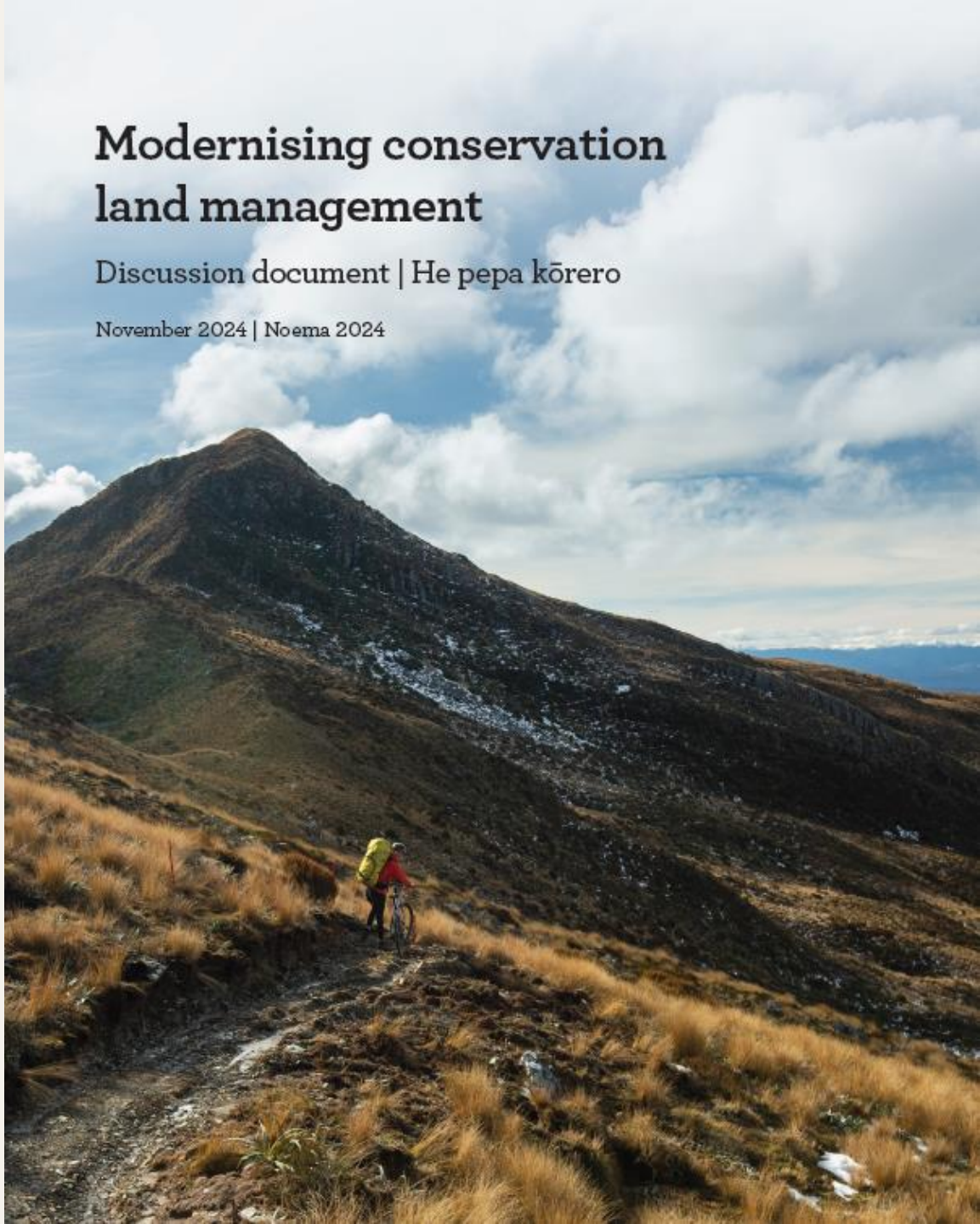
[IN-CONFIDENCE]

Deep dive on planning processes

Conservation Amendment Bill
27 March 2025

Department of Conservation
Te Papa Atawhai

Te Kāwanatanga o Aotearoa
New Zealand Government



Agenda

- Objectives for Treaty partner involvement
- Recap of proposals + initial views from submissions
- Who must be involved and how
- Remuneration
- Timeframes
- Approach to codification of section 4 for planning processes

Objectives for Treaty partner role

Note: Treaty settlements will be upheld – these slides refer to the default approach and how we will give effect to Treaty principles.

Effective

Meaningful involvement that supports informed decision-making, and allows the direction and shape of the document to be influenced early in the process of development

Efficient

Workable and achievable for all parties in reasonable timeframes for area plan development

Inclusive

Supports Treaty partner participation, and allows the full range of Treaty partner interests to be represented in the process

Recap of proposals

NCPS

- Requirement to notify iwi when draft NCPS is ready for public engagement.
- DOC must advise Minister of draft's impact on iwi rights and interests, which Minister must consider before approving.

Area plans

- 12 month total timeframe for developing area plans.
- DOC must engage with iwi (and relevant conservation board) when drafting area plans.
- Iwi may provide written feedback on final draft (after engagement stage) directly to Minister. Minister must consider this feedback before approving.
- DOC must also advise Minister of draft's impact on iwi rights and interests, which Minister must consider before approving.

Initial views from submissions

Treaty partners – range of views including:

- Involve hapū as well as iwi.
- Expectation of a stronger involvement than status quo, e.g. co-drafting and co-approval of NCPS and area plans.
- Suggested creation of representative groups for iwi and hapū engagement – institutional changes.
- Desire for flexible timelines and funding for participation.

Stakeholders including concessionaires:

- Support setting timeframes to support faster area plan development.
- Support clear and structured processes for engaging Treaty partners, including early in the process.
- Some felt the proposed process provides inadequate participation for mana whenua in the development of the NCPS and area plans.
- Treaty obligations should not be at the expense or disadvantage of private operators.
- Stakeholders should be included at the drafting stage alongside iwi.
- Some felt Treaty partners should not have a unique role in the development of the NCPS and area plans.

Who to involve – NCPS and area plans

Option	Description	Assessment
1. Undefined	Treaty partner is not defined or constrained in the legislation	Maintains existing challenges with status quo.
2. Iwi and hapū	Legislation requires DOC to involve iwi and hapū	Significant resourcing and timeframe challenges due to volume so unachievable across the country.
3. Iwi only (recommended)	Legislation only requires DOC to involve iwi.	Legislation would not prevent DOC from going beyond iwi where it is workable. Provides more clarity than status quo. Some remaining residual legal risk. Crown may be criticised for determining collective identity.
4. Representative group	*Institutional reform - out of scope*	*Institutional reform - out of scope*

Role of Treaty partners – NCPS and area plans

Option	Description	Assessment
1. Engagement (recommended)	For NCPS, engagement would take place during public notification stage. For area plans, engagement starts earlier (drafting). Iwi can give feedback directly to Minister, which Minister must consider.	For NCPS, this is the most practical option given national coverage of instrument. For area plans, engagement starts earlier than NCPS, giving iwi opportunity to provide input on draft area plan that is notified, and revisions after notifications.
2. Co-drafting, endorsement or co-approval	For NCPS, this would require involvement of all iwi in drafting NCPS, or endorsing/approving it. For area plans, there would be significant variation in number of iwi involved per plan than NCPS.	No existing structures to support large-scale involvement in drafting or approval processes. Would require institutional reform to make workable. Without this, co-approval or co-drafting would significantly increase time taken for each plan. However, co-drafting and co-approval roles will be upheld for area plans where provided in settlements. s9(2)(g)(i) [redacted]

Remuneration

- The capacity of Treaty partners can also be a limitation.
- We recommend **remunerating** Treaty partners through a levy for plan development.

Timeframes

- We recommend progressing proposal for 12 month area plan timeframe.
- Any longer significantly undermines ability to roll out area plans quickly and keep them current.
- We recommend the DG (or Minister) must make best-endeavours to resolve disagreements, but must make a decision within a specified timeframe and **can progress without agreement** following that.

Codifying section 4

- Same options as for Part 3B (concessions)
- Recommend a consistent approach is applied to planning and concessions processes

We are preparing advice on this option to test with your colleagues

Option 1

Only add specific provisions relating to Treaty partner role

Option 2

Add specific provisions to Part 3A and Part 3B **and** state that Part 3A and Part 3B set out what giving effect to Treaty principles requires

Option 3

Replace section 4 with specific provisions relating to Treaty partner role