

Modernising conservation land management

Summary of submissions

July 2025



Department of
Conservation
Te Papa Atawhai



**Te Kāwanatanga
o Aotearoa**
New Zealand Government

Cover: Cyclist on the Paparoa Track. *Photo: Neil Silverwood*

Modernising conservation land management

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Section 1

Introduction

Introduction

Purpose and scope of this document

This report presents a summary of the submissions on the November 2024 *Modernising conservation land management* discussion document (the discussion document).

This report is organised around the 57 consultation questions posed in the discussion document – giving a summary of feedback received on each question. Some questions are grouped together where it makes sense.

This report does not cover submissions the Department of Conservation (DOC) received on the *Exploring charging for access to some public conservation land* discussion document (the Access Charging discussion document), which went out for public consultation at the same time.

The original discussion document can be accessed online on the Department of Conservation's website.

Consultation process

Public consultation on the discussion document ran from 15 November 2024 to 28 February 2025.

To facilitate engagement in this consultation process, the discussion document was published on the Department's website alongside a slide pack which summarised the proposals. Links to publicly available Cabinet papers and relevant Ministerial advice were also provided.

Submitters were invited to submit their views using a submission form available on DOC's website. Submitters using the online survey could respond to the questions in the discussion document, with the option of answering all or some of the questions. Submitters could also add written feedback or provide additional supporting information.

Submitters had the opportunity to write a freeform submission and email them to the consultation inbox (landlegislation@doc.govt.nz). These submissions were freeform, and therefore did not necessarily follow the structured questions posed in the discussion document.

During the consultation period DOC also held 25 regional hui with Iwi and hapū. These hui provided an overview of the proposals in the discussion document and an early opportunity to provide feedback. The hui also covered the proposals in the Access Charging discussion document.

A summary of the feedback heard during the hui relating to the discussion document can be found at the end of this document. Though useful, these insights have not been treated as final – some Iwi and hapū further developed and provided their formal feedback later in the process.

DOC also held three online meetings with statutory bodies, one session with environmental non-government organisations (ENGOS) and four public information sessions during the consultation period.

Approach to analysis

The submissions received have been thematically analysed using MAXQDA. MAXQDA is a software programme designed for computer assisted qualitative and mixed method data analysis. This report has been developed based on the outputs from this software programme.

Statistics on specific questions have been provided where possible. The data presented in this report reflects the number of submitters who responded to a particular proposal or question in the discussion document. Not every submitter responded to all consultation questions. Blank or missing answers were not counted in the statistics.

Who responded?

DOC received 5,565 submissions during consultation. The total number of submissions are summarised in the following table.

Freeform submission	DOC website submission	Forest & Bird template submission
277	451	4,836

Overview of freeform submitters

Roughly 49% of freeform submissions came from individual submitters, 11.5% from Treaty partners and Māori organisations, 11.5% from various recreation and commercial stakeholders, 11% from concessionaires, 9% from statutory bodies, 5.5% from ENGOs and conservation groups and 3.5% from councils.

About a third of freeform submissions (98) did not engage directly with the proposals in the discussion document. They typically expressed support for other submissions, the importance of protecting conservation values or highlighted their personal interests in conservation land.

Feedback from this group of submitters has been summarised and provided alongside relevant questions from the discussion document. The data collected from these submission are based on whether they support or oppose a proposal. In some instances, they do not directly respond to a question.

Overview of DOC website submissions

Roughly 80% of submitters who used the DOC submission form were individuals. The remaining 20% of these submissions came from Treaty partners, conservation groups and tourism businesses.

Feedback from this group of submitters, including any relevant data, has also been summarised and provided alongside relevant questions from the discussion document.

Overview of Forest and Bird template submissions

This category accounted for approximately 87% of all submissions received. They used a template form submission created by Forest and Bird, an environmental non-governmental organisation.

The Forest and Bird template submission did not provide detailed responses to any consultation questions or specific proposals. Submitters who used the Forest and Bird template are therefore not included in any of the counts of support or opposition for particular proposals.

Around 1,300 people who used the Forest and Bird template also provided personalised comments. These comments and a summary of the template are summarised near the end of this document.

Acknowledgements

DOC is grateful to everyone who joined discussions and meetings, raised questions, and provided feedback on the discussion document.

The submissions and engagement have been constructive and valuable, with contributors bringing many different perspectives, including from tangata whenua, commercial, recreation, and conservation interests, local government, and statutory organisations.

Section 2

What we heard

Issues

Issues

The Government identified four issues in the discussion document that the proposals aimed to address. These were:

- The planning system is too complicated
- Concession decisions take too long
- The Government could get better performance and outcomes from concessions, and
- The Government has limited flexibility to manage land.

The Government asked

#	Question
1	Do you agree with the issues?

Quantitative data from website form submissions relating to question 1

Strongly agree	Agree	Disagree	Strongly disagree	Neutral	Unsure
10% (33)	21% (70)	17% (58)	32% (108)	19% (66)	1% (5)
31% (103)		49% (166)		20% (67)	

The Government asked

#	Question
2	Have any issues been missed?

Quantitative data from website form submissions relating to question 2

Yes	No	Unsure	No comment
49% (156)	9% (27)	30% (94)	13% (40)

The Government asked

#	Questions
3	Do you have any examples or data that demonstrate your view on the issues?
4	As you read the proposals in this document: <ul style="list-style-type: none"> a. Do you think any measures are needed to ensure conservation outcomes, whether in addition to or alongside the proposals? b. Do the proposals allow the Government to strike the right balance between achieving conservation outcomes and other outcomes?

Quantitative data from website form submissions relating to question 4a

Yes	No	Unsure	No comment
79% (257)	6% (21)	7% (24)	7% (24)

Quantitative data from website form submissions relating to question 4b

Strongly agree	Agree	Disagree	Strongly disagree	Neutral	Unsure
2% (7)	8% (28)	23% (78)	51% (170)	13% (44)	2% (7)
10% (35)		74% (248)		15% (51)	

Feedback from those who supported the proposed issues (freeform and website submissions)

While there was general agreement with the issues, many submitters felt that some issues had not been adequately addressed by the proposals.

Some Treaty partners broadly agreed that there is significant room for improvement in the conservation system. These submitters highlighted that the reviews provide a greater opportunity to reflect the values, aspirations and relationships of mana whenua with taonga such as land, flora and fauna.

Concessionaires, recreation and commercial stakeholders particularly agreed that the statutory planning system has not kept pace with evolving economic use and opportunities on conservation land over time.

Feedback from those who did not support the proposed issues (freeform and website submissions)

Those who opposed the proposed issues felt that the discussion document should not be primarily focused on facilitating increased activity on conservation land. Most of these submitters also expressed concerns about enabling more flexibility to exchange and dispose of conservation land.

Some Treaty partners, individuals, environmental non-governmental organisations and recreation stakeholders who disagreed with the proposed issues believe that DOC suffers from being underfunded to carry out its statutory functions. They say this is a failure of central Government funding rather than the legislative settings of the system itself.

Some individuals, statutory bodies, environmental non-governmental organisations and conservation groups highlighted that there is a lack of consideration for biodiversity loss and climate change. These submitters generally felt that the discussion document was too focused on the commercialisation of conservation land while failing to pursue environmental and biodiversity protection.

Section 3

What we heard

Streamlining the Conservation management system

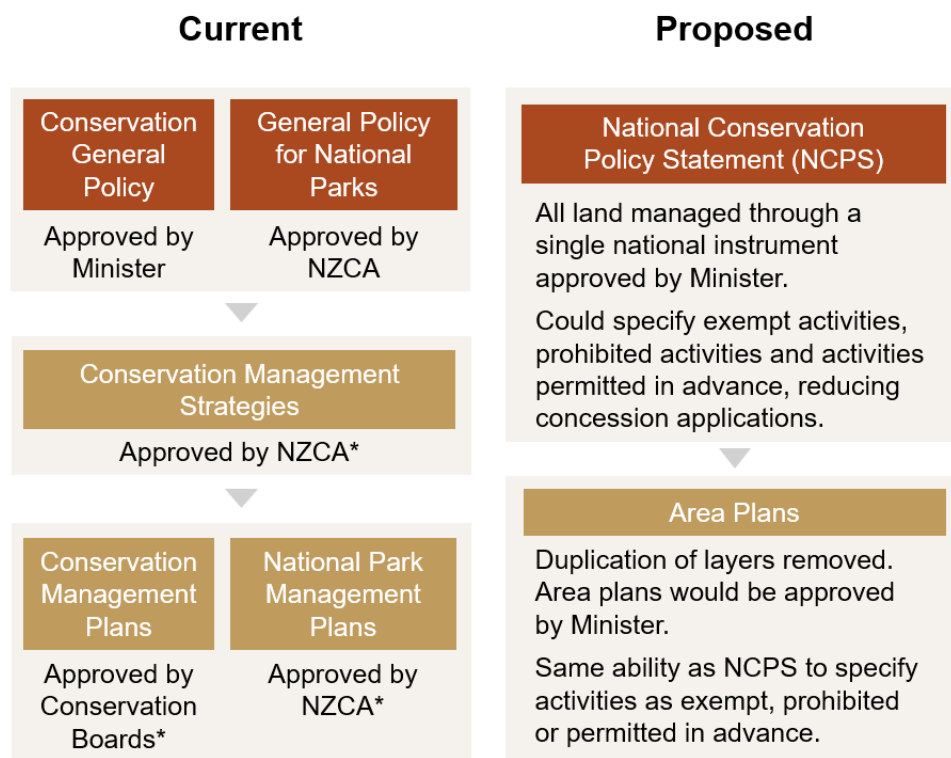
Streamlining the conservation management system

Simplifying the management structure

What was proposed in the discussion document

The discussion document proposed that two national-level policies – the Conservation General Policy and the General Policy for National Parks – be replaced with a single National Conservation Policy Statement.

The discussion document further proposed that the planning documents that sit underneath the current national policies (Conservation Management Strategies on one level and Conservation Management Plans and National Park Management Plans beneath them on another) be replaced with a single layer of area-based plans underneath the National Conservation Policy Statement, without overlapping coverage.



The Government asked

#	Question
5a	Do you agree with the issues and how they have been presented?

Quantitative data from website form submissions relating to question 5a

Strongly agree	Agree	Disagree	Strongly disagree	Neutral	Unsure
9% (22)	28% (73)	15% (39)	27% (70)	17% (43)	4% (10)
37% (95)		42% (109)		21% (53)	

The Government asked

#	Question
5b	Do you agree with the proposed changes to simplify the management planning framework?

Quantitative data from website form submissions relating to question 5b

Strongly agree	Agree	Disagree	Strongly disagree	Neutral	Unsure
5% (13)	26% (63)	17% (43)	31% (77)	17% (43)	3% (8)
31% (76)		48% (120)		21% (51)	

Quantitative data from 'free form' submissions relating to establishing the National Conservation Policy Statement

Agree	Disagree	Additional comment
48	13	19

Quantitative data from 'free form' submissions relating to establishing area plans

Agree	Disagree	Additional comment
37	13	38

The Government asked

#	Question
5c	How could this proposal be improved?

Feedback from those who supported streamlining the management structure (freeform and website submissions)

The majority of those who agreed with the issues believe that the current system is overcomplicated due to overlapping and conflicting rules. This view was consistent across all groups of submitters. Concessionaires and conservation groups both voiced concerns that delays caused by the current system impede both conservation efforts and responsible commercial activities.

Many individuals, and some Treaty partners, ENGOs and conservation groups supported the proposal in principle, but specifically did not want any conservation protections 'watered down'. These submitters added that new statutory documents need to be streamlined and utilise evidence based ecological and kaitiaki assessments with the aim of benefiting conservation outcomes. Concessionaires, and other commercial and recreational stakeholders, have also expressed that their interests must be reflected in statutory documents as well.

Many submitters agreed that the proposals would reduce complexity and provide a much clearer and more simplified approach to national policy settings. They said this would make it easier for people wanting to use public conservation land, including potential concessionaires, by making policy decisions clearer and more predictable. Some also added that the proposals would also make it easier for DOC to manage conservation land and make decisions.

Feedback from those who opposed streamlining the management structure (freeform and website submissions)

The majority of those who disagreed with the proposals to streamline the management structure were concerned that simplification of the system will lead to worse conservation outcomes. They were concerned that the perceived promotion of the commercialisation of conservation land could lead to environmental degradation, and the loss of biodiversity and landscapes.

Some of those who opposed simplifying the management structure believed that legislation is not the cause of the current backlogs, but that the backlogs stem from operational issues within DOC and underfunding from central Government.

A few Treaty partners and individuals also added that simplification could overlook regional needs if the contents of the new tools are not carefully considered.

Additional feedback on the functions and powers of the National Conservation Policy Statement and area plans (freeform and website submissions)

Many submitters said that the focus on concessions is too narrow, and that national level policy should continue cover the full range of DOC's functions. These submitters said that statutory documents should continue to prioritise conservation and support the integrated management of ecological, cultural and recreational values. Some of these submitters also emphasised that the framework should be more focused on values, outcomes and likely effects rather than being overly directive and specific, so long as a broader scope is covered.

Treaty partners, concessionaires, and commercial and recreational stakeholders said that the contents of new statutory documents must reflect their specific values and interests in conservation land. For example, the New Zealand Deer Stalkers Association expect enhanced outcomes for big game animal species management and recreational hunting opportunities.

Some individuals added that it is important for people with local knowledge to provide input into planning documents so that commercial interests are not being prioritised over the aspirations of the local community.

Some individuals and ENGOs considered that the new statutory documents should clearly delineate conservation outcomes from commercial or recreational objectives. These submitters said that it would ensure that any changes will serve the long-term interests of preserving New Zealand's natural heritage for future generations.

Several Treaty partners suggested that some arrangements from Treaty settlement redress relating to statutory documents should be elevated to the national policy level rather than area plan level.

Enabling class approach to concessions

What was proposed in the discussion document

The Government proposed three ways to enable the National Conservation Policy Statement and area plans to take a 'class approach' to concessions. These classes provide the Government with three new tools to either authorise or prohibit an activity in advance of receiving a concession application.

The classes of activities consulted on included:

- *Exempted activities:* These are activities that would be able to be carried out without needing a concession.
- *Activities permitted in advance:* These are types of activities that DOC would permit in advance and that could be carried out after obtaining a simple permit with standardised conditions (e.g. by purchasing a permit online).
- *Prohibited activities:* These are activities that would not be able to be carried out, as they are inconsistent with the purpose for which the land is held, or the effects cannot be reasonably avoided, mitigated or remedied.

The Government asked

#	Question
6a	Do you agree with the proposal to introduce classes of exempt activities, prohibited activities and permitting activities in advance through the National Conservation Policy Statement and area plans?

Quantitative data from website form submissions relating to question 6a

Strongly agree	Agree	Disagree	Strongly disagree	Neutral	Unsure
7% (16)	29% (71)	14% (34)	23% (55)	19% (47)	8% (20)
36% (87)		37% (89)		27% (67)	

Quantitative data from 'free form' submissions relating to enabling a class approach to concessions

Agree	Disagree	Additional comment
59	11	21

The Government asked

#	Questions
6b	How could this proposal be improved?
6c	What types of activities are best suited to taking a class approach, and which activities would a class approach not be appropriate for?

Feedback from those who supported the proposal (freeform and website submissions)

Submitters who supported enabling activity classes agreed that it would provide greater clarity and transparency for applicants. They added that it would make the broader concession system more efficient by allowing DOC to shift resources away from processing low complexity applications on a case by case basis and instead focus resources on more complex applications that require more consideration.

Submitters were also generally supportive of the proposed classes of activities and the approach to automate high-volume and low-complexity applications. Some submitters also cautioned that the broad use of the prohibited class could prevent activities with effects that are manageable in some areas from being permitted.

A number of submitters, including some Treaty partners, recognised that shifting engagement on concessions away from individual applications and instead seeking feedback on activity classes will reduce resource pressures for DOC as well as Iwi and hapū.

Feedback from those who opposed the proposal (freeform and website submissions)

Those who were opposed to the proposal expressed concern that enabling activities without more formal checks could result in undesirable effects on conservation values. These submitters were typically concerned that cumulative effects may not be identified and mitigated fast enough to protect conservation values.

Additional feedback (freeform and website submissions)

A range of submitters felt DOC should carefully consider which activities should be dealt with through a class concession. Some also highlighted that real-time adjustments to class concessions should be enabled to allow the management of cumulative effects where they arise.

Some submitters, particularly Treaty partners, Māori organisations and some statutory bodies, said that engagement with Treaty partners on classes of activities, rather than individual activities, should only occur when and where those Iwi or hapū have chosen to take that approach.

A range of concessionaires, commercial and recreational stakeholders suggested types of activities that should be managed by a class approach to concessions.

Proposed process for making the National Conservation Policy Statement

What was proposed in the discussion document

The Government proposed that the Minister of Conservation would trigger the development and review the National Conservation Policy Statement using the following process:

- 1) *Initiation:* The Minister of Conservation may issue the National Conservation Policy Statement or amend the existing National Conservation Policy Statement at any time.
- 2) *Drafting:* The Director-General of Conservation prepares the draft, including a summary of affected policies in planning documents.
- 3) *Engagement:* The Director-General of Conservation gives public notice of the draft and invites comments, notifies all Iwi, the New Zealand Conservation Authority, conservation boards, and Fish and Game New Zealand (if relevant). The timing and nature of engagement will be subject to some variation.
- 4) *Revision:* The Director-General of Conservation revises the draft and prepares a summary of submissions and analysis of impacts, including on Iwi rights and interests. The revised draft, summary of submissions and impact analysis will then be provided to Minister of Conservation.
- 5) *Approval:* Minister approves National Conservation Policy Statement, having regard to summary of submissions and impact analysis. Alternatively, Minister can request revisions from Director-General and must state their reasons for doing so.
- 6) *Process for amendments:* Engagement would not be needed for minor or technical changes, or changes already consulted on.

If these changes proceed, the Government proposed introducing the first National Conservation Policy Statement through the Bill to ensure it was in place upon commencement of the amended legislation. It was proposed that the Government could receive public input on the draft National Conservation Policy Statement during the select committee phase of the Bill.

The Government asked

#	Question
7a	Do you agree with the proposed processes for making, reviewing and updating the National Conservation Policy Statement?

Quantitative data from website form submissions relating to question 7a

Strongly agree	Agree	Disagree	Strongly disagree	Neutral	Unsure
4% (9)	20% (47)	17% (40)	28% (67)	22% (53)	8% (20)
24% (56)		45% (107)		30% (73)	

Quantitative data from 'free form' submissions relating to the proposed National Conservation Policy Statement process

Agree	Disagree	Additional comment
21	23	16

The Government asked

#	Question
7c	How do you think these processes could be improved?

Feedback from those who supported the proposal (freeform and website submissions)

Concessionaires, industry stakeholders, councils and some individuals were generally comfortable with the proposed process for establishing the National Conservation Policy Statement. However they also expressed that they considered the content of the National Conservation Policy Statement to be more important to get right than the process for establishing it.

Some individual submitters, concessionaries and tourism stakeholders were generally supportive of the level of consultation proposed. These submitters added that Iwi engagement is an integral part of the process. Others added that their support of the proposal was dependent on a fulsome consultation process on the draft National Conservation Policy Statement, given the proposal to progress it at the same time as the Bill.

Many submitters supported the proposed process in principle, but they did not support the Minister of Conservation's approval role. Feedback relating to Ministerial approval is presented below on page 28.

Feedback from those who opposed the proposal (freeform and website submissions)

Some Treaty partners, ENGOs and statutory bodies opposed the proposed process for establishing the National Conservation Policy Statement. These submitters raised concerns about the perceived lack of fulsome public consultation as part of the proposed process. Some individuals also added that it is important for people with local knowledge to be able to input to national level policy, as this can help ensure the documents provide appropriately for the regional context of lower level statutory documents.

Some ENGOs and Treaty partners added that the Conservation General Policies have not been fulsomely reviewed and there had been only very limited amendments made to date. They were concerned that the new National Conservation Policy Statement could involve substantial policy change for the conservation management regime and that, under this proposal, these changes would take place without appropriate public consultation.

A range of submitters expressed concern about the changes to the role of the New Zealand Conservation Authority and conservation boards. These submitters felt that these bodies are the most appropriate decision maker because they have subject matter expertise, and conservation boards in particular have local knowledge and context.

Perceived risks of poor outcomes for the environment are behind submitter concerns about the lack of public consultation and the changes to the role of the New Zealand Conservation Authority and conservation boards. Those who opposed the proposed process generally felt that it increases the risk of the planning framework being more enabling of development and were concerned that it may not provide as much protection for the environment.

Some submitters who opposed to the proposal had concerns about the development of the first National Conservation Policy Statement through the Bill process. These submitters worried that it would diminish the quality of engagement by forcing interested parties to pick and choose how to most effectively engage across simultaneous processes.

Role of Iwi and hapū in the National Conservation Policy Statement process (freeform and website submissions)

Treaty partners and Māori organisations generally expressed that statutory documents should be co-drafted with Iwi and hapū. Some went further to suggest they should be co-approved. Co-drafting was supported by others including some ENGOs, conservation boards and the New Zealand Conservation Authority. Submitters generally didn't provide detail about how this could work in practice.

Some Treaty partners suggested that the engagement process proposed for the development of area plans was more appropriate than the process proposed for the National Conservation Policy Statement. They felt the area plan process provided various opportunities to engage at different stages when developing an area plan while similar opportunities were not provided by the proposed process for the National Conservation Policy Statement. These submitters wanted to see changes to the process to allow more opportunity for input, particularly after the revision stage of the process.

While Treaty partners and some ENGOs and statutory bodies expressed the importance of engagement with Treaty partners in developing the National Conservation Policy Statement, environmental, commercial and recreation stakeholders were concerned that their interests may be treated as less important. There was also a group of 58 individual submitters that did not agree Treaty partners should have a unique role in the development of statutory documents.

A general concern from across a range of submitters highlighted that timeframes were viewed as too tight and indicated there is a need for flexibility to deal with complicated scenarios. Treaty partners in particular wanted flexible timelines for engagement that suit the needs of different Iwi and hapū.

Additional feedback (freeform and website submissions)

Some ENGOs and recreation and commercial stakeholders requested an elevated role in the process so that they are not treated the same as the general public.

Proposed process for making area plans

What was proposed in the discussion document

The Government proposed that the Director-General of Conservation could trigger the development and review of area plans, to be carried out using the following steps:

- 1) *Initiation*: The Director-General of Conservation initiates the process. The Director-General of Conservation then engages with relevant Iwi to establish how they will be involved in the process at drafting, public notification and hearing, and revision steps.
- 2) *Drafting*: The Director-General of Conservation drafts the area plan. This includes engaging with Iwi and affected conservation boards on drafting.
- 3) *Engagement*: The Director-General of Conservation publicly notifies the draft area plan and seeks written comments. The public has at least 40 working days to provide comments and can ask to be heard. Iwi could also have options as to how they participate, for example by being present at hearings.
- 4) *Revision*: The Director-General of Conservation prepares a summary of submissions and sends this to Iwi. The Director-General of Conservation also prepares analysis of impacts, including on Iwi rights and interests. The Director-General of Conservation then revises the draft area plan, engaging with Iwi when doing so.
- 5) *Review*: The Director-General of Conservation provides the revised draft and summary of submissions to New Zealand Conservation Authority and affected conservation board(s). The Director-General of Conservation then provides the revised draft to Iwi.

The Director-General of Conservation provides the Minister of Conservation with revised draft, summary of submissions and impacts analysis. The New Zealand Conservation Authority, conservation boards and Iwi may choose to provide written feedback to the Minister of Conservation.

- 6) *Approval*: The Minister of Conservation approves area plan, having regard to summary of submissions, impacts analysis, and any comments from New Zealand Conservation Authority, conservation boards and Iwi. Alternatively, the Minister of Conservation can request revisions from the Director-General of Conservation and must state their reasons for doing so.
- 7) *Process for amendment*: Engagement would not be needed for minor or technical changes, or changes already consulted on.

The Government asked

#	Question
7b	Do you agree with the proposed processes for making, reviewing and updating area plans?

Quantitative data from website form submissions relating to question 7b

Strongly agree	Agree	Disagree	Strongly disagree	Neutral	Unsure
3% (6)	20% (47)	19% (45)	29% (68)	19% (44)	10% (23)
23% (53)		48% (113)		29% (67)	

Quantitative data from 'free form' submissions relating to the area plan process

Agree	Disagree	Additional comment
20	7	27

The Government asked

#	Question
7c	How do you think these processes could be improved?

Feedback from those who supported the proposal (freeform and website submissions)

Those who supported the proposals believed that it struck the right balance between giving effect to the Crown's Treaty obligations while creating a process that could be completed in a timely manner.

While some ENGOs and recreation and commercial stakeholders agreed with the proposed process, they requested an elevated role in the process so that they are not treated the same as the general public. Some of these submitters suggested that DOC and the Minister of Conservation should actively engage with industry both when plans are being prepared and at the point of approval.

Many submitters supported the proposed process in principle, but they did not support the Minister of Conservation's approval role for area plans. On the other hand, a couple of submitters who supported the Minister's approval role did not support changes to the New Zealand Conservation Authorities role in developing the draft policy and reviewing the revised draft ahead of its final approval. Feedback relating to Ministerial approval is presented below on page 28.

Feedback from those who opposed the proposal (freeform and website submissions)

Those who opposed the proposed process for the development of area plans felt that:

- timeframes were unrealistic
- engagement should not be undermined to complete a process in a timely way
- flexibility is needed to deal with complicated scenarios, and
- place-specific information should not be overlooked to provide for commercial interests.

Some submitters also raised a view that changing statutory settings will not address the current backlog of existing planning documents overdue for review. These submitters felt that the core issue was the lack of resources that DOC has available to keep statutory plans up to date. They also added that the transition from the current statutory documents to area plans will be complex and take significant time unless resources are made available to speed up the process.

Role of Iwi and hapū in the area plan process (freeform and website submissions)

Similarly to the National Conservation Policy Statement process, Treaty partners and Māori organisations generally expressed that area plans should be co-drafted with Iwi and hapū, some also suggested they should be co-approved.

Treaty partners were generally more supportive of the proposed process for developing area plans than the National Conservation Policy Statement. This was due to the provisions for early Iwi engagement, engagement during drafting, targeted Iwi engagement and the analysis of impacts on Iwi rights and interests. These submitters generally felt that the proposed area plan process is a better example of a good Treaty partner engagement process in comparison to the proposed area plan process.

There has been general concern about timeframes and the need for flexibility to deal with complicated scenarios. Treaty partners in particular wanted flexible timelines for engagement to suit the needs of different Iwi and hapū.

Similar to the feedback on the National Conservation Policy Statement process, while Treaty partners and some ENGOs and statutory bodies expressed the importance of engagement with Treaty partners in developing the area plans, other stakeholders were concerned that their interests may not be treated as importantly.

Several Treaty partners, some statutory bodies and a few others also mentioned that Iwi and hapū should be remunerated for providing their specialist advice while engaging on statutory documents.

As mentioned above, a group of 58 individual submitters did not agree Treaty partners should have a unique role in the development of statutory documents.

Ministerial approval of the National Conservation Policy Statement and area plans

What was proposed in the discussion document

As discussed above, the Government proposed to empower the Minister of Conservation to approve both the National Conservation Policy Statement and area plans.

Quantitative data from 'free form' submissions relating to Ministerial approval

Agree	Disagree	Additional comment
8	37	52

Feedback relating to Ministerial approval of the National Conservation Policy Statement and area plans (freeform and website submissions)

As mentioned above, many submitters supported the proposed processes for the National Conservation Policy Statement and area plan in principle, but they did not support Minister of Conservation's approval role. Some submitters did agree that it would provide for more efficiency, more submitters expressed concerns.

Many felt that Ministerial approval could make the National Conservation Policy Statement and area plans subject to unpredictable political changes. It was also apparent that many do not support the Minister's current approval role of the Conservation General Policy under the status quo.

If the Minister of Conservation is given the approval role, some suggested that the New Zealand Conservation Authority should have an enhanced role in the proposed drafting and revision stages of both the National Conservation Policy Statement and area plans.

Some submitters, particularly statutory bodies, Treaty partners, ENGOs and recreational stakeholders, believe that conservation boards and the New Zealand Conservation Authority provide important checks and balances on Ministerial power to ensure that the contents of statutory documents are carefully considered and prioritise the protection of conservation values.

Section 4

What we heard

Speeding up concession processing

Speeding up concession processing

Improving the triage of applications

What was proposed in the discussion document

The Government proposed clarifying that the Minister of Conservation could decline applications at this early stage if the applicant:

- does not have the financial means to execute the concession, or
- has demonstrated previous non-compliance with concessions.

The Government also proposed statutory timeframes for the triage of concession applications.

A summary of feedback on statutory timeframes is provide below.

The Government asked

#	Question
9a	Do you agree with the issues in concessions processing and how they are presented?

Quantitative data from website form submissions relating to question 9a

Strongly agree	Agree	Disagree	Strongly disagree	Neutral	Unsure
10% (19)	28% (58)	12% (24)	26% (54)	20% (41)	4% (9)
28% (57)		43% (86)		29% (58)	

The Government asked

#	Question
9b	Do you agree with how the Government proposes to improve triaging of concession applications?

Quantitative data from website form submissions relating to question 9b

Strongly agree	Agree	Disagree	Strongly disagree	Neutral	Unsure
5% (11)	23% (46)	15% (30)	28% (56)	20% (40)	9% (18)
28% (57)		43% (86)		29% (58)	

Quantitative data from 'free form' submissions relating to the triage of applications

Agree	Disagree	Additional comment
37	8	22

The Government asked

#	Questions
9c	How can this proposal be improved?
9d	What should DOC consider when assessing whether an applicant may not have the financial means to execute a concession?

Feedback from those who supported the proposal (freeform and website submissions)

Commercial stakeholders and concessionaires agreed there is potential to speed up concessions processing by removing applications that will fail relevant statutory tests early in the process. They added that this will be more efficient for decision makers by freeing up resources to focus on other matters.

Treaty partners generally supported this proposal but noted there was not enough information on how it would work in practice. They emphasised there must be clear criteria for prioritising applications based on their potential impact on Māori values, as well as their ecological and cultural significance.

Some individual submitters expressed that there should be a streamlined process for low priority applications. These submitters said that DOC should sort applications by the level of complexity when they are received.

Feedback from those who opposed the proposal (freeform and website submissions)

Some individual submitters did not agree with the proposal because they felt that the status quo was sufficient. These submitters felt that the proposal would provide a quick work around for a process that isn't broken.

A small number of submitters opposed defining when the Minister of Conservation can decline an application. These submitters felt that it risks being applied inconsistently and that the Minister would not have capacity to manage the number of decisions.

Some Treaty partners were also concerned that the ability to decline applications due to a lack of financial means to execute a concession may negatively affect Iwi, hapū, and Māori organisations.

Additional feedback (freeform and website submissions)

Like Treaty partners, many individuals were concerned at the lack of detail outlined in the triaging process. They suggested the need for specific prioritisation criteria and defined timeframes. Two submitters, including a former Minister of Conservation, believed 10 working days is not sufficient time to appropriately assess an application.

Clarifying Treaty partner engagement requirements

What was proposed in the discussion document

The Government has proposed to clarify when engagement with Treaty partners on individual concession applications is required. It was proposed that engagement not be required when:

- Treaty partners have stated that engagement is not required on certain categories of activities, and/or
- the application proposes only minor changes to existing or previous concessions.

The Government also proposed a statutory timeframe for Treaty partner engagement. A summary of feedback on that timeframe is provided in a separate section below.

Quantitative data from 'free form' submissions expressing overall support or disagreement with the proposal

Agree	Disagree	Additional comment
20	17	47

The Government asked

#	Question
10	How can the Government best enable Treaty partner views on concession applications (e.g. whether Iwi are engaged on all or some applications)?

Feedback from those who supported the proposal (freeform and website submissions)

Concessionaires and commercial stakeholders generally agreed with clarifying Treaty partner engagement on concessions and supported an approach balancing the need for engagement with operational efficiency. These submitters felt that the proposal would ensure collaboration took place when it is necessary, while some added that they supported removing engagement requirements where a Treaty partner had indicated that it was not required for a particular type of activity.

Some concessionaires, commercial stakeholders, along with an individual and treaty partner, felt that the level of engagement with Iwi on various types of concessions should be established at the local level in each area plan.

Feedback from those who opposed the proposal (freeform and website submissions)

Submitters who opposed this proposal generally thought this complicated the process and that too much weight would be given to Treaty partner opinion. These submitters suggested Iwi should only have an advisory role.

Additional feedback from Treaty partners (freeform and website submissions)

Some Treaty partners disagreed with the proposal because the Crown would be deciding when engagement should take place, which in their view does not reflect true partnership. Some others stated that Iwi or hapū should be the ones to decide when they are engaged.

Some Treaty partners support the reduction of engagement on certain concession applications so long as the relevant Iwi agree that they don't need to be consulted. These submitters added that engagement requirements should be closely developed with Iwi.

A few Treaty partners wanted the ability to review all respective concessions applications in their respective rohe. Multiple individuals also noted engagement processes with Iwi and hapū must remain flexible to match the needs and capacity of individual rūpū. They added that these processes should not be altered without engagement with those affected.

Several Treaty partners, some statutory bodies and a few others also mentioned that Iwi and hapū should be remunerated for providing their specialist advice while engaging on concession applications.

Some Treaty partners also wanted DOC to provide additional resources for Iwi and hapū to prepare and participate in concessions processes. These submitters generally wanted Iwi and hapū to determine when they provide feedback, as opposed to it being determined by the Crown.

Creating statutory timeframes for some steps

What was proposed in the discussion document

The Government has proposed introducing statutory timeframes for some steps of the concessions process. This includes:

- 10 working days for DOC to decline incomplete or obviously inconsistent concession applications,
- 10 working days if DOC requests further information from a concession applicant, or any reasonable, longer timeframe specified, and
- Treaty partners could have 20 working days to respond, or the Minister could allow for a longer time frame (e.g. for more complex applications).

Another statutory timeframe for the reconsideration process is discussed in a separate section below.

The Government asked

#	Question
11	Do you agree that additional statutory time frames should be introduced, including for applicants (to provide further information) and Treaty partners?

Quantitative data from website form submissions relating to question 11

Strongly agree	Agree	Disagree	Strongly disagree	Neutral	Unsure
9% (17)	36% (70)	13% (25)	17% (33)	19% (38)	7% (14)
45% (87)		30% (58)		26% (52)	

Quantitative data from 'free form' submissions relating to creating statutory timeframes for some steps in the concession process

Agree	Disagree	Additional comment
34	9	21

Feedback from those who supported the proposal (freeform and website submissions)

Many concessionaires, commercial and recreation stakeholders, and some councils and individuals agreed that establishing statutory timeframes would help manage expectations, provide certainty and reduce administrative delays. However, they also noted that these timeframes would require some flexibility to accommodate complex scenarios or unforeseen circumstances.

Feedback from those who opposed the proposal (freeform and website submissions)

Some individuals, Treaty partners and ENGOs did not agree with the proposal because they felt that the proposed timeframes were too short for dealing with complex scenarios. This was a concern because they felt that it could put pressure on decision makers and result in poor outcomes.

Feedback on the 20 working days for Treaty partner feedback (freeform and website submissions)

Those who provided feedback on the 20-working day timeframe for Treaty partner engagement expressed concern that it risked undermining engagement, particularly for under-resourced and lower capacity Iwi and hapū. Some recommended that more flexibility and clearer provisions were needed to allow Iwi and hapū to apply for an extension or request further information or support from DOC.

Many Treaty partners and some ENGOs felt that 20 days was not enough time for them to properly respond to applications. While acknowledging that efficiency is important, they felt it must not come at the expense of meaningful engagement and thorough consideration of cultural and environmental impacts. They also suggested that a clear mechanism to apply for an extension should be provided and that achieving efficiency will require better funding.

Additional feedback (freeform and website submissions)

While many submitters generally supported the intent of these proposals, some suggested further changes. A number of concessionaires suggested a requirement that applications consistent with area plans should be processed within 90 days. A further suggestion was that focus should be put towards ensuring applications are well informed and complete at the time of submission.

ENGOs and some individuals were generally concerned that the proposal seems to favour well-resourced applicants rather than smaller operators and community groups who don't have immediate access to resources to turn around information quickly.

Several submitters also added that DOC would require additional resourcing to process applications within the proposed timeframes.

Amending when public notification must happen

What was proposed in the discussion document

The Government has proposed that DOC only publicly notifies concession applications where it is intended that the concession application will be granted.

The Government asked

#	Question
12a	Would it be more beneficial if DOC only notified eligible applications when the intention is to grant a concession?

Quantitative data from website form submissions relating to question 12a

Yes	No	Unsure	No Comment
54% (103)	14% (27)	21% (40)	11% (20)

Quantitative data from ‘free form’ submissions relating to amending when public notification must happen

Agree	Disagree	Additional comment
24	31	30

The Government asked

#	Question
12b	Do you think any other changes to public notification should be considered?

Feedback from those who supported the proposal (freeform and website submissions)

Concessionaires strongly supported amending the timing of public notification because they felt it would reduce delays and administrative burden. These submitters all agree that there is no value in publicly notifying concessions that are unlikely to be granted. They added that public notification should only be undertaken when the proposed changes in land use would require meaningful engagement.

A few submitters supported the proposals in principle but expressed concern if the public notification and submission process was to be eroded beyond what is desirable for proper decision making. They said conservation land users deserve a reasonable opportunity to have their say on concession decisions that may impact their enjoyment on an area of conservation land.

Feedback from those who opposed the proposal (freeform and website submissions)

Some Treaty partners, individuals, ENGOs and recreation stakeholders felt that the proposal would weaken transparency by limiting their ability to engage on concession applications. These Treaty partners also felt that it would limit their ability to inform decision-making.

Individuals who opposed the proposal largely did so on the grounds it was undemocratic. These submitters felt that only notifying concessions likely to be granted indicated decisions would have been made in advance, that it eliminates meaningful public participation, and that it does not provide confidence that a granted concession won’t cause significant environmental damage or significantly limit recreational opportunities.

Clarifying the reconsideration process

What was proposed in the discussion document

The Government has proposed that the concession reconsideration processes be amended so that:

- reconsiderations can only be sought once, and need to be sought within 40 working days of a decision
- reconsideration applications must be accepted or declined by DOC within 20 working days, and
- if accepted, DOC has a further 20 working days to complete the reconsideration.

The Government asked

#	Question
13a	Do you agree with setting time frames and limits on reconsiderations?

Quantitative data from website form submissions relating to question 13a

Strongly agree	Agree	Disagree	Strongly disagree	Neutral	Unsure
9% (17)	43% (81)	12% (22)	9% (18)	20% (38)	7% (14)
52% (98)		21% (40)		27% (52)	

Quantitative data from 'free form' submissions relating to clarifying the reconsideration process

Agree	Disagree	Additional comment
32	7	11

The Government asked

#	Question
13b	How can this proposal be improved?

Feedback from those who supported the proposal (freeform and website submissions)

Submitters in support of the changes to the reconsideration process believe that it would provide more transparency and consistency. Most submitters in support of the proposal felt that repeated rounds of reconsideration are impractical, costly, and time consuming for DOC.

Feedback from those who opposed the proposal (freeform and website submissions)

Those who opposed the proposal were typically concerned that the proposed timeframes could rush reconsideration decision-making and would not provide sufficient time to collect information or an independent opinion. One submitter also added that it may limit legitimate reconsiderations from being sought by an applicant.

Additional feedback on timeframes (freeform and website submissions)

A common view from individual submitters was that timeframes should offer reasonable opportunities for public participation, and that they must be realistic and flexible enough to accommodate complex applications.

Section 5

What we heard

Driving better performance and
outcomes from concessions

Driving better performance and outcomes from concessions

Criteria for when to competitively allocate concessions

What was proposed in the discussion document

The Government proposed the following criteria to decide when to run a competitive allocation process:

- *The potential supply is limited:* For example, a management plan sets limits on an acceptable number of activities, such as flight landings.
- *A concession is for exclusive use:* Instances where the allocation of a concession will prevent others from undertaking similar activities. This includes important strategic infrastructure that is essential to the visitor experience in high-value sites.
- *A market is likely to exist:* Instances when more than one party is interested and has the means, such as Treaty partners or other prospective concessionaires. This is not always clear because some interested parties may not understand when and where opportunities are available.
- *The costs do not exceed the benefits:* The costs of competitive allocation should not exceed its potential benefits. There are situations where this criterion may be hard to apply, for example when the value of a new activity is uncertain.

The Government asked

#	Question
14a	Do you agree with the issues and how they have been presented?

Quantitative data from website form submissions relating to question 14a

Strongly agree	Agree	Disagree	Strongly disagree	Neutral	Unsure
6% (9)	28% (42)	14% (21)	25% (38)	20% (31)	7% (11)
34% (51)		39% (59)		27% (42)	

The Government asked

#	Question
14b	Do you agree with the proposed criteria to guide when concession opportunities are competitively allocated?

Quantitative data from website form submissions relating to question 14b

Strongly agree	Agree	Disagree	Strongly disagree	Neutral	Unsure
5% (7)	23% (33)	9% (13)	27% (38)	27% (38)	9% (12)
28% (40)		36% (51)		36% (50)	

Quantitative data from 'free form' submissions relating to the proposed criteria for when to competitively allocate concessions

Agree	Disagree	Additional comment
11	26	45

The Government asked

#	Questions
14c	How can the proposed criteria be improved for when an opportunity should be competitively allocated?
14d	Are there any situations in which competitive allocation should not occur, even if the criteria are satisfied?

Feedback relating to the proposed criteria (freeform and website submissions)

Many submitters felt the proposed criteria for when to competitively allocate concessions need to incorporate whether such a process would improve conservation outcomes. ENGOs highlighted that estimated returns to conservation should also be a relevant consideration.

The New Zealand Conservation Authority felt the criteria did not appropriately consider whether there are Treaty obligations that count for or against competitively allocating a concession.

Concessionaires noted that the criteria are suited for activities that have a limited supply, and one noted that the criteria may be helpful when DOC identifies a new opportunity.

Feedback relating to when competitive allocation is and is not appropriate (freeform and website submissions)

There was general support among submitters for the use for competitive allocation. ENGOs and commercial stakeholders in particular supported the strategic allocation of concessions, but noted that not all activities are suitable for competitive allocation.

Treaty partners generally felt a competitive approach to concession allocation is a fairer and more strategic process than the current 'first-come-first served' system. One Treaty partner highlighted that competitive allocation would be inappropriate avenue to deny a Māori entity the ability to renew their existing concessions.

Concessionaires generally opposed enabling more competitive allocation of concessions and felt that stronger protection for incumbent concession holders should be built in. While they agreed that competitive allocation is suitable in some scenarios where there are limited opportunities or supply, they believe that incumbent operators should not need to compete to retain opportunities they have previously held a concession for. One concessionaire expressed that renewal applications should not trigger competitive allocation, and another added that the competitive allocation of an existing concession should only be undertaken if the existing operator does not intend to renew their concession.

Concessionaires, particularly those with significant infrastructure on conservation land, also said that situations where they may be forced to sell assets following a competitive process is undesirable. Many agreed that it was unfair for those who have invested heavily in building a business to have their concession competitively allocated.

Some Treaty partners said that competitive allocation is inappropriate in places of high cultural significance. Some also added that the model for competitive allocation needs to be co-designed with Treaty partners.

Several Treaty partners also said that competitive allocation is only supported when applicants are competing for the same activity. These submitters said that competitive allocation should not be used to identify the best land use among different activities.

Criteria for how to competitively allocate concessions

What was proposed in the discussion document

The Government also proposed the following criteria to decide how to consider applications under a competitive allocation process.

Criteria	Description
Performance	<ul style="list-style-type: none">• Applicants' experience and compliance record.• Financial sustainability of applicant (and activity if alternative proposals).• Capability of meeting any environmental or cultural conditions.

Criteria	Description
Returns to conservation	<ul style="list-style-type: none"> • Financial returns to the Crown. • In-kind returns to conservation (e.g. pest control). • Contribution to conservation, scientific, and mātauranga research.
Offerings to visitors	<ul style="list-style-type: none"> • The quality of experience offered to customers. • Readiness of the applicant to begin their operation. • How it meets the vision and outcomes for the place.
Benefits to the local area	<ul style="list-style-type: none"> • Employment or training opportunities. • Enhance the cultural, historic or conservation narratives at place. • Building authentic relationships with tangata whenua and communities.
Recognising Treaty rights and interests	<ul style="list-style-type: none"> • Importance of taonga (resource or land) to the activity. • Utilises and enhances kaitiakitanga, connection to whenua, and customary practices (may include modern technology). • Promotes general awareness of tikanga and mātauranga Māori.

The Government asked

#	Question
14e	Do you agree with the proposed criteria to guide how concession opportunities are allocated?

Quantitative data from website form submissions relating to question 14e

Strongly agree	Agree	Disagree	Strongly disagree	Neutral	Unsure
4% (5)	17% (23)	13% (18)	24% (33)	32% (44)	12% (16)
21% (28)		37% (51)		44% (60)	

Quantitative data from 'free form' submissions relating to the proposed criteria for how to competitively allocate concessions

Agree	Disagree	Additional comment
15	17	63

The Government asked

#	Questions
14f	How can the proposed criteria be improved for how allocation decisions should be made?
14e	What are your views on ensuring a fair valuation of assets when transferring a concession?
14h	How can the interests of existing operators and potential new operators both be fairly met in exclusive commercial opportunities?

Feedback from those who supported the proposal (freeform and website submissions)

Those who supported the criteria were generally individual submitters or commercial stakeholders who considered that the proposed criteria provided a structured approach to balancing economic, environmental, and cultural considerations.

Feedback from those who opposed the proposal (freeform and website submissions)

Submitters who opposed the proposed criteria for how to competitively allocate concessions were concerned they were too varied and/or contradictory. Some submitters opposed to criteria due to concern that other criteria may not be weighted to prioritise conservation outcomes.

Some Treaty partners and ENGOs expressed concern that “recognising Treaty rights and interests” is set as just one criteria amongst many to be considered. They felt that the criteria being considered amongst other criteria does not reflect the Ngāi Tai ki Tamaki Supreme Court decision to afford ‘reasonable degree of preference’ in some concession allocation processes.

A number of Treaty partners also opposed the proposal due to the consideration of financial returns to the Crown.

Additional feedback (freeform and website submissions)

Concessionaires felt that if an existing concession was to be competitively allocated that they should have they should have preference.

Submitters generally raised concern about how the various criteria would be weighted, as it was not made clear in the discussion document. These submitters felt that the criteria should not be weighted equally and said that some criteria were more important than others.

One ENGO also added that in-kind returns to conservation and financial returns to the Crown should be treated as separate criteria.

Managing the fair valuation of assets

What was proposed in the discussion document

The government identified that developing an approach to valuing and transferring private assets on public conservation land would provide concessionaires with more certainty to invest in the maintenance of infrastructure and reduce risks for the Crown.

While the Government did not provide a proposal on this topic, the discussion document did outline three approaches to valuing private assets and sought views on whether and how other aspects of the value of a business should also be accounted for in the valuation

The Government asked

#	Question
14g	What are your views on a ensuring a fair valuation of assets when transferring a concession?

Feedback on the valuation of assets (freeform and website submissions)

Concessionaires said more security and clarity is required at the end of a concessions term.

As mentioned above, concessionaires, particularly those with significant infrastructure, also said that situations where they may be forced to sell assets following a competitive process is undesirable and may be unlawful.

Some submitters said that to ensure a transparency and fairness, the asset valuation process should be conducted by independent valuers. Some of these submitters, particularly concessionaires, also expressed that any valuation approach should recognise both financial and non-financial investments in a concessionaire's business.

Section 6

What we heard

Modernising contractual
management of concessions

Modernising contractual management of concessions

A note on data interpretation in this section

The first question in section 15 of the discussion document asked whether submitters agreed to the suite of proposals in the section in a single question. The varied approaches to responding to this question has created some challenges with the analysis of submissions for this section.

Due to the constraints imposed by the webform, website submitters generally expressed whether support or opposition to the suite of proposals within a single response.

However, free form submitters typically expressed their views on each part of the proposal separately.

As a result, the quantitative data provided immediately below (as question 15a) only pertains to website form submissions and should be interpreted to cover the suite of proposals as a whole. The written feedback we received from both free form and website form submissions relating to each of the individual proposals is outlined in sections (as questions 15b-15f) that follow.

#	Question
15a	Do you agree that the proposed National Conservation Policy Statement could guide things like standardised terms and conditions, term lengths, and regulated concession fees?

Quantitative data from website form submissions relating to question 15a

Strongly agree	Agree	Disagree	Strongly disagree	Neutral	Unsure
8% (11)	33% (48)	8% (12)	19% (27)	25% (36)	7% (10)
41% (59)		27% (39)		32% (46)	

Setting standard terms and conditions for concessions

What was proposed in the discussion document

The Government proposed setting some standard terms and conditions for concession contracts in the National Conservation Policy Statement (or a similar document). This proposal would still allow the Government flexibility to set additional terms and conditions on a case-by-case basis in individual contracts.

Quantitative data from 'free form' submissions relating to setting standard terms and conditions for concessions

Agree	Disagree	Additional comment
39	8	13

The Government asked

#	Question
15b	What are your views on setting standard terms and conditions for concessions?

Feedback from those who supported the proposal

Most submitters, including Treaty partners, commercial and recreation stakeholders, concessionaires, and ENGOs supported proposals to standardise terms and conditions. They say it would provide efficiency, manage expectations and provide consistency for applicants while giving DOC flexibility.

Most submitters agreed that terms and conditions should be standardised. However, they cautioned that this should not limit the imposition of other terms and conditions where that is appropriate for a given application.

Feedback from those who opposed the proposal

Some Treaty partners did not support setting standard terms and conditions through the National Conservation Policy Statement. They felt that the role of the National Conservation Policy Statement should be to provide guidance, define best practice and take Treaty settlements into consideration. They felt that area plans would be a better tool to set standardised conditions that meet local conservation outcomes and reflect the local context.

One submitter said that the National Conservation Policy Statement should not be about contractual and operational processes. They suggested that it should express what was important to conserve and how it would be done. They also said that if standard terms and conditions are going to be set, that they should sit in a different document.

One other submitter added that setting standard terms and conditions is too binding on DOC and concessionaires. They said that flexibility is needed so that different activities are not being treated the same.

Additional feedback

Many submitters, particularly concessionaires, said flexibility is important given that appropriate terms and conditions for high impact activities are different to those for low impact activities. Feedback also suggested that terms and conditions should be adjustable in real time, so they are responsive to change.

Some concessionaires also warned that standard terms and conditions would not be suitable in every situation. They felt the terms and conditions for large scale operations are too different to those relevant to small scale operations. Others disagreed and felt that there are universal conditions that are required to protect conservation values from the impacts of any concession activity.

Setting concession term lengths

What was proposed in the discussion document

The Government proposed criteria to clarify when leases and licences could be granted for more than 30 years. These criteria could include:

- ensuring the activity is appropriate from an effects management basis
- ensuring enough time for a fair return on capital improvements
- protecting intellectual property associated with a new idea.

The Government also sought feedback about the circumstances and activities that might justify providing either a longer or shorter term length.

Quantitative data from 'free form' submissions on clarifying when leases and licenses can be granted for more than 30 years

Agree	Disagree	Additional comment
12	9	37

The Government asked

#	Question
15c	What circumstances and activities might justify longer or shorter term lengths?

Feedback from those who supported the proposal

Some concessionaires supported the clearer criteria for granting concessions for more than 30 years in high investment scenarios. They felt it recognised the certainty required to make long term investment in tourism infrastructure on conservation land.

One submitter added that concessions for more than 30 years are suitable for similar activities that have well understood effects. Another added that the use of the criteria must remain flexible enough to account for the varying nature of different economic activities.

Feedback from those who opposed the proposal

Those who opposed the proposal were generally concerned about environmental impacts and felt these impacts would be more difficult to manage if consents were able to be more readily granted for longer than 30 years. Some were also concerned that it would lock out potential applicants and limit alternative uses of the land.

Additional feedback

A few submitters said that concessions should not be awarded for more than 10 years, and a few others said that they should not be granted for more than 30 years. This was typically to protect conservation values by ensuring that an activity can't operate for a long period of time if it has unexpected impacts.

Some submitters added that shorter terms should be used in ecologically sensitive areas to ensure that the impacts are not too great.

On the other hand, some submitters also felt that its appropriate for concessions that require significant infrastructure investment to be granted for a longer period of time to provide certainty on a return on investment. One submitter also suggested that concessions should be able to be granted for the life of the associated infrastructure.

Changing how concession prices are set and reviewed

What was proposed in the discussion document

The Government made three proposals to change the way that concession prices are set and reviewed. These proposals are:

- Replacing the reference to a 'market value' with a 'fair return to the Crown'
- Regulating concession fees for some activities, and
- Removing or amending the frequency of activity fee reviews from 3 years

Quantitative data from 'free form' submissions relating to changing how concession prices are set and reviewed

Agree	Disagree	Additional comment
36	12	25

The Government asked

#	Questions
15d	What are your views on setting activity fees based on a fair return to the Crown rather than market value?
15e	What are your views on setting standardised, regulated fees?
15f	What are you views on changing the frequency of activity fee reviews?

Feedback on setting activity fees based on a fair return to the Crown rather than market value (freeform and website submissions)

Though not many submitters engaged with this proposal, there was general support for to change the 'market value' reference for setting concession fees with 'a fair return to the Crown.' Those in support of the proposal suggested that a more detailed explanation of what is meant by 'a fair return' is needed so that the approach to charging will be transparent and predictable for concessionaires, applicants and the public.

Those who did not agree with the proposal did provide further detail.

Feedback on regulating some concession prices (freeform and website submissions)

Many submitters who provided feedback on this proposal expressed their support but said that regulated pricing would only work for some activities, and not all of them. These submitters generally felt that the proposal would be more appropriate for common concessions rather than unique activities.

Those who disagreed with this proposal said that a one-size-fits-all approach may not adequately reflect the varied and complex values associated with different conservation lands and the variation of different types of activities.

Some said that regulated pricing should not apply to complex activities with significant infrastructure. Others also said that regulated pricing should not limit DOC from charging more for an opportunity.

Feedback on changing the frequency of activity fee reviews (freeform and website submissions)

Though not many engaged with this proposal, most submitters supported removing the requirement for DOC to review concession fees every three years. Those in support generally that this is a practical approach to reviewing concession fees by using resources to review a concession fee only when it is necessary to do so.

Concessionaires believed fees should only be reviewed when it matches commercial timetables, and that reducing the frequency of reviews would provide greater stability for long term projects.

General feedback suggested that DOC's approach to concession pricing should be responsive to unforeseen circumstances and that fee reviews may be required in some cases.

Section 7

What we heard

Unlocking amenities areas to
protect nature and enhance
tourism

Unlocking amenities areas to protect nature and enhance tourism

What was proposed in the discussion document

The Government proposed amending legislation to:

- create a single ‘amenities area’ tool
- better integrate the concept into the planning system, and
- enable the Minister to establish an amenities area in a national park without requiring the recommendation of the New Zealand Conservation Authority as part of a more strategic approach to regulating and managing concessions.

The Government asked

#	Question
16	Do you agree with the issues relating to amenities areas and how they have been presented?

Quantitative data from website form submissions relating to question 16

Strongly agree	Agree	Disagree	Strongly disagree	Neutral	Unsure
3% (6)	27% (49)	18% (33)	24% (43)	23% (41)	5% (10)
30% (55)		42% (76)		28% (51)	

The Government asked

#	Question
17	Do you agree with the proposal to create a single amenities area tool?

Quantitative data from website form submissions relating to question 17

Strongly agree	Agree	Disagree	Strongly disagree	Neutral	Unsure
3% (5)	21% (37)	19% (33)	20% (35)	26% (46)	11% (19)
24% (42)		39% (68)		37% (65)	

Quantitative data from 'free form' submissions relating to creating a single amenities area tool

Agree	Disagree	Additional comment
31	17	29

The Government asked

#	Questions
18	How can this proposal be improved?
19	What should the main tests be to determine if an amenities area is appropriate?

Feedback from those who supported the proposal (freeform and website submissions)

Those who expressed support, particularly commercial stakeholders, concessionaires and some ENGOs, agreed that a single tool for establishing amenities areas is appropriate because it would be more efficient and ensure consistency.

Some individuals, Treaty partners, concessionaires and Councils supported the use of careful spatial planning to better manage multiple activities, especially in congested areas.

Feedback from those who opposed the proposal (freeform and website submissions)

Many submitters agreed that there is a current issue with the restrictions that apply to amenities areas. However, submitters who disagreed with this proposal expressed concern that it lacks clear ecological safeguards. These submitters were typically concerned that the proposed amenities tool could become a backdoor for inappropriate development in highly protected areas.

Those who opposed the proposal were generally concerned that the use of a new amenities area tool could increase tourism and result in poor conservation outcomes, particularly in areas with sensitive biodiversity.

Feedback on the Minister of Conservation's role (freeform and website submissions)

Many individuals, ENGOs, conservation groups, statutory bodies and some recreation stakeholders did not agree with enabling the Minister of Conservation to establish an amenities area in a national park without first requiring the recommendation of the New Zealand Conservation Authority. This opposition was largely due to concerns that removing the New Zealand Conservation Authorities recommendation role would remove a key check and balance and place too much power in the hands of the Minister of Conservation.

Section 8

What we heard

Enabling more flexibility for
land exchanges and disposals

Enabling more flexibility for land exchanges and disposals

Land exchanges

What was proposed in the discussion document

The Government proposed to adjust land exchange settings by:

- removing the threshold that only land of no or low conservation value can be exchanged, noting the most precious land is off limits (see below)
- enabling the potential for continued protection for land that is given up, where appropriate, through instruments such as covenants, and
- enabling exchanges in a wider range of circumstances by changing the Conservation Act 1987 requirement to protect specific conservation values in an exchange in favour of a requirement that a transaction would result in an overall net conservation benefit.

The Government also sought feedback on whether existing criteria in the Conservation General policy could be replicated in the new National Conservation Policy Statement while removing the restriction that only provides for the exchange of land of no or very low conservation value.

The Government asked

#	Question
20a	Do you agree with the issues and how they have been presented?

Quantitative data from website form submissions relating to question 20a

Strongly agree	Agree	Disagree	Strongly disagree	Neutral	Unsure
22% (51)	10% (22)	39% (89)	7% (17)	17% (38)	5% (12)
32% (73)		46% (106)		22% (50)	

The Government asked

#	Question
20b	Do you agree with the proposal to enable more flexibility for exchanges where it makes sense for conservation?

Quantitative data from website form submissions relating to question 20b

Yes	No	Unsure	No comment
26% (58)	55% (123)	15% (33)	4% (9)

Quantitative data from 'free form' submissions relating to enabling more flexibility for land exchanges

Agree	Disagree	Additional comment
29	45	67

The Government asked

#	Question
20c	How can this proposal be improved?

Feedback from those who supported the proposal (freeform and website submissions)

Submitters who supported the proposal generally expressed that they do not support the exchange of conservation land where that would lead to a reduction in overall conservation values. Individuals, ENGOs and conservation groups who supported the proposal expected strong safeguards to protect conservation values, ensure public interests are reflected, and to avoid corruption.

Some concessionaires and commercial stakeholders added that land exchanges should be limited only to situations where it makes sense for conservation and tourism.

Feedback from those who opposed the proposal (freeform and website submissions)

The majority of submitters opposed the proposal to enable greater flexibility for land exchange. The general concern was that the proposal was too broad and would more easily provide for the exchange conservation land to facilitate development. These submitters were concerned that harmful activities such as mining operations could significantly impact species and change landscapes.

Some submitters raised concern that land exchanges could be undertaken to respond to budgetary pressures, and in response to lobbying and commercial interests.

Many submitters disagreed with how issues were presented and argued that the current settings are appropriate. Preference for the current settings was generally based on a belief that exchanging conservation land requires a precautionary approach, and that the current process is robust and ensures that conservation values are protected.

Additional feedback (freeform and website submissions)

Treaty partners were concerned that land exchanges could further alienate them from their land. Many Treaty partners supported greater flexibility for land exchanges in principle on the condition that the proposal was changed to afford mana whenua with preference if a land exchange was being undertaken. Treaty partners typically said that they should have the first opportunity to obtain land if it is proposed to be exchanged.

Land disposals

What was proposed in the discussion document

The Government proposed to adjust land disposal settings by:

- restricting disposals to situations where land is surplus to conservation needs, and
- removing the threshold that only land of no or low conservation value can be exchanged, noting the most precious land is off limits.

Public conservation land is will not be eligible for disposal where:

- it has international or national significance
- is a national reserve
- is an ecological area, and
- is land within Schedule 4 of the Crown Minerals Act 1991.

The Government also sought feedback on whether existing criteria in the Conservation General policy could be replicated in the new National Conservation Policy Statement while removing the restriction that only provides for the disposal of land of no or very low conservation value.

The Government asked

#	Question
21a	Do you agree with the issues and how they have been presented?

Quantitative data from website form submissions relating to question 21a

Strongly agree	Agree	Disagree	Strongly disagree	Neutral	Unsure
3% (6)	9% (19)	22% (46)	42% (87)	19% (40)	5% (10)
12% (25)		64% (133)		24% (50)	

The Government asked

#	Questions
21b	How could this proposal be improved?
21c	Do you agree with the proposal to enable more flexibility for disposals where it makes sense for conservation?

Quantitative data from website form submissions relating to question 21c

Yes	No	Unsure	No comment
20% (41)	57% (116)	19% (40)	4% (9)

Quantitative data from 'free form' submissions relating to enabling more flexibility for land disposals

Agree	Disagree	Additional comment
24	59	62

The Government asked

#	Question
21d	When should the Crown have the ability to dispose of public conservation land and for what reason(s)?

Feedback from those who supported the proposal (freeform and website submissions)

Those who supported the proposal said that land should only be available for disposal if it has no conservation, recreation or cultural value. These submitters also said that appropriate safeguards need to be in place to avoid corruption and ensure that DOC does not dispose of conservation land to alleviate cost pressures.

Feedback from those who opposed the proposal (freeform and website submissions)

Similar to enabling more flexibility for land exchanges, most submitters were opposed to the proposal to enable greater flexibility for land disposal. There was general concern about selling conservation land and losing important conservation values.

Some of those who opposed the proposal also expressed concern that the categories of land proposed to be ineligible for disposal were too narrow and could enable high value conservation areas to be disposed of.

The Parliamentary Commissioner for the Environment opposed greater land disposal flexibility, arguing disposal of PCL should only be considered where it has no or very low conservation value (status quo). The Environmental Defence Society also recommended retaining existing policy settings for land disposals.

Feedback relating to 'surplus to conservation needs' (freeform and website submissions)

The majority of submitters were opposed to the disposal of conservation land that is surplus to conservation needs. These submitters generally felt that disposal should only be considered when the area has no recognised conservation value, its release doesn't compromise adjacent protected areas, and there is no likelihood that it would ever contribute significantly to broader conservation demands.

Some submitters were offended by the phrase 'surplus to conservation needs' as there are many who believe that no conservation land is surplus land. Many also felt that the term could allow the Minister of the day to determine what they think is 'surplus to conservation needs.'

Some submitters were concerned about how decisions would be made. They said that without a rigorous process led by experts, the decision becomes subjective and can lead to irreversible loss of valuable conservation land.

Additional feedback (freeform and website submissions)

Similar to land exchanges, Treaty partners were concerned that land disposals could also further alienate them from their land. Treaty partners generally felt that they should have the first opportunity to obtain land if it is proposed to be disposed.

A few submitters also mentioned that land should not be available for disposal until stewardship land has been reclassified.

Net conservation benefit test for land exchange and disposals

The Government proposed to adjust land exchange and disposal settings by allowing eligible areas to be exchanged or disposed of directly where this would produce a net conservation benefit. The government also proposed that exchanges or disposals be enabled to occur without first requiring the revocation of the current land status and reclassification as stewardship land.

The Government asked

#	Questions
20d	What should be included in the criteria for a net conservation benefit test for exchanges of public conservation land?

#	Questions
20e	Are there criteria that should not be considered in a net conservation benefit test for disposal of public conservation land?
20f	Should a net conservation benefit test for exchanges of public conservation land include meeting Iwi aspirations (for example, returning sites of significance to Iwi)?

Quantitative data from website form submissions relating to question 20f

Yes	No	Unsure	No comment
42% (85)	42% (85)	10% (20)	7% (14)

The Government asked

#	Questions
21e	What should be included in the criteria for a net conservation benefit test for exchanges of public conservation land?
21f	Are there criteria that should not be considered in a net conservation benefit test for disposal of public conservation land?
21g	Should a net conservation benefit test for disposals of public conservation land include meeting Iwi aspirations (for example, returning sites of significance to Iwi)?

Quantitative data from website form submissions relating to question 21g

Yes	No	Unsure	No comment
40% (76)	36% (70)	13% (25)	11% (21)

Feedback relating to the ‘net conservation benefit test’

Many submitters said that defining “net conservation benefit” requires a subjective judgment about what is more or less valued. There were concerns about inconsistent decision making as different decision-makers could reach different views on whether there is a net conservation benefit in any given case. The Parliamentary Commissioner for the Environment added that the net benefit test should be binding, and not subject to Ministerial discretion.

Submitters suggested exchanges should be restricted to ‘like for like’ to avoid trade-offs where comparison of respective values could be problematic.

Many submitters, particularly ENGOs and individuals, consider benefits to species as the core consideration. However, cultural heritage was raised by Treaty partners and Māori organisations as an important component of the net conservation benefit test. Some concessionaires also suggested that tourism value should be a relevant consideration. One submitter also suggested DOC should accept environmental compensation or commitments to other types of conservation work as contributions for an exchange.

The Parliamentary Commissioner for the Environment also submitted that DOC is well placed to undertake assessments of net conservation benefit, but that this should be subject to an independent review by the New Zealand Conservation Authority and that both parties should agree that a clear and obvious net benefit exists for the proposed land exchange to go ahead.

Section 9

What we heard

Feedback from Forest and Bird
template submitters

Feedback from Forest and Bird template submitters

As discussed above, 4,836 people used the Forest and Bird form submission template.

The Forest & Bird template submission did not provide detailed responses to any consultation questions or specific proposals. The template made seven key points:

- To protect the intrinsic values of conservation land
- To not make it easier to dispose of conservation land
- To consider climate change by protecting, restoring and growing areas of forest and wetland
- To prioritise native plants and animals
- To keep people connected to nature
- To let people have their say by keeping public participation in conservation policy development, and
- To maintain robust checks and balances through evidence-based conservation policy with independent oversight.

Around 1,300 people who used the Forest and Bird template also provided personalised comments. The core themes from this group have been summarised below.

General feedback on the discussion document

159 submitters expressed general concern with the intent of the proposals presented in the discussion document. The common theme was that most of this group felt that profit for private companies was prioritised and that there was a lack of consideration for environmental protection, climate mitigation and peoples, including future generations, enjoyment of conservation land.

While few submitters agreed with issues identified in the discussion document, many more felt that current legislative settings do not need to be changed as proposed by the discussion document.

Feedback relating to Ministerial overreach

56 Forest and Bird template submitters were concerned with providing the Minister of Conservation with more power to make decisions about how conservation land is managed. These concerns included the removal of democratic processes, the centralisation of power and loss of local input. Some of this group also added that the role of the New Zealand Conservation Authority and conservation boards should not be weakened because they provide an important check and balance

Feedback relating to the lack of environmental safeguards

234 Forest and Bird submitters expressed the importance of maintaining environmental safeguards. There was a strong belief that conservation land is protected so that it can be preserved, not so that it can be exploited and used by those with commercial interests. Some submitters added that conservation land can be used to grow the economy and protect our native flora and fauna at the same time.

Many of the submitters in this group want the Government to prioritise sustainability because they are concerned about losing species and habitats that are unique to Aotearoa New Zealand. A common theme is that once a species or habitat is lost, that it would be gone forever.

Feedback relating to land exchange and disposals

565 Forest & Bird template submitters expressed concerns relating to the sale and exchange of conservation land. They were generally concerned about the possibility of inappropriate sales or exchanges resulting in the removal of biodiversity to allow for commercial use or development.

Many added that once public conservation land is gone that the public can never get it back. These submitters expressed the importance of protecting and preserving conservation land for future generations to enjoy.

Some of these submitters also recognised the importance of conservation land to Treaty partners and tangata whenua. They added that DOC manages many culturally significant sites for Māori and that land cannot be sold or disposed of without input from Treaty partners and tangata whenua.

Section 10

What we heard

Key themes from Treaty
partner hui

Key themes from Treaty partner hui

Note: while some themes were heard consistently across the country, there have been many views shared by Iwi, and this document does not capture all feedback, or all views.

Crown's approach to engagement on the proposals

Many hui participants raised that Iwi are struggling to meaningfully engage in the pace and scale of Government reforms, and that more time and resourcing for Iwi is needed.

Some did signal their appreciation for the longer period for submissions on these proposals compared with other Government reforms.

Development of area plans

There was some acknowledgement that the current system is somewhat complicated and has multiple layers and that there may be some benefit for all in simplifying this. This included support for combining the general policies.

Iwi want to understand more about how the conservation land in their rohe would be organised into area plans, and what the area plan process would look like based on their specific settlement. Some are quite concerned about the scale of change and affirmed that settlements should not be undermined.

Iwi involvement in planning and concessions processes

Some participants were supportive of the proposed processes and clarity in the law around Iwi engagement. There was also support for the intention to lift pressure from Treaty partners, including through the class approach to activities.

There was concern that simplification and stronger executive decision-making will enable types and volumes of activities that could have a detrimental impact on conservation land and the environment. Participants were also concerned that speeding things up may cut out important processes.

Some attendees raised that Iwi involvement should be more than engagement (e.g. co-drafting) and that Iwi should have the ability to veto a concession application.

Remuneration for Iwi and hapū who have provided advice while engaging on statutory processes was also a strong theme raised during the regional hui.

Many participants raised that resourcing is required to meet the demands they face engaging and inputting into planning and concessions processes. Participants broadly considered the Government's aim of plan reviews being completed in 12 months unworkable without resourcing Iwi and hapū involvement. This may be based on experiences with the processes as they are now.

Attendees provided positive feedback on DOC efforts to lift the pressure on Treaty partners, however, many remained concerned with limitations on their involvement in decision-making processes.

Land exchange and disposal

Many are interested in exploring whether the land disposal proposals would be a potential avenue for them to acquire public conservation land.

There was feedback that mana whenua must be engaged as soon as any exchange or disposal is proposed and that mana whenua should have a right of first refusal over and above the scope of any RFR in settlement redress. A process would be needed to work through any overlapping claims.

