

Submission on modernising conservation land management

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Submitter details

Name of contact person	Sam Newton – Advocacy Manager
Organisation name	Recreation Aotearoa
Postal address	Level 1, 29 Brandon Street, -Wellington, 6010
Telephone number	027 723 9380
Email	sam@nzrecreation.org.nz

Submission

Introduction

1. Recreation Aotearoa is a registered charity, and the organisation responsible for providing leadership, advocacy, and professional development opportunities for those involved in the broader recreation sector. We work at an agency, industry, and professional level to build capability, develop partnerships, and equip individuals and organisations with the skills they need to deliver high-quality recreation experiences that engage participants.
2. The Recreation Aotearoa membership includes recreation policy makers, territorial local authorities, voluntary organisations, regional sports trusts, outdoor recreation providers, and others involved in the delivery of recreation throughout New Zealand.
3. Our mission is enhancing wellbeing through recreation.
4. Recreation Aotearoa believes recreation is vital to New Zealand society. Recreation is not just about enjoyment. It is about being healthy, engaged and stimulated, having fun, and interacting with others, whether through outdoor recreation, community recreation, or aquatic and facility-based recreation. Recreation is a major contributor to the physical and mental health of individuals, and to the resilience of our communities.
5. Greater understanding of these benefits and their downstream impacts, along with awareness of how legislation, regulation and policy can influence recreation delivery, are key to ensuring that New Zealand's recreation opportunities remain among the world's best
6. We acknowledge and thank the Department of Conservation (DOC) as the major provider of New Zealand's outdoor recreation opportunities. By investing in outdoor recreation, DOC is helping to instil a lasting culture where active living and a connection with nature matters.
7. DOC has a critical part to play in ensuring people continue to enjoy quality recreation opportunities. Recreation Aotearoa notes that DOC spends in excess of \$200m per annum on the provision of recreational opportunities. In the context of the entire Sport and Recreation 'system', this level of

expenditure places DOC in the realm of Sport NZ itself and above all but the largest Local Territorial Authorities.

8. 80% of New Zealanders visit Public Conservation lands and water at least annually. Recreation Aotearoa notes that according to Sport NZ data, the most popular forms of Active Recreation among NZ adults (Walking, Swimming, Mountain Biking, Fishing, Hunting, Tramping, Trail-running and Snow Sports) are undertaken on Public Conservation Land.
9. Public Conservation Land, managed by DOC, makes up one third of NZ's land mass. The extent to which DOC fulfils its statutory duty to foster recreation on Public Conservation land has huge determinative effects on recreation opportunities and the recreation sector.

General comments

10. Recreation Aotearoa acknowledges the need for an updated and streamlined conservation land management framework but emphasises that any changes must be guided by an approach that balances environmental protection, recreational use, public access, and financial sustainability. Public conservation land plays a fundamental role in recreation, health, and community, and it must remain open, accessible, and well-managed.
11. While we support efforts to improve efficiency and transparency in land management, we are concerned that the discussion document does not sufficiently prioritise recreation and outdoor education outcomes.
12. It is essential that sufficient checks and balances are put in place to address the risks associated with streamlining the management system and providing increased flexibility through relaxing current restrictions. In Recreation Aotearoa's view, many of the proposals need reframing and more detailed direction and criteria put in place to guide their operation.
13. This consultation and any associated legislative reform present a rare and valuable opportunity to improve the regulatory settings for the use of public conservation land for the purposes of outdoor education. This would allow New Zealand to benefit to a greater extent, from the numerous and varied benefits that outdoor education affords.

14. Recreation Aotearoa submits that Conservation management strategies (CMS) and national park management plans (NPMPs) have suffered from delays due to resource constraints. Any new framework must ensure that sufficient funding and staffing with specialist recreation planning and visitor management expertise are allocated to plan reviews and updates to maintain effectiveness.
15. Recreation Aotearoa submits that any reforms must balance efficiency with recreational access. While streamlining processes is beneficial, it is essential that these changes do not compromise public access. Permitting and concession processes must remain fair and transparent, ensuring that recreation providers and community groups are not disadvantaged.
16. Recreation Aotearoa efforts to strengthen partnerships with Iwi and Hapū: The recognition of iwi and hapū as partners in conservation management is welcome, but the proposal contained in this discussion document lacks specificity and detail as to how those partnerships will be formed and operate.

Specific responses to Section 3:

17. Recreation Aotearoa submits its support for the assertion that the current planning system is complicated. However, the extent to which CMS and NPMP documents have failed to be updated within their statutory timeframes is not due to the complexity of the system, but rather long-term chronic underfunding of DOCs planning function.
18. Prior to the 2020 General Election, Recreation Aotearoa wrote to all the parliamentary political parties, making the observation that seven of the 16 Conservation Management Strategies, and eight of the 13 National Park Management Plans were out of date. The fact that there has been a time that far fewer plans were out of date, suggests that the current system is not fundamentally unworkable, but temporarily under-resourced. Any new framework must be supported by adequate funding and staffing for planning, reviewing, and updating to planning documents.
19. Recreation Aotearoa strongly agrees with the assertion that concession decisions take too long. We have advocated on behalf of several of our

members (typically non-profit outdoor education providers) who have suffered a great deal, due to delays.

20. By way of example, we would point to the following Case Studies, submitted by members of Recreation Aotearoa, who are both registered charitable trusts and certified Adventure Activity Operators under the Health and Safety at Work (Adventure Activity Regulations) 2016:

Case Study 1: Adventure Specialties Trust

Adventure Specialties Trust (AST) has been delivering outdoor adventure and wellbeing programmes to New Zealand youth for over 40 years. The Trust works primarily with young people, including those from underprivileged backgrounds, to build resilience, improve wellbeing, and foster a deeper connection to nature. Despite its longstanding commitment to youth development and responsible outdoor practice, AST has faced significant barriers in accessing DOC-managed land due to the concession process. Some key examples include:

- **A 16-Year Wait for a Multi-Site Concession:** In 2009, AST applied for a multi-site concession to operate across several DOC-managed areas. Despite meeting all DOC requirements, the decision remains pending 16 years later, severely restricting AST's ability to deliver programmes in some areas. AST has been prohibited from using Kura Tawhiti (Castle Hill) and Karangahake Gorge, despite these areas being freely accessible to the public, schools, and other groups.
- **Ongoing Delays and Changing Conditions:** After years of delays, DOC split AST's multi-site application into three separate requests, creating unnecessary complexity. In 2020, AST was granted a concession for the Tongariro Alpine Crossing, but the associated costs—\$1,200 for processing and \$400 annually—were unsustainable for a non-profit organisation.
- **Group Size and Hut Access Restrictions:** Despite being offered some concessions, the restrictions on group sizes and hut access have made many locations impractical for the Trust's programmes.
- **Threats of Legal action:** Although AST has operated in some areas for 40 years DOC has issued legal action warnings if they are to continue to operate. Regardless that general public, schools and youth groups can freely access the areas- example, Karangahake Gorge in the Waikato region.

These delays and barriers undermine AST's ability to offer transformative experiences for youth, ultimately limiting the Trust's impact on the community.

Case Study 2: Hillary Outdoors

Hillary Outdoors has been operating under a Main Guiding Concession in the Central North Island for over 20 years. More than three and a half years ago (June 2021), we submitted an application for renewal, engaging in comprehensive iwi consultation and adhering to DOC's pre-lodgement directives. Despite meeting all requirements, the application has been delayed repeatedly, primarily due to:

- High turnover of DOC staff – Over the four-year period, we have dealt with five different regional Permissions Advisors and three different Operations Managers in the Tongariro Office alone. Each staff change caused delays as new personnel needed to familiarise themselves with our case.
- Redundant and repetitive consultation processes – Prior to submission, we engaged with mandated iwi authorities and secured support from Ngāti Hikairo, Ngāti Hikairo and Ngāti Rangī. However, due to DOC's delays, we were required to re-initiate consultation, adding unnecessary time and cost to the process.
- Lack of transparency in decision-making – No clear rationale has been provided for the prolonged assessment period. The primary reason cited is iwi consultation, yet we have strong iwi support and a demonstrated commitment to respecting cultural values.
- Lack of technical robustness in decision making – The Department's decision contained many incorrect assumptions, inaccuracies (i.e. in one case they referred to the wrong site) and relied on irrelevant material.

The received in December 2023 is so restrictive it renders our operations non-viable.

The concession that Hillary Outdoors received is highly restrictive, making it impossible for Hillary Outdoors to continue operating effectively. **Key concerns include:**

- Unreasonably short concession terms.
- Whanganui District: 3 years (too short for sustainable planning).
- Central North Island: 10 years (a reduction from our previous 20-year term).
- Taranaki: Denied outright, with no explanation.
- Overly complex conditions.
- 10 pages of standard guiding conditions.
- 13 additional pages of special conditions in a rigid table format.
- Further pages of additional conditions, many duplicating existing laws and regulations.
- Redundant duplication of existing regulatory frameworks.
- The decision was incomplete as it did not include key maps.
- DOC is attempting to impose conditions on health and safety matters that are already covered under Adventure Activities Regulations and WorkSafe NZ audits. This is outside DOC's mandate and creates unnecessary compliance burdens.

Hillary Outdoors was forced to request a reconsideration of that decision in March 2024 and are still awaiting a response.

21. Recreation Aotearoa agrees that policy and guidance are lacking on how DOC should give effect to Treaty principles. Specifically, we have observed that many of our members have struggled to comply with inconsistent and unevenly applied guidance as to what is required in terms of Iwi consultation when applying for a concession. However, there is not nearly enough detailed proposals as to how DOC will resolve this web of issues. What is written seem generic and unspecific, in nature.
22. Recreation Aotearoa agrees with the assertion that better performance and outcomes could be generated from concessions. But we submit that these improvements are not limited to economic and financial realms. There is significant scope to improve recreational and conservation outcomes from the concession system. Specifically, we observe that the widely documented social, developmental and personal benefits of outdoor education are hugely constrained by the existing concessions process and a long-standing inconsistent application of Section 170 of the Conservation Act.
23. Recreation Aotearoa agrees that a clearer framework for when a 'first-come, first-served' approach is and is not appropriate is required and could improve recreational, economic, and environmental outcomes. We submit that the impact on the recreational experience of other users by a concessionaire, should be a fundamental principle of whatever regime is established.
24. Recreation Aotearoa submits that an issue that has been missed is that of concessions for outdoor education providers. The inconsistent application of section 170 of the Conservation Act to Outdoor Education activities is a long-standing and ongoing issue that has had a significant negative impact on outdoor education provision in New Zealand.
25. Under DOC's current interpretation of section 170 schools delivering outdoor education activities are not required to hold concessions, however not-for-profit outdoor education providers delivering the same activities are. This is despite neither receiving "specific gain or reward, pecuniary or otherwise".
26. This inconsistent and inequitable application of section 170 places a significant cost and administrative burden on not-for-profit outdoor education providers. In addition, restrictions and group size limits imposed through concessions, can mean it is not feasible for outdoor education providers to operate on public conservation land. This denies young people the

opportunity to engage with conservation land through outdoor education and disincentives schools from using outdoor education providers. Recreation Aotearoa is aware of numerous examples where schools have withdrawn from providing outdoor education because a. they do not have the in-house specialist capability to deliver outdoor education safely, and b. the cost of using a not-for-profit outdoor education provider is too high. Recreation Aotearoa submits that requiring not-for-profit outdoor education providers to hold concessions is not only inequitable, it also creates barriers to young people participating in outdoor education and engaging with the conservation estate

27. DOC partially recognised this issue in 2020, when it created a concession activity fee exemption for not-for-profit outdoor education providers, however, this did not go far enough and does not address the underlying issues identified above, including the cost burden of application processing fees. It also does not address the inconsistent, and in our view, incorrect application of section 170 of the Conservation Act.

To resolve this inconsistency, nonprofit outdoor education providers, including tertiary institutions, should be placed in the 'exempted activities' class of concessions. It should be noted that the vast majority of outdoor education providers are not-for profit entities and, as such, should be treated in the same manner as schools and other non-commercial organisations, rather than being subject to the same requirements as commercial tourism operators. This is discussed further below.

Specific responses to Part 5:

28. Recreation Aotearoa makes the observation that Conservation General Policy currently applies to land managed by DOC under the Reserves Act but not to land managed by councils under the Reserves Act. It could be the case that the proposed NCPS also extends to reserves managed by councils. This could drive the much-needed modernisation of the Reserves Act and create more consistency in the management of recreation reserves.
29. Relatedly, many leasing challenges on conservation land are also present in local government leases, particularly regarding existing use versus

competitive allocation. A more broadly applied NCPS could provide a framework and clearer guidance for reserve management, which would be welcome.

30. Recreation Aotearoa submits that if the NCPS is to have the ability to outline what must be considered when determining whether a concession can be granted, it is unclear whether that would replace or supplement Part 3B of the Conservation Act. It would be prudent to consider the implications of removing this function from legislation and adding it to a more temporal and easily altered policy statement.
31. Recreation Aotearoa submits its cautious support for the idea that there should be one plan per conservation area. But we also recognise that management of National Parks requires a greater depth and specificity than other categories of public conservation land. We note that the consultation document does not address the difficult questions of where boundaries might lie, what scale the regions will take, and how mana whenua rohe boundaries will be overlaid.
32. Recreation Aotearoa submits that in addition to the two proposed roles and functions of area plans outlined in Table 3, Recreational outcomes should be explicitly included. This would be consistent with the existing Conservation Act which requires Recreation to be fostered.
33. Recreation Aotearoa agrees that it is appropriate for an area plan to set a reasonable limit on the volume of an activity that can occur in an area. But detail is lacking as to how will limits be determined, and by whom. It is also unclear what tools will be available to manage and monitor concessionaire activity. Effective management will require DOC to develop a significantly more advanced visitor and recreation management framework than currently exists.
34. Recreation Aotearoa accepts that moving to a single layer of area plans would likely require a multi-year process to make new area plans. As such, to build trust and retain social licence, DOC would be well advised to publish a roadmap of this work and produce a prioritised list of area plans that will be produced, against timeframes.

35. Recreation Aotearoa does not support the seemingly narrow focus on concessions for area plans, outlined in Section 5.1.3. We note that in other parts of the consultation document, it is implied that area plans would still define outcomes for the areas they cover.
36. Further, Recreation Aotearoa submits that narrowing the scope and statutory functions of the NCPS and area plans presents certain risks. While we support greater clarity on the purpose of these documents, we oppose limiting their role to setting concession rules. They should continue to support integrated management, define conservation and recreation outcomes, and guide the level and type of recreation provision.
37. Area plans also play a crucial role in documenting the values of a place, including its recreational significance. For these values to be protected, they must first be established and agreed upon what they are. Conservation Management Strategies and National Park Management Plans do exactly that. This function must endure.
38. Recreation Aotearoa is of the strong view that non-profit outdoor education should reside in the Exempted Activities class of concessions, under any new regulatory settings. Outdoor education providers play a critical role in fostering environmental stewardship, outdoor skills, and well-being for thousands of New Zealanders, particularly young people. These programs are run by nonprofit organisations and tertiary institutions for no commercial or pecuniary gain.
39. We note that public conservation land exists for the benefit of all New Zealanders, and outdoor education aligns directly with DOC's objectives of increasing connection to nature and encouraging responsible outdoor recreation. School groups are rightly exempt from concessions, yet nonprofit organisations delivering the same educational experiences must apply. This discrepancy is unfair and undermines the role of outdoor education providers in delivering high-quality learning experiences. A clear exemption for nonprofit outdoor education providers, including tertiary institutions, would support equitable access to nature, reduce administrative burdens, and strengthen New Zealand's culture of outdoor learning—without compromising conservation values.

40. Recreation Aotearoa submits that commercial outdoor education providers, including edu-tourism operators, should reside in the activities permitted in advance class of concessions, under any new regulatory settings.
41. Recreation Aotearoa submits its concern with the idea that functions and roles of statutory planning documents become more oriented towards guiding regulatory decision making and concessions, as expressed in Section 5.3.3. If this were to be the case it is unclear where the planning for the management of conservation, biodiversity, and recreational outcomes is documented and how the public might contribute their thinking and perspectives towards the wider management of Public Conservation Land.
42. Recreation Aotearoa agrees that all commitments in Treaty settlement legislation about engagement in the planning process should be upheld and incorporated into any new arrangements, as expressed in Section 5.3.5. However, we assert that all iwi should have their rights and interests recognised in conservation policy and plans regardless of whether they are pre or post-settlement. We have observed that the current approach severely disadvantages pre-settlement iwi and creates inequities where some iwi have negotiated more advantageous settlements than others.

Specific responses to Part 6:

43. Recreation Aotearoa submits its support for the creation of statutory timeframes for concession applications. This should also include timeframes for applicants to provide additional information. Based on our experience and observation of how often and severely statutory timeframes for DOC planning documents have been breached, we would submit that the adequate resourcing and staffing of the concessions function is equally as important as the timeframes, themselves.

Specific responses to Part 7:

44. With regard to Section 7.1.3, Recreation Aotearoa accepts that it is reasonable that a financial return to the Crown is a component of the Return to Conservation criterium. However, it should be explicitly stated that those

financial returns are re-invested into conservation and recreation outcomes on public conservation land.

45. Further, while it is reasonable that competitive allocation should consider how the vision and outcomes for the place might be achieved, it is not clear where those are expressed or documented. See previous paragraphs 34-36.

46. Recreation Aotearoa agrees that there are many improvements to be made with regard to the issues raised in Section 7.1.4. Any new regime must ensure assets are properly managed and maintained by concessionaires. The transfer of fixed assets should be cost-neutral for DOC, with the new concessionaire covering the full agreed cost. Additionally, DOC needs greater authority to intervene when assets are not being maintained. This should include the ability to recover any removal or maintenance costs if a concessionaire allows an asset to deteriorate and then abandons it.

47. Recreation Aotearoa agrees that the contractual management of concessions needs to be modernised and submits its support for the entirety of Section 7.2.

Specific responses to Part 9:

48. Recreation Aotearoa submits its opposition to the idea that the setting for the disposal or exchange of land should be liberalised. We assert that the threshold for disposing or exchanging land should be extremely high to avoid loss of recreation and conservation values.

49. Recreation Aotearoa submits its concern that if specific areas would be disqualified from being eligible for consideration for exchange or disposal (9.1), then the inverse must be true. This could be interpreted as a mechanism to reclassify conservation land or introduce an additional classification system. For instance, a conservation or forest park—or even a specific site within it—could be categorized as either "high value and not for exchange" or "low value and suitable for exchange." Recreation Aotearoa would not support any such approach as it would pose significant risks, not only for conservation outcomes but also for recreational access and use.

50. Recreation Aotearoa does not agree with how the issue of land exchanges has been presented. The framing makes it evident that the government is

unwilling or financially incapable of purchasing additional conservation and is seeking to utilise a trade-off approach. Our view, in simple terms, is that if land is valuable, then it should be purchased and added to the estate. If land is no longer (or never was) valuable, it should be disposed of.

Conclusion

51. Recreation Aotearoa supports efforts to modernize the conservation land management framework but urges that reforms prioritize recreational access, public benefit, and environmental protection. Public conservation land is essential for outdoor recreation, well-being, and community connection, and any changes must ensure these values are maintained and enhanced.
52. We strongly support efforts to create a more transparent and efficient concession system, including the introduction of a class approach and statutory timeframes.
53. Recreation Aotearoa strongly advocates for the current inconsistencies in the application of Section 170 to be addressed. Recreation Aotearoa urges DOC to exempt nonprofit outdoor education providers from concession requirements. These organisations provide invaluable learning experiences that align with DOC's goals of fostering nature connection and responsible recreation, yet they face unnecessary barriers that schools do not. Removing this requirement would ensure fair access, reduce red tape, and support outdoor education's vital role in developing environmental stewardship and outdoor skills. This simple change would strengthen New Zealand's outdoor learning culture without compromising conservation values.
54. Additionally, we caution against proposals that could lead to the reclassification or disposal of conservation land without robust safeguards. Public conservation land should remain a shared resource for all New Zealanders, with decisions guided by conservation, recreation, and community interests rather than financial trade-offs.
55. Finally, we emphasize the need for sufficient resourcing of DOC's planning and concession functions to prevent delays and inefficiencies that have long hindered recreational access. We welcome further engagement on these

critical issues and urge DOC to ensure that any reforms strengthen, rather than diminish, the accessibility and sustainability of New Zealand's world-class outdoor recreation opportunities.