



MILFORD
OPPORTUNITIES

MILFORD OPPORTUNITIES PROJECT

Governance, Management, and Legislation Report

1 March 2021

MARTIN
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EXECUTIVE SUMMARY

The requirement to Master Plan Milford Sound Piopiotahi will require collective effort across a wide range of central and local government, mana whenua, local enterprise, and community stakeholders. In many cases these institutional arrangements sit within broader legislative and policy frameworks.

This report sets out the main options for designing a new management and governance framework for Milford Sound Piopiotahi to support the Master Plan¹. It stops short of providing implementation detail as those issues will be covered in a subsequent phase; however, it does address key implementation considerations at a high level.

The options have been informed by

- desktop review of relevant legislation, policy documents and governance related information
- focused engagement with Ngāi Tahu as mana whenua/Treaty partner
- a range of stakeholder interviews
- an assessment of the needs of the Master Plan
- engagement and feedback with the Statutory Management Reference Group and with the Department of Conservation on the options.

We have identified two main options for Milford Sound Piopiotahi. While the Governance Group has encouraged us to be bold and think big in identifying options, these choices are likely to set a precedent which may affect other areas of New Zealand – especially areas under visitor/tourism strain. As such, the final decision is a strategic choice for the Governance Group and ultimately the Government, which will be determined by a shared level of ambition and confidence in a new way of working. These options are:

- **Legislative action** – creating a new '*Piopiotahi Management Entity*' as a discrete statutory entity. This would be created by new legislation enshrining the purpose, objectives, role, and principles of the entity. The legislation would also define the Vision and provide the relevant planning provisions by inserting them directly into in the National Park Management plan without going through the normal public submission process. The entity would replace existing bodies' functions under the National Parks Act, the Conservation Act, and the Resource Management Act. Together with reviewing, and where necessary changing, existing concessions, this option would be most likely to achieve the objectives of the Milford Opportunities Project.
- **Within existing frameworks** – establishing a dedicated business unit within the Department of Conservation. This entity would have a stronger mandate for the management and governance of Milford Sound Piopiotahi but would need to operate within existing legal and policy frameworks and develop strong partnerships to succeed. The Vision and other provisions in the National Park Management Plan would be subject to the existing public process under the National Parks Act. All existing entities would continue to have their roles and functions, requiring agreement to overarching strategic objectives, and agreed protocols for how the entities will work together to implement the Master Plan.

Existing legislation provides greater flexibility in management and governance than is currently exercised. Our analysis suggests that most of the change sought in behaviours and approaches is achievable without legislative change. However, creating a new entity with specific functions and powers

¹ For the draft report, our analysis focuses on the area identified by that workstream, largely the Milford Sound Piopiotahi township, corridor, and its connection to the Te Anau township. There is further work to be undertaken on the relationship between these boundaries and the assets, infrastructure, and connection with those parts of the park that would continue under the management of the Department of Conservation. This would be included in a due diligence component of the implementation phase.

would provide greater confidence that the project will change organisational culture, have a singular focus, and greater alignment to achieving the project's intended outcomes.

Central to this choice, is whether the current National Park Management Plan and concession granting processes are sufficiently responsive to provide the strategic guidance to enable the Master Plan. The interaction with other planning instruments (such as those under the Resource Management Act 1991) remain important but are second order to the NPMP.

While the NPMP and concession processes are technically sufficient for this purpose, to date they have proven not to be a sufficiently responsive, timely, or detailed framework to guide world class development of the kinds required by the Master Plan. Therefore, without change they are unlikely to be able to support the investment decisions required to bring about the changes anticipated by the Master Plan.

The main judgement for the Governance Group (and ultimately, the Government) is the degree to which the existing complex legislative and management context can support the desired outcomes effectively and in a timely manner.

While two options are identified, it would be possible to first make changes within existing frameworks and move to legislating for a new entity later when that is determined to be desirable or necessary.

Whatever choice is made by the Governance Group, the nature of existing concessions and other conservation authorisations constitutes a major impediment to achieving the desired outcomes. Existing concessions and authorisations cannot be easily substantively reviewed under existing legislation. Therefore, legislative change may be necessary to enable existing concessions and other conservation authorisations to be reviewed, amended, and potentially revoked, to fully realise the desired outcomes.

1 PROJECT BACKGROUND AND PURPOSE

THE PURPOSE OF THIS REPORT

- 1.1 Successful execution of the Milford Sound Piopiotahi Master Plan will require collective effort across a wide range of central and local government, mana whenua, local enterprise, and community stakeholders. In many cases the required management, governance and institutional arrangements sit within broader legislative and policy frameworks.
- 1.2 This report identifies the governance, management, and legislative arrangements required to implement the Master Plan for Milford Sound Piopiotahi². The report considers whether current arrangements are fit for purpose to achieve the project's overall goals. Due to strong degrees of overlap, this report combines the technical reporting requirements in the original management, governance and legislative workstreams.³
- 1.3 The report does not include specific advice or recommendations related to the implementation of the proposed arrangements as this was out of the scope of the report. Nonetheless, implementation issues will be critical to the project's overall success; therefore, they are canvassed at a high level. The report does not contain a specific detailed cost benefit analysis as the wider project costs and benefits are addressed by other workstreams.

BACKGROUND TO THE PIOPIOTAHU MILFORD OPPORTUNITIES PROJECT

- 1.4 The Milford Sound Piopiotahi Opportunities project aims to create an ambitious and innovative Master Plan for Milford Sound Piopiotahi, the Milford corridor and the surrounding region.
- 1.5 The Master Plan's recommendations will ensure that Milford Sound Piopiotahi:
 - maintains its status as a key New Zealand visitor icon.
 - provides a world-class visitor experience that is:
 - accessible.
 - upholds the World Heritage status, national park, and conservation values.
 - adds value to Southland and New Zealand Inc.
- 1.6 The Master Plan focuses on what needs to be done to offer a unique and authentic experience. It recommends significant changes to the area; however, it is not a statutory document and the final decision on any changes rest with Government.

² These arrangements relate to the management and governance of the area identified in the Master Plan – that is the Milford township and surrounds and the corridor and the operation of a central hub based in Te Anau. Connection to other management and governance arrangements including broader regional destination marketing are specifically highlighted within the analysis.

³ Task 7 and Task 8 of the original project scope see Appendix One

PROGRAMME OBJECTIVES AND HOW THEY RELATED TO MANAGEMENT AND GOVERNANCE

- 1.7 Analysis in this report has been guided by five distilled objectives. These are set out in Figure 2 below, along with the key questions relating to the governance and management workstream. These were previously discussed at an early meeting with the Governance Group.

#	OBJECTIVE	APPLICATION TO GOVERNANCE AND MANAGEMENT
1	Ngāi Tahu's role as mana whenua and Treaty partner is acknowledged and Te ao Māori values are embedded throughout.	How will functions, design and structure enable tino rangatiratanga to be exercised?
2	Milford Sound Piopiotahi is protected and conserved as required by its World Heritage status.	How do we ensure that conservation management, heritage management conservation activities remain key?
3	The visitor experience is world class and enhances conservation of natural and cultural heritage values and community.	What will be the impacts on management of infrastructure and services, and concession arrangements, approval, review and term?
4	Infrastructure is effective, efficient, resilient, and sustainable (including access methods).	How do we ensure ongoing investment into infrastructure in a coordinated, sustainable manner?
5	Visitors benefit communities, including Ngāi Tahu, communities of Te Anau, Southland, and Otago.	How do we support connection to destination management and local economic development potential?

2 BASELINE: CURRENT STATE

2.1 This section sets out the current legislative, management, and governance framework for Milford Sound Piopiotahi, and considers options for improving these frameworks to implement the Master Plan. This includes:

- identifying and mapping the organisations involved in regulatory and operational control/management of Milford Sound Piopiotahi
- identifying the relevant legislative and policy frameworks and controls on activities within Milford Sound Piopiotahi
- identifying constraints on implementation of the Master Plan, including specific activities, authorisations/concession management, investment, and governance arrangements.

HIGH LEVEL LEGISLATIVE FRAMEWORK

2.2 Successful master planning for the Milford Sound Piopiotahi area requires a range of improvements in current management, governance and (potentially) legislative functions, roles and responsibilities. A high-level legislative framework for the area is set out below:

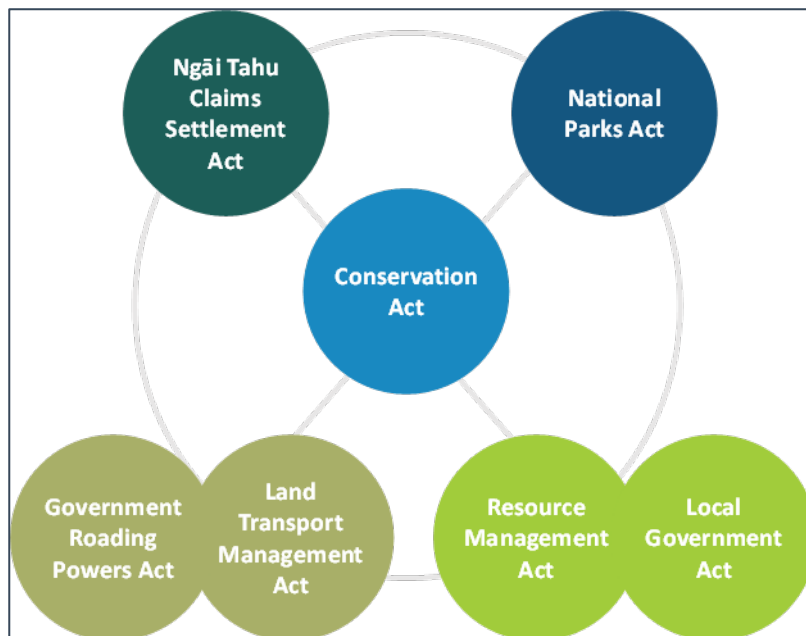


Figure 1: Legislative Framework

	Conservation Act	Creates DOC, Conservation Boards, Conservation Authority Creates a concession framework for allowing activities within conservation areas including National Parks Section 4 obligation on Treaty principles Provides for conservation management strategies
	Heritage New Zealand Pouhere Taonga Act	Promotes the identification, protection, preservation , and conservation of the historical and cultural heritage of New Zealand
	National Parks Act	How National Parks are managed including directing activities not covered by concessions Establishes key principles – competing principles of preservation and freedom of access General Policy for National Parks National Park Management Plans National Park Bylaws
	Ngāi Tahu Claims Settlement Act	Statutory acknowledgements and Tōpuni recognising Ngāi Tahu mana, association, and values for specified areas Requires consent authorities, DOC, conservation boards, and the Conservation Authority to have regard to these areas in their planning processes
	Government Rooding Powers Act + Land Transport Management Act	How local roads/State Highways are operated and maintained. Limits the ability to toll. Limits where funding can be applied Public transport considerations
	Resource Management Act + Local Government Act	Planning processes – long term plans, Regional Coastal Policy, Regional Policy Statement, District Plans Consenting process for activities

2.3 A detailed stocktake is set out in Appendix 1.

HIGH LEVEL GOVERNANCE AND MANAGEMENT FRAMEWORK

2.4 Within this legislative framework, there are number of functions, roles, and responsibilities that are undertaken by a range of central and local government agencies. Furthermore, recognition of Ngāi Tahu as mana whenua is recognised in a range of statutory obligations and non-statutory agreements.

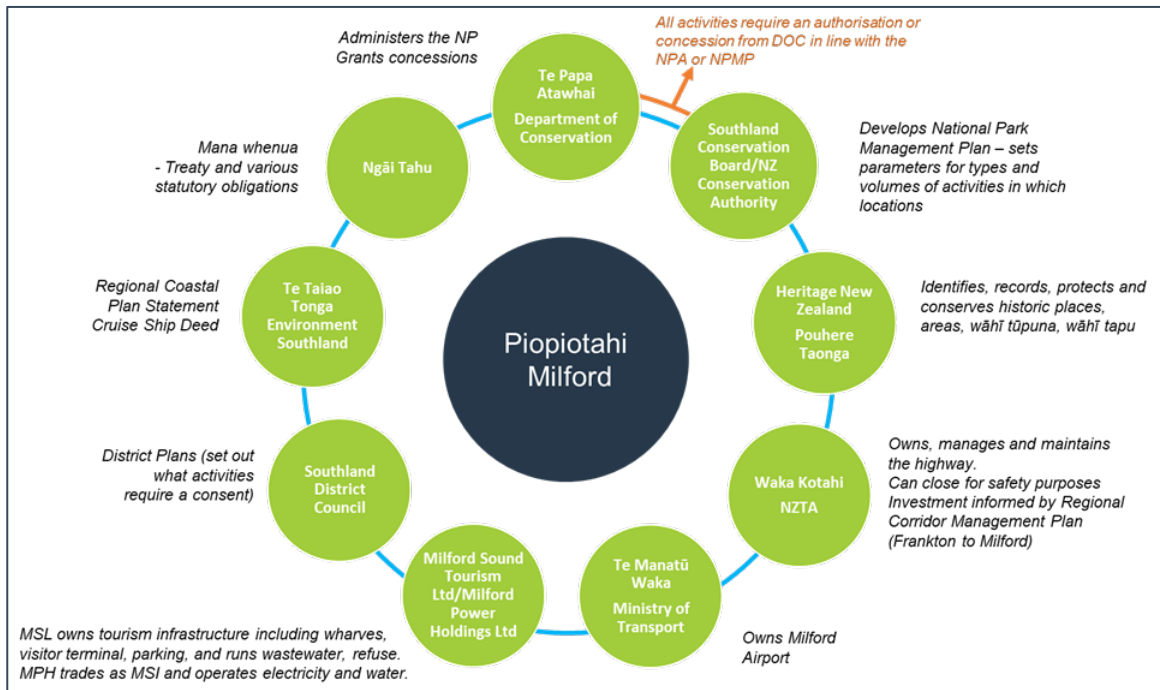


Figure 2: Legislative Framework

2.5 A summary of key entities is included as Appendix 2. A summary of key policies and instruments used by these entities is attached as Appendix 3.

CORE FUNCTIONS

2.6 Effective management and governance of the Master Plan and its resulting operations requires identification and analysis of the core functions and activities that will be required to implement the Master Plan. Appendix 5 sets out the range of core functions identified through this functional analysis process. This analysis enables a high-level comparison of alternative institutional arrangements within the existing complex system. A summary of the key functions is set out below.

🎯	Strategy and planning for township and corridor
📍	Mātauranga Māori/Ngāi Tahu cultural landscape assessment
🗺️	Destination promotion including relationship with wider region
🏛️	Heritage management and world heritage compliance
🤝	Concession management including approval, variation, management
🧠	Ongoing management/operations of day to day activities
✅	Critical infrastructure provision (including investment activity)
🌳	Conservation and environmental activities
✈️	Tourism operations
💰	Funding/revenue raising

Figure 3: Key Core Functions

3 OPPORTUNITY STATEMENT/PROBLEM DEFINITION

INSIGHTS FROM INTERVIEWS

- 3.1 We interviewed the key management and governance entities to inform our understanding of the current arrangements, the challenges and opportunities, and participants' vision of the future. Our work was also informed by a discussion with a statutory reference group and hui with mana whenua. A list of interviewees is attached as Appendix 4.
- 3.2 Overwhelmingly, feedback supported a case for change from the current arrangements. Multiple stakeholders, holding different perspectives with different responsibilities, support improving the current arrangements.
- 3.3 Several challenges with the current arrangements were identified. These include:
- **Lack of coherent, up to date, strategic guidance** – the current National Park Management Plan, as the primary mechanism to guide decisions in the park, was put in place in 2007. Stakeholders noted that the process to update the plan is slow, which is a constraint on areas under pressure. Stakeholders considered that an updated and revised management plan is required to strategically address the range of issues which have been identified through the Milford Opportunities Project. This feedback specifically related to the NPMP for Fiordland not being updated and how this has negatively affected Milford Sound Piopiotahi. This feedback included general criticism of the current planning framework's ability to address the challenge of high growth/high demand parts of the conservation estate.
 - **A complex mix of ownership and concession arrangements operating within a geographically isolated area**, including some ownership and concession arrangements that are not ordinarily observed in national park settings. This feedback specifically related to Milford Sound Piopiotahi, but some stakeholders observed that similar issues are better managed in other parts of the conservation estate.
 - **Misaligned statutory policymaking and consenting processes with slow responsiveness** leading to poor spatial planning outcomes and poor visitor experience – Stakeholders expressed frustration about the time taken to secure concessions to undertake improvements within the township. They provided several examples of significantly delayed approvals for minor changes due to interactions between the concession's framework administered by DOC and the resource consent process administered by local councils.
 - **Failure of the NPMP to provide strategic direction** on the relationship between private commercial interests and concession rights and the desire to achieve world-leading conservation and tourism outcomes.
 - **A lack of rigour in the framework** for concessions, including the apparent inability to require, monitor and enforce commercial activities achieving conservation and recreational outcomes which are world leading.
 - **Fragmented funding streams and under-investment** – despite a significant volume of visitors experiencing Milford Sound Piopiotahi, the costs of these visits are not adequately reflected in the fees charged that could be used to improve infrastructure in a timely manner. This is likely to be a persistent challenge and likely an impediment to achieving the proposed level of new investment anticipated in the Master Plan.
 - **Difficulty resolving conflicting priorities** – complex ownership arrangements limit the ability and incentives to undertake coordinated works or investments.
 - **A lack of competition or contractual performance pressure among concessionaires** reduces the incentive to invest or innovate – there is limited ability under the existing concession regime to change this situation. Many concessions are long-term with long-term

rights of renewal and are unusual compared with concessions that apply to other parts of the conservation estate and compared with best practice examples from other jurisdictions.

TANGATA WHENUA INTERESTS

- 3.4 The aspirations of Ngāi Tahu for Milford Sound Piopiotahi are discussed in a separate report (Statement of Mana Whenua Aspirations and Values). These aspirations have been previously articulated and are generally enabled by the existing legislative and governance frameworks. However, that report notes that despite these enabling parameters, Ngāi Tahu's aspirations are not necessarily being achieved.
- 3.5 We undertook specific engagement with Ngāi Tahu to understand their key aspirations for Milford Sound Piopiotahi from a management and governance perspective. They identified three main areas of interest for the project:
- **Governance:** Whether a greater partnership approach can be enabled at a governance level.
 - **Strategic approach to concessions:** Ngāi Tahu acknowledged existing processes for consultation on concession allocation but noted the potential for greater involvement in designing the strategic approach to concessions generally for Milford Sound Piopiotahi, including concession design and allocation.
 - **Cultural narrative:** The current visitor experience for Milford Sound Piopiotahi is perceived to be devoid of cultural narrative. It will be important to ensure that this narrative is strengthened throughout the Master Plan, and that Ngāi Tahu continue to own that narrative and influence how it is used.
- 3.6 This engagement and these insights enabled us to better work in partnership to apply Ngāi Tahu's perspective of mana whenua aspirations and expression of Treaty of Waitangi/Te Tiriti o Waitangi rights and interests throughout our analysis.

4 GOVERNANCE PRINCIPLES

- 4.1 We have identified a range of principles to guide consideration of appropriate governance and management arrangements for Milford Sound Piopiotahi.

FIT FOR PURPOSE

- 4.2 The design should reflect and support the functions necessary to implement and govern the Plan, while preserving flexibility to change focus and functions over time.

EFFECTIVE AND EFFICIENT PERFORMANCE

- 4.3 The design should support efficient and effective delivery, within the context of a place-based delivery model and reflect the distinct characteristics of the Milford Sound Piopiotahi. This includes:

- clarity of purpose across the system.
- clear points of accountability for delivery of closely linked functions.
- sharing of practice, and efficient use of capabilities and experience.
- consistent approaches to common functions and processes.
- effective relationships, information flows and communication across related areas of work.
- effective specialisation and segmentation of tasks and focus.

APPROPRIATE SEPARATION OF INTERESTS

- 4.4 Separation of interests is appropriate to manage conflict across different areas:

- Governance.
- Regulatory.
- Management.
- Commercial.

FINANCIAL SUSTAINABILITY

- 4.5 Access to funding mechanisms that will support implementation of the Master Plan.

5 MASTER PLANNING – OVERALL DIRECTION OF TRAVEL

5.1 The short list process for the Master Plan focuses on a few main areas.

Main idea	Option summary
A compelling suite of natural and cultural heritage experiences to encourage visitors to stay longer	New activities, attractions, tracks, and observation points
Redesigning Milford Village to reflect its world class status	Creating a compelling sense of arrival, create a new visitor hub, accommodation, redevelop terminals, phase out the fixed wing airport.
Enhancing the corridor experience	A strong national park entry threshold, develop Knobs Flat and the Divide, improve short stop options along the corridor and Hollyford valley.
New transport models to manage visitor flows	Limit access by car and access to parking, with a strong emphasis on bus and park and ride options.
Develop Te Anau as a sub-regional hub	Visitor centres, transport interchanges, and various 'value add/ripple effect' proposals.

WHAT THIS MEANS FOR GOVERNANCE AND MANAGEMENT:

5.2 While the specific focus will be refined over time through the finalisation of the Master Plan, these main ideas identified above help inform the areas that management and governance need to directly address. These direct implications help refine a more specific set of functions tied to the specifics of the Master Plan and are set out below.

#	Objective	Application to Governance and Management	Master plan implications: First order functions
1	Ngāi Tahu's role as mana whenua and Treaty partner is acknowledged and te ao Māori values are embedded throughout.	How will functions, design, and structure enable tino rangatiratanga to be exercised?	<ul style="list-style-type: none"> Recognise tangata whenua aspirations and provide opportunities for tangata whenua engagement at a governance and management level. Enable Ngāi Tahu, as mana whenua, to own and develop a cultural narrative that will be embedded in the experience Provide opportunities to support and maintain cultural practice including related to access, māhinga kai, and cultural take.
2	Milford Sound Piopiotahi is protected and	How do we ensure that the tangible and intangible natural and	<ul style="list-style-type: none"> Conservation remains a key function for DOC and core activity.

#	Objective	Application to Governance and Management	Master plan implications: First order functions
	conserved as required by its World Heritage status	cultural heritage values of Milford Sound Piopiotahi are central to its conservation management?	<ul style="list-style-type: none"> Any governance and strategy arrangements need to ensure that conservation outcomes (and wider natural environment and cultural heritage related outcomes) are maintained. Conservation outcomes should be reflected in concessions arrangements.
3	The visitor experience is world class and enhances conservation of natural and cultural heritage values and community.	What will be the impacts on management of infrastructure and services, and concession arrangements, approval, review, and term?	<ul style="list-style-type: none"> The concessions framework should set high and clear standards, and help hold concessionaires to account. The Master Plan anticipates wholesale changes to the physical and visitor experience. To enable this, all concessions will need to be reviewed, altered, or cancelled. Some may need to be bought out.
4	Infrastructure is effective, efficient, resilient, and sustainable (including access methods).	How do we ensure ongoing investment into infrastructure in a coordinated and sustainable manner?	<ul style="list-style-type: none"> Improved coordination of spatial planning across agencies Greater control of access to Milford Sound Piopiotahi including use of the road Access to funding mechanisms which enable local revenue to be expended in a more targeted fashion more efficiently.
5	Visitors benefit communities, including Ngāi Tahu, communities of Te Anau, Southland, and Otago.	How do we support connection to destination management and local economic development potential?	<ul style="list-style-type: none"> The Master Plan anticipates a Te Anau base. Any governance and management arrangements should consider an appropriate connection to local destination management and marketing activities. Mechanisms must safeguard against the cultural appropriation of the mana whenua cultural narrative identified as a priority by Ngāi Tahu.

6 POSSIBLE OPTIONS FOR MANAGEMENT AND GOVERNANCE

- 6.1 Successful Master Planning of the Milford Sound Piopiotahi area is likely to require a range of improvements to the current management, governance and (potentially) legislative functions, roles, and responsibilities.
- 6.2 This can be approached in a range of ways, spanning from improvements within the status quo, through to a complete change in how the area is managed and governed (including through formalised co-governance with Ngāi Tahu) depending on the specific needs of the Master Plan, and the level of aspiration of stakeholders and partners. There are also sub-options that can achieve efficiency such as dual role appointments, shared services arrangements, contracting and subcontracting and alliance structures through existing administrative and legislative mechanisms.
- 6.3 These broad options are set out below. These vary depending on the overall change appetite of the project Governance Group and the Government and include sub-options within the broad options.⁴

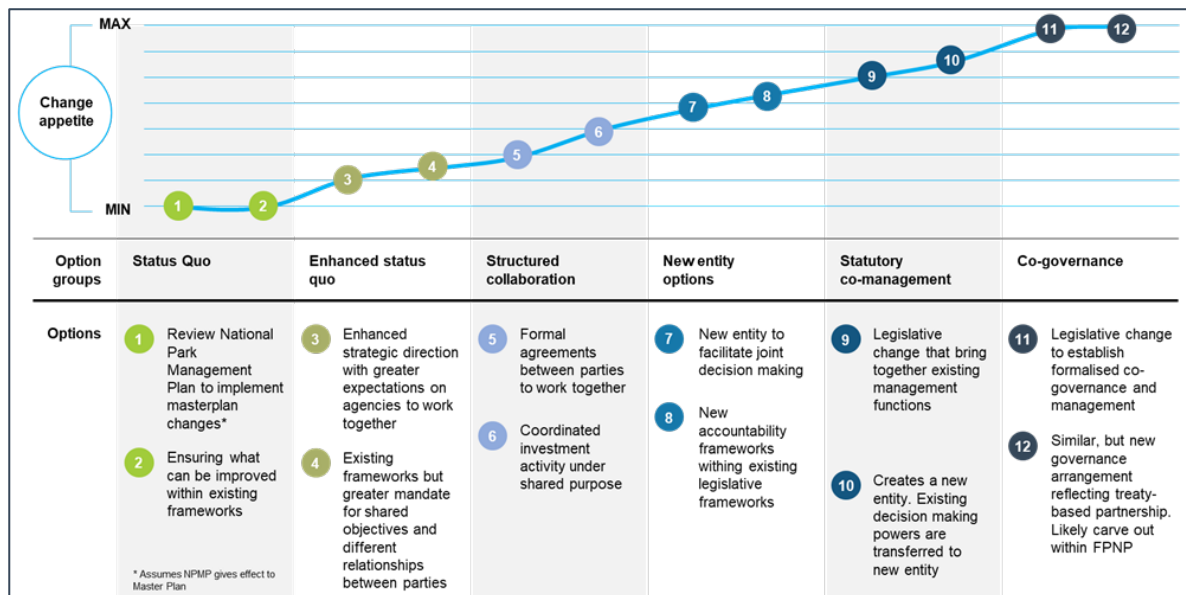


Figure 4: High level governance and management options

A breakdown of the different options is set out in Appendix 6.

A high-level assessment of broad options against the identified objectives and underlying governance principles is presented in the following table:

⁴ Note analysis assumes that the National Park Management Plan supports enactment of the Master Plan.

Option	Assessment against Objectives for Workstream	Assessment against Design Principles
Status Quo	Does not meet the objectives	Partially meets the objectives.
Enhanced Status quo	Partially meets Improvement in coordination and overall strategic direction. Some ongoing constraints in the interface between the planning processes and in the concessions framework. Limited opportunities to increase the role of Ngāi Tahu.	Partially meets Would provide greater clarity of purpose and ongoing separation of interests. Unlikely that this option would achieve the improvement in relationships, information flows and communication to drive change.
Structured collaboration	Partially meets Would require a significant improvement in coordination and strategic direction. Limited opportunity to improve the concessions approach.	Partially meets Would provide greater clarity of purpose and ongoing separation of interests. Uncertain if this option would achieve the improvement in relationships, information flows and communication to drive change.
New governance and management entity	Fully meets Creation of a new concessions framework would enable more effective embedding of the Master Plan within all aspects of the strategy and operations at Milford Sound Piopiotahi. Can provide the foundations for greater engagement and partnership with Ngāi Tahu.	Fully meets Creation of a new entity enables it to be designed against the key principles. Key considerations would be a need to be clear on separation of interests, and potentially higher implementation and operation cost.
Statutory co-management	Fully meets Improves Ngāi Tahu control over key management aspects including cultural take.	Partially meets Need to be clear on separation of interests. Likely to have relatively high implementation and operation cost (though cost sharing and shared services could be provided) Likely beyond scope of implementing Master Plan (see section 6.5).
Statutory co-governance	Fully meets Improves Ngāi Tahu control over key strategic and governance considerations, including concessions design and allocation.	Partially meets Need to be clear on separation of interests. Likely to have relatively high implementation and operation cost (though cost sharing and shared services could be provided) Likely beyond scope of implementing Master Plan.

SUMMARY OF ASSESSMENT

- 6.4 Based on this high-level assessment, we have progressed three options for further exploration:
- Status Quo (for comparison purposes)
 - Enhanced Status Quo
 - Establishment (by legislation) of a new dedicated governance and management entity.
- 6.5 These are further elaborated on and explored in the next section on co-management and co-governance.⁵

DISCUSSION ON CO-MANAGEMENT AND CO-GOVERNANCE

- 6.6 While co-management and co-governance arrangements align well with the objectives of the programme, these options have implications for the Treaty relationship between the Crown and Ngāi Tahu as mana whenua. They may also be precedent setting for the relationship between the Crown and mana whenua in other parts of the conservation estate.
- 6.7 Alongside its obligations to the Treaty as a Crown agency, DOC also has additional expectations on it:
- Section 4 of the Conservation Act requires that the Act be interpreted and administered as to give effect to the Principles of the Treaty of Waitangi. This is a stronger test than for many other agencies.
 - The recent Ngāi Tai ki Tāmaki decision indicates that the current General Policy for National Parks may be insufficient in this regard. The judgment indicates that DOC is required in some circumstances to consider the possibility of according a degree of preference to iwi as well as the potential associated economic benefit of doing so. DOC is continuing to explore the implications of this decision on its overall policies and frameworks.
- 6.8 Ngāi Tahu have a number of agreements and arrangements in place that are a product of their historic settlement with the Crown. Consistent with feedback on other statutory instruments, feedback from Ngāi Tahu focussed on a dissatisfaction with the manner in which individual instruments were exercised. A good example is while Ngāi Tahu are involved in individual concession decisions, they have no visibility of a wider strategic approach within which to assess an individual concession, and no ability to influence cross-cutting outcomes such as the introduction of a much stronger cultural narrative for Milford Sound Piopiotahi.
- 6.9 Exploration of co-governance arrangements can be pursued outside of a settlement construct, particularly where it is appropriate to address expressed Treaty of Waitangi rights and interests in a contemporary context.
- 6.10 We note that the option for a new independent entity could be bolstered with a defined co-governance arrangement, which would give Ngāi Tahu a role in appointing governance members and would establish protocols for agreeing key strategic objectives (including the ability to influence the cultural narrative through concessions), establishing other relevant overarching frameworks and guiding strategic funding decisions.

⁵ There is significant literature on the difference between co-management and co-governance of natural resources, particularly in a Treaty of Waitangi context. The terms are often applied loosely without full understanding of the specific of what governance or management decision making process are shared. Co-management is used to describe a collaborative process of decision making within the administration of the proposed management arrangements. Co-governance is used to describe the ultimate sharing of decision-making authority between the Crown (or its agents) and the Treaty partner. This approach is consistent with that outlined in the Office of the Auditor General's Principles for effectively governing natural resources (2016).

7 PREFERRED OPTIONS

7.1 We have identified three main options for the management and governance of the Master Plan:

OPERATING WITHIN THE STATUS QUO

7.2 This would see no changes to how Milford Sound Piopiotahi is governed or managed, other than prioritising the review and implementation of an updated National Park Management Plan.

Pros	Cons	Risks
<ul style="list-style-type: none"> Minimal disruption to existing systems and participants Low implementation costs 	<ul style="list-style-type: none"> Disconnected strategy and planning processes Does not support mana whenua aspirations No ability to change concessions arrangements Does not embed change 	<ul style="list-style-type: none"> Unsuccessful implementation of Master Plan

7.3 This is not a viable option, and as such as been disregarded.

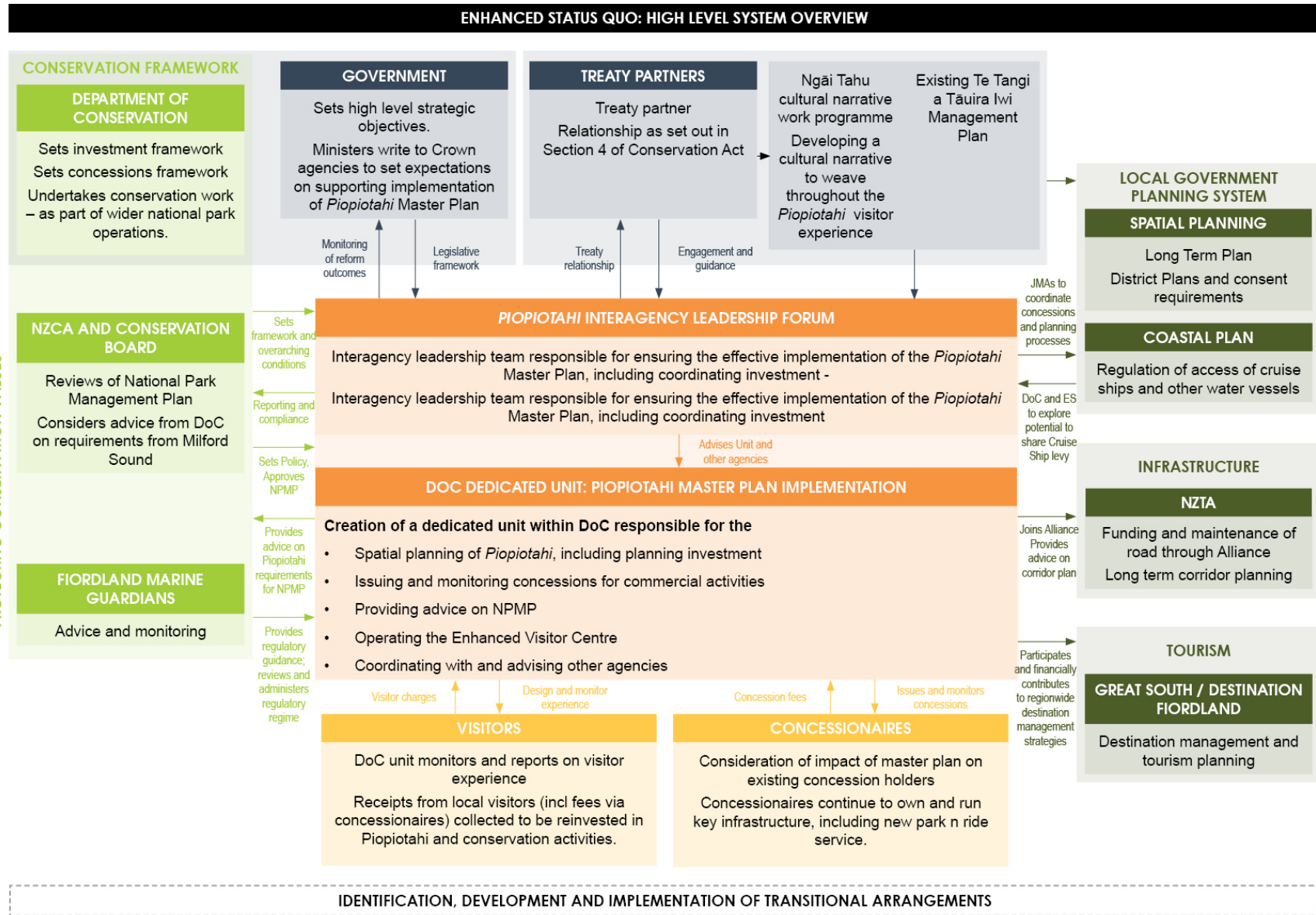
ENHANCED STATUS QUO

7.4 Operating within existing frameworks but with greater strategic focus and alignment. This would include:

- Enhanced focus and resourcing within DOC through a dedicated unit for the identified area, with specialist leadership and management. The Unit would have dedicated resource and establish/manage an independent strategy and policy framework for the area.
- Prioritising the refresh of the National Park Management Plan and establishing a focused framework for the area to give effect to the provisions of the Master Plan. This includes specific provisions in the draft NPMP for the area to be separately managed, but otherwise the NPMP would follow the normal statutory process.
- Establishing agreements between agencies on processes to integrate and streamline decision making on policy, concession, and resource consent applications and clearer agreements between agencies and mana whenua on the role of mana whenua in planning and decision-making (including at a strategic level).
- Establishing a cross-agency governance group to support the implementation of the Master Plan.

Pros	Cons	Risks
<ul style="list-style-type: none"> Balancing of disruption to existing systems and participants Low implementation costs Clearer process and relationships across agencies Enables funding to be raised and targeted to identified priorities and drawing on the balance sheet strength of DOC Enables stronger leadership from DOC including the ability to draw on DOC resources and expertise. 	<ul style="list-style-type: none"> Disconnected strategy and planning processes Does not support Mana Whenua aspirations Limited ability to enable co-governance Limited ability to change concessions arrangements Concerns about organisational culture and capability 	<ul style="list-style-type: none"> Unlikely to embed change to the degree that would meet stakeholder expectations May result in funding being diverted to other priorities in the conservation estate

IN CONFIDENCE - NOT GOVERNMENT POLICY



CREATION OF A NEW STATUTORY ENTITY

- 7.5 This option involves creating a new statutory entity that is responsible for strategy and planning for the Milford Sound Piopiotahi area and corridor. This entity would exercise the National Parks Act/Conservation Act functions as an alternative to the current arrangements by DOC. It would also take on land-use planning functions of Southland District Council and enter into a formal Joint Management Agreement with Environment Southland on how decisions will be made on policy documents and planning under the RMA.
- 7.6 Its key functions could include:
- Setting the vision and strategy for Milford Sound Piopiotahi and identified surrounds, giving effect to the goals of the Master Plan and its pillars (although we recommend that the vision and strategy in the enabling legislation is directly inserted into the NPMP and other RMA statutory planning documents).
 - Spatial planning of Milford Sound Piopiotahi, including responsibility for relevant sections of the Fiordland National Park Management Plan (Milford Sound Village and Corridor). This responsibility would transfer from the Conservation Board, with the new entity deemed to be a conservation board with all the normal functions and powers of a Conservation Board under the Conservation Act (thereby replacing the powers of the Southland Conservation Board over the identified area) and with the relationship with the New Zealand Conservation Authority being set out in the empowering legislation⁶.
 - Development and implementation of a new, more strategic, concessions framework in the NPMP and issuing concessions for all commercial activities being undertaken in the Milford Sound Village and the corridor (including construction and operation of the proposed new tourism infrastructure and services).⁷
 - Changing the basis on which fees and charges are gathered, including the ability to align expenditure of fees and charges to the project's broader objectives.⁸
 - Promoting an integrated, holistic, and co-ordinated approach to the implementation of the vision and strategy and the management of Milford Sound Piopiotahi across other agencies. This entity could enter into joint management agreements with other entities and agencies on processes to integrate and streamline decision making on concession and resource consent application (for example, we recommend that the Southland District Council would transfer land-use planning functions under s33 of the RMA to the new entity), as well as clear agreements between agencies and mana whenua on role of mana whenua in planning and decision making.
- 7.7 Alongside this new entity, we recommend there is a review of existing concessions to determine their alignment with the vision and Master Plan. Where necessary, those concessions should be amended, or cancelled. This cannot be done under the Conservation Act and the terms of the existing concessions and will require legislative authorisation. We recommend that the Government is encouraged to make those changes – this is a significant issue for implementation – particularly as compensation to concessionaires may be required and these costs could be significant.
- 7.8 Creation of a new entity would set a precedent across the wider conservation estate and support for this option may give rise to more substantive policy issues related to whether current

⁶ It is important to note the role of General Policies and the Conservation Management Strategy alongside the National Park Management Plan in this context. If the new entity is not responsible for the CMS (which is the role of the NZCA) then any of the plans or decisions will be limited by existing CMS settings. It will be important to consider an integrating mechanism to the CMS to draw in the other Acts in s17D (1) of the Conservation Act. This will be a complex issue to consider in implementation and will require precision in legislative drafting.

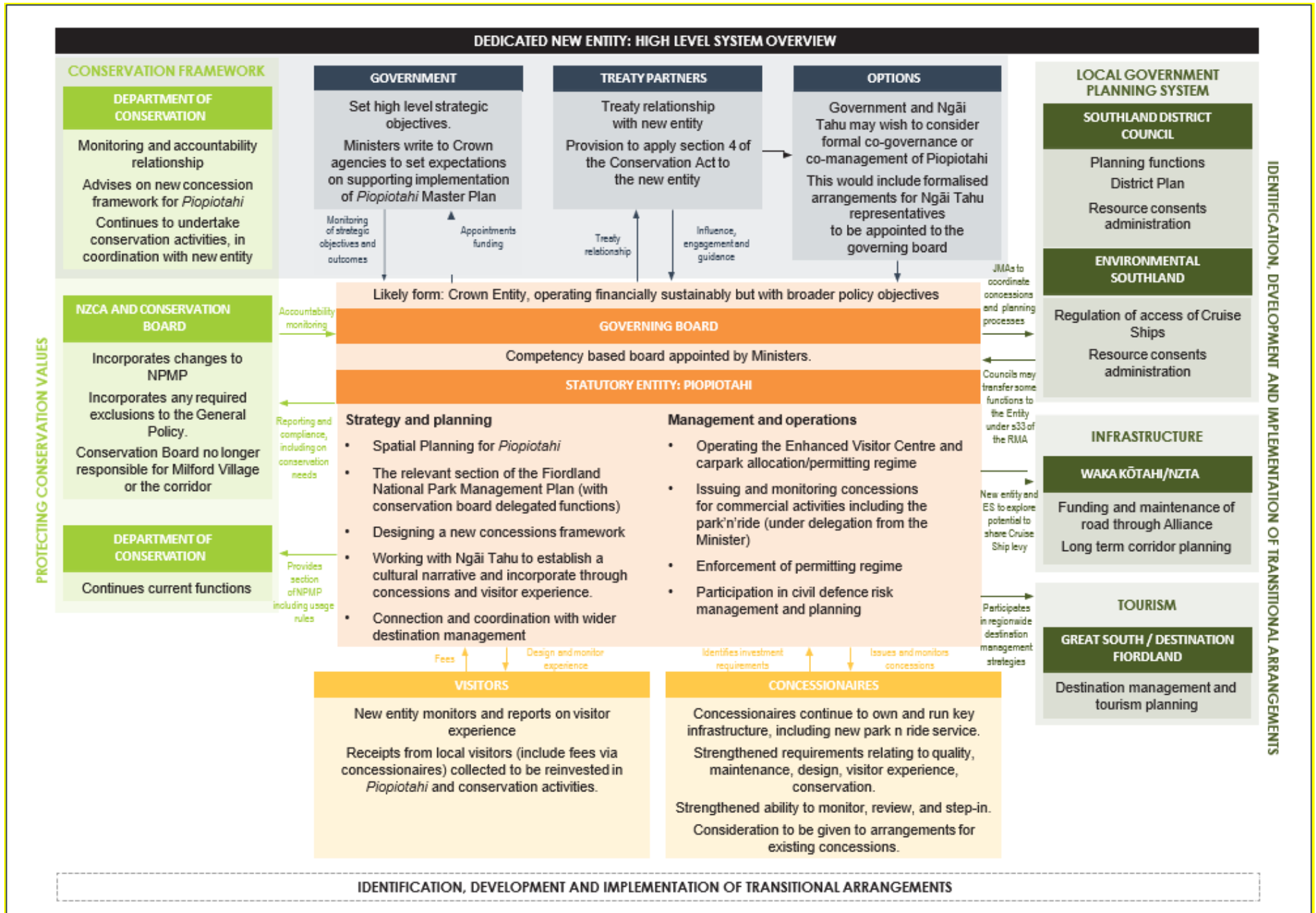
⁷ We anticipate that the entity would specify detailed service levels for the operation of the park'n'ride, to ensure that it operates to the frequency required.

⁸ Note this will have implications for Vote Conservation as revenue currently gathered from Milford Sound Piopiotahi is applied elsewhere in the Conservation Estate.

conservation legislation and the statutory policy framework is fit for purpose. The final institutional arrangements would require further work and can be guided by typical machinery of government considerations. This includes the ability for a statutory entity to exist within a shared services arrangement with an entity such as DOC. There are some advantages in this type of shared service model, particularly if a separate entity approach becomes too transactional in nature.⁹ The degree to which the Government is willing to make an exceptional case to enable the master plan in the manner outlined will sit within this broader policy context and will be a key consideration for the next phase of work related to this project. Consideration of these implementation issues could be undertaken by the Department of Conservation, but more likely would benefit from a continuation of the collaborative approach taken to formulate the Masterplan. The critical component of the case for a statutory entity is the process of prescribing core functions, powers and governance mechanism within statute. There are range of options that exist in how those functions are delivered operationally. These operating model considerations would be a priority function of any new board.

Pros	Cons	Risks
<ul style="list-style-type: none"> • Provides contemporary statutory framework for managing competing tensions between outcomes experiences at Milford Sound Piopiotahi and surrounds. • Joint and agreed strategic vision for Milford Sound Piopiotahi. • Single point of accountability for driving change and implementing the Master Plan. • Ability to raise revenue and target funding to support specific Milford Sound Piopiotahi outcomes. • Improved support for Mana Whenua aspirations. • Ability to include co-governance arrangements for Mana Whenua. 	<ul style="list-style-type: none"> • Higher establishment and operating costs. • Significant impact on existing concessionaires. • Inconsistent with existing national approaches and frameworks. • May be costly to establish unless costs can be shared – depends on final institutional form. 	<ul style="list-style-type: none"> • Legal challenge from affected concessionaires resulting in protracted litigation. • May create a precedent for other under pressure tourism locations or other parts of the conservation estate, leading to an ad hoc national approach. • Loss of institutional knowledge or expertise during transfer of functions. • Potentially significant costs to amend or acquire existing concessions. • New entity is not adequately resourced to properly carry out its functions. • May create tensions with DOC service delivery unless a strong operational relationship is established. • Depending on final institutional form and financial structure, the new entity may not be resilient to financial shocks/catastrophic events.

⁹ Our analysis assumes that both models rely on a more collaborative approach to resolving issues. Under a new entity model, DOC will continue to perform critical functions related to its core conservation activities and retain significant expertise in these areas. A shared services model is one option to manage cost and improve coordination. Other models include co-location, contracting for services, alliance contracting and structured collaboration (MOUs) all of which could be accommodated with a new statutory entity approach.



8 DETAILED MANAGEMENT CONSIDERATIONS

8.1 In addition to the range of functions set out in the appendices, there are four major management considerations for implementing the Master Plan:

- The development of a strategic concessions' framework, and how to apply this to existing concessionaires.
- Controlling access to Milford Sound Piopiotahi.
- Charging for access.
- Asset ownership.

CONCESSIONS

8.2 Consistent feedback was received from all stakeholders that the current concessions and conservation authorisations framework is not working – for concessionaires, iwi, visitors, partners, councils, or DOC. Some of the challenges identified with current arrangements are the result of historic concessions arrangements that do not provide sufficient ability for DOC to exercise control and include few performance measures. Others relate to how the framework interacts with other strategy and planning documents, for example the NPMP (which is out of date), and the local plans.

8.3 Existing concessions and authorisations cannot be substantively reviewed easily under existing legislation. A new management framework, including legislation to allow substantive reviews, could enable the development of a new concessions' framework for Milford Sound Piopiotahi. Principles of this regime could include:

- Balancing certainty of tenure for concessionaires with flexibility for management regime.
- Clear performance indicators and compliance requirements.
- Expectations on best practice visitor management and experience, integration of cultural narrative, look and feel of facilities and services.
- Expectations on contribution to environmental and conservation best practice and outcomes.
- More regular review and evaluation of performance.
- Ability to manage the performance of concessionaires.
- Separating ownership and management interests.

LEARNING FROM THE US NATIONAL PARK SERVICE

8.4 The design of a new concessions framework for Milford Sound Piopiotahi could look to draw on lessons from the National Park Service (NPS) in the United States of America. Key features from the framework used there include:

- Concession tenure capped at 10 years, with limited exceptions for significant construction or investment (up to 20 years).
- Concessionaires must provide all visitor services in a manner that is consistent with, and supportive of, the interpretive themes, goals, and objectives of park plans.
- The NPS must approve all rates charged to visitors.
- All concessions are evaluated every year against risk management, public health, environmental management, and contract compliance.

- Concessions are typically for operation, with ownership held by NPS.
- 8.5 Any change to the concession framework will need to be provided for by way of legislative change and will need to consider how to apply changes to existing concessionaires. The three main options are:
- **Grandparent** the existing concessions so the new framework applies only to new concessions.
 - **Amend conditions:** the legislation allows for concession conditions (fees, conservation outcomes etc) to be amended compulsorily, but not the scope of authorised activities or the concession durations.
 - **Buy-out:** the legislation allows for concessions to be cancelled compulsorily or by agreement, subject to payment of compensation.
- 8.6 Such changes are likely to attract a significant investment of time and/or funding. Some stakeholders have outlined that the cost of this strategic shift is insurmountable. It will be difficult to estimate the relative cost of different approaches (or combinations of approach) outside of wider implementation considerations. A combination of approaches could also be provided for as a transitional mechanism within statute. Further analysis would also need to be informed by commercial discussions with concession holders. While this will require significant work, it is unlikely that the vision for Milford Sound Piopiotahi identified by the Governance Group can be achieved without changes to current concession arrangements.

CONTROLLING ACCESS

- 8.7 One of the key tenets of the Master Plan is the ability to control access into Milford Sound. To achieve this, the existing restriction on a NPMP controlling the use of a public road within a national park which is contained in s55(1) of the National Parks Act may need to be repealed or amended to exclude the state highway to Milford Sound.¹⁰ Following this, there are two main options:
- no change to the legal status of the State Highway road corridor
 - transfer the State Highway road corridor into the National Park so access is controlled under the NPMP.

NO CHANGE TO THE LEGAL STATUS OF THE STATE HIGHWAY

- 8.8 The legal State Highway road corridor is not part of the national park and cannot be controlled under the NPMP. However, in practice, the physical road leaves the legal road corridor entirely at numerous locations. At those locations, the physical road is within the national park and at those locations activities on the road can be the subject of controls under the NPMP.
- 8.9 An existing example is the Wilmot Pass road to Doubtful Sound which is managed by the NPMP (including charging for access). It is therefore not necessary for the entire state highway to be able to be managed by the NPMP. However, there are sections of the road towards the southern end of the corridor which are physically within the national park where access to the corridor could be managed, including the construction of some sort of physical barrier (which would need to be provided for in the NPMP).
- 8.10 While the Minister may make bylaws under s56 of the NPA (including prohibiting or regulating the use or parking of vehicles or the use or mooring of boats in any park) and Waka Kotahi (or SDC under delegation) could make bylaws for the Milford Road under section 61(3) of the Government

¹⁰ We understand that Waka Kotahi and DOC have previously entered into arrangements around management of legal roads within parks so repeal/disapplication of s55(1) NPA to achieve this outcome may not be necessary.

Roading Powers Act 1989 to control parking along the road and (possibly) broader bylaws under the general power to make bylaws “providing protection for the environment,” we consider that these bylaws by themselves are highly unlikely to be effective in achieving the outcomes sought.

8.11 While the operation of the road within the national park can be managed under the NPMP, merely having the road within the park does not remove the management functions from Waka Kotahi NZ Transport Agency (Waka Kotahi). That is, the NPMP provides an additional layer of management rather than replacing Waka Kotahi’s management obligations. If there is any doubt that a state highway can be subject to controls in the NPMP, while retaining its classification as a state highway, we recommend that the matter be put beyond doubt by legislative amendment to the Land Transport Management Act or the Government Roding Powers Act.

8.12 The NPMP can control private vehicular access if the road is part of the national park. Section 4(2)(e) National Parks Act provides:

*“...national parks shall be so administered and maintained under the provisions of this Act that...
(e) subject to the provisions of this Act and to the imposition of such conditions and restrictions as may be necessary for ... the welfare in general of the parks, the public shall have freedom of entry and access to the parks...”*

8.13 However, section 4(2)(e) does not prevent the NPMP providing that the Milford Road is closed to private vehicles or is managed in some way which prevents unlimited free private vehicle access along the road. That is because s4(2)(e) is a general provision about ensuring the public can access national parks, but it does not provide that all or any specific types of access must be available to all or any places within a national park or constrain the NPMP’s ability to manage what specific types of access can occur to places within a national park.

8.14 This section does not require that access by private vehicle is freely available to all or any part of a national park. The NPMP can, for example, prevent or restrict helicopter access, private recreational boat access and private vehicle access to specific parts of the national park, while still allowing ‘freedom of entry or access to those parts of the public in general on foot. The fact there is a physical state highway (or any other road) within the park does not guarantee free access to private traffic along that road. Management of the road could also provide for a permit system (e.g., restricting non-NZ residents/citizens from using a private vehicle on the road, or restricting certain classes of vehicles (e.g., heavy vehicles/buses, limiting number of certain vehicles able to use the road in a specified period).

8.15 Even if s4(2)(e) were a more directive provision, then preventing or managing private vehicle use along the Milford Road if the road is within the national park is permissible where the Conservation Authority (as the ultimate decision maker on the NPMP) reasonably decides that the controls are necessary for the ‘welfare in general of the park’ (or part of the park).

8.16 Management of the road in this way (like all controls and restrictions in the NPMP) is consistent with s43 of the National Parks Act because the “fullest proper use and enjoyment of the parks” must be consistent with “the preservation of their natural and historic features and the protection and well-being of their native plants and animals”.

8.17 The Department is entitled to undertake a park and ride (or similar) service under its general powers of management (s51A NPA). If any other person undertakes a park and ride service, that person would require a concession (s49 NPA).

TRANSFER THE STATE HIGHWAY CORRIDOR INTO THE NATIONAL PARK

8.18 An alternative approach to controlling private vehicle access along the Milford Road would be to extend the legal boundaries of the national park to include all the legal road. This can be done by:

- the road being declared to be a conservation area under s7 of the Conservation Act – this would need the consent of the Minister of Transport.

- the NZ Conservation Authority could then recommend an alteration to the boundaries to the park to include the Milford Road (Section 7 National Parks Act and General Policy 6(h)). This recommendation would need to be accepted by the Minister (and then actioned by an Order-in-Council), following consultation with the Conservation Board.

8.19 This option is not preferred as it may prevent a continuation of the current operation and funding of the road by Waka Kotahi (which is seen as particularly advantageous given Waka Kotahi's significant experience in managing roading assets and the high propensity of the road to be impacted by large scale events that require significant financial resources beyond the capacity of either a bespoke entity, or likely DOC itself). This may be addressed by legislative change; however, it may set a precedent for the integrity of the land transport funding approach that is unnecessary.

CHARGING FOR ACCESS

8.20 Section 4(2)(e) of the National Parks Act provides for freedom of access to national parks. However, in our view, that does not prevent charging for access – section 4(2)(e) is about freedom of access, not 'free access' – that is, it does not address the issue of charging.

8.21 Charges are imposed under the NPMP now for use of the Wilmot Pass road. If s55(1) of the NPA is amended, we do not consider it significant that the Wilmot Pass road is not legally classified as a road, whereas the Milford road is a legal road and a state highway. The critical issue is that in both cases there is a physical road within the national park boundaries.

8.22 In terms of charging for access, the Minister "may impose a reasonable charge for the use of any facilities in the national park (other than a path or track) provided by the Minister (s49(3) NPA). While section 49 appears to only relate to concessions and to the use of (DOC's) facilities by concessionaires rather than applying more generally to the public where a concession is not required, the Department interprets s49(3) as not being limited to concessions, and therefore that s49(3) authorises the charging.

8.23 Policy 8.1(g) of the General Policy for National Parks (2005) states:

"Public access to national parks will be free of charge. Charges may be made for the use of accommodation, facilities, and services". "Services" is not defined. "Facilities" is not defined in either the National Parks or Conservation Acts. The dictionary definition of 'facilities' is "buildings, pieces of equipment, or services that are provided for a particular purpose" or "A place, amenity, or piece of equipment provided for a particular purpose."

8.24 Facilities, are, however, defined in the General Policy: National Parks (2005) as:

"Facilities that enable people to enjoy a range of recreational opportunities including (but not limited to): ... camping areas, tracks and walkways, bridges, huts, roads, car-parking areas, toilets, picnic areas... wharves, and boat ramps".

8.25 Policy 8.1(g) does not specify that vehicle access (or any other specific form of access such as helicopters) must be free. Under the policy and in combination with s4(2)(e) if a visitor can walk in for free, that is enough. Consequently:

- Charging for the use of the road or for some service (such as a park and ride option) is permissible if that were included in the NPMP.
- Foot access (and any other form of access provided for – e.g., by cycle) to the park, including along the Milford road, cannot be charged for (because of s4(2)(e) and Policy 8.1(g)).
- If the Minister (or the new entity if it is delegated this power) provides and operates a park and ride service, the Minister can charge a reasonable fee under s49(3) NPA. Charging is not restricted to cost recovery for the use of specific facilities and services but must be 'reasonable'.

- Restrictions in the Human Rights Act on ‘differential charging’ (e.g., different charges for NZ residents and non-residents) are not applicable if the charging is a matter of Government policy (s153 Human Rights Act) and is otherwise reasonable.

ASSET OWNERSHIP

8.26 There are choices regarding the ownership arrangements for infrastructure and assets.

8.27 We recommend that:

- **DOC continues to manage the land as national park.** *Milford Sound Piopiotahi* is an integral part of Fiordland National Park and the conservation estate. Keeping the land management with DOC (but enhancing the management and governance arrangements) recognises this importance and ensures that conservation outcomes remain a key focus for the area.
- **Waka Kotahi continues to manage SH94 as Crown land.** SH94 is a piece of critical national infrastructure enabling access to Milford Sound Piopiotahi. Its management is highly complex because it faces several risks and requires specific expertise for civil defence and maintenance of the asset. In addition, the costs of maintaining the road are likely to be uneconomic for tourism receipts (or the new entity) to be able to cover. As such, we consider that the road should continue to be owned by Waka Kotahi and funded through the Land Transport Management Fund.

8.28 Any new entity should; however, join the Milford Alliance to support maintenance planning discussions.

8.29 Beyond this, the new Crown entity could own key strategic and long-term infrastructure including local roads, hotels, wharves, the airport, and terminals. This could help ensure that facilities are maintained to an appropriate standard, reflect the narrative and vision, and provide flexibility to change operators without stranding assets. There are also additional benefits related to greater single point accountability that may arise in the case of a major civil defence/natural disaster given the complexity of the natural landscape as identified in the Natural Hazards report.¹¹

8.30 If this approach were pursued, the entity would take ownership of all long term and strategic infrastructure and issue concessions for their operation. For example, it would own the hotels, and issue concessions for their operation. This could enable greater control over the visitor experience of the landscape and assets, and reduce risks of stranded assets within the village, although it would also require the entity to fund the construction of key assets. It could also create conflicts of interest since the strategy and governance entity would also be responsible for commercial activity – such conflicts of interest would need to be managed.

8.31 To manage this potential conflict, we recommend that asset ownership should remain part of any new concession arrangements to ensure they are coupled with increased oversight and control achieved through more stringent concessions approvals and monitoring. In addition, joint spatial planning could be used to ensure the vision of the Master Plan is integrated between different infrastructure asset types. Ultimately, the relationship between concessions and asset ownership is best approached within a new strategic framework that balances incentives to invest, visitor experience and return on any investment.

8.32 The question of appropriate ownership arrangements should be explored in more detail as part of the development of a more strategic concessions framework for Milford Sound Piopiotahi.

¹¹ We approached Worksafe Mahi Haumarua Aotearoa to inform our analysis of potential Health and Safety at Work Act considerations in light of White Island Whakaari lessons. However, their report is not yet due for public release pending prosecutions. We would recommend this be a particular workstream identified in any subsequent implementation phase.

9 SUMMARY AND CONCLUSION

A STRATEGIC CHOICE

- 9.1 While we do not consider the status quo to be a viable option for achieving the goals of the Milford Opportunities Project and Master Plan, the current policy and legislative framework is sufficiently flexible to improve how agencies collectively manage Milford Sound Piopiotahi, including stronger responsibilities and leadership from DOC.
- 9.2 Both alternative options (the enhanced status quo, and the establishment of a new statutory entity) would effectively support the implementation of the Master Plan. The Governance Group will need to carefully consider its advice to the Government on how to proceed with the governance and management of Milford Sound Piopiotahi.
- If it wishes to pursue a step change in how it governs and manages Milford Sound Piopiotahi, it should look to establish a dedicated statutory entity, and transfer key functions (including for policy making, spatial planning and concessions) to that entity to reform how Milford Sound Piopiotahi is managed. This should also include defining the Vision and other relevant planning provisions and including them directly in the National Park Management Plan through the enabling legislation (like the approach which has been used in the Fiordland Guardians and Waikato River Authority enabling legislation). This would provide better coordinated decision making, clearer lines of accountability and more targeted investment activity. The Government may also strengthen this option by providing for specified co-governance arrangements with Ngāi Tahu. Being able to amend existing concessions is also fundamental to pursuing a step change.
 - If it wishes to minimise change to existing frameworks, it could strengthen DOC's role in the management of Milford Sound Piopiotahi, coupled with a dedicated interagency governance group. That group would oversee the development and implementation of the Master Plan by providing for it in the National Park Management Plan through the existing public statutory process (though with no certainty of final outcome of that process). There should also be agreed protocols between agencies to simplify and align decision making processes. There are also improvements that could be made in a more effective relationship with mana whenua through more effective strategic engagement and better implementation of the range of instruments that are currently in place because of the Treaty settlement with Te Runanga o Ngai Tahu.

While two options are identified, it would be possible to first make changes within existing frameworks and move to legislating for a new entity later, when that is determined to be desirable or necessary.

Whatever choice is made by the Governance Group, the nature of existing concessions and other conservation authorisations constitutes a major impediment to achieving the desired outcomes. Existing concessions and authorisations cannot be substantively reviewed under existing legislation. Therefore, legislative change is necessary to enable existing concessions and other conservation authorisations to be reviewed, amended, and potentially revoked, to fully realise the desired outcomes.

LEGISLATIVE IMPACTS

- 9.3 Any option to implement the Master Plan will likely require legislative amendment to enable the control of access to the road. This can be achieved in a variety of ways, including:
- amending s55(1) of the National Parks Act which prevents the NPA from having control over public roads.
 - amending the Government Rounding Powers Act (for e.g., regarding an ability to close the road) and/or the Land Transport Management Act (for e.g., regarding availability of alternative

non-tolled routes). This should only be required to manage any residual concerns about the management of, and charging for, use of the road.

- 9.4 Further legislative change would be required for the establishment of a new entity, and the delivery of new functions. Specifically:
- new primary legislation setting the vision for Milford Sound Piopiotahi, establishing the new entity, and specifying its functions and powers.
 - this legislation could insert the vision for Milford Sound Piopiotahi and any new concessions regime, directly into the NPMP and Conservation Management Strategy.
- 9.5 Legislative changes will also be required to enable mechanisms to manage existing concessions. These could include, but would not be limited to, prescribed transitional arrangements, ability to acquire or amend existing concessions, and also the ability to negotiate commercial outcomes through fair and reasonable process.

APPENDIX 1: WORKSTREAM SCOPES

WORK STREAM 7: MILFORD GOVERNANCE AND MANAGEMENT REVIEW

There are currently a significant number of organisations that have policy influence and/or regulatory control and/or operational control in Milford Sound Piopiotahi and along the Milford road corridor. Implementation of the Master Plan may need clear, concise, and robust decision making therefore consideration needs to be given to identifying a governance management structure that can deliver on the project outcomes.

The key outcomes of this project are to:

1. Produce a report that includes:
 - Identification and mapping (process mapping/flow-chart) of the organisations involved in the governance and management of activities and infrastructure in Milford Sound Piopiotahi and the Milford road corridor, including land-based activities, airspace, the coastal marine area/internal waters and navigation.
 - An assessment of options for integrated planning/management that includes but is not limited to a 'greenfields' starting point as one of the options:
 - a status quo options.
 - any other option endorsed by the Governance Group.
 - an assessment of the pros and cons of each option.
 - an assessment of risks associated with each option.
2. An assessment of the regulatory and/or legislative changes that would be needed to support each option will need to be undertaken in the "Workstream 8-Legislation Review" project.
3. Contribute information to the Master Plan that enables the identification and development of strategic options.

WORK STREAM 8: LEGISLATION REVIEW

In order to realise a 'step-change' outcome for Milford Sound Piopiotahi it may be necessary to seek legislative change to realise the vision. Therefore, it is important to understand the existing suite of national, regional, district, and local legislation and policies that govern activities. By understanding the linkages, we can recognise the range of changes that may be needed to support any significant changes to the way things are done, particularly in relation to Milford and road corridor.

The key outcomes of this project are to:

1. Produce a report that includes:
 - An analysis of the existing statutory and policy frameworks applicable to Milford Sound Piopiotahi and the national park road corridor – for example access rights, property rights, activity controls, charging mechanisms, environmental regulatory authorities, including airspace, the coastal marine area/internal waters and navigation.

- Analysis of existing and anticipated regulation in terms of how it may impact development proposals that arise through MOP and how any outcomes of the master planning may need to be informed by policy direction / activity status.
- An analysis of land ownership/concession rights and their implications
- Assessment of legislative change options required to give effect to the proposals in the Master Plan, including considering the outcomes of the management and governance workstream in particular.
- A legal review of the regulatory and /or legislative changes that would be needed to support each option including those options identified in the “Workstream7-Milford Governance and Management Review” project.
- Contribute information to the Master Plan that enables the identification and development of strategic options.

APPENDIX 2: SUMMARY OF KEY LEGISLATION

NATIONAL PARKS ACT 1980

<p>Summary of Act</p>	<p>Purpose</p> <p>The purpose of the National Parks Act is “preserving in perpetuity as national parks, for their intrinsic worth and for the benefit, use, and enjoyment of the public, areas of New Zealand that contain scenery of such distinctive quality, ecological systems, or natural features so beautiful, unique, or scientifically important that their preservation is in the national interest”.¹²</p> <p>National parks must be so managed that:</p> <ul style="list-style-type: none"> (a) they shall be preserved as far as possible in their natural state: (b) native plants and animals of the parks shall as far as possible be preserved and the introduced plants and animals shall as far as possible be exterminated: (c) sites and objects of archaeological and historical interest shall as far as possible be preserved: (d) their value as soil, water, and forest conservation areas shall be maintained: (e) subject to the imposition of such conditions and restrictions as may be necessary for the preservation of the native plants and animals or for the welfare in general of the parks, the public shall have freedom of entry and access to the parks.¹³ <p>Boundaries</p> <p>The Fiordland National Park’s seaward boundaries are the mean high water mark. The foreshore (between high and low tide) can only be added to the park (by an Order In Council) on the joint recommendations of the Minister of Transport and the Minister of Conservation with the consent of the Southland Regional Council.¹⁴</p> <p>Management</p> <p>The park is managed by DOC in accordance with the General Policy for National Parks, the Southland Conservation Management Strategy and the Fiordland National Park Management Plan (NPMP) “in such a manner as to secure to the public the fullest proper use and enjoyment of the parks consistent with the preservation of their natural and historic features and the protection and well-being of their native plants and animals”.¹⁵</p> <p>The Minister of Conservation may make bylaws for the park¹⁶ – the Fiordland National Park Bylaws 1981.</p>
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¹² S 4(1) NPA

¹³ S 4(2)NPA

¹⁴ S 7(6) NPA

¹⁵ S 43 NPA

¹⁶ S 56 NPA

<p>Key instruments</p>	<ul style="list-style-type: none"> • General Policy for National Parks: provides national guidance for managing national parks. General Policy is approved by the Conservation Authority (NZCA) with input from the Minister of Conservation.¹⁷ • National Park Management Plan: The park must have a National Park Management Plan which is a 10-year plan that provides management objectives and rules for the Park. The NPMP is prepared by the Southland Conservation Board and DOC, and approved by the NZCA with input from the Minister of Conservation.¹⁸ • National Park Bylaws may be issued from time to time by notice in the Gazette. Must be consistent with the management plan.
<p>What activities are controlled?</p>	<ul style="list-style-type: none"> • All activities within the park are controlled by the Fiordland NPMP (FNPMP), which must be consistent with the Southland Conservation Management Strategy and the General Policy for National Parks. • All activities (unless exempted by the Conservation Act) require a concession from the Minister under the Conservation Act (usually under delegated authority).¹⁹ • The Minister (DOC) may impose a reasonable charge for the use of any facilities (other than a path or track).²⁰ • The NPMP may provide for an ‘amenities area’ within the park where “the development and operation of recreational and public amenities and related services appropriate for the public use and enjoyment of the park may be authorised in accordance with this Act and the management plan”. In an amenities area, “the principles applicable to national parks shall, notwithstanding section 4, apply only so far as they are compatible with the development and operation of such amenities and services”.²¹ • No roads may be made over or through the park, except with the consent of the Minister given in accordance with the management plan for a park.²² • Bylaws can control a range of activities including access to the park.²³
<p>Decision making entities (policy)</p>	<ul style="list-style-type: none"> • New Zealand Conservation Authority for General Policy, Conservation Management Strategy and FNPMP approval • Southland Conservation Board in conjunction with DOC for FNPMP preparation • Minister for General Policy: Conservation; creation of Bylaws. • Minister can delegate functions to DOC or conservation board • Policy decisions must give effect to the Principles of the Treaty²⁴

¹⁷ S44 NPA
¹⁸ S 45 NPA
¹⁹ S49(1) NPA
²⁰ S49(3) NPA
²¹ S15 NPA
²² S55(2) NPA
²³ S56 NPA
²⁴ S 6 Conservation Act

Decision making entities (management)	<ul style="list-style-type: none"> • DOC administers the National Park in line with the NPMP • Minister grants concessions (usually delegated to a DOC officer) • Minister can delegate functions to DOC or conservatiin board • Management decisions must give effect to the Principles of the Treaty²⁵
Process for making decisions	<ul style="list-style-type: none"> • Public statutory processes for policy DOCuments • Public process for major concession applications • Iwi may apply to Minister for cultural harvest permit
Funding for decision making entity and other funding arrangements	<p>N/A</p>
Role of Ngāi Tahu /Runanga	<p>Policy making</p> <ul style="list-style-type: none"> • Statutory participation as member of the Southland Conservation Board • Statutory participation as a member of the NZCA • No equivalent to s4 Conservation Act, but NP General Policy being particaly reviewed at the same time as the Conservation General Policy following the Ngai Tai Supreme Court decision. <p>Management</p> <ul style="list-style-type: none"> • No formal role • Conservation Board may get to comment on a concession if told about it by DOC
Status of relevant Documents	<p>FNPMP is due for a review. Is currently on hold. Partial review of NP and Conservation General Policies relating to treaty obligations in process.</p>
Links	<p>National Parks Act: http://www.legislation.govt.nz/act/public/1980/0066/latest/whole.html FNPMP: https://www.doc.govt.nz/Documents/about-doc/role/policies-and-plans/national-park-management-plans/fjordland/fnpmp-june-2007.pdf General Policy for National Parks: https://www.doc.govt.nz/Documents/about-doc/role/policies-and-plans/general-policy-for-national-parks.pdf</p>

²⁵ S6 Conservation Act

Partial review of General Policies relating to s4 obligations: <https://www.doc.govt.nz/get-involved/have-your-say/all-consultations/2019/conservation-general-policy-and-general-policy-for-national-parks-partial-reviews/>

RESERVES ACT 1977

<p>Summary of Act</p>	<p>The Reserves Act 1977 provides for the acquisition, preservation, and management of areas for their conservation values or public recreational and educational values.</p> <p>Functions</p> <p>The Reserves Act has three main functions:</p> <ul style="list-style-type: none"> • To provide for the preservation and management, for the benefit and enjoyment of the public, areas possessing some special feature or values such as recreational use, wildlife, landscape amenity or scenic value. For example, the reserve may have value for recreation, education, as wildlife habitat or as an interesting landscape. • To ensure, as far as practicable, the preservation of representative natural ecosystems or landscapes and the survival of indigenous species of flora and fauna, both rare and commonplace. • To ensure, as far as practicable, the preservation of access for the public to the coastline, islands, lakeshore and riverbanks and to encourage the protection and preservation of the natural character of these areas. <p>It creates eight categories of reserves:</p> <p>National Reserves (Section 13)</p> <ul style="list-style-type: none"> • These are reserves which have values of national or international importance. <p>Recreation Reserves (Section 17)</p> <ul style="list-style-type: none"> • The main purpose of these reserves is the provision of areas for recreation and sporting activities. This is to provide for the physical welfare and enjoyment of the public and for protection of the natural environment and beauty. <p>Historic Reserves (Section 18)</p> <ul style="list-style-type: none"> • These reserves are established primarily to protect and preserve in perpetuity places, objects and natural features of historic, archaeological, cultural, educational and other special interest. <p>Scenic Reserves (Section 19)</p> <ul style="list-style-type: none"> • These reserves are established to protect and preserve in perpetuity, for their intrinsic worth and for the public benefit, enjoyment and use, such qualities of scenic interest or beauty or natural features worthy of protection in the public interest. <p>Nature Reserves (Section 20)</p> <ul style="list-style-type: none"> • These reserves are established primarily to protect and preserve in perpetuity indigenous flora or fauna or natural features of rarity, scientific interest or importance so unique that their preservation is in the public interest. Entry is by permit only. <p>Scientific Reserves (Section 21)</p> <ul style="list-style-type: none"> • The principal purpose of these reserves is the protection and preservation in perpetuity of areas for scientific study, research, education and the benefit of the country. Entry to all or part of a reserve may be restricted to permit holders.
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	<p>Government Purpose Reserves (Section 22) and Local Purpose Reserves (Section 23)</p> <ul style="list-style-type: none"> • These reserves are held for the particular purposes specified. Government purpose reserves include wildlife management areas. <p>Wilderness Areas (Section 47)</p> <ul style="list-style-type: none"> • Reserves or parts of reserves may be set apart as Wilderness Areas. They are maintained in a natural state. No buildings, roads, animals, are permitted. <p>It gives powers to</p> <ul style="list-style-type: none"> • the Minister of Conservation - which may be delegated (s10) to any individual, committee, body, local authority, or organisation, or to any officer of the Department. Majority of powers have been delegated to the Department of Conservation and in some cases to Territorial Authorities • the Administering Body – which can include trusts, boards, societies, associations, local authorities (and gives the Minister power to appoint people to a reserves board, trust, or trust board to manage a reserve. • the “Commissioner” – an officer designated by the DG of Conservation (and typically the Conservator for the conservancy within which the reserve lies).²⁶ <p>Certain reserves may be exchanged for other land(s15)</p>
Key instruments	<ul style="list-style-type: none"> • Reserve Management Plans
What activities are controlled?	<ul style="list-style-type: none"> • Leases, licenses, or easements over a reserve may be granted by an administering body (s59). Some may require consent of the Minister. • The Minister may grant concessions in reserves which are also conservation areas.
Decision making entities (policy)	<ul style="list-style-type: none"> • Minister of Conservation
Decision making entities (management)	<ul style="list-style-type: none"> • Administering Bodies - charged with the duty of administering, managing, and controlling the reserve under its control and management in accordance with the appropriate provisions of the Act and in terms of its appointment and the means at its disposal, so as to ensure the use, enjoyment, development, maintenance, protection, and preservation, as the case may require, of the reserve for the purpose for which it is classified. (s40).
Process for making decisions	<ul style="list-style-type: none"> • Public statutory processes for management plan preparations • Public processes for authorisations

²⁶ Reserves Act Guide, DOC, <https://www.doc.govt.nz/Documents/about-doc/role/legislation/reserves-act-guide.pdf>

Funding for decision making entity and other funding arrangements	<ul style="list-style-type: none"> • S78 requires that all revenue to Administering Bodies from reserves must generally be applied for the purposes of the Reserves Act, with some exceptions.
Role of Ngāi Tahu /Runanga	<ul style="list-style-type: none"> • Administering bodies expected to act in accordance with s4 of the Conservation Act²⁷
Status of relevant documents	<ul style="list-style-type: none"> • Southland District Council Reserves Management Policy – approved September 2016 • Reserves Activity Management Plans incorporated into Long Term Plan²⁸ - how reserves will be managed in practice, and how Council will respond to changes in demand. • General Reserves Management Plan and individual Reserves Management Plans regarding the use and protection of reserves (cannot find online).
Links	<ul style="list-style-type: none"> • https://www.southlanddc.govt.nz/assets/Uploads/Reserves-Management-Policy.pdf

CONSERVATION ACT 1987

Summary of Act	<p>The Conservation Act was developed to promote the conservation of New Zealand's natural and historic resources. It establishes:</p> <ul style="list-style-type: none"> • The Department of Conservation • The New Zealand Conservation Authority • Conservation Boards • Guardians of Lakes Manapouri, Monowai and Te Anau <p>It creates categories of 'conservation areas' of land or foreshore held for conservation purposes, or land in respect of which an interest is held for conservation purposes, including Conservation Parks (including the Mavora Lakes conservation park)</p> <p>It creates a defined hierarchy of strategies and management plans for the management of conservation land, and controls activities undertaken on conservation land through a concession regime.</p>
Key instruments	<ul style="list-style-type: none"> • General Policy: Conservation- for the implementation of the Act and for any conservation area or areas.

²⁷ <https://www.doc.govt.nz/Documents/about-doc/role/legislation/reserves-act-guide.pdf> page 4.

²⁸ Reserves Management Policy, p.2

	<ul style="list-style-type: none"> • Conservation Mangement Strategy- 10 year regional strategices to provide for integrated management of natural and historic resources managed by the Department under the Wildlife, Marine Reseraces, Reserves, Wild Animal Contral, Mrine Mammals Protection, and National Parks Acts, with recreation, tourism, and other conservation purposes. Must have regard to existing concessions. Agreed with the community. Recognised by the RMA. • Conservation Management Plans – Implement conservation management strategies in conservation arteas other than national parks and establish detailed objectives for the integrated management of natural and historic resources with recreation, tourism, and other conservation purposes. Must have regard to existing concessions. • Concessions – granted in the form of a lease, license, permit, or easement. Required for any activity within a conservation area (apart from defined exceptions).
What activities are controlled?	<ul style="list-style-type: none"> • All activities in conservation areas including National Parks (unless exempted) require a concession from the Minister under the Conservation Act (usually under delegated authority).²⁹ Applications are considered based on a number of criteria, including likely effects, potential mitigations, environmental impact assessments, and public submissoins.
Decision making entities (policy)	<ul style="list-style-type: none"> • DOC develops General Policy: Conservation (approved by Minister on the recommendation of the Conservation Authority), provides advice on concessions etc. • New Zealand Conservation Authority for Conservation Management Strategy and FNPMP approval • Southland Conservation Board in conjunction with DOC for FPNPMP preparation and conservation plan preparation. • Minister for General Policy: Conservation.
Decision making entities (management)	<ul style="list-style-type: none"> • DOC administers the National Park and administers Conservation Parks.
Process for making decisions	<ul style="list-style-type: none"> • Public statutory processes for policy documents • Public process for major concession applications
Funding for decision making entity and other funding arrangements	<ul style="list-style-type: none"> • Fees-framework for members of the Conservation Authority, Conservation Boards • Appropriations for the Department. • Some fees from Concessions to support conservation activities.

²⁹ S49(1) NPA

Role of Ngāi Tahu /Runanga	<p>Policy making</p> <ul style="list-style-type: none"> • Statutory participation as member of the Southland Conservation Board • Statutory participation as a member of the NZCA • s4 Conservation Act requires that the Act be interpreted and administered as to give effect to the Principles of the Treaty of Waitangi. Recent Ngai Tai decision indicates that current General Policy is insufficient in this regard. <p>Management</p> <ul style="list-style-type: none"> • No formal role • Conservation Board may get to comment on a concession application if told about it by DOC
Status of relevant documents	<ul style="list-style-type: none"> • General Policy being reviewed to give effect to Ngai Tai decision. • Southland Conservation Management Strategy 2016 •
Links	<ul style="list-style-type: none"> • Conservation Management Strategy timeline: https://www.doc.govt.nz/contentassets/dc9f002144f24b7cbf0bc746de5b0a71/conservation-management-strategies-timeline.pdf • Southland Conservation Management Strategy: https://www.doc.govt.nz/about-us/our-policies-and-plans/statutory-plans/statutory-plan-publications/conservation-management-strategies/southland-murihiku/

FIORDLAND (TE MOANA O ATAWHENUA) MARINE MANAGEMENT ACT 2005

Summary of Act	<p>In recognition of the Fiordland (Te Moana o Atawhenua) Marine Area's local, national, and international importance, unique marine environment, distinctive biological diversity, and outstanding landscape and cultural heritage, this Act—</p> <ul style="list-style-type: none"> • establishes the Fiordland (Te Moana o Atawhenua) Marine Area and 8 marine reserves in that area: • implements measures to assist in the preservation, protection, and sustainable management of the marine environment and biological diversity of the Fiordland (Te Moana o Atawhenua) Marine Area: • establishes the Fiordland Marine Guardians to provide advice on fisheries management, biosecurity, sustainable management, and marine preservation and protection: • facilitates and promotes co-operation between the Guardians and management agencies, to assist in achieving the integrated management of the Fiordland (Te Moana o Atawhenua) Marine Area: • acknowledges the importance of kaitiakitanga.
Key instruments	<ul style="list-style-type: none"> • Fiordland Marine Conservation Strategy (which was inserted into the Southland Regional Policy Statement) • Fiordland (Te Moana o Atawhenua) Marine Area Marine Area Monitoring Plan (DOC) • Fiordland (Te Moana o Atawhenua) Marine Area Biosecurity Plan (MPI) • Fiordland (Te Moana o Atawhenua) Marine Area Communications Plan (MfE)

	<ul style="list-style-type: none"> • Fiordland (Te Moana o Atawhenua) Marine Area Compliance Plan
What activities are controlled?	<ul style="list-style-type: none"> • Establishes Marine reserves – activities within which are controlled through the Marine Reserves Act 1977, including the protection of all marine life, and prohibitions on fishing, netting, taking or killing of marine life, pollution, and removal of natural things.
Decision making entities (policy)	<ul style="list-style-type: none"> • Fiordland Marine Guardians– facilitate and promote the integrated management of the Fiordland (Te Moana o Atawhenua) Marine Area: <ul style="list-style-type: none"> – obtain, share and monitor information on the state of the Fiordland (Te Moana o Atawhenua) Marine Area – assist the management agencies to prepare and disseminate information – monitor the state of the marine environment and biological diversity in the Fiordland (Te Moana o Atawhenua) Marine Area – plan for the enforcement of and compliance with the management of the Fiordland (Te Moana o Atawhenua) Marine Area.
Decision making entities (management)	<ul style="list-style-type: none"> • Ministry for the Environment – administers the Act, coordinates the Communications Plan. Provides administrative and secretariat support to the Guardians. • Ministry for Primary Industries – develops and implements the Fiordland (Te Moana o Atawhenua) Marine Area Biosecurity Plan, responsible for the sustainable use of fisheries and compliance with fisheries regulations. • Department of Conservation - leads the implementation of the Fiordland (Te Moana o Atawhenua) Marine Area Monitoring Plan • Southland Regional Council / Environment Southland - primarily responsible for managing the natural and physical resources of the Fiordland (Te Moana o Atawhenua) Marine Area.
Process for making decisions	<ul style="list-style-type: none"> • Advisory body to the management agencies.
Funding for decision making entity and other funding arrangements	<ul style="list-style-type: none"> • Fees for members in line with Fees framework
Role of Ngāi Tahu /Runanga	<ul style="list-style-type: none"> • Nominate a member of the Guardians
Status of relevant documents	<p>Strategy released 2005.</p>

MARINE RESERVE (MILFORD SOUND PIOPIOTAHU) ORDER 1993

Summary of Act	The area described in the Schedule is declared to be a marine reserve “All that area of water comprising 690.0 hectares, more or less, being situated in the Southland Land District, being more particularly shown marked “A” on SO Plan 11980 lodged in the office of the Chief Surveyor for the Southland Land District.”
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BIOSECURITY ACT 1993

Summary of Act	Biosecurity Act 1993 provides a variety of tools for use in the exclusion, eradication and control of pests and unwanted organisms, including national and regional pest management plans, pathway management plans, regulations and unwanted organism determinations. Regional Context It provides specific roles and powers to local authorities, including: <ul style="list-style-type: none"> • regional councils to provide leadership in pest management • develop pest management plans, and declare and implement small scale pest management activities.
Key instruments	<ul style="list-style-type: none"> • Southland Regional Pest Management Plan (Environment Southland) • Fiordland Marine Regional Pathway Management Plan (s93) (Environment Southland)
What activities are controlled?	<ul style="list-style-type: none"> • Activities that may introduce into or enable invasive species to enter Fiordland
Decision making entities (policy)	<ul style="list-style-type: none"> • MPI • Environment Southland
Decision making entities (management)	<ul style="list-style-type: none"> • Environment Southland
Process for making decisions	<ul style="list-style-type: none"> • Public consultation processes for plan development.
Funding for decision making entity and other	<ul style="list-style-type: none"> • Governor General may implement a levy to wholly or partly fund the implementation of a plan. (s100L) • May be funded through general rates, or targeted rate, or combination (s100T) (reference Local Government (Rating) Act 2002)

funding arrangements	
Role of Ngāi Tahu /Runanga	<ul style="list-style-type: none"> • Statutory requirement for consultation (s92(1))
Status of relevant documents	Act is currently under review, with public consultation expected second half of 2020. ³⁰

NGĀI TAHU CLAIMS SETTLEMENT ACT 1998

Summary of Act	<p>Implements the statute the Deed of Settlement, key elements of which includes:</p> <ul style="list-style-type: none"> • A public apology from the Crown to Ngāi Tahu • The transfer and vesting of settlement properties and assets • Establishes a right of first refusal for relevant land, including Milford Airport • Recognises and enables Mahinga Kai (or Ngāi Tahu 's role in environmental management) including through: <ul style="list-style-type: none"> – defined processes and statutory appointments to Conservation Boards and the Conservation Authority, – defined roles with the Fish and Game Council • Enables Principles to be agreed between the Minister of Conservation and Te Runanga o Ngāi Tahu to avoid harm to, or the diminishing of, Ngāi Tahu values in relation to Topuni <p>Creates 70 Statutory Acknowledgements, in which the Crown recognises Ngāi Tahu's mana, and spiritual, historic, and traditional association in relation to a range of sites and areas, which creates requirements for consent authorities, Heritage New Zealand Pouhere Taonga, or the Environment Court to have regard to Statutory Acknowledgements. In some places, the Crown supplemented this with a Deed of Recognition which provides for input into the decision making processes of the Crown body responsible for the management of each area.</p> <ul style="list-style-type: none"> • Te Anau-au (Lake Te Anau), SA and DOR • Te Mimi o Tu Te Rakiwhanoa (Fiordland Coastal Marine Area), SA • Tutoko (the highest peak in Fiordland National Park, between the Milford and Hollyford valleys), SA and DOR. <p>Places 14 Topuni over declared areas of land which have Ngāi Tahu values. A Topuni involves three levels of information:</p> <ul style="list-style-type: none"> • statement of the Ngāi Tahu values; • a set of principles for avoiding diminishing those values; and
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³⁰ <https://www.biosecurity.govt.nz/law-and-policy/legal-overviews/biosecurity/biosecurity-act-1993-overhaul/>

	<ul style="list-style-type: none"> • agreed actions to give effect to these principles. <p>DOC, Conservation Boards and the Conservation Authority are required to have particular regard to the Ngāi Tahu values in relation to each area, and to consult Ngāi Tahu when they prepare policies, strategies and plans in relation to these areas.</p> <ul style="list-style-type: none"> • Tutoko (the highest peak in Fiordland National Park, between the Milford and Hollyford valleys) is covered by both a Statutory Acknowledgement and a Topuni. <p>Many place names have been officially changed to dual names in recognition of the Ngāi Tahu relationship with the landscape.</p>
Key instruments	<ul style="list-style-type: none"> • Implements Deed of Settlement. • Topuni • Statutory Acknowledgements • Deeds of Recognition
What activities are controlled?	<ul style="list-style-type: none"> • Milford Airport is covered by a right of first refusal, which would be triggered by a transfer to any non-government or non-Ngāi Tahu entity (with some exceptions)
Decision making entities (policy)	<ul style="list-style-type: none"> • N/A -
Decision making entities (management)	<ul style="list-style-type: none"> • Consenting authorities must have regard to Statutory Declarations • DOC and Conservation Boards must agree principles and actions regarding Topuni areas. • DOC, Conservation Boards and the Conservation Authority are required to have particular regard to the Ngāi Tahu values in relation to each area covered by a Deed of Recognition, and to consult Ngāi Tahu when they prepare policies, strategies and plans in relation to these areas – including Tutoki, and ??
Process for making decisions	<ul style="list-style-type: none"> • Te Rūnanga o Ngāi Tahu is appointed as a statutory adviser in respect of Tutoko , can provide advice directly to the Minister of Conservation, which the Minister must have particular regard to, when the Minister is: <ul style="list-style-type: none"> – considering any draft conservation management plan or conservation management strategy under the Conservation Act 1987 or any national park management plan under the National Parks Act 1980 – formulating written recommendations to the New Zealand Conservation Authority—in respect of that site.
Funding for decision making entity and other funding arrangements	<ul style="list-style-type: none"> • N/A

Role of Ngāi Tahu /Runanga	<ul style="list-style-type: none"> Provides for Ngāi Tahu nominees on Conservation Board, Conservation Authority.
Status of relevant documents	N/A
Links	<p>Ngāi Tahu Settlement Act: http://www.legislation.govt.nz/act/public/1998/0097/latest/whole.html</p> <p>Ngāi Tahu Deed of Settlement: https://www.govt.nz/treaty-settlement-documents/ngai-tahu/</p> <p>Guide to Statutory Acknowledgements for local authorities: https://www.mfe.govt.nz/sites/default/files/stat-acknowledgments-may99.pdf</p>

MARINE AND COASTAL AREA (TAKUTAI MOANA) ACT 2011

Summary of Act	<p>The Marine and Coastal Area Act provides for the special status of the common marine and coastal area as an area that is incapable of ownership. It repeals the Foreshore and Seabed Act, restores customary interests, and creates the concept of the “common marine and coastal area” (CMCA), which encompasses all of the marine and coastal area which is not conservation land, a reserve, national park or privately held.</p> <p>CMCA is unable to be owned by any party. The Act contains guarantees of public access, including</p> <ul style="list-style-type: none"> free rights of land access to, including the right to engage in recreational activities on, the CMCA (s 26) rights of sea navigation within the CMCA (s 27). <p>The Act also guarantees the continued exercise of fishing rights held under any other enactment (s 27), such as quota allocated under the Fisheries Act 1996</p> <p>Treaty of Waitangi (te Tiriti o Waitangi)</p> <ul style="list-style-type: none"> The Act recognises, and promotes the exercise of, customary interests of Māori in the common marine and coastal area by providing: <ul style="list-style-type: none"> in subpart 1 of Part 3, for the participation of affected iwi, hapū, and whānau in the specified conservation processes relating to the common marine and coastal area. The Director-General of Conservation must have particular regard to the views of affected iwi, hapū, and whānau in making conservation decisions. in subpart 2 of Part 3, for customary rights to be recognised and protected. Holders of protected customary rights can delegate or transfer such rights in accordance with tikanga, and derive commercial benefits from such rights. They do not have title over the land. Customary rights holders have a particular status in the RMA framework, including a veto power on most adverse activities. in subpart 3 of Part 3, for customary marine title to be recognised and exercised, defined as title which exists if the applicant group holds the specified area in accordance with tikanga, and has exclusively used and occupied the area since 1840 – or received it since 1840 in accordance with tikanga from a group which itself had exclusive use and occupation since 1840.
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	The Act restores access to the High Court to consider claims to customary marine title, with claims required to be made by 3 April 2017
Key instruments	<ul style="list-style-type: none"> • N/A
What activities are controlled?	<ul style="list-style-type: none"> • Where a group has a customary marine title recognised over an area, it has³¹: <ul style="list-style-type: none"> – a Resource Management Act permission right which lets the group say yes or no to activities that need resource consents or permits in the area – a conservation permission right which lets the group say yes or no to certain conservation activities in the area – the right to be notified and consulted when other groups apply for marine mammal watching permits in the area – the right to be consulted about changes to Coastal Policy Statements – a wāhi tapu protection right which lets the group seek recognition of a wāhi tapu and restrict access to the area if this is needed to protect the wāhi tapu – the ownership of minerals other than petroleum, gold, silver and uranium which are found in the area – the interim ownership of taonga tūturu found in the area – the ability to prepare a planning document which sets out the group's objectives and policies for the management of resources in the area
Decision making entities (policy)	<ul style="list-style-type: none"> • Administered by the Ministry of Justice
Decision making entities (management)	N/A
Process for making decisions	N/A
Funding for decision making entity and other	N/A

³¹ <https://tearawhiti.govt.nz/te-kahui-takutai-moana-marine-and-coastal-area/what-customary-interests-are/>

funding arrangements	
Role of Ngāi Tahu /Runanga	<ul style="list-style-type: none"> Ngāi Tahu has lodged an application with the High Court to recognise customary marine title under s98, which includes most waters around Southland including Milford Sound Piopiotahi.
Status of relevant documents	<ul style="list-style-type: none"> Claim is awaiting consideration by the Court.

LOCAL GOVERNMENT ACT 2002

Summary of Act	<p>Provides the general framework and powers under which local authorities operate. It:</p> <ul style="list-style-type: none"> states the purpose of local government; provides a framework and powers for local authorities to decide which activities they undertake and the manner in which they will undertake them; promotes the accountability of local authorities to their communities; provides for local authorities to play a broad role in meeting the current and future needs of their communities for good-quality local infrastructure, local public services, and performance of regulatory functions. <p>In particular, it provides</p> <ul style="list-style-type: none"> A framework for consultation, planning, decision-making, financial management, and reporting – including requirements to produce long-term plans, annual plans, annual reports and pre-election reports (Part 6). A range of obligations, restrictions and powers, including requiring local authorities to assess their communities' needs for water, and wastewater and sanitary services, and placing an obligation on local authorities to provide water services to ensure continued public ownership of water services (Parts 7-9 and 11).
Key instruments	<ul style="list-style-type: none"> Long Term Plan – 10 years, to be reviewed every three. Annual Plan
What activities are controlled?	<ul style="list-style-type: none"> The Act requires certain decisions, such as commencing a significant activity, to be undertaken in accordance with the LTP or by way of an amendment to the LTP.
Decision making entities (policy)	<ul style="list-style-type: none"> Regional Council
Decision making	<ul style="list-style-type: none"> District Council

entities (management)	
Process for making decisions	<ul style="list-style-type: none"> • Special Consultative Procedure that must be used for consultation on particular issues, such as the LTP or a proposal to adopt or amend a bylaw.
Funding for decision making entity and other funding arrangements	<ul style="list-style-type: none"> • Rates
Role of Ngāi Tahu /Runanga	<ul style="list-style-type: none"> • Local authorities must have processes in place for consulting with Māori, including establishing and maintaining opportunities for Māori to contribute to decision-making processes, and providing relevant information to Māori. • Important decisions about land or water bodies must take into account the relationship of Māori culture and traditions.
Status of relevant documents	Southland 10 Year Plan 2018-2028. Due to be reviewed in 2021.

RESOURCE MANAGEMENT ACT 1991

Summary of Act	<p>Promotes the sustainable management of natural and physical resources. which involves considering effects of activities on the environment now and in the future when making resource management decisions.</p> <p>Sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while:</p> <ul style="list-style-type: none"> • sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and • safeguarding the life-supporting capacity of air, water, soil, and ecosystems • avoiding, remedying, or mitigating any adverse effects of activities on the environment. <p>As well as managing air, soil, fresh water and coastal marine areas, the RMA regulates land use and the provision of infrastructure.</p> <p>Regional processes</p> <p>It creates a number of key documents which set out policies and rules at a regional level:</p> <ul style="list-style-type: none"> • Regional Policy Statement (s59-62) - provides an overview of the resource management issues of the region
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	<ul style="list-style-type: none"> • Regional Coastal Plans (s63-64A) • District Plans (s72-77), including objectives, policies, and rules for the district. <p>Consents Requires a resource consent to do something that would otherwise contravene the Act due to restrictions on land use, subdivision, coastal activities, water takes or use, or discharges (Part 6). Regional and district councils ‘consent authorities’ which decide on resource consent applications. Applications may be determined on appeal by the Environment Court. (s87D)</p> <p>Transfer of powers (s33) A local authority may transfer any one or more of its functions, powers, or duties under the act to another local authority, Iwi authority, government department, statutory authority, or local board. Ngāi Tahu has entered into a Charter of Understanding with the regional and district councils of Southland and Otago about their relationship with the councils including potential transfer of powers under s33 (2016)</p>
Key instruments	<ul style="list-style-type: none"> • Southland District Plan – controls land use activities, with a public process for major resource consent proposals. The District Plan sets a framework for development and the management of the natural and physical resources in the District. It establishes objectives, policies and rules for managing the environmental effects of land use, subdivision and development. Must give effect to the Regional Policy Statement, National Policy Statement. Administered by SDC. • Southland Regional Policy Statement – outlines objectives, policies and methods, which guide the management of Southland's natural resources. It does not contain rules. Must give effect to National Policy Statement. Must take into account any Iwi planning documents. Administered by Environment Southland. • Southland Regional Coastal Plan – Controls all activities in the coastal waters. Administered by Environment Southland. • Iwi Management Plans - any relevant planning document recognised by an Iwi authority and lodged with a local authority – including, Te Tangi a Tauira, Ngāi Tahu Ki Murikihu Natural Resource and Environmental Iwi Management plan 2008.
What activities are controlled?	<ul style="list-style-type: none"> • All physical activities that might affect the environment. Plans, through rules, will state whether an activity is permitted or requires a resource consent.
Decision making entities (policy)	<ul style="list-style-type: none"> • The government (via MfE) can issue national policy statements and national environment standards which must be complied with in regional and district policy documents. • Regional and district councils decide on policy statements and plans (subject to approval on appeal by the Environment Court).
Decision making entities (management)	<ul style="list-style-type: none"> • Environment Southland (Southland Regional Council) • Southland District Council • Environment Court on appeal from any Council decisions
Process for making decisions	<p>Councils must review their plans every 10 years to make sure they stay relevant.</p> <ul style="list-style-type: none"> • A plan change is a change to a plan that’s fully operational (a plan that is finalised).

	<ul style="list-style-type: none"> • A plan variation is a change to a plan that's not yet fully finalised. <p>Councils are expected to consult with their communities when they create plans, review plans and consider a plan change or variation. In addition, members of the community are entitled to take a part in the process and have their say on how the environment should be protected.</p> <p>Resource consent process is set out in the Act. Must include an Assessment of Environmental Effects (AEE). (Schedule 4, s6)</p> <p>Council considers application, proposals with more than a minor effect on the environment will be notified to the general public. Council decisions are subject to appeals to the Environment Court.</p>
Funding for decision making entity and other funding arrangements	N/A
Role of Ngāi Tahu /Runanga	<ul style="list-style-type: none"> • Specific requirements about consultation in the RMA for any Plan review, change, or variation process. • Specific requirements on consenting authorities to have regard to Statutory Acknowledgements and areas of Tuponi specified within Ngāi Tahu Settlement Act. • Iwi management plan will be considered when making decisions on resource consent applications
Status of relevant documents	<ul style="list-style-type: none"> • Southland District Plan made operative 22 January 2018. • Regional Policy Statement became operative 09 October 2017 • Regional Coastal Plan – 2013. A Strategic Direction for the Review of the Regional Coastal Plan was completed in 2019. A draft Coastal Plan will be released for public feedback in the second half of 2020. • Iwi management plan – 2008, due for a review.

LAND TRANSPORT MANAGEMENT ACT 2003

Summary of Act	<p>Sets out the requirements and processes for local authorities to obtain funding for roading construction and maintenance, and for the funding of NZ Police on-road enforcement.</p> <p>It establishes the Waka Kotahi and creates Regional Transport Committees to set regional transport priorities.</p> <p>It also sets out the regulatory framework for public transport, including requirements for Regional Public Transport Plans (RPTPs) and for “exempt” services which do not receive public funding.</p>
Key instruments	<ul style="list-style-type: none"> • National Land Transport Programme- a three yearly investment package setting out how the Land Transport Management Fund will be spent at a national, regional and local level. • Otago-Southland Regional Land Transport Plan - sets the vision of transport in the future and how the 10 local authorities in the two regions and Waka Kotahi intend to achieve this by funding and providing transport services and infrastructure. Must be consistent with the General Policy Statement on land transport. Issued every 6 years and reviewed every 3 years. A

	<p>project must be identified in a Regional Land Transport Programme to be eligible for funding from the National Land Transport Management Fund.</p> <ul style="list-style-type: none"> • Government Policy Statement on land transport setting out what the crown wishes to achieve from the allocation of funding from the national land transport fund for the next 10 years. • Southland Regional Public Transport Plan (RPTP) to outline and to summarise in one place, the Council’s strategic approach for the delivery of the Public Transport activity. In Southland, this is delegated to Invercargill City Council.
What activities are controlled?	<ul style="list-style-type: none"> • Tolling (s46) – may be made on the recommendation of the Minister to support the planning, design, supervision, construction, maintenance or operation of a new road. Must be consulted, Minister must be satisfied with the level of public support, alternative non-tolled route must be available to road users. Existing road must not be tolled unless near, and physically/operationally integral to the new road. (<i>Legislative exemption for Route K in Tauranga</i>) • Public Transport (Part 5) including through the provision of regional public transport plans. • Regional Fuel Tax – only one may be in force in each area; regional council may prepare a proposal for region or part of the region to support a capital project(s) which would benefit the region/part of the region, is included in the regional land transport plan (incl draft), cannot feasibly be funded from other sources.
Decision making entities (policy)	<ul style="list-style-type: none"> • Ministry of Transport – administers the Act, prepares the GPS.
Decision making entities (management)	<ul style="list-style-type: none"> • Waka Kotahi manages of the state highway system, including planning, funding, design, supervision, construction, and maintenance and operations. Implements/gives effect to the GPS. • Regional Transport Committee develops regional land transport plan. In Southland, this is done jointly with Otago. • Environment Southland is responsible for maintaining a register of all public transport services but has delegated its public transport responsibilities to Invercargill City Council which prepares the Southland RPTP.
Process for making decisions	<ul style="list-style-type: none"> • A regional land transport plan must be prepared every 6 years. A regional transport committee— <ul style="list-style-type: none"> – must consult in accordance with the consultation principles specified in section 82 of the Local Government Act 2002 – may use the special consultative procedure specified in section 83 of the Local Government Act 2002. • A regional public transport plan requires the use of the LGA special consultative procedure, including requirements to consult with a list of specified organisations.
Funding for decision making entity and other funding arrangements	<ul style="list-style-type: none"> • Single consolidated fund - National Land Transport Fund, which comes from fuel excise duty, road user charges, motor vehicle registration and licensing fees, and other Crown revenue. This funds 100% of state highway investments and provides a Funding Assistance Ratio (FAR – typically ≈50%) for local roading and public transport services (and infrastructure not on the state highway network)

Role of Ngāi Tahu /Runanga	<ul style="list-style-type: none"> • Separate consultation processes for any proposal that is likely to affect Māori land, land subject to any Māori claims settlement Act, or Māori historical, cultural or spiritual interests. • Waka Kotahi must establish processes to provide opportunities for Māori to contribute to land transport decision-making processes.
Status of relevant documents	<ul style="list-style-type: none"> • GPS 2018/19-2027/28 - https://www.transport.govt.nz/multi-modal/keystrategiesandplans/gpsonlandtransportfunding/ • Draft GPS 2021 https://www.transport.govt.nz/multi-modal/keystrategiesandplans/gpsonlandtransportfunding/gps-2021/ • Otago Southland Regional Land Transport Plans 2015-2021 https://www.orc.govt.nz/plans-policies-reports/transport-plans/update-to-otago-southland-regional-land-transport-plans-2015-2021 • Southland Regional Public Transport Plan delegated to Invercargill City Council, as only ICC currently operates a public transport system. https://icc.govt.nz/wp-content/uploads/2018/03/Southland-Regional-Public-Transport-Plan-2017.pdf

GOVERNMENT ROADING POWERS ACT 1989

Summary of Act	<p>This Act defines the functions and powers of the Waka Kotahi and local authorities in relation to motorways and state highways, including the ability to declare and manage access to limited access roads.</p> <ul style="list-style-type: none"> • Vests ownership of State Highways in the Crown (s244) • Waka Kotahi has sole powers of control for all purposes, including construction and maintenance, of State Highways • s62 provides that Waka Kotahi and TLAs can agree for functions, duties, and powers of construction, maintenance and control to be delegated from Waka Kotahi to the TLA.. <p>Key powers include:</p> <ul style="list-style-type: none"> • Sole power to do all things necessary to construct or maintain a State highway. (s61 (1), s61 (4)) • Exercise powers contained in the LGA in respect of roads. (s61(2)) • Make provision for the preservation of any Maori historical, cultural or spiritual interests. s61(5) • Permit vehicle parking spaces, buildings or other facilities on or adjacent to a State highway. s68 • Impose conditions on TLAs and other entities undertaking utility work on State highways, not including the Electricity Act, Gas Act, or Telecommunications Act. s52 • Temporary closure of State highways for emergencies (s61(4)(i), roadworks (s61(4)(i), (s61(4)(h) and planned events (s51)
Key instruments	N/A
What activities are controlled?	Enables Waka Kotahi to manage State Highway network.

Decision making entities (policy)	Ministry of Transport
Decision making entities (management)	Waka Kotahi NZ Transport Agency Milford Alliance
Process for making decisions	N/A
Funding for decision making entity and other funding arrangements	N/A
Role of Ngāi Tahu /Runanga	N/A
Status of relevant documents	N/A

APPENDIX 3: OVERVIEW OF MANAGEMENT AND OTHER KEY ENTITIES

DEPARTMENT OF CONSERVATION

Enabling legislation	Conservation Act 1987 National Parks Act Reserves Act
Description	A government agency charged with conserving New Zealand's natural and historic heritage.
Functions	<p>General</p> <ul style="list-style-type: none"> • The management for conservation purposes of all land and natural and historic resources held under the Conservation Act; • The preservation of indigenous freshwater fisheries (so far as is practicable); • The protection of recreational freshwater fisheries and freshwater fish habitats; • Conservation advocacy; • Promotion of the benefits of international co-operation on conservation matters; • Promotion of the benefits of the conservation of natural and historic resources • The provision of educational and promotional conservation information; • Fostering recreation and allowing tourism on conservation land, providing the use is consistent with the conservation of the resource; • Provision of advice to the Minister. <p>Relating to the Management of the National Park:</p> <ul style="list-style-type: none"> • Directed to administer and manage national parks, including to interpret and administer the National Parks Act 1980 to give effect to the Principles of the Treaty of Waitangi (s4). <p>Also has a number of functions related to Biosecurity and pest control.</p> <p>DOC administers the National Park and other conservation areas, and develops the national park management plan and other conservation management plans, conservation management strategies in connection with Conservation Boards and the Conservation Authority.</p>
Powers	<ul style="list-style-type: none"> • Approves concessions (delegated powers from the Minister) – typically in line with National Park Management Plan. • Concession terms vary.

Key relationships	<ul style="list-style-type: none"> • Conservation Boards • Conservation Authority • Ngāi Tahu / Treaty Partner • Other Government agencies • Concession holders
Funding	<ul style="list-style-type: none"> • Vote Conservation • Concession Fees – into a general fund.
Process for making decisions	<ul style="list-style-type: none"> • Public statutory processes for policy documents • Public process for major concession applications
Role of Ngāi Tahu /Runanga	<ul style="list-style-type: none"> • S4 of the Conservation Act and statutory requirement for consultation under the Settlement Act

NEW ZEALAND CONSERVATION AUTHORITY

Enabling legislation	Conservation Act 1987
Description	<ul style="list-style-type: none"> • National statutory body that provides strategic policy advice to DOC and the Minister, and plays key role in approval of national park management plans. • Independant Statutory Body
Functions	<ul style="list-style-type: none"> • Primarily set out in Section 6D of the Conservation Act, and the National Parts Act. Amongst other things: <ul style="list-style-type: none"> – approval of conservation management strategies and national park management plans and amendments. – consider and make proposals for additions of lands to national parks, and creation of new national parks. • NZCA may also investigate conservation issues of national importance and advise on national initiatives, policies and strategies affecting public conservation resources. • Plays an oversight role for Conservation Boards, including approving changes to board boundaries and providing advice on board appointments.
Powers	<ul style="list-style-type: none"> • establish committees of members and other suitable persons, and delegate to them any of its powers and functions: • release for public information, in such form as it thinks fit, any recommendation, report, or advice made or given by the Authority to the Minister or the Director-General: • advocate the interests of the Authority at any public forum or in any statutory planning process

Instruments	<ul style="list-style-type: none"> • Conservation Management Strategies • Conservation Management Plans • National Park Management Plans
Composition and appointments	<ul style="list-style-type: none"> • 13 members appointed by the Minister, including specific numbers in consultation with the Ministers of Māori Affairs, Tourism, and Local Government, a nominee from Te Runanga o Ngāi Tahu, and recommendations from Forest and Bird, and Federated Mountain Clubs.
Key relationships	<ul style="list-style-type: none"> • Minister • DOC • Conservation Boards • Fish and Game • National NGOs • Ngāi Tahu
Funding	<ul style="list-style-type: none"> • Fees and Travelling Allowance Act 1951
Process for making decisions	<ul style="list-style-type: none"> • Public statutory processes for policy documents
Role of Ngāi Tahu /Runanga	<ul style="list-style-type: none"> • Nominee on Conservation Authority • Consultation under the Settlement Act

SOUTHLAND CONSERVATION BOARD

Enabling legislation	Conservation Act 1987
Description	<ul style="list-style-type: none"> • The Southland Conservation Board has a conservation advisory and community liaison role in the Southland and Fiordland regions. • Independent Statutory Body
Functions	<ul style="list-style-type: none"> • Approve conservation management plans, their review and amendment. • Advise Conservation Authority on conservation management strategies, the implementation of such strategies and plans, and any other conservation matter. • Draft National Park Management Plan in conjunction with DOC and Ngāi Tahu , hear submissions on the draft NPMP and make recommendations to the Conservation Authority

Powers	<ul style="list-style-type: none"> • advocate its interests at any public forum or in any statutory planning process; and • appoint committees of members and other suitable persons, and delegate to them functions and powers
Instruments	<ul style="list-style-type: none"> • Conservation Management Strategies • Conservation Management Plans • National Park Management Plans
Composition and appointments	<ul style="list-style-type: none"> • Up to twelve members appointed by the Minister in consultation with the Authority • A Board whose area of jurisdiction is wholly or partly within the Ngāi Tahu claim area, as defined in section 8 of the Ngāi Tahu Claims Settlement Act 1998, must include at least 2 or 1 members (respectively) recommended by Te Runanga o Ngāi Tahu
Key relationships	<ul style="list-style-type: none"> • Minister • DOC • Conservation Boards • Fish and Game • NGOs • Ngāi Tahu
Funding	<ul style="list-style-type: none"> • Fees and Travelling Allowance Act 1951
Process for making decisions	<ul style="list-style-type: none"> • Public statutory processes for policy DOCUMENTS • Public process for major concession applications – the board may take a public position on an application
Role of Ngāi Tahu /Runanga	<ul style="list-style-type: none"> • Nominee on Board • Consultation under the Settlement Act

HERITAGE NEW ZEALAND

Enabling legislation	Heritage New Zealand Pouhere Taonga Act 2014 Resource Management Act 1991 Crown Entities Act 2004
Description	Heritage New Zealand Pouhere Taonga is the leading national historic heritage agency.
Functions	<p>General</p> <ul style="list-style-type: none"> • to identify, record, investigate, assess, list, protect, and conserve historic places, historic areas, wāhi tūpuna, wāhi tapu, and wāhi tapu areas or enter such places and areas on the New Zealand Heritage List/Rārangī Kōrero,

	<ul style="list-style-type: none"> • to continue and maintain the New Zealand Heritage List/Rārangi Kōrero: • to advocate the conservation and protection of historic places, historic areas, wāhi tūpuna, wāhi tapu, and wāhi tapu areas: • to foster public interest and involvement in historic places and historic areas and in identifying, recording, investigating, assessing, protecting, and conserving them, maintaining the New Zealand Heritage List/Rārangi Kōrero • to issue authorities and manage, administer, and control historic places, buildings, and other property owned or controlled by Heritage New Zealand Pouhere Taonga or vested in it to ensure their protection, preservation, and conservation • to provide advice on heritage matters in the event of a national or local emergency or a national or local transition period (under the Civil Defence Emergency Management Act 2002), • to establish and maintain a list of places of outstanding national heritage value, to be called the National Historic Landmarks/Ngā Manawhenua o Aotearoa me ōna Kōrero Tūturu: <p>In relation to the Resource Management Act</p> <ul style="list-style-type: none"> • to act as a heritage protection authority under Part 8 of the Resource Management Act 1991 for the purposes of protecting historic places, historic areas, wāhi tūpuna, wāhi tapu, or wāhi tapu area land surrounding the historic place, historic area, wāhi tūpuna, wāhi tapu, or wāhi tapu area that is reasonably necessary to ensure the protection and reasonable enjoyment of the historic place, historic area, wāhi tūpuna, wāhi tapu, or wāhi tapu area. DOC administers the National Park and other conservation areas, and develops the national park management plan and other conservation management plans, conservation management strategies in connection with Conservation Boards and the Conservation Authority.
Powers	<ul style="list-style-type: none"> • Advocate its interests, undertake functions above and charge fees and for services.
Key relationships	<ul style="list-style-type: none"> • Conservation Boards • Conservation Authority • Ngāi Tahu / Treaty Partner • Other Government agencies • Department of Conservation • Regional Councils • District Councils
Funding	<ul style="list-style-type: none"> • Vote Culture and Heritage
Process for making decisions	<ul style="list-style-type: none"> • Public statutory processes
Role of Ngāi Tahu /Runanga	<ul style="list-style-type: none"> • Relates to powers and functions for Wāhi Tapu and Wāhi Tūpuna as specified above.

SOUTHLAND REGIONAL COUNCIL – ENVIRONMENT SOUTHLAND

Enabling legislation	Local Government Act 2002 Resource Management Act 1991
Description	Environment Southland is responsible for the sustainable management of Southland's natural resources - land, water, air and coast.
Functions	Regional councils are generally responsible for making decisions about: <ul style="list-style-type: none"> • discharges of contaminants to land, air or water • water quality and quantity • the coastal marine area • soil conservation • land use to avoid natural hazards • investigating land to identify and monitor contaminated land • ensuring sufficient development capacity for residential and business land to meet expected long-term demands of the region • preparing regional policy statements.
Powers	<ul style="list-style-type: none"> • Environment Southland produces plans under the Resource Management Act 1991, which regulate activities that may impact our natural resources including soil, air, water, and the coast. • Any activities not covered by the Plan require a resource consent
Instruments	<ul style="list-style-type: none"> • Long Term Plan under the LGA – manages the Council's work and infrastructure • Regional Policy Statement under the RMA – provides an overview of the integrated management of the region's natural and physical resources • Regional Coastal Plan under the RMA - controls activities within the coastal marine area • Southland Regional Land Transport Plan 2015–2021 under the Land Transport Management Act 2003 • Southland Regional Public Transport Plan 2018-2021 (delegated to Invercargill City Council), under the Land Transport Management Act 2003
Composition and appointments	<ul style="list-style-type: none"> • Elected members
Key relationships	<ul style="list-style-type: none"> • SDC • Ngāi Tahu • DOC • Fiordland Marine Guardians

	<ul style="list-style-type: none"> • Milford Community Trust
Funding	<ul style="list-style-type: none"> • Rates
Process for making decisions	<ul style="list-style-type: none"> • Public processes set out in the LGA and the RMA
Role of Ngāi Tahu /Runanga	<ul style="list-style-type: none"> • Must have regard to areas of Tōpuni and Statutory Acknowledgements • Charter of Understanding about the Council's relationship with Ngāi Tahu under the RMA and LGA.

SOUTHLAND DISTRICT COUNCIL

Enabling legislation	Local Government Act 2002 Resource Management Act 1991
Description	<ul style="list-style-type: none"> • Southland District Council is one of four councils which cover the Southland region (alongside Environment Southland, Invercargill City Council, Gore District Council). Southland District Council manages about 5000km of roads, 13 urban water supplies, 11 rural water supplies, 17 sewerage schemes, 34 cemeteries, community halls, 69 community housing units, 10 libraries and one mobile library service, 150 reserves and parks, and much much more.
Functions	<ul style="list-style-type: none"> • Core functions under LGA and RMA, including: <ul style="list-style-type: none"> – The provision of local infrastructure, including water, sewerage, stormwater, roads. – Environmental safety and health, district emergency management and civil defence preparedness, building control, public health inspections and other environmental health matters. – Controlling the effects of land use (including hazardous substances, natural hazards and indigenous biodiversity), noise, and the effects of activities on the surface of lakes and rivers. • Some functions under the Reserves Act
Powers	<ul style="list-style-type: none"> • Make plans, approve consents, manage resources.
Instruments	<ul style="list-style-type: none"> • District Plan • Reserves Management Plan
Composition and appointments	<ul style="list-style-type: none"> • Elected members.
Key relationships	<ul style="list-style-type: none"> • Regional Council – must ensure plans align. • Treaty Partners
Funding	<ul style="list-style-type: none"> • Rates

Process for making decisions	<ul style="list-style-type: none"> • Public processes for the most part (RMA, LGA) • Public consultation for review of and changes to plans
Role of Ngāi Tahu /Runanga	<ul style="list-style-type: none"> • Requirements to consult and consider impact on iwi through LGA and RMA. • Must have particular regard to Statutory Acknowledgements and Tōpuni under Settlement Act • Charter of Understanding about the Council's relationship with Ngāi Tahu under the RMA and LGA.

FIORDLAND MARINE GUARDIANS

Enabling legislation	Fiordland (Te Moana o Atawhenua) Marine Management Act 2005
Description	Fiordland Marine Guardians provide advice on fisheries management, biosecurity, sustainable management, and marine preservation and protection.
Functions	<ul style="list-style-type: none"> • Advise and make recommendations to management agencies and Ministers • Facilitate and promote integrated management of the Marine area • Obtain, share, and monitor information on the state of the Marine areas • Assist management agencies to prepare and disseminate information; monitor the state of the marine environment and biological diversity; plan for the enforcement of and compliance with the management of the Marine areas.
Powers	N/A
Instruments	<ul style="list-style-type: none"> • Fiordland Marine Conservation Strategy (2005)
Composition and appointments	<ul style="list-style-type: none"> • 5-8 members • Appointed by the Minister, in consultation with the Ministers of Biosecurity, Conservation, Fisheries, SRC. • At least one member nominated by Te Rūnanga o Ngāi Tahu • At least 5 ordinarily resident in Otago or Southland.
Key relationships	<ul style="list-style-type: none"> • MFE • DOC • MPI • SRC / Environment Southland.
Funding	<ul style="list-style-type: none"> • Fees for members in line with Fees framework
Process for making decisions	<ul style="list-style-type: none"> • Advisory

Role of Ngāi Tahu /Runanga	<ul style="list-style-type: none"> At least one member nominated by Te Rūnanga o Ngāi Tahu
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MILFORD SOUND TOURISM LTD

Enabling legislation or documents	Company under the Companies Act 1993 Concession granted under Conservation Act.
Description	<ul style="list-style-type: none"> Tourist infrastructure provider in Milford Sound Piopiotahi.
Functions	<ul style="list-style-type: none"> Owns and operates harbour, wharves, visitors terminal, parking. Runs wastewater plant, rubbish and recycling systems
Powers	<ul style="list-style-type: none"> Sublicenses to other operators
Instruments	N/A
Composition and appointments	<ul style="list-style-type: none"> Owned by Real Journeys (49%), Skeggs Group Limited (49%), Southland District Council (2%)
Key relationships	<ul style="list-style-type: none"> Tourism operators Local community Great South Destination Fiordland
Funding	<ul style="list-style-type: none"> Milford Sound Passenger Levy (60% to MSTL; 40% to DOC for predator control and other conservation activities)
Process for making decisions	N/A
Role of Ngāi Tahu /Runanga	N/A

MILFORD SOUND INFRASTRUCTURE LTD

Enabling legislation or documents	Company under the Companies Act 1993 Easement granted under Conservation Act.
Description	<ul style="list-style-type: none"> Water and electricity infrastructure provider in Milford Sound Piopiotahi.
Functions	<ul style="list-style-type: none"> Owns and operates electricity and water supply networks at Milford Sound.
Powers	<ul style="list-style-type: none"> Sublicenses to other operators
Instruments	N/A
Composition and appointments	<ul style="list-style-type: none"> Owned by Juniper Limited (50%) and Taiaroa Holdings Limited (50%)
Key relationships	<ul style="list-style-type: none"> Department of Conservation Tourism operators Local community
Process for making decisions	N/A
Role of Ngāi Tahu /Runanga	N/A

MILFORD COMMUNITY TRUST

Enabling legislation or documents	Council controlled organisation under the Local Government Act 2002 Charities Act 2005
Description	<ul style="list-style-type: none"> Provision of leadership and governance for the Milford community. The Milford Community Trust was established in 2007 as an Incorporated Charitable Trust by the Southland District Council and the Department of Conservation with the assistance of Environment Southland for the purposes of providing leadership and governance for the Milford community.
Functions	<p>The primary goals of the Trust are to:</p> <ul style="list-style-type: none"> Provide leadership and governance for the Milford community in Milford Sound Piopiotahi. Advocate for the general benefit of the Milford community.

	<ul style="list-style-type: none"> Coordinate and communicate with all parties having interests in Milford Sound Piopiotahi.
Powers	<ul style="list-style-type: none"> The Trust Deed defines Milford as the developed area of land and adjacent coastal marine area at the end of State Highway 94 at the head of Milford Sound.
Instruments	<ul style="list-style-type: none"> Advocacy
Composition and appointments	<ul style="list-style-type: none"> Seven Trustees, including independent chair, SDC ex-officio representative, Milford community association elected representative.
Key relationships	<ul style="list-style-type: none"> DOC, SDC, Environment Southland, residents of Milford, holders of concessions, Iwi.
Funding	<ul style="list-style-type: none"> Revenue derived from concessionaires income and interest.
Process for making decisions	<ul style="list-style-type: none"> Operates under a Trust deed to guide determination of priorities and funding.
Role of Ngāi Tahu /Runanga	N/A

FIORDLAND COMMUNITY BOARD

Enabling legislation or documents	Local Government Act 2002
Description	<ul style="list-style-type: none"> Community Board under the Southland District Council.
Functions	<ul style="list-style-type: none"> Support connection between the community and Council
Powers	N/A
Instruments	<ul style="list-style-type: none"> Advocacy
Composition and appointments	<ul style="list-style-type: none"> 7 members
Key relationships	<ul style="list-style-type: none"> SDC and community
Funding	<ul style="list-style-type: none"> Operational costs funded by SDC

Process for making decisions	<ul style="list-style-type: none"> • Normal governance practices
Role of Ngāi Tahu /Runanga	N/A

DESTINATION FIORDLAND

Enabling legislation or documents	N/A
Description	<ul style="list-style-type: none"> • Regional Tourism Organisation – incorporated society with membership of over 290 businesses.
Functions	<ul style="list-style-type: none"> • Promote Fiordland as a tourism destination
Powers	<ul style="list-style-type: none"> • N/A
Instruments	<ul style="list-style-type: none"> • Funding, promotion and advocacy
Composition and appointments	<ul style="list-style-type: none"> • 6 elected members
Key relationships	<ul style="list-style-type: none"> • SDC
Funding	<ul style="list-style-type: none"> • Operational costs funded by SDC • Marketing costs funded by membership subscription
Process for making decisions	<ul style="list-style-type: none"> • Normal governance practices
Role of Ngāi Tahu /Runanga	N/A

GREAT SOUTH – REGIONAL DEVELOPMENT AGENCY

Enabling legislation or documents	Southland Regional Development Agency Limited (“SRDA”) was incorporated in New Zealand on 29 March 2019 under the Companies Act 1993 (NZBN 9429042001096). With the Class A shareholders of Invercargill City Council, Southland District Council, Gore District Council and Environment Southland, Great South is a council-controlled organisation as defined in Section 6 of the Local Government Act 2002.
Description	<ul style="list-style-type: none"> • Southland’s regional development agency.
Functions	<ul style="list-style-type: none"> • Promotion and development of Southland economic and business development, tourism and events
Powers	<ul style="list-style-type: none"> • n/a
Instruments	<ul style="list-style-type: none"> • Southland Murihiku Destination Strategy
Composition and appointments	<ul style="list-style-type: none"> • Board of six independent directors who are responsible for the strategic direction and control of Great South activities. Class A Shareholders Invercargill City Council Southland District Council Gore District Council Environment Southland Class B Shareholders Invercargill Licensing Trust Maitaha Licensing Trust Southland Chamber of Commerce Southern Institute of Technology Non-shareholder member Community Trust South
Key relationships	<ul style="list-style-type: none"> • SDC
Funding	<ul style="list-style-type: none"> • Operational costs funded by shareholders and assorted trust funding • Marketing costs funded by membership subscription
Process for making decisions	<ul style="list-style-type: none"> • Directors act in best interests of the shareholders. Shareholders expectations conveyed through a Statement of Intent.
Role of Ngāi Tahu /Runanga	<ul style="list-style-type: none"> • N/A

WAKA KOTAHI NZ TRANSPORT AGENCY AND THE MILFORD ALLIANCE

Enabling legislation	Land Transport Management Act, Government Roadway Powers Act
Description	<p>Waka Kotahi is responsible for managing state highways. Key management arrangements for SH94 include:</p> <ul style="list-style-type: none"> • The Milford Road Alliance contract, partnership between Downers and Waka Kotahi. The contract commenced in May 2016 and ends in 2024. The contract covers 120km of SH94 within Southland between Te Anau and Milford and includes active avalanche control, incident response, managing the Homer Tunnel and general maintenance for the route. • Traffic monitoring sites

	<ul style="list-style-type: none"> • ITS and traffic signals — Managed by the Milford Road Alliance. • A Bridges and Structures contract, held by Opus International Consultants commenced on 1 July 2014. It's a 3+1+1 contract with an end date of 1 July 2019. <p>The Milford Road is not part of the Fiordland National Park because the boundary of the park is defined to exclude the road corridor.</p>
Functions	<ul style="list-style-type: none"> • Control the State highway system, including planning, design, supervision, construction and maintenance.
Powers	<p>The GRP Act sets out the main powers and duties of the Waka Kotahi in relation to State highways, including:³²</p> <ul style="list-style-type: none"> • Sole power to do all things necessary to construct or maintain a State highway. (s61 (1), s61 (4)) • Exercise powers contained in the LGA in respect of roads. (s61(2)) • Make provision for the preservation of any Maori historical, cultural or spiritual interests. s61(5) • Permit vehicle parking spaces, buildings or other facilities on or adjacent to a State highway. s68 • Impose conditions on TLAs and other entities undertaking utility work on State highways, not including the Electricity Act, Gas Act, or Telecommunications Act. s52 • Temporary closure of State highways for emergencies (s61(4)(i), roadworks (s61(4)(i), (s61(4)(h) and planned events (s51)
Instruments	<ul style="list-style-type: none"> • National Land Transport Programme sets out all the land transport activities, such as public transport services and road construction and maintenance, which are expected to receive funding in a three year programme. • Corridor Management Plan, Frankton to Milford Sound 2018-2028 (covers SH6, 94, 95, 97) – considers all assets within the corridor and provides a link between the 30 year, long term plan, 10 year medium term investment programme, and 3 year land transport programmes. Identifies constraints/challenges/resilience issues and investment needs. • Southland Regional Land Transport Plan 2015–2021 - sets the strategic direction for land transport in Otago Southland, and lists the activities recommended by the Otago and Southland Regional Transport Committees for funding from the National Land Transport Fund (NLTF) administered by Waka Kotahi. Also covers public transport.
Composition and appointments	<ul style="list-style-type: none"> • Waka Kotahi N/A • Milford Alliance – contracted maintenance arrangements
Key relationships	<ul style="list-style-type: none"> • DOC • SDC • QLDC • Otago-Southland Regional Transport Committee

³² Summarised from The NZ Transport Agency's *State highway control manual*, 2013

Funding	<ul style="list-style-type: none"> The cost of construction and maintenance of State highways are provided out of the Land Transport Management Fund (s8)
Process for making decisions	<ul style="list-style-type: none"> The Investment Assessment Framework (IAF) is used to assess and prioritise business cases, programmes, plans, projects and other activities to be submitted for funding consideration. The IAF is used by the Transport Agency in developing the NLTP and to make investment decisions during the NLTP period.
Role of Ngāi Tahu /Runanga	<p>Waka Kotahi must do everything reasonably practicable to separately consult Māori affected by any activity that affects or is likely to affect</p> <ul style="list-style-type: none"> Māori land land subject to any Māori claims settlement Act Māori historical, cultural, or spiritual interests. <p>Must also establish and maintain processes to provide opportunities for Māori to contribute.</p>

EMERGENCY MANAGEMENT SOUTHLAND

Enabling legislation	Local Government Act 2002 and Civil Defence Emergency Management Act 2002, Civil Defence Emergency Management Amendment Act 2016
Description	<p>Emergency Management Southland (formerly Southland Civil Defence Emergency Management Group) was established by the four Southland Councils (Environment Southland, Invercargill City Council, Gore District Council, Southland District Council) and is responsible for the delivery of Civil Defence and Emergency Management responses throughout the region.</p> <p>EMS is responsible and accountable to the Joint Committee established under CDEM Act.</p>
Functions	<ul style="list-style-type: none"> To carry out the functions, powers and duties of the Councils under the CDEM Act as specified in the Agreement on Joint Civil Defence Services document plus any other emergency management services as the Councils may agree upon from time to time. The Emergency Coordination Centre helps to manage the linkage between local organisations providing support on the ground to regional and national resources where appropriate. Responsibilities under s17 of the CDEM Act 2002 to assess future risk scenarios to inform management readiness and response.
Powers	<ul style="list-style-type: none"> Identify, assess and manage the region's hazards and risks. Plan and carry out recovery activities. The Joint Committee has all the powers that are reasonably necessary to enable it to perform its functions, including the power to delegate its functions to members, the Group Controller, or any other person. Emergency Powers have been delegated to the Group Controller (currently the head of EMS) while a state of emergency is in force.
Instruments	<ul style="list-style-type: none"> Southland Civil Defence Emergency Management Group Plan 2017-2022 Southland Civil Defence Emergency Management Welfare Plan Southland Civil Defence Emergency Management Recovery Plan

Composition and appointments	<ul style="list-style-type: none"> • EMS is responsible and accountable to the Joint Committee established under CDEM Act
Key relationships	<ul style="list-style-type: none"> • Environment Southland, Invercargill City Council, Gore District Council, Southland District Council • Community Emergency Hubs • Work with scientific communities eg GNZ and Universities to understand seismic and tsunami risks. • Police, Fire and Emergency, Defence. (The roles of these organisations are covered in more detail in the dedicated Hazards and Visitor Risk technical report) • Ministry of Civil Defence Emergency Management, National Coordination Centre, National Crisis Management Centre • Other agencies eg DHBs • Neighbouring CDEM groups
Funding	<ul style="list-style-type: none"> • Funded by Councils. • For expenditure in a CDEM emergency Environment Southland is responsible for ensuring that \$2,000,000 is available to enable EMS to meet the costs of start-up and responding to an emergency as well as maintaining a financial reserve of \$100,000 to cover unbudgeted expenditure when the ECC is activated. The Manager of EMS has the authority to spend up to \$250,000 on the start-up and early stage costs of responding to an emergency. The Controller from time to time in charge of the emergency has authority for expenditure beyond \$250,000.
Process for making decisions	<ul style="list-style-type: none"> • Set out in CDEM Act and associated Plans.
Role of Ngāi Tahu / Runanga	N/A

MINISTRY OF TRANSPORT

Enabling legislation	N/A
Description	MOT owns the Milford Sound Airport (although the land is Crown owned and administered by DOC).
Functions	Operate the Airport. Maintains the operations handbook for Queenstown Milford User Group (users of the airport)
Powers	N/A
Instruments	N/A

Composition and appointments	N/A
Key relationships	DOC Civil Aviation Authority Airways
Funding	Line item in Transport Appropriation (Departmental Output Expense) – Milford Sound Piopiotahi Aerodrome Operation and Administration (M72). Appropriation is limited to the operation of Milford Sound Piopiotahi aerodrome to provide a safe and efficient airport. \$325,000 in 2018/19.
Process for making decisions	N/A
Role of Ngāi Tahu /Runanga	N/A

AIRWAYS NZ

Enabling legislation	Companies Act 1993, State Owned Enterprises Act 1986, the Owners Expectation Manual and the Civil Aviation Authority (CAA) Act 1990
Description	State Owned Enterprise
Functions	Provides Aeronautical Flight Information Service at Piopiotahi
Powers	Airways' central focus on delivering safe and efficient air navigation services for New Zealand
Instruments	Provision of air traffic control services
Composition and appointments	Appointment by shareholding Ministers.
Key relationships	Ministry of Transport
Funding	Cost recovering through prices. Lowest cost nationally – with minimal investment. ³³

³³ Airways Pricing Consultation 2019

Process for making decisions	Consistent with governance practices
Role of Ngāi Tahu /Runanga	N/A

APPENDIX 4: SUMMARY OF KEY DOCUMENTS

FIORDLAND NATIONAL PARK MANAGEMENT PLAN

- The existing NPMP uses a three-fold approach to managing visitor activities:
 - Firstly, a zoning strategy divides Fiordland National Park into various visitor settings and indicates where activities or development may take place (section. 5.3 Visitor Settings). The purpose of the zoning is to minimise conflict between various visitor opportunities; to manage increasing demand for changes to visitor opportunities; and to ensure certainty for visitors so they know what visitor experience will be provided and where in Fiordland National Park.
 - Secondly, more detailed provisions are set out for the management of specific activities or developments across the Park.
 - Thirdly, in some particular places in where there is intense use or where more pressing issues have been identified, there are specific provisions relating to that place. This approach is intended to give strategic direction to visitor management while retaining flexibility to consider future initiatives.

Visitor Settings

- Visitor settings 'set the scene' for the type of activities and effects that are appropriate within a particular setting thereby protecting the experience of those undertaking the activity. The physical attributes of an area, the existing visitor use, accessibility, facilities and services, and the level of management have determined the settings.
- The Five visitor management settings are:
 - Wilderness Areas; where there are no facilities and visitors must be entirely self-reliant. Wilderness areas are gazetted under s14 of the National Parks Act.³⁴ FNP contains two – the Glaisnock Wilderness Area adjoining the Milford Track corridor, and the Pembroke which borders on Milford Sound Piopiotahi.
 - Remote Experience Areas; low impact recreation activities distant from high use areas. Pre-dominance towards self-reliance.
 - Backcountry Areas; areas where users will be reasonably self-reliant
 - High Use Track Corridors; typically, 500m either side of each track, including Milford, Routeburn, and Hollyford.
 - Front-country Areas, visitor settings that are accessible by vehicles or within easy reach of such access.

Milford Sound Piopiotahi

- Milford Sound Piopiotahi is a Frontcountry Area. The Milford Sound Piopiotahi Frontcountry visitor setting includes specific objectives and rules for the Milford Lodge Activity Area, Parking Activity Area, Aerodrome Activity Area, Deepwater Basin Activity Area, Accommodation Activity Area,

³⁴ No animals, vehicles or motorised vessels (including hovercraft and jet boats) shall be allowed to be taken into or used in the area and no helicopter or other motorised aircraft shall land or take off or hover for the purposes of embarking or disembarking passengers or goods in a wilderness area.

Visitor Services Activity Area, Foreshore Activity Area and Freshwater Activity Area. Areas of the Park outside of the boundaries of these Activity Areas are within either the Darran Remote or Eastern Remote visitor settings.

- The Plan sets out a range of objectives and how they are to be implemented, including design standards for buildings, noise limits, matters to be considered when deciding on concession applications, determining fees for bus and car parking etc.
- **The Milford Road** (generally 200 metres each side of the centerline of the road) is also a Frontcountry setting. The state highway itself is outside of the park. The intention is that the Road zone should continue to absorb the greater part of any increased use of Fiordland National Park. It is recognised that further development may be desirable to effectively manage visitors and ensure a range of quality experiences is available to them. This zone also sets out a range of objectives and methods to implement those objectives.
- **All aircraft operators** taking off or landing in the park needs a concession. This includes private aircraft. The definition of landing includes hovering or setting down or taking on people or goods. The park (excluding Milford Sound Piopiotahi) has been divided into three air activity zones. Limits for activity levels have been defined for all three air activity zones.

Milford aerodrome has specific objectives and rules, including the basis upon which concessions will be granted, research on effects, the use of a Code of Practice.

- The areas below mean high water mark are outside of the park and surface water activities are managed by Southland Regional Council through the Southland Regional Coastal Plan and the resource consent processes of the RMA. The Department of Conservation's advocacy position regarding use of the coastal waters adjoining Fiordland National Park is based on providing for a range of different intensities and kinds of use, that are consistent with the adjacent visitor settings within the Fiordland National Park wherever practical. The Plan sets out a range of measures the Department with advocate to the Regional Council to implement.

Te Wahipounamu – South West New Zealand World Heritage Area

- Fiordland National Park is part of the Te Wāhipounamu – South West New Zealand World Heritage Area along with Westland/Tai Poutini National Park, Aoraki/Mt Cook National Park, Mt Aspiring National Park and other surrounding conservation lands. The NPMP describes the obligation on the Department of Conservation to manage the World Heritage Area in such a way that its integrity is preserved.

Biodiversity, Landscapes and Historic Management

- The NPMP also sets out how the management, including maintenance, of the park's landscapes, ecosystems, habitats and species and historical sites is to be undertaken. Effective management of biodiversity, landscapes and historical and cultural heritage requires knowledge which is obtained in three ways: inventory, monitoring and research. This then supports specific preservation projects deemed necessary to protect or restore natural ecosystems, habitats and species.

SOUTHLAND REGIONAL COASTAL PLAN AND REGIONAL POLICY STATEMENT

- Provides for the 'Environmental Partnership, Deed of Agreement between the New Zealand Cruise Ship Industry and Environment Southland' to ensure cruise ship operations are undertaken in a way which manages the impact on the coastal marine area. Provides that it is a permitted activity for cruise ships to enter into and pass through Milford Sound (and other identified sounds) provided that the operator of the ship is a party to the agreement and no more than two cruise ships can enter the Sound in any one day.

- Notes Doubtful Sound is vulnerable to decreased natural character, landscape and amenity values due to increased use. (16.2) and places some restrictions on commercial day trips in Doubtful Sound (16.2.3).
- Provides policies and rules requiring consents for commercial surface water activities in Milford Sound, but does not set a limit of the amount of use. (16.2.4).
- Southland Regional Policy Statement recognises Milford Aerodrome as a regionally strategic transport infrastructure, as well as regional strategic roads in the Southland Regional Land Transport Strategy.

SOUTHLAND DISTRICT PLAN

- Milford Sound Piopiotahi is within the Fiordland Rakiura zone. The Zone forms part of the District's coastal environment with all offshore islands and those parts of Fiordland subject to coastal processes identified as being within the Coastal Environment. It includes the Milford Road and the settlement. It sets out rules about which land use activities are permitted and which require a resource consent.

TE TANGI A TĀUIRA IWI MANAGEMENT PLAN

The Iwi Management Plan consolidates Ngāi Tahu ki Murihiku values, knowledge, and perspectives on natural resource and environmental management issues. It is an expression of kaitiakitanga which:

- describes the values underpinning the relationship between Ngāi Tahu ki Murihiku and the natural environment.
- identifies the primary issues associated with natural resource and environmental management in the takiwā, from the perspective of Ngāi Tahu ki Murihiku
- articulates Ngāi Tahu ki Murihiku policies and management guidelines for natural resource and environmental management, wāhi tapu and wāhi taonga.

Further, the Plan provides a tool to:

- enable Ngāi Tahu ki Murihiku to effectively and proactively apply cultural values to the management of natural resources, wāhi tapu and wāhi taonga
- assist regional, territorial, and national authorities to understand Ngāi Tahu ki Murihiku values and perspectives, and thus fulfill their statutory obligations under the Resource Management Act 1991, Ngāi Tahu Claims Settlement Act 1998, Local Government 2002 and other relevant legislation.
- provide a tool recognising the importance of consultation, but as such does not replace the need for direct communication and dialogue with Ngāi Tahu ki Murihiku.

The plan includes a specific section on Milford Sound Piopiotahi, reflecting the area's immense cultural importance to Ngāi Tahu, in relation to the area's management and governance:

- **kaitiaki Roles:** recognising shared kaitiaki responsibility with Te Rūnanga o Makaawhio for the Piopiotahi area, and avoid compromising its cultural, historic, and natural values.
- **managing Tourism demand:** Monitor the nature and number of concession applications to ensure that human activities are not compromising its natural character, beauty, or ecology, and ensure that Ngāi Tahu ki Murihiku is proactively involved in the area's management and future development.
- **infrastructure and development:** Encourage appropriate business growth and development that enhances the natural and cultural values of Milford Sound Piopiotahi, advocates for existing

infrastructure to be improved to the highest possible standards and for a coordinated and sustainable approach to the provision and management of utilities and services, and an integrated approach to managing the land, sea, and air.

- Requires activities related to infrastructure avoid discharges of contaminants into the waters of the sounds, and seeks to ensure that the scale, siting, design, colour, and landscaping of any development does not unreasonably detract from the natural landscape and character of the Milford Sound Piopiotahi area.

The Plan also covers a range of related areas, including:

- **Fiordland future development and visitor management**– acknowledging that there is room for more growth in Fiordland if a long term, coordinated approach is taken, balanced with protecting the area.
- **concessions process**, pointing to the Ngāi Tahu Standard Conditions for concessions as a mechanism to avoid, remedy and/or mitigate any impact that concession operations may have on the general cultural, spiritual, and historical values of Ngāi Tahu
- **national park policy and planning**, emphasising the role of partnership and setting out key expectations for the administration of National Parks and the role that Tangata Whenua play within.

APPENDIX 5: INTERVIEWS IN BASELINE PHASE

The following mana whenua and stakeholder representatives were interviewed as part of the baseline assessment phase specific to this workstream. In addition, a range of perspectives were gathered through the social impact analysis from general community, business, and other stakeholders. The interviews were introductory in nature. Verbatim notes were not taken and the insights from these meetings have been distilled into the analysis included in this report.

Name	Responsibility
Muriel Johnstone Aimee Kaio Susan Wallace Terry Nicholas Ann Wakefield Stewart Bull Gail Thompson Tā Tipene O'Regan	Mana Whenua Advisory Group
Keith Turner	Chair of Milford Opportunity Governance Group
Gary Tong	Mayor, Southland District Council
Steve Rūrū	Chief Executive, Southland District Council
Jim Harland	General Manager, Waka Kotahi NZ Transport Agency
Ian Cossar	General Manager, Ministry of Business, Innovation and Employment
Duncan Small	Tourism Investment Director, Ministry of Business, Innovation and Employment
Abby Cheeseman	Principal Advisor, Ministry of Business Innovation and Employment
Peter Brunt	Acting Deputy Director General of Conservation, Department of Conservation
Rachael McMillan	Regional Visitor Planning Team, Department of Conservation
Tinaka Mearns	Regional Visitor Planning Team, Department of Conservation
Tom Forster	Policy Manager (responsible for Milford Airport), Ministry of Transport
Edward Ellison	Chair, New Zealand Conservation Authority
Aaron Fleming	Director, Southern South Island, DOC
Specialist roundtable discussion	Department of Conservation
Tinaka Mearns Kayla Kingdon-Bebb Jonty Somers Shona Bradley Steve Taylor John Twidle Logan Penniket Judi Brennan	Regional Visitor Planning Manager Policy Manager – Treaty Settlements Chief Legal Advisor Legal Services Manager Director Heritage and Visitors Unit Partnerships Manager Southern South Island Senior Policy Advisor Permissions Manager

APPENDIX 6: OVERVIEW OF CORE FUNCTIONS

STRATEGY AND PLANNING

- develop / approve conservation management strategies
- develop / approve conservation management plans
- develop / approve heritage management plans
- develop / approve concession framework, priorities and constraints
- develop / approve National Park Management Plan
- develop / approve management plan for Milford Sound Piopiotahi
- recommend and decide on amendments to national park boundaries
- develop relevant sections or provide advice on
 - regional coastal management plan
 - regional policy statement
 - district plan
 - regional public transport management plan
 - regional transport management plan
- provide advice on conservation, biodiversity, and environmental outcomes
- visitor strategy for Milford Piopiotahi
- visitor strategy for region
- funding arrangements/revenue raising

TINO RANGATIRATANGA AND KAITIAKITANGA

- develop a mātauranga framework for Milford Sound Piopiotahi, including a Cultural Health Index for ongoing monitoring and reporting on mauri/mātauranga values
- monitoring and reporting on Ngāi Tahu values
- authorisation of customary activities
- develop cultural harvest plan

CONSERVATION

- maintenance and operation of tracks, huts, and campgrounds
- conservation activities
- biodiversity activities
- biosecurity activities

- management of marine reserves
- ongoing monitoring and modelling of conservation outcomes and subsequent needs and prioritisation
- promote sustainability

CONCESSION MANAGEMENT

- Management of concession framework
- Approval of concessions
- Variation of concessions (including ongoing approval requirements)
- Monitoring and oversight of terms and conditions

INFRASTRUCTURE

- ownership of infrastructure assets
- operation and maintenance of roads, including SH94 and local roads
- operation and maintenance of airport
- operation and maintenance of rest areas/carparks
- operation and maintenance of facilities - wharves, wastewater, terminal
- operation and maintenance of utilities
- commissioning, contracting and procurement of direct works and services
- advice on infrastructure needs, including expansion or addition of new infrastructure
- approval of new infrastructure
- direct investment into new infrastructure

CIVIL DEFENCE AND EMERGENCY MANAGEMENT

- hazard and risk planning
- hazard and risk monitoring and management including avalanche and rockfall
- emergency response, including evacuation
- civil defence coordination

TOURISM

- ongoing monitoring and modelling of visitor flows and subsequent needs and prioritisation
- destination management including
 - visitor experience
 - marketing

- develop and maintain narrative for *Milford Sound Piopiotahi*
- management of cruise ship access

GENERAL MANAGEMENT OF AREA

- operation of transport management activities
- raising revenue/charging fees
- fisheries management
- recreation management
- local economic development activity

CORPORATE AND GOVERNANCE

- monitoring and reporting progress on implementing the Master Plan
- designing and managing integrated strategy, planning and performance system
- community and concession holder engagement, advice and communications
- governance and associated corporate support

APPENDIX 7: FULL RANGE OF OPTIONS

ASSESSMENT KEY: Do not meet objectives Partially meet objectives Meets objectives

Table 1 Full Options

Dimensions	Option 1	Option 2	Option 3	Option 4	Option 5	Option 6	Option 7	Option 8	Option 9	Comments
SCALE <i>What area is in scope?</i>	Milford village.	Milford village and corridor.	Milford village, corridor, and Te Anau Basin.	Fiordland National Park.	Fiordland National Park plus Te Anau basin.	Entire Te Wāhipounamu World Heritage Area (including those parts in Otago and Westland).	Te Wāhipounamu World Heritage Area within Southland District Council.			Will largely depend on Master Plan options. Administrative efficiency suggests aligning management focus with existing boundaries, for example the Fiordland National Park. A focus solely on Milford Village will not enable wider programme objectives including a cohesive experience. The Wāhipounamu World Heritage Site is extensive in scale crosses multiple jurisdictional boundaries – extending focus to these wider areas will detract from the primary area of focus.
FORM <i>What form could changes to management and governance take?</i>	No change.	Enhanced strategic direction and shared objectives.	Structured collaboration with formalised agreements between parties.	Shift key functions to existing entity – e.g., DOC, or Conservation Board.	Create new entity within existing frameworks.	Create new entity with new functions / frameworks.				Some change is required to address perceived challenges in current management system.
ROLE <i>What role could a new entity or approach play</i>	Advisory Provides advice on the overall functioning of the Milford Sound Piopiotahi area to key decision-making entities and strategy setting entities including Councils and Government Agencies.	Strategy setting Responsibility for planning, including either specific sections of existing documents or creation of new strategic instruments.	Ownership Key assets and transferred to management entity, This could include roads, the aerodrome, utilities, common infrastructure such as wharves, tourist infrastructure such as hotels.	Management Management and planning of key functions, including procurement.	Operations Delivery of key services, including conservation activities, park and ride, tourism attractions.					Advisory is unlikely to be sufficient to meet programme goals. Specific mix of strategy/management will be key consideration for short list – including transferring of functions from other entities. Ownership considerations will have a significant impact, for example where ownership is currently in private hands.
SCOPE <i>What functions are within scope</i> <i>These are not mutually exclusive.</i>	Planning. Concession process. Resource consent process.	Infrastructure Roads, airports, utilities.	Conservation Tracks, huts, biodiversity, fisheries.	Tourism Hotels, wharves, car parks.	Economic Development Destination management.	Civil Defence Planning, monitoring, response and recovery.	Access Visitor limits, tolling / park and ride Cruise ships.	Destination management Narrative Attractions.	Mātauranga Māori Monitoring framework Cultural harvest plan.	Short listing will explore where these functions best fit across the system – for example, whether they are consolidated within an existing or a new entity, the role of any entity within these, and how they relate to other parties. A new entity may focus on some or all of these, while existing entities may continue or adopt new roles.

Dimensions	Option 1	Option 2	Option 3	Option 4	Option 5	Option 6	Option 7	Option 8	Option 9	Comments
FUNDING <i>How could it be funded?</i>	Existing baselines and funding streams.	Dedicated funding provided to support implementation of Master Plan.	Dedicated funding stream through existing appropriation.	New appropriation.	Ability to raise levies or impose fees, charge for services.					Existing Conservation funding streams are under pressure and unlikely sufficient to meet the needs of the scale of change required. An ability to raise funds will be an important part of meeting the pillar of 'tourism funds conservation'. Consideration will need to be given to how these funds can be applied – for example, outside of national park boundaries.
CONNECTION TO MANA WHENUA <i>What formalised role does mana whenua play.</i>	Relationship governed by existing Settlement Act. Continued engagement through existing channels.	Relationship governed by existing Settlement Act with enhanced engagement with Ngāi Tahu supported by dedicated reporting.	Appointees to governance.	Consultation requirements.	Approval requirements.	Create new treaty-based co-governance arrangement.	Full management and governance responsibilities (the 'Urewera model').			A stronger engagement approach is required to meet the needs and aspirations of both the Crown and Ngāi Tahu. Full management and governance requires a significant increase in capacity and capability. Any approach will need to meet the needs of both mana whenua and the Crown.