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2 June 2026

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Dear Sir/Madam

Waikato Regional Council Submission to National Conservation Policy Statement Proposal Document

Thank you for the opportunity to submit on the proposal document for the content of the first National Conservation Policy Statement Proposal Document. Please find attached the Waikato Regional Council's (the Council's) submission regarding these documents. The submission was formally endorsed by the Council's Strategy and Policy Committee on **18 June 2026**.

Should you have any queries regarding the content of this document please contact Judy van Rossem, Specialist Policy Advisor, Policy Implementation directly on (07) 8590893 or by email judy.vanrossem@waikatoregion.govt.nz.

Regards,

A handwritten signature in black ink, appearing to read "Tracey May". The signature is fluid and cursive, with the first name "Tracey" being more prominent than the last name "May".

Tracey May
Director Science, Policy and Information

Introduction

1. We appreciate the opportunity to make a submission on proposed content of the first National Conservation Policy Statement (NCPS), to support the Conservation Amendment Bill currently before the Select Committee.
2. Waikato Regional Council (the Council) has an interest in the NCPS, including proposed policies, area plan content and pre-approved and exempt activities, as it will affect the activities that we carry out on conservation land to meet our functions and obligations under the Resource Management Act 1991 (RMA). The Council currently holds concessions and permissions managed by the Department of Conservation (DOC) and relies on these contracts to undertake these activities.
3. The Council is providing feedback to DOC on the proposals for the first NCPS, and to the Select Committee on the Conservation Amendment Bill, through two separate submissions.
4. Overall, we see the Conservation Amendment Bill as a structural reset of DOC's planning system that broadly aligns with our integrated management approach. However, it creates some important risks and dependencies for the Council. Our focus within the submission is that our statutory functions can continue effectively.
5. We are pleased to see that feedback is being sought on the proposed content of the NCPS at the same time as the Bill is going through the Select Committee process, as this reduces delay between the legislation taking effect and the NCPS being finalised.
6. This submission has been prepared in the form of responses to the consultation questions in the proposal document.

Summary

7. In summary this feedback:
 - (a) Supports the proposed scope and content of area plans, and the intent for them to be more streamlined and shorter than current conservation management strategies.
 - (b) Recommends that an expert panel along with consultation as proposed in the Conservation Amendment Bill be established for each area plan to ensure that plan content is accurate and up to date.
 - (c) Recommends better assessing the relationship between area plans and regional spatial plans under the new resource management system.
 - (d) Recommends ensuring that the primary purpose of the visitor zones is to promote conservation and the protection of ecological and cultural values, and that recreation and development should only occur where they do not compromise conservation values.
 - (e) Strongly recommends that the exemption framework be expanded to include such non-commercial, statutory council activities, while recognising that higher-impact works (e.g. flood protection structures) may still require case-by-case assessment due to their potential environmental effects.
 - (f) Recommends that section 25 (*Disapplication of pre-approved and exempt activities*) be simplified and clarified to explicitly state that where activities are "disapplied," they revert to requiring a concession and full assessment.
 - (g) Supports the inclusion of pre-approved activities for low-impact research and operational activities, such as drone use and the collection of soil, non-threatened flora, and non-protected wildlife, where environmental effects are minimal and can be appropriately managed through standard conditions.

- (h) Recommends clarifying the terms “known” or “reasonably available information” and requiring a precautionary approach to assessment where information is incomplete, to ensure that ecological values are not unintentionally compromised.
- (i) Supports the use of standard conditions for pre-approved activities but recommends that additional safeguards are needed to address site-specific risks. In particular, conditions should require a precautionary approach where ecological information is incomplete, rather than relying on “reasonably available” data.
- (j) Recommends that exempt and pre-approved activities should not apply in areas where site-specific values are highly sensitive, vulnerable, or not well understood such as karst/cave systems or areas supporting threatened or at-risk species.
- (k) Supports the list of activities proposed for standardised pre-assessment in Appendix 4.
- (l) Recommends that statutory functions undertaken by regional councils on public conservation land be explicitly included within the list of activities subject to standardised pre-assessment if such activities cannot be fully exempt or pre-approved.
- (m) Recommends that the policies under “Freshwater Fish” particularly sections 43 and 44 should reference the National Policy Statement for Freshwater Management, and that alignment of the policies relating to other specific activities as described (such as sports fish and game birds) be checked against other current national policy instruments.
- (n) Recommends that pest control for biodiversity outcomes by regional councils be explicitly provided for in the NCPS, with exempt or pre-approved activity classes for routine biosecurity work on public conservation land, to avoid unnecessary case-by-case concessions and enable timely, effective action.
- (o) Recommends that regional council statutory activities specifically natural hazard management, flood protection, river management, and environmental monitoring be added to the Appendix 5 non-exhaustive list of exempt activities. These are critical public-good activities that should not require a district land use consent when undertaken on public conservation land.
- (p) Recommends that land reclassification decisions should take important functions such as biodiversity, river health and flood protection into account to avoid creating downstream issues that councils must manage.
- (q) Suggests that Tables 3 and 6 (Assessment of activities against land classifications) include an explanation as to how the “% of PCL” is determined.

8. We request to be involved in any future consultation processes in relation to conservation law reform and would welcome the opportunity to comment further on any issues explored during its development.

Submitter details

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Consultation question	Waikato Regional Council submission
Directing content of area plans	
1. <i>Is there additional content that you believe should be included or removed within area plans?</i>	• <u>We support</u> the proposed scope and content of area plans, and the intent for them to be more streamlined and shorter than current conservation management strategies. The inclusion of sufficient information about the values , threats and pressures of a site, as well as relevant Treaty settlement information, upon which concession applications can be thoroughly assessed is an important consideration. • However, we are concerned that there is no intention to verify the natural and cultural values for each area to a level that will enable a robust assessment of the impacts of proposed activities. The extent that information is “reasonably available” is undefined. The level of information required to support assessments is unlikely to be able to simply be rolled over from an existing, out-of-date conservation management strategy (CMS)(for example, the Waikato CMS was completed in 2014). • <u>We recommend</u> that an expert panel along with consultation as proposed in the Conservation Amendment Bill be established for each area plan to ensure that plan content is accurate and up to date. • <u>We recommend</u> assessing how area plans will connect with the regional spatial plans under the new resource management system. Specifically, DOC's Area Plans should provide clear spatial mapping of conservation values, identified natural hazards, and infrastructure corridors at a scale that can be directly exported and integrated into regional spatial plans. This will provide efficiencies, avoid ambiguities, support consistent cross boundary management and ensure the two systems are well integrated.
2. <i>Do you have views on any transitional policies for area plans that should be considered?</i>	• We understand that new <i>Clause 11</i> in the Conservation Amendment Bill provides that existing CMS’s will remain in effect until replaced by area plans, and have no further views on transitional provisions.
Visitor zones	
3. <i>Do you have any feedback on the proposed approach to developing visitor zones?</i>	• We consider that visitor zones could be developed as long as these are nested within the primary purpose of conservation land, and as a result any development enabled through these zones must complement the ecological and cultural values of the site. • We consider that if the visitor zones are not nested with conservation principles there is a risk of shifting the focus from conservation toward prioritising recreation and tourism, and this may increase development pressure on conservation land over time. • This shift in focus could have implications for regional council functions, including biodiversity protection, water quality management, natural hazard management, and integrated land and water planning. Increased development and

	infrastructure in sensitive areas can create cumulative environmental effects that councils must later manage through the resource management system. • <u>If DOC decides to progress with visitor zones, we recommend</u> ensuring that the primary purpose of the visitor zones is to promote conservation and the protection of ecological and cultural values, and that recreation and development should only occur where they do not compromise any conservation values.
Exempt activities	
4. <i>Do you have feedback on any of the activities proposed for exemption from requiring a permit, and should we consider any others?</i>	• We consider that the current list of exempt activities in the draft NCPS is too narrow and does not reflect the range of statutory functions regional councils are required to undertake on public conservation land. Activities such as installation and operation of equipment for state of the environment and natural hazard monitoring (including continuous water quality equipment, geothermal monitoring, river or lake level recording sites, telemetry installation and groundwater monitoring wells) are essential to delivering our functions under the RMA and other legislation, and are undertaken for public benefit rather than commercial gain. Requiring concessions for these activities can introduce unnecessary costs, delays, and uncertainty for work that is often time-sensitive and focused on preventing harm to people, property, and the environment. • <u>We strongly recommend</u> that the exemption framework be expanded to include such non-commercial, statutory council activities, while recognising that higher-impact works (e.g. flood protection structures) may still require case-by-case assessment due to their potential environmental effects.
5. <i>Are there other conditions you think should be included or removed for these exempt activities?</i>	• We consider that the provisions relating to the “disapplication” of exempt and pre-approved activities are unclear and difficult to interpret. The use of the term “disapply” (a double negative) creates confusion about what is actually intended, particularly for applicants and decision-makers. While the explanation suggests that activities can still proceed through a standard concession process, this is not immediately clear from the language used. • <u>We recommend</u> that this section be simplified and clarified to explicitly state that where activities are “disapplied,” they revert to requiring a concession and full assessment. Clear, plain language and a more direct explanation of the process would improve understanding, transparency, and implementation.
Pre-approved activities	
6. <i>Do you have feedback on any of the activities proposed for pre-approval, and should we consider any others?</i>	• <u>We support</u> the inclusion of pre-approved activities for low-impact research and operational activities, such as drone use and the collection of soil, non-threatened flora, and non-protected wildlife, where environmental effects are minimal and can be appropriately managed through standard conditions.

	• However, we have concerns about the reliance on “known” or “reasonably available” information to assess effects. This term is unclear and risks important ecological values, including threatened species, being overlooked where data is limited or incomplete. In practice, this may mean activities proceed without full understanding of site-specific values, particularly in areas where ecological data gaps exist. • We also note that terms such as “moderate” or “significant” are not defined, which may lead to inconsistent interpretation and application. • <u>We recommend</u> clarifying these terms and requiring a precautionary approach to assessment where information is incomplete, to ensure that ecological values are not unintentionally compromised.
7. <i>Are there any other terms and conditions you think should be included or removed for these pre-approved activities?</i>	• <u>We support</u> the use of standard conditions for pre-approved activities but <u>we recommend</u> that additional safeguards are needed to address site-specific risks. In particular, conditions should require a precautionary approach where ecological information is incomplete, rather than relying on “reasonably available” data.
Areas where pre-approved and exempt activities do not apply	
8. <i>Are there areas where you believe exempt and pre-approved activities should not apply? Please describe the area(s) in detail and the significant adverse effects on natural, cultural, or historic values, and why adverse effects cannot be avoided or mitigated.</i>	• <u>We recommend</u> that exempt and pre-approved activities should not apply in areas where site-specific values are highly sensitive, vulnerable, or not well understood such as: ○ karst/cave systems where disturbance may be irreversible and cannot be mitigated through restoration ○ areas supporting threatened or at-risk species including breeding, nesting or feeding sites – where even low impact activities could cause disturbance or cumulative effects.
9. <i>What costs and benefits do you see in not applying pre-approved and exempt activities in specified locations?</i>	• We consider that not applying pre-approved and exempt activities in specified locations has clear environmental benefits such as: ○ Helping to protect threatened species and sensitive environments, where even low-impact activities may have disproportionate effects ○ Improving alignment with regional council functions, including managing downstream impacts under the RMA (e.g. water quality and hazards). • Practical costs that need to be balanced include: • Reducing efficiency gains from pre-approval by requiring full concession processes, leading to increased time and cost for applicants and DOC

	• Could place additional resourcing pressure on DOC for processing and assessment. • Overall, we consider that the benefits of protecting high-value or sensitive areas outweigh the costs.
Activities with standardised pre-assessment	
10. Do you have feedback on any of the activities proposed for standardised pre assessment?	• <u>We support</u> the list of activities proposed for standardised pre-assessment in Appendix 4.
11. Do you know of any other commonly undertaken activities on PCL which should be included in the list of activities?	• We consider that the range of statutory functions undertaken by regional councils on public conservation land should, in the first instance, be exempt or pre-approved where they are non-commercial and deliver clear public benefit. These activities - including environmental monitoring, telemetry, and state of the environment reporting as described previously - are essential to fulfilling statutory obligations and managing risks to people, property, and the environment. • If such activities cannot be fully exempt or pre-approved, <u>we recommend</u> that they be explicitly included within the list of activities subject to standardised pre-assessment, to ensure they can proceed efficiently while still allowing for appropriate consideration of site-specific environmental effects.
Policies for the management of specific activities	
12. Are there other management matters we should consider for one (or more) of these activities?	• <u>We recommend</u> that the policies under “Freshwater Fish” particularly sections 43 and 44 should reference the National Policy Statement for Freshwater Management.
13. Is there additional feedback relating to these activities you wish to provide?	• <u>We recommend</u> that alignment of the policies for the management of other specific activities (such as sports fish and game birds) be checked against other current national policy instruments.
14. Should any other activities be managed by the NCPS?	• <u>We recommend</u> that the control of pests for biodiversity outcomes by regional councils be explicitly managed by the NCPS. Integrated pest control is a core regional function under the Biosecurity Act 1993 that intersects directly with our RMA obligations under the Waikato Regional Policy Statement to safeguard ecological integrity (Objective ECO-O1) and promote indigenous biodiversity outcomes (Policy ECO-P1). To support cohesive, landscape-scale biodiversity outcomes, the NCPS must provide the mechanism for immediate operational alignment for regional council biosecurity teams. Historically, central government processing delays and concession requirements have frequently hindered the Council’s operational efficacy under the Waikato Regional Pest Management Plan. We therefore recommend the NCPS explicitly establish 'exempt' or 'pre-approved' activity classes for routine regional council biosecurity and pest control duties on

	public conservation land. Removing the need for case-by-case concessions for these statutory, public-good activities will eliminate administrative friction and ensure rapid, effective interventions.
Exemption from district land use consents	
15. <i>Are there other activities you think should be included in the non-exhaustive list (noting the activities must meet the requirements of the RMA section 4(3) exemption)?</i>	• <u>We recommend</u> that regional council statutory activities, specifically natural hazard management, flood protection, river management, and environmental monitoring be added to the Appendix 5 non-exhaustive list of exempt activities. These are critical public-good activities that should not require a district land use consent when undertaken on public conservation land.
Policies for land reclassification	
16. <i>Is there any feedback you wish to provide regarding these reclassification policies?</i>	• <u>We support</u> reviewing and reclassifying conservation land where needed, but we are concerned that this could enable more intensive use without fully considering the environmental impacts. Reclassification should require a clear assessment of ecological values, water quality, and natural hazard risks such as flooding and erosion. • We consider that land with lower apparent value may still be important for biodiversity, river health, and flood protection. <u>We recommend</u> that reclassification decisions should take these functions into account to avoid creating downstream issues that councils must manage. • It is unclear from Tables 3 and 6 (Assessment of activities against land classifications) as to how the “% of PCL” is determined, and <u>we suggest</u> that the commentary includes an explanation of how these figures were derived.