

# Non-notified Decision Support Document – 8 August 2022 (re-submitted 14 April 2023)

## Wild Animal Recovery Operations (WARO) National Land Schedule Review 2018-2022

Decision Maker	Steve Taylor, Director Regulatory Services
Process	WARO National Land Schedule Review
Task Assignment	<a href="#">DOC-5439145</a>
Permission Type	WARO

Key Dates	
Task Assignment assigned	11 April 2018
Context Meeting	23 March 2018
Check-In Meeting	A number over the years
Decision due	30 June 2022

Resources	
Permissions Advisor	Initially Jennifer Williams, then Daniel Lincoln and now Carl Jones
District Office/s	Nationally, where WARO is being considered in accordance with land schedule review
Science, Policy etc.	Technical - Threats, Legal, GIS, Planning

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## 1. Purpose

To make a decision on a new Wild Animal Recovery Operations (WARO) national land schedule.

## 2. Context

To undertake WARO on public conservation land (PCL), a concession is required under the Wild Animal Control Act 1977 (WACA), issued in accordance with Part 3B of the Conservation Act 1987 (CA).

Concessions are usually applied for individually and considered as a 'single' process. However, the number of WARO operators and area of land interest makes this particularly onerous and time consuming. So, to improve processing efficiency, consistency of decision making and reduce associated costs to applicants, the Department introduced a 'two-step', 'bulk offer' process in 2009.

The first step invites WARO applications and undertakes a review of a national WARO land schedule. The land schedule defines where and when WARO can take place on public conservation land (PCL) and is finalised following consultation with stakeholders. The review ensures the schedule remains appropriate and satisfies, in part, the legal requirement to have regard to certain considerations, before granting a new concession. Other considerations are satisfied by the imposition of appropriate conditions within the concession contract. Once the schedule is approved, all applications are then considered as step two and new permits offered, where appropriate, in accordance with the approved schedule. Operators can either take up this 'bulk offer' or apply individually at any other time for the locations they wish to operate but at increased cost and uncertainty of outcome.

The last national WARO concession expired on June 30<sup>th</sup> 2018, so a new concession 'bulk offer' is needed. Existing operators were issued a short-term concession, at that time, to enable them to continue operating whilst their applications for the longer-term concession are considered. Unanticipated delays in the review of the land schedule has meant these have not yet been able to be offered but, under Part 3B of the CA, existing concessions can remain active until a decision on new permits is made.

This report covers the 'first step', land schedule review and includes:

- a) review scope
- b) legislation and policy framework
- c) WARO land access assessment
- d) consultation undertaken, submissions received and responses to main themes therein; and
- e) final recommended changes to establish the new national land schedule.

The related, 'second step' report will follow seeking a decision on:

- a) potential changes to the North and South-Island WARO permit templates; and
- b) applications for the new 'bulk' WARO long term concession.

### 3. Review Scope

The purpose of the WARO land schedule review is to identify PCL that since 2018:

- has come under departmental management
- has undergone a change in status
- is covered by a new or revised management plan
- was previously assessed for the 2015 WARO concession but where specific issues have arisen that may mean a change in WARO access; and
- is currently excluded or restricted to WARO based on non-statutory reasons

since the 2015-18 schedules were approved.

The Department is **not** undertaking a full review of the schedule or seeking feedback on:

- the national WARO management system; or
- the permit model and its conditions under this 'step' in the process.

### 4. Legislation and Policy Framework

#### 4.1 Wild Animal Control Act 1977

s4 of the Wild Animal Control Act (WACA) provides the following general objectives of the Act:

*“(1) This Act shall apply to all land [including Crown land]...and shall be for the purposes of controlling wild animals generally, and of eradicating wild animals locally where necessary and practicable, as dictated by proper land use.*

*(2) This Act shall be administered, having regard to the general purposes specified in subsection (1), so as to—*

- (a) ensure concerted action against the damaging effects of wild animals on vegetation, soils, waters, and wildlife; and*
- (b) achieve co-ordination of hunting measures; and*
- (c) provide for the regulation of recreational hunting, commercial hunting, wild animal recovery operations, and the training and employment of staff.”*

This is achieved through various mechanisms in different parts of the Act, including the production of policy documents and wild animal control plans (Part 1 s5(ca) and (d)), the setting of areas for recreational, or guided, or commercial hunting, or wild animal recovery operations, or for any combination (Part 1 s8), the granting of concessions for WARO (Part 2 s21-23) and the declaration of recreational hunting areas (RHAs) (Part 3 s27-29). With regards to WARO specifically:

*“S22 (1) ... the Minister has exclusive authority to grant, in accordance with Part 3B of the Conservation Act 1987, concessions authorising the holder of the concession to enter any land described in subsection (2) and engage in wild animal recovery operations.*

*(2) The land is—*

- (a) Crown-owned land that is—*

(i) a conservation area, or deemed to be a conservation area, under the Conservation Act 1987:

(ii) a national park under the National Parks Act 1980:

(iii) a reserve under the Reserves Act 1977,— [excluding vested reserves]

(iv) a wildlife sanctuary or wildlife refuge or wildlife management reserve under the Wildlife Act 1953:

(b) other land to which the National Parks Act 1980 is applied as if the land were a national park.

S23 of the WACA requires that the Minister has regard to the following when considering an application for a concession under s22:

“to the matters specified in section 17U (except subsection (3)) of the Conservation Act 1987, but also to—

(a) the provisions of the Act under which the land concerned is held and the purposes for which that land is held; and

(b) the purposes of this Act; and

(c) the role of persons engaged in hunting for recreation in achieving the purposes of this Act.”

The WACA defines a wild animal recovery operation (WARO) as:

“The use of an aircraft (whether or not for hire or reward) to carry out one or more of the following activities:

(a) the searching for, shooting, or immobilising of wild animals:

(b) the recovering of wild animals (whether dead or alive) or any part of those wild animals:

(c) the carriage of persons, supplies, equipment, firearms, ammunition, poisons, or other things that may be used for the purpose of paragraph (a) or paragraph (b).’

Wild animals are defined as:

“(a)...

(i) any deer (including wapiti or moose):

(ii) any chamois or tahr:

(iii) any goat that is not—

(A) held behind effective fences or otherwise constrained; and

(B) identified in accordance with an animal identification device...or...system approved...for the purposes of this Act:

(iv) any pig that is living in a wild state and is not being herded or handled as a domestic animal or kept within an effective fence or enclosure for farming purposes:

(v) any member of any species or class of land mammals that the Governor-General may from time to time, by Order in Council, declare to be wild animals for the purposes of this Act...; and

(b) includes the whole or any part of the carcass of any such animal:

(c) ...

*(d) does not include an animal that is part of a herd designated to be a herd of special interest under section 16 of the Game Animal Council Act 2013.”*

The term ‘WARO’ was initially used by the Department for all activities that met the definition of ‘wild animal recovery operation’ above. However, this changed in 2009 as the use of the WACA grew and additional clarity/distinction between the varying activities was requested. The activities were split into 5 different application ‘classes’ as follows:

1. Wild Animal Recovery Operations (WARO)
2. Aerially Assisted Trophy Hunting (AATH)
3. Cape Recovery for taxidermy purposes
4. Live Capture and recovery
5. Tahr Carcass Recovery

Only ‘class 1’/WARO is relevant to this report.

#### **4.2 Conservation Act 1987 – Part 3B Concessions**

In granting a WARO concession under s22 of the WACA in accordance with Part 3B of the CA, the Minister must have regard to s17U (except subsection (3)):

17U

(1) (a) the nature of the activity

(b) the effects of the activity

(c) any measures that can reasonably and practicably be undertaken to avoid, remedy, or mitigate any adverse effects of the activity

(d) any information received within the application or by further request or in a report commissioned by the Minister or any existing relevant information from any source on the proposed activity

(e) any relevant environmental impact assessment

...

(2) The Minister may decline any application if the Minister considers that—

(a) the information available is insufficient or inadequate to enable him or her to assess the effects (including the effects of any proposed methods to avoid, remedy, or mitigate the adverse effects) of any activity, structure, or facility; or

(b) there are no adequate methods or no reasonable methods for remedying, avoiding, or mitigating the adverse effects of the activity

...

(8) Nothing in this Act or any other Act requires the Minister to grant any concession if he or she considers that the grant of a concession is inappropriate in the circumstances of the particular application having regard to the matters set out in this section.

#### **4.3 Te Mana o te Taiao – Aotearoa New Zealand Biodiversity Strategy 2020**

This strategy is a collaborative document between Māori Treaty Partners, regional and central government and statutory bodies, landholders, communities and organisations involved in

conservation, research and science institutions and a wide variety of industries. It outlines the decline of biodiversity in Aotearoa New Zealand, the wide range of causes and sets the direction on its protection, restoration and sustainable use, particularly of indigenous biodiversity.

It identifies a suite of predators and browsers that have been introduced, and which threaten many indigenous species, including pigs, deer and goats whilst also recognising the recreational, economic, cultural and sustenance benefits of valued introduced species. Although not produced by the Department under the WACA, s17SE(b) of Part 3B of the CA allows it to consider any existing relevant information on the proposed activity. This strategy can, therefore, be taken into account and used to support complementary actions that do not derogate from the WACA and primary documents produced under that Act.

Objectives (2025-2050):

*“10. Ecosystems and species are protected, restored, resilient and connected from mountain tops to ocean depths*

*11. Management ensures that Biological threats and pressures are reduced through management.*

*11.1.1 The impacts of introduced browsers, including valued introduced species (pigs, deer, tahr and chamois), on indigenous biodiversity have been quantified, and plans for their active management have been developed with Treaty partners, whānau, hapū, iwi, Māori organisations and stakeholders*

*11.1.2 Introduced browsers, including valued introduced species, are actively managed to reduce pressures on indigenous biodiversity and maintain cultural and recreational values*

*11.1.3 Introduced browsers, including valued introduced species, have been removed from high priority biodiversity areas and threatened ecosystems and are under ongoing management elsewhere to maintain functioning ecosystems and cultural and recreational values...”*

#### **4.4 Te Ara ki Mua Framework**

This document gives effect to Te Mana o te Taiao Aotearoa/New Zealand Biodiversity Strategy 2020 as an adaptive framework for managing goats, deer, pigs, tahr, and chamois. So, again can be considered but cannot be used to derogate from the WACA and statutory policies and management planning documents. It advocates for an effective system of wild animal management by identifying the shifts required for a step change in performance. *“Areas for development or improvement include: - Systems for knowledge, science, data, and innovation - Systems for prioritising action at place - Implementing roles and responsibilities to best effect under relevant legislation - Legal and policy tools to balance conservation, recreational and commercial interests in hunting.”*

#### **4.5 Deer Control Policy 2001**

This policy document is produced by the Department, under the WACA, to guide the control of deer as follows:

*“GOAL*

*To reduce the impacts of deer, along with other threats, on public conservation lands so as to maintain and enhance forest regeneration and indigenous ecosystem protection. To achieve this goal the Department’s management actions will be guided by the following:*

## FIRST CONCERN

*The department's first and over-riding concern is the protection of New Zealand's unique indigenous biodiversity, which takes precedence over the recreational and commercial value of deer as a hunting resource. This policy statement supports the above Te Mana o te Taiao /Aotearoa New Zealand Biodiversity Strategy 2020 objectives.*

## ACCESS FOR COMMERCIAL AND RECREATIONAL HUNTERS

*The department will continue to encourage both commercial and recreational hunting on public conservation lands where this is consistent with management for conservation. Commercial and recreational hunters will generally have open access to public conservation lands...*

## COMMERCIAL DEER RECOVERY

### *Effectiveness*

*Commercial helicopter hunting achieves effective control in grassland and open-canopy forest, which includes large areas of the South Island.*

### *Access to department managed areas for aerial recovery*

*A concession system is now in place for commercial helicopter recovery on public conservation lands. Public conservation land is open to commercial hunting unless a proper consideration of the legislative provisions establishes reasons for restrictions or closures. Restrictions are generally in respect of time periods allowed for aerial recovery and are usually dealt with by way of conditions in the concessions document. Reasons for limiting areas/time periods available may include:*

- *Where toxins are being used;*
- *Where there is high visitor use;*
- *Where there are risks to native wildlife;*
- *Where it is necessary to comply with a specified statutory strategy or plan.*

## RECREATIONAL HUNTING

### *Effectiveness of recreational hunting*

*Although recreational hunters kill large numbers of deer in total each year, recreational hunting provides less stringent control than commercial hunting. This is because recreational hunters tend to harvest deer from a few high-density populations without reducing deer densities to low enough levels to protect ecosystems from damage. Recreational hunting is most effective in accessible areas that are close to a population centre, within 2-3 kilometres of a vehicle access point. In general, however, recreational hunting is not able to reduce deer densities to low enough levels to allow regeneration of palatable seedlings and saplings.*

### *Regulation of recreational hunters*

*The department currently regulates recreational hunting by issuing hunting permits. Recreational hunters have open access to almost all public conservation lands with few restrictions on what deer they can kill and when they can kill them. Some restrictions do exist, however, for popular herds such as Fiordland wapiti and Blue Mountains fallow, where systems of ballots and bag limits are in place.”*



In summary, the direction from the above legislation and policy is that control of wild animals to preserve biodiversity is paramount and that commercial and recreational hunting are both encouraged and will have open access, subject to certain considerations. It does not say how hunting methods are to be co-ordinated or achieve concerted action.

## 5. WARO Land Access Assessment

In accordance with the review scope, legislative and policy framework, Departmental regional operations staff were initially tasked with undertaking the WARO access assessment of PCL within their area. An Arcreader Project was developed to assist them in identifying new land, current land status, WARO access and CMS boundaries. Ungulate monitoring information was also made available.

Their feedback was entered into the North and South Island Regional Land Assessment Spreadsheets in Appendices 2 & 3. For each new and existing PCL, WARO access is shown “permitted”, “restricted” or “not permitted” with some justification.

A review ‘panel’ was established, consisting of Technical – Threats, Legal and Permissions, to undertake a check of the regional responses and recommendations made to confirm or amend as appropriate. The recommended changes to the 2015 land schedule were then transcribed into the first round consultation document (see section 6 below) and associated land schedule maps amended accordingly. Consultation feedback was also reviewed by the ‘panel’ and further changes recommended for inclusion in subsequent consultation rounds. Where an amendment wasn’t made to a recommendation this has been incorporated, along with later changes, into the final recommendations at the end of this report.

The consultation excluded areas of less than 20 ha from Section 1 ‘New Land/Area’, as these have generally resulted from minor boundary adjustments arising from improved mapping technology or are too small to be considered for WARO in their own right. These smaller areas have automatically been given the existing WARO access status of the adjacent public conservation land unless an alternative is more appropriate.

Some of the recommendations, made by the national WARO review panel, are contrary to the advice of regional offices but have been proposed after weighing against the Department’s legal obligations under the Wild Animal Control Act, its Policy Statement on Deer Control 2001 (Deer Control Policy) and other information.

## 6. Consultation Process and Submissions

Although formal public notification under the Conservation Act is not required to determine the new national WARO land schedule, the Departments Deputy Director-General Operations recommended that targeted stakeholder engagement would help inform decisions around WARO access over public conservation land. Consultation with Iwi was also necessary in recognition of the Department’s section 4 Treaty obligations.

The first round of consultation on recommended changes, ran from 1 June to 16 July 2018. Regional and/or district levels staff determined which stakeholder groups and which methods of engagement were most appropriate for their region, but included recreational hunting

stakeholders, iwi/hapu, Conservation Boards and other interest groups, through face to face meetings, phone and e-mail.

Consultation with particular groups at the national level (e.g. the Game Animal Council, New Zealand Deer Stalkers Association, Federated Mountain Clubs, Forest and Bird) and WARO concessionaires was undertaken by the Permissions Advisor. Consultation information and associated land schedule maps were also made available on the Department's website. 430 Submissions were received and include both individual and group submissions.

A second consultation period ran from 27 November 2018 to 15 February 2019, with further recommended changes being sent by the Permissions Advisor to first round submitters only. The changes included potential revised dates for the South Island Roar closure period for 'Permitted' WARO locations. Consultation documents and maps were also made available on the Department's website. 63 submissions were received, following which the review process stalled.

In response to submitter concerns over the lack of opportunity for some stakeholders, or potentially affected persons, to be able to comment (particularly given that the second round recommended changes also included some additional new land) and the passing of time, a third round of consultation was undertaken by the Permissions Advisor from 16 March to 11 May 2022. This was open to all stakeholders or potentially affected parties and was primarily a re-issue of the second round recommendations but with some additional changes and clearer document presentation. Consultation was also undertaken with district offices and local iwi. The consultation document was e-mailed directly to known stakeholders, district offices (via Statutory Managers) and iwi via district office standard practices. The document and maps were again made available on the Department's website for download. 122 stakeholder submissions were received from round 3 and considered to supersede round 2 submissions, where from the same person or group unless a round 3 submission refers to a round 2 submission or where a round 2 submission raises a significant or different issue. Little feedback was received from the districts or iwi but where it was, this was recorded in the land evaluation spreadsheets in Appendix 2 and 3 or Appendix 6 respectively.

The consultation did not seek feedback on the WARO management 'system' i.e. the process methodology for land review and application consideration or operator management through permit template conditions.

## 6.1 Treaty Partners Feedback

The WACA doesn't make specific reference to the Treaty of Waitangi. However, Section 4 of the CA states 'This Act shall be so interpreted and administered as to give effect to the principles of the Treaty of Waitangi'. In considering WARO permit applications in accordance with Part 3B of the CA, therefore, the Department has followed the Treaty's key principles of:

1. **Partnership** – mutual good faith and reasonableness: The Crown and Māori must act towards each other reasonably and in good faith. In many areas, the Department and iwi have worked together in partnership to come up with triggers documents that specifies when and why consultation is required. Where there is no agreed trigger document, consultation is undertaken automatically in the locally agreed manner.
2. **Informed decision-making**: Both the Crown and Māori need to be well informed of the other's interests and views. Through the Department's Statutory Managers and District Community Rangers, iwi and hapu have been informed at each stage about WARO and the review process, proposed changes and their views sought. This is referenced in

various appended documents and, particularly, the summary of feedback and recommendations in [Appendix 6](#).

3. **Active protection:** The Crown must actively protect Māori interests retained under the Treaty as part of the promises made in the Treaty for the right to govern. Feedback from iwi/hapu has been considered and restrictions recommended at place to address concerns where appropriate. The Department's WARO permits, the subject of a report to follow, also contain standard conditions that help to protect known iwi interests.
4. **Redress and reconciliation:** The Treaty relationship should include processes to address differences of view between the Crown and Māori. Where imminent or existing redress is known, this has been accommodated through the recommendation to remove land from the schedule, if appropriate, or to prohibit WARO from statutory acknowledgement areas in view of their cultural significance.

In summary, most Iwi/hapū support the removal of wild animal pests from PCL in order to preserve the indigenous ecosystem, subject to protecting cultural and spiritual taonga. Some wanted similar WARO opportunities for Iwi and involvement in wider pest control. A few do not support WARO activities within their rohe as it affects recreational hunting/mahinga kai, local jobs or are nervous of the potential encumbrance on treaty settlement and CMS discussions.

#### Panel Comments

The Department welcomes the support of and recognises the efforts made by iwi and hapu towards wild animal control by way of recreational hunting and mahinga kai gathering. Where statutory acknowledgement/culturally significant sites are known they are recommended "Not Permitted".

It is standard practice for land under Treaty negotiations to remain in concession documents unless settlement is imminent. Permit standard conditions also allow the Grantor to remove land from the WARO land schedule at any time for any reason (clause 16).

That said, Coromandel Peninsula, including the area as far south as SH2 and as far west as SH 26 is recommended to be "Not Permitted" in the new national WARO concession due to imminent Treaty settlements over this area.

Section 4 requires the decision maker to give effect to the principles of the treaty of Waitangi, which has been done. It is also noted that iwi and hapu do not have a right of veto over decisions on WARO.

Anyone who meets the criteria (e.g. has a meat supply contract with a meat processor) is eligible to apply for a WARO permit. While deer and other wild animals are not indigenous to New Zealand and so have not always had customary interest in traditional food and natural resources, some iwi/hapu now hold the view that they have contemporary cultural value.

Other concerns are similar to the general recreational hunter and covered in the sections that follow.

#### Conclusion:

Submissions that raise points of specific cultural significance or treaty settlement requiring appropriate restrictions on/prohibition of WARO are accepted. Others, seeking general

exclusion or restrictions without sufficient justification, given the primary wild animal control purpose, are rejected.

## 6.2 Stakeholder Feedback

Stakeholder feedback from all rounds was recorded in a spreadsheet (Appendix 7). A more detailed summary and analysis of submissions is included as [Appendix 8](#) to this report.

The number of submissions, either supporting or opposing an issue under the national WARO land schedule review, is not the relevant determinant for recommendations going to the decision maker. Rather, it is whether, in any given case, a submission has raised relevant issues that are of sufficient significance so as to justify a change relative to other statutory considerations.

Several common themes emerged through the consultation rounds along with specific comments on recommended changes at place. Some comments/themes are more related to the WARO permit conditions than the land schedule and so are out of scope of the feedback sought. However, the issues/concerns are noted and understood and some are considered in the permit applications report to follow:

1. Access
2. Christmas and Roar closures
3. Sex biasing of harvest
4. Monitoring and data recording
5. Term and Permit Model
6. Process; and
7. Other issues

### 1. Access

In general, whilst many recreational hunters acknowledged the benefit of some WARO access, most are against increasing access and want less land open to WARO. In particular, they want restrictions or closure over land easily accessible by foot or vehicle and/or new land that has come under DOC's administration, particularly via the tenure review process. Many submissions presented arguments that locations should be restricted where there is no appropriate monitoring data to justify access or where the available land includes locations of high access/use to ensure safety and tranquillity are maintained.

Some recreational hunters feel that they should have first option for animal control prior to being available to WARO. Others propose allocating WARO on a block tender basis. There is also advocacy for more Recreational Hunting Areas (RHAs) and exclusion of access to gazetted Wilderness Areas during a longer, summer high use period.

WARO operators and supporters want increased access, in view of monitoring data showing the increasing presence of deer across PCL, citing their wild animal control benefits. They argue that since 2004 more than 3 million additional hectares have been closed to WARO while deer numbers have steadily increased nationally. This, they say, means that DOC is in breach of the Wild Animal Control Act.

Operators assert that WARO cannot be generally prohibited, legally or policy wise. They also consider too many restrictions on access would make WARO unviable over PCL leading to a reduction in wild animal control and transferring the burden from the operator to the taxpayer.

They consider the current MPI pesticide declaration requirement, which effectively excludes WARO for a 2km buffer along public conservation land boundaries, needs to be revisited because, in combination with increased 1080 drops, this very much limits the land available to hunt. With regard to tenure review, WARO operators submit that DOC should not allow former runholders to dictate access.

### Panel Comments

Submissions that seek to exclude WARO 'automatically' from all areas or easily accessible public conservation land, although understandable from a recreational hunter perspective, must be weighed against legal obligations to control wild animals generally, Departmental policy and desired environmental outcomes. DOC's primary responsibility and mandate under the Wild Animal Control Act, and the Conservation Act, National Parks Act and Reserves Act under which the land is held, is to protect natural values through wild animal control, while taking into account the effects of the activity.

Closure on the grounds of public safety is difficult to justify because known 'accidental' shootings relate to recreational hunting rather than WARO activity. Also, the proximity, visibility and direction of fire is arguably safer, compared to ground-based hunting where prosecutions have been recorded. Land is managed for recreation consistent with management for its conservation values. It is important to note that other users of public conservation land include those who value the lands' intrinsic values and want these protected from introduced browsing animals.

Deer Control Policy states both commercial and recreational hunters will generally have open access to public conservation land and that the overriding concern is the protection of indigenous biodiversity, rather than the value of deer as a recreational or commercial hunting resource.

Existing and new land, including that acquired via the tenure review process, usually falls under the Conservation Act or Reserves Act until a different land status is conferred on it. This means land coming to DOC via the tenure review process should also be open to WARO and recreational hunting, unless there is a good reason for it not to be. Further tenure review of Crown pastoral leases is now at an end following the enactment of the Crown Pastoral Reform Act in May 2022.

DOC supports gazetted Recreational Hunting Areas (RHAs) where recreational hunting effort can keep deer numbers to levels where indigenous ecosystems and forest regeneration are maintained and enhanced. A separate process is followed to establish such and so is not part of this consultation.

Proposed longer WARO exclusion periods, for gazetted Wilderness Areas or over the main breeding and velvet seasons, is considered too long given the purpose and considerations of the Wild Animal Control Act. Longer closure periods may also reduce processor interest in wild venison as making it unviable to shut down processing lines for a prolonged period, reducing potential WARO opportunity.

Pesticide declarations are a food safety requirement for MPI and not under the Department's control. Unless a neighbouring landowner supplies to the WARO Operator an MPI declaration that pesticides haven't been laid within 2 km of the public conservation land boundary, WARO is

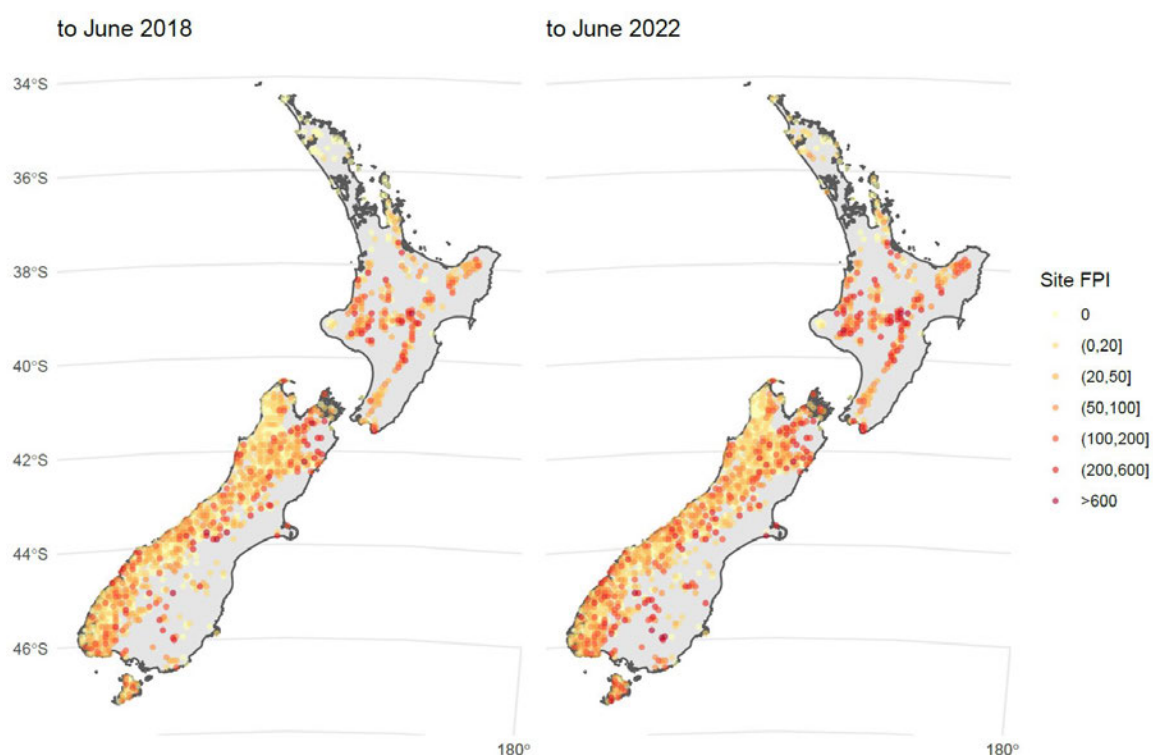
effectively excluded from that first 2 km of adjoining public conservation land. This is arguably the most accessible land for recreational hunters. Although inconvenient to WARO operators, this is an MPI legal requirement for food safety reasons and not an issue that can be addressed through this process.

The alleged 3 million hectare 'loss' of land accessible to WARO is based on Departmental data that appeared to show a rise in the total WARO land schedule from nearly 8.8m hectares in 2004 (with just over 7m hectares accessible and 1.5m not) to 11.6m hectares in 2015 (with just over 7m hectares accessible and 4.5m not). However, the 2015 data is incorrect containing double ups and other land that, when removed, reduces the total back to a comparable figure. The WARO schedule and recommendations, as consulted in 2022, has a similar total of almost 8.5m hectares with nearly 6.5m accessible to WARO and almost 2m not. It is recognised, however, that this is still a 9% fall in accessible land since 2004.

Monitoring Data shows that numbers of wild deer, goats, chamois, thar and sheep (collectively known as ungulates) are increasing across Aotearoa New Zealand. Evidence from DOC's national monitoring programme shows that ungulate abundance (measured by the faecal pellet index, FPI) across PCL doubled between 2013 (36 pellets per line) and 2020 (75 pellets per line). Ungulates have also become more widespread, occurring at 63% of monitoring sites in 2013, but at 82% in 2020.<sup>1</sup>

The following maps give an overview of the ungulate population levels at sites across the country with an apparent increase in higher levels (red dots):

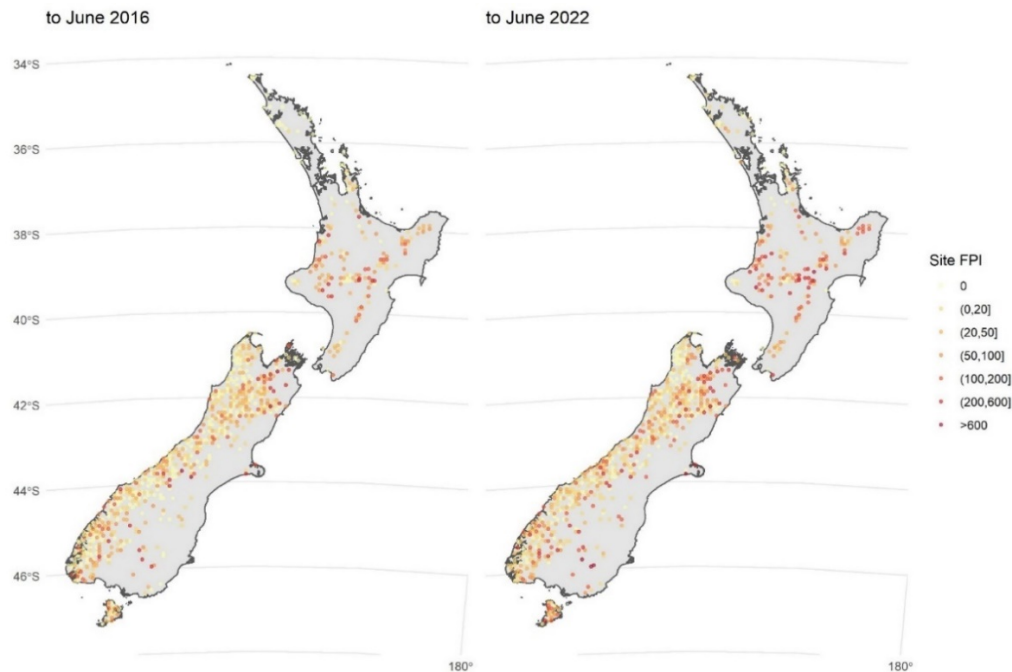
*Map 1 - Distribution and Faecal Pellet Index*



<sup>1</sup> DOC Science Advisor, FPI Summaries memo 28 June 2022 - DOC-7063698

**Note:** Comparison of the latest measurement of ungulate FPI from T1 sites up to the end of the 2017/2018 season, and the most recent measurement up to end of the 2021/2022 field season. 20% of sites are measured each season, so at some sites the most recent measure is up to 5 years ago.

*Map 2 - Distribution and Faecal Pellet Index*



**Note:** Map 2 Comparison of the first measurement of ungulate FPI from T1 sites, up to the end of the 2015/2016 season to the same sites' most recent measurement, up to end of the 2021/2022 field season. The programme had a staged roll-out from 2011, so not all sites had been measured at the end of the 2015/2016 season.

At the macro scale, increasing ungulate abundance over time is an indication that recreational hunting, private landowner controls, and the current level of WARO, isn't having the desired effect and more effort is needed. Assessment becomes trickier at the micro scale, for individual units of conservation land, because the design and purpose of Tier 1 sampling is to provide national statistics about state and trend, not detailed results for local sites. Sample sizes are often small, so reliability depends on the number of sample sites and the variability of habitats within the unit and the strength and consistency of changes in its ungulate population. The sample is also not deer specific, the main target of commercial WARO, and there is no 'sweet spot' for deer and other ungulate numbers. Impacts of deer can still be significant for areas with low overall densities, where there are particularly high biodiversity values and threatened plants susceptible to browsers or particularly palatable to deer and preferentially targeted.

Consideration of the FPI count should, therefore, bear these factors in mind and be used in conjunction with other information. High and low FPI numbers should also not necessarily be given the same weight. Whilst higher numbers and sampling sites can reinforce the need for concerted action by WARO, lower numbers and sites do not necessarily mean WARO should be excluded. This is because some areas may not be easily accessible on foot and, under the WACA and Deer Control Policy, commercial and recreational hunting both have open access unless unacceptable adverse effects other values or 'harm' to the beneficial role of recreational hunting is considered likely. Increased weighting of high FPI numbers with low sample sites may also be

reasonable where a CMS prioritises recreational hunting at place, outside of RHAs, which may be inconsistent with the WACA.

What can be said, is that National Parks tend to have significantly lower FPI than other areas of PCL. Forest Parks tend to have higher FPI. Previous analysis has shown that most National Parks and nearly all Forest Parks have a trend of increasing pellet counts.

In the North Island, sites with WARO permitted tended to have higher ungulate occupancy, but after accounting for occupancy, abundance (indicated by FPI) was slightly lower at sites with WARO permitted. In the South Island, there was less evidence of an effect of WARO. More information about commercial harvesting would provide better understanding of these patterns.

Of the monitoring sites FPI measurements that could be related to the PCL under consultation, only 19 have eight or more monitoring sites (including four separate parts of Whanganui National Park, three parts of Mount Richmond Forest Park, and two parts of Tararua Forest Park) that can be considered to be reliable for levels. The fewer there are below 8 sites the more unreliable when taken in isolation. The following relationships can be drawn:

- Kaweka Forest Park has both very high ungulate abundance and rapid rates of increase. However, this is largely due to the predominance of sika deer that are of little interest to WARO due to their smaller size;
- Coromandel Forest Park, which has low and potentially decreasing ungulate abundance;
- Whanganui National Park has high and potentially increasing ungulate abundance;
- Mount Richmond, Ruahine and Pureora Forest Parks have relatively high and increasing ungulate abundance;
- Westland / Tai Poutini National Park has average but increasing ungulate abundance; and
- Paparoa National Park has average and relatively stable ungulate abundance.

Other higher, but less reliable levels, are linked to the following new lands: Kopuwai CA, Remarkables CA, Potters Creek CA, The Poplars CA and D'Urville Island Scenic Reserve and the existing Remutaka FP. Ruataniwha CP is likely skewed by high tahr numbers. Bio monitoring T1 FPI figures of relevance to the WARO review can be found in Appendix 9.

### Conclusion:

Submissions that raise specific points of concern and effects that justify considering appropriate restrictions on or prohibition of WARO are accepted, although may not be determinative by themselves. Others, seeking general exclusion or restrictions without sufficient justification compared to the Department's wild animal control obligations, are not accepted.

## **2. Christmas and Roar closures**

Most recreational hunters wanted longer Roar and Christmas exclusion periods to allow for what they consider to be fairer and safer access to deer at busier times. The preferred duration, however, varies.



WARO operators and meat processors do not support longer closure periods during the peak production time, as these would have a detrimental effect on commercial viability and so on wild animal control.

However, operators generally agree that the current, standard South Island WARO Roar closure of 23<sup>rd</sup> March – 9<sup>th</sup> April (plus Easter) doesn't best reflect when hunters are in the bush and that these dates could be shifted to begin late March or early April. No WARO operators submitted that the standard Christmas and Roar closures needed to be reduced.

Most submissions, whether supporting or in opposition to WARO, saw benefit in consistency, as much as possible.

### Panel Comments

Excluding WARO for significantly longer periods is considered too restrictive given the increased need for concerted wild animal control. As stated earlier, concerns around recreational safety are not substantiated and recreationalists are able to access many areas where WARO is 'not permitted' or during times when WARO is 'restricted'.

Although more consistency for exclusion periods makes good sense, location specific considerations mean the standard Christmas and Roar exclusions are not always appropriate. The differing dates between islands allow for differences in population pressures over public conservation land and climatic differences for deer rutting. There is also little consistency between groups and within the recreational sector, as to how long exclusion periods should be.

There is support to better align the South Island closure dates with the Roar by shifting these to 29 March – 15 April. That said, Kahurangi National Park Bylaws stipulate a WARO Roar exclusion of 23 March – 9 April (plus Easter), for Tasman Wilderness Area, and Mt Aspiring NPMP of 23 March – 20 April plus Easter which will remain irrespective.

### Recommendations:

Submissions seeking the general exclusion of WARO for longer periods or on the grounds of public safety are generally not accepted, subject to existing or recommended restrictions at certain times and places to avoid the greatest potential conflict. The South Island Roar closure dates should be moved to 29 March – 15 April.

### **3. Sex biasing of harvest**

Many recreational hunters considered that a "hinds only" policy for WARO would increase the effectiveness of wild animal control and incentivise them with resulting available stags, particularly in velvet or trophy, and reduce conflict with WARO.

Conversely, WARO operators oppose any change to introduce a hinds-only policy because selective culling increases operator costs significantly and tahr lessons show that leaving males for recreational hunters does not work to satisfactorily control animal numbers.

A submission from a meat processor noted:

*"Wild venison pricing does not actually incentivize the harvest of stags over hinds and it should be noted wild venison is worth less than farm raised venison. Velvet produced from deer shot in the wild is a significantly inferior*

*product to farm raised velvet and thus the value of it again is not a major driver for the specific targeting of stags. Factual processing data shows that there is a relatively even balance between stags and hinds recovered by WARO and observations at the processing level are very few mature stags with trophy potential are actually harvested by WARO operators each year”.*

#### Panel Comments

Feedback was not sought on this issue and relates more to permit conditions. There is no clear evidence that wild venison pricing leads to WARO harvesting more stags than hinds. An informal analysis of deer control in Ruahine Forest Park, in the mid-1990’s, which examined deer jaws, identified that WARO took roughly 50% stags/50% hinds whereas the recreational hunting mix was 60% stags/40% hinds<sup>2</sup>. This analysis supports the meat processor submission comment above but does not necessarily reflect practice elsewhere. It is also considered that recreational hunters should have as much responsibility to help control deer numbers by targeting hinds, as well as stags, as there should be on WARO to achieve better control.

Managing the deer herd to enable long term, “sustainable” recreational hunting is not DOC’s role and is not consistent with the Department’s deer control policy<sup>3</sup>, the Wild Animal Control Act (which is focussed on controlling wild animals) or purpose for which the land is held.

#### Conclusion:

Submissions advocating sex biasing for WARO are not accepted, being out of scope of the land schedule review and not justified to be carried through to the permit review.

#### **4. Monitoring and data recording**

There is strong support amongst recreational hunters for more compliance monitoring of WARO, for stronger consequences for concession breaches and for public visibility (generally via the DOC website). This is so recreational hunters can plan trips to places where WARO has not happened recently or isn’t about to happen. Submitters feel DOC should regularly review recent WARO activity on public conservation land, including visibility of GPS waypoints or flight tracking data to ensure compliance.

Amongst those directly involved in the industry, comments range from strong opposition to supplying DOC with waypoint &/or flight tracking data to support from some as a means of providing greater evidence that vegetation quality improves with WARO and that deer numbers are not adequately controlled by recreational hunting.

No operators supported making flight tracking and kill waypoint data available to the public, in large part due to commercial sensitivity (competing WARO operators).

#### Panel Comments

Feedback on this issue was not sought as part of the land schedule review and relates more to permit conditions and compliance.

WARO is highly regulated both in terms of its MPI supply requirements and concession operating conditions. However, kill data is currently only supplied to meat processors and not the Department, except in relation to Fiordland National Park under its national park

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<sup>2</sup> DOC Technical Advisor Threats (Pers. Comm. July 2018)

<sup>3</sup> Department of Conservation Policy Statement on Deer Control 2001

management plan. Consideration is being given to requiring that this be supplied to the Department under the new national WARO concession.

No concessionaire's 'activity returns' are published on the Department's website and there is no good justification as to why this should be done for WARO.

The Department wants to better manage compliance across all concessions, not specifically WARO, using tools available within the concession contract to address concession breaches. For WARO, the concession contract has arguably strong conditions for compliance purposes but will be considered further in the subsequent permit report.

#### Conclusion:

Potential WARO concession data and compliance conditions were not the subject of or relevant to the land review consultation and so not generally accepted. However, some concerns are understood and acknowledged and will be considered within the permit review and applications report to follow.

### **5. Permit Term**

Recreational hunters want a short-term concession (three years or less), primarily to allow a full review of WARO access over public conservation land.

To allow for business planning, investment and skill/knowledge to be acquired and passed on, with the consequent maximum wild animal control benefit, WARO operators want a concession with as long a term as possible. They propose a 5 year term + 5 year right of renewal.

Meat processors advised they want certainty of supply long-term as this is important for them when making processing and marketing commitments and investments.

#### Panel Comments

Feedback on the potential WARO permit term and permit model was not sought. The economic needs of WARO operators, whilst understood, are not a mandatory consideration in law. Rather, matters to be considered are the need for wild animal control, the effects of WARO, the role of recreational hunters and the need to respond to changes, whether it be in land availability, land purpose/use or ungulate damage. That said, economic unviability would result in the loss of concerted action to control wild animals, undermining the primary objectives of the WACA, and so may be a discretionary consideration.

#### Conclusion:

The potential WARO permit term was not the subject of consultation. Comments, therefore, are not accepted being out of scope. However, the issues are understood and will generally be considered within the permit applications and conditions report to follow.

### **6. WARO Review Process**

Recreational hunting groups, in particular, advocate for a full review of the WARO management 'system' (the way in which the Department considers applications, effects and need and co-ordinates or manages operations by permit conditions) or otherwise comment on what they considered to be a poor consultation process, with confusing and inadequate documentation/mapping and insufficient time to submit. Concern was also raised that the

second round of consultation was too restrictive, although this has since been addressed by the third round of consultation.

One submission goes so far as to say: *“The whole process has been so significantly flawed and so significantly at odds to commitments the Department made to hunters and to the High Court [in relation to a full review] that the entire review should be put on hold.”*

This viewpoint is equally challenged by the claim that: *“DOC’s draft recommendations for WARO land assessments for the South Island: fail to promote the purpose of the Wild Animal Control Act 1977, namely the killing of wild animals; wrongly promote the sporting opportunities for recreational hunters, which are irrelevant as a matter of law; and appear to undermine the preservation obligations in National Parks and the conservation obligations in Conservation Areas.”*

### Panel Comments

Following the High Court decision in June 2017<sup>4</sup>, the Deputy Director-General, Operations advised in February 2018 that, after taking into consideration stakeholder comments and changes in DOC’s operational context and industry requirements, significant components of the current WARO system continue to be fit for purpose and decided that a full WARO review was not warranted. This flowed through to the task assignment that helped define this process, which is primarily concerned with making a decision on the land schedule and permit applications. Consequently, submissions seeking a full review cannot be accepted in this process, although any specific points of merit underlying the view have been considered.

Formal public notification under the WACA and CA is not required to determine the new national WARO land schedule or the associated permit applications. However, to adequately consider the effects on stakeholders and help inform decisions on the land schedule access, specifically, with some possible flow through to some potential permit conditions, targeted regional and national consultation was undertaken. 430 submissions were received in response to round 1 which is considered a good response. Consultation rounds 2 and 3 were extended to provide more time, given the concerns raised, with an additional 63 and 122 submissions received respectively. Whilst there is always room for improvement when consulting nationally on complex proposals, the feedback remained, largely, consistent confirming that the key, general issues had been captured along with specific feedback at place. That said, many respondents did not make comments at place despite the document format encouraging them to do so.

Feedback highlights a clear disparity and array of viewpoints between submitters. An assessment of the pros and cons of the WARO management ‘system’ and how it may be better integrated with other wild animal control models or tools, is a broader, policy or control plan question that will need significant resourcing, consultation and time before changes, if any, could be adopted. This is best considered outside a specific WARO concession application and ‘bulk offer’ review process. It must be remembered that the ‘bulk offer’ to operators does not have to be accepted by them. Although potentially more costly and uncertain on outcome, operators can apply individually, at any time for a different, preferred ‘schedule’, with an expectation of timely processing, potentially leading to less co-ordination and consistency of decision making. Either way, whatever plan and ‘system’ is adopted, it must be consistent with legislation taking into account need and effects.

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<sup>4</sup> *Lower North Island Red Deer Foundation v Minister of Conservation* [2017] NZHC 1346

There are other mechanisms to help reduce conflict. Te Ara Ki Mua provides a framework under which stakeholders can work together but this may not be perfectly aligned with the WACA. The Game Animal Council Act 2013 enables areas of Crown land to be set aside for designated Herds of Special Interest but so far there are no HOSI established and none have been officially proposed.

#### Conclusion:

Feedback was not sought on the WARO management 'system'. Comments are, therefore, generally not accepted, being out of scope of this process. That said, in being reported, some underlying issues will be noted by management and may be considered in any future action.

### **7. Other issues**

There are a range of other specific issues raised by submitters, set out in Appendix 8, such as the weight of economic and pest control contributions, fawn suffering, international reputation, number of operators and impact of increased 1080 use.

#### Panel Comments:

Only matters specified or referred to in section 23 Wild Animal Control Act 1977 (including Part 3B of the Conservation Act 1987) can be considered by the Minister. Many of the above concerns fall outside the scope of the legislation and are, therefore, irrelevant for consideration under this process or are of insufficient weight to warrant change.

#### Conclusion:

These other issues within submissions are not accepted, being both out of scope of this process and unjustified in terms of considerations under the WACA and CA. In being reported, they will be noted by management.

### **8. Feedback at Place**

Of the 122 third round submissions, 86 refer to places. The majority are local hunters objecting to the potential expansion ("restricted") of WARO access in Otago. A few submissions support WARO access as proposed. Most objections are on the grounds of:

- protecting easily accessible, recreational hunting opportunities in open, tussock country that helps feed and educate family
- the moderate to low deer numbers (and potential clearing thereof); and
- other concerns that mirror the key themes above.

One submission refers to the Nevis having high deer numbers.

Others refer to a wide range of places, some of which aren't under review. Of those that are, there is some support for more WARO in the Ruahine and Remutaka, due to explosion of deer, and opposition to WARO access in the Branch/Leatham CA, SW of Mt Richmond Forest Park, Rakaia Forest CA, Blue Mountain CA, Matura Range SR, Torlesse Range NW Face and Oteake CP. Reasons for objection include some of the key themes and high recreational use and local office arrangements with recreational hunters.

#### Panel Comments:

Many of the recreational hunting concerns raised are insufficient, on their own, to warrant prohibiting WARO outright, which is why proposing “restricted” was considered appropriate but when considered in combination with the Otago CMS, ungulate data and other feedback the balance can change somewhat at place. Appendix 6, table A6.1 that specifies pests and wild animals and the management thereof, with respect to red deer, it states:

*“Control through ground and aerial shooting, wild animal recovery concessions and the fostering of recreational hunting. Commercial aerial hunting operations confined to the western mountain areas of Otago and the Pisa Range. Commercial aerial hunting operations over the balance of Otago if recreational hunting not effective.”*

This means that recommended, “restricted” WARO access on new or existing PCL in the western mountains, including the Remarkables/Nevis, is acceptable. However, elsewhere policy requires some evidence to show that recreational hunting is not effective in controlling deer numbers sufficiently. That said, there is a view that this policy position restricting WARO in the west unless recreation hunting is not effective, may not be in line with the WACA so consideration needs to be weighted carefully. In places like Kakanui CA and Rock and Pillar CA there is little evidence to show recreational hunting is ineffective so it is now recommended to prohibit WARO there. In Kopuwai CA, ungulate FPI provides some indication, although not conclusive, that recreational hunting may not be as effective and, in the face of a growing deer problem and other ‘exclusive’ areas available, the “restricted” recommendation stands.

For other places being opened to WARO, the reasons for opposition, whilst understandable, are not considered sufficient justification for changing recommendations.

#### Conclusion:

Submissions opposing WARO within the Otago western mountains, Pisa Range and Kopuwai CA are not accepted.

Submissions opposing WARO within Otago but outside the western mountains, Pisa Range and Kopuwai CA area accepted in part.

Submissions opposing WARO at place elsewhere are not accepted. However, given the largely sika deer population in the Kawekas, that are not of economic interest to WARO operators, it is now considered permitting WARO here, outside of the RHA, would not result in the concerted action required under the Act and that greater co-ordination of recreational hunting with the Department, under the Te Ara ki Mua Framework, is more appropriate.

## **7. Statutory Analysis**

### **7.1 Wild Animal Control Act 1977**

Criteria for decision:

- Is the activity consistent with sections 22 and 23 of the Wild Animal Control Act?  
Yes

#### Discussion

#### **Sections 22 & 23 (see section 4 above)**

When considering WARO concession activity on PCL and, in terms of this report, the potential approval of changes to the national land schedule allowing or not for that, the Minister must have regard to:

23 (a) the provisions of the Act under which the land concerned is held and the purposes for which that land is held;

In this case, the land concerned includes:

- i. Conservation areas as defined by Section 2 (1) of the Conservation Act 1987;
- ii. National Parks under the National Parks Act 1980, and land administered as national park;
- iii. Reserves under the Reserves Act 1977 – administered by the Department of Conservation;
- iv. Wildlife sanctuaries or wildlife refuges or wildlife management reserves under the Wildlife Act 1953.

These Acts all have aspects of preservation or protection as the primary purpose for which the land is held, as summarised in the table below. WARO contributes to this primary purpose by removing browsing ungulates, particularly deer, which damage native vegetation and potentially cause habitat loss and ecosystem modification.

Act	Primary purpose
Conservation Act 1987	<p>Land held under the Conservation Act is held for conservation purposes. ‘Conservation’ is defined by the Act to mean the <i>“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”</i> (Section 2). “Natural resources” includes plants and animals of all kinds and ecosystems.</p> <p>Certain specially protected areas are held under this Act, including: conservation parks (including all former forest parks), wilderness areas, ecological areas, and sanctuary areas. These specially protected areas are held with the primary purpose to protect the natural values recognised by their special status.</p>
<b><i>National Parks Act 1980</i></b>	<p>Section 4(1) sets aside National Parks “for the purpose of preserving them in perpetuity for their intrinsic worth and for the benefit, use and enjoyment of the public” areas of New Zealand that contain scenery of such distinctive quality, ecological systems, or natural features so beautiful, unique, or scientifically important that their preservation is in the national interest.</p> <p>Section 4(2)(b) further directs that in administering and maintaining parks: <i>“except where the [New Zealand Conservation] Authority otherwise determines, ... the introduced plants and animals shall as far as possible be exterminated”</i></p>

<p><b>Reserves Act 1977</b></p>	<p>Section 3(1):  (a) Providing, for the preservation and management for the benefit and enjoyment of the public, areas of New Zealand possessing:</p> <p>i. Recreational use or potential, whether active or passive; or Wildlife;  or  ii. Indigenous flora or fauna; or  iii. Environmental and landscape amenity or interest; or  iv. Natural, scenic, historic, cultural, archaeological, biological, geological, scientific, educational, community, or other special features or value:</p> <p>(b) Ensuring, as far as possible, the survival of all indigenous species of flora and fauna, both rare and commonplace, in their natural communities and habitats, and the preservation of representative samples of all classes of natural ecosystems and landscape which in the aggregate originally gave New Zealand its own recognisable character:</p> <p>Specific reserve classifications also provide generally for the preservation of flora, and in some cases (scenic, nature and scientific) for the extermination of exotic fauna where possible, see sections 17 – 23.</p>
<p><b>Wildlife Act 1953</b></p>	<p>The Long Title to the Act includes that it is “An Act to consolidate and amend the law relating to the protection and control of wild animals and birds ...”, and section 3 provides that all wildlife is absolutely protected except for specified wildlife listed in Schedules to the Act. “Wild animals” are specifically excluded from being protected wildlife: Schedule 6.</p>

In view of all the above, WARO activity is consistent with the purpose for which any of the land is held.

23(b) the purposes of this Act:

In summary, the Act applies to all land and allows generally for wild animal control including local eradication where necessary and practicable. The Department needs to ensure concerted action against the damaging effects of wild animals, achieve coordination of hunting measures and provide for (amongst other things) the regulation of recreational hunting, commercial hunting (ground-based) and WARO.

Approving changes to a national land schedule that specifies where and when WARO can take place over public conservation land contributes to and regulates wild animal control, manages certain effects and coordinates with other control methods including recreational hunting. This is, therefore, considered consistent with the purpose of the Act.

23(c) the role of persons engaged in hunting for recreation in achieving the purposes of this Act.

The role of recreational hunters is addressed by:

- Completely excluding WARO from some areas where recreational hunters provide sufficient wild animal control e.g. RHAs.
- Not allowing WARO during the Christmas and Roar closure periods for land otherwise open to WARO



- Consideration of the role (and feedback) of recreational hunters in contributing to the control of wild animals at place.

## **7.2 Game Animal Council Act 2013**

Section 16 of the Game Animal Council Act 2013 provides for the designation of any species of game animal in a specified area on public conservation land to be a herd of special interest. The definition of “wild animal” in the Wild Animal Control Act excludes an animal that is part of a herd of special interest under section 16 of the Game Animal Council Act 2013. To date, no herds of special interest have been designated. Should a herd of special interest be designated, then from that time the animals making up the herd in the applicable area will not be considered wild animals and could not be hunted under a WARO permit.

## **7.3 Part 3B of the Conservation Act 1987 - S17U(1) and (2) Analysis of effects**

Criteria for decision:

- Is the activity consistent with S17U(1) and (2) of the Conservation Act?  
Yes

### Discussion

WARO has been occurring over public conservation land since the 1960s. The effects on other users, including recreational hunters, and conservation values are, therefore, well-known (although not particularly well quantified). These were reiterated through the feedback received from recreational hunters, WARO operators and associated groups described earlier in the report.

Adverse effects of WARO on other users include:

- noise disturbance to natural quiet. Generally, this is for relatively short, infrequent periods but the disturbance is felt greatest at the most popular times and places. Consequently, WARO is restricted at certain popular times and places e.g. at Christmas, during the roar and near great walks and facilities by boundaries on maps and permit conditions (referred either in the land schedule or permit template within the report to follow);

- concerns around public safety from aerial shooting, particularly to recreational hunters in the vicinity. The ‘accidental’ shooting risk is not specific to WARO. In fact, recorded accidents and prosecutions relate to recreational hunting. It could also be argued that WARO height and downward trajectory reduces their risk. The Arms Act 1983 s24B(1)(a) requires that the holder of a firearms licence “*act in a way that does not pose a risk to themselves or others*” and the Civil Aviation Act 1990 s44 makes it an offence to operate an aircraft in a manner that causes unnecessary danger to any other person<sup>5</sup>. The Department’s WARO permit contains conditions that reinforce this and, whilst not specifically in response to this concern, restrictions applying at the most popular times and places referred above also helps;
- actual and perceived disturbance to recreational hunts (by spooking or killing tracked animals, particularly stags). It is accepted that some disturbance and loss of opportunity for recreational hunters occurs when WARO happens at the same time and place as recreational hunting. However, given the land, times and number of wild animals available, the RHAs and other restrictions mentioned above, and the need for greater wild animal control, it is considered that an appropriate balance is achieved;
- disincentivised recreational hunting effort due to actual or perceived general loss of resource and/or stags in a location for a period. Again, it is recognised that some loss of opportunity can occur at a particular times and places but it is not accepted that this leads to general disincentivised recreational hunting effort. Deer numbers are increasing, WARO is not taking place at the scale it once did and there are sufficient places and times available for all, and everyone must play their part by killing hinds as well as stags;
- cultural insensitivity. Restrictions exist and are proposed at place on the land schedule/map boundaries and permit conditions (discussed in more detail in the report to follow) to ensure cultural and spiritual taonga or sites are protected; and
- dumping of stomach bags. Whilst hunters generally may leave stomach bags, WARO does so in greater concentrations to reduce transport weight and cost. These can be found/reported from time to time but there is an existing requirement to minimise the likelihood by not leaving near facilities/tracks and waterways. Consideration of if and how this may be addressed further is for the permit report to follow.

The beneficial effects of WARO include concerted and efficient removal of some wild animals at certain times in certain places, at reduced cost to the taxpayer, to prevent biodiversity degradation. When WARO is completely excluded, and in the absence of other co-ordinated, concerted effort, pressure from targeted animals on forest and other ecosystems increases.

The department recognises the needs and benefits of both WARO and recreational hunters, but co-ordinating and balancing them to avoid disincentivising either is difficult. DOC does so by totally excluding WARO from some areas, restricting WARO to certain times elsewhere when recreational hunters and other users are less likely to be present, and permitting WARO

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• <sup>5</sup> The CAA 1990 is to be repealed by 5 April 2025, when the Civil Aviation Act 2023 must fully come into force. The CAA 2023 has an equivalent offence provision at s41. This will apply from 5 April 2025 and potentially earlier if the CAA 2023 is brought into force before that date.

throughout in others, except for peak recreational periods, such as Christmas and the Roar. No public conservation land is open to WARO year-round.

Other effects are managed through permit conditions that will be the subject of the report to follow.

### **5.3 S17W: Relationship between concession activity and management planning documents**

#### **Criteria for decision:**

- Is the activity consistent with all relevant statutory planning documents including the relevant General Policy/Policies?

Yes

#### **5.3.1 General Policies**

**Conservation General Policy (CGP) 2005** (this is a General Policy under s5 of the Wild Animal Control Act for the purposes of implementing the Act)

Section 4 of the CGP covers the conservation of natural resources. Specific policies therein deal with biosecurity and the management of threats to habitats and ecosystems. The policies covering the management of wild animals are:

- 4.2 (e) Commercial hunting of wild animals and animal pests should be encouraged to maximise the effective control of them, while minimising any adverse effects of hunting on planned outcomes at places.
- 4.2 (f) Recreational hunting of wild animals and animal pests should be encouraged where this does not diminish the effectiveness of operations to control them and is consistent with planned outcomes at places.

#### **General Policy for National Parks (GPNP) 2005**

The GPNP 2005 gives direction and guidance on how to preserve and protect national parks and the indigenous species in them. The GPNP policies covering management of wild animals are:

- 4.3(i) Commercial hunting of wild animals and animal pests should be encouraged to maximise the effective control of them, while minimising any adverse effects of hunting on planned outcomes at places.
- 4.3(j) Recreational hunting of wild animals and animal pests should be encouraged where this does not diminish the effectiveness of operations to control them and is consistent with planned outcomes at places.

In other words, the control of wild animal pests is the overriding factor and commercial hunting is only to be restricted to minimise any adverse effects on planned outcomes for place.

It is noted that section 5A of the Wild Animal Control Act provides that nothing in any general policy is to derogate from any provision in that Act, the Conservation Act or any other Act. It is considered that the above mentioned policies do not derogate from those Acts.

### 5.3.2 Management Plans

The regional assessment of public conservation land included an assessment against established statutory management plans of the justifications for excluding, restricting or permitting WARO. Land access recommendations have been made that in accordance with or that are not inconsistent with those plans, except that the 2018 onwards land assessment process identified that some statutory management plan 'place'-specific policies for wild animal control may not be consistent with the Wild Animal Control Act and Deer Control Policy. This issue has also been raised by WARO operators but cannot be quickly addressed. A check of management plans needs to be raised as a separate task assignment in time for the next WARO review.

## 8. [Decision making](#)

### Panel Recommendations

WARO is a long-standing and well understood activity on PCL and supported, where appropriate, by the Department because of its contribution to concerted wild animal control on PCL.

Approving a national WARO land schedule, split into North and South Island schedules, that specifies where and when WARO can take place on PCL, having taken into consideration ungulate data, role of recreational hunters, potential adverse effects, Iwi, the purpose for which the land is held, policy and management planning documents, is consistent with the Wild Animal Control Act 1977 and Conservation Act 1987.

To produce the new, 2022 national WARO land schedule, the final recommended changes to the 2015 schedule are listed in Appendix 10 plus those new lands comprising less than 20 ha. that have automatically been given the WARO status of the adjoining or nearest conservation land.

It is also recommended that the South Island standard Roar exclusion dates are changed to 29 March - 15 April. This is subject to areas specified in the permit where dates are required to remain in accordance with National Park Bylaws or a National Park Management Plan (e.g. Mt Aspiring National Park which would remain as *23 March - 20 April* (plus Easter when it falls outside these dates), bylaw or other local roar closure date.

### 8.2 Decision: As part of the consideration of non-notified applications for WARO Concessions, under section 22 of the Wild Animal Control Act 1977 & Part 3B of the Conservation Act 1987:

1. Agree that it is not appropriate to publicly notify the intention to make changes to the national WARO land schedule and that the targeted stakeholder consultation that has been undertaken has been sufficient to identify relevant effects:

Agree / ~~Disagree~~

2. Approve the recommended changes to the 2015-18 national WARO land schedule as listed in the tables in Appendix 10:

Approve / ~~Decline~~

3. Approve that new land comprising less than 20 ha (not listed in the tables in Appendix 10) be given the WARO status of the adjoining or nearest conservation land (as recommended on the Regional Land Assessment Spreadsheets Appendix 2 and 3):

Approve / ~~Decline~~

4. Approve that the South Island standard roar exclusion dates be changed to 29 March – 15 April, except where contrary to existing bylaws or national park management plans.

Approve / ~~Decline~~

5. Agree that a concession applications and permit template conditions report is to follow that will further address and manage effects and seek to offer new WARO concessions to appropriate operators.

Agree / ~~Disagree~~

Recommended changes to be included:

*Decision Maker to list the recommended changes to be included, as per Appendix 10 of this report and for land less than 20ha.*



Signed by Steve Taylor, Director Regulatory Services  
Pursuant to the delegation dated 26 September 2018

1/06/2023

\_\_\_\_\_  
Date

Decision Maker comments

*Decision Maker to comment on the rationale behind their decision. If there is nothing contentious this can be brief, but if there are differing views between DOC staff and/or DOC and Treaty Partners, or there are multiple options available, or the decision made is different from what is recommended/requested, the rationale for the decision made must be clearly provided.*

*The Permissions Advisor will share the rationale for the decision with team members.*

Appendix 1 – record of consultation by regions:

- a. Southern South Island [DOC-5544194](#)
- b. Northern South Island [DOC-5551899](#)
- c. Western South Island [DOC-5556917](#)
- d. Eastern South Island [DOC-5534525](#)
- e. Lower North Island [DOC-5533077](#)
- f. Hauraki Waikato Taranaki [DOC-5533093](#)
- g. Central North Island [DOC-5545542](#)
- h. Auckland [DOC-5533177](#)

Appendix 2 - North Island Regional Land Assessment Spreadsheet - [DOC-5460454](#)

Appendix 3 - South Island Regional Land Assessment Spreadsheet - [DOC-5489476](#)

Appendix 4 - First and second round access recommendations - [DOC-5591583](#)

Appendix 5 – Third round access recommendations - [DOC-6911581](#)

Appendix 6 – Summary of feedback received from Iwi/whanau/hapu - [DOC-5650228](#)

Appendix 7 – Record of stakeholder submissions (all rounds) - [DOC-5519754](#)

Appendix 8 - Summary and analysis of submissions (all rounds) - [DOC-7035851](#)

Appendix 9 – Bio monitoring T1 FPI for WARO review - [DOC-7063720](#)

Appendix 10 – Final Recommended Changes to the Land Schedule - [DOC-7047893](#)