

**Department of Conservation's
Statutory Planning Processes
– what they mean for you and how
you can have your say**

Department of Conservation and
New Zealand Conservation Authority

JUNE 2006

Photos (cover photos are also shown inside): page 3 – Abel Tasman National Park Andy Dennis, page 4 from left – planting *Sebaea ovata*, DOC, Nelson Lakes National Park *Chris Rudge/DOC*, page 5 – whale stranding, Farewell Spit *Diana Parr/DOC*, page 6 – Red beech *Nothofagus fusca*, *Herb Christophers/DOC*, page 9 from left – chamois hunting, West Coast, *Gareth Hall/DOC*, Abel Tasman National Park *DOC*, page 10 from left – Wilkins Valley *RJS Thomas/DOC*, Tiritiri Matangi Island *Jamie Quirk/DOC*, page 11 – Mahoe Forest, King Country *DOC*, page 14 – St James Walkway *Don Cowie/DOC*, page 15 – Trout fishing on Tokaanu Jetty *Helen Mitchell/DOC*, page 16 – Yellow-eyed penguins, Auckland Islands *Andrew Maloney/DOC*, page 18 – Arthur's Pass National Park *Stuart Webb/DOC*, page 19 – Everlasting daisy *B Smith/DOC*.

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Getting involved in DOC's decision making

Sometimes, when you're dealing with plans and statutory processes, it may seem like the Department of Conservation (DOC) speaks another language! By the time you've waded through policies, plans and strategies, you might be left feeling like you're out of your depth before you've really begun.

This document aims to unveil some of the mysteries of the statutory planning processes relating to conservation, as well as providing some guidance on how to have your say and how to make your say count. Once you know how to be involved in DOC processes, it's easier to work your way through the various procedures.

How does conservation relate to you?

What DOC does. The Department of Conservation manages approximately one third of the land in this country as well as marine reserves, on behalf of all New Zealanders. The main pieces of legislation that set out how DOC should look after this land, water, and vegetation, and the living things that inhabit it, are the **Conservation Act 1987**, the **National Parks Act 1980** and the **Reserves Act 1977**. Other laws that control how we look after our plants and animals are the **Wildlife Act 1953**, the **Marine Mammal Protection Act 1978**, the **Marine Reserves Act 1971** and the **Wild Animal Control Act 1977**.

For more information on the statutes relating to conservation, please visit www.legislation.govt.nz.





Why be involved/why should you care?

As a New Zealander, this is your land.

As tangata whenua your association with the land may stretch back many, many generations.

You may be passionate about natural and historic places.

You may love to play in and visit national parks, conservation and forest parks, reserves and other protected natural places.

You may have business interests on public conservation land.

You may be a neighbour to conservation land, and could be directly affected by decisions made about how it should be managed.

Conservation is about looking after and enjoying special places, native birds, other creatures and the open spaces they live in. It's about having a place to enjoy your natural and historical heritage, for now and for the future.

Why you need to have your say.

DOC manages public conservation land in NZ **on behalf of the public**.

It's important to get the **best information** from the community.

DOC needs to hear **new ways** of looking at an issue, by listening to the **perspectives of the community**.

It wants to hear a **wide range** of perspectives.

It wants its plans to be **accurate** and **relevant**.

It wants to run an **efficient** process.

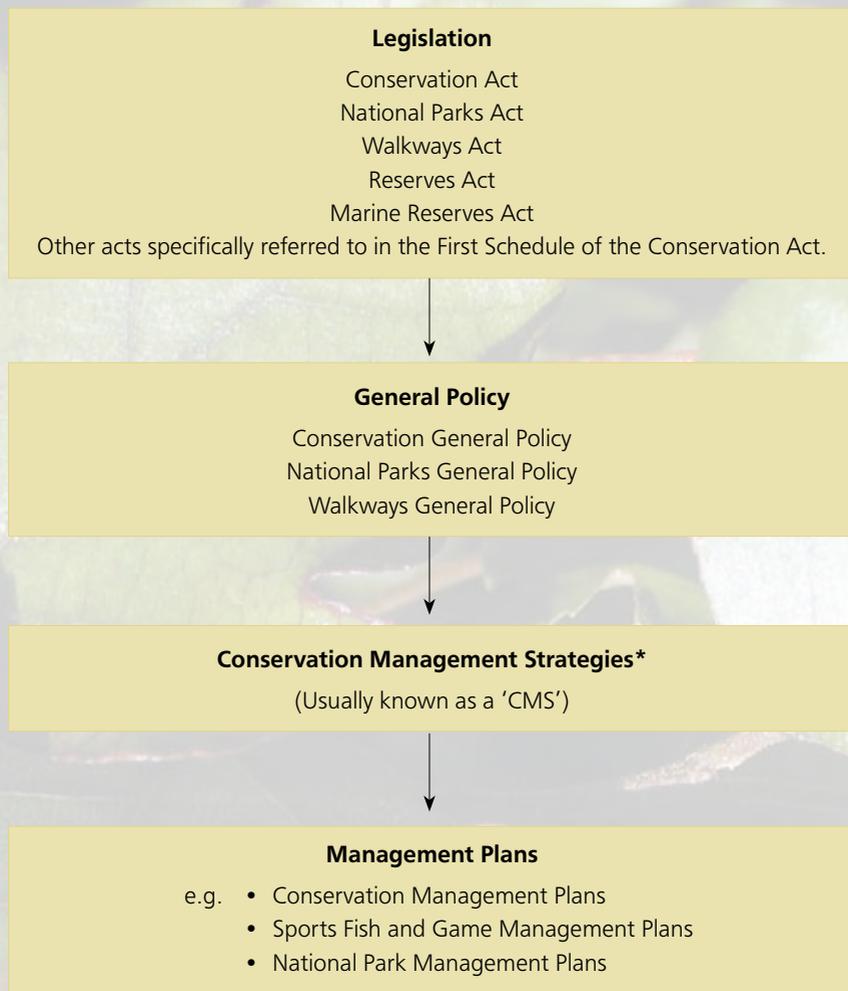
How is public conservation land managed in NZ?

The Conservation Act and Reserves Act provide for different categories of conservation land. National parks are governed by the National Parks Act. The control and management of some public reserves is vested in district councils and they are responsible for the preparation of their management plans.

Your local DOC office can assist in identifying the legislation applicable to any public conservation land you may be interested in.



Statutory framework for management of public conservation land



*Each DOC conservancy has a CMS.

Legislation. At the top of the whole process is the conservation legislation. All decisions relating to conservation of our natural and historic resources are based on the purposes of the relevant laws. The Department of Conservation administers over twenty different acts. If you have an issue with something that the legislation says, then your only real course of action is to bring it up with your local MP.

Example: Your nearest national park is redrafting its management plan. You are a hunter in the area and you feel very strongly that deer should be managed as a hunting resource. When submissions are called for, you spend a lot of time and energy writing a submission on why hunting is a valid recreational pursuit, why venison is important for the local community, and why DOC should protect deer when the management plan is drafted.

You wait for the national park draft management plan to come out, and you are disappointed to see that deer come second best to the preservation of native plants and animals. You feel like DOC didn't even consider your submission.

BUT:

The National Parks Act specifically says that national parks are to be managed for the preservation of the native wildlife, and that as far as possible introduced wildlife is to be exterminated. The draft management plan for a national park MUST follow the direction of the legislation. To ask for the preservation of deer, an introduced animal, is in direct contradiction to the purpose of the law relating to national parks.

General Policies. There are three main general policies that relate to conservation in New Zealand. These are the **Conservation General Policy** (for the Conservation, Wildlife, Marine Reserves, Marine Mammals Protection, Reserves and Wild Animal Control Acts), the **National Parks General Policy** (for the National Parks Act) and the **New Zealand Walkways Policy**. The purpose of a general policy is to provide guidance for the interpretation of conservation legislation and the development of conservation management strategies and plans.

Conservation Management Strategies (CMSs) are the DOC planning manuals explaining how the purposes and aims of the legislation will be carried out by the DOC conservancy in your region. They implement the directions provided in the general policies. They aim for integrated management of public conservation land. This means they are designed to provide for management that gives the best opportunities for a wide range of conservation outcomes, such as species protection and recovery, provision of recreation opportunities and appreciation of historical

heritage. They also balance out the sometimes conflicting desired outcomes for the various interests in particular areas of public conservation land. They are a very useful public document, and can be obtained from or viewed at your nearest DOC office.

Conservation Management Plans (CMPs) are detailed site-specific plans for particular sites that are designed to achieve the goals set out in the CMS. They relate to the management of a particular conservation area in your region. Conservation management plans are not required, unless they have been specifically mentioned as a task in the relevant CMS. However, each national park has a management plan.

How you can become involved.

One important thing to note when you read the general policies is the significance of public participation in conservation. The general policies aim to engage people who are interested in public conservation lands and waters, to help improve conservation in New Zealand. This guide is about having your say in DOC planning processes but there are other ways to be involved in conservation, which you can check out on www.doc.govt.nz (if you have access to the internet). The “Community” and “Consulting On” sections of the DOC website are always worth having a look at.

While you’re on the DOC website it might pay to sign up to **“What’s up DOC?”**, a weekly email newsletter which is a list of new links that have been added to the DOC website. As well as being able to keep up with conservation news, you can keep an eye on a plan or policy you are interested in and how the process is moving along.

Drop in on DOC. Why not drop in to your local DOC office to talk over an issue that you are interested in? Ring the office first to make a time to see the relevant staff member, and explain your interest in the particular issue.

Keep tabs on the media. Watch out for articles about your issue in the newspaper. Newspapers generally report on any public meetings and issues arising from them. Check the newspapers for public notices about calls for submissions, hearings and public meetings.

Get nominated to a Conservation Board. Each year, the Minister of Conservation calls for nominations for positions on the Conservation Boards around the country. These boards provide valuable guidance to the Department.

How do you have your say in DOC planning processes?

It's important for people to be able to have their say when decisions about the future management of an area or species are being made. The most important thing is knowing when you can contribute to conservation management decisions, and how to make your opinion heard.

Consultation is defined as "an invitation to give advice, and the consideration of that advice. To achieve consultation, sufficient information must be supplied and sufficient time allowed by the consulting party to those consulted to enable them to tender helpful advice. It involves ongoing dialogue. It does not necessarily mean acceptance of those views, but it enables informed decision-making by having regard to those views."¹

What gets consulted on?

- General policies
- Conservation management strategies
- Conservation management plans
- National park management plans
- Proposed actions (e.g. new national parks and marine reserves, commercial use of public conservation land which involves buildings and other structures or other kinds of exclusive use, and disposals of public conservation land).



1 Department of Conservation. 2005. *Conservation General Policy*. Department of Conservation, Wellington. ISBN 0478226926.



How often do the plans and strategies come up for consultation? Conservation management strategies, conservation management plans and national park management plans have a ten year life. Occasionally there might be an amendment or review proposed outside of the ten year timeframe.

How does consultation work? First, a public notice is generally placed in the local paper advertising a review of the proposed policy, plan or strategy. There is an invitation for people to write in and state what they would like to see addressed.

Then, a draft plan is produced, and another public notice is placed in the paper, calling for submissions from the public within a stated timeframe.

Get hold of the draft plan. It's important that when a draft plan or strategy is advertised, that you get hold of a copy as soon as you can. Contact your nearest DOC office and request a copy. Read the draft, and make notes of the bits that you are interested in. If you don't understand something, contact someone at DOC and ask them to explain it to you.

Submissions are the best way for you to try and get your point across. A submission allows you to respond to aspects of the plan or policy that you are concerned about, or that you support, or otherwise have an interest in. After you've read the plan, and made your notes, you'll be in a good position to write your submission. DOC has submission forms, which can help you say what you need to say in a way that makes it easy for DOC to understand what you mean. If you want to make sure you're kept in the loop, then write a submission, as then your name goes onto the database for getting updates on the process. Views that are written down rather than spoken avoid the possibility that the listener might get it wrong, and also allows your views to be shared easily with others making decisions on submissions.

How to make your say count.

Be specific. The key to writing an effective submission is to write in a way that relates to the plan. For example, make sure that you reference the numbers of the sections you are wishing to comment on. This ensures that DOC knows which parts of the plan you have an interest in. Being specific means you have a better chance of seeing your suggestion reflected in any changes that are made.

Say what you like in a plan as well as what you don't like. There may be other people who do not like that bit. If DOC only hears from people who want changes, they won't know that there are other people who thought they got it right. Changes could then be made which you disagree with because people spoke out against the bit you liked while those who liked it were silent.

Meet deadlines. There is a specified time period stated for the acceptance of submissions from the public. If you miss the deadline for submissions, your submission will not be considered. Mark the date on your calendar, and make sure your submission arrives with DOC on time. Important: the closing date is the date DOC must receive it by, not the date you need to post it by.

Stand up and be counted. When you file a submission with DOC, you are given the option of talking about your submission at a hearing. Sometimes people don't want to stand up in public and give their opinions. However, it is a crucial part of getting your point across. Because you are passionate about an aspect of the policy or plan, you have written a submission. Because you wrote it, you are the best person to interpret it. If you don't come to a hearing and speak to your submission, you miss the opportunity to emphasise the points you wanted to make with the same passion you feel for the issue at hand.

Be objective. Construct a thoughtful submission, not an emotional one. It is very difficult for the Department to identify the relevant issues when submissions are full of emotive language. Clearly, if you work in a particular area, you are going to feel a sense of ownership or responsibility for it. But you can do more to protect your interest by forming coherent and specific views in your submission. Deal with the facts of the current situation, rather than historical relationships. Put yourself in the shoes of DOC receiving your submission.

Try and understand the aims and goals of the process. Although you may not be in total agreement with the conditions and statements of a draft plan or strategy, try to understand why the particular restrictions or limits of activity have been put in place. When considering a draft plan, refer back to the CMS and see if the proposed plan is in line with how the conservation area is supposed to be managed. If you still don't understand, get in touch with DOC and make a time to talk with someone about what's not making sense.

An effective submission

“The Association of Treehuggers would like to point out to the Department of Conservation, that with regard to the Draft Putiputi National Park Management Plan we have a suggested alternative for Section 3.4(z) that the proposed route of the Torrid Torrent Track be modified. We seek for DOC to change the proposed route from the top of Old Man’s Falls to the bottom to include Trev’s Lookout. This would make much more sense for trampers, since there is a natural platform there, which would be an excellent place for a rest stop.”

This submission is clear, concise, focuses on the issue, and allows the DOC planner reading the submission to refer directly to the Draft National Park Management Plan and see what the Association of Treehuggers is talking about. If the suggestion really does make practical sense for users of the proposed track, it is likely the route will be amended.

An ineffective submission

“Save the Possums”

- YES! I believe that DOC should stop killing possums in national parks.
 NO! I believe DOC should continue to carry out possum control.

Name: Mr Joe Bloggs

Address: 75 Kiwi Lane, Raupo

Signature: *J. Bloggs*

The above submission is completely ineffective in terms of being able to get your point of view across. It does not refer to a specific section or part of the proposed plan or action, and it does not offer useful or practical alternatives.

Information about concessions.

Anyone wanting to run a commercial operation on public conservation land must apply for a concession, and their operation must be consistent with the principles laid out in our legislation, policies and management plans. Some concessionaires not only make a living from activities on public conservation land, they also give back to conservation through promoting conservation values, and undertaking tasks such as monitoring and pest control.

Do your homework. Before you lodge an application for a concession, make sure you've read the relevant bits about the area you want to work in from the CMS and, where appropriate, the national park management plan. There is no point investing a huge amount of time and energy in filing an application to operate on conservation land if what you want to do is inconsistent with the management objectives for that place.

Talk to DOC first. When you're thinking about applying for a concession to operate a business interest on conservation land, you are allowed two free hours of consultation with a concessions person at your local DOC office. They will be able to tell you straight away whether or not your application is consistent with the objectives of the CMS, and what you should do to prepare your application. This can save you a lot of time and effort later on, and it helps you to know what you need to do to get your concession approved in the future.

When decisions are made about the land you operate on. If you are a business operator on conservation land (concessionaire), then you definitely have an interest in how that land is managed. It's really important that when a plan or strategy comes up for consultation you take up the opportunity to have your say.

The public may have a say on your application. Depending on the nature of a concession application, it may be discussed with outside parties such as tangata whenua and the conservation board or it may be notified for public submissions. The more it is likely to impact on the public's use and enjoyment and the greater the adverse effects, the more likely that the public will get to have a say. Remember that "DOC land" is public land, not private land, and a concession is, after all, a privilege and not a right. It makes sense that there are more checks and balances than for private land.

What DOC doesn't do.

There are some other statutory processes that often people think DOC is responsible for, when in fact it is not. It is important to know who you should be talking to on the various processes. Sometimes, DOC has a role to play in the process, for example as an interested party or a submitter, but it does not administer the whole of the process and does not make the decisions. Some good examples of things DOC is involved with, but doesn't manage, are:

The Resource Management Act. The government department responsible for the RMA is the Ministry for the Environment, but it is administered at a local level by territorial authorities in accordance with district and regional plans.

The RMA is primarily the responsibility of the Minister for the Environment, but the Minister of Conservation has some roles under the RMA. These are;

- the approval of New Zealand coastal policy statements.
- the approval of regional coastal plans.
- decisions on applications for coastal permits in relation to restricted coastal activities.

DOC monitors the effect and implementation of New Zealand coastal policy statements and coastal permits granted by the Minister of Conservation.





Why would DOC submit on my resource consent application? Firstly, it's important to remember that DOC, conservation land and public resources are affected by the RMA in the same ways as private land and the general public. There are RMA controls over public conservation land and DOC work (like taking water to supply huts and camp sites, and discharges of sewage and other materials), which must comply with RMA requirements. There are some exceptions to DOC needing a resource consent, but that is only where the activity has already been allowed for as part of a plan or strategy.

DOC manages conservation land for the general public, and it is also charged with protecting and preserving New Zealand's natural and historic resources. This means that DOC has a statutory interest when it submits about applications for consents that may affect the public's interest in those values.

- DOC makes submissions on proposals by other people that may have adverse effects on public resources and on matters which the Department is legally responsible for e.g. the protection of native species.
- If a planned action is likely to affect DOC's responsibilities/interests to look after public conservation land, then it will submit about it. It's the same as if it was a neighbour or a concerned party.

For example, if someone wants to take water from an area, DOC may submit if it is likely to affect native wildlife like blue duck or indigenous freshwater fish.

Recreational freshwater fisheries. Both DOC and Fish and Game Councils have functions relating to recreational freshwater fisheries, but the Fish and Game functions are to do with sports fish in particular. Trout and salmon are the most important of those. Fish and Game Councils also have responsibilities to do with game birds. Just as DOC prepares planning documents and follows a process which allows for the public to have their say by writing in with their views, so too does Fish and Game for sports fish and game birds. Those plans cannot be contrary to what a conservation management strategy or national park management plan says for public conservation land. People with a particular interest in Fish and Game responsibilities can find out more about it at www.fishandgame.org.nz.

High country tenure review. The Department of Conservation does not run the high country tenure review process. High country tenure review is a voluntary process between the Crown and pastoral leaseholders run by Land Information New Zealand (LINZ). The process allows for the Crown and a leaseholder to review an area under lease with a view to the lease being cancelled and significant inherent values being given long-term protection under Crown ownership and management. The leaseholder has the opportunity to freehold the remaining parts of the lease. The Department of Conservation is one of the agencies that has a role to identify areas with significant inherent values in a pastoral lease after it has entered the tenure review process. For more information on tenure review, visit www.linz.govt.nz.



Who's involved in conservation management planning decisions in NZ?

Minister of Conservation. Accountable to Parliament and Cabinet for the management of public conservation land and reserves.

Director-General of Conservation implements, through the Department, the Conservation General Policy and the National Parks General Policy and prepares conservation management strategies, national park management plans and conservation management plans.

New Zealand Conservation Authority. The NZCA is made up of 13 members of the public who are appointed by the Minister of Conservation. It is responsible for approving conservation management strategies, national park management plans, and sometimes conservation management plans. It also adopts national park general policy, and advises the Minister of Conservation on other general policy statements. It also advises the Minister of Conservation and the Director-General of Conservation on matters of national importance. It also gets to have a say in reviewing and reporting on DOC's management and budget priorities, and it liaises with the New Zealand Fish and Game Council.

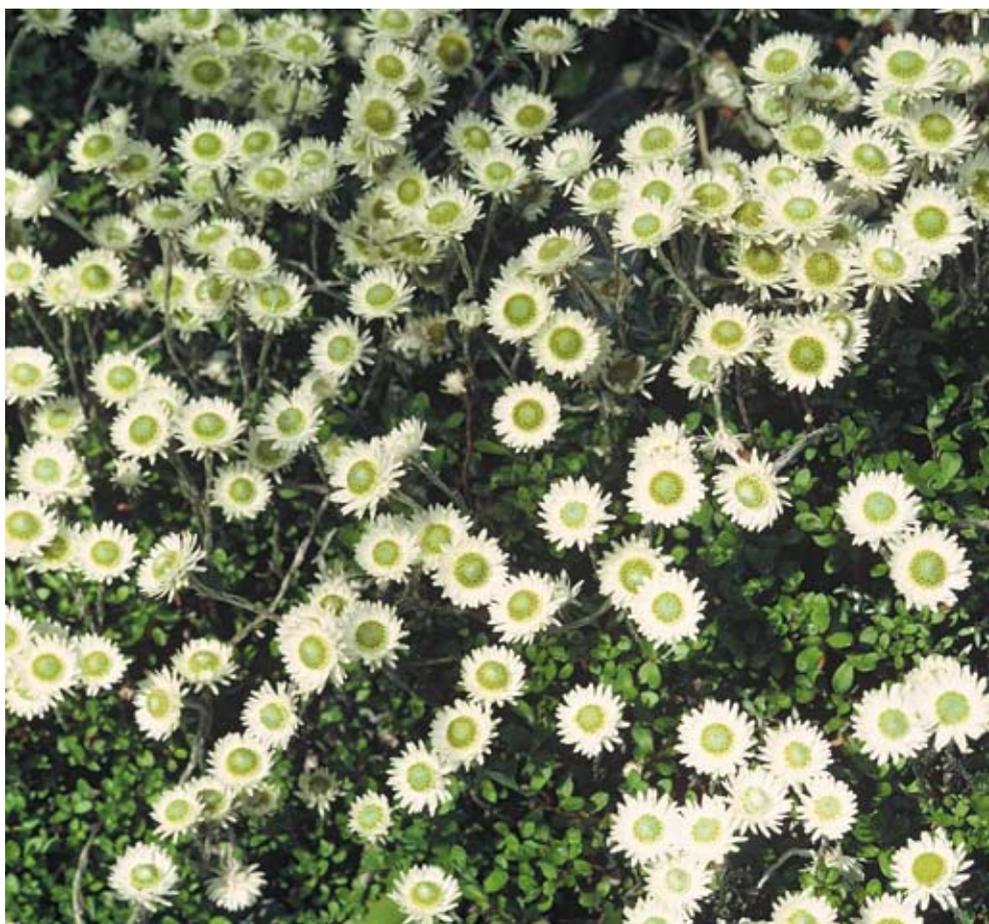
Conservation Boards. There are fourteen conservation boards, which have a regional focus with specific responsibilities to their region. The conservation boards are appointed by the Minister of Conservation to provide advice to the Department on conservation issues. They approve conservation management plans and recommend the approval of conservation management strategies to the New Zealand Conservation Authority. They also liaise with regional Fish and Game Councils.

Maori/Iwi. The Conservation Act, and all the Acts listed in its First Schedule, must be interpreted and administered to give effect to the principles of the Treaty of Waitangi. Effective partnerships with tangata whenua can achieve enhanced conservation of natural resources and historical and cultural heritage. Tangata whenua responsibilities to this heritage are embodied in the ethic of kaitiakitanga. Kaitiakitanga is the exercise of customary practices of guardianship, protection, stewardship and sustainable use by tangata whenua in relation to ancestral lands, waters, sites, wahi tapu and other taonga. Tangata whenua are consulted during the preparation of conservation management strategies, national park management plans and conservation management plans.



Helpful websites:

- Copies of New Zealand statutes can be found at www.legislation.govt.nz
- Ministry for the Environment – “Tips on writing a good submission” www.mfe.govt.nz > publications > resource management > making a submission on a proposed plan, plan change or variation > read online (HTML) > tips for writing a good submission
- Department of Internal Affairs – “Community Resource Kit” – www.dia.govt.nz > resources > community development resource kit > section K: political processes and submissions > K: web version



List of DOC Conservancy addresses:

Northland Conservancy

149 - 151 Bank Street, WHANGAREI 0112
PO Box 842, WHANGAREI 0140
09 430 2470

Auckland Conservancy

Cnr Karangahape Road & Liverpool Street
Newton, AUCKLAND 1010
Private Bag 68908
Newton, AUCKLAND 1145
09 307 9279

Waikato Conservancy

Level 5
73 Rostrevor Street, HAMILTON 3204
Private Bag 3072
Waikato Mail Centre, HAMILTON 3240
07 838 3363

Bay of Plenty Conservancy

99 Sala Street, ROTORUA 3010
PO Box 1146 , ROTORUA 3040
07 349 7400

East Coast/Hawke's Bay Conservancy

63 Carnarvon Street, GISBORNE 4010
PO Box 668, GISBORNE 4040
06 869 0460

Tongariro/Taupo Conservancy

Turanga Place, TURANGI 3334
Private Bag 2, TURANGI 3353
07 386 8607

Wanganui Conservancy

Ingestre Chambers
74 Ingestre Street, WANGANUI 4500
Private Bag 3016
Wanganui Mail Centre, WANGANUI 4540
06 348 8475

Wellington Conservancy

181 Thorndon Quay
Pipitea, WELLINGTON 6011
PO Box 5086
Lambton Quay, WELLINGTON 6145
04 472 5821

Nelson/Marlborough Conservancy

Munro State Building
186 Bridge Street, NELSON 7010
Private Bag 5
Nelson Mail Centre, NELSON 7042
03 546 9335

West Coast Tai Poutini Conservancy

Sewell Street, HOKITIKA 7810
Private Bag 701, HOKITIKA 7842
03 756 8282

Canterbury Conservancy

Conservation House
133 Victoria Street, CHRISTCHURCH 8013
Private Bag 4715
Christchurch Mail Centre, CHRISTCHURCH 8140
03 379 9758

Otago Conservancy

Conservation House
77 Lower Stuart St, DUNEDIN 9016
PO Box 5244
Moray Place, DUNEDIN 9058
03 477 0677

Southland Conservancy

Level 7
33 Don Street, INVERCARGILL 9810
PO Box 743, INVERCARGILL 9840
03 214 4589