that fees and rents should not apply.
- There should be a process for public input into the activities which could be permitted in an area, and an ability to amend or override these.
- If authorisations by regulation are anticipated, then a concession fee should still be required.
- DOC should investigate full-cost recovery for activities authorised by regulations, including for monitoring the activities and updating regulations.
- There should be a cost-recovery mechanism for these activities except where it is for research that benefits conservation.
- Rather than the minister, an independent authority appointed (like a conservation commissioner) with expertise and independent views could rule on general authorisations.
- Fees should continue to be collected as the department requires funding for its remit of work.

99. Some submitters suggested additional criteria, including:

- Requirement that environmental impacts can be effectively managed.
- Nature of the activity is not contrary to the purposes for which the land is held.
- A process for monitoring and managing cumulative effects of an activity allowed by a regulation would be required.
- A process for reversing a regulation for an activity that is found to have adverse effects would be required.
- Public participation should be retained at all stages of the regulation process to avoid undermining other planning processes.
- The nature of the activity would not directly or indirectly impede on current or existing recreational access rights to the land for activities such as hunting, tramping, camping, fishing, or otherwise.
- The nature of the activity is not contrary to the provisions of this Act or the purposes for which the land is held.
- The nature of the activity is not contrary to the statutory documents.

100. Some submitters suggested the following examples of what type of concession should be generally authorised:

- From a film-making perspective, it would be great to have some specific activities such as one camera person with zero disruption being generally authorised.
- Coach tours should be included in the new regulations.
- The collection of non-protected terrestrial and freshwater invertebrates.
- It is recommended that many of the core activities of regional councils are specifically included in the lists of approved activities where they meet the criteria of not having adverse effects on the environment.
- Certain people should be generally authorised to use DOC carparks.
- With regards to collecting specimens for research, while general authorisation may not be able to limit numbers, environmental impacts can be mitigated through conditions that are usually present in existing permits, for example, specimens can be collected only when this does not compromise the sustainability of the population.

- The collection of non-protected insect species is given as a potential example. I would encourage DOC to extend this to plants and fungi.

101. Submitters provided the following feedback on whether general authorisations should apply to specific locations or specific people/organisations:

- They would hardly be general in that case.
- It is appropriate for general authorisations to apply only to specific locations or specific people.
- It would have to be well justified as to how people and organisations were categorised.
- At least in some cases, in terms of the collection of specimens, this activity might still be limited to people collecting for public collections recognised by DOC.
- This could be useful for streamlining approach in highly sensitive areas requiring minimal concession related activities.
- Permissions restricted to specific people would be equivalent to permits and would be better handled as such.
- Ideally any general authorisation should cover as much of the conservation estate as possible. However, some locations may be excluded for scientific, conservation, and cultural reasons.

102. Submitters provided the following comments on the risk of cumulative effects:

- Cumulative effects are the main risk for general authorisations.
- The risk of cumulative impacts is a key consideration for general authorisations, whether something should be put into the regulations or not.
- There is a potential of cumulative impacts from generally authorised concessions. This includes increased pressure from visitor numbers, increased vessels or vehicles, and the rubbish and toilet issues onsite.
- It is hard to get an overview of cumulative effects because nationally they are very difficult to see.
- Consideration needs to be given to the monitoring of cumulative effects that result from general authorisations.
- Concessions are place-based and require active consideration of the place and the reasons for which it is held. Most importantly, there would be no consideration of cumulative effects. DOC should monitor and know what's happening where. There would also be no means of controlling the activity, as any new regulation is unlikely to be retrospective as that would raise issues of fairness and natural justice.

103. Other feedback:

- Processing times could be reduced, and the clarity of permitting process enhanced if the department proactively engages with tangata whenua, proactively upgrades permissions database, and proactively develops clearer guidelines for decision makers and those seeking concessions.
- We are concerned, however, that there may be a decrease in fees received from professionals.
- We strongly emphasise our opposition to any commercial exploitation or overuse of conservation land.
- It would reduce impact on limited DOC resources to cover activities that are not contrary to the purpose for which the land is held.
- It would be a challenge to engage meaningfully with all tangata whenua.

- The discussion document implies that there could be a level of acceptable adverse effects, and this creates some ambiguity for the audience.
- It is going to be rare that any concession application is going to fit a 'one-size-fits-all' regulation instead of a tailored concession approval.
- The discussion needs to go beyond 'adverse impacts' to focus on benefits (value co-creation) across the wider environmental, social, and economic system.
- Consideration should be given to the interaction of users of a regulation activity and those who have concessions already to ensure there is no conflict from a safety, conservation, visual pollution, or overcrowding perspective.
- Until these matters are addressed in substantive reform of the conservation system, general authorisation of activities is premature. This is particularly important when considering tangata whenua values, as their concerns may relate to the nature of the activity, not necessarily its scale.
- Losing the visibility of every concession could cause nervousness.
- The list of specified activities should be developed in a robust manner, and what is considered an activity with minor impact should be defined via a public-consultation process.
- There are ways to achieve allowance of low-impact commonplace activities without undermining the relevant statutory purpose through tweaks to Part 3B.
- The current process can be a bit lengthy, and it discourages some users from correctly applying for concessions.
- Having certain activities able to be covered by a general authorisation or an automatically approved concession may be beneficial as current concession frameworks can be unnecessarily cumbersome, restrictive, and/or expensive.
- We would not want to see those activities not authorised to have to go through a harder process as a result.
- Some form of concession system is still the best way to seek authorisation for activities where cultural, scientific, or conservation restrictions apply.

104. Other feedback from tangata whenua:

- We need to clarify what kind of activities are low impact, and we need a process so that information comes back to tangata whenua at place. If it happens after the fact, that's not consultation.
- General authorisations would need to be made on a rohe-by-rohe basis with input from local hapū.
- It would be helpful if mana whenua is included in the design stage of general authorisations.
- A blanket approach may impede on tikanga and cultural practices, which need to be at the forefront of creating these regulations.
- One key potential impact of this option is the removal of the ability for tangata whenua to be consulted on individual applications, which may impact the ability to give effect to the principles of the Te Tiriti o Waitangi.
- Robust engagement with tangata whenua does indeed need to take place; this is an opportunity for iwi partners to be engaged at an appropriate level.
- We need to have decisions made at place; what becomes a general authorisation should be decided here, not in National Office.
- Mana whenua should be able to develop individual criteria for authorising activities through regulations within their rohe as they may wish to have different taonga protected in comparison to a national Te Ao Māori perspective.

- There should be no adverse effect on cultural activities (these should take precedence) and potential impacts should be acknowledged.

Issue 2B

Table 15: Options for Issue 2B

DOC cannot make a concession for pre-approved activities available on demand.	
Option 1	Amend the Conservation Act 1987 to clarify that activities can be pre-approved in advance of, or without, an application being received
Option 2	Retain the status quo

105. The discussion document asked submitters:

- Do you agree with how the problem and its impacts have been described?
- Which is your preferred option?
- Are there further options that DOC should consider?
- Do you think any of the objectives not included in the analysis are relevant?

106. The totals of those who supported an option, provided additional input, or did not engage with issue 2B are presented in Table 16. These figures should be considered alongside the points provided following the table.

Table 16: Summary of Submission Responses for Issue 2B

Submitter Group	Option 1	Option 2	Additional input	No statement
Councils	4	0	2	2
ENGOS	0	2	1	0
Individuals	5	1	2	21
NGOs	4	0	1	2
Non-Research Concessionaires	11	1	4	5
Other Stakeholders	11	1	1	15
Research Concessionaires	3	0	0	2
Statutory Bodies	4	0	3	1
Tangata Whenua	3	1	2	9
Total	45	6	16	57

107. Submitters who supported option 1 said that:

- This option appears sensible and efficient, and it could reduce concession application waiting times.
- It could greatly increase freedom of access to the back country.
- So long as pre-approved activities truly have minor impacts.
- This has the potential to allow for a different level of engagement for researchers and the conservation system.

108. Submitters who supported option 2 said that:

- This approach is premature given that conservation purposes are still subject to substantive reform.

- A pathway for pre-approving activities is potentially a slippery slope and risks creating an expectation of an activity occurring that could result in adverse effects on conservation values, particularly cumulative effects, that could be difficult to reverse.

109. Some submitters suggested examples of what type of concession should be generally authorised:

- Drones have benefits in terms of providing visual information on land and water areas that are difficult to access by vehicle or on foot.
- Guided walks.
- Pre-approving concessions could facilitate urgent work, for example, where an area is at risk of being, or has been, affected by a natural hazard.
- Council activities, such as monitoring and testing stations on PCL&W, should be considered as pre-approved activities.
- Activities such as water-quality sampling and fish-and-invertebrate surveys would work well under this arrangement.
- Helicopter activities are recommended to be captured within the licence of the individual operation as opposed to being applied for on a case-by-case basis.
- A pre-approved concession that provides for tangata whenua to undertake customary practices, including access to and use of cultural materials and mahinga kai.

110. Some submitters suggested further options for DOC to consider, including:

- There should be a variation of the proposal which does not allow sole discretion to the department and instead requires sufficient or adequate public consultation.
- A version of this proposal could be utilised for the process of renewals where a concession activity is well understood and the concessionaire has a proven track record.
- The general public and recreation users should be provided a facility to raise concerns regarding the undesirable impacts of pre-approved activities.
- An independent Conservation Commissioner should oversee and make decisions as required.
- There should be a cost-recovery mechanism for these activities, except where it is for research that benefits conservation.
- The Conservation Act should be amended to provide clarity that activities can be pre-approved in advance of, or without, an application being received.

111. Submitters provided the following comments on the proposed criteria:

- The discussion document lacks detail around the approval process and criteria for pre-approved activities.
- This approach does not inspire confidence for the following reasons:
 - The criteria to identify allowable activities are not accompanied by examples.
 - The criteria to identify allowable activities do not make sense.
 - The criteria to identify allowable activities do not include the obvious candidate, that concessions should be consistent with the local CMS or CMP.
- The criteria proposed should be outlined and informed by impacted industry.
- Strong criteria need to be set, and further checks and balances should ensure that there would always be an opportunity for the review of consent for the activities described.

112. Like issue 2A, many submitters have raised concerns relating to the cumulative effects of pre-approved concessions.
113. Other feedback received included:
- What people can get from conservation land has always been legislated and should remain so.
 - The solution is not to make the activity easier to undertake lawfully, it is to engage with what ought to be allowed on public conservation land in a democratic process.
 - This approach may not be appropriate for permanent long-term monitoring sites that require infrastructure elements or sites that lie in areas of particular cultural and scientific sensitivity.
 - This proposal is likely to shift the onus to undertake environmental impact assessments from the applicant to the department, which would require additional DOC resourcing.
 - Option 1 would require great care and foresight.
 - No tourism examples are cited in the discussion document, but we understand some very low impact activities could possibly be included.
 - Public participation is a relevant objective that should be considered because permitting pre-approved concessions would remove the ability for the public to be notified of individual applications and to provide their views.
 - If option 1 was adopted, it is crucial that there is a trigger to quickly remove an activity. However, this should not be restricted to tangata whenua as other stakeholders, such as recreational NGOs, are equally capable of identifying problematic approvals and outcomes.
 - DOC should ensure that pre-approved activities can be mitigated to avoid the potential disruption of cultural activities.
 - In our view, amendments ought to allow only for science that furthers the conservation objects of the Act to occur without concessions. However, even scientific activities on public conservation land may conflict with other interests. All other classes of activities are simply trying to 'get what they want' from public conservation land.
 - Concessions impact the lives and wellbeing of many individuals and so a fair and transparent process is critical for all parties.
114. Other feedback received from tangata whenua included:
- Proper and robust engagement with tangata whenua should be had to determine what is an appropriate pre-approved activity for a given rohe.
 - We need to have decisions made at place. What becomes a pre-approved activity needs to be decided here, not in National Office.
 - In terms of the pre-approved concessions activities, how would this impact, and how could DOC mitigate and manage those impacts on cultural activities such as harvest.
 - A national, standardised approach via regulation may not cater for the interests of iwi, hapū and whānau.
 - It would be helpful if mana whenua is included in the design stage of pre-approvals.

Issue 2C

Table 17: Options for Issue 2C

It is unclear whether a concession application can be returned if tendering the opportunity would be more appropriate.

Note: These options are mutually exclusive. It would not be appropriate or effective to amend legislation to enact both Option 1 and Option 2.

- Option 1** Amend the Conservation Act 1987 to provide the Minister of Conservation with the ability to return a concession application if initiating a tender process would be more appropriate
- Option 2** Amend the Conservation Act 1987 to provide the Minister of Conservation with the ability to return a concession application if initiating a tender process would be more appropriate, and include a timeframe within which the tender process must be initiated
- Option 3** Retain the status quo

115. The discussion document asked submitters:

- Do you agree with how the problem and its impacts have been described?
- Which is your preferred option?
- Which circumstances are appropriate for DOC to decline an application?
- If option 2 is your preference, what is an appropriate time to initiate the tender process?
- Are there further options that DOC should consider?
- Do you think any of the objectives not included in the analysis are relevant?

116. The totals of those who supported an option, provided additional input, or did not engage with issue 2C are presented in Table 18. These figures should be considered alongside the points provided following the table.

Table 18: Summary of Submission Responses for Issue 2C

Submitter Group	Option 1	Option 2	Option 3	Additional input	No statement
Councils	0	1	0	1	6
ENGOS	0	1	0	2	0
Individuals	1	3	0	4	21
NGOs	1	2	2	1	1
Non-Research Concessionaires	0	5	3	6	7
Other Stakeholders	4	6	0	5	13
Research Concessionaires	0	2	0	0	3
Statutory Bodies	0	5	0	1	2
Tangata Whenua	3	2	0	9	1
Total	9	27	5	29	54

117. Those submitters who supported option 1 said that:

- This option gives an in for greater tangata whenua business aspirations.
- Competitive allocation processes for concession opportunities should align with section 4.

118. Submitters who supported option 2 said that:

- There should be a process that involves engagement with relevant PSGEs before a tender process can be initiated.
- A statutory timeframe is important to stop the process from dragging on and to avoid overloading DOC staff.
- Clarity relating to s17ZG(2)(a) is positive.
- Given that poor performance on timeliness has been raised as a relevant issue, even in the discussion document, a timeframe for initiating a tender process should be included.
- The inclusion of a timeframe is preferable as the department processes currently drift along with no urgency despite the impacts that delays have on the concessionaires.
- Removing ambiguity from within the legislation is appropriate.
- The timeframe offers sufficient time for tangata whenua to be engaged.
- Option 2 provides a balance between the public benefit of a tender process with some certainty on timeframe for concession applicants.
- This option still affords tangata whenua sufficient ability to engage in the tender process and provides them with the same opportunities as other tender applicants.
- It could be argued that tangata whenua would be provided an enhanced opportunity under this option if they are proactively engaged prior to any tender being run.

119. Submitters who supported option 3 said that:

- Further clarity about the proposed options needs to be explained before a tender process should be adopted.
- Any tendering process is effectively going to give one concessionaire the opportunity to build a business, do the hard yards, and then at renewal, risk losing everything to a superior tender.
- Such a mechanism is predominantly expected to be based on financial considerations, namely who could pay the most.
- There should be recognition of historical efforts by any company of the efforts they've put in and the experience they've gained from 10 years of operation at minimum.

120. One submitter who supported option 3 noted that there are many other factors that should be considered:

- How would existing capital assets that are a part of a current concession be treated?
- What is the nature of any incumbency position?
- What is the position of the concession product or service in the marketplace?
- How would Te Tiriti considerations fit into allocation decisions?
- What value is accorded to conservation gains delivered by the concessionaire?
- What criteria would trigger this option being used?
- What appeals process might there be?
- What other important points would be relevant?

121. Comments from other submitters also suggested that there is a need for more analysis:

- A great deal of thought needs to be given regarding how these processes could work especially when transitioning from an expiring concession to a new concession.

- Further policy work is needed around the implications and parameters of the proposal to 'provide the ability to return concession applications where a tender would be more appropriate'.
122. Submitters who suggested timeframes to initiate the tender process suggested that the following timeframes would be appropriate:
- 1 month
 - 40 days
 - 2 months
 - 3 months
 - One submitter said that the timeframe needs to be agreed with tangata whenua.
123. Some submitters suggested further options for DOC to consider, including:
- It should be an expression of interest process.
 - A body independent of DOC should oversee the tender process.
 - Tendering should be limited to high-use/high-value situations and underpinned by allocating opportunities to the most appropriate operator who provides the greatest benefit to conservation.
 - Tangata whenua applications should continue to be considered on a first come, first served basis.
 - A tender process should be precluded when there are privately owned assets that would be affected.
 - Mechanisms for tangata whenua to express an interest in a concession opportunity need to be explored.
 - Proactive engagement with tangata whenua before a concession expires and prior to the initiation of any tender process.
 - It may be more appropriate to issue a concession for a shorter term, than to decline an application.
124. A number of submitters shared concerns regarding the implications of a tender process on concessionaire investments in assets and on business development. Comments included:
- If an entity has had a successful business venture based on their skills in developing the opportunity, the market, and the resource, the risk then for a returning business to have to apply for a tender is that some other party can apply for that tender – and if they are successful, it removes that business from the first owner? We need to understand how this process can be fair and transparent to existing concession owners when they are up for renewal.
 - There needs to be a clear understanding as to when and why DOC would consider a tendering process and a process whereby the unsuccessful incumbent concessionaire is fairly compensated for its investment in assets, improvements, and business development.
 - If an incumbent concession loses the 'tender' and the concession involves existing capital assets, there needs to be a process to manage the transfer of assets including the appropriate timeframes for any transfer, such as an independent entity to value the assets based on their value when authorised by a concession; provision of compensation of the previous concessionaire for expropriation of their rights; what

'value' would be afforded to the conservation/biodiversity improvements delivered by incumbent concessionaire; and if a change in concessionaire results in the requirement to remove infrastructure, how would this be managed and who would bear the cost, given that effectively terminating an existing concession activity would turn off the previous operators income stream.

125. Other feedback included:

- The first come, first served non-competitive methodology of concession granting can have multiple adverse effects such as stifling innovation, poor service, enabling monopolies, and encouraging attitudes of entitlement and can stifle freedom of employment choice in industry sectors dependent on concessions.
- It should be considered unfair to decline an application on the grounds that others have informally expressed an interest in the policy.
- A decision to tender an activity/opportunity should be based solely on the tender process enhancing the achievement of conservation values, rather than achieving a commercial return for DOC. This underpins the fact that conservation land is to be managed for conservation purposes rather than commercial purposes.
- The current ambiguity in DOC's ability to return applications discourages concession opportunities being allocated through a competitive process. It has also limited DOC's ability to consider interest from tangata whenua in the concession opportunity and accommodate an opportunity to apply.
- Tendering is an effective tool in determining the market rate for a concession opportunity where conditions are already set.
- There is insufficient detail regarding this proposal to provide informed feedback.
- We do not agree that the problem and its impacts have been adequately described as this proposal would have comprehensive consequences for incumbent concessionaires and parties seeking a concession for a new activity.
- Applications should be assessed and prioritised according to the purpose for which the land or water is held and anticipated benefit to nature conservation. DOC should be provided with the ability to reject a tender that is not consistent with these objectives.
- Having a timeframe for the expressions of interest is not sufficient; a timeframe for the whole process needs to be nailed down.
- However, recognition still needs to be given to the investment in the activity by the incumbent concessionaire and appropriate compensation provided by the successful tenderer.
- Tendering is inherently antithetical to the statute's purpose as, instead of acting in protection of and advocacy for nature, the Minister of Conservation and the Director-General would necessarily 'proactively' seek opportunities for others' private privilege on public conservation lands and waters.
- The onus should be on the department to initiate the tender rapidly and efficiently in order to protect the interests of the applicant. Applicants are not able to wait for extended periods for the department to organise itself and on that basis the department should be required to start the process in a reasonable time.
- Tendering for speculative use is completely unacceptable.
- The fairness of what is proposed is questionable because when a party is applying for a concession, they have already invested time, effort, and money into the process. To have it returned, as their idea has triggered the tender process, seems unfair – and would discourage parties to apply.

- There must be multiple interested parties, otherwise a first in, first served process would be more appropriate.
- DOC needs to work with mana whenua to understand what trigger points are for the return of a tender.
- If section 4 concerns are complex and likely to take a long time to resolve, it may be more appropriate to either grant or refuse the concession that is being applied for rather than leaving the applicant in prolonged limbo while attempting to run a tender.
- Any tender process should be structured to be fair and equitable for all applicants.
- At face value, this would appear to be an appropriate change, but for transparency and consistency, we suggest any provision includes the circumstances under which a tender process is more appropriate and the timeframe within which the tenders need to be called.

Issue 2D

Table 19: Options for Issue 2D

The tender process does not allow a successful tender candidate to be offered a concession outright.

Option 1	Amend the Conservation Act 1987 to allow the Minister of Conservation to offer a successful tender candidate a concession directly, but only if the statutory provisions of Part 3B have been met
Option 2	Retain the status quo

126. The discussion document asked submitters:

- Do you agree with how the problem and its impacts have been described?
- Which is your preferred option?
- Are there further options that DOC should consider?
- Do you think any of the objectives not included in the analysis are relevant?

127. The totals of those who supported an option, provided additional input, or did not engage with issue 2D are presented in Table 20. These figures should be considered alongside the points provided following the table.

Table 20: Summary of Submission Responses for Issue 2D

Submitter Group	Option 1	Option 2	Additional input	No statement
Councils	1	0	0	7
ENGOS	2	0	1	0
Individuals	6	0	0	23
NGOs	5	0	0	2
Non-Research Concessionaires	4	2	5	10
Other Stakeholders	10	0	1	17
Research Concessionaires	2	0	0	3
Statutory Bodies	5	1	1	2
Tangata Whenua	3	1	3	10
Total	38	4	11	71

128. Submitters who supported option 1 typically did not provide further analysis to support their preference. Though some said that this change makes sense as it removes a double up and reduces the administrative burden on applicants and DOC, that clarity regarding s17ZG(2)(a)

is positive, and that the requirements of part 3B should not be circumvented under this regime.

129. Submitters who supported option 2 said that:

- Option 1 adds a layer of complexity by removing the controls in place to ensure a concessionaire is proposing a suitable activity.
- There is a need to streamline processes, however, other options should be considered to achieve the outcomes sought.

130. Some submitters suggested further options for DOC to consider, including:

- A performance-based focus could mean that DOC staff would more efficiently and effectively complete tasks on time.
- A tendering process should require each tenderer to complete a formal concession application as part of the tender process. This would enable the department to assess not only the tender information, but also to properly consider the concession application.

131. Other feedback included:

- More analysis should have been provided in the discussion document
- The tender process and the criteria for selection of a successful tender would need to be fair and transparent.
- Successful tenders should still be assessed under part 3B of the Conservation Act.
- It is not clear whether the tender process requires full information about the environmental effects of an activity, including the provision of supporting technical reports or whether there is a process for additional information.
- Care would be needed to ensure this is not overkill for a tender process, thereby making the application process excessively costly to undertake.
- As part of the tendering process, it should include an appropriate concession document template so that any applicant understands the likely terms and conditions prior to engaging in the process and potentially signing up the final concession.

Issue 2E

Table 21: Options for Issue 2E

There is no statutory timeframe for when requests for reconsideration of a decision may be sought.	
Option 1	Amend section 17ZJ of the Conservation Act 1987 to provide a statutory timeframe of 15 working days for an applicant to seek a reconsideration of their concession application
Option 2	Retain the status quo

132. The discussion document asked submitters:

- Do you agree with how the problem and its impacts have been described?
- Which is your preferred option?
- Do you think 15 days to submit a reconsideration request is appropriate?
- Are there further options that DOC should consider?

- Do you think any of the objectives not included in the analysis are relevant?

133. The totals of those who supported an option, provided additional input, or did not engage with issue 2E are presented in Table 22. These figures should be considered alongside the points provided following the table.

Table 22: Summary of Submission Responses for Issue 2E

Submitter Group	Option 1	Option 2	Additional input	No statement
Councils	3	0	1	4
ENGOS	1	0	1	1
Individuals	5	0	0	24
NGOs	3	1	1	2
Non-Research Concessionaires	8	1	8	8
Other Stakeholders	10	0	2	16
Research Concessionaires	2	0	0	3
Statutory Bodies	3	0	1	4
Tangata Whenua	4	0	3	8
Total	39	2	13	70

134. Submitters who supported option 1 said that:

- Option 1 can give certainty to concession holders and provide a fairer process for all.
- Fifteen working days is acceptable because it is in line with the appeal periods on resource consent applications under the RMA.
- This would be a positive change as it seems logical and serves the intention of the legislation.
- A timeframe provides certainty for the applicant, any interested party, and DOC.

135. The submitters who supported option 2 said that:

- The timeframe for a reconsideration request should be based on the complexity of the application.
- The success of an application can be subject to the political whim of the ruling government and so timeframes should not prohibit the ability to reapply at a later date.

136. Submitters who suggested a timeframe to request a reconsideration suggested that the following timeframes would be appropriate:

- 20 days
- 25 days
- 30 days
- 40 days
- One submitter suggested that there should be 15 days to signal an intent, and that a further period of 30 days should be available to complete an application.

137. Other feedback included:

- The proposed timeframe is too short.
- Consideration should be given to the mode of delivery of the decision and that it is suitable given the proposed timeframe.
- Considerations should be given to ensure that the timeframe for reconsideration allows for delays in accessing/receiving information.
- DOC would need to consider what the purpose of enabling a reconsideration is and the scope of the reconsideration.
- Whether a reconsideration timeframe is suitable would depend on the procedure that would follow after a reconsideration is sought.
- Submitters should have reconsideration rights.
- Over the likes of the summer months, business owners have limited ability to undertake other work outside of the day-to-day operation of their business.

Chapter 3 Proposals

138. Chapter 3 of the discussion document identifies specific statutory provisions where legislative amendments could provide statutory clarity and certainty, reduce time and costs for users, and better reflect and respond to the needs of the public. The proposals presented in this chapter are minor and suggest technical changes to resolve statutory provisions that are erroneous, inconsistent, or outdated.
139. Although each of the proposals in this chapter received a reasonable level of engagement, the quality of feedback received varied from option to option. In most instances, the feedback lacked depth in comparison with what was received on the previous two chapters.

Issue 3A

Table 23: Options for Issue 3A

NZCA members and conservation board members could be personally liable for their decisions when exercising their statutory powers in role.

Option 1 Amend the Conservation Act 1987 to ensure that members of the NZCA and conservation boards cannot be held personally liable for decisions they make in good faith when exercising their statutory powers in role

Option 2 Retain the status quo

140. The discussion document asked submitters:
- Do you agree with how the problem and its impacts have been described?
 - Which is your preferred option?
 - Are there further options that DOC should consider?
 - Do you think any of the objectives not included in the analysis are relevant?
141. The totals of those who supported an option, provided additional input, or did not engage with issue 3A are presented in Table 24. These figures should be considered alongside the points provided following the table.

Table 24: Summary of Submission Responses for Problem 3A

Submitter Group	Option 1	Option 2	Additional input	No statement
Councils	1	0	1	6
ENGOS	2	0	0	1
Individuals	4	0	0	25
NGOs	4	0	0	3
Non-Research Concessionaires	8	0	0	13
Other Stakeholders	8	1	2	17
Research Concessionaires	1	0	0	4
Statutory Bodies	7	0	0	1
Tangata Whenua	1	0	1	13
Total	36	1	4	83

142. Submitters who supported option 1 said that:

- It seems logical to align this matter with other legislation.
- Improves the safety and wellbeing of board members as it removes the fear of personal risk.
- Board members should not be punished for their decision in the event that someone disagrees with them.
- It remains important that there is a check and balance through an internal quality assurance process to ensure that board members are acting in an appropriate manner.

143. The only submitter who supported option 2 said that this is an issue that relates to all governance in every organisation in New Zealand and that NZCA should not be exempt from the rule of law.

144. Other feedback included:

- There should be retrospective protection built in when this proposal is being drafted.
- An additional benefit not identified in the discussion document is the potential for such a change to widen the pool of individuals who may be interested in serving on these bodies.
- There should still be some form of accountability. It remains important that there is a check and balance through an internal quality assurance process to ensure that board members are acting in an appropriate manner.
- One submitter believed that board members typically are responsible for their decisions.

Issue 3B

Table 25: Options for Issue 3B

The financial statements of reserve boards and reserve administering bodies must be audited, regardless of their annual revenue and expenditure.	
Option 1	Amend the Reserves Act 1977 and Public Finance Act 1989 to require the financial statements of reserve boards and reserve administering bodies only to be audited when their annual revenue or expenditure is over the threshold of \$1 million
Option 2	Retain the status quo

145. The discussion document asked submitters:

- Do you agree with how the problem and its impacts have been described?
- Which is your preferred option?
- Do you think the requirement of \$1m is a suitable amount?
- Are there further options that DOC should consider?
- Do you think any of the objectives not included in the analysis are relevant?

146. The totals of those who supported an option, provided additional input, or did not engage with issue 3B are presented in Table 26. These figures should be considered alongside the points provided following the table.

Table 26: Summary of Submission Responses for Problem 3B

Submitter Group	Option 1	Option 2	Additional input	No statement
Councils	0	0	2	6
ENGOS	2	0	0	1
Individuals	2	0	0	27
NGOs	3	1	0	3
Non-Research Concessionaires	6	2	0	13
Other Stakeholders	7	0	5	16
Research Concessionaires	1	0	0	4
Statutory Bodies	7	0	0	1
Tangata Whenua	2	0	1	12
Total	30	3	8	83

147. Submitters who supported option 1 typically did not provide further analysis to support their preference. Though one submitter from this group did say that having a firm requirement to audit, which in reality cannot be complied with, serves no real purpose.

148. A number of submitters who expressed support for option 1 questioned whether the \$1m threshold is appropriate. These submitters suggested a range of alternative thresholds including:

- \$30,000
- \$100,000
- \$140,000
- \$500,000
- \$550,000 (aligned with the Charities Act).

149. The submitters who supported option 2 said that:

- Financials should be audited to ensure that DOC are accountable for expenditure.
- DOC has an obligation to the New Zealand tax-paying public to ensure fiscal activity is audited and is without flaw, regardless of the amounts involved.
- Regardless of income or expenditure, removing the need to audit is not appropriate.

150. Other feedback included:

- Auditing is a crucial step for public accountability.
- The \$1m threshold is far too high.
- There is an opportunity to match the four-tier accounting system used by local government and the Charities Commission.
- Public expenditure should be subject to oversight in the manner recommended by the Auditor-General so that good practice and visibility is applied.
- There should be a discretionary power to audit reserves that do not meet the annual operating cap.
- There is a need for consistency with other financial accountability requirements.

Issue 3C

Table 27: Options for Issue 3C

The Public Service Commission must provide written consent for any power delegated to the Director-General of DOC under the Public Service Act 2020 to be delegated to a DOC officer or employee.

Option 1	Amend the Conservation Act 1987 to only require the Public Service Commission to give written consent for the Director-General to delegate powers to an officer or employee of DOC where the specific delegated powers are authorised under clause 6 of schedule 3 of the Public Service Act 2020
Option 2	Retain the status quo

151. The discussion document asked submitters:

- Do you agree with how the problem and its impacts have been described?
- Which is your preferred option?
- Are there further options that DOC should consider?
- Do you think any of the objectives not included in the analysis are relevant?

152. The totals of those who supported an option, provided additional input, or did not engage with issue 3C are presented in Table 28. These figures should be considered alongside the points provided following the table.

Table 28: Summary of Submission Responses for Problem 3C

Submitter Group	Option 1	Option 2	Additional input	No statement
Councils	0	0	0	8
ENGOS	2	0	0	1
Individuals	2	0	0	27
NGOs	3	0	0	4
Non-Research Concessionaires	5	2	1	13
Other Stakeholders	6	0	0	22
Research Concessionaires	1	0	0	4
Statutory Bodies	7	0	0	1
Tangata Whenua	3	0	0	12
Total	29	2	1	92

153. The submitters who supported option 1 did not provide significant feedback to explain their decision.

154. The submitters who supported option 2 said that:

- Fix the system before trying to change the legislation; it should be easy to establish a process to gain quick written approval.
- This is not a problem; this has been put in place to ensure that there is no chance of abusing power.

155. Other feedback included:

- There should also be clarification of what powers cannot be delegated without the consent of the Public Service Commissioner.

Issue 3D

Table 29: Options for Issue 3D

Under the Reserves Act 1977, the role of Commissioner may only be delegated to a specified individual and their specific role.

Option 1 Amend the Reserves Act 1977 to allow the role of Commissioner to be designated to a specific job title or position (rather than a specific individual)

Option 2 Retain the status quo

156. The discussion document asked submitters:

- Do you agree with how the problem and its impacts have been described?
- Which is your preferred option?
- Are there further options that DOC should consider?
- Do you think any of the objectives not included in the analysis are relevant?

157. The totals of those who supported an option, provided additional input, or did not engage with issue 3D are presented in Table 30. These figures should be considered alongside the points provided following the table.

Table 30: Summary of Submission Responses for Problem 3D

Submitter Group	Option 1	Option 2	Additional input	No statement
Councils	0	0	0	8
ENGOS	2	0	0	1
Individuals	3	0	0	26
NGOs	3	0	0	4
Non-Research Concessionaires	4	2	1	14
Other Stakeholders	7	0	0	21
Research Concessionaires	1	0	0	4
Statutory Bodies	7	0	0	1
Tangata Whenua	1	0	0	14
Total	28	2	1	93

158. The submitters who supported option 1 did not provide significant feedback to explain their decision.

159. The submitters who supported option 2 said that:

- Just make the system currently in place work; it has been designed to ensure performance and candidate suitability for certain roles.
- There should be accountability and suitability vetting for individuals holding certain roles.

160. One submitter added that identifying the specific job title or position could be helpful to ensure that the appropriate level of expertise is delegated.

Issue 3E

Table 31: Options for Issue 3E

Part of the statutory process to establish a nature reserve or scientific reserve does not contribute to the effective regulation of establishing such reserves.	
Option 1	Amend section 16A (2)–(3) of the Reserves Act 1977 to allow any ‘conservation area’ to be recommended for, and established as, a nature reserve or scientific reserve
Option 2	Retain the status quo

161. The discussion document asked submitters:

- Do you agree with how the problem and its impacts have been described?
- Which is your preferred option?
- Are there further options that DOC should consider?
- Do you think any of the objectives not included in the analysis are relevant?

162. The totals of those who supported an option, provided additional input, or did not engage with the issue 3E are presented in Table 32. These figures should be considered alongside the points provided following the table.

Table 32: Summary of Submission Responses for Problem 3E

Submitter Group	Option 1	Option 2	Additional input	No statement
Councils	0	0	1	7
ENGOS	3	0	0	0
Individuals	4	0	0	25
NGOs	3	0	0	4
Non-Research Concessionaires	6	2	0	13
Other Stakeholders	6	2	0	20
Research Concessionaires	1	0	0	4
Statutory Bodies	6	1	0	1
Tangata Whenua	2	0	0	13
Total	31	5	1	87

163. The submitters who supported option 1 did not provide significant feedback to explain their decision.

164. Submitters who supported option 2 said that:

- Reduce bureaucracy within the parameters of your legislation, rather than changing foundational steps that have been established for good reason.
- Option 1 lacks due process and creates a high risk of power being potentially abused.
- The proposed amendments do not adequately consider other values such as recreation.

165. Other feedback received from submitters included:

- Whatever the new process is, it should include consultation with tangata whenua and the public, as the activities allowed in a nature or scientific reserve are limited.
- It is unclear what impact this may have on the Stewardship Land Reclassification project.
- Any reclassification recommendations affecting conservation areas should be undertaken in a manner that reflects the Treaty principles, the requirements of section 4, and does not create impediments on the exercise of customary activities.

Issue 3F

Table 33: Options for Issue 3F

The Reserves Act 1977 only allows public notification via newspapers.

Option 1 Amend section 119 of the Reserves Act 1977 to allow public notification to occur electronically alongside notification through newspapers

Option 2 Retain the status quo

166. The discussion document asked submitters:

- Do you agree with how the problem and its impacts have been described?
- Which is your preferred option?
- Are there further options that DOC should consider?
- Do you think any of the objectives not included in the analysis are relevant?

167. The totals of those who supported an option, provided additional input, or did not engage with issue 3F are presented in Table 34. These figures should be considered alongside the points provided following the table.

Table 34: Summary of Submission Responses for Problem 3F

Submitter Group	Option 1	Option 2	Additional input	No statement
Councils	2	0	2	4
ENGOS	2	0	0	1
Individuals	4	0	0	25
NGOs	4	0	0	3
Non-Research Concessionaires	8	0	0	13
Other Stakeholders	7	0	0	21
Research Concessionaires	1	0	0	4
Statutory Bodies	7	0	0	1
Tangata Whenua	1	0	0	14
Total	36	0	2	86

168. The submitters who supported option 1 said that:

- Over time, notification in hard-copy newspapers is likely to become increasingly irrelevant: electronic notification should be promoted as the primary method.
- Changing from print newspapers alone to a more equitable, widespread, and accessible form is welcomed.
- Support the use of varied media sources to notify the public of changes. We support the use of the DOC website, social media (including but not limited to Facebook, Instagram, Snapchat, TikTok, and email), newspapers, and radio where relevant.
- Retaining newspaper notification is necessary because some people do not engage with online methods, just as some people do not engage with newspapers.

169. There were no submitters who supported option 2.

170. Other feedback included:

- There is a need to retain newspaper advertisement until a time that they too become only electronic and connectivity is improved particularly in rural areas, where reserves tend to be located.
- These provisions should apply to other administering bodies under s41 of the Reserves Act as well.
- Public notification should be electronic by default, but that the approach should be an addition to, and not a substitute for, local newspapers.
- One submitter added that public notification in newspapers should be aligned with the 2019 amendments to the Local Government Act by including the option of a notice in a local authority's newspaper or a regional/district-wide newspaper.

Issue 3G

Table 35: Options for Issue 3G

The Conservation Act 1987 does not explicitly state when an aircraft concession is required.

Option 1 Amend the Conservation Act 1987 to explicitly state that an aircraft concession is required for all aircraft landings or take-offs on land administered under the Conservation Act 1987, National Parks Act 1980, Reserves Act 1977, or Wildlife Act 1953

Option 2 Retain the status quo

171. The discussion document asked submitters:

- Do you agree with how the problem and its impacts have been described?
- Which is your preferred option?
- Are there further options that DOC should consider?
- Do you think any of the objectives not included in the analysis are relevant?

172. Much of the feedback received on this issue intersects with what was received on issue 3H. Due to this, answers on the further options for DOC to consider and any additional input received on both issues have been reported together (see paragraphs 181 and 182).

173. The totals of those who supported an option, provided additional input, or did not engage with issue 3G are presented in Table 36. These figures should be considered alongside the points provided following the table.

Table 36: Summary of Submission Responses for Problem 3G

Submitter Group	Option 1	Option 2	Additional input	No statement
Councils	1	0	0	7
ENGOS	2	0	0	1
Individuals	4	0	0	25
NGOs	4	0	0	3
Non-Research Concessionaires	6	0	1	14
Other Stakeholders	8	2	1	17
Research Concessionaires	1	0	0	4
Statutory Bodies	6	0	0	2
Tangata Whenua	1	0	0	14
Total	33	2	2	87

174. Submitters who supported option 1 agree that there is a need for scenic flights over PCL&W to require concessions and that it achieves statutory clarity.

175. Those who supported option 2 said that the discussion document wishes to cement legal anomalies by firming up the requirement for recreational aircraft to get a concession. They also noted that if option 1 was adopted, the legal anomalies would remain.

Issue 3H

Table 37: Options for Issue 3H

The Conservation Act 1987 does not explicitly state that recreational aircraft users require a concession to operate on public conservation land.

Option 1	Amend section 17ZF (1) of the Conservation Act 1987 to confirm that all aircraft activities (whether recreational or not) require a concession for landing or taking off on public conservation land
Option 2	Retain the status quo

176. The discussion document asked submitters:

- Do you agree with how the problem and its impacts have been described?
- Which is your preferred option?
- Are there further options that DOC should consider?
- Do you think any of the objectives not included in the analysis are relevant?

177. The totals of those who supported an option, provided additional input, or did not engage with issue 3H are presented in Table 38. These figures should be considered alongside the points provided following the table.

Table 38: Summary of Submission Responses for Problem 3H

Submitter Group	Option 1	Option 2	Additional input	No statement
Councils	0	0	1	7
ENGOS	2	0	0	1
Individuals	3	0	0	26
NGOs	4	0	0	3
Non-Research Concessionaires	6	0	1	14
Other Stakeholders	7	2	1	18
Research Concessionaires	1	0	0	4
Statutory Bodies	7	0	0	1
Tangata Whenua	1	0	0	14
Total	31	2	3	88

178. The submitters who supported option 1 did not provide significant feedback to explain their decision to support option 1. Despite this, a number of submitters gave additional input which has been summarised below.

179. Those who supported option 2 said that the discussion document wishes to cement legal anomalies by firming up the requirement for recreational aircraft to get a concession They also noted that if option 1 was adopted, the legal anomalies would remain.

Additional feedback received on issue 3G and issue 3H

180. Some submitters suggested further options for DOC to consider, including:

- Prospecting, exploration, and mining should be excluded from the coverage of this proposal because matters relating to aircrafts are covered under the access arrangements under the CMA.
- There should be no concession required for recreational landings on PCL&W.
- Recreational aircraft landings require a permit free of charge.
- The definition of aircraft ought to include un-motorised crafts such as microlights and remote-controlled aircraft such as drones and model aircrafts.
- There should be clear distinctions made between traditional aircraft concession requirements and UAV/drone concession requirements.
- Paragliding and hang gliding are defined as aircraft and are caught up due to the requirement for all aircraft to seek a concession – the legislation should be changed so that ‘non-powered, foot-launched recreational aircraft’ is distinct from an aircraft.
- Concession fees should be waived if the purpose of the flight has positive conservation outcomes, for example, hunters accessing remote areas.

181. Other feedback included:

- Landing of aircraft such as microlights in braided riverbeds or other ecological sensitive environments can affect wildlife.
- Noise nuisance from drones in public places is well-documented.
- DOC needs to consider airports that are close to PCL&W that operate scenic over-flights that do not land on PCL&W.

- This proposal does not differentiate between itinerant privately operated aircraft and commercially scheduled flights – they are two very different types of operation.
- New Zealanders should have access to national parks without concessions for infrequent private enjoyment.
- Flexibility is needed because ‘access’ is a key aspect restricting hunters’ ability to undertake management efforts.
- It is appalling that any recreational activity, which some can be extremely destructive of ecological values, can apparently be carried out as of right without permit.
- These options should not lead to the erosion of aircraft access into our back country.
- There appears to be an agenda to target one mode of transport, consistency demands that if boats, cars, buses etc do not require a concession, then neither should a private aircraft.

Issue 3I

Table 39: Options for Issue 3I

The definition of a ‘conservation management plan’ in the Conservation Act 1987 does not include management plans approved under the National Parks Act 1980.	
Option 1	Amend section 2 of the Conservation Act 1987 so that the definition of a ‘conservation management plan’ includes any management plan approved under the National Parks Act 1980
Option 2	Retain the status quo

182. The discussion document asked submitters:

- Do you agree with how the problem and its impacts have been described?
- Which is your preferred option?
- Are there further options that DOC should consider?
- Do you think any of the objectives not included in the analysis are relevant?

183. The totals of those who supported an option, provided additional input, or did not engage with issue 3I are presented in Table 40. These figures should be considered alongside the points provided following the table.

Table 40: Summary of Submission Responses for Problem 3I

Submitter Group	Option 1	Option 2	Additional input	No statement
Councils	0	0	0	8
ENGOS	2	0	0	1
Individuals	2	0	1	26
NGOs	3	0	0	4
Non-Research Concessionaires	7	0	1	13
Other Stakeholders	6	0	0	22
Research Concessionaires	1	0	0	4
Statutory Bodies	7	0	0	1
Tangata Whenua	1	0	0	14
Total	29	0	2	93

184. The submitters who supported option 1 did not provide significant feedback to explain their decision to support option 1.

185. There were no submitters who supported option 2.

186. Other feedback included:

- This proposed amendment requires more analysis so that the particular nature of the requirements for national park management plans are retained.
- I think DOC should consider eliminating CMPs and most existing CMPs could be subsumed into the relevant CMS.
- This may create a circular loop, as management plans under the Conservation Act have to be prepared under the Conservation Act provisions (s 17M), rather than the more specific provisions that relate to a national park management plan.
- It is important to include in that definition in the Conservation Act that any requirements to change, review, amend, renew, or establish a national park management plan under the National Parks Act 1980 still apply despite anything in the Conservation Act.

Issue 3J

Table 41: Options for Issue 3J

The New Zealand Police requires approval from DOC to hold items seized under the Wild Animal Control Act 1977

Option 1 Amend the Wild Animal Control Act 1977 to allow the New Zealand Police to retain seized items that were used in the commission of an offence

Option 2 Retain the status quo

187. The discussion document asked submitters:

- Do you agree with how the problem and its impacts have been described?
- Which is your preferred option?
- Are there further options that DOC should consider?
- Do you think any of the objectives not included in the analysis are relevant?

188. The totals of those who supported an option, provided additional input, or did not engage with issue 3J are presented in Table 42. These figures should be considered alongside the points provided following the table.

Table 42: Summary of Submission Responses for Problem 3J

Submitter Group	Option 1	Option 2	Additional input	No statement
Councils	0	0	0	8
ENGOS	2	0	0	1
Individuals	4	0	0	25
NGOs	4	0	0	3
Non-Research Concessionaires	6	2	0	13
Other Stakeholders	6	0	0	22
Research Concessionaires	1	0	0	4
Statutory Bodies	7	0	0	1

Tangata Whenua	1	1	0	13
Total	31	3	0	90

189. The submitters who supported option 1 did not provide significant feedback to explain their decision.

190. The submitters who supported option 2 said that:

- Streamline the process and reporting channels, surely this – at basic intent – should be able to be taken care of in an expedient manner, without removing a layer of protection for the end-user or alleged offenders.
- The police shouldn't be able to do what they like regarding wildlife because they don't go and talk to tangata whenua about tikanga and kawa.

191. Other feedback received from submitters included:

- There was a recommendation that any amendment should include a requirement for Police to notify DOC when an item has been seized, retained, or returned.
- These measures have been put into place initially for good reason, to hold DOC and the NZ Police accountable for their actions and their procedures.

Issue 3K

Table 43: Options for Issue 3K

The Conservation Act 1987 does not appropriately define a 'disability assist dog'.	
Option 1	Amend sections 2 and 26ZZK of the Conservation Act 1987 to replace 'guide dog' and 'companion dog' with 'disability assist dog' as defined under the Dog Control Act 1996
Option 2	Retain the status quo

192. The discussion document asked submitters:

- Do you agree with how the problem and its impacts have been described?
- Which is your preferred option?
- Are there further options that DOC should consider?
- Do you think any of the objectives not included in the analysis are relevant?

193. The totals of those who supported an option, provided additional input, or did not engage with issue 3K are presented in Table 44. These figures should be considered alongside the points provided following the table.

Table 44: Summary of Submission Responses for Problem 3K

Submitter Group	Option 1	Option 2	Additional input	No statement
Councils	0	0	0	8
ENGOS	2	0	0	1
Individuals	3	0	0	26
NGOs	3	0	0	4
Non-Research Concessionaires	8	0	1	12
Other Stakeholders	7	0	0	21

Research Concessionaires	1	0	0	4
Statutory Bodies	7	0	0	1
Tangata Whenua	1	0	0	14
Total	32	0	1	91

194. The submitters who supported option 1 did not provide significant feedback to explain their decision.

195. There were no submitters who supported option 2.

196. Other feedback included:

- When considering a companion dog, equal consideration should be given to any registered companion animal, giving the opportunity to all potential users of public conservation land.
- One submitter expressed the opinion that requiring a companion animal does not require a person to have a 'disability'.

Issue 3L

Table 45: Options for Issue 3L

The National Parks Act 1980 does not correctly refer to the Westland National Park/Tai Poutini National Park	
Option 1	Amend section 6 of the National Parks Act 1980 to update the title of 'Westland National Park' to 'Westland National Park/Tai Poutini National Park'
Option 2	Retain the status quo

197. The discussion document asked submitters:

- Do you agree with how the problem and its impacts have been described?
- Which is your preferred option?
- Are there further options that DOC should consider?
- Do you think any of the objectives not included in the analysis are relevant?

198. The totals of those who supported an option, provided additional input, or did not engage with issue 3L are presented in Table 46. These figures should be considered alongside the points provided following the table.

Table 46: Summary of Submission Responses for Problem 3L

Submitter Group	Option 1	Option 2	Additional input	No statement
Councils	0	0	0	8
ENGOS	2	0	0	1
Individuals	2	0	0	27
NGOs	3	0	0	4
Non-Research Concessionaires	8	0	0	13
Other Stakeholders	6	0	0	22
Research Concessionaires	1	0	0	4

Statutory Bodies	7	0	0	1
Tangata Whenua	1	0	0	14
Total	30	0	0	94

199. The submitters who supported option 1 did not provide significant feedback to explain their decision.

200. There were no submitters who supported option 2.

Monitoring and Implementation

201. Submitters did not provide as much input into the monitoring and implementation sections of each chapter as they did for other questions. Due to this, all of the feedback received has been reported together.

202. The discussion document asked submitters the following question at the end of each chapter:

- Are there any additional implementation, monitoring, or evaluation measures that you think should be considered?

203. Those who commented on the monitoring and implementation of the management planning proposals said that:

- Statutory planning documents are not being well-implemented, and more resources are needed to go into monitoring systems and into the analysis of how well conservation goals and milestones set by the documents are being achieved.
- One of the most frustrating things about the NPMP and CMS reviews is that these plans and strategies often include monitoring provisions; however, the monitoring is not undertaken.
- The department is not currently actively monitoring how well it is meeting milestones in CMS and NPMPs, and it continues to disregard the efforts and concerns of conservation boards whose function it is to monitor the implementation of the acts.

204. Those who commented on the monitoring and implementation of the concessions proposals said that:

- DOC needs to be able to monitor the impacts and appropriateness of general authorisations and pre-approved activities within current monitoring programmes so that any risks of overuse can be mitigated through monitoring and reporting.
- The exclusion of iwi input in terms of cultural values has been a gap in the monitoring of concessions.
- Ongoing monitoring of successful concession applications, defined in agreements, should be conducted. There is significant concern that activities are being permitted

and little follow-up monitoring is conducted to ensure the activities are being compliant.

- Major gains can be achieved from better concession management systems within DOC that would allow better reporting and data-based monitoring.
- The problems lie more with the monitoring of actual concessions rather than with monitoring the rate of progress in approving them.
- A time limit should be set for processing concessions to ensure that the implementation, monitoring, and evaluation of concessions processes are occurring in a timely manner.
- Gathering data on the monitoring of concessions would assist understanding the state of the environment, building connections with catchment managers (NPS-FM/NPS-IB), and regional restoration projects, which support the implementation of the Regional Natural Resources Plan and the Regional Coastal Environment Plan.

205. There were no comments made about the monitoring and implementation of the minor and technical amendments.

206. Other feedback included:

- Aotearoa New Zealand is experiencing a biodiversity and climate crisis, therefore, there is an imperative to monitor and evaluate public preferences in this context.
- DOC does not maintain or collect sufficient monitoring data to inform decision making appropriately.
- A separate system for monitoring engagement, participation, and partnership with tangata whenua should be created.
- A monitoring and implementation function is unlikely to be fully effective until the department can begin to obtain independent and free information about its own performance.
- The department should consider the use of more modern technology to undertake monitoring such as the use of GPS trackers.
- If feedback and public engagement are to be used as monitors, it is vital that the origin of these measures are known because input from lobby or commercial groups could numerically overwhelm input from the general public and conservation groups.
- Reporting to boards and the NZCA should be improved.

Out of Scope

207. The following section summarises feedback received from submitters and hui attendees that has been considered out of the scope of the discussion document.

General Comments about CMAP

208. Some submitters queried the length of time granted to respond with a submission, to allow for more detailed matters to be raised.

209. Submitters raised the following concerns about the scope of the discussion document:

- The proposals do not address the underlying issue of misalignment of funding with statutory function.
- There should be a fresh look at the planning processes.
- There was a lack of consideration for the following:
 - Precautionary approach in management process and decisions
 - Considering the use of prohibited activities such similar to the RMA
 - Why mining is still exempted from provisions which apply to all other activities.
- The consultation seemed to be about processes aimed at saving effort for DOC. However, it did not address the more substantive matters of content of the general policies and resultant CMSs and plans.
- By not focusing on content the bill runs the risk of form is following function.
- The proposed reforms are unlikely to materially improve the efficiency of those processes or lead to better outcomes for tangata whenua or the conservation estate – this is because the proposed reforms do not:
 - Put in place adequate mechanisms to ensure a true Te Tiriti partnership approach to conservation planning and concessions processes
 - Recognise or respond to the hierarchical cascading nature of planning documents and their relationship with the concession regime
 - Address the limited resourcing and capacity of mana whenua to participate in conservation planning and concessions processes in a meaningful way.
- The legislative changes are focused on identifying areas within legislation that need to be improved, but they should be focused on operational policy.

210. A number of submitters questioned the value of making targeted amendments in the near term while there is a need for more comprehensive reforms. Comments included:

- The reform options do not address the systematic issues within the existing legislative framework including the ongoing failure of conservation processes and decision making to give effect to the principles of the Treaty as required by section 4.
- The government should give priority to overhauling the Reserves Act alongside the Conservation Act and National Parks Act.
- Small ‘tweaks’ to legislation would not solve fundamental issues.
- While these reforms would assist in streamlining the targeted areas, they should be backed by the more comprehensive review of conservation legislation.
- There is concern about how DOC applies section 4 and engages with iwi and hapū who haven’t settled. Some raised that it is difficult for iwi who haven’t settled to do anything with DOC.
- The early indications from those driving the reform were that this reform was intended to be transformational.

211. Submitters who commented on the importance of adhering to the requirements of section 4 of the Conservation Act 1987 said that:

- The current system does not meet DOC’s section 4 responsibilities to give effect to the Treaty of Waitangi.
- Resolving section 4 issues would result in significant progress for planning issues.

- The Treaty of Waitangi should be a partnership between Māori and the Crown, but expectations of tangata whenua around rights of participation, protection, and partnership are not being met.
- There is concern that section 4 and the Treaty principles have not been afforded the respect or prominence required in identifying and assessing the reform options.
- Current conservation planning and concession process do not enable an enduring Tiriti partnership, nor do they deliver on the Treaty principles in the manner required by section 4.
- The Crown should begin to recognise Māori tino rangatiratanga.
- Section 4 is a powerful tool because it requires the decision maker to give effect to the principles of Te Tiriti o Waitangi; it requires more than procedural steps as it requires substantive outcomes for iwi, hapū, and mana whenua.

212. Other comments included:

- The legislation lacks focus on the climate change and biodiversity crisis.
- There needs to be more recognition of section 6(e) of the Conservation Act, which clearly gives recreational activity precedence over commercial activity.
- Support for the direction of travel with the proposals seen as good intermediate steps while the longer-term work progresses.
- Suggestion that the problem is not so much in the current legislation but in DOC's adherence to it.
- Concerns that in attempting to make the systems more efficient that the department could also make it easier for commercial groups to gain access to conservation land, which would in effect decrease access to or the quality of conservation land.
- The suggestion that, at a minimum, processes allow for improved data-driven decision making to enhance outcomes to protect conservation values.

213. Other feedback received from tangata whenua included:

- Concern with the lack of engagement and priority shown by successive governments on the issue of recognising mana whenua rights and interests. This reform has the potential to continue and perpetuate that failure and undermine any future recognition.
- The suggestion that wording in the document should be changed to reflect and honour the Treaty – the wording used is strong on engagement but weak on partnerships.
- There are a lot of little fishhooks at an operational level with DOC, and this means that that engagement doesn't always have the best outcomes.
- Te reo Māori should be incorporated into official documents so that tangata Māori feel more welcomed to engage with the content contained within the documents.
- Mana whenua should be involved in the design process.
- If the tweaks can take into consideration investments into partnership infrastructure, then tangata whenua would be able to help with the process to give effect to Te Tiriti.

214. A few tangata whenua submitters commented on the importance of DOC being able to protect Māori intellectual property. Tangata whenua have said that the ownership of Māori intellectual property sits with the iwi alone and it should be respected and protected by the

Crown. The importance of mātauranga Māori has been said to be a part of the transmission towards a Māori worldview through the use of local narratives told by local people in place.

Other Feedback Received about the Management Planning Proposals

215. Submitters made the following general comments about the management planning proposals:
- The formal requirement for a 10-year review should be amended to a less formal and more responsive constant review process so resources currently diverted to excessive reporting can be transferred into direct field work.
 - An adaptive management approach is needed to replace the current static document approach to management planning.
 - Any review or development of conservation management documents should be aligned with a workplan which seeks co-creation with Māori.
 - The department currently cannot tell how effective statutory documents are, and whether they are still of value.
 - The point made about operational staff not using the documents is a serious and continuing issue that likely has roots in high turnover of staff and fashion changes in management.
 - The main challenge to the planning system has been the lack of support for the planning team from within DOC management.
 - The integration of legislative requirements and ecological information needs to underpin decision making and then integrate into management processes.
 - Statutory documents have seriously limited the effectiveness of boards' governance roles.
 - Like the RMA, CMSs should be high-level documents with longer life spans, and CMPs should have lower-order content that is reviewed more frequently.
216. Some submitters provided the following feedback relating to the content of management plans:
- Ensure that plans are drafted in a way that is adaptive to changing circumstances.
 - Plans should focus primarily on conservation and recreation.
 - Planning documents tend to suffer from a lack of clarity and certainty. They could be much shorter with clear outcome statements which are absolutely unequivocal.
 - Planning documents should not necessarily be updated to account for new technologies. It has always been, and will always be, a problem that we cannot see the future. Well-drafted planning documents should leave appropriate room to accommodate that.
 - CMSs have little value in guiding the department in its operations.
 - The suggestion that CMSs have two layers: one which is high level, aspirational, and describes the outcomes sought, while the other is the roadmap to instruct operational outcomes.
 - New statutory planning documents need to follow iwi environmental management plans and iwi strategic plans.

Other Feedback Received about the Concession Proposals

217. Some submitters made the following general comments about the concessions system:

- Efficiencies need to be sought and processing times need to be shortened – many of these efficiency issues lay in operation, not process.
- Welcoming public consultation is important, providing it should be at a high level of governance, but not per concession application.
- There are two parts here: one is concession application processing and the other is monitoring; they are separate skill sets – signing off on the concession isn't the end of the process – monitoring for compliance is still required.
- Concessionaires should be encouraged to build relationships with mana whenua.
- Concessions on public conservation lands and waters are a privilege, and those running a commercial activity on public land need to remind themselves of that.
- The concession granting framework should place greater importance on the knowledge systems of Māori.
- DOC should abandon its 'Permissions' culture and brand. As part of this, it should improve how it deals with its customers. It needs to be more transparent and less arrogant, less one sided, and less confrontational. It should recognise that its customers also have rights.
- The department should keep the public interest as the top priority above any commercial interests and fund gathering.
- The shift of culture, increasing performance of staff, educating staff on the geographical areas they're responsible for, and reinstating a 'can do' attitude is DOC's biggest challenge.
- The problem is DOC putting concessions before New Zealand recreational public interests.
- There should be a statutory provision explicitly linking concession condition breaches to provided penalties for offences.
- Decision makers need to undertake commercial operation training courses – these programmes include an aspect led by traditional owners facilitating a wānanga to teach private organisations about the history, cultural practices, and principles in their area.

218. Some submitters provided the following comments about the consideration of concession applications:

- There is concern about the duplication that occurs between concession applications and associated approval processes and resource consenting application processes.
- Reviewing and upgrading administrative systems and technological platforms would streamline and mitigate these backlogs and delayed work.
- Exclusive concessions and preference for mana whenua to hold concessions is an important aspect of giving effect to Te Tiriti o Waitangi.
- Applicants are often left feeling uncertain because we have received differing advice from DOC as to when a concession is required.
- There was disappointment that DOC is looking at legislative change but not at funding an online concessions-processing system for the foreseeable future.

- If concessions were processed at a local level by people with intimate knowledge of particular places, rather than by centralised hubs, this could significantly speed up concessions processing.
- This statutory planning document backlog is resulting in a reluctance by the department to grant concessions for an acceptable term.
- A requirement that concession applicants must be fit and proper should be introduced to the legislation as per above.

219. Some submitters provided the following comments on the concessions fees charged by DOC:

- In certain cases, operators are currently paying hugely disproportionate fees for the benefits received in certain cases.
- The fees charged are excessive and unfair.
- The rigidity of current DOC processes resulted in the concession application being withdrawn due to annual activity fees requested by DOC that made the project fiscally unviable.
- Questions were raised over the setting of fees for concessions, how that expenditure is decided, and whether hapū should receive a portion of the fees for concessions granted on their rohe.

220. Tangata whenua raised the following concerns regarding their engagement within the concessions system:

- A large portion of mahi involves engaging with DOC regarding concessions, and many of the dollars that belong to the hapū and the whānau are expended unjustly in this space.
- DOC puts pressure on iwi to work to DOC's timelines without considering other commitments and obligations the iwi may have. DOC should place a higher value on the time of people it engages with.
- Pre-approved concessions and/or general authorisations need to be done in partnership with the Treaty partner if you're going to honour the Treaty.
- Use the word partnership rather than engagement. Need to change the words to reflect the Treaty.
- The success of our engagement with DOC officers in the concession space is predicated on the maintenance of effective, trustful relationships.

Feedback Received on Iwi Resourcing

221. Those who submitted on the need to increase iwi resourcing said that:

- It is important to address the limited resource capacity of mana whenua to participate in conservation and concession processes in a meaningful way.
- Appropriate levels of support and funding from the department for tangata whenua to effectively engage in planning processes would be needed if efficient review processes are to be achieved.
- The engagement commitment required from tangata whenua is very high; the solution is better resourcing these groups – not truncating public processes.
- Māori should be resourced correctly to work in partnership with DOC and achieve desired outcomes.

- Tangata whenua need to be compensated for their contribution to concession decisions.
222. Some submitters specifically noted that tangata whenua should be remunerated for their time spent participating in the management planning and concessions processes. Those who raised this point noted that it is through remuneration that tangata whenua can meaningfully participate in these processes.
223. Other comments included:
- “We are not placed to participate meaningfully in this heavily bureaucratic exercise. A comprehensive submission, just like the limited costs on this submission, should be met by the settlement monies.”
 - Resourcing is a delicate matter for iwi. It is difficult for a hapū or iwi with limited resources to engage fully with well-funded government departments.
 - Tangata whenua provide a level of expertise that is not available anywhere else.
 - Tangata whenua should receive a portion of concession fees when they have given advice on an application.
 - It feels like DOC do not understand that there is a cost for tangata whenua engagement.
 - There seems to be some obligation thrown at tangata whenua to engage as Treaty partners with little to no investment in that.
 - Tangata whenua are not being effectively engaged with or provided with the opportunity or resources to effectively engage on submissions, plan changes, or policy changes.
 - How does DOC ensure that tangata whenua are engaging in an area like the Bay of Plenty where you have 35 iwi, 160 hapū, and 224 marae.
224. Tangata whenua and conservation boards have highlighted that under-resourcing is a problem on both sides of Te Tiriti. Those who raised this point noted that mana whenua, conservation boards, and DOC need sufficient resources to make significant and valuable contributions to te taiao.

Feedback Received on DOC Resourcing

225. Many submitters expressed concern about the impact that inadequate resourcing is having on DOCs ability to carry out statutory requirements and other important workstreams. Although increasing DOCs resourcing has been considered out of scope, the feedback received on this topic is significant and has been reported below.
226. Submitters who raised concern about the impact of resourcing on statutory planning processes said that:
- It is not the statutory timeframe that is contributing to the backlog, it is solely a matter of resourcing – resourcing includes getting more funding and getting more qualified staff.
 - Resourcing constraints including a lack of available planning capacity and available funds is identified as a key reason for the observed delays in the current planning processes.

- Although increasing DOC's resourcing is considered out of scope, more funding to carry out management processes needs to be included to help clear the backlog of documents and solve the other problems identified within the statutory planning process.
- The options listed do not address the core problem of a lack of will to resource and staff planning processes properly.
- It is disappointing to see increased planning staff resource is a discounted option; DOC needs more planning staff.

227. Submitters who raised concerns about the impact of resourcing on concession processing said that:

- Properly resourcing the outdated concessions scheme could improve DOC's capacity to deal with the constant flow of applications.
- Slow processing of concession applications could be remedied overnight by putting enough people on the desk.
- The process is not adequately resourced and is not currently set up to succeed.
- The problem lies in the implementation of the current system and the insufficient resourcing and systemic inadequacies (for example, permissions database) which undermine the function of the concession system.

228. A number of submitters raised concerns about DOC's ability around resource monitoring and implementation. Comments included:

- Monitoring is not possible under the current system, so changing process and requiring monitoring and measures would need investment.
- DOC can't resource monitoring or evaluation, so this is a serious impediment and needs resourcing going forward if it's to be a key component of protecting biodiversity and measuring impacts.
- Concerned that DOC are not resourced properly to undertake monitoring; much of the current monitoring is very labour intensive and therefore expensive.
- Any additional monitoring requirements need to be considered carefully to ensure that they are not onerous on DOC who already have a lack of resource to be able to conduct current monitoring requirements.
- More resourcing to improve the outcomes of monitoring and the achievement of milestones could have beneficial flow-on effects that would guide DOC's operational work.

229. Other comments included:

- It seems to be that DOC is unable to get satisfactory funds from government to carry out operational work soundly – there are two things that aren't fit for purpose: the first is the tools and the second is the staffing levels.
- No matter what changes are implemented from this submission process, there would still be shortfalls in DOC's current resourcing which, although out of scope for this submission, requires urgent attention if any changes are to have the best chance of success in improving processes.

- Increasing funding to DOC to handle its legislative workload, and reassessing DOC's priorities in funding and staffing, might save a lot of work during conservation law reform.
- Staffing levels at place need to be increased.
- The discussion document does not provide any quantifiable evidence demonstrating that current statutory processes are the cause of significant delays or inefficiencies – it is more likely that non-legislative barriers are to blame, including a lack of robust procedures, prioritisation, and resourcing.
- Conservation boards are not resourced adequately or sufficiently enough.
- A lack of adequate funding is a common thread in that discussion document, and it raises concerns that there is a more fundamental issue at stake.
- Resourcing at an operational level is contributing to many of these issues.
- Such a lack of adequate resourcing has not been a matter of attribution but rather a deliberate gutting of numbers of planning, biodiversity, and other specialist staff in the department around a decade ago.
- Current political intervention and budgetary restrictions have created a situation where DOC have become obliged to be increasingly dependent on the efforts of volunteer groups to achieve their objectives.
- There is a need to change how the department manages its functions, not the legislation, to overcome the department's administrative shortcomings.

