

# Regulatory Impact Statement: Conservation Land Management Planning

<b>Decision sought</b>	Cabinet agreement on rationalising planning processes for conservation land management
<b>Agency responsible</b>	Department of Conservation
<b>Proposing Ministers</b>	Hon Tama Potaka, Minister of Conservation
<b>Date finalised</b>	17 June 2025

## Description

This proposal seeks to streamline the conservation management planning system by:

- rationalising the structure of statutory planning documents.
- allowing planning documents to make decisions on categories of activities permitted or not in conservation lands (concessions).
- improving the timeframes and processes for making, reviewing, and amending statutory planning documents, with the Minister of Conservation as the decision-maker.

## Summary: Problem definition and options

### What is the policy problem?

Activity on conservation land is regulated through management plans and national-level policies. The two national policies have not been substantially amended since they were made in 2005. There are over 100 statutory planning documents under these, around 80% of which are outdated. This impacts approvals of activities. Delays in the approval of allowable activities on conservation lands has social and financial impacts for communities, iwi and hapū, businesses, filmmakers, event organisers, etc.

There is a lack of shared understanding across the conservation system of the purpose, scope, and value of the hierarchy of statutory planning documents. This results in confusion, frustration, and more resources and time allocated to consultation in attempts to resolve the differing perspectives. As a consequence, planning documents fall out-of-date, and the impact of new activities and technologies are not incorporated consistently. Management plans and the national policies can place unnecessary restrictions on what can. For example, some restrictions on mountain biking and guided tours do not have clear rationale. New plans are imposing additional uncertainty or policies that do not always accord with good regulatory practice and the Government's overarching policies.

There is no legislative specification as to how section 4 of the Conservation Act (the requirement to give effect to Treaty principles) operates in respect of management planning.

There are also no specific roles for Treaty partners, unless expressly provided for through Treaty settlement legislation. For example, while the Department of Conservation (DOC) tends to engage with Treaty partners during all management planning processes, this is not directly required in the Conservation Act. Instead DOC engages with Treaty partners so as to comply with the general obligation at section 4 of the Act, to give effect to Treaty principles.

There is an opportunity to rationalise and modernise the planning system to support a faster and more effective approvals system (i.e. of concessions to operate on public conservation land), as well as broader land management tools that can be used by DOC to achieve better conservation outcomes as well as better commercial and social outcomes for people using public conservation lands.

### **What is the policy objective?**

The primary objective is to improve the efficiency of the conservation management planning so it can effectively deliver on the purpose of the conservation system. The purpose of the conservation system is to support good conservation outcomes through education, regulation, and enforcement, while also supporting other outcomes such as allowing for recreation, tourism, economic opportunities or key infrastructure development.

The specific changes proposed to conservation's statutory planning system will:

- help deliver faster, more consistent, and more effective policies on the activities that can take place on public conservation lands.
- improve DOC's regulatory practices, reducing the time and cost to develop and amend documents, ensuring they stay up-to-date and reflect current priorities for conservation, and providing greater clarity and certainty for regulated parties.
- improve alignment and influence of decision-making over regulatory documents so that the Government sets the rules it must then implement.
- provide more clarity on how Treaty rights and interests should be recognised and protected in conservation management planning.

Improved efficiency, reduced uncertainty, and more timely processes across the development and operation of planning documents will support the delivery of better outcomes. Up-to-date national policies and regional plans can better inform decision-making on concession applications and other activities on PCL. They can provide clarity on national and local priorities to support balancing any trade-offs between conservation and other interests, as well as consistency in consideration of the use of new technologies or activities.

### **What policy options have been considered, including any alternatives to regulation?**

There are multiple options that can be considered to rationalise planning documents as well as rationalising their processes for updating those planning documents.

The analysis has looked at streamlining:

- national level planning documents that set out the government's general policy direction – namely, replacing the Conservation General Policy (CGP) and the General Policy for National Parks (GPNP) into a single national conservation policy statement; and/or
- regional and local area strategies and plans to reduce overlaps in geographic area – this would combine the regional Conservation Management Strategies (CMSs), with the local area Conservation Management Plans (CMPs), and National Park Management Plans (NMPs), into a single layer of area plans.

The preferred approach to deliver the greatest efficiency gains is streamlining planning across the national and regional/local levels.

There are also multiple options for rationalising the processes for developing, reviewing and updating planning documents. The preferred options include:

- the Minister of Conservation approving both national and area planning documents.
- an advisory role for the New Zealand Conservation Authority (NZCA) and conservation boards in the development of national and area plans.
- setting timelines for ensuring new/revised area plans are completed within a year.
- establishing processes for discrete and targeted policy change to area plans to keep them up-to-date.
- clearer requirements for consultation with iwi.
- clear roles and functions for the national policy and area plans, including setting rules, boundaries and guidance governing activities on conservation land (improving the concessions system).
- enabling 'class approaches' to permitting groups/types of common, low-risk activities that can be authorised at a national-level.

Given the statutory role of planning documents, non-regulatory options have not been considered. In addition, given the extent of interactions between Conservation Boards, management plans and Treaty settlements, wider change options were also out of scope.

#### **What consultation has been undertaken?**

The proposals were consulted on as part of the wider government consultation to modernise the conservation system to enhance the care and protection of public conservation land. The proposal for 'Streamlining the conservation management system' was outlined in Section 5 of the discussion document – *Modernising conservation land management*. Public consultation was from 15 November 2024 until 28 February 2025.

#### **Is the preferred option in the Cabinet paper the same as preferred option in the RIS?**

Yes.

## **Summary: Minister's preferred option in the Cabinet paper**

### **Costs (Core information)**

The main monetised and non-monetised costs of introducing a new management planning system are for DOC in transitioning to the new system. However, the new, more efficient planning system will reduce DOC's management planning and permissions costs over the medium term.

There should be no additional costs for organisations (i.e. the NZCA and local conservation boards, environmental NGOs, local communities, and businesses) or for iwi to input and participate in the new planning development/renewal process. However, the tighter statutory timeframes for consultation and input on plans may result in costs being more concentrated over shorter periods.

### **Benefits (Core information)**

The primary monetised benefits (which cannot be estimated) are to the government through:

- reduced costs to prepare multiple statutory planning documents;

- enabling DOC to deliver faster, quicker approvals (concessions) of allowable activities; and
- reduced numbers of applications.

The changes should also increase compliance with the system and reduce incentives and scope for illegal operations; it will be fairer for operators and contribute to better regulatory effectiveness.

The new streamlined process will deliver greater clarity and certainty to everyone engaging with the planning process and better understanding of the specified activities that are allowed or prohibited on public conservation land. It will improve social benefits by removing unnecessary barriers to activities on PCL. The new process will have flow-on impacts of delivering more efficient and faster decisions in the concessions system for businesses, iwi and hapū, and local communities). The value of these non-monetised benefits cannot be estimated.

## **Balance of benefits and costs (Core information)**

### **Does the RIS indicate that the benefits of the Minister's preferred option are likely to outweigh the costs?**

The proposals to improve statutory planning processes will support better management of public conservation land. They will support more up-to-date plans that reflect the government and local priorities for conservation, both at national and area level.

Greater certainty and clarity in planning processes will ensure a more robust foundation for the day-to-day management of activities on public conservation land. This in turn will support a more efficient process regarding permissible activities for local communities, businesses, iwi and hapū, and the public.

## **Implementation**

The new processes and approach to conservation land management require legislative change to implement. However, there are no significant implementation programmes of work required to enable DOC to implement the new planning processes.

The national conservation policy statement will be developed alongside the Bill. Area plans will be translated within 12 months of commencement. Statutory planning changes impacting on the timeliness of the concessions system will occur as soon as the national policy statement is agreed, resulting in immediate benefits and a drop-off in volume of applications for low-risk and common activities.

## **Limitations and Constraints on Analysis**

The Minister of Conservation intends for Parliament to enact legislation on these proposals in this term of government, with the proposals forming part of reform to modernise the management of public conservation land. This is a tight timeframe, which limits the time and resources available for policy analysis, refinement, and testing of options following public consultation.

The proposals do not amend section 4 of the Conservation Act. They are intended to support effective implementation of section 4 by clarifying its application to planning processes through the addition of specific provisions/measures. Drafting will make it clear that complying with these specific measures will be sufficient to comply with section 4 (in relation to the relevant processes).

I have read the Regulatory Impact Statement and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the preferred option.

Responsible Manager(s) signature:

s9(2)(a)

Eoin Moynihan  
Policy Manager – Regulatory Systems Policy  
17/06/25

#### Quality Assurance Statement

**Reviewing Agency:** Department of Conservation and Ministry for Primary Industries

**QA rating:** Meets

**Panel Comment:**

The QA panel consider that the information and analysis summarised in the RIS meets the Quality Assurance criteria. The RIS is written clearly, and it is easy to understand the problem and how the proposals will address this. There is demonstrated evidence of consultation and how the feedback from consultation has informed the preferred option to streamline the conservation management planning system. The RIS indicates that the benefits of the preferred option are likely to outweigh the costs. This was based on a qualitative assessment of reduced costs and time associated with plan preparation and processing applications.

## Section 1: Diagnosing the policy problem

---

### What is the context behind the policy problem and how is the status quo expected to develop?

1. Under the Conservation Act 1987, the Department of Conservation (DOC) is responsible for managing public conservation land (PCL), protecting biodiversity, enabling recreational and economic activities, advising the Minister of Conservation, and advocating for conservation.
2. DOC manages nearly a third of the country's land mass (over 8 million hectares). This includes native forests, tussock lands, alpine areas, wetlands, dunelands, estuaries, lakes and islands, national forests, maritime parks, marine reserves, nearly 4,000 reserves, river margins, some coastline, and many offshore islands.
3. DOC is the lead agency in the conservation regulatory system and has a key role in protecting and supporting ecosystems, and encouraging recreation and sustainable tourism. In doing so, DOC works with a network of statutory organisations, community groups, iwi, hapū, Māori organisations, private landowners, regional councils, and non-government organisations (NGOs).
4. DOC faces growing challenges in meeting its statutory responsibilities. These include increasing cost pressures driven by growing wages and inflation, funding shortfalls for maintaining DOC's visitor network amid growing visitor numbers, ageing infrastructure, and repair costs following extreme weather events and natural disasters. DOC's annual budget is around \$650 million, which is roughly 0.45% of core Crown spending.
5. Meanwhile, biodiversity is under threat, and these threats are growing. Recent examples include the global spread of avian flu, and incursions of sea spurge, caulerpa seaweed, golden clams and wild animals like feral pigs. Native wildlife is also at serious risk of extinction. 94% of our reptile species, 82% of bird species, 80% of bat species, 76% of freshwater fish species, and 46% of plant species either face extinction or are at risk of being threatened with extinction.

### Conservation management planning framework

6. The current management planning system<sup>1</sup> was established in an attempt to bring the protected areas and natural and historic resources administered by DOC under different conservation legislation into one cohesive system. The system relies on a hierarchy of policy and planning documents that guide management of PCL and other natural and historic resources managed by DOC.
7. There are two legislatively sanctioned national-level instruments – Conservation General Policy (CGP)<sup>2</sup> and General Policy for National Parks (GPNP)<sup>3</sup>. These instruments set national direction for how DOC and others with conservation roles

---

<sup>1</sup> The management planning system, as used in this RIS, describes management planning for PCL and other natural and historic resources managed by DOC. It does not cover reserves that may be administered or controlled and managed under the Reserves Act 1977 by other parties (such as regional councils, local bodies, iwi, etc)

<sup>2</sup> Statements on general policy, section 17B, Conservation Act 1987

<sup>3</sup> Statements of general policy for national parks, section 22, National Parks Act 1980



(such as the New Zealand Fish and Game Council and the Minister of Conservation) fulfil their responsibilities under conservation legislation.

8. Both general policies were published in 2005, with only minor or technical amendments made to date. Since their approval, there have been several changes to the context under which protected areas and protected species are managed, including a significant increase in the number of visitors to PCL, agreements or settlement of historic Treaty claims, and changes to species management and how built assets are managed as a result of climate change.
9. These two general policy statements articulate guidance and policies for the conservation system, which is then delivered through conservation management strategies and plans, management plans for national parks and freshwater fisheries management plans.<sup>4</sup>

a. **Conservation management strategies (CMS):**

These are intended to implement the general policies and set objectives for the integrated management of natural and historic resources, including any species, managed by DOC.

b. **National park management plans (NPMP):** These plans sit underneath the CMSs in the planning hierarchy and set the specific management direction of the park. NPMPs must not derogate from the relevant CMS.

c. **Conservation management plans (CMP):** These also sit below CMSs, implement CMS policies, and can be used to provide management direction for a specified area. CMPs are optional except where required by Treaty settlements. CMPs that are not part of settlements are largely being phased out of use.

10. Management planning attempts to influence a wide range of functions including regulatory decision-making on PCL, land use management, marine area decisions and management, species management and DOC input into Resource Management Act regional planning and decision-making, as well as helping guide DOC's operational planning and resource prioritisation. Some plans also try to regulate certain activities, such as mountain biking or e-biking in particular areas or tracks. Such restrictions are only legally binding when they are in by-laws. In addition to supporting these functions, the management planning framework plays an important role in giving effect to Treaty settlements and Conservation



<sup>4</sup> Some Treaty settlement legislation also includes bespoke requirements for developing, reviewing, and approving planning documents. For example, the Ngāti Whare Claims Settlement Act 2012 requires the Whirinaki Te Pua-a-Tāne CMP to be prepared in consultation with the trustees of Te Rūnanga o Ngāti Whare, with the conservation board and Te Rūnanga o Ngāti Whare having a joint role in approving the CMP.

Act section 4 obligations, and enabling public participation in the management planning process of PCL.

### **Planning documents regulate the activities approved on public conservation land (the concessions system)**

11. Any activity on PCL requires authorisation in the form of a concession from the Minister of Conservation, with some exceptions.<sup>5</sup> This means a wide range of activities are regulated through concessions, such as grazing, guiding and other tourism businesses, visitor accommodation, energy infrastructure, filming, and research activities.
12. The concessions system helps DOC ensure activities on and uses of PCL are compatible with the overriding purpose of conservation.<sup>6</sup> It also helps ensure services and facilities provided for visitors are appropriate and of a suitable standard, and that activities do not conflict with visitor enjoyment and recreation.
13. A concession gives a person/business/entity:
  - a. a legal right to carry out their activity on PCL;
  - b. a formal relationship with DOC, so both parties are aware of their obligations, responsibilities, and duties; and
  - c. security of tenure for the term of the concession.
14. The planning documents play an important role in the conservation system by setting objectives for the management of PCL and guiding what concession activities should and should not be authorised. When deciding whether a concession can be granted, DOC (acting under delegation from the Minister of Conservation, who grants the concession):
  - a. assesses if the activity is consistent with the:
    - purpose for which land is held,
    - purpose of the Conservation Act 1987 and other statutory provisions,
    - relevant statutory planning documents (CMSs, CMPs and other plans);
  - b. assesses if the effects of the activity can be understood, and if there are any methods to avoid, remedy or mitigate these effects (referred to as an 'effects assessment'); and
  - c. consults with iwi, hapū, and whānau at place.

### **The current management planning system is burdensome on all parties**

15. The tiered management planning means there is a large suite of lengthy planning documents (often hundreds of pages long). This leads to difficulties interpreting plans, for example, because they have taken different approaches across regions and over time to setting conservation objectives. There are also issues with overlapping and

---

<sup>5</sup> These exceptions are recreational activities without any specific gain/reward; activities carried out by the Minister of Conservation or DOC in exercising functions, duties or powers under any law; activities authorised by conservation legislation; and activities to save or protect life or health, to prevent serious damage to property, or to avoid actual or likely adverse effect on the environment.

<sup>6</sup> The Conservation Act 1987 (s.2) defines 'conservation' as the 'preservation and protection of natural and historic resources for the purpose of maintaining their intrinsic values, providing for their appreciation and recreational enjoyment by the public, and safeguarding the options of future generations'.



conflicting policies across documents that apply to the same place (discussed further below).

16. In their current form, statutory planning documents contain highly prescriptive and detailed policies and guidance or, conversely, vague or conflicting requirements which are difficult to interpret. Planning documents have tended to become catch-all instruments, even when there may be better tools or avenues for some of their contents. The contents of planning documents span a range of functions, such as:
  - a. articulating conservation values, outcomes, and priorities in a particular area;
  - b. defining permissible activities and setting capacity limits on those; spatial planning; and
  - c. directing DOC's business and operational planning.
17. Statutory planning documents are costly to make, review, and update in terms of time and resources. Processes to create or review them tend to take years, and involve heavy resource burdens for DOC, conservation institutions, iwi, hapū, communities, and conservation groups. Consequently, many documents are out-of-date. Of the statutory planning documents that currently exist, around 80% are overdue for review. There are 16 CMSs, of which four are current. A further two are in development. Only one of the 13 NPMPs is current.

## What is the policy problem or opportunity?

### Complexity of planning framework constrains timely decision-making

18. The conservation management framework is a complex hierarchy of policy and planning documents. These layers of policy and planning documents with overlapping and largely outdated content creates complexity and uncertainty for decision-makers and applicants. This contributes to slow decision-making, legal risk and inconsistent outcomes.

#### **EXAMPLE – Uncertainty Limiting Opportunities for Biking Track Use**

Until recently, DOC's interpretation of Conservation General Policy requirements regarding vehicles (including bikes) was that conservation management strategies (CMS) had to specifically list tracks or locations suitable for bike use. A partial CMS review or amendment, with full public consultation, would be necessary to consider a new unlisted track.

In 2022, the Otago CMS was partially reviewed to specifically consider adding new locations where biking opportunities had significant funding from the Ministry of Business, Innovation and Employment. This was a time and resource intensive process, which took two years to complete and has been estimated to have cost DOC \$500,000.

A recent re-examination of the requirements in the Conservation General Policy resulted in a more flexible understanding of how CMS can 'identify' where bike tracks are located. However, this more flexible understanding cannot be applied to all regions – six of the 16 CMS regions would need a CMS review or amendment to consider a new unlisted bike track on its merits. Some existing tracks may not be lawful.

## **Most strategies and plans are out-of-date, and time-consuming and slow to revise**

19. Both the current national policy statements are out-of-date. The process to update them is slow and onerous, as each has a different statutory process to amend, revoke, and update it. The general policy statement for national parks is approved by the NZCA, and the conservation general policy statement is approved by the Minister. Both sets of rules are binding on the Minister. The Director-General supports the process (e.g. preparing drafts, consultation and public submission processes).
20. There is a significant backlog of overlapping, lengthy, and outdated planning documents, including some that have not been updated since the 1990s. Planning documents are intended to be operable for 10 years and kept up to date through the review and amendment processes outlined in the Conservation Act and National Parks Act. However, under the current system, a review can take up to four years or more to complete. There are options for amending plans, but except for minor or technical changes, these require the same lengthy process as a full review.
21. The lack of a clear purpose for management plans within the conservation system has resulted in people holding multiple and differing views about what plans should have oversight of. This has resulted in development of lengthy documents, extended consultation, varied content coverage, and delays in finalising plans. Independent reviews into the conservation management planning framework have also noted the need to clarify the purpose of plans and what they should deliver.<sup>7</sup>
22. Although plans are used for a broad remit, their ability to effectively deliver on these functions varies and, in many cases, duplicates work that is done elsewhere. For example, plans are not linked to government resourcing decisions, so their effectiveness in influencing and directing DOC's operational work programme is limited. DOC has a separate business planning system that drives delivery of work on the ground that, for practical reasons, does not operate in sync with management planning or its timeframes. This wide scope has also resulted in an overly complex planning system, with too much detail, that does not effectively drive the core decisions about what matters in the conservation system.
23. An improvement in the conservation management planning settings will support more efficient and effective concession processing. As of September 2024, more than a third of concession applications on-hand at DOC were more than a year old.
24. As part of the wider reform package, there are a number of proposals for changes to the concessions processes, allocation, and terms and conditions to improve conservation and other outcomes. The changes proposed in this RIS are a key component in realising the gains for concessions that can be made from changes in the management planning system.

## **Outdated and overlapping plans impact public and business activities on conservation lands**

25. Outdated plans are impacting the effectiveness of DOC's concessions system. One of the key functions of planning documents is to inform statutory decision making, including concessions and other authorisations. However, plans are not keeping up to

<sup>7</sup> Environmental Defence Society. 2023. Independent review of the Conservation Management Planning System, [Independent Review of the Conservation Management Planning System | EDS](#) and Department of Conservation. 2021. Management Planning system review - Findings and recommendations report.

date with evolving economic activities and opportunities, and some contain overly prescriptive criteria for concessions.

26. Outdated plans ultimately impact decision-making on concessions applications, which can only be granted if they are consistent with the relevant planning documents. Consequently, some new activities that are compatible with conservation outcomes cannot happen. This results in the loss of economic and social benefits for visitors, or recreational and business users, or local communities, or iwi and hapū, as well as potentially lost revenue for the Crown (which could be used to support achievement of conservation outcomes).

**EXAMPLE – Fiordland National Park Management Plan**

The Fiordland National Park Management Plan is seven years overdue for review.

In addition to setting limits for activities such as guiding and aircraft, it includes prescriptive requirements for how concessions are allocated and how many concessions can be granted per limit. This outdated approach significantly inhibits the ability for new concessions to be granted.

There is an opportunity for plans to be updated with limits that will effectively manage cumulative effects on PCL but without imposing unnecessary restrictions on the number of operators or creating bespoke concessions processes.

27. Overlapping plans, or areas covered by more than one plan, can also cause difficulties when they do not take a consistent approach or have conflicting guidance. For example, guiding is not dealt with consistently across different plan types, nor in the national policies. Processing concession applications for guiding in areas that are covered by overlapping plans is significantly more complex and contributes to lengthy concession processing times. Overlapping plan jurisdictions also creates inefficiencies for DOC when updating plans. For example, work on the Westland Tai Poutini NPMP, which was being developed alongside the Aoraki NPMP, had to be paused due to inconsistent aircraft provisions in the West Coast CMS, which needed to be reviewed first (because the NPMP cannot derogate from the CMS).
28. There is an opportunity to create a more streamlined, purposeful and flexible planning system, that will support improved outcomes for those people, businesses, communities and government across PCL, by:
- a. setting a clear purpose for what plans do and don't do;
  - b. simplifying the structure of the planning system; and
  - c. streamlining the processes for keeping plans up to date.

**Ambiguity about giving effect to Treaty principles**

29. DOC's obligation to give effect to Treaty principles is articulated in section 4 of the Conservation Act. In addition, there are Treaty settlement commitments, and other agreements with iwi and hapū. While the Treaty settlement legislation and agreements will include specific obligations, the section 4 directive is a 'general clause' that requires the DOC give effect to Treaty principles when interpreting or administering conservation legislation.
30. There is no legislative specification as to how section 4 of the Conservation Act will definitively operate in management planning processes. While DOC tends to engage

with Treaty partners during all management planning processes, this is not directly required in the Conservation Act. Instead, DOC engages with Treaty partners to comply with the general obligation at section 4 of the Act, to give effect to Treaty principles. There are a range of views about what section 4 requires in a management planning processes, which results in an ongoing ambiguity about how to give effect to Treaty principles.

31. Questions relevant to management planning include:

- a. how much engagement is necessary;
- b. whether Treaty partners can have a role in drafting or approval of management planning instruments'
- c. whether and how much to remunerate for their input, how to deal with overlapping interests; and
- d. how to take on board Treaty partner views. Because section 4 is part of the legislative framework, different views about its application mean that there is a high risk of legal challenge in many such processes.

32. This tends to contribute to lengthy processes and even 'stalemate' scenarios where plan reviews do not progress.

#### What objectives are sought in relation to the policy problem?

33. The primary motivation for improving the conservation management planning system is not just to improve the efficiency of the system itself, but for the flow on impacts that can be generated by having a better system that can deliver greater benefits to people, businesses, iwi and hapū, and local communities in their activities on PCL (particularly through a more robust, timely and cost-efficient concessions process).

34. The following are the objectives for this work:

- a. **Effectiveness:** delivering on the purpose of the conservation system. Namely, supporting good conservation outcomes through education, regulation, and enforcement, while also supporting other outcomes such as, allowing for recreation, tourism, economic opportunities, or key infrastructure development
- b. **Efficiency:** reducing the time and cost involved in developing, reviewing, and amending statutory planning documents, ensuring they stay up-to-date and reflect current priorities for conservation.
- c. **Good regulatory practice:** ensuring clarity and certainty for the regulator (DOC) and regulated parties, as well as ensuring DOC has the necessary tools, functions, powers, and levels of discretion/flexibility to satisfactorily perform its statutory duties. This includes proportionality, and reduced arbitrage and non-compliance, i.e. removing out of date rules and onerous processes that encourage parties to ignore the system.
- d. **Upholding Treaty obligations:** clarity about the legal requirements for the Minister or DOC to interpret and administer the Conservation Act in a way that gives effect to the principles of the Treaty of Waitangi. It is also about ensuring any changes or new arrangements uphold the intent of Treaty settlements, including redress commitments made by the Crown.

- e. **Successful implementation of any changes:** ensuring that the benefits of greater efficiency in management planning and concessions successfully flow through to DOC's day-to-day work and interactions with regulated parties across the conversation system. This will include greater education and enforcement.
35. Improved efficiency, reduced uncertainty, and more timely processes across the development and operation of planning documents aim to deliver better outcomes with more transparent and time-sensitive concession processes. Up-to-date national strategies and plans can better inform decision-making on concessions applications and other activities on PCL. They can also provide clarity on government and local priorities to support balancing any trade-offs between conservation and other interests, as well as consistent in consideration of the use of new technologies or activities.

### **What consultation has been undertaken?**

36. In October 2024, Cabinet agreed to consult on changes to modernise conservation land management [ECO-24-MIN-0235]. The proposals aimed to:
- a. create a more streamlined, purposeful and flexible planning system;
  - b. set clear process requirements and timeframes for concessions;
  - c. establish how and when concessions should be competitively allocated;
  - d. establish standard terms and conditions for concessions;
  - e. enable more flexible land exchange and disposal settings; and
  - f. provide clarity around Treaty of Waitangi obligations in these processes, including engagement requirements and decision-making considerations.
37. Consultation on these changes took place from November 2024 to February 2025, alongside proposals on charging for access to some conservation land.
38. DOC held 25 regional hui with iwi, as well as 15 stakeholder engagements and four public information sessions during the consultation period. DOC also engaged on the proposals with the Director-General of Conservation's commercial External Advisory Panel and the Concessionaire Reference Group.

#### Submissions overview

39. In total, more than 5,500 submissions were received on the proposals to modernise conservation land management.
40. Most of the submissions were from individuals – with many using the Forest and Bird's form submissions (87% of total submissions) or using the DOC website submission (80% of 451 website submissions were from individuals), as well as 49% of 'freeform submissions' also coming from individuals.
41. In terms of 'freeform submissions' 11.5% came from Treaty partners and Māori organisations, 11.5% from various recreation and commercial stakeholders, 11% from concessionaires, 9% from statutory bodies, 5% from environmental NGOs and conservation groups and 3% from councils. In addition, 20 % of website submissions were from conservation groups, tourism businesses, and Treaty partners.

Type of submissions	Number of submissions	Proportion of total submissions
Forest and Bird form submission	4,837	87 %
Website submission	451	8 %
Freeform submission	277	5 %
<b>Total submissions</b>	<b>5,565</b>	

42. About a third of freeform submissions (98 individual submitters) did not engage directly with the proposals in the discussion document. Instead, they expressed support for other submissions, support for protecting conservation values, or that the Crown should not treat Treaty partners differently to others.
43. Feedback from website submissions responded to high-level questions from the discussion document, and generally did not engage with specific parts of the proposals.
44. Approximately 1,300 people who used the Forest and Bird form submission also provided personalised comments, expressing concerns about climate change, a lack of safeguards to protect nature, the sale of land, and that the discussion document was too focused on managing commercial interests.



## Section 2: Assessing options to address the policy problem

### What criteria will be used to compare options to the status quo?

45. Options for change will be compared to the status quo using the following criteria:

<b>Conservation and other interests</b>	Local communities, iwi and hapū, key stakeholders, and the public can contribute to the development of objectives and policies for achieving conservation and other outcomes on public conservation lands. This relates to the effectiveness objective around delivering on the purpose of the conservation system. As well as local participation and public input, it also includes clarity of purpose, proportionality, and science informed choices.
<b>Regulatory stewardship</b>	Increasing the clarity, consistency, and durability of the policies, guidance, and plans with improved clarity on the balance of national and local conservation values. More broadly supporting regulatory coherence across frameworks governing public conservation land management and decision-making processes (including concessions). This relates to the objective of good regulatory practice.
<b>Government costs and efficiencies</b>	Streamlining the processes for developing and administering planning instruments, delivering clarity of objectives, and improving the efficiency of government oversight of activities in public conservation lands, including impact on the <ul style="list-style-type: none"><li>time and cost to make, review or amend statutory planning documents; and</li><li>time to make and provide DOC decisions on concessions.</li></ul> This relates to the objective of efficiency.
<b>Compliance burden</b>	Minimising costs to parties who contribute to the development of conservation planning instruments and reducing decision-making complexity for parties whose activities need to align with these instruments (reducing time and costs for concession processes). This relates to the objectives of efficiency and successful implementation (lower costs make implementation more achievable).
<b>Treaty of Waitangi</b>	Certainty about performing statutory functions regarding Treaty principles. Ensuring consistency with Treaty settlement commitments and other obligations. This relates to the objective of upholding Treaty obligations.

46. In evaluating options in this RIS, the contribution to conservation outcomes is weighted more heavily than contribution to other outcomes. This reflects the overarching purpose of the conservation regulatory system (see s.6, Conservation Act 1987<sup>8</sup>).

47. Similarly, criteria on Treaty of Waitangi will be considered in the context of existing legislative frameworks. For example, section 4 of the Conservation Act 1987 requires DOC to interpret and administer the Conservation Act (e.g. processing concessions) in a way that gives effect to the principles of the Treaty of Waitangi. Submissions noted that proposals for improving management planning efficiency and making things easier

8 For example, DOC can foster the use of natural and historic resources for recreation and tourism is only to the extent that this is not inconsistent with conservation of those resources (s.6(e) of the Conservation Act 1987).

should not limit DOC's ability to give effect to Treaty principles. There are also existing Treaty settlements that provide for specific input and processes to planning, and the RIS evaluation of criteria has assumed that existing Treaty settlements will be carried over in full (see discussion below in Treaty of Waitangi section).

### What scope will options be considered within?

48. The Government has set some boundaries for this work. The Government is not considering changes to:
- a. The purpose of the conservation system, and the primacy of achieving conservation outcomes compared to enabling other outcomes through conservation policies and processes (e.g. economic outcomes);
  - b. The purposes for which PCL is held, and the requirement that any use of or activities on PCL must be consistent with those purposes; or
  - c. Institutional structures.
49. Consequently, this RIS does not consider an option of wide-ranging legislative reform to radically streamline the legislative settings for conservation (which currently exist across multiple Acts). An amalgamation of legislation governing PCL management into a single Act would take significant resourcing, public engagement, and time. Instead, the policy work looks at options for refining and rationalising land management aspects across existing legislative settings.

### Treaty of Waitangi

50. The Government's Treaty obligations relating to conservation are reflected in section 4 of the Conservation Act, specific commitments in Treaty settlement legislation, and agreements with iwi and hapū (e.g. relationship agreements and protocols).
51. The Minister's approach to resolving ambiguity relating to section 4 is to:
- a. retain section 4 as a general, operative clause in the Conservation Act;
  - b. add specific measures to clarify what is (or is not) required to give effect to Treaty principles in particular processes or decisions; and
  - c. make it clear that complying with these specific measures will be sufficient to comply with section 4 in relation to the relevant processes or decisions.
52. This approach may evolve during drafting based on legal advice about how best to achieve the Government's desired outcome. The Legislation Design and Advisory Committee's guidelines advise caution about the interaction between new legislation, existing legislation, and the common law.<sup>9</sup> Not properly understanding and addressing these interactions can make the law more confusing, undermining the policy objective.<sup>10</sup>

<sup>9</sup> Legislation Guidelines (2021 edition), Guidelines 3.1 – 3.5.

<sup>10</sup> As seen in Court of Appeal and Supreme Court cases about the apparent inconsistency between the plain words of section 58 of the Marine and Coastal Area (Takutai Moana) Act 2011 and that Act's purpose (section 4) and Treaty provisions (section 7). *Re Edwards Whakatōhea* [2023] NZCA 504 at [416] and *Whakatōhea Kotahitanga Waka (Edwards) and Ors v Te Kāhui and Ors* [2024] NZSC 164.

53. Any changes that would not uphold Treaty settlements are out of scope.<sup>11</sup> This means options that allow for bespoke arrangements where needed to accommodate existing settlement commitments in law are explicitly in scope of option design. This is still being worked through with post-settlement governance entities.
54. This RIS focuses on the general settings for the new system and does not comment on the impact of proposals on various settlements. How to provide material equivalence for redress in the context of system reform will be covered in future policy decisions following engagement with PSGEs.

### **What options are being considered?**

55. There are a number of aspects that can be adjusted to improve the processes and administration of the key land management tools used by DOC. This analysis examines two key components within the existing land management system, where adjustments and streamlining of processes can improve efficiency for the government and support achieving conservation and other economic, social, and cultural outcomes.
56. The options for change across these two areas are evaluated separately, with the final analysis identifying packages of preferred options based on the best combination of planning processes and approach in each area.
57. The two key areas, with different options considered under each of these areas, covered in this RIS are:

Section A	Structure and purpose of the planning system
Section B	Process for preparing and amending planning documents

---

<sup>11</sup> Conservation has more Treaty settlement commitments than any other portfolio. In addition to commitments in settlement legislation, the Government intends to uphold any rights under Marine and Coastal Area (Takutai Moana) Act 2011 and the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019.

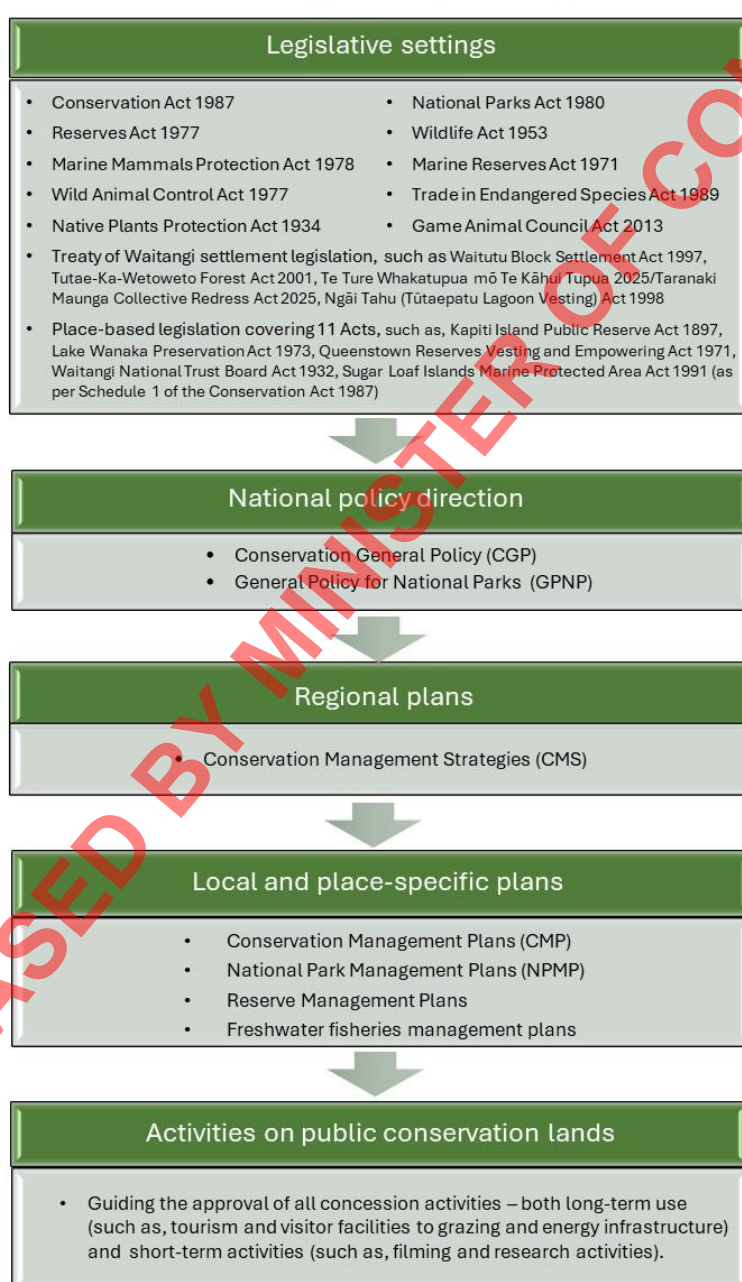
## Section A: Structure and purpose of the planning system

### What options are being considered?

#### Option A1 – Status Quo

58. There are currently two national-level instruments – Conservation General Policy (CGP) and General Policy for National Parks (GPNP). These instruments set national direction for how DOC and others fulfil their responsibilities under conservation legislation. This overarching structure is underpinned by a hierarchy of plans to cover regional, local, and place-specific areas. The issues with this existing complex structure were canvassed earlier in the RIS.

#### Conservation management planning framework



## Option A2 – Single national policy with clearer guidance for management plans and concessions

### Single national statement instead of two statements

59. This option proposes replacing the two existing national policy statements covering general conservation and national park management (CGP and GPNP) with a single **national conservation policy statement (NCPS)**. This will provide a clear statement on national direction to guide planning at local/regional level, and provide clearer articulation of matters to be considered in determining land use (particularly through concessions). It would also resolve planning issues in national parks, where decisionmakers would no longer have to consider two planning documents (CGP and GPNP which are not necessarily aligned with one another).
60. The NCPS would be secondary legislation, applying to all land administered by DOC and set national level policies. Specifically, it would:
- provide for classes of activities to be permitted in advance;
  - exempt an activity, at a national level, from requiring a concession;
  - define types of Crown activities that do not need a resource consent<sup>12</sup> (currently area management plans can define such activities, and to ensure national consistency on exemptions for the same types of activities, these could be defined in the NCPS);
  - designate certain activities as prohibited;
  - support consistent consideration of concessions applications by setting out matters that must be considered as well as imposing conditions or requirements for specific activities at a national level;
  - specify the types of content that can (and cannot) be included in management plans (e.g. restricting the ability for plans to set limits given they can only regulate the behaviours of concessionaries and not the public); and
  - promote a level of consistency in the scope, function, and content of local and regional area plans by establishing a single, simple template that must be used.
61. Of the freeform submitters who engaged with the proposal to merge the current two policy statements into a single document, 48 expressed support while 13 opposed it. This support was conditional that simplification across national and local/regional plans did not result in watering-down any existing conservation protections.
62. While more freeform submitters expressed support, only 76 of the DOC website submitters supported the proposal, while 120 did not. The remaining 51 who engaged with the proposal were either unsure or had no comment. It is important to note that the DOC website submitters were responding to a question which included the introduction of area plans as well as the NCPS.

<sup>12</sup> The Resource Management Act 1991 (s.4) states that a land use resource consent is not required for work of the Crown on conservation land, where that work is consistent with a management plan and does not have significant effects beyond the land boundaries. It is proposed that the ability to specify activities exempt from a consent is maintained for area plans, and extended to the NCPS as there are many of the same types of activities across the country where it would be appropriate for exemption.

63. Treaty partners may be concerned with the NCPS taking a more active role in regulating activities, and its ability to direct the content or matters in local and regional management plans. It may raise concerns amongst PSGEs that Treaty settlement redress will be undermined by diminishing the role of local and regional plans. Expectations of the interaction between NCPS and local and regional plans, and engagement on the development of the NCPS will need to be worked through in the engagement with relevant iwi and PSGEs.

Single instrument enables national level policies for greater efficiency in managing activities on PCL

64. The NCPS would establish greater consistency of policies and clarity regarding the allowable types of activities on PCL that will enable the concessions system to be freed-up for more complex applications. It would also enable faster decision-making within the concessions regime. This would improve the timeliness and efficiency of the concessions system by:
- a. reducing volumes of concessions;
  - b. improving the timeliness of decision-making; and
  - c. reducing costs for both applicants and government in not having to process concessions for low-risk and prohibited activities.
65. Of the freeform submitters who engaged with this proposal, 59 expressed support and 11 disagreed with the proposal. However, 87 of the DOC website submitters agreed while 89 did not. The remaining 67 DOC website submitters who engaged with the proposal said that they were either neutral or unsure.
66. The NCPS would determine the range of activities that can be addressed at a national level (and area level) across the following three concession classes:

Concession Class	Description
<b>Acceptable (or permit-exempt) activities</b>	Activities that do not need a permit because of the minimal impact the activity would have on conservation value (such as, news media filming by a person with a handheld camera on formed tracks and carparks, or collecting air samples for research).
<b>Pre-approved activities</b>	<p>Activities that need a 'simplified' permit as they are low-risk and currently tend to be routinely approved (such as commercial transport in formed carparks, or small-scale commercial filming with one or two people on formed tracks).</p> <p>The simplified permit process (such as, a proforma permit from the DOC website) will enable the imposition of basic conditions for specified pre-approved activities as well as enabling high-level oversight and monitoring of activity levels. This oversight will allow DOC to manage any cumulative impacts and impose conditions on the permitted activity to manage or mitigate any adverse impacts accordingly.</p>



<b>Prohibited activities</b>	Activities that would not be granted a concession as the type of activities would be inconsistent with the purpose for which the land is held, or the effects cannot be reasonably avoided, mitigated or remedied.
------------------------------	--

67. Standard conditions could be imposed for a range of ‘acceptable activities’ and ‘pre-approved activities’ (for example, to manage activity monitoring), as well as specific conditions to manage possible impact of cumulative risks for some activities (for example, conditions that restrict pre-approved activities to specific months or during certain hours of the day).
68. If problems emerge, certain specific activities covered by these three classes of concessions could be withdrawn outside of the standard planning process (subject to appropriate constraints and tests). For example, if there are concerns with volume (cumulative effects) or unforeseen effects of a particular activity, the Minister could have a power to put a temporary hold on those activities.
69. During consultation in November 2024, submitters were supportive of enabling activity classes in statutory planning documents and agree that it will result in more efficient concession processing<sup>13</sup>. However, many supported a cautious and careful process to determine which activities should be enabled with this tool. Many submitters also raised the risk of complications around integrating Treaty settlement obligations into a national process.

Criteria for determining activities covered by the three concession classes

70. The criteria for identifying permit-exempt (acceptable) activities, pre-approved activities and prohibitions covered by a national policy statement, were partially assessed in separate earlier 2022 RIS (refer [Regulatory Impact Statement: Targeted amendments to concessions processes - 11 November 2022 - Regulatory Impact Statement - Department of Conservation](#)).
71. The 2022 RIS envisaged that the Minister of Conservation, through regulation, would authorise specific activities on PCL, removing the need for an individual concession application. While the mechanism for exempting activities from the concession system has changed (now being authorised by NCPS instead of via regulation), the criteria for decision-making on exempt activities remains identical.
72. The criteria for designating a class of activities as exempt from requiring a permit (i.e. acceptable activities) via the concessions system, will be informed by those in the 2022 RIS<sup>14</sup>. In summary they are:
- the activity would not require an interest in land (for example, it would not require exclusive use);

<sup>13</sup> This aligns with the general support for a similar proposal consulted on in 2022 to exempt certain permit activities through national level regulation and to pre-approve activities.

<sup>14</sup> Refer pages 19–20 of [Regulatory Impact Statement: Targeted amendments to concessions processes - 11 November 2022 - Regulatory Impact Statement - Department of Conservation](#). Detailed discussion of the proposal relating to individual concession applications is pages 18–38.

- b. the activity is consistent with the purposes for which land is held (assessed at a land type level);
  - c. it is reasonable to forgo the collection of any royalties, fees, or rents from the activity; and
  - d. the risk of cumulative effects from the activity is low.
73. The proposed criteria of pre-approved activities build on the above criteria, and could cover types of activities where:
- a. the activity would not require any corresponding rights over the land (for example, it would not require exclusive use or access rights);
  - b. the activity is consistent with the purposes for which land is held;
  - c. adverse effects from the activity (including any impact of cumulative effects) can be avoided or mitigated through conditions; and
  - d. it is reasonable to continue to collect any fees, rents and/or royalties from the activity.
74. The criteria for determining when the NCPS would prohibit specific activities may be when:
- a. an activity is inconsistent with the purpose for which the land is held at a land classification level; OR
  - b. the effects of the activity cannot be reasonably avoided, mitigated, or remedied.

#### **Option A3 - Streamline overlapping place-specific plans, to deliver one plan per area**

75. This option proposes establishing a clearer purpose and role for area plans, streamlining their content and removing existing overlaps.
76. The primary function of the area plans will be to establish conservation outcomes for places to guide regulatory decision-making on PCL. The single plan for each area would enable clear objectives and policies that are specific to the local context to be set, that will also reflect national direction (as outlined in the two national policy statements for conservation and national parks).
77. Of the freeform submitters who engaged with this proposal, 37 expressed support and 13 disagreed with the proposal.
78. While more freeform submitters expressed support, only 76 of the DOC website submitters provided support and 120 did not. The remaining 51 who engaged with the proposal were either unsure or had no comment. Again, it is important to note that the DOC website submitters were responding to a question which included the introduction of area plans as well as the NCPS.

#### **Rationalising and formalising the content and structure of area plans**

79. The high-level content of a rationalised single plan for each area would be set out in legislation. A legislative 'template' or content descriptor will support a more consistent approach in each area plan as well as ensuring more concise plans that limit the

inclusion of extraneous matter<sup>15</sup>. Each area plan would clearly set out the area it covers and would be required to contain:

Area Plan Content	Description
<b>Place-based objectives and policies</b>	Establish objectives that recognise and reflect local context (for example, the protection and preservation of specific historic buildings or specific natural features in an area). These objectives will in turn guide statutory decision-making on concessions and other authorisations relating to activities in the area.
<b>Core conservation values</b>	Provide concise and specific descriptions of the key conservation values that have been identified for the area (for example, the importance of particular species or habitat in an area, or the cultural significance of particular places). These values will inform the specific place-based objectives in an area plan.
<b>Local direction on national policy statements</b>	Each area plan would continue to be subject to general policy (reflected in the two national policy statements under the status quo), but each plan should reflect any specific aspects in those national statements that apply to the area.

80. Formalising an appropriate length and standard structure for an area plan is expected to enhance the plan's ability to influence decision-making generally, by improving the ability for stakeholders and the regulator to navigate the plan and understand key local conservation outcomes in the area.

*Removing the overlap of plan coverage by establishing clear area plan boundaries*

81. This option proposes to eliminate instances where multiple plans or strategies apply to a single area. These would be replaced with a single layer of area-based plans. For example, a national park would only be covered by its own area plan – currently it can be covered by a national park management plan (NPMP) and a conservation management strategy (CMS)<sup>16</sup>.
82. A single layer of area plans will generate planning efficiencies – by allowing all relevant policies and guidance for an area to sit in one place. It will also make it easier to update plans in response to emerging conservation changes, as well as new economic activities and opportunities.

<sup>15</sup> Many local and place-specific plans contain a lot of material that do not support regulatory decision-making, such matters as:

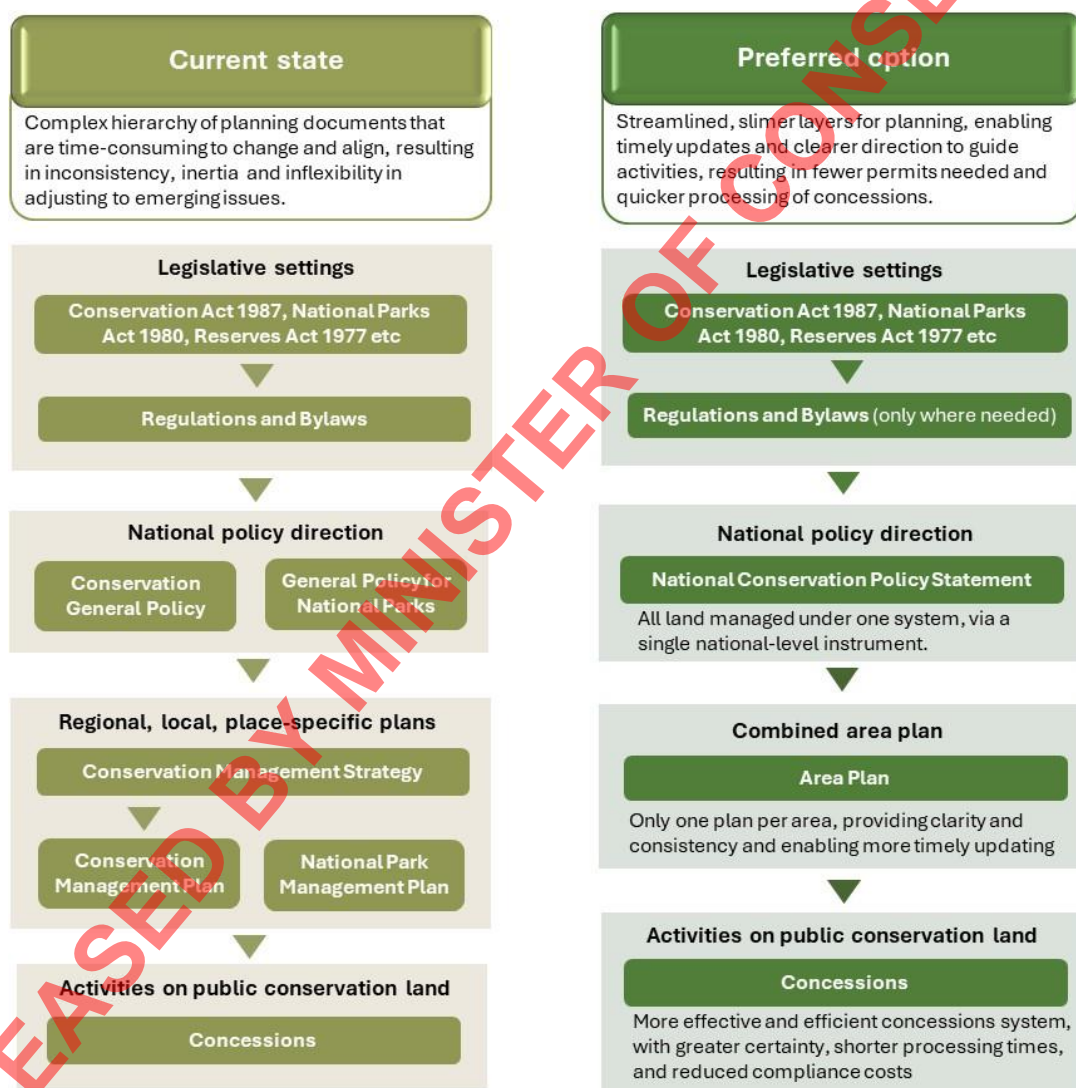
- policies that are near facsimiles of the Conservation General Policy and other planning documents, but with minor tweaks or adjustments for no clear localised reason;
- repeating legislative provisions;
- prescribing limits on activities, without clear rationale; and
- long stocktakes of values (biodiversity, historic, recreation, cultural) in a format that is not local-specific to support key decisions (such as granting a concession).

<sup>16</sup> For example, Kahurangi National Park is currently covered by the Nelson/Marlborough CMS and West Coast Tai Poutini CMS.

83. Establishing a single layer of plans will require decisions on where the exact boundaries will fall. Final boundaries will be determined by the Director-General<sup>17</sup> except where there are specific requirements set out in Treaty settlement redress.
84. This enables the system to be flexible ensuring that the most efficient and sensible approach can be taken as context shifts. Examples of changing context include the introduction of new Treaty settlement commitments, or the addition or removal of conservation land from Crown ownership.

#### Option A4 - Streamline both national and place-specific plans (Preferred)

85. This option proposes implementing both Option A2 and Option A3 – streamlining and simplifying the management planning structures at both the national level, and at regional, local, and place-specific areas. The proposed structure is set out below:



<sup>17</sup> Currently the Director-General of Conservation has the power under the Conservation Act 1987 to determine the boundaries of conservation management strategies (CMSs), while National Parks Act 1980 dictates that each national park must have a national park management plan (NPMP), which determines the boundaries by default.

## How do the options compare to the status quo?

	Option A1 – Status quo	Option A2 – Streamline national policy instruments	Option A3 – Streamline place-specific plans	Option A4 - Streamline both national and place-specific plans (Preferred)
<b>Conservation and other interests</b>	<p><b>0</b></p> <p>A hierarchy of national policies and management plans that can overlap and have inconsistent approaches causing confusion.</p>	<p><b>+</b></p> <p>Having national level policies and guidance in one document means that only one set of policies is developed for protected areas. This reduces the likelihood of inconsistent approaches to conservation values across national parks and the rest of the protected area network</p>	<p><b>+</b></p> <p>Area plans would provide local conservation outcomes to support the preservation and protection of conservation values in the areas they cover.</p> <p>Having one plan per area will support clearer guidance for protected areas.</p>	<p><b>++</b></p> <p>Combines the advantages of Options A2 and A3 by providing clarity on the national direction for key conservation and other interests, while preserving the ability for additional local values to also be reflected in area plans,</p>
<b>Regulatory stewardship</b>	<p><b>0</b></p> <p>Management plans have unclear purposes leading to different views on what they should be trying to achieve.</p>	<p><b>+</b></p> <p>A single national policy statement will provide a more coherent, transparent, and integrated regulatory system. It will enable government to be more strategic in direction-setting. It will enable more timely changes in direction to reflect changing government priorities, and conservation and other interests.</p> <p>The NCPS will define the content and matters that can (and cannot) be considered in management plans, ensuring greater coherence of planning between national, regional, and local plans.</p>	<p><b>+</b></p> <p>An area plan template improves clarity about the scope of the content and make plan review and development more efficient. A consistent structure across all area plans supports public and stakeholder engagement with the area plan.</p>	<p><b>++</b></p> <p>Combines the advantages of Options A2 and A3, ensuring an integrated planning system, providing a single consistent national direction while also flexibly supporting place-specific issues via area plans.</p> <p>The reduced hierarchy of instruments supports improved system stewardship at a national and regional/local area, by enabling more timely and integrated updates to planning</p>

	Option A1 – Status quo	Option A2 – Streamline national policy instruments	Option A3 – Streamline place-specific plans	Option A4 - Streamline both national and place-specific plans (Preferred)
				documents to maintain relevance to emerging issues.
<b>Government costs and efficiencies</b>	<p><b>0</b></p> <p>Inability for plans and policies to create classes of activities where significant efficiencies can be gained.</p>	<p><b>+</b></p> <p>Establishing activities that are permit-exempt (acceptable), pre-approved, and prohibited will reduce application volumes in the concessions system. This will allow some DOC resources to be freed up to focus on more complex and/or high-risk applications. This in turn will speed up the decision-making process and supporting greater efficiency.</p>	<p><b>+</b></p> <p>The narrower focus of plans will make it easier for plans to be updated and provide clearer direction for regulatory decision-making.</p>	<p><b>++</b></p> <p>Combines the advantages of Options A2 and A3.</p>
<b>Compliance burden</b>	<p><b>0</b></p> <p>Large suite of documents and concessions for people to input to and for concessionaires to understand.</p>	<p><b>+</b></p> <p>Having one set of national level policies to guide planning documents in one document and enabling classes of activities to be permitted in advance, prohibited, or be pre-approved will provide clarity, consistency, and improve timeliness for concession applicants. The reduction in volume of concession applications by filtering out low-risk applications will enable quicker processing by the regulator on the remaining, more complex applications.</p>	<p><b>+</b></p> <p>Removing overlapping guidance and/or policies can make regulatory decisions more consistent, and clearer for stakeholders when making concession applications. However, moving to a single layer of area plans and developing new boundaries will require a multi-year process and may result in some temporary confusion for stakeholders and public during transition.</p>	<p><b>++</b></p> <p>Combines the advantages of Options A2 and A3.</p>



	Option A1 – Status quo	Option A2 – Streamline national policy instruments	Option A3 – Streamline place-specific plans	Option A4 - Streamline both national and place-specific plans (Preferred)
<b>Treaty of Waitangi</b>	<p><b>0</b></p> <p>Large suite of documents and concessions for Treaty partners to input to and for concessionaires to understand.</p>	<p><b>+</b></p> <p>Treaty partners may be concerned with the NCPS taking a more active role in regulating activities and the ability to direct the content or matters in local and regional management plans. However, introducing classes of concessions will reduce the amount of input required on individual concessions.</p>	<p><b>+</b></p> <p>The reduced number of plans and improved clarity with standardised structures should facilitate improved engagement with iwi/hapū.</p>	<p><b>+</b></p> <p>Combines the issues identified under Option A2 and A3.</p>
<b>Overall Assessment</b>	<b>0</b>	<b>5</b>	<b>5</b>	<b>9</b>

**Key:** Compared to the status quo

**++** much better

**+** better

**0** about the same

**-** worse

**--** much worse

## Section B: Process for preparing, amending, and approving planning documents

### What options are being considered?

#### Option B1 – Status Quo – Current process for developing, reviewing, and updating planning documents

##### *(a) National general policy statements*

86. Each national policy statement has a different statutory process to amend, revoke and update it:
- National Parks– Approved by the NZCA<sup>18</sup>
  - Conservation – Approved by the Minister of Conservation (the NZCA have statutory role to advise the Minister)<sup>19</sup>
87. The Director-General of Conservation is responsible for preparing drafts, consulting with statutory bodies, and running the public submissions process for both national-level policy statements.

##### *(b) Regional, local, and place-specific plans*

88. Each plan type has its own detailed process for the development and review of plans that are prescribed in either the Conservation Act or National Parks Act. Appendix 1 sets out the detailed legislative requirements for developing, reviewing, and amending the various plans.
89. The Director-General of Conservation is responsible for developing and reviewing each area's Conservation Management Strategy and Plan (CMS and CMP), in consultation with conservation boards<sup>20</sup> and others.
90. Under some Treaty settlement legislation, the drafting and revision of plans must be done in consultation with the affected Post-Settlement Governance Entity (PSGE). The process for making a National Park Management Plan (NPMP) requires public notification of the intent to draft before the Director-General begins preparation of the consultation draft.
91. After the various plans are drafted, they are all publicly notified, and communities have an opportunity to provide written submissions and have their submissions heard in public

---

<sup>18</sup> The New Zealand Conservation Authority is an independent statutory body, established under the Conservation Act 1987 (s.6A). It advises the Minister of Conservation and the Director-General on conservation priorities at a national level, and is responsible for preparing and approving statements of general policy for national parks (and associated management plans) [Refer s.18(1)(a) & (b) and s.44 of the National Parks Act 1980].

Membership comprises people appointed following consultation with the Ministers of Māori Affairs, Tourism, and Local Government, a representative of Ngāi Tahu (requirement under Te Rūnanga o Ngāi Tahu Act 1996), and appointments nominated by various environmental NGOs and from the public. [Refer s.6D Conservation Act 1987].

<sup>19</sup> The NZCA has a statutory role to advise the Minister of Conservation on statements of general policy prepared under the Conservation Act 1987 as well as the Wildlife Act 1953, the Marine Reserves Act 1971, the Reserves Act 1977, the Wild Animal Control Act 1977, and the Marine Mammals Protection Act 1978). [Refer s.6B of the Conservation Act 1987].

<sup>20</sup> Conservation boards are independent bodies that enable local communities and iwi to contribute to the management of conservation areas.

hearings. There is a 40 working day timeframe for public submissions and hearings for CMSs and CMPS, and a two-month timeframe for NPMPs.

92. Following public engagement, the NZCA and/or relevant conservation board usually have responsibility for reviewing, amending, and approving plans. The NZCA can also consult further with anyone they think is appropriate.
93. The Minister of Conservation provides comment before plans are approved and may request that the draft be revised. In some cases, Treaty settlement legislation also provides a co-approval role for affected PSGEs or enables PSGEs to provide final submissions on plans before they are approved.

## **Option B2 – Minister approves both national and area plans**

### *(a) Process for National Conservation Policy Statement (NCPS)*

94. The Minister would be responsible for approving the NCPS following public consultation and impact analysis. The Minister would be able to initiate the amendment of the NCPS at any time. Ministerial approval of a NCPS would allow clearer and more consistent decisions. It sets government policy at a national level and should align with government's roles and responsibilities, similar to National Direction in the Resource Management system.
95. Of the freeform submissions that engaged with this option, 21 supported and 23 opposed the proposed process for establishing the NCPS. Treaty partners, environmental NGOs, and statutory bodies opposed this option; while concessionaires, industry stakeholders, and councils supported this option.
96. Most of DOC website submissions strongly opposed this option. 107 opposed, while 56 supported the proposed process for statutory documents. The remaining 73 submissions were neutral on this option. Again, it is important to note that the DOC website submission form asked for responses to the proposed processes for making, reviewing and updating both the NCPS and area plans.

### **Preparing the NCPS**

97. The Director-General would be responsible for preparing the draft NCPS, which reflects the status quo for the general policies. The Director-General would not be required to consult with the NZCA, which differs from the status quo.
98. Submissions from iwi, the NZCA, conservation boards, and environmental NGOs suggested that the NZCA and/or iwi should have a role in drafting the NCPS (with some submissions proposing iwi co-draft the NCPS). Submitters considered this would improve policy development and give effect to the principle of partnership in the Treaty.
99. Establishing a co-drafting or substantive drafting role for iwi would require the formation of a Māori-led representative group (with legislative and institutional arrangements on representation, nomination processes, substitution of members, dispute resolution process and so forth). However, the key driver for streamlining the national policy direction process is to improve its timeliness and responsiveness – co-drafting would potentially add significantly to timeframes for development and revision of the NCPS.
100. The preferred approach to meet the concerns raised in submissions is for the NZCA and iwi to be given the statutory obligation to review and provide comment on the draft NCPS at

the drafting stage. The Director-General may then revise the draft prior to public notification. This added step (of a minimum of 40 working days) would marginally extend the time to draft the NCPS, but may reduce the issues to be worked through after public engagement.

101. The public consultation period would enable key stakeholders (conservation boards, Fish and Game, environmental NGOs) as well as iwi and hapū to provide input on the draft NCPS. A minimum timeframe for public consultation of 40 working days will be retained. Conservation boards would have the equivalent role that they do now in policy statements, namely reviewing and providing feedback on the draft as part of public consultation.
102. Some Treaty settlements have relationship agreements in place that require specific consultation on changes to conservation policy in the rohe or takiwā of the PSGE. There will also be a requirement for the Director-General to ensure that all iwi are appropriately engaged in the NCPS process. The intent of all settlement requirements will be upheld.

#### Approving the NCPS

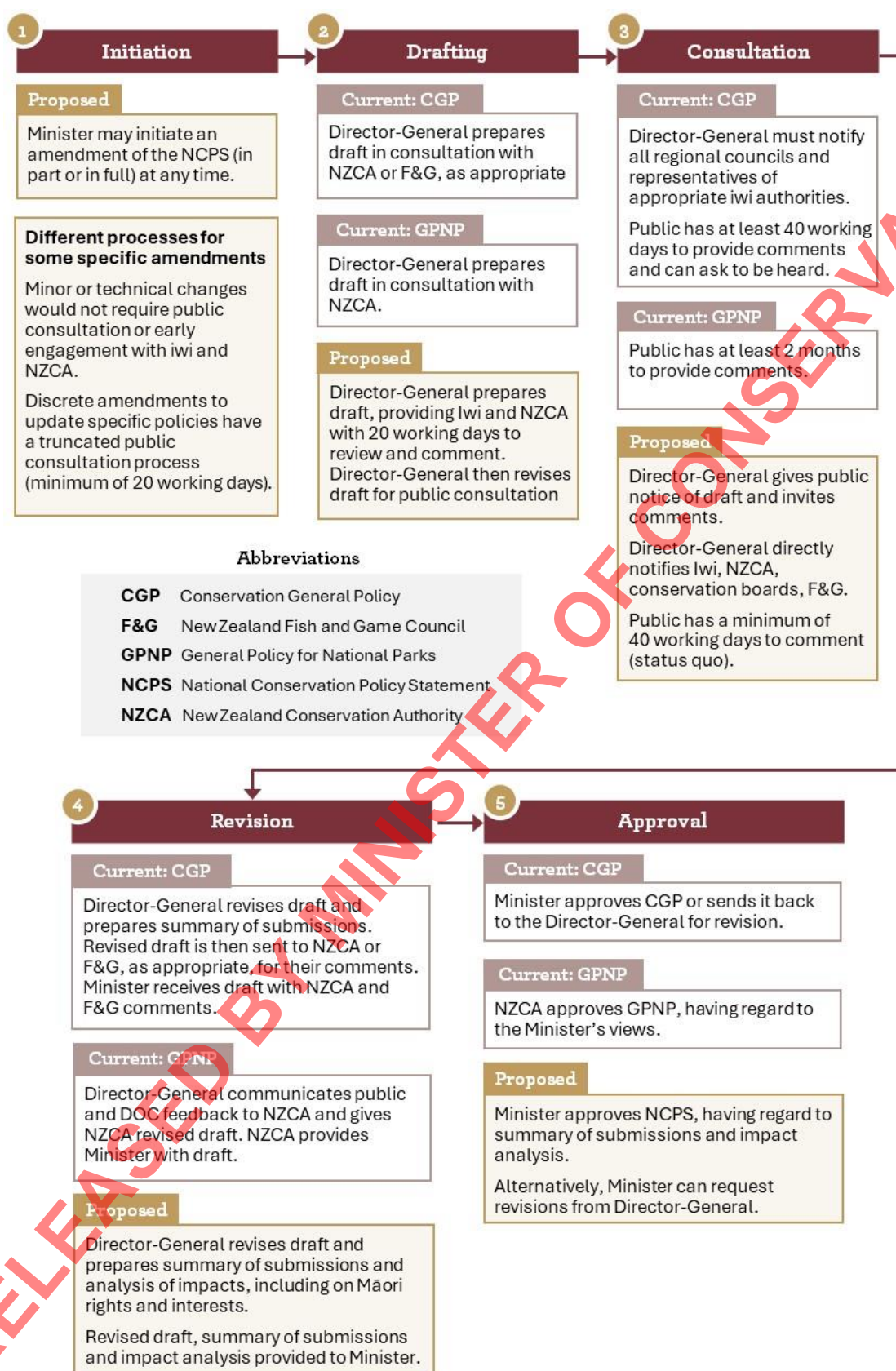
103. The Minister of Conservation would approve the new National Conservation Policy Statement. This, in part, retains the status quo in relation to the Conservation General Policy. Although the NZCA approves the General Policy for National Parks, given the status of the NCPS is setting national direction, it is not appropriate for anyone other than a Minister to approve the NCPS.
104. The Minister must receive advice from the Director-General on the impacts of the NCPS, including on Māori rights and interests, before any NCPS is approved. The Director-General would be required to prepare a summary of submissions and an impact analysis for the Minister to consider as part of the approval process.
105. Most submitters who engaged with the Ministerial approval proposal did not support it. Submitters thought the removal of the NZCA from various stages of the proposed process would water down their role as a check on Ministerial approval. Submitters raised concerns that this would make the NCPS subject to unpredictable Ministerial changes from short term political cycles.
106. In recognition of the NZCA's role in providing an independent voice and its existing statutory function in relation to providing advice to the Minister on the general policy statement for conservation, the NZCA would have an explicit role in providing advice on the final draft.
107. It is proposed that following submission analysis and revision of the NCPS, the final revised draft would be provided to the NZCA and iwi, and they would have 30 working days to provide comments to the Minister. The Minister would be required to have regard to the NZCA's comments and respond to them as part of the Ministerial approval process. This additional 'check' by an independent body of standing will ensure the Minister explicitly considers any matters raised by the NZCA. However, the Minister would not be bound to give effect to their views. This would preserve the Government's role as regulator, with the Minister being responsible for setting the national policy direction.
108. The Minister may request changes before approving the NCPS and direct the Director-General to make changes.

### Amending the NCPS

109. The Minister of Conservation would be able to amend the NCPS at any time. There is no specific timetable or period for reviewing and amending the NCPS. Updates would remain at the discretion of the Minister. This is like the status quo for the general policies where there is no legislated timeframe for review.
110. Minor or technical amendments, where the change would have no more than a minor effect or correct a technical error, would not require public consultation. Given that there is no public consultation on these matters, drafts of the proposed minor changes would not need to be shared with iwi or the NZCA.
111. Enabling the Minister to make changes to the NCPS for minor and technical reasons without having to undertake the full consultation process for preparing the NCPS would ensure the policy statement remains up to date by correcting minor errors in technical specifications, cross-references to other statutory documents, changes in titles/names, or correcting errors in application to area plans.

RELEASED BY MINISTER OF CONSERVATION

## SUMMARY FLOWCHART OF THE NCPS DEVELOPMENT – CURRENT AND PREFERRED PROCESS





#### (b) Process for area plans

112. Streamlining the existing place-specific plan types (CMS, CMP, and NPMP) into one set of area plans means there will only be one process rather than the existing three different processes. The current processes for each of the three plans are outlined in Appendix 1.
113. The NZCA and conservation boards approve the existing three types of plans. The NZCA includes representatives from Ngāi Tahu, environmental NGOs, and those recommended by Ministers for Tourism, Local Government, and Māori Development. They are responsible for approving CMSs, NPMPs, and (in some cases) CMPs.
114. Conservation boards are independent bodies that enable local communities and iwi to contribute to the management of conservation areas. They are responsible for the approval of most CMPs (unless they are referred to the NZCA for approval). Notably, the role for approving CMPs is already affected by the gradual phase out of CMPs except for those developed under Treaty settlement.
115. Despite approving planning documents (which set rules for the Minister to be bound by as the regulator), neither the NZCA nor the conservation boards are accountable for ensuring the objectives and policies set out in plans are implemented operationally or given effect to through regulatory decision-making. This can mean the inclusion and approval of content or conditions in plans that make it harder for DOC to perform its regulatory functions or do not align with its operational budget.

#### Preparing the area plans

116. The preparation stage is where most of the current timeframes for planning document reviews are being drawn out. This ultimately slows the responsiveness of the system to emerging conservation issues and new opportunities for activities on PCL. The proposals seek to speed up drafting by:
  - a. clarifying the purpose and content of area plans;
  - b. setting a timeframe of four months for drafting within the 12-month timeframe (with specific timeframes for other stages); and
  - c. clarifying the role of Treaty partners at the drafting stage.
117. It is proposed that the Director-General will be responsible for preparing the area plan (as they will be for the NCPS). Prior to beginning work on developing the area plan, the Director-General will seek the views of relevant iwi and conservation board(s) on what types of objectives and policies should be included in the area plan.
118. Following preparation of the draft area plan, and prior to public consultation, the Director-General would again consult with iwi and conservation board(s) on the objectives and policies. To ensure that consultation with these parties does not unreasonably slow the preparation of an area plan, it is proposed that an area plan must be publicly notified with four months of the Director-General initiating the area plan process.

#### Treaty partnership in the area plan process

119. It is important that the new statutory process makes explicit the role of iwi in area plans. Many existing Treaty settlements include bespoke requirements relating to engagement – the intent of which will be upheld. Outside of these existing settlement processes there is an opportunity for the new streamlined system to provide greater consistency and certainty about how DOC will give effect to Treaty principles in the area plan process.

120. There are three options for clarifying the role for iwi in area plan process:

- a. consultation: legislation makes explicit that iwi must be consulted during the drafting, as well as on any revisions to an area plan after public consultation (preferred);
- b. co-drafting: iwi representative body and the Director-General draft area plans together, including any revisions made after public consultation; and
- c. co-approval: iwi representative body and the Minister approve the final area plan.

121. For all options, the specific steps required to engage with iwi would be drafted into the legislation. The legislation would make it clear what steps are required to give effect to section 4 of the Conservation Act for the purpose of area plan processes. Otherwise, there will still be ambiguity around what section 4 requires.

122. **Consultation** during drafting and revision of an area plan will provide an efficient approach to ensuring Treaty partners input to the development of a plan, and this is DOC and the Minister's preferred option. The views of relevant iwi on what types of objectives and policies should be included in the area plan would be sought during drafting. Following preparation of the draft area plan, and prior to public consultation, the Director-General would consult with iwi on the draft objectives and policies. The process will not prescribe the methods for engagement with iwi, enabling greater flexibility for iwi to determine how they wish to engage during the area plan process. It also enables DOC to be responsive to the 'form' of engagement.

123. Feedback on this proposed approach to the preparation of area plans was mixed with roughly half expressing support (similar to the feedback on the NCPS process). Those who supported the proposals believed that they struck the right balance regarding giving effect to the Crown's Treaty obligations while creating a process that could be completed in a timely manner. Some environmental NGOs and stakeholders from the recreation and tourism sectors felt there should be a greater role for them in the process.

124. While this option will provide procedural certainty relating to engagement with iwi and hapū, consultation, particularly without a co-approval approach, will be seen as a narrow application of section 4. It may be seen as a weakening of Treaty and conservation protections and could cause damage to Māori-Crown relations. **Co-drafting** delivers a partnership approach to developing an area plan. However, it creates significant tension with a drive for efficiency. It has the potential to slow down the drafting of planning documents. Co-drafting generally requires more rounds of engagement as the parties seek to reach a consensus. This will be particularly complicated where there are many iwi in an area. Based on experience, DOC does not recommend this option as it is not considered workable without significant work on "circuit breakers" to resolve disagreement between DOC and Treaty partners, or Treaty partners themselves. Delays to management planning processes have often occurred where the parties do not agree on whether the draft is acceptable to progress to the next step in the process.

125. Several submissions – from iwi and Māori organisations, conservation boards, NZCA, and some environmental NGOs – proposed that area plans be co-drafted with iwi and hapū. Co-drafting of plans takes place now, where specifically provided through settlement redress (e.g. the Te Hiku conservation management strategy).

126. **Co-approval** of a plan (possibly in conjunction with co-drafting) is another option that provides greater partnership in the development of area plans. In areas with multiple iwi there would need to be a representative body set up to make this workable. The same issues outlined above for co-drafting would occur for co-approval where the Minister may not be able to reach agreement on the final form of the area plan. This would result in further negotiations to reach consensus, slowing down the process. A circuit-breaker may also be needed, such as the Minister having a veto, which would negate the positives of co-approval.

#### Opportunities for iwi and conservation bodies to guide the area plan

127. Following public consultation on an area plan, there will further opportunities for iwi, conservation boards, and the NZCA to provide input.
128. The Director-General will analyse public submissions and revise the area plan. This revised draft will be provided to the relevant iwi, conservation board, and the NZCA for comment. They would have two months to provide comments prior to the final draft being provided to the Minister for approval.
129. The feedback during this stage will be provided to the Minister to support the advisory role that these bodies will play in the new planning system.

#### Specific timeframes to ensure area plans are completed in a year

130. To ensure there is certainty and clarity to support efficient planning, it is important that area planning processes are not unreasonably drawn-out. Accordingly, it is proposed that the legislation specifies the maximum timeframes for the various stages of developing an area plan:
- a. drafting and public notification – must be completed within four months of the Director-General initiating the plan process;
  - b. consultation – minimum of 40 working days (two months) for public consultation; and
  - c. revision – total of five months, with three months for the Director-General to revise the area plan and two months for iwi, the NZCA and conservation board(s) to comment.
131. The Minister of Conservation, at the request of the Director-General, could extend timeframes on area plan development at their discretion but must give a reason for the extension and set a new reasonable timeframe. It is also proposed these timelines could be truncated for some types of revisions to an area plan (see below).

#### Approving all area plans

132. Under the proposed changes, the Minister of Conservation would approve all area plans. This strengthened role aims to ensure regulatory consistency between the nationally set policy and local application in area plans and will also support faster decision-making.
133. Under the proposed changes, the functions and roles of statutory planning documents are more clearly oriented towards guiding regulatory decision-making and concessions, and the need for a coherent set of regulatory policies across the framework. Accordingly, it is more appropriate for the Minister to be the decision-maker, than the NZCA and conservation boards as present, since the Minister also makes the regulatory decisions.

134. The majority of submitters were not in favour of Ministerial approval due to the removal of what is seen as an important check and balance within the current planning system. This mirrors the feedback and concerns raised in the submissions regarding the Ministerial approval of the national policy statement. The rationale cited for the NZCA's approval currently is the NZCA can influence ministerial decision-making, including on concessions decisions, and 'depoliticise' conservation regulation.
135. Given the regulatory nature of the area plans, it is not appropriate for final approval of key planning documents to reside outside of the Ministerial system when the Minister is also the consent giver who is bound by those plans and is held accountable for the outcomes of the system. The NZCA will provide a 'check and balance' on the area plans through a formalised advisory function.
136. The new proposed approach for the development, consultation and revision of an area plan provides multiple points for ensuring iwi, conservation boards and the NZCA input into those decisions is provided for through the process for preparing the plan prior to approval.
137. The Director-General will provide the Minister the comments from the relevant iwi and conservation board(s) for consideration when deciding whether to approve the plan or request revisions. The conservation boards and the NZCA also have the option of providing written feedback directly to the Minister, prior to approval of an area plan.
138. The Director-General must prepare an impact analysis report for the area plan, including impacts on Māori rights and interests, to support the Minister's consideration on approving an area plan.
139. Some Treaty settlements stipulate bespoke approval requirements for the affected PSGE, such as requiring a CMP to be co-approved by the PSGE either with local conservation boards or the Minister. These bespoke roles for PSGEs are intended to be upheld where applicable, which means material equivalence will need to be provided (e.g. by grandparenting existing arrangements into legislation to uphold their rights).
140. Other Treaty settlements require PSGEs' representation on local conservation boards. Changes to the approval roles of those independent bodies will accordingly have an impact on some Treaty settlement redress. Further engagement is needed with affected PSGEs to determine the options for upholding settlements.

#### Reviewing and amending the area plans

141. Currently, conservation planning documents are required to be reviewed in full every 10 years. The discussion document suggested this would not change for area plans. The case to conduct a full review every 10 years is not clear – the main benefit of a review deadline is to ensure that the documents are prioritised for update and stay current.
142. However, the current 10 year review requirement has not resulted in up to date plans; 80% of plans are overdue for review, some by over 10 years. The statutory process for updating these documents means reviews can take several years and some plan updates have taken up to 10 years to complete. The 10 year review also leads to expectations that the entire plan needs rewriting which makes the process much more resource intensive and cumbersome.
143. The determining factor on whether plans remain up to date is more about the simplicity, speed and efficiency of the process to do so, than an arbitrary legislative deadline. The

intention of this reform is to be nimbler, making more frequent amendments to keep documents up to date where issues arise (which is likely to be earlier than within 10 years). Plans would be amended on an 'as needed' basis.

144. There are currently about 18 CMSs and 13 NPMPs and expected to be around 21 area plans through settlements. So even with removing CMPs, there may be around 50 area plans (however, a large amount of PCL is covered by only 11 of them). Full reviews of all of them every 10 years will be burdensome with little benefit.
145. Amendments at the discretion of the Director-General would be a more efficient way of addressing problematic outdated policies, and accordingly specific legislative timeframes for review are not proposed. However, there is likely to be a need for small updates to area plans to maintain their relevance in a changing environment. A shortened review process is proposed to enable partial updates of discrete aspects of an area plan.
146. Generally, all amendments would follow the standard 12-month process for approval in terms of engagement with iwi, conservation boards and the NZCA, public consultation, revision and approval.
147. Given the overarching aim for streamlining planning processes and ensuring area plans are up-to-date and respond to emerging issues, a truncated approach is proposed for minor and technical or targeted amendments, as follows:

Type of amendment	Modified consultation process
<b>Minor errors or technical changes</b>	Minor or technical amendments – where the change would have no more than a minor effect or correct an error – would not require public consultation. Accordingly, proposed changes would not be consulted on with iwi, conservation boards or the NZCA.
<b>Inconsistency with the NCPS</b>	Amending an area plan where it has become inconsistent with the NCPS would not require public consultation, as consultation would have occurred for the NCPS amendment. Changes would also not be consulted on with iwi, conservation boards or the NZCA.  Public notice of the amendment would be required.
<b>Discrete and targeted policy change</b>	Targeted or discrete policy changes would involve matters such as refining the definitions of activities, updates to specific policies, visitor limits, or adjusting the types of activities specified in one of the three category of concession classes (permit-exempt, pre-approved or prohibited).  Public consultation, together with statutory-required engagement with iwi, conservation bodies and the NZCA, would be required, but with shorter timeframes (given the changes would be discrete). The shorter timeframes would be specified in legislation.

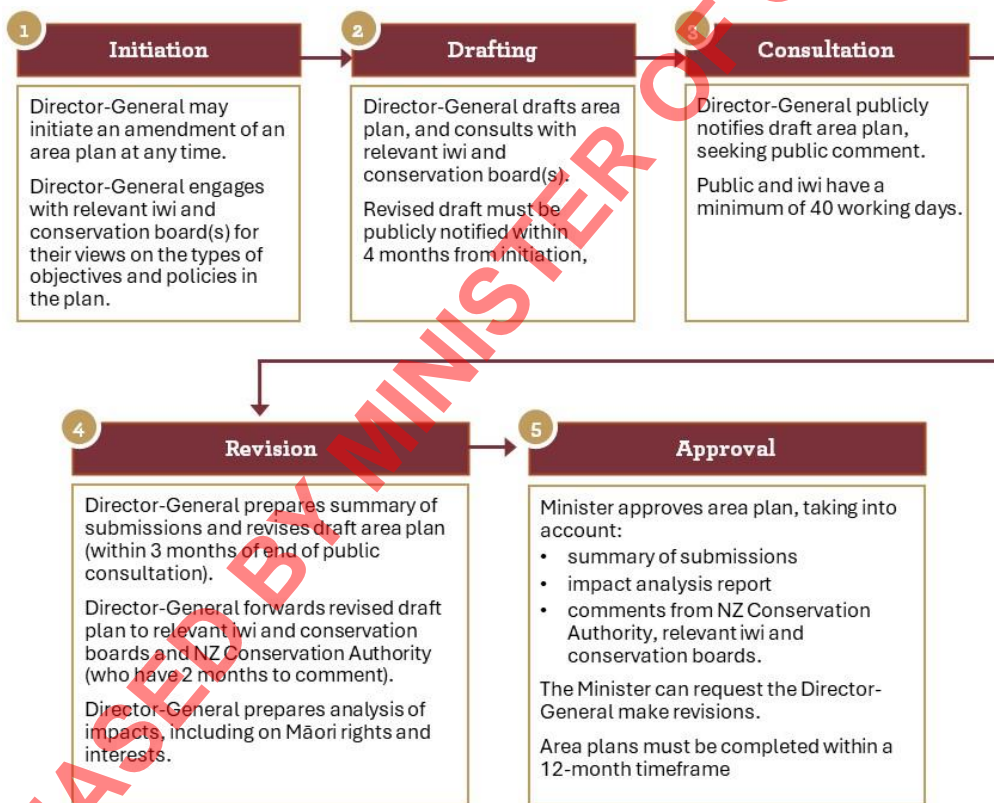
148. Amendments that are discrete and targeted to update specific policies or limits will follow the same process for development of an area plan, but with the following shortened timeframes:



- a. Drafting and public notification – must be completed within two months of the Director-General initiating the plan process (compared to four months normally)
- b. Public consultation – minimum of 20 working days (compared with normal 40 working days)
- c. Revision – total of two months, with one month for the Director-General to revise the area plan and one month for iwi, conservation bodies and the NZCA to comment (compared to normal process of five months for revision, including two months for external comment).

149. The policy intent is to ensure that area plans remain current and accurately reflect emerging changes in activities on PCL. Undertaking a full consultation process of 12 months to make minor changes to better define an activity or adjust the conditions of a pre-approved activity would add enormously to the compliance cost of area plans, and potentially risk consultation fatigue with the public and key interest groups. Whether the shortened timeframes for discrete amendments will be seen as reasonable to the public, iwi, and key advisory bodies will ultimately depend how they view whether amendments are ‘minor and discrete’.

#### SUMMARY FLOWCHART OF THE PREFERRED PROCESS FOR AREA PLANS



#### Process for amendments

Minor or technical changes do not require public or other consultation. Similarly, no public consultation is required to amend area plans to ensure consistency with the National Conservation Policy Statement (but must be publicly notified).

Amendments to update specific limits or policies would follow a full review process, but with truncated timeframes to ensure changes are completed within 7-month timeframe.



### Option B3 – Approvals are split between Minister (national) and the NZCA (area plans)

150. This option is the same as Option B2 except it the Minister would not have an approval role for area plans. This is not a recommended approach as it creates a disconnect between government's policy leadership and on-the-ground implementation.
151. Under this option, approval of area plans would sit with the NZCA. This would reflect the NZCA's current role in approving the existing conservation management strategies and plans and the national park management plans.
152. This approach would align with most submissions on the discussion document, which opposed changes to the role of the NZCA.

#### (a) Process for National Conservation Policy Statement (NCPS) – approval by the Minister of Conservation

153. The process for the development, approval, consultation, and revision of the NCPS would remain the same as outlined in Option B2.
154. The issues raised in terms of removing the NZCA's approval role in relation to the NCPS were outlined in the previous Option B2. There is also a variation that would retain the NZCA's specific role in relation to approving a national policy direction for national parks. This could take the form of either:
  - a. separate General Policy for National Parks; or
  - b. approval for components of the NCPS relating to national parks.
155. Retaining the NZCA's role by having a separate national parks policy direction under either of the two options would undermine the premise for streamlining and amalgamating the national policy direction into a single instrument which submissions supported.
156. Giving the NZCA a role in endorsing or approving of policies related to national parks, within the context of the combined NCPS would give them a stronger approval role than the status quo. Because the NCPS will cover a range of policies that apply to all conservation land, including national parks, the NZCA would effectively have approval of both national and general conservation matters. It would undermine the effectiveness and coherence provided by a single national policy statement if a standalone chapter for national parks is introduced.
157. From a Treaty perspective, iwi and hapū may not view an approval role for the NZCA as desirable, unless iwi Māori had equivalent representative roles on the NZCA. Currently only the Ngāi Tahu Treaty settlement provides for a Ngāi Tahu representative to have an entrenched role on the NZCA, and given the current size of the NZCA, group decision-making processes could become unwieldy if more members were added. The NZCA would need additional resources and capabilities to enable them to provide a more comprehensive Māori perspective in the approval process for a national parks policy statement.
158. Given the difficulties in providing a separate role for the NZCA, it is proposed that the Minister has standalone responsibility for approval of the NCPS. Iwi and the NZCA would have specific and significant roles in providing advice to the Director-General and Minister at specific stages of its development (as set out in Option B2).

*(b) Process for area plans – approval by the NZCA*

159. Under this option, the NZCA could have either co-approval or sole approval for the area plans. This reflects the NZCA's current role in approving local and regional plans and strategies.
160. Allowing the NZCA to retain its current approval powers would effectively be a retention of the status quo. An explicit approval role for the NZCA would compromise the ability of the Government to set the regulatory rules around use of PCL.
161. Introducing co-approval of area plans would slow down the process for approval as two or more stages may be required to try and achieve consensus. It is also likely that a circuit-breaker would be required if consensus cannot be reached, further lengthening the time take to consult, revise and approve an area plan. One option would be the Minister having the power to approve in the event of a disagreement on approach; this would effectively negate the benefits of introducing co-approval.
162. Co-approval would reduce the regulatory effectiveness that is the goal of streamlining the national and area plans as it would limit the ability of government to implement changes in national direction for conservation and other outcomes at the local and regional level. Given the objectives of the reform to increase efficiency, coherency, timeliness and responsiveness, retention of the NZCA as an approving body for the area plans would risk undermining those objectives.
163. As noted in discussion for Option B2, most submitters were not in favour of Ministerial approval of the area plans, due to the removal of what they saw as an important check and balance in the system to ensure decisions regarding conservation land are carefully considered.
164. Given the objectives of the reform to increase efficiency, coherency, timeliness and responsiveness, retention of the NZCA as an approving body for the area plans would risk undermining those objectives.

## How do the options compare to the status quo?

	Option B1 – Status Quo	Option B2 – Minister approves both national and area plans (Preferred)	Option B3 – Split approval between the Minister (NCPS) and the NZCA (area plans)
<b>Conservation and other interests</b>	<p>0</p> <p>Current processes provide for iwi, stakeholder, and public input. The NZCA and conservation boards have substantial role of being involved in approving plans and National Parks General Policy.</p>	<p>0</p> <p>The process for national policy statement and area plans provides multiple opportunities for iwi, conservation boards and the NZCA, stakeholders, and the general public to input to the development of both the national direction and translating this direction into the development of local conservation and other outcomes. However, there is no approval role for conservation boards and the NZCA.</p>	<p>0</p> <p>Splitting approval undermines the ability for the government's national direction on conservation and other outcomes to be reflected consistently across all local/regional level area plans.</p>
<b>Regulatory stewardship</b>	<p>0</p> <p>Plans lack a clear purpose and around 80% of plans are overdue for review. They are cumbersome to navigate, and the same place sometimes has overlapping and conflicting policies.</p>	<p>++</p> <p>The Minister of Conservation has final approval of the NCPS and area plans, which will create a clearer and more consistent application across the multiple planning documents.</p> <p>Truncated statutory timeframes across the various stages of plan development for minor and specific limited refinements to plans will support greater responsiveness to changing circumstances – especially with flexibility on the timing for reviews and amendments (rather than fixed 10-yearly reviews).</p>	<p>0</p> <p>Risk that the national policy direction and area plans are not aligned (similar to status quo), increasing confusion on the nature of activities that can occur on conservation lands, and limiting the gains that could be achieved in the concession system through integration across planning processes and approvals.</p>

	Option B1 – Status Quo	Option B2 – Minister approves both national and area plans (Preferred)	Option B3 – Split approval between the Minister (NCPS) and the NZCA (area plans)
<b>Government costs and efficiencies</b>	<p>0</p> <p>Plan review processes are protracted and frequently stalled. There are multiple and differing views about what plans should cover resulting in extended consultation and delays in finalising plans. Complexity and uncertainty for decision-makers contributes to slow decision-making.</p>	<p>++</p> <p>Statutory timelines for development, consultation, and Ministerial approval will improve the efficiency for taking policy statements and plans from initiation to implementation.</p> <p>Reduced timeframes will make them more cost-effective to develop and maintain, although some additional resourcing may be required to support iwi, conservation boards and the NZCA to effectively engage with the additional stages for input/consultation.</p>	<p>+</p> <p>Retaining an approval role for the NZCA will not necessarily result in efficiency gains associated with reforming the planning process. The Minister approving a single NCPS will result in some gains, but the current risk remains of the national direction not being translated into area plans.</p> <p>Statutory timeframes may lead to efficiency gains, but additional resourcing may be required to achieve them. Given the independence of the NZCA, there is no mechanism for government to ensure adherence to the timeframes.</p>
<b>Compliance burden</b>	<p>0</p> <p>Complexity and uncertainty for applicants in some cases about how their activities need to align with the framework of plans and policies. Slow decision-making as a result of this, increases costs for applicants.</p>	<p>++</p> <p>Clarity in national policy direction, which is reflected across multiple area plans, will support improved understanding of the future conservation outcomes and types of activities, supporting the effectiveness of the concession system.</p>	<p>+</p> <p>Stakeholders will face the same level of compliance costs as the current system, although there may be some efficiency gains arising from the imposition of statutory timeframes.</p>
<b>Treaty of Waitangi</b>	<p>0</p> <p>There is ambiguity about how to give effect to Treaty principles in particular processes or decisions. Different views</p>	<p>0</p> <p>More certainty about what is required to give effect to section 4 in a process to develop national policy. However, this certainty is provided by narrowing the application of section 4, s9(2)(f)(iv)</p>	<p>0</p> <p>Only one iwi is currently represented on the NZCA, so this option does not strengthen iwi involvement at a broad level. More certainty about what is required to give effect to section 4 in a process to develop national policy.</p>

	Option B1 – Status Quo	Option B2 – Minister approves both national and area plans (Preferred)	Option B3 – Split approval between the Minister (NCPS) and the NZCA (area plans)
	mean that there is a high risk of legal challenge in the planning processes.	s9(2)(f)(iv) Requirement to consider Treaty rights and interests.	However, this certainty is provided by narrowing the application of section 4, s9(2)(f)(iv) s9(2)(f)(iv)
<b>Overall Assessment</b>	<b>0</b>	<b>6</b>	<b>2</b>

**Key:** Compared to the status quo

++ much better

+ better

0 about the same

– worse

– – much worse

**What option is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?**

165. The preferred options identified above are:

- a. **Option A4** – Streamline both national and place-specific plans
- b. **Option B2** – Minister approves both national and area plans

166. Streamlining the planning and processes for development, drafting, consulting, and approving the NCPS and area plans provides the greatest gains in terms of efficiency for government planning, affected parties (especially those using the concessions system), and achieving conservation and other outcomes.
167. Combining the national conservation and national parks policy statements into a single instrument (Option A1) will provide more clarity about the national direction in terms of achieving conservation outcomes and balancing them with other economic, social and cultural outcomes, as the national policy statement is reflected in the values and objectives of area plans.
168. The new NCPS will introduce ‘class concessions’ of low-risk activities that are either exempt from needing permits or pre-approved for permits with specific conditions, and high-risk activities that are prohibited from conservation lands.
169. These changes will free-up the concessions system, enabling the regulator (DOC) to more effectively consider new and novel concession applications and reducing compliance costs on individuals, communities, and businesses wishing to undertake activities in public conservation land. This will have flow-on gains in terms of transparency and consistency of decision-making for people wanting to undertake tourism and recreational and other activities.
170. The introduction of statutory timeframes for the development of area plans, together with specified roles for engagement with iwi, the NZCA, and conservation boards during the process for drafting, developing, consulting, revision, and approval, improves the certainty, clarity, and transparency of the planning process (Option B2). The statutory timeframes will also ensure that area plans are updated in a timely manner, and together with an option for a truncated process for making minor adjustments, will ensure that plans continue local values and environmental conditions.
171. The Minister being the final approver of both a single NCPS as well as all area plans (Option A4), ensures that the government direction is translated across the regulatory system, while also enabling that direction to be modified to reflect the local values and conditions in an area. This combines the gains from both Options A2 (national instruments are streamlined) and Option A3 (place-specific plans are streamlined) with the additional gains of delivering an integrated and seamless planning process that reflects combined local and national objectives.

**Is the Minister’s preferred option in the Cabinet paper the same as the agency’s preferred option in the RIS?**

172. Yes.



**What are the marginal costs and benefits of the preferred option in the Cabinet paper?**

Affected groups	Comment	Impact	Evidence Certainty
<b>Additional costs of the preferred option compared to taking no action</b>			
DOC	<ul style="list-style-type: none"> <li>Immediate implementation costs – communicating changes to regulated parties, establishing new planning processes, and ensuring Treaty settlements continue to align with any new planning processes.</li> <li>Medium-term implementation costs – process to transition to one area plan with work to reduce overlapping boundaries across area plans. Costs will be staggered over time to minimise disruption.</li> <li>Significant work over the next three years to address backlog of outdated plans.</li> </ul>	<i>Low</i>	<i>Medium</i>
Concessionaires (including applicants)	<ul style="list-style-type: none"> <li>There are no additional costs to concession operators arising from the changes proposed in <u>this</u> RIS.</li> </ul>	<i>Low</i>	<i>High</i>
Iwi and hapū	<ul style="list-style-type: none"> <li>Costs (including time) of participating in making or amending NCPS and area plans, if greater than costs of updating two existing general policies and raft of place-specific plans.</li> <li>Costs of engaging with DOC on the identification of potential concession classes (activities that will be pre-approved, permit-exempt, or prohibited), if greater than costs of engaging on relevant individual applications (likely to be lower however).</li> </ul>	<i>Low</i>	<i>Medium</i>
NZCA and conservation boards	<ul style="list-style-type: none"> <li>There should be no additional costs to these bodies arising from the change in role in the planning process, but the statutory timeframes for the different stages of input may result in lumpy cost impacts in financial years.</li> </ul>	<i>Medium</i>	<i>Low</i>
Public (including environmental NGOs)	<ul style="list-style-type: none"> <li>There may be changes to what activities are allowed on conservation land, which could result in different conservation outcomes. This will depend on the policies and rules that become part of the framework.</li> </ul>	<i>Low</i>	<i>High</i>
<b>Total monetised costs</b>	<ul style="list-style-type: none"> <li>Implementation costs for DOC and for ensuring that parties with key roles in feeding into plans (iwi and the NZCA) can effectively input, especially within the statutory timeframes.</li> </ul>	<i>Low</i>	<i>Low</i>

Affected groups	Comment	Impact	Evidence Certainty
	<ul style="list-style-type: none"> <li>Costs of establishing processes and supporting other parties to input the planning process are not yet known.</li> </ul>		
<b>Non-monetised costs</b>	<ul style="list-style-type: none"> <li>Additional time may be required by environmental NGOs and other groups to engage in the initial national policy statement and area plans.</li> </ul>	<i>Low</i>	<i>Low</i>
<b>Additional benefits of the preferred option compared to taking no action</b>			
DOC	<ul style="list-style-type: none"> <li>Reduced planning costs – only need to make and update one national-level instrument, using a clearer and more efficient process.</li> <li>Greater clarity for concession decision-making.</li> <li>Reduced number of concession applications to process on case-by-case basis.</li> <li>Greater alignment between national direction and area plans.</li> </ul>	<i>High</i>	<i>Low</i>
Concessionaires (including applicants)	<ul style="list-style-type: none"> <li>Costs of the statutorily defined engagement steps in the new process should be lower than the current costs of approving a national parks policy statement and place-specific plans. However, the tighter statutory timeframes and requirements to engage across stages may limit these body's ability to spread engagement costs.</li> </ul>	<i>Medium</i>	<i>Low</i>
Iwi and hapū	<ul style="list-style-type: none"> <li>Improved transparency and consistency of engagement with statutorily specific input across all stages of the planning process, both in setting the national policy direction and all area plans.</li> <li>Reduced engagement with DOC will be required on high-volume, low-complexity concession applications.</li> <li>Greater transparency of concessions decision-making.</li> </ul>	<i>Medium</i>	<i>Low</i>
NZCA and conservation boards	<ul style="list-style-type: none"> <li>Reduced role in approving planning documents will enable greater engagement at different stages of development of national and area plans.</li> </ul>	<i>Medium</i>	<i>Medium</i>
Public (including environment NGOs)	<ul style="list-style-type: none"> <li>Greater clarity on how and when planning documents will be updated, enhancing public engagement in the process.</li> <li>There may be changes to what activities are allowed on conservation land which could result in benefits for the public, but this will depend on the policies and rules that become part of the framework.</li> </ul>	<i>Low</i>	<i>Medium</i>

Affected groups	Comment	Impact	Evidence Certainty
<b>Total monetised benefits</b>	<ul style="list-style-type: none"> <li>• Main monetised benefits relate to DOC having fewer high-volume, low-complexity concession applications to process, with the introduction of class concession under the NCPS. This will make existing applications faster to process, and result in cost-savings to concessionaires for activities that are permit-exempt ('acceptable').</li> <li>• Monetised benefits cannot be estimated.</li> </ul>	<i>Medium</i>	<i>Low</i>
<b>Non-monetised benefits</b>	<ul style="list-style-type: none"> <li>• All parties/public have greater clarity and certainty about what activities are allowed or prohibited, improving the efficiency of the concessions system for both applicants and DOC.</li> <li>• There are social benefits of removing unnecessary regulatory barriers to use of public conservation land.</li> <li>• Non-monetised benefits cannot be estimated.</li> </ul>	<i>Medium</i>	<i>Low</i>

## Section 3: Delivering an option

---

### How will the proposal be implemented?

173. The development of an integrated planning system – comprising the NCPS and area plans (preferred option) – would be given effect by way of an amendment Bill. Parts of the Conservation Act will need to be rewritten to give effect to these proposals. Substantial changes will be needed to the National Parks Act 1980 and Reserves Act 1977, and there may be consequential changes needed in other conservation laws.
174. Once legislation is implemented, DOC would be responsible for the initial and ongoing implementation. DOC will ensure it has the necessary systems, processes and resources to deliver the new planning system, as well as establishing new processes for monitoring compliance and enforcement.
175. Additional operational guidance and regulations may be necessary to give effect to the proposals. It is likely that at least three years of intensive work will be required to bed in the new system.

### National Conservation Policy Statement (NCPS)

176. The first NCPS would be drafted alongside the Bill, enabling it to be operative on commencement of the Act (superseding the existing Conservation General Policy and General Policy for National Parks).
177. Developing the NCPS together with the Bill will eliminate the need for the government to engage on a process to draft the NCPS following the passage of legislation. This will speed-up the timing for the new system coming into effect, as well as give the public and stakeholders the benefit of seeing the content of, and providing feedback on, the first NCPS at the same time as its empowering provisions and overarching framework in the Bill.

### Area plans

178. The entry into force of the NCPS and new legislation concurrently will enable DOC to work on transitioning the place-specific plans within the new planning structure.
179. Within 12 months of commencement the existing place-specific plans (i.e., the conservation management strategies, national park management plans, the conservation management plans) will be translated into single layer area plans.
180. This process would not include consultation, as the new area plans would simply be translated to reflect the new legislative framework. The process would involve removing errors, making the plans consistent with the NCPS and legislation, and moving things between plans to ensure there is a single layer.
181. Initial area plan boundaries will be determined by the Director-General but will generally default to the existing CMS boundaries. There will be some exceptions for national parks, which will default to those boundaries, but with an option for adjacent parks or PCL to creating a single area plan where this would support more effective management. There may also be some cases where straightforward, uncontentious boundary changes that improve efficiency and can be made with little disruption. Current management plans that

are surplus to the new system (for example because they duplicate material due to overlapping areas or cover matters now included in the NCPS) would be revoked.

182. The Director-General will have the power to determine the boundaries of the new area plans, as they currently have for CMSs. The implementation process will need to address how statutory carve-outs and bespoke arrangements for iwi and hapū to ensure that existing Treaty settlements will work in practice, and the extent of any adjustments to the final design of the new systems and planning processes across area plans.

### **How will the proposal be monitored, evaluated, and reviewed?**

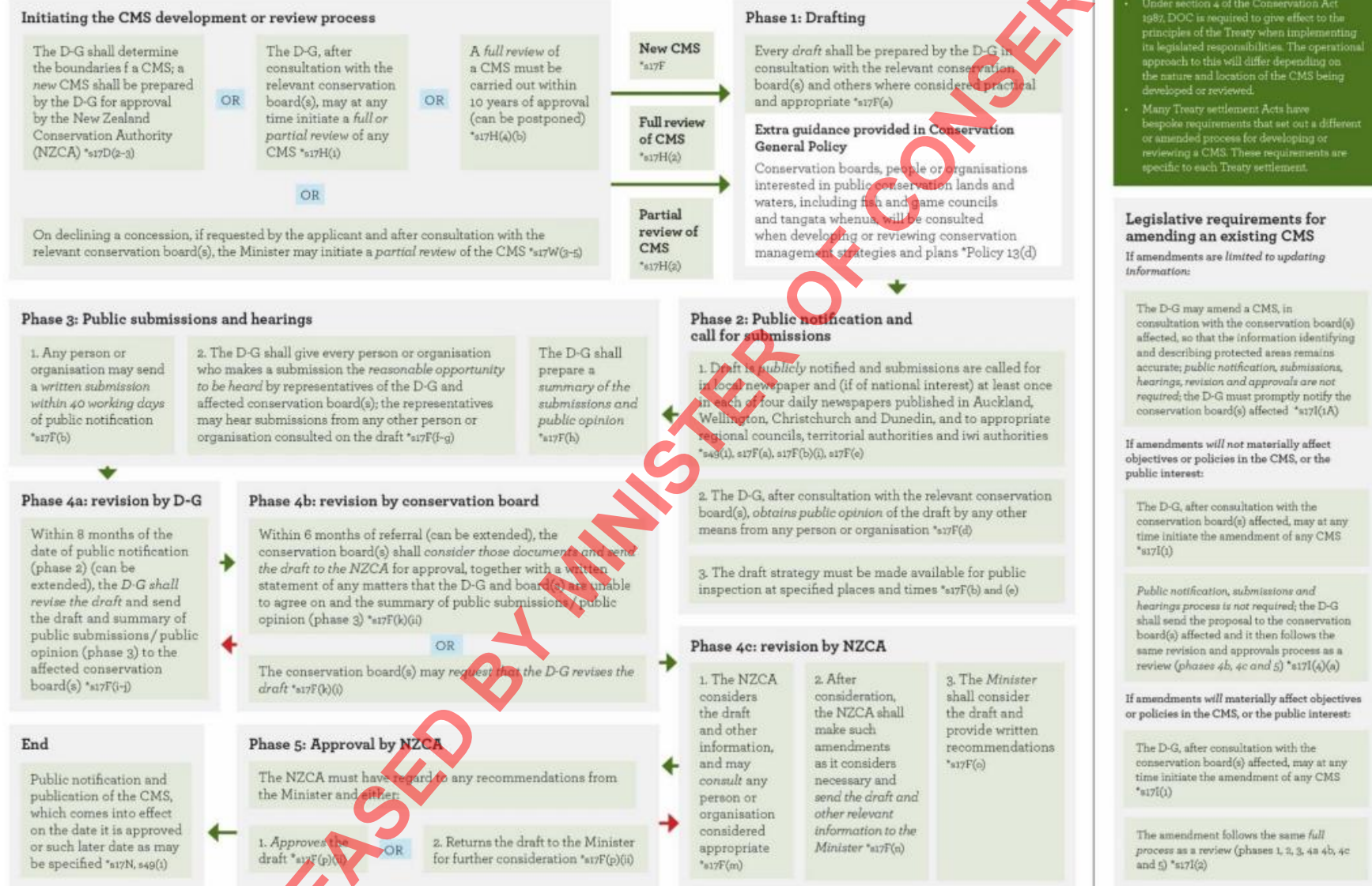
183. DOC will be responsible for monitoring, evaluating, and reviewing any changes. DOC will monitor the successful implementation of the new management planning system by tracking:
- a. the translation process from old management plans to new area plans, which is planned to occur within 12 months of commencement of the Act;
  - b. progress on development of new priority plans that need significant amendment beyond a simple translation process (e.g. Fiordland National Park and other plans that will be identified as needing significant review or amendment);
  - c. issues with provisions in area plans or the NCPS as they arise, and alerting relevant decision-makers when they reach thresholds that warrant amendment (these issues may be identified in a range of ways, including through regular interactions with Treaty partners, stakeholders, and through monitoring of regulatory decision-making); and
  - d. the timeframes for developing and amending area plans more generally (discussed above in “Reviewing and amending the area plans”), including the use of any timeframe extensions.
184. The information from monitoring will be included in DOC’s usual accountability reporting (e.g. annual report) and will be used to inform any future policy development or legislative change to further improve the conservation management planning system.
185. A key outcome emerging from the streamlining of conservation management planning will be unjamming the concessions system and delivering shorter processing times for permissions and concessions for businesses and community groups.
186. The introduction of ‘class concessions’ will support quicker processing times by exempting low-risk activities, or pre-approving permits with conditions for such activities. DOC actively monitors application numbers and processing times, and this will continue to be a metric in assessing the efficiency of the new system.
187. Monitoring and oversight of the new class concessions regime will be undertaken as it will be essential to build trust in the new approach to some low-risk activities. Timely monitoring is key to be able to adjust conditions on any pre-approved permits or remove an activity from the ‘permit-exempt’ category if conditions change. Ongoing concession monitoring will continue. DOC needs to ensure sufficient resourcing for this, including cost recovery where appropriate. This ongoing compliance monitoring may reveal whether there is a positive impact on illegal operators.



# APPENDIX 1: Current process for making or amending CMS, CMP and NPMP

## Legislative requirements for developing or reviewing a conservation management strategy (CMS)

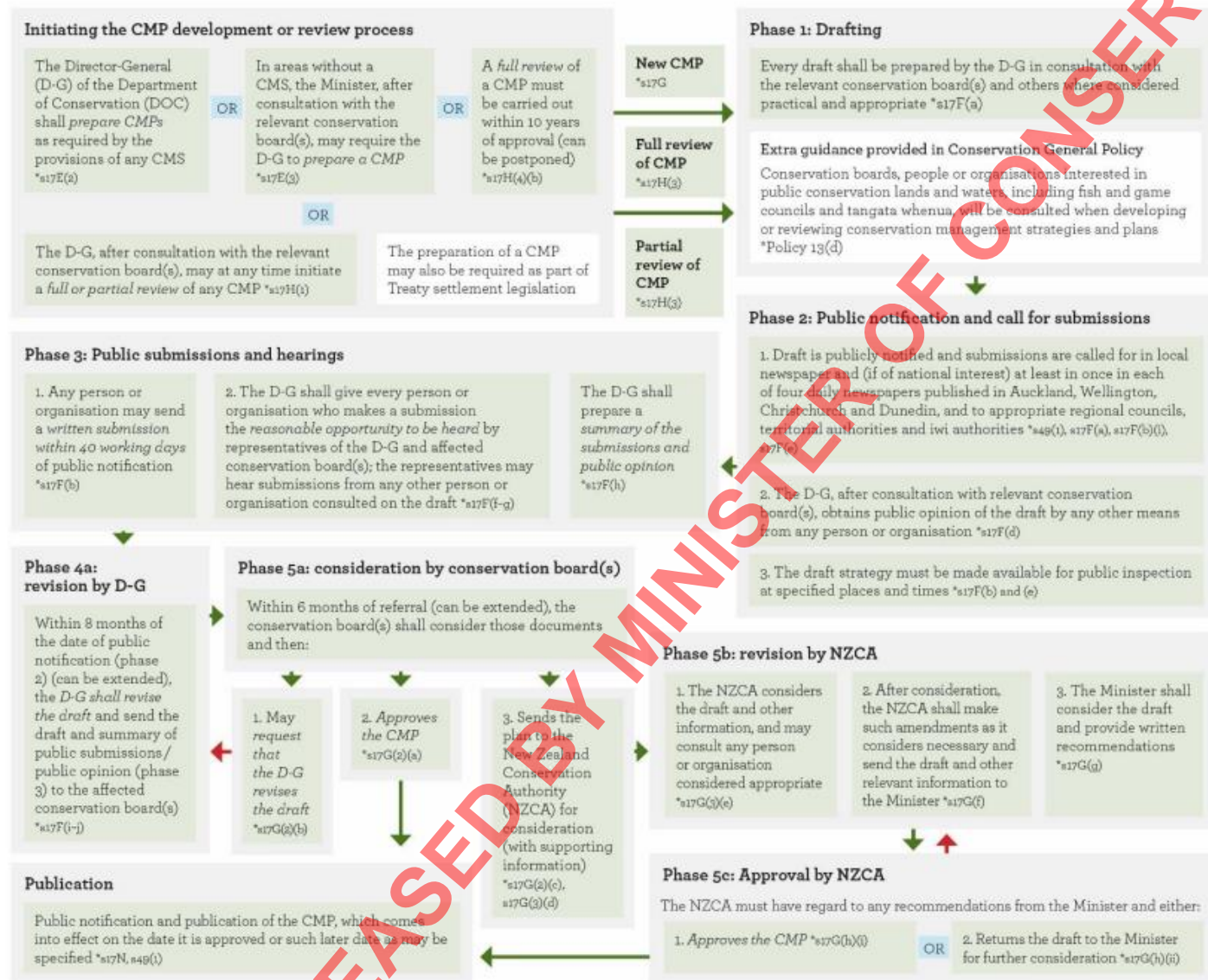
The Conservation Act 1987 requires the Director-General (D-G) of the Department of Conservation to prepare CMSs. This diagram provides a summary of the legislative requirements for developing or reviewing a CMS. This is a process summary for the purpose of facilitating an understanding of the issues outlined in this discussion document. Please refer to the full legislation for completeness.





## Legislative requirements for developing or reviewing a conservation management plan (CMP)

This diagram provides a summary of the legislative requirements for developing or reviewing a CMP under the Conservation Act 1987. This is a process summary for the purpose of facilitating an understanding of the issues outlined in this discussion document. Please refer to the full legislation for completeness.



### Giving effect to the principles of the Treaty of Waitangi in developing or reviewing a CMP

- Under section 4 of the Conservation Act 1987, DOC is required to give effect to the principles of the Treaty when implementing its legislated responsibilities. The operational approach to this will differ depending on the nature and location of the CMP being developed or reviewed.
- Many Treaty settlement Acts have bespoke requirements that set out a different or amended process for developing or reviewing a CMP. These requirements are specific to each Treaty settlement.

### Legislative requirements for amending an existing CMP

If amendments will not materially affect objectives or policies in the CMP, or the public interest:

The D-G, after consultation with the conservation boards affected, may at any time initiate the amendment of any CMP \*s17I(1)

Public notification, submissions and hearings process is not required; the D-G shall send the proposal to the conservation board(s) affected and it then follows the same revision and approvals process as a review (phases 4b, 4c and 5) \*s17I(a)(b)

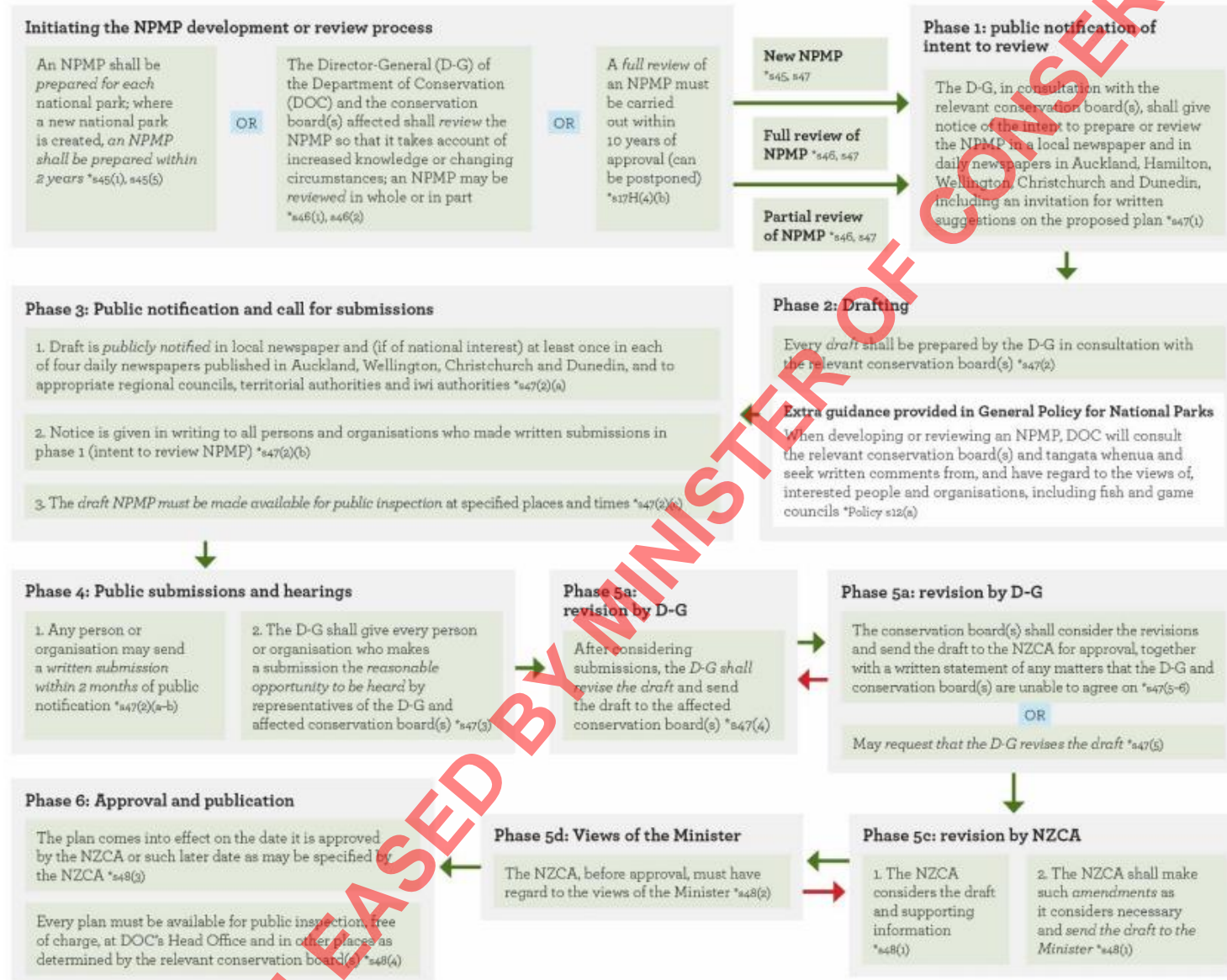
If amendments will materially affect objectives or policies in the CMP, or the public interest:

The D-G, after consultation with the conservation board(s) affected, may at any time initiate the amendment of any CMP \*s17I(1)

The amendment follows the same full process as a review (phases 1, 2, 3, 4a, 4b, 4c and 5) \*s 17I(3)

## Legislative requirements for developing or reviewing a national park management plan (NPMP)

An NPMP is required for each national park. This diagram provides a summary of the legislative requirements for developing or reviewing an NPMP under the National Parks Act 1980. This is a process summary for the purpose of facilitating an understanding of the issues outlined in this discussion document. Please refer to the full legislation for completeness.



## Giving effect to the principles of the Treaty of Waitangi in developing or reviewing an NPMP

- Under section 4 of the Conservation Act 1987, DOC is required to give effect to the principles of the Treaty when implementing its legislative responsibilities. The operational approach to this will differ depending on the nature and location of the NPMP being developed or reviewed.
- Some Treaty settlement Acts have bespoke requirements that set out a different or amended process for developing or reviewing an NPMP. These requirements are specific to each Treaty settlement.

## Legislative requirements for amending an existing NPMP

If amendments will not materially affect objectives or policies in the NPMP, or the public interest:

The D-G shall send the proposal to the conservation board(s) affected and it shall then follow the same revision and approvals process as a review (phases 5b, 5c and 6); public notification, submissions and hearings are not required \*s46(5)

If amendments will materially affect objectives or policies in the NPMP, or the public interest:

The amendment follows the same process as that of a review, including full public notification, submissions and hearings (phases 1, 2, 3, 4, 5a, 5b, 5c, 5d 6) \*s46(4)