

Christine Cheyne

# Reinvigorating the Vision conservation boards' role in 21st-century nature conservation

## Introduction

Public and stakeholder involvement in nature conservation through conservation boards has been a distinctive feature of New Zealand's statutory framework for conservation, put in place in 1987. Since their inception, effective boards established for the purpose of ensuring that conservation stakeholders' voices inform conservation planning have been regarded, at least in official discourse, as a key mechanism for achieving conservation outcomes. They replaced the existing national parks boards and, like their parent body, the New Zealand Conservation Authority, were intended to focus on the entire conservation estate.

Conservation boards have a somewhat vaguely conceived role, being more than advisory but not having full governance functions in terms of providing oversight of the Department of Conservation, which has responsibility for managing the conservation estate. The governance function/oversight/steering of an organisation, responsibility for setting direction and long-term planning – can be contrasted with the management function/operational responsibility and policy implementation.<sup>1</sup> Although clearly intended as a feature of the boards, which are required to recommend to the New Zealand Conservation Authority the approval of key management and strategy documents – conservation management plans and conservation management strategies – the governance function is not fully developed

Nevertheless, since their inception, effective boards have been regarded, at least in official discourse, as a key mechanism for achieving conservation outcomes, working in collaboration with the department. Recognition of the importance of the effectiveness of boards for achievement of conservation outcomes is to the fore in the 2013 review of boards, which recommended:

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Christine Cheyne is an Associate Professor in the School of People, Environment and Planning at Massey University.

A new system of annual planning and reporting should be established for the conservation boards' work programmes. ... The annual report from each board would comment on how expectations have been met *and how the board has contributed to achieving conservation outcomes.* (Conservation Boards Review Panel, 2013, p.16, emphasis added)

Notwithstanding their role in the adoption of conservation management plans and strategies, their role has been, however, more of a weak advisory one. The 2013 review of boards reaffirmed that the Conservation Act 1987's provisions envisaged a role for boards in facilitating collaboration between communities and the department, and observed that the potential contribution of boards had been only partly realised (Conservation Boards Review Panel, 2013, p.2). It argued that it was timely for the original vision to be reinvigorated and for the true potential of conservation boards to be fulfilled.

A case study of consultation and decision-making in relation to the Ruahine Conservation Park change of status and land exchange proposal in 2014–15 reveals significant shortcomings in public access to information about conservation decisions, and other weaknesses in this aspect of the 'New Zealand model' of conservation management. This article discusses proposals for reinvigorating the vision of conservation boards and enhancing public and stakeholder involvement in conservation governance and management.

#### **Incorporating stakeholders' voices in conservation planning, 1990–2015**

In March 1985 the acting prime minister, Geoffrey Palmer, hosted an environment forum at Parliament attended by 150 participants, convened to contribute to the development of the fourth Labour government's environmental administration reform agenda (Young, 2004). A Working Party on Environmental Administration in New Zealand was established to continue the work of the forum. Among the principles that guided the deliberations of the working party was the following:

Environmental administration cannot be based on rigid centralised directives. It relies on a set of broad principles; public processes whereby decisions on the use of allocation of resources are made with regard to their full value and the full implications of their use or allocation; informed, aware and responsible decision-makers at all levels; and adequate policy as well as simple economic and protective mechanisms. (Salmon, 2013, n.p.)

Prior to the review of environmental administration there was provision for a public voice in nature conservancy by national parks and scenic reserves boards. The subsequent Conservation Act 1987 created a Department of Conservation.

## The statutory provision for conservation boards reflects a long-standing recognition of the importance of local environmental knowledge.

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Three years later the act was amended to replace national parks boards and scenic reserves boards with conservation boards. As noted in the 2013 review,

The board provisions of the 1987 Act were built on the foundations of the 1952 and 1980 National Parks Acts, whereby *boards representing Māori, community and public interests, not government departments, would determine the standards that apply to the management of public protected areas.* (Conservation Boards Review Panel, 2013, p.14, emphasis added)

Section 6M of the Conservation Act 1987 sets out the main functions of boards, which are: to recommend the approval of conservation management strategies by the New Zealand Conservation Authority, and the review and amendment of those strategies; advise the Conservation Authority and the department on the implementation

of conservation management strategies and conservation management plans for areas within the jurisdiction of the board; advise the Conservation Authority or the director-general of conservation on any proposed change of status or classification of any area of national or international importance, and on any other conservation matter relating to any area within the jurisdiction of the board; and to liaise with any Fish and Game council on matters within the jurisdiction of the board. Section 6N sets out the powers of boards, which include advocacy at any public forum or in any statutory planning process, including the right to appear before courts and tribunals in New Zealand and be heard on matters affecting or relating to the board's functions.

These powers recognise that conservation boards represent the public interest in the Department of Conservation's work, and in conservation generally. The statutory provision for conservation boards reflects a long-standing recognition of the importance of local environmental knowledge. The contemporary emphasis on boards' role in a collaborative approach to nature conservation also reflects recent shifts in thinking about public participation, and, in particular, the importance of avoiding an adversarial approach in environmental planning and decision-making and of finding durable solutions to so-called 'wicked problems', such as environmental degradation, biodiversity loss and other resource depletion, which are deep-seated and require the concerted effort of multiple social actors (Allen and Gould, 1986; Ansell and Gash, 2008; Head and Alford, 2015; Rittel and Webber, 1973). Collaborative processes have increasingly been used in freshwater planning in New

Zealand, and the 2013 review recognised that conservation boards are a key vehicle for a more collaborative approach in conservation planning. At the same time, recent research on public participation in conservation planning in New Zealand (specifically, consultation in relation to national park plans and concessions) by Valentina Dinica (2015) points out that New Zealand's preferred participatory mechanisms, such as written submissions, public hearings and public meetings, are outdated, with limited reach and poor quality of engagement.

Conservation board members are ministerially appointed following a public nominations process and advice from the Conservation Authority. Although board members are essentially political appointments (other than in

of the authority, although the website states that it is not a board of directors with governance responsibilities.

In making appointments the minister seeks to ensure that there is geographic representation, that board members represent a range of conservation stakeholders (including farmers and other rural landowners, urban conservation groups and iwi/mana whenua groups),<sup>2</sup> and that a diversity of skills is included. Conservation boards provide for citizen participation through sectoral representation of the key constituencies of nature conservation.<sup>3</sup> The review of conservation boards in 2013 noted that the legislative provision for statutory conservation boards 'reflects a unique partnership between the Executive and the public'. It was recognised that board

The hybrid nature of the boards – which, as noted earlier, have a limited governance (steering) function combined with an advisory function, along with an advocacy role – appears to create confusion at times and the governance function of boards, like that of the Conservation Authority, is generally not explicitly emphasised. For example, the homepage of the Wellington Conservation Board website states: 'The Wellington Conservation Board performs a conservation advisory role, on behalf of the public, for the Wellington/Kapiti, Wairarapa and Manawatu regions.' However, the role of advice is clearly consistent with a governance function, as the role of boards is to contribute at a strategic level, as opposed to operations. This appears to be reinforced by the first code of practice for conservation boards, published in August 2015, which identifies the following roles for conservation boards:

- contributing a strategic perspective to conservation planning, policy development and decision-making as a well-informed voice of the community;
- exercising powers of recommendation and approval for statutory management planning documents;
- advising on the implementation of statutory planning documents; and
- advocating for conservation outcomes, including in public forums and through statutory planning processes. (Department of Conservation, 2015a, p.1)

The role of boards in the conservation management strategy process, and more generally, is constrained by their reliance on the Conservation Department. Boards are serviced by the department, and at times have been reliant on funding by the conservator (the manager of the conservancy or region, who is responsible for departmental staffing, including conservation board support staff) for the level of administrative support. Frequent departmental restructuring in the past decade has affected the department staff directly involved in servicing the boards. Restructuring has also had an impact on scientific and managerial staff not directly

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the case of members appointed by iwi), the independence of boards and the Conservation Authority is recognised. An electronic fact sheet about the Conservation Authority describes its role as:

provid[ing] for interaction between the public and the Department of Conservation and represent[ing] the long-term public interest in conservation generally, and national parks in particular. It is an independent statutory body appointed by the Minister of Conservation to advise on the Department's priorities, policies and practices at the national level. The NZCA focuses on *policy and strategic direction, not day-to-day operational detail*. (Department of Conservation, 2014, emphasis added)

The reference to the focus on policy and strategic direction indicates a governance (steering) aspect to the role

members' skill and expertise was a resource for the department: 'Strong relationships must exist between the Department's senior managers and the boards to maximise the benefit of these skills. [However], these relationships were found to be variable' (Conservation Boards Review Panel, 2013, p.1). The notion of collaboration was seen by the review as central to the role of conservation boards and the original intent of the Conservation Act 1987 was reaffirmed:

The Conservation Act 1987 provisions relating to the boards envisaged collaboration between communities and conservation managers facilitated in part by conservation boards. The potential contribution of boards has only been realised in part and the panel believes that it is timely for the original vision to be reinvigorated and for the true potential of conservation boards to be realised (ibid., p.2).

involved in servicing the board but, for example, responsible for providing reports for board meetings. In some cases boards have met as infrequently as twice a year.<sup>4</sup> Throughout New Zealand, reviews of conservation management strategies (the development of so-called 'second generation' strategies to replace the first set of ten-year strategies developed under the 1987 act) has been extremely protracted, due largely to departmental restructuring and delays in developing templates. Boards also compete with other areas of departmental responsibility for funding.<sup>5</sup>

Board meetings are required to be open to the public and boards are subject to the provisions of the Local Government Official Information and Meetings Act 1987. However, there are growing concerns about the failure of statutory bodies to give effect to the spirit (and possibly also the letter) of open government legislation in New Zealand. Board meetings are advertised on board websites and in the local newspaper with the minimum notice required. No significant effort is made to encourage attendance by members of the public, and public forums notified in the meeting agenda are a very ineffective vehicle for public and stakeholder participation. It is difficult for the public to obtain information about board agenda items, as reports are generally not made available on the website despite the information they contain being essential for informed participation. Confirmed minutes are made available publicly and usually will be placed on the board website, but often there is a very long lag between a meeting and confirmed minutes being made available.

#### **Board involvement in conservation planning: a case study**

Having outlined some of the parameters of their role, powers, functions, and opportunities for public participation, it is helpful to see how one board has exercised its responsibilities, and to consider the implications for reinvigorating the original intent of conservation boards. For this purpose a case study was undertaken of the Wellington Conservation Board's involvement in a significant decision

concerning the conservation park status of land in the Ruahine Forest Park, in the eastern Ruahine Range in Hawke's Bay, which was needed for a proposed dam. The dam was included in an application for resource consent and plan change made by the Hawke's Bay Regional Council and Hawke's Bay Regional Investment Company, and was considered by a board of inquiry. The application, the Tukituki Catchment Proposal, called in by the minister for the environment on the grounds that it was a nationally significant proposal, is briefly outlined here, with a particular focus on the component of the

the proposed change of status and exchange of conservation land, with the aim of identifying the role of the conservation board and the scope of its public engagement for the purpose of developing its strategic advice. It is not the purpose of this discussion to consider the merits of any specific planning proposal such as the Tukituki Catchment Proposal, or the proposed revocation of Ruahine Forest Park conservation status and land exchange. Nor will the focus here be on the broader Tukituki Catchment Proposal, although the very limited role the board played is worthy of analysis.

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application which required a revocation of the conservation status of an area of forest park land to allow dam construction. Boards have a statutory responsibility to give advice to the minister on applications for revocation of protected status.

The Tukituki Catchment Proposal was selected on the grounds that it offers a 'critical case' for investigation. This term is used to describe a case that has 'strategic importance in relation to the general problem' (Flyvbjerg, 2006, p.229). The case is relevant because of the possible precedent involving revocation of conservation status (which resulted in High Court action following the director-general's decision to approve the revocation and land swap), and also because the broader water storage project is nationally significant. Document analysis was conducted using publicly available policy and planning documents, supplemented with documents sought directly from the Department of Conservation and Wellington Conservation Board. The focus here is on the process in which the board was involved in relation to

The Department of Conservation called in December 2014 for public submissions on the proposal to revoke part of the Ruahine Forest Park conservation status to enable a land exchange to be considered for the Ruataniwha water storage scheme. The scheme included construction of a 93 million cubic metre dam located in the upper Makaroro River, which has its source in the mid-eastern Ruahine Range. The purpose of the dam is to store water during periods of high flow and over winter for supplementing river flows in the Tukituki catchment during periods of low flow, to provide water for irrigation for agriculture and municipal water supply.<sup>6</sup> Submissions on the proposed revocation of conservation land were due on 3 March 2015. As part of the proposed scheme, the applicant, the Hawke's Bay Regional Investment Company, had applied to exchange 146 hectares of private land, containing regenerating native shrubland, intact beech forest and grassland, for 22 hectares of the Ruahine Forest Park. But for the proposed land exchange to take place, it

was necessary to revoke the conservation park status of those 22 hectares. Revoking conservation park status is an action of significant public interest, given the high level of protection. As well as the public submissions process, there was a statutory requirement to consult the relevant conservation board. Although the Tukituki Catchment Proposal application, with details of the requirement for conservation estate land, was publicly notified on 6 July 2013, and subject to the nine-month statutory timeframe, the applicant did not make the application for revocation of conservation park status until the end of 2014.

Local and national environment and

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conservation groups expressed concern about the revocation of conservation park status and land exchange in submissions on the proposal. Specifically, they opposed the land swap because they did not accept the claim that there was a conservation net gain and were concerned that it was not a case of swapping 'like for like'. They also opposed the proposal to revoke the conservation status of high-value conservation land, which they considered to be unlawful, the disposal by exchange going beyond the proper scope of the power in section 16A of the Conservation Act which allows for exchanges of conservation areas. There were also concerns (see, for example, the submission by Te Taiao Hawke's Bay Environmental Forum)<sup>7</sup> that the department's assessment that the proposed exchange would enhance conservation values could not be relied upon, as it was based mainly on information provided by the applicant.

Section 16A of the Conservation Act requires consultation with the relevant

conservation board. The parliamentary commissioner for the environment notes:

In the Conservation Act, the exchange provision for stewardship land does not include a requirement for public consultation. In contrast, exchanges of reserve land, disposals and reclassifications all go through a public consultation process. Similarly, all significant applications for commercial use require public consultation. And the Government has recently made changes to the Crown Minerals Act to require public notification of significant access agreements for mining on

conservation land. The exchange provision for stewardship land does require consultation with the local Conservation Board. This is a useful and appropriate check on swaps involving the kinds of minor changes envisioned in 1989 when the provision was added to the Conservation Act. However, in cases that are not 'minor' and there is likely to be public interest in a land swap, the public should be consulted. (Parliamentary Commissioner for the Environment, 2013, p.50)

At the Wellington Conservation Board's 28 November 2014 meeting a late item about the statutory land management regarding the Ruataniwha Dam was tabled. This meant there was no prior public notification. The minutes of the meeting record:

Chris Lester [conservation partnerships manager in the

Department of Conservation's Manawatu–Wairarapa district office] gave a brief breakdown of the proposal. The proposed Ruataniwha Dam will affect 22 hectares of conservation land. The proposal is that there is an exchange of 124 hectares of land adjacent to Smedley Station and the 22 hectares should the proposal go ahead. Chris Lester explained some of the implications of the transfer. Chris also explained that this was a briefing paper for consideration at the next meeting when a formal proposal will be tabled. The 22 hectares nominated to be relinquished falls within the boundaries of the Wellington Conservation WCB Board, and the 122 hectares nominated to be acquired falls within the East Coast/Hawke's Bay Conservation Board.

The Wellington Conservation Board met again on 27 February 2015. Although board meetings are held in public,<sup>8</sup> and following the 2013 review a collaborative approach is expected to characterise board processes, Lester, who was responsible for the board's departmental support officer and had oversight of the board agenda, instructed the support officer not to release the reports accompanying the agenda. He explained in response to the request for the agenda reports:

While the Board Reports are public documents and available from the Board Meeting on Friday 27 February, it is not normal practice to release these papers prior to their being formally received by the Board. As it happens the Board is intending to formulate a policy on the early release of Board documents and unconfirmed meeting minutes. Until I have the guidance such a policy will provide, I am reluctant to release these documents ahead of the Board meeting. (Lester, 2015)

A short while later he wrote again, saying that he had discussed the matter with the board chair and they had agreed that on this occasion the board

report could be released prior to the meeting. Subsequently, however, he advised:

Unfortunately I am unable to release those papers as they are technically DOCs papers and any release is subject to the OIA process. If you would like me to go ahead and instigate this for you, please let me know.

Further, I cannot release any minutes from the meeting until they have been confirmed. I am checking to see if I can make them available for you to read, when they are completed, but they will only be available at the office, for you to take notes from.

Subsequently, the agenda reports without the departmental briefing paper relating to the proposed revocation of conservation park status and land exchange were made publicly available prior to the meeting. The agenda itself indicates that item 4.1 was the matter of the Ruataniwha Dam land exchange, with two associated documents: a letter from the East Coast/Hawke's Bay Conservation Board with their recommendations, and a paper from David Bishop seeking advice from the Wellington Conservation Board.<sup>9</sup> The minutes of the 27 February meeting note:

The Board also discussed the East Coast/Hawke's Bay Conservation Board concerns regarding the mitigation proposals and to bear those in mind when the Board visits the site on their upcoming field trip.

The Board resolved to defer the decision on the Ruataniwha Land Exchange until they have visited the site on their field trip on the 28 February 2015, following which the Board would reconvene to form the recommendation.

Following the field trip the day after the board meeting, the chairperson of the board emailed the department on 3 March 2015:

Following a recent field trip by the Wellington Conservation Board,

it resolved to make the following comments on the exchange proposal. The Board recommends that the Minister takes cognisance of the Board's view that:

1. the proposed land exchange should occur on the basis of relative conservation values regardless of whether or not the Ruataniwha Water Storage Dam proceeds.
2. That adequate funding be provided to secure the conservation values of the Smedley Station land parcel following its acquisition by the Department of Conservation.

Nine submissions were received by the 3 March deadline. Two submitters (the Wellington Conservation Board and one unnamed submitter) were in favour of the proposed revocation and exchange. Six of the seven who were opposed requested to be heard. The Department of Conservation's director, conservation partnerships was appointed as the director-general's delegate as hearing convenor. A hearing was held on 10 March. The hearing panel consisted of the conservation partnerships manager Hawke's Bay and the department's national advisor (statutory land management). A conservation board

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As the Smedley Station land lies in the area covered by the East Coast/Hawke's Bay Conservation Board, that board was also invited to give feedback. The board met on 30 January but deferred discussion until after its own field trip the following day. The board's view is recorded in an appendix to the minutes of the board meeting:

While there will be some conservation losses from the exchange, the Board considered that on balance there would be sufficient gains from the 146ha to justify the exchange. The Board noted that they would like to see relevant parts of the proposed mitigation package included in the proposed dam proposal implemented on any exchange of the land, regardless of whether the dam proceeds. ... A particular issue concerning our Board (and not exclusive of other issues that could be mitigated) is the potential compromise to access to the Yeoman's Track and other walking tracks.<sup>10</sup>

representative was invited to attend but did not (Department of Conservation, 2015c). As a result of the hearing further information was sought by the department and submitters were invited to comment further on that information (see also Department of Conservation, 2015d). The department also consulted with iwi on both the revocation and the proposed exchange (Department of Conservation, 2015b).

Following the hearing, Department of Conservation staff analysed submissions and provided a summary, along with ecological reports,<sup>11</sup> to the director-general, who was delegated to make the final decision (Department of Conservation, 2015c). On 5 October the director-general announced the outcome of the consultation and hearing, which was to revoke the protected status of the 22 hectares of Ruahine Forest Park to enable the exchange to take place. It was argued that the land exchange met the test of delivering an overall conservation gain for public conservation land and promoting the purposes of the Conservation Act. Subsequently, Forest

and Bird sought a judicial review of the decision.

Concerns have been expressed in various forums, including news media, over many years about various aspects of conservation boards: in particular, their representativeness and their effectiveness (see, for example, Fox, 2014). Submissions to the 2013 review reiterated concerns about representativeness:

The NZCA reflected a common view that membership may not be fully representative of the communities the boards serve. In part, this is because boards comprise members who have a keen interest in conservation but are not necessarily reflective of their communities. In

the public and interested stakeholders. The importance of public conservation board meetings was highlighted by the 2013 review panel:

Public conservation board meetings are an important mechanism for obtaining community input into conservation work, and can contribute to a timely resolution of local issues. This process can also be initiated by departmental staff (with the agreement of the board chair) to address local issues before they become major problems. It is essential that access to this valuable mechanism for community engagement be maintained. (ibid., p.10)

A single case study of one conservation planning process cannot capture the full diversity of conservation boards' performance, which varies over time and place. However, it offers important insights into board performance in a very significant conservation decision. In its advice to the minister on Department of Conservation restructuring in 2013 the Conservation Authority noted:

For conservation boards to achieve their purpose, and be useful and effective, the NZCA believes boards need to:

- Understand and share people's connections to the national parks, other types of public conservation land, landscapes and natural features of the board's area
- Reflect the diversity of communities and the full spectrum of interests in the public conservation lands of the board's area
- Be perceived by the public as being 'of them' and different from the Department. (Booth, 2013)

The Wellington Conservation Board's contribution to decision-making about the revocation of conservation status of land in the Ruahine Forest Park arguably fell far short of the expectations outlined by the authority. As currently established, conservation boards are poorly placed to fulfil their purpose. In late 2014–mid-2015 the Wellington Conservation Board had nine members. One member was absent from the 27 February meeting. It appears the board had just eight members in July 2015, of whom six attended that month's meeting.<sup>12</sup> Board leadership was also in a state of flux. There is no public information about how many board members participated in the 28 February field trip, but often a smaller number of board members do so.<sup>13</sup>

This is not unusual for conservation boards nationally, but has been exacerbated by the redrawing of board boundaries in the eastern North Island. The East Coast/Hawke's Bay Conservation Board was disestablished in July 2009 and split into East Coast/Bay of Plenty and Wellington/Hawke's Bay. The board boundaries were again changed in March 2014 when the

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some cases, these board members are not well networked in their local communities, rather they are seen as 'experts'. However, the NZCA went on to note that it is essential boards represent the interests of their local communities and remain relevant, thereby providing a sense of local 'ownership' and solid support for conservation including recreation and tourism. Submitters noted that the quality and nature of appointments to boards had been variable and recommended more care be given to member selection to best support board functions. (Conservation Boards Review Panel, 2013, p.27)

Effectiveness has been shaped in part, as indicated above, by the nature of the support and resourcing provided by the department to boards. It is also measured by the openness of boards to input from

In his media release announcing the Ruahine decision, the director-general stated that the decision followed '*a thorough and open public process* and the careful assessment of the ecological values of both sites' (Department of Conservation, 2015d, emphasis added). It is outside the purpose and scope of this article to examine the wider consultation process, but the small number of submissions and the timing of the public consultation suggest barriers to public engagement. This is not to deny the effort of department staff to supply information to those few individuals and organisations that did make a submission. However, the preceding analysis shows that the board's consultation and public engagement in relation to the proposed change of status and land exchange, and indeed its own contribution to the decision-making process, was extremely limited.

Wellington Conservation Board was established and the East Coast/Hawke's Bay Conservation Board re-established. The eastern part of Ruahine Forest Park straddles both the Wellington and East Coast/Hawke's Bay conservancies, with the area affected by the proposed revocation under the jurisdiction of the Wellington board and the Smedley exchange block under the jurisdiction of the East Coast/Hawke's Bay board. In his report to the director-general, the hearing convenor stated:

During the same period that submissions and objections had been invited, the Department commenced consultations with the East Coast Hawke's Bay Conservation Board and the Wellington Conservation Board, the local Conservation Board having a statutory role in respect of land exchanges. The Department also commenced consultations with Iwi groups claiming mana whenua status in the locality of the proposed revocation and land exchange.

(Department of Conservation, 2015c)

It is doubtful that the Wellington Conservation Board could meet the Conservation Authority's expectations of useful and effective boards. Although the board performs a conservation advisory role on behalf of the public, the accountability of board members to the public for its response when consulted about the proposed revocation of conservation status of the Ruahine Forest Park land is very weak. Key groups and individuals from the public (including groups to which some board members are affiliated) in the area of the board's jurisdiction opposed the proposal, yet the board supported it. There is no record of board members' consideration of public or interest group views. The Wellington board's submission was just five lines in the body of an email, simply expressing the board's view that the land exchange should occur on the basis of relative conservation values, regardless of whether or not the Ruataniwha water storage dam proceeds, and requesting that adequate funding be provided to secure the conservation values of the Smedley Station

land parcel following its acquisition by the Department of Conservation.<sup>14</sup>

The 2013 review panel highlighted the importance of relationships to the conservation boards' collaborative success, including iwi and mana whenua relationships, relationships with communities, and a new role in building community partnerships for conservation and relationships with other boards. Boards share the department's Treaty of Waitangi responsibilities, but it is unclear whether the Wellington board specifically

may not be inclusive of all interests.

It is outside the scope of this article to critically review the concepts of participation and collaboration. Instead, the purpose is to review the involvement of a public conservation board in a nationally important environmental planning process and consider the implications for the achievement of the aim of the 2013 review, which was to reinvigorate that earlier vision. As such, the article is concerned with implementation of the policy of reinvigorated boards.

Going forward, boards need to be resourced to ensure that their contribution to conservation planning as far as possible reflects established principles of collaborative processes.

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sought advice from appropriate iwi groups; nor does it appear that the board membership included representatives of iwi groups claiming mana whenua status in the affected locality. In collaborative working there needs to be openness, transparency and trust, none of which were strong features of the Wellington Conservation Board's relationships during its consideration of the proposed Ruahine Forest Park revocation of status and land exchange.

#### Reinvigorating the vision

The original vision was that conservation boards 'representing Māori, community and public interests, not government departments, would determine the standards that apply to the management of public protected areas' (Conservation Boards Review Panel, 2013, p.14). As discussed earlier, the incorporation of stakeholders' perspectives reflects a normative view of the importance of participatory and collaborative approaches to environmental planning and management. Participation and collaboration take many different forms, and need to be subject to rigorous scrutiny. In particular, there are concerns that they

The case study revealed very limited effort by the board to ensure that there was strong conservation stakeholder engagement in the process of giving strategic advice. There was a lack of openness and transparency. The effectiveness of the board was compromised by a lack of resources to perform its role, compounded by upheaval associated with departmental restructuring and changes to board boundaries. While it might be argued that a single case may be an aberration, there is no evidence that conservation boards elsewhere in the country have performed strongly in terms of promoting the desired 'powerful collaboration between communities and conservation managers' (Conservation Boards Review Panel, 2013, p.14). In the case study we see collaboration between the board and conservation managers, but not collaboration between *communities* (enabled by the board) and conservation managers.

The 2013 review recommended three mechanisms to foster successful collaboration:

- a new annual reporting framework, based on an annual

letter (developed in consultation with the chair of the New Zealand Conservation Authority)

- from the minister of conservation setting out expectations for the board for the year;
- accountable department directors to support the work of each board;
- a new code of practice. (ibid., p.2)

Having accountable department directors to support the work of boards is essential; however, it is doubtful that the proposed annual reporting framework will significantly enhance collaboration by conservation boards. Further research is needed to evaluate the effectiveness of each of these mechanisms.

A new code of practice for conservations boards was published in August 2015 (Department of Conservation, 2015a). This is a useful foundation, but its impact on decision-making has yet to be felt and yet to be evaluated. In outlining the responsibilities of board members, the code refers to the need for board members to be collaborative and share information relevant to the proper conduct and operation of the board. The code also highlights the need for effective engagement with community and Treaty partners: 'To exercise their role, Boards need to build strong relationships with communities, seeking information from and feeding information back to communities of interest' (p.3).

Going forward, boards need to be resourced to ensure that their contribution to conservation planning as far as possible reflects established principles of collaborative processes.<sup>15</sup> Departmental restructuring, conservancy/conservation region boundary changes, and infrequency of meetings in the past have significantly impaired boards' performance. The geographic scale of board areas and size of boards continue to inhibit effective representation. For some time now digital technology could, and should, have been used much more extensively and effectively to enhance the openness, transparency and public accountability of conservation boards. At the very least, unless there are reasonable and lawful grounds for public

exclusion, agendas, meeting reports and unconfirmed minutes should be made publicly available electronically in a timely manner. However, engagement must be much deeper and broader than simply providing access to public conservation board meetings and information used by the board in giving advice.

There is a large body of literature on the characteristics of successful stakeholder engagement in natural resource management, and in other areas of priority-setting (for example, health care rationing). Common themes in the literature on successful factors are: use of an explicit and transparent process; timely and readily accessible information; independent advice underpinning information and analysis for stakeholders; multiple engagement techniques; inclusion of all key interests; consideration of values; and a degree of acceptability, if not consensus, surrounding the outcome of deliberation (see, for example, Innes and Booher, 2004; Larson, Measham and Williams, 2010; Sibbald et al., 2009).

Representation of Māori interests was not at all evident in the case study, but it is an area where there are some significant developments imminent, if not under way, as part of Treaty settlements. For example, the Ngāi Takoto Claims Settlement Act 2015 provides for the establishment of Te Hiku o Te Ika Conservation Board, which is to be treated as established under section 6L(1) of the Conservation Act 1987, to allow co-governance arrangements over public conservation land (with the Crown). It is expected that further such conservation boards will be created as a result of future settlements.

With the original intent of conservation boards having been reaffirmed in the 2013 review, a step change is now needed in the way boards engage the public to ensure that conservation stakeholders' voices contribute meaningfully to conservation planning. Without representative and visible boards, effective public and stakeholder engagement, and a more genuinely collaborative approach, the unique partnership between executive government and the public envisaged in the legislation boards work under will continue to be undermined. Conservation

boards urgently need to play their part in reinvigorating the original vision of collaboration between communities and conservation managers.

- 1 Separation of governance and management functions was a core theme of public sector reforms in New Zealand and elsewhere in the 1980s, incorporating 'new public management' principles (Heinrich, 2011). The aim was to improve performance through a clearer delineation of the responsibilities of 'steering' the boat of government and 'rowing' (Denhardt and Denhardt, 2000).
- 2 Iwi appointments also recognise other statutory bodies such as iwi trust boards, and are increasingly influenced by Treaty of Waitangi settlements.
- 3 There is also representation of key conservation constituencies on the New Zealand Conservation Authority, which has 13 members, nine of whom are appointed to represent different sectors. Two are appointed after consultation with the minister of Maori affairs, two after consultation with the minister of tourism and one after consultation with the minister of local government. The Royal Society of New Zealand, the Royal Forest and Bird Protection Society and Federated Mountain Clubs each recommend one appointee. Four members are appointed following the receipt of public nominations.
- 4 For example, although four meetings of the Wellington/Hawke's Bay Conservation Board were scheduled in 2013, only two meetings took place (see <http://www.doc.govt.nz/about-us/statutory-and-advisory-bodies/conservation-boards/wellington/minutes/>).
- 5 Board members are entitled to meeting and travel allowances, which are set by the minister in accordance with guidance for allowances for members of statutory boards developed by the Cabinet Office and administered by the State Services Commission (see [https://www.ssc.govt.nz/sites/all/files/co\(12\)6-fees-framework.pdf](https://www.ssc.govt.nz/sites/all/files/co(12)6-fees-framework.pdf)). The level of payment is a range, with conservation board members receiving allowances at the low end of the range.
- 6 For further information about the Tukituki Catchment Proposal see <http://www.epa.govt.nz/Resource-management/previous/Tukituki/Pages/default.aspx>.
- 7 See <http://www.doc.govt.nz/Documents/getting-involved/consultations/2014/ruahine/submissions/march-15/te-taiao-environmental-forum-submission.pdf>.
- 8 The board website states: 'The board meets four times a year at various locations. A public forum session where members of the public can talk to the board on conservation issues is held during each meeting. The full agenda for meetings is generally available one week before the meeting date from the board support officer' (see <http://www.doc.govt.nz/about-us/statutory-and-advisory-bodies/conservation-boards/wellington/>).
- 9 Although not specified in the minutes, it appears the paper from David Bishop was the 12 February 2015 document 'Proposed exchange of part Ruahine Conservation Park for other land', which was subsequently released under the Official Information Act (M. Long, personal communication, 19 November 2015).
- 10 See <http://www.doc.govt.nz/Documents/getting-involved/nz-conservation-authority-and-boards/conservation-boards-by-region/east-coast-hawkes-bay/2015/echbcb-minutes-meeting30-january-2015.pdf>.
- 11 One Department of Conservation science report, 'Assessment of proposed land exchange between Ruahine Forest Park revocation land and proposed Smedley Exchange Block in relation to Ruataniwha Water Storage Scheme', dated 27 May 2015, was later made publicly available when the decision on the proposal was made. This was prepared by three department staff and an external honorary research associate (see <http://www.doc.govt.nz/Documents/getting-involved/consultations/2014/ruataniwha-report.pdf>).
- 12 Board appointments were at times delayed because of imminent departmental restructuring, in particular the controversial change from 11 conservancies to six regions in 2013.
- 13 Information on members' meeting and field trip attendance would normally be in a board's annual report. As at October 2015, neither the Wellington Conservation Board annual report for 2014/15 nor its 2013/14 annual report were on the board website.
- 14 See <http://www.doc.govt.nz/Documents/getting-involved/consultations/2014/ruahine/submissions/march-15/anne-lawrence-wgtnbc-submission.pdf>.
- 15 See, for example, Land and Water Forum (2011).

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School of Government  
Te Kura Kāwanatanga

Forthcoming Event

	Title	Speaker/Author	Date and Venue
<b>Chair in Digital Government</b>	Has Opening up Data Promoted Open Government in New Zealand?	Keitha Booth, <i>Consultant on cross-government policy and programme planning</i>	<b>Tuesday 21st April, 12:30 – 1:30pm</b> Old Government Buildings Lecture Theatre 3 (ground floor) RSVP: <a href="mailto:e-government@vuw.ac.nz">e-government@vuw.ac.nz</a>
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