

Department of Conservation Status Report

for the Minister of Conservation

Week beginning 6 December 2021

Date: _____ / _____ / _____

Seen by Hon Kiritapu Allan
Minister of Conservation

DOCCM - 6858807

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Contents

| | | |
|-----|---------------------------------------------------------------|----|
| 1 | Standing and Priority Items | 4 |
| 1.1 | Jobs for Nature | 4 |
| 1.2 | RMA Advocacy | 5 |
| 1.3 | [REDACTED] | 6 |
| 1.4 | [REDACTED] | 7 |
| 2 | Updates | 8 |
| 2.1 | [REDACTED] | 8 |
| 2.2 | [REDACTED] | 8 |
| 2.3 | Auckland – decline of marine mammal tourism application | 9 |
| 2.4 | [REDACTED] | 10 |
| 2.5 | Health, Safety & Wellbeing | 11 |
| 2.6 | Milford Opportunities Project – Board members update | 11 |
| 2.7 | [REDACTED] | 11 |
| 2.8 | Sustainable Business Awards 2021 | 12 |
| 2.9 | Te Taunaki – Public Service Census | 12 |
| 3 | Events, Announcements & Media Opportunities | 14 |
| 3.1 | [REDACTED] | 14 |
| 3.2 | [REDACTED] | 14 |
| 3.3 | Jobs for Nature Ngāti Hei’s kauri protection | 15 |
| 4 | Director-General Engagements | 15 |
| 5 | Appendices | 16 |

Attachments

1. Cabinet Paper Report
2. Jobs for Nature dashboard

1 Standing and Priority Items

1.1 Jobs for Nature

Jobs for Nature Summary

- [REDACTED] There are 972 people currently employed, with \$87.7 million funding paid to recipients.
- There are four projects complete, 176 projects in delivery and 27 projects in the contracting/legal phase with several of these agreements in the final stages of signoff.

- [REDACTED]

[REDACTED] funding agreements

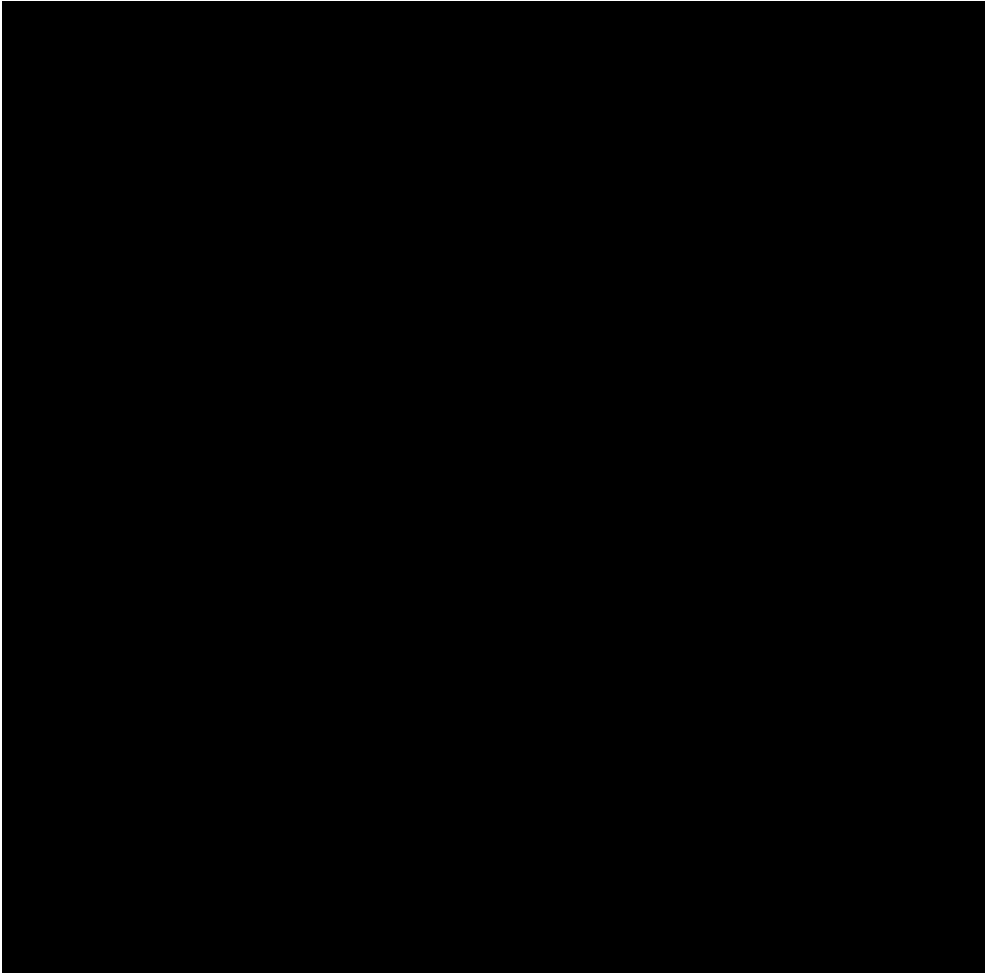
- After delivery managers were alerted they would be sent a 3-week notification letter, and discussions were made with project partners, three projects progressed considerably over the course of the week and are now in the final stages of signing.
- One project [REDACTED] progressed to DOC legal/finance for assurance checks, and the notification letter was modified for this partner, to reflect this progress.
- Two projects [REDACTED] received the standard 3-week notification letter advising of the urgency to meet the funding agreement deadline on 16 December.
- DOC is continuing with assurance checks for 80 milestone payments due. So far 18 have been paid, with 62 in progress.

The Enquire funds management tool

- The Enquire funds management tool remains on schedule to go live on 3 December for JFN staff with the platform being available to Delivery managers from 6 December, and partners/recipients from 9 December.
- The purpose for the Enquire tool is to improve the efficiency of the Jobs for Nature programme through:
 - Mitigating the potential risk of data errors associated with existing manual data and contract management processes.
 - Optimising data and information management as well as improve visibility for the purpose of ongoing monitoring.
- Training will be completed in the upcoming fortnight. DOC anticipates the transition to slow down the team's work temporarily, as staff acclimatise to the new system.
- With the launch of Enquire, and subsequent review and analysis, including user feedback, the decision has been made to discontinue usage of the Rātaka Taiao reporting app. As of 10 December, partners will be entering data for reporting directly into the Enquire tool. This will simplify the reporting system. Further work will be required to determine health and safety, and geospatial reporting for the new Enquire tool.

Advisory Group and SLU Minister updates

- The Advisory Group met on 29 November. An update will be provided to you in next week's Status Report.
- SLU Minister meetings are proposed to be held six-monthly in 2022. Any approvals outside of these meetings will be done via circulated papers.



Contact: Reg Kemper, Chief Advisor Jobs for Nature: [REDACTED]

1.2 RMA Advocacy

Submissions:

Waimakariri District Plan Review

- DOC lodged a submission on the proposed Waimakariri District Plan on 26 November.
- The submission was in support, with minor changes proposed to rules relating to indigenous biodiversity protection.


Other:

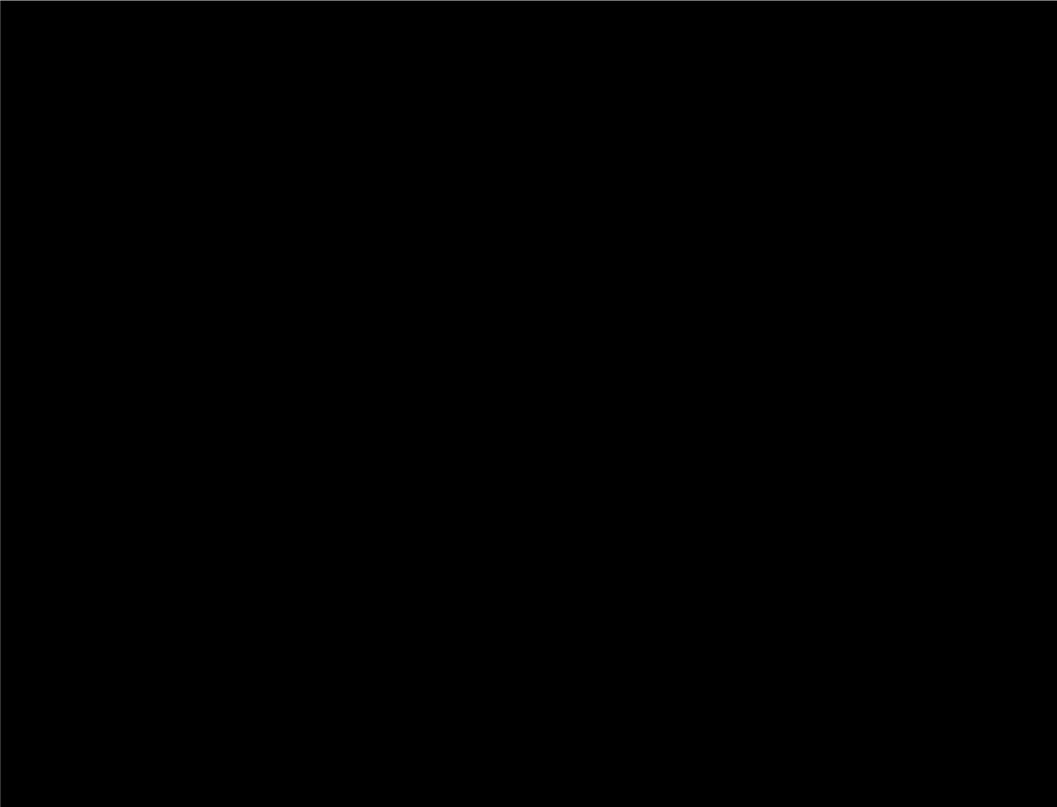
High Court decision - Minister of Conservation v Mangawhai Harbour Restoration Society.

- On 18 November 2021, the High Court released a decision allowing appeals by the Minister of Conservation. The appeals were against an Environment

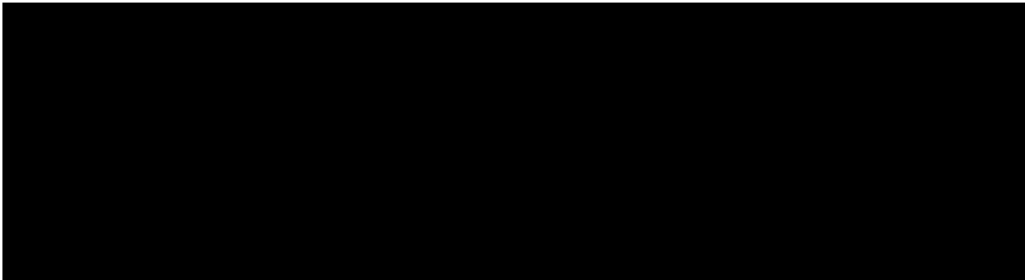
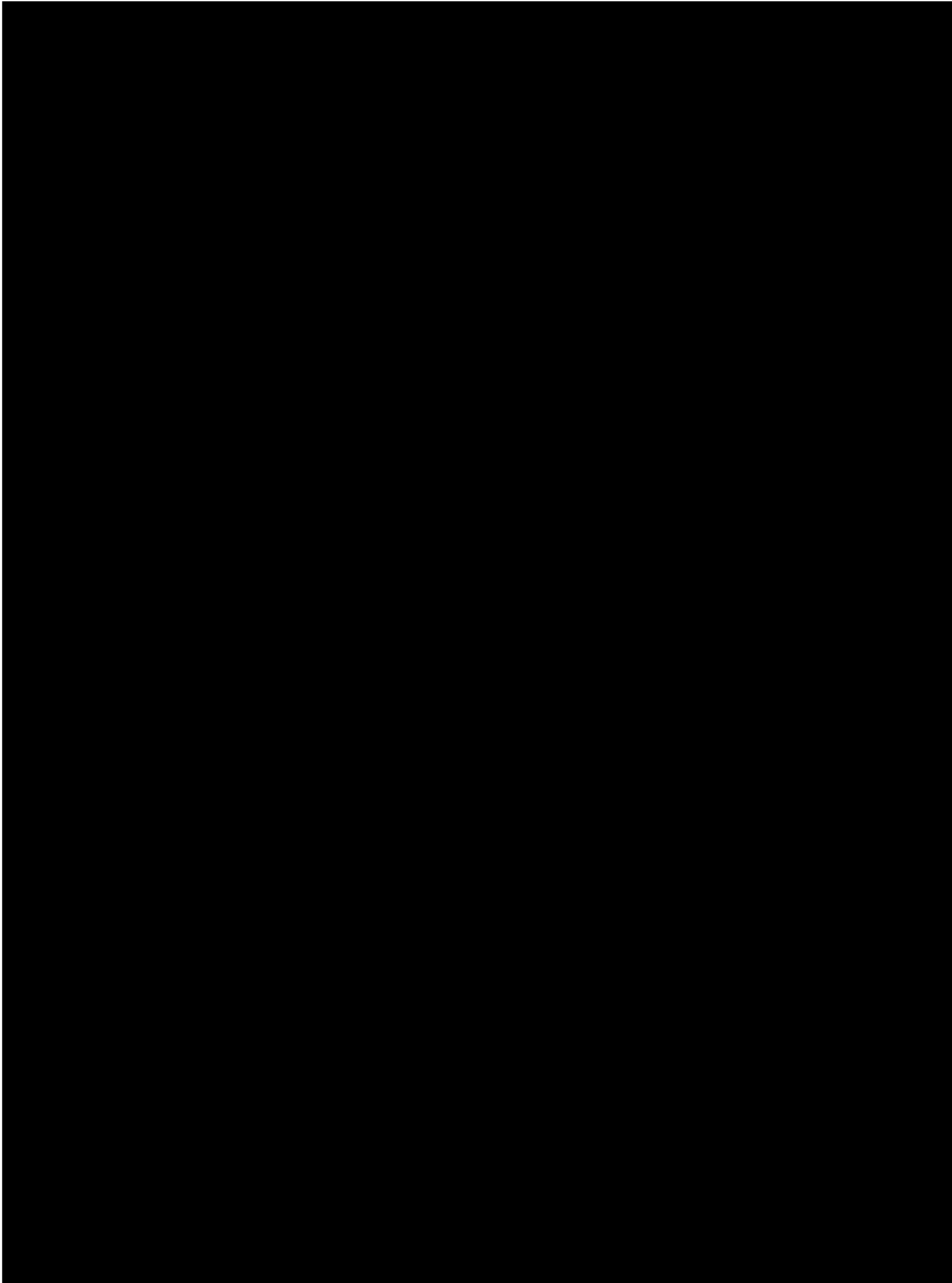
Court decision on the application of the National Environmental Standards for Freshwater Regulations 2020 (NES-FW) within the context of appeals on the Proposed Regional Plan for Northland.

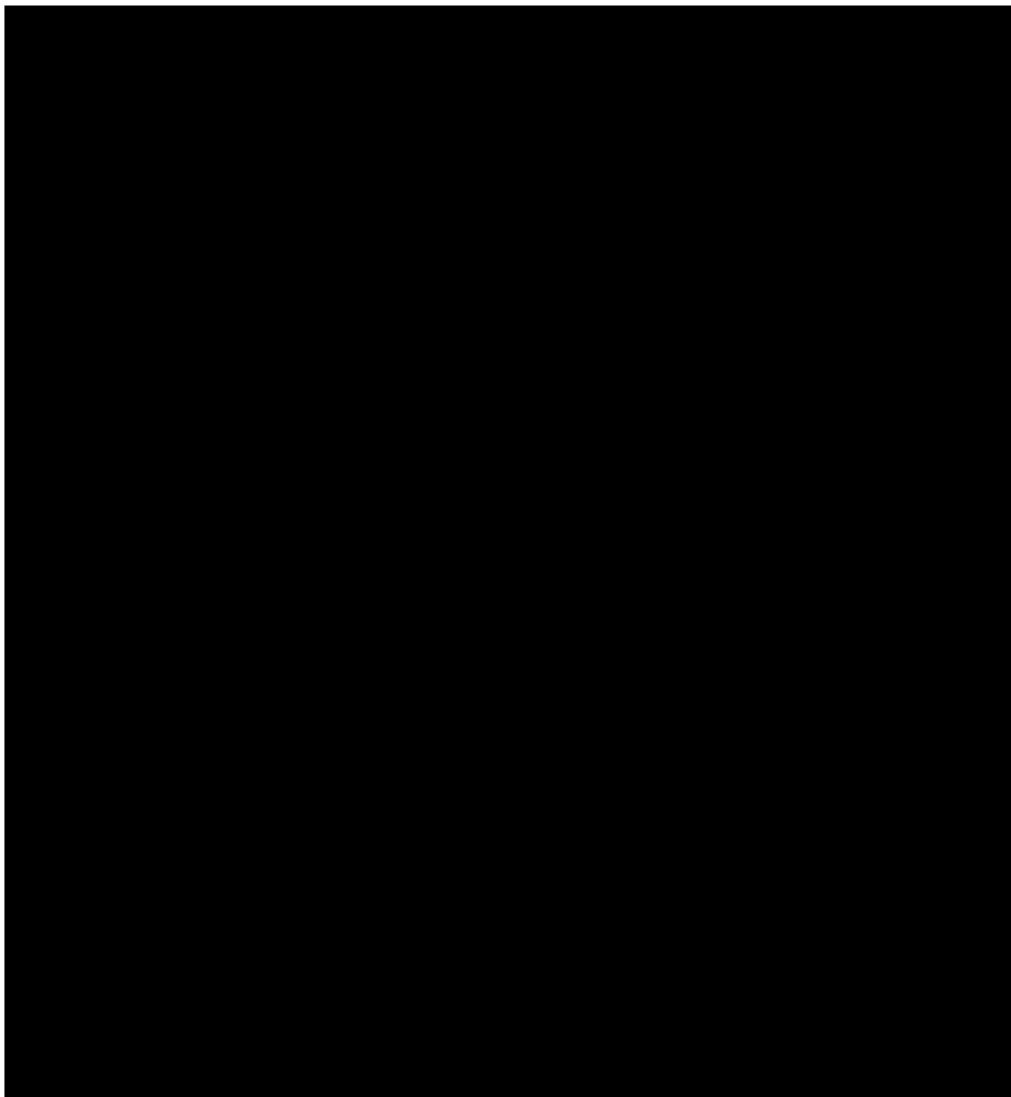
- The High Court quashed the Environment Court's declarations and issued declarations that the NES-FW applies to natural wetlands in the coastal marine area; and the Environment Court is required to consider the Proposed Regional Plan for Northland considering the constraints imposed by the NES-FW.
- In Northland, this decision means that practices such as the clearance of mangrove vegetation will be regulated strongly; the activity will likely become non-complying unless done for the purpose of restoring a natural coastal wetland.
- DOC is working through the implications of the decision. Some of our operational activities are now likely to be regulated by the NES-FW, such as spartina (a weed grass) control in estuaries. An amendment to the NES-FW is anticipated to take effect in 2022 to better enable pest plant control in wetlands. There may also be implications for regional coastal plans which the Department will work through over time in conjunction with regional councils.
- Parties now have until 2 December 2021 to seek costs if they cannot be agreed, and 16 December 2021 to seek leave to appeal.

Contact: 



2 Updates





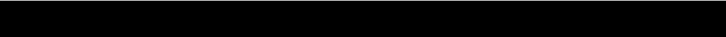
2.3 Auckland – decline of marine mammal tourism application

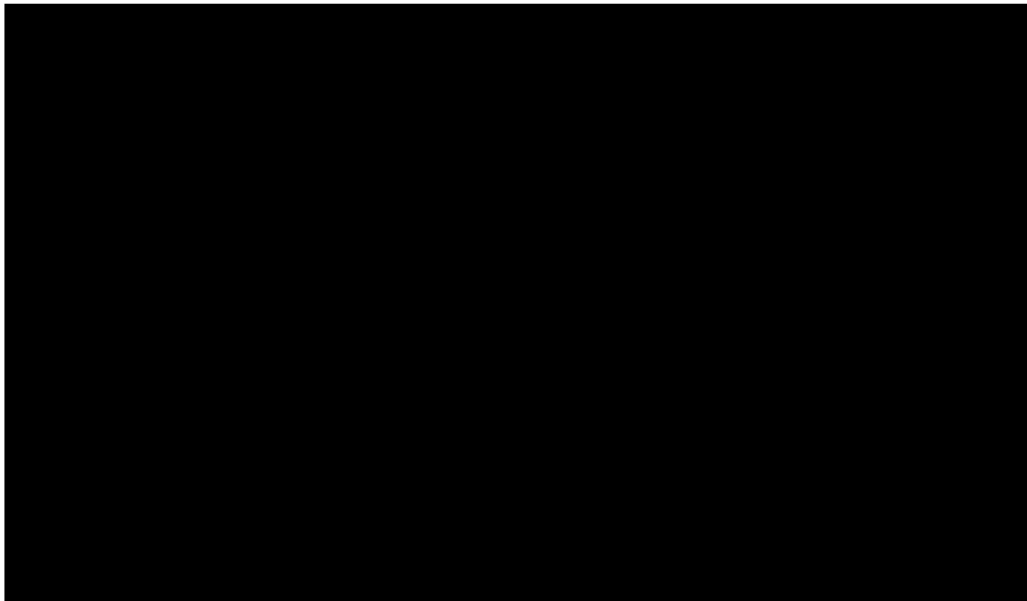
- On 3 May 2021, DOC advised the tourism operator Dolphin Planet Ltd of our preliminary decision to decline their permit renewal for commercial marine mammal viewing in the Hauraki Gulf.
- Dolphin Planet's solicitors requested further supporting information and justification for the preliminary decision. Dolphin Planet's lawyer submitted that DOC carried out an unlawful 'tendering' process that breached a legitimate expectation that their permit would be renewed.
- We have now made a formal decision to decline the permit renewal application, on the following bases:
 - The applicant (Dolphin Planet) provided no evidence of having notified applicants for recognition of customary marine title under section 62(3) of the Marine and Coastal Area (Takutai Moana) Act 2011 (required as part of the permit process)
 - giving preference to operators who are able to incorporate cultural commentary into their offering
 - considering potential economic benefits to Māori

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- taking a precautionary approach to the number of commercial operators involved in marine mammal operations in the Hauraki Gulf, as required by the Auckland Conservation Management Strategy.
- Dolphin Planet Limited have engaged Sue Grey as their counsel. It is possible there will be adverse media attention and Ms Grey may appeal to you as the Minister of Conservation under regulation 16(1) of the Marine Mammals Protection Regulations 1992 or seek a judicial review.
- The decision will be shared with the applicant in the week of 6 December.

Contact: 



2.5 Health, Safety & Wellbeing

Weekly update on the COVID-19 pandemic response:

- A draft policy on mandatory vaccination status for staff, contractors, volunteers, and visitors to DOC premises was released for consultation on Monday 29 November. Submissions close 7 December and SLT will consider a final decision on 14 December.
- The Risk Assessment and draft policy will be made available to the Minister's office.
- We are working with the KKA and Operations teams to ensure that local iwi are aware of the policy changes.
- A mandatory My Vaccine Pass policy for public staying in DOC huts and campsites is due to be announced over the next week or so.
- Staff guidance for doing our work under the COVID-19 Protection Framework traffic light system has been developed and will be communicated prior to the introduction of the new system.

Contact: [REDACTED]

2.6 Milford Opportunities Project – Board members update

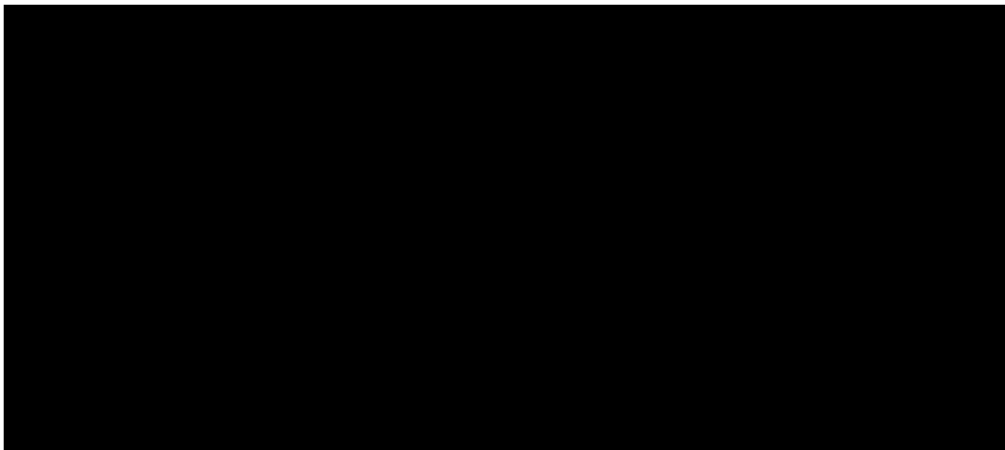
- On the 15 October 2021 officials updated you on the establishment of Milford Opportunities Project (MOP) board and unit [DOC 21-M-0160].
- The following candidates were shortlisted for the MOP Board and discussed with you on 27 October 2021.

[REDACTED]

- The Chair has met with the candidates, and they have verbally accepted the position, subject to your approval.
- Officials will seek your approval of the candidates in the briefing to the Milford Opportunities Ministerial Group due 7 December 2021.


Contact: [REDACTED]

[REDACTED]



2.8 Sustainable Business Awards 2021

- The 2021 Sustainable Business Network (SBN) Awards were held on Thursday 25 November. You provided a pre-recorded introduction to two Awards. DOC is an SBN member.
- DOC is in its fifth year of sponsoring the Restoring Nature award. The winner was Tahī Estate who also won this award and the top prize - 'Transforming New Zealand' - in 2020.
- Based in Northland, Tahī is a nature sanctuary, eco-retreat, and global honey business where 100% of profits are reinvested into conservation and cultural projects.
- Judges commented that Tahī's innovative new concept, the "Biodiversity Value Index" is an exciting contribution to solving the biodiversity-climate change crisis and recognises the intrinsic link between these two major issues.

Contact: 

2.9 Te Taunaki – Public Service Census

- Te Taunaki ran in May/June 2021, capturing the views and experiences of approximately 40,000 public servants working in 36 Public Service agencies. Te Papa Atawhai had a total response rate of 59.4% with 1680 respondents.
- The high-level results for Te Papa Atawhai were generally on par or higher compared to the rest of the Public Sector. 72% of our respondents indicated that they are satisfied or very satisfied with their job.
- Given the Department's aspirations, it is encouraging to note that the responses in relation to Māori-Crown relations capability were higher than the Public Sector. There was also a strong uptake on flexible work arrangements compared to the Public Sector. Staff responses indicate that they feel the organisation supports and actively promotes an inclusive workplace.
- Areas for improvement include access to employee-led networks, increased access to flexible work arrangements to promote work-life balance and increased professional development opportunities.
- Results are currently embargoed until the Public Service Commission releases results on 7 December. Agencies have been asked to align their

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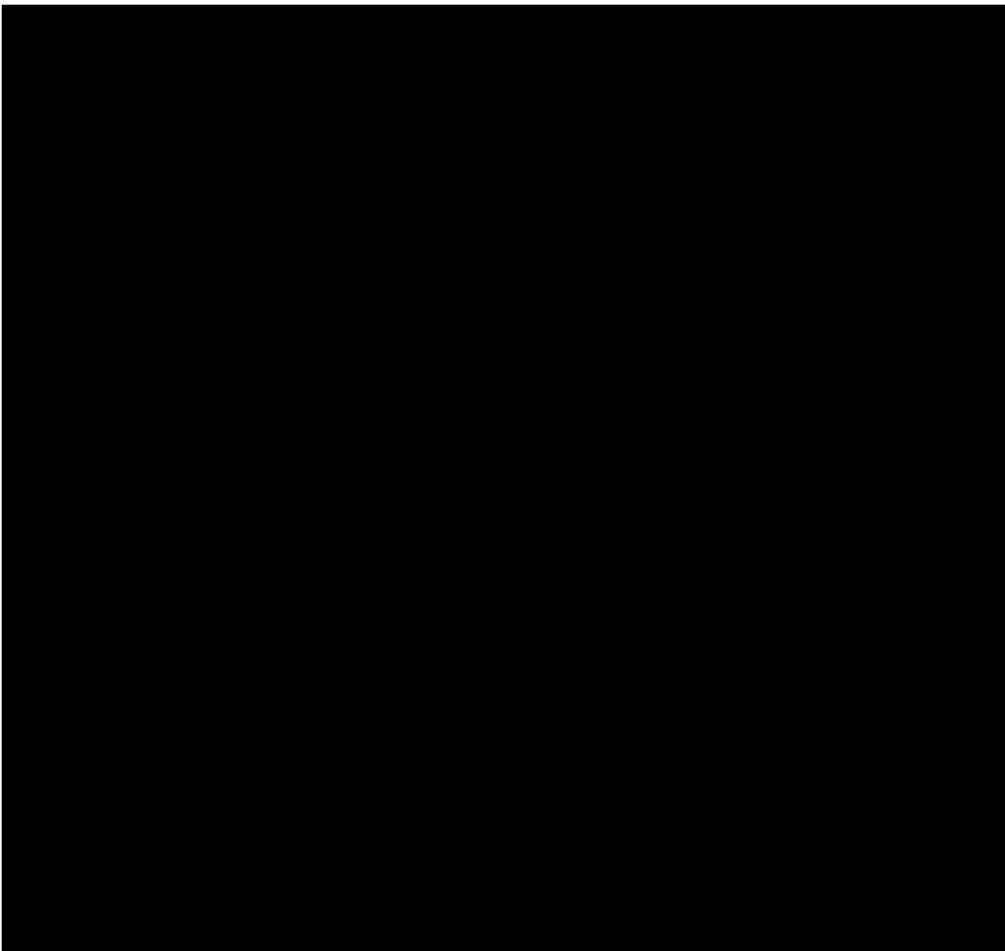
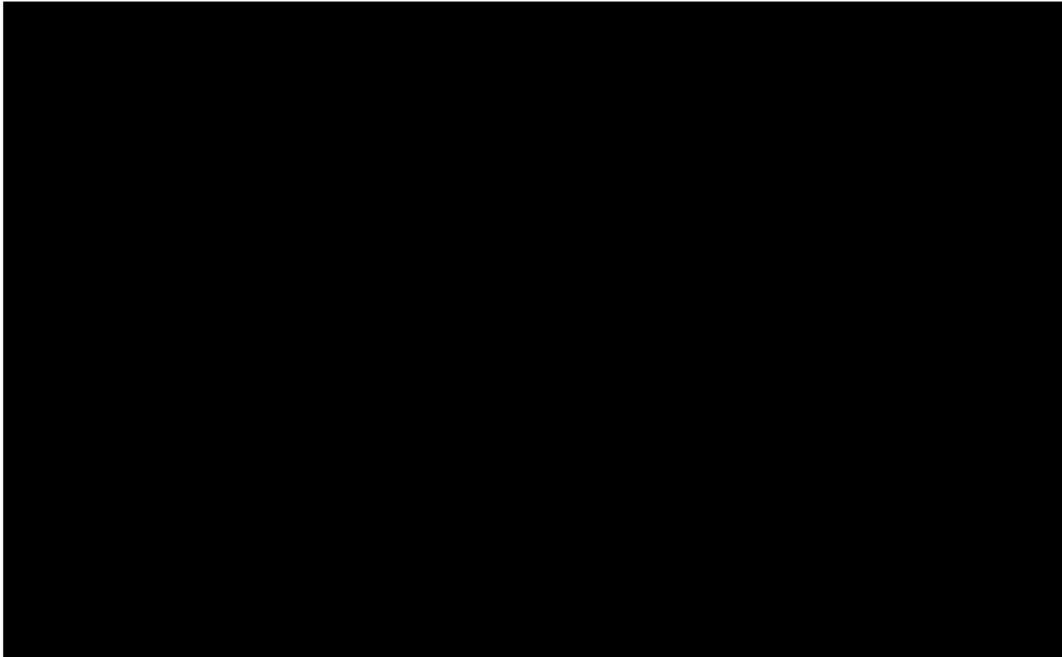
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communications approach with this timeline and provide staff with an overview of their organisational results.

Contact:



3 Events, Announcements & Media Opportunities



3.3 Jobs for Nature Ngāti Hei's kauri protection

- Newshub journalist Kethaki Masilamani is visiting the Coromandel between 6 and 8 December and will be covering a story on Ngāti Hei's kauri protection work as part of their Jobs for Nature project. Your office is using the opportunity to announce five Jobs for Nature projects in the Waikato and Coromandel.
- DOC is liaising with your office regarding announcements on the Chatham Islands.

Contact: [REDACTED]

4 Director-General Engagements

December 2021

| | |
|-----------|------------------------------------------------------------|
| 06 Dec | Te Rūnanga o Ngāi Tahu, Via MS Teams |
| 09 Dec | Kevin Hague, Forest and Bird, Wellington |
| 09-10 Dec | NZ Conservation Authority Board, Wellington |
| 10 Dec | Tourism CEs Quarterly Meeting, MBIE Offices Wellington |
| 13 Dec | Predator Free Governance Meeting, DOC Wellington |
| 15-16 Dec | South Westland Regional Visit, South Westland/Perth Valley |

January 2022

| | |
|--------|---------------------------------------------------------------------|
| 18 Jan | Southern Seabirds Trust meeting, DOC Wellington |
| 19 Jan | Fiordland Marine Guardians, MS Teams meeting |
| 19 Jan | Visit to Capital Kiwi Project, Capital Kiwi South Coast, Wellington |

February 2022

| | |
|-----------|----------------------------------------------------------|
| 17 Feb | Select Committee Hearing Annual Review, Tbc |
| 18-19 Feb | Overnight visit to Matiu Somes, Hosted by Kaitiaki Board |

5 Appendices

The following appendices are provided to support this status report:

- Appendix 1 – Cabinet Paper Report (regular item)
- Appendix 2 – Forthcoming items (regular item)
- Appendix 3 – Jobs for Nature dashboard (regular item)

Department of Conservation Status Report for the Minister of Conservation

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Seen by Hon Kiritapu Allan
Minister of Conservation

DOCCM - 6866126

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|------|------------------------------------------------------------------------------------------------------------|----|
| 1 | Standing and Priority Items | 4 |
| 1.1 | Jobs for Nature | 4 |
| 1.2 | RMA advocacy | 5 |
| 1.3 | [REDACTED] | 5 |
| 1.4 | [REDACTED] | 6 |
| 2 | Updates | 7 |
| 2.1 | [REDACTED] | 7 |
| 2.2 | Treaty settlements update | 7 |
| 2.3 | Parliamentary Commissioner for the Environment (PCE) report on wellbeing budgets and the environment | 8 |
| 2.4 | [REDACTED] | 9 |
| 2.5 | Fish and Game Council elections | 9 |
| 2.6 | Northern North Island: Waipoua River Road sealing – Kauri Coast | 10 |
| 2.7 | Northern North Island: Kaihu Valley Trail – Kauri Coast | 10 |
| 2.8 | Auckland – mana whenua closure of access to Pākiri Beach | 11 |
| 2.9 | Lower North Island – Temporary closure Morere Hotpools – Gisborne/Wairoa District | 11 |
| 2.10 | Te Taunaki I Public Service Census | 11 |
| 2.11 | Western South Island: Potential removal of rock at Truman Track, Punakaiki, Paparoa National Park | 12 |
| 2.12 | Health, Safety & Wellbeing | 13 |
| 3 | Events, Announcements & Media Opportunities | 13 |
| 4 | Director-General Engagements | 14 |
| 5 | Appendices | 15 |

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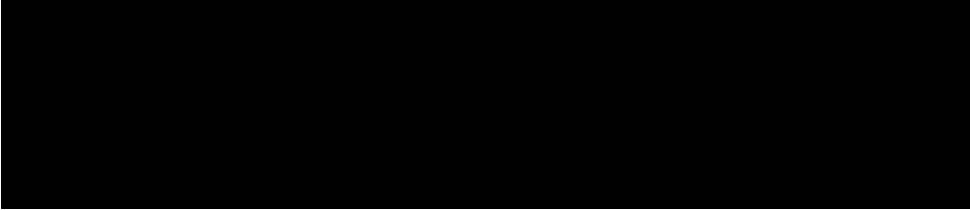
1. Cabinet Paper Report
2. Jobs for Nature dashboard
3. Confidential status item
4. Summary table of Civil Litigation in Senior Courts

1 Standing and Priority Items

1.1 Jobs for Nature

Jobs for Nature Summary

- [REDACTED] There are 1026 people currently employed, with \$87.7 million funding paid to recipients.
- Four projects are recorded as complete, 178 projects in delivery and 25 projects in the contracting/legal phase with several of these agreements now with Jobs for Nature and in the final stages of signoff.
- The Enquire funds management tool has been rolled out, with training for the Jobs for Nature Unit and Delivery Managers. The system goes live for partners on 10 December. The project was delivered in a condensed 12-week timeframe and feedback from staff to date is positive. The system is expected to increase visibility of project information, increase efficiency and improve the standard of reporting.
- With the launch of Enquire, the discontinuation of the Rataka Taiao reporting app has been communicated to stakeholders (including partners, delivery managers and the Secretariat). Use of the app will cease on 9 December, in line with the launch of Enquire. A new Health and Safety incident reporting form will be implemented in place of the app requirements.
- DOC's draft vaccination policy for staff has been shared with Delivery Managers, and we have sought some initial feedback on the impact for staff working with their Jobs for Nature funded projects. Work is underway to develop guidance for Jobs for Nature projects regarding Covid-19 vaccines and the Covid-19 Protection Framework.
- Assurance checks and milestone payments continue for projects where these are due. A number of projects are behind schedule due to the time required to get established, but have been progressing at a faster pace towards the end of the year towards the end of the year.



Contact: Reg Kemper, Chief Advisor Jobs for Nature: 

1.2 RMA advocacy

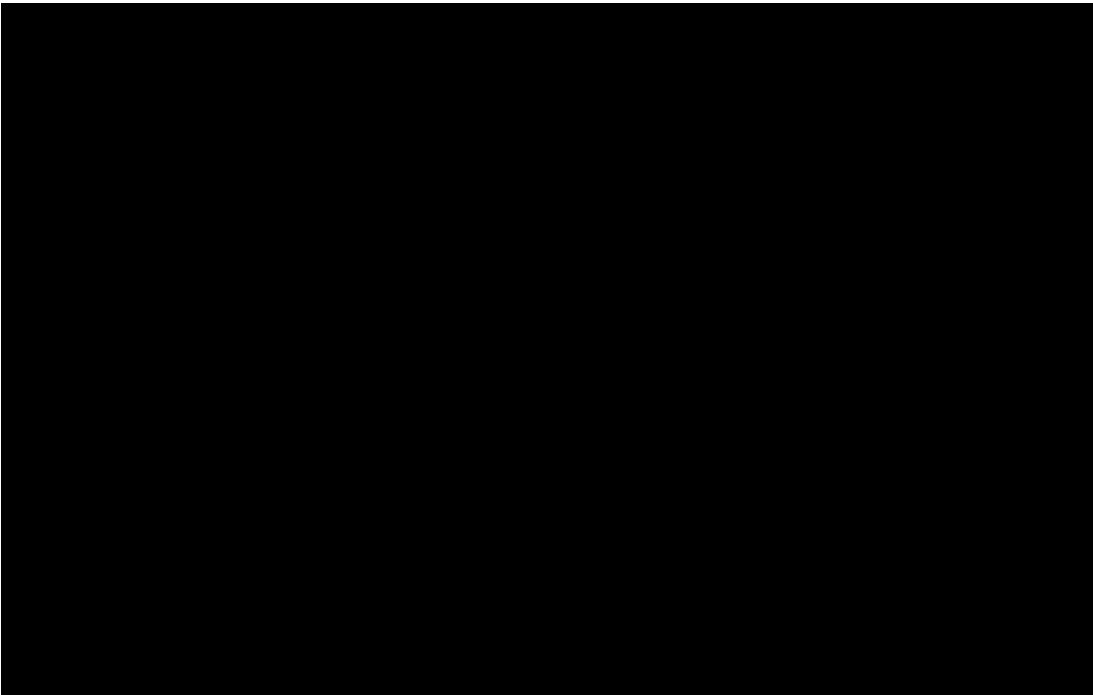
DOC's recent RMA work is as follows:

Submissions

Alpine Group Ltd and Stephen William Day

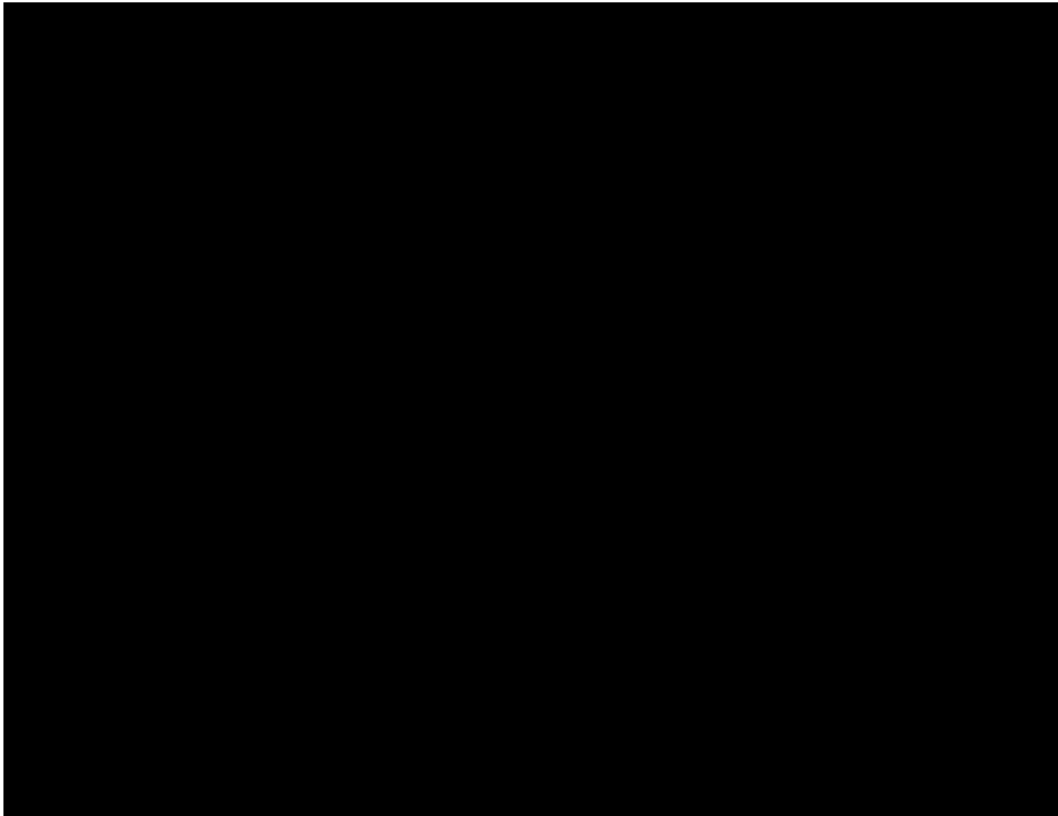
- On 3 December 2021, the Director-General lodged a submission in opposition to a retrospective replacement coastal permit for a structure and exclusive occupation of coastal space in Te Unu-o-Momotu/Cascade Cove, Tamatea/Dusky Sound, Fiordland.
- The proposal sought to authorise an existing floating structure (barge and moorings) for private residential use, with exclusive occupation of the coastal marine area. Our submission asserts the activity is inappropriate and has no functional need to be there. The area the structure occupies in the coastal marine area has also increased.
- If granted, there is potential to set a precedent for allowing the coastal marine area of Fiordland to be used for private residential activity. We await notice of a council hearing on this matter.

Contact: 



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2 Updates

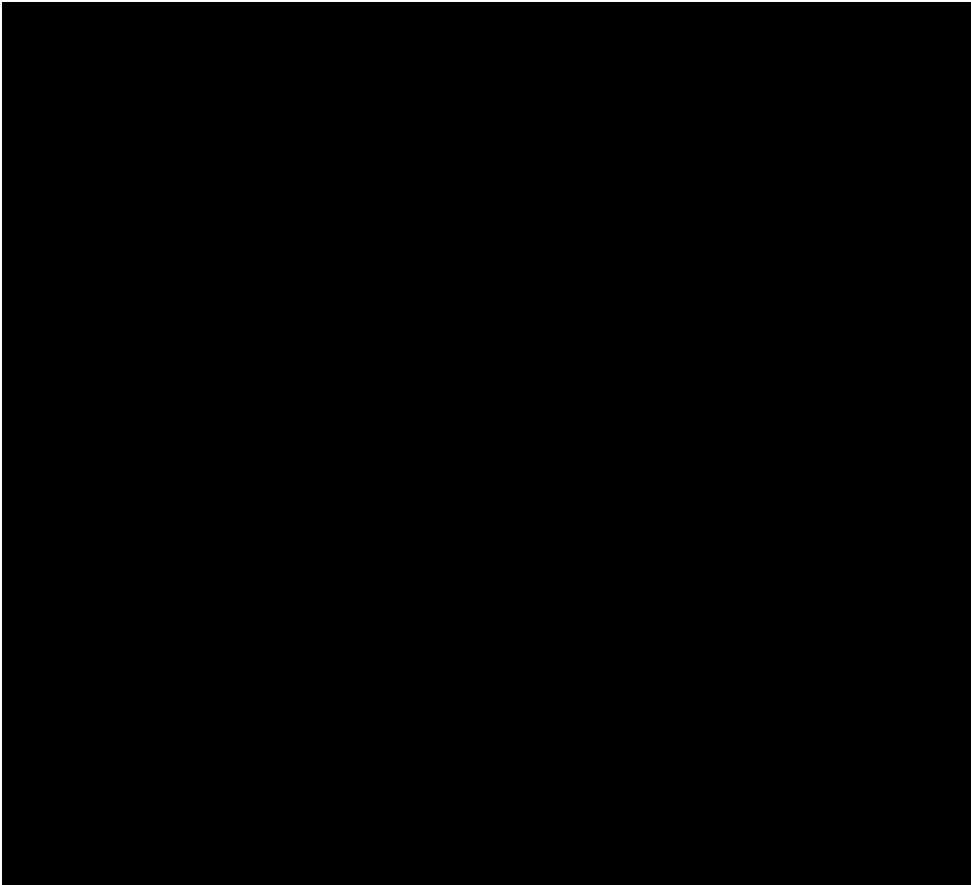
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2.2 Treaty settlements update

General

- As discussed at the 6 December meeting with Treaty Negotiations managers, a briefing due in the week of 13 December will provide an overview of all current active negotiations the team is involved in.



Contact: 

2.3 Parliamentary Commissioner for the Environment (PCE) report on wellbeing budgets and the environment

- On 14 December, the PCE, Simon Upton, will publicly release a report titled '*Wellbeing budgets and the environment: A promised land?*'.
- We indicated our interest in this work in September 2021 (via Treasury officials) but ultimately the PCE did not request that we contribute to it.
- DOC has not yet seen the report, but we expect that it will focus on the role of the environment in the Treasury's Living Standards Framework and the Government's wellbeing-based approach to budget decision-making. This may include considering opportunities these frameworks present to embed the environment in decision-making across government.
- The report will contribute to growing discussions on connections between nature and human wellbeing, and the central role that a healthy environment plays in underpinning our way of living.
- DOC is increasingly applying a wellbeing lens to our activities, including looking at how we can increase the wellbeing benefits of people connecting with nature and undertaking physical recreation in the outdoors. Recent

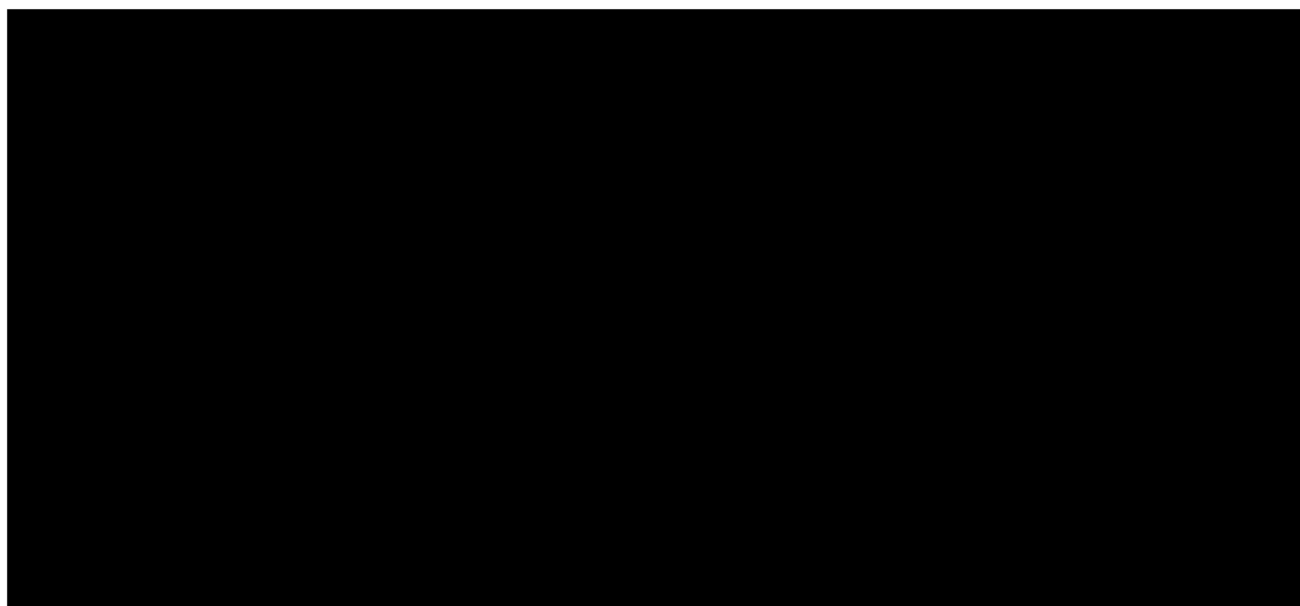
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strategies, including Te Mana o te Taiao – Aotearoa New Zealand Biodiversity Strategy 2020 and the DOC Heritage and Visitor Strategy, also apply a wellbeing lens.

- At the time of writing, your office had not received an invitation from the PCE to discuss the release of the report or an offer of an embargoed copy.
- Following the report's publication, we will provide you with advice on any implications for conservation and whether you may wish to meet with the PCE to discuss the findings.

Contact: [REDACTED]



2.5 Fish and Game Council elections

- The triennial Fish and Game elections were held in late September and early October 2021. This cycle, six elections were held: Taranaki, Wellington, North Canterbury, Central South Island, Otago, and Southland. The remaining regions received fewer nominations than Council positions.
- The average turnout was 24.6%, with 47.9% voting by post and 52.1% voting online.
- Regional Councils have now been formed. Fish & Game has five new regional chairs and seven incumbents.
- Fish & Game has 116 elected Councillors, which is a reduction of 28 Councillors. In response to the Fish & Game review the majority of regional councils resolved in advance of the election to reduce the size of their Councils from 12 members. These Councils now have eight or nine members, although four Councils still have more than ten members.
- The national New Zealand Council has been appointed and is made up of five new members. The first NZ Council meeting was on 4 December 2021, and Ray Grubb was re-elected unanimously as Chair.
- Fish & Game will be holding a combined regional Chair and national council joint meeting in February 2022 and will be undertaking strategic planning for the future of the organisation.

- You will shortly be receiving an invitation to meet with the Council at their February meeting.

- [REDACTED]

Contact: [REDACTED]

2.6 Northern North Island: Waipoua River Road sealing – Kauri Coast

- The Kaipara District Council and Te Roroa were awarded Provincial Growth Funding to seal 1.5km of access road from State Highway 12 to Te Roroa Headquarters (and associated visitor facilities) in Waipoua Forest.
- The road is currently owned by Te Roroa. The Council initially sought vesting of the road to DOC once constructed, to maintain the road into the future. The Council was also concerned about underwriting the construction contract.
- After discussions between DOC, Te Roroa and the Council, the matter of vesting has now been resolved, with the Council remaining principal to the construction contract and accepting road ownership on completion.
- A pre-construction blessing was held in mid-November. This was attended by MP Willow Jean Prime, Hon Shane Jones, the local Mayor, and the Chief Executive of Kaipara District Council.
- We continue to work closely with the Council and Te Roroa to ensure that the project is a success, as it will provide important infrastructure to enable key concepts in development for the Rakau Rangatira project in Waipoua Forest.

Contact: [REDACTED]

2.7 Northern North Island: Kaihu Valley Trail – Kauri Coast

- Under the Provincial Growth Fund, the Kaipara District Council is progressing a project to construct a cycleway along sections of the Kaihu Valley, generally following the historic rail line between Dargaville and Donnelly's Crossing. The Council has applied to DOC for a concession to use public conservation land for approximately 25% of the 40km trail.
- We have been contacted by two neighbouring landowners who oppose the cycleway and have met with them to discuss their concerns, which are around the trail dividing their land and making it difficult to farm.
- We have recently received a legal letter from one of the landowners, opposing granting a concession. We are keeping Kaipara District Council informed as we work through the legal implications of the neighbours' claims, with a view to making a decision on the concession in the new year.

Contact: [REDACTED]

2.8 Auckland – mana whenua closure of access to Pākiri Beach

- During the COVID-19 lockdown, mana whenua with ties to Ngāti Wai have prevented public access via a roadblock to Pākiri Beach, a popular recreational site north of Auckland, due to their concerns about risks to whānau health. They are likely to continue to prevent public access under the COVID-19 Protection Framework.
- We administer a covenant to provide for public access to the beach from a public car park across private land held by the Ngāti Manuhiri Settlement Trust. Under the roadblock, members of the public cannot access the beach from the public car park, although they can still access the beach via the nearby Pākiri campground, or via a longer walk through the adjoining Pākiri Regional Park, which is administered by Auckland Council.
- To date, we have received only one complaint about the lack of beach access across the covenant, but we anticipate this may increase under the new COVID-19 framework as Aucklanders return to the outdoors.
- Both DOC and Auckland Council are supportive of the closure, and we will work with mana whenua to ensure the public does not access the beach across privately-held land.
- We have also recently become aware that mana whenua may be investigating placing a rāhui on Pākiri Beach to address environmental and conservation concerns including the impact of dogs on wildlife, the protection of tara-iti (New Zealand fairy tern), offshore sand mining, and over-harvesting of shellfish. We are keeping a watching brief on this and will engage with mana whenua when they are ready.

Contact: [REDACTED]

2.9 Lower North Island – Temporary closure Morere Hotpools – Gisborne/Wairoa District

- Morere Hotpools in the Gisborne/Wairoa District falls within the Red Traffic light setting of the Covid Protection Framework.
- DOC has closed the pool facilities effective 3 December to enable us to work through and implement systems and processes to manage public access in this framework, including use of vaccine passes and how to keep our visitors and staff safe.
- We have discussed the temporary closure with local iwi. They are supportive of us taking this time to consider appropriate systems and processes and we will continue to work with them on our next steps.
- The closure will be reviewed in two weeks' time, by 17 December.

Contact: [REDACTED]

2.10 Te Taunaki I Public Service Census

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- Te Taunaki ran in May/June 2021, capturing the views and experiences of approximately 40,000 public servants working in 36 Public Service agencies.
- Last week we gave you a general briefing on the organisational results. We are now providing information in relation to the Māori-Crown capability and flexible working sections.
- DOC's responses on Māori-Crown relations capability were higher than the Public Sector. This is based on self-reported ratings with questions covering topics such as the use of Te Reo Māori at work, comfort with supporting tikanga Māori, feeling encouraged and supported to ensure Māori views are taken into account, and understanding how Te Tiriti o Waitangi applies to the organisation's work.
- There was also a strong uptake on flexible work arrangements compared to the Public Sector. The flexible work policy gives staff the ability to request changes to the timing and/or location of their work, including working from home.
- Given the diverse range of roles, responsibilities and functions across the organisation, not all forms of flexible working will be available to all roles.
- Increasing access to flexible work arrangements would ensure that more staff can request a formal or informal flexible work arrangement, while balancing individual, team and organisational needs. This work has been driven by the Public Service's flexible work by default approach.
- We will provide you with a briefing on Te Taunaki at the end of January to share the full organisational results for DOC.

Contact: [REDACTED]

2.11 Western South Island: Potential removal of rock at Truman Track, Punakaiki, Paparoa National Park

- The Truman Track, together with Dolomite Point (Pancake Rocks), in Punakaiki, are the two most popular short walking destinations within Paparoa National Park. In 2019, approximately 37,000 people visited the Truman Track. In the summer 2020/21 when international borders were closed due to COVID-19, the track still attracted 19,000 visitors. We are expecting similar visitation this summer 2021/22.
- In July 2019, a 3-4 tonne block of sandstone fell from a rock overhang and landed adjacent to the Truman Track. We fenced off the public from the area where the rock landed, the track was closed, and we sought advice on how to deal with the remaining piece of rock overhang.
- A geotechnical assessment revealed water seepage through surface gravels and cracks in the underlying sandstone, and confirmed that the rock overhang posed a significant public safety risk and hazard. We then removed the remaining sections of the rock overhang (approximately 30m³ or 70 tonne), allowing the track to re-open.
- This action resulted in community and then media attention at that time, with both Federated Mountain Clubs (FMC) and Forest and Bird raising concerns about the removal.
- The specialist geotechnical advice at the time of the 2019 rock fall stated that further rockfall may occur from the same rock overhang. We have been monitoring the site and recently identified that a further one-tonne sized rock

is loose. The section of the track has once again been closed so we can investigate.

- Our decision on how best to address the current rock hazard, based on our Visitor Risk Management system and risk assessment is that that removal of the rock is the preferred option.
- Consultation with Te Rūnanga o Ngāti Waewae and West Coast Tai Poutini Conservation Board on this matter has resulted in their endorsement of the recommendation to remove the rock hazard.
- Consultation with FMC and Forest and Bird has identified that these two organisations want the block of rock to be left in situ and for that section of the track to remain closed or, if it were to open, that safety messaging be provided so visitors can make their own decisions on the risk.
- We are currently considering this feedback and will make a decision on the rock removal prior to Christmas.

Contact: [REDACTED]

2.12 Health, Safety & Wellbeing

Weekly update on the COVID-19 pandemic response

- A vaccine mandate for the public staying in DOC huts and campsites was announced on 2 December.
- A draft policy on mandatory vaccination status for staff / contractors / volunteers / visitors to DOC premises was released for consultation on 29 November. Submissions close on 7 December and SLT will consider a final decision on 14 December.
- The draft policy will apply to DOC's statutory bodies (Ngā Whenua Rāhui, Game Animal Council, NZ Conservation Authority, Conservation Boards etc.), should it be confirmed, insofar as members of these bodies may, at times, be visitors to DOC premises and work closely with DOC staff on field visits and visits to other premises.
- The Risk Assessment and draft policy will be provided to your office in the week beginning 13 December.
- We are working with the Kāhui Kaupapa Atawhai and Operations teams to ensure that local iwi are aware of the policy changes.
- Staff guidance for doing our work under different Traffic Light colours has been developed and communicated to staff to assist them to work within the new system.

Contact: [REDACTED]

3 Events, Announcements & Media Opportunities

None this week

4 Director-General Engagements

December 2021

13 December Predator Free Governance Meeting, DOC Wellington

January 2022

18 January Southern Seabirds Trust meeting, DOC Wellington

19 January Fiordland Marine Guardians, MS Teams meeting

19 January Visit to Capital Kiwi Project, Capital Kiwi South Coast, Wellington

February 2022

17 February Select Committee Hearing – Annual Review, TBC

18-19 February Overnight visit to Matiu Somes, hosted by Kaitiaki Board

5 Appendices

The following appendices are provided to support this status report:

Appendix 1 – Cabinet Paper Report (regular item)

Appendix 2 – Forthcoming items (regular item)

Appendix 3 – Jobs for Nature dashboard (regular item)

Appendix 4 – Summary table of Civil Litigation in Senior Courts