



## Briefing: Policy matters for targeted consultation – National Conservation Policy Statement

<b>To</b>	Minister of Conservation Attorney-General Minister for Tourism and Hospitality Minister for Resources	<b>Date submitted</b>	2 July 2025
<b>Action sought</b>	Approval to consult Iwi and key stakeholders on policy proposals for the NCPS	<b>Priority</b>	Very High
<b>Reference</b>	25-B-0278	<b>DocCM</b>	DOC-10358527
<b>Security Level</b>	In Confidence	<b>Timeframe</b>	14 July 2025
<b>Risk Assessment</b>	High Any delay in approving policies in this briefing will shorten the amount of time for consultation with Iwi and key stakeholders on the National Conservation Policy Statement.		
<b>Attachments</b>	Attachment 1: List of groups for targeted consultation Attachment 2: Proposed exempt and pre-approved activities Attachment 3: Proposed recreation and tourism zones		

Contacts	
Name and position	Phone
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### Purpose – Te aronga

1. This briefing seeks your agreement to the key proposals for the National Conservation Policy Statement (NCPS) to be consulted on during targeted consultation with Iwi and key stakeholders.

## Background and context – Te horopaki

### ***Cabinet has agreed to make the first NCPS when amending conservation legislation***

2. On 30 June 2025, Cabinet agreed changes to modernise conservation land management through a Conservation Acts (Land Management) Amendment Bill (the Bill) [CAB-25-MIN-0213.01].
3. Cabinet agreed that the first NCPS would be developed as part of the Bill and that the Minister of Conservation will seek policy approvals for the NCPS in September 2025 to enable drafting and introduction of the Bill by the end of 2025.
4. The NCPS will replace two complex and overlapping sets of national policies that govern conservation land management with one simplified instrument. It will set clear rules and guidance for activities on conservation land and make direct authorisation decisions for low impact activities, removing the need for case-by-case decisions.
5. The NCPS will also remove restrictions on the Government's role to determine operational and investment priorities and enable more flexibility for DOC by focusing area plans on outcomes, not outputs. Current planning documents include specific actions, priorities and milestones for DOC and are approved by the New Zealand Conservation Authority or conservation boards.

### ***Targeted consultation with Iwi and stakeholders on the NCPS is planned for late July***

6. DOC will undertake targeted consultation with Iwi and key stakeholders on the key content of the NCPS, with materials to be approved by you, the Attorney General, the Minister for Tourism and Hospitality and the Minister for Resources (referred to as 'joint Ministers' in this briefing). Attachment 1 outlines the groups to be consulted.<sup>1</sup>
7. Targeted consultation on the NCPS will start following the announcement of Cabinet decisions on the wider Bill – currently planned for 21 July 2025.<sup>2</sup> Waiting for the wider announcement will provide greater context for the NCPS and will make it easier to communicate the NCPS proposals and for Iwi and key stakeholders to engage in the process. DOC will request written feedback on the proposals by 22 August 2025.
8. This targeted consultation will support the advice to Cabinet in September 2025 on the content of the first NCPS. Formal public consultation will occur through the select committee process on the Bill next year.
9. The following timeframe outlines the proposed steps for the NCPS:

Milestone	Dates
Targeted consultation (five weeks)	21 July to 22 August 2025
Cabinet paper: National Conservation Policy Statement policy decisions	September 2025
Drafting of NCPS as part of the Bill	October 2025
Introduction of the Bill (including draft NCPS)	November/December 2025

<sup>1</sup> Note that this list adds the New Zealand Fish and Game Council and Game Animal Council to the list recently agreed by the Minister of Conservation [25-B-0257 refers]. We recommend including these bodies given the relevance of the general policies and current plans to hunting and fishing on conservation land.

<sup>2</sup> The Minister of Conservation previously agreed 14 July as the intended start of targeted consultation [25-B-0257 refers].

## The NCPS will enable more effective and efficient use of conservation land

10. The proposed NCPS will create a more enabling environment for economic activity and other opportunities on conservation land by:
- Exempting and pre-approving low impact activities for which there is a high volume of applications and where standardisation is appropriate and can manage effects;
  - Establishing a clear and enabling zoning framework to support the assessment and authorising of activities that are not suitable for exemption or pre-approval;
  - Limiting the ability for area plans to impose further restrictions or rules; and
  - Ensuring conditions on permissions are clear and proportionate.

### *The NCPS will automatically approve a range of low impact activities*

11. Cabinet has agreed that the NCPS and the new single layer of area plans<sup>3</sup> will speed up how concessions (permits, leases, licenses, easements) are processed by categorising some activities as:

<b>Exempt from requiring a permit</b>	Activities with minimal impact where the risk of cumulative effects are low.
<b>Pre-approved permits</b> (simple online application with agreement to standard conditions and payment of a fee)	Low impact activities impact where the risk can be managed through standard conditions and monitoring.
<b>Prohibited</b>	Concessions for these activities will not be granted [see paragraphs 25-27].

12. These are activities which can be assessed at the activity level for their consistency with use of the land, effects and Treaty considerations.
13. Low-impact, low-risk activities may be categorised as 'pre-approved' rather than 'exempt' where it is reasonable for the Crown as landowner to charge rents and royalties. Activities will also be pre-approved rather than exempt where there is a need to more actively monitor cumulative impacts.
14. Exempt and pre-approved activities will get rid of administrative churn by directly authorising high-volume, low-complexity and low-impact applications. This will significantly reduce the administrative burden on applicants and will free up DOC resources to focus on more complex or risky applications and those which cannot be fully standardised.
15. Attachment 2 contains a summary of proposed pre-approved and exempt activities to seek feedback on through the targeted consultation. This list represents a balanced approach to class concessions and can be revised following targeted consultation. The NCPS can also be updated after enactment in future through the process outlined in the Bill.
16. In 2023/24, DOC received approximately 1,200 concession applications. We estimate that approximately 30-40% of those concession decisions would be automated through the proposed set of exempt and pre-approved activities.<sup>4</sup> The most significant gains will be made through pre-approving drone use and a wide range of guiding and

<sup>3</sup> The proposed replacement for the current two layered planning system comprising Conservation Management Strategies and Conservation Management Plans. Each area will be governed by just one planning document.

<sup>4</sup> This is based on applications for the proposed exempt or pre-approved activities summarised in Attachment 2.

transport activities. These pre-approvals can include longer time periods and a wider set of permitted places, eg you get a drone permit for anywhere a drone is allowed.

***Zoning can streamline approval of a wide range of potentially higher impact activities***

17. Leases and licenses which grant an interest in land are not suitable for pre-approval or exemption – only (some) permits are proposed for inclusion in these categories. Most leases and licences provide the right to construct structures, exclusively occupy an area or facility or authorise extraction of resources such as gravel. These concessions often have higher impacts or risks, can lock land into a specific use for long periods of time, and can create legal and financial liabilities for the Crown. For example, the Chateau Tongariro was transferred to DOC in poor condition at the end of its lease agreement and remains a significant financial liability for the Crown. This more or less mirrors the Fast-Track Approvals approach where approvals require case-by-case consideration and involve conditions designed to manage Crown financial, legal and property risks as well as wider environmental effects.
18. For activities that are not exempt, pre-approved, or prohibited, the planning framework can be made more enabling through better use of 'zoning'. This will speed up decision-making and shift the assessment for certain activities from whether an activity can take place to the conditions it can take place under.
19. The planning framework would zone activities based on:
  - using existing land classifications to manage impacts on natural and cultural heritage, per current legislation; and
  - creating recreation and tourism zones to manage impacts on these activities.
20. Zoning will make it clearer where certain activities, including tourism facilities and infrastructure, grazing, afforestation, telecommunications and other utilities, are acceptable on conservation land. The current planning framework only uses land classification-based zoning to prohibit activities; for example, grazing in national parks is prohibited unless the land is already farmed or grazed.
21. The alternative to a clear zoning framework is continued case-by-case assessment of the key statutory test that concessions must be consistent with the purpose for which the land is held without clear guidance as to interpretation for the regulator or those wishing to use the land. Zoning will address the current uncertainty for parties wishing to know which activities can go where on conservation land.
22. The existing land classification system alone is not an effective tool for managing activities because the classifications are primarily based on natural and cultural values and do not accurately reflect the value of the area for recreational and tourism. There is currently a significant gap between amenities areas which enable high density tourism development and wilderness areas which prohibit most activities.
23. We recommend establishing zones which overlay recreational and tourism values with land classifications. The purpose of these zones is to manage effects on recreation and tourism through a simple spectrum of expected levels of infrastructure, people and noise. The NCPS would establish the recreation and tourism zones, outline acceptable activities and direct area plans to map conservation land.
24. Targeted consultation materials will use the zones included in more recent planning documents as a starting point (see Attachment 3). Further assessment will be carried out to develop these zones and identify which activities can take place in them. Existing recreational zoning is inconsistent and incomplete across plans as the class of zones is not set through national direction and use of zones to outline where specific activities can or cannot take place is limited mostly to aircraft landings.
25. DOC will prepare advice on proposed zoning of activities to land classifications and recreation and tourism zones to inform Cabinet policy approvals later in the year. The

targeted consultation materials will seek feedback on what activities should be included in this proposed zoning and which zones are consistent with those activities (these are still under development).

***Ensuring prohibited activities only prohibit where necessary***

26. Prohibited activities provide clarity to applicants and can save them and DOC time and money by not progressing applications that cannot be granted. However, there must be a clear effects assessment rationale for any prohibited activities.
27. In some cases, current plans have indirectly prohibited activities by being overly prescriptive about where activities can occur instead of focussing on where the effects would be greatest. This inadvertently restricts DOC's ability to consider new activities in other places even when they would be consistent with an effects assessment (e.g. new bike tracks). The NCPS will be more enabling of new activities by removing this barrier and setting strict and narrow criteria for when area plans can prohibit an activity.
28. Further consideration of the relationship between zoning and prohibited activities is required. We recommend seeking feedback on this relationship during targeted consultation. While it may be suitable for some activities, prohibiting activities at the level of land classification or tourism and recreation zones is likely to be more prohibitive than is necessary to manage effects.

***The NCPS will limit local area plans from imposing further restrictions and rules***

29. The NCPS will ensure area plans cannot impose arbitrary restrictions on activities or create inconsistent approaches in different areas. This will address the current issue with local plans pre-determining where certain activities can or cannot occur without a clear rationale. The NCPS will do this by:
  - Limiting the ability for area plans to impose conditions on concessions to a small number of circumstances;
  - Removing the ability for area plans to impose limits on the volume of activities (in addition not being able to set limits on the number of concessionaires as already agreed by Cabinet); and
  - Not allowing area plans to direct how limited-supply concessions will be allocated.

***Bylaws rather than plans will set limits on the volume of activity where needed***

30. Area plans will only regulate concessions and other activities requiring authorisation, they cannot regulate non-commercial activities which also contribute to volume effects. Creating limits only for activities requiring authorisation is ineffective and creates unnecessary and unreasonable rigidities in the system. This current approach also leads to constraints on concessions which are impractical for commercial operators.
31. For example, it is ineffective and seen as unfair to set limits on visitor numbers for tourism concessionaires but not independent visitors when their activities have similar effects (e.g. guided vs independent hikers).
32. We recommend that where quantity limits are needed, these should be managed through bylaws and other congestion management tools such as booking systems as these can apply to all users, not just concessionaires. Bylaws are also more responsive than plans because they are faster and easier to update. We will provide advice on amendments to existing bylaws later in the reform process.

***Clarifying that the effects of mining are managed through the Crown Minerals Act***

33. Activities covered by the Crown Minerals Act 1991 are subject to separate effects management considerations and statutory tests. Crown Minerals activities on

conservation land do not require the same strict adherence (“must comply”) to conservation planning documents, the purpose for which the land is held and the purpose of the Conservation Act.

34. The values and objectives in area plans will continue to inform decisions on access arrangements in terms of effects. However, we propose to make it clearer that mining will be considered separately from other activities on conservation land in the NCPS given policies to do not have the same regulatory effect. This is not the case in the current Conservation General Policy which risks implying access arrangements are managed within the same framework, especially as policies are intertwined with non-Crown Minerals activities like gravel extraction which are managed through concessions.

### Other policies

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35. The NCPS and area plans will continue to direct the implementation of other functions and powers, but in a more purposeful and streamlined manner. Policies will not be carried over into the new system if they are overly prescriptive (i.e. operational policy and decision-maker discretion is more appropriate) or duplicate existing legislation and functions. Streamlining these policy areas will mean the NCPS and area plans will have a greater focus on regulating activities on conservation land than the general policies and current planning documents.
36. Policies that regulate management planning and concessions processes will be removed from the NCPS and area plans. These policies are not necessary as the Bill will streamline these processes through changes to primary legislation and further process requirements should not be imposed. This will mean that additional steps and rules cannot be added at lower levels of the regulatory framework.

s 9(2)(f)(iv)

[REDACTED]

### ***Removing policies that restate functions and powers without aiding implementation***

39. Cabinet has agreed that the NCPS and area plans will not include policies that simply highlight that a function or power exists and the situations in which it might be exercised, for example:
- DOC’s ability to negotiate and enter into agreements with Iwi, conservation groups and commercial partners;
  - DOC’s function to prepare and publicise educational and promotional material relating to conservation; and
  - DOC’s responsibilities and obligations under other legislation such as heritage and work safety.



40. The NCPS will restrict area plans from including policies which create expectations or pre-determine outcomes. For example, a plan should not state that DOC will create a Memorandum of Understanding with a community group, as the parties may decide another partnership mechanism is more suitable.
41. Removing these policies does not limit DOC's ability to build these relationships or exercise these functions, it simply removes unnecessary duplication of policy and overly rigid statutory requirements imposed by plans.

s9(2)(f)(iv)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

## Treaty of Waitangi policies in the NCPS and area plans

51. In 2019, the then-Minister of Conservation and the NZCA directed DOC to undertake a partial review of the general policies to give better effect to the principles of the Treaty of Waitangi in response to the 2018 Supreme Court decision in *Ngāi Tai ki Tāmaki v Minister of Conservation*.<sup>6</sup>
52. The Options Development Group report was commissioned to inform the partial reviews. ODG recommendations included fundamental conservation reform (beyond the Conservation Act), revising the purpose of the Conservation Act, centring kawa, tikanga and mātauranga within the conservation system, devolving powers and management/decision making to Iwi/Māori, remunerating Iwi for involvement in conservation, and enabling broader access and use of lands and waters.
53. This Government's proposals to amend conservation legislation, including clarifying specific requirements to give effect to Treaty principles, have superseded the partial reviews. Cabinet has agreed to amend legislation to clarify Treaty requirements in management planning and concessions processes, including the allocation of concession opportunities. The NCPS and area plans will therefore not include policies on these matters as they will instead be clarified in primary legislation. In line with the general principles for the new planning regime, the NCPS and area plans will also not duplicate other statutory instruments such as protocols, accords and relationship agreements required by Treaty settlements.
54. Most recommendations in the Options Development Group report are either beyond the agreed scope of the NCPS or relate to the proposed changes to primary legislation. The Options Development Group recommendations have specifically informed:
  - How area plans should describe values - Area plans to describe the specific natural and cultural heritage values of protected areas and species, including their importance to tangata whenua (e.g. wāhi tapu). This will support clearer decision making on how Treaty principles are applied when assessing the potential impacts of a proposed activity, particularly the principle of active protection.
  - Enabling activities on conservation land – Exempt and pre-approved activities can reduce barriers to accessing conservation land for Māori, including for cultural purposes. We will seek feedback from Iwi on what activities could be exempt or pre-approved to support these aspirations. Enabling activities more broadly through zoning can also support Māori economic aspirations.

## Risks

55. As noted in the Cabinet paper, it is likely Cabinet's decisions on the wider Bill will attract some criticism during targeted consultation, with Iwi and key stakeholders providing feedback on decisions for the NCPS and area plans that have already been made. For example, the Minister of Conservation approving the NCPS and plans is likely to generate criticism that expert input is being diluted. However, the NZCA and

<sup>6</sup> Ngāi Tai ki Tāmaki Tribal Trust v Minister of Conservation [2018] NZSC 122.



Conservation Boards will still have advisory roles in development of policy and area plans, alongside Iwi and stakeholders.

56. Setting more approvals and prohibitions at a national level is also likely to generate criticism from some communities, Iwi and eNGOs that local voices and values are being diluted. Businesses and other organisations that operate in multiple locations are likely to welcome processes and outcomes that are consistent and predictable across the country. This is also necessary to improve efficiency and consistency in the regulator.
57. We expect some people will be critical of the removal of policies relating to or directing DOC's wider functions as removing or diminishing these functions or powers (e.g. partnerships, promoting conservation). This can be mitigated through communicating that this does not limit DOC's ability to exercise these functions and powers and the intent is to avoid duplication or overspecification in secondary legislation. Also, in practice, some of this content in current plans is not always implemented or closely followed where it does not match operational realities or priorities.

### Next steps

58. DOC will prepare the consultation materials to communicate and seek feedback on the policy proposals outlined in this briefing. Once joint Ministers have approved policy proposals for consultation, materials will be circulated to Iwi and key stakeholders following announcement of Cabinet's decision on the wider Bill, or as soon as possible if approval is after that date.
59. Officials from DOC are available to meet with Ministers to discuss the contents of this briefing.

### We recommend that you ... (Ngā tohutohu)

		Decision
1.	<b>Note</b> that Cabinet agreed to replace two sets of national policies that govern conservation land management, with one simplified instrument – The National Conservation Policy Statement (NCPS) [CAB-25-MIN-0213.01]	Note
2.	<b>Note</b> that decisions on the draft NCPS will be sought from Cabinet in September 2025, following targeted consultation with Iwi and key stakeholders	Note
<b>Matters for agreement by the Minister of Conservation only</b>		
3.	<b>Agree</b> that targeted consultation begins following your announcement on Cabinet decisions on the wider Bill and written feedback is required by 22 August 2025, noting this will reduce targeted consultation from six to five weeks	Yes / No

s9(2)(f)(iv)

5.	<b>Agree</b> that DOC will send the consultation materials to New Zealand Fish and Game Council and the Game Animal Council as part of targeted consultation (see Attachment 1 for full list of Iwi and key stakeholders you have approved)	Yes / No
6.	<b>Forward</b> this briefing and attachments to the Attorney-General; the Minister for Tourism and Hospitality; and Minister for Resources for their agreement	Yes / No
<b>Matters for agreement by joint Ministers</b>		
7.	<p><b>Agree on consult on proposals for the NCPS to:</b></p> <p>a) Set out exempt and pre-approved activities as detailed in Attachment 2</p> <p>b) Zone where activities can and cannot occur based on  i. existing land classifications and law; and  ii. recreational and tourism zones to be set in the NCPS as outlined in Attachment 3</p> <p>c) Strictly limit the ability for area plans to impose conditions on concessions and prohibit activities</p> <p>d) Remove the ability for area plans to impose limits on the volume of activities (in addition not being able to set limits on the number of concessionaires as already agreed by Cabinet)</p> <p>e) Not allow area plans to direct how limited-supply concessions will be allocated</p> <p>s9(2)(f)(iv)</p>	<p>Yes / No</p> <p>Yes / No</p> <p>Yes / No</p> <p>Yes / No</p> <p>Yes / No</p> <p></p>
8.	<b>Note</b> that specific mapping of activities to zones will not be consulted on and that DOC will provide further advice on this for decisions to be made by Cabinet in September	Yes / No

s9(2)(f)(iv)

s9(2)(a)

Date: 02/07/2025

Ruth Isaac  
Deputy Director-General, Policy and  
Regulatory Services

Date: / /

Hon Tama Potaka  
**Minister of Conservation**

Date: / /

Hon Judith Collins  
**Attorney-General**

Date: / /

Hon Louise Upston  
**Minister for Tourism and Hospitality**

Date: / /

Hon Shane Jones  
**Minister for Resources**

**ENDS**

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## **Attachment 1: Groups the consultation document will be shared with**

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### **Concessionaires and recreation groups**

- New Zealand Fish and Game Council
- Game Animal Council
- Tourism Industry Aotearoa
- DOC's Concessionaire Reference Group:
  - Tourism Export Council
  - RealNZ
  - Trojan Holdings
  - NZSki
  - Bus and Coach Association
  - Active Adventures
  - Fox Glacier Guides
  - Federated Farmers
  - Minerals Council

### **Conservation and environment**

- New Zealand Conservation Authority (NZCA)
- Conservation Boards
- Environmental Defence Society

### **Treaty partners**

- Post-settlement governance entities
- Iwi who have not settled historic claims
- National Iwi Chairs Forum – Pou Taiao

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# Attachment 2: Pre-approved and exempt activities

## National Conservation Policy Statement

The NCPS will take the churn out of dealing with individual concession applications by **exempting** and **pre-approving** classes of activities.

This will remove the need for individual assessment of applications for high-volume, low-impact activities.

Exempt: Activities allowed by NCPS. No permit required.

Pre-approved: Activities allowed by NCPS. Permit can be bought online for multiple places and multiple years. Allows for standardised conditions and more active monitoring of cumulative effects than exempt activities.

### Proposed pre-approved activities

- Guiding (where already allowed recreationally):
  - Guided walking
  - Biking, vehicle trips, horse trekking
  - Ski touring and rock climbing
  - Kayaking, canoeing, rafting
- Drones
- Transport (buses, water taxis etc)
- Larger scale filming and events (not requiring structures)
- Collection of rocks, non-protected insects, flora/plants/fungi for research

### Proposed exempt activities

- Educational guiding (schools etc)
- Small scale filming and photography
- News media
- Small scale, non-commercial events
- Collection of air and water samples for research purposes

Some activities are better suited to being pre-approved or exempt – where there is minimal impact and low risk of cumulative effects.

DOC estimates 30 – 40% of current concession applications can be exempt of pre-approved based on these proposed activities.

Remaining applications tend to be less suited for pre-approval or being exempt:

- Leases and licences: These typically involve exclusive occupation or the ability to construct structures. There are risks to the Crown which require individual assessment, and applications tend to be for longer periods.
- Extraction activities (e.g. gravel extraction): These activities tend to involve greater ecological impact and require individualised assessment and conditions. They also involve Crown risks and liabilities (e.g. from abandoned sites).
- Large-scale events involving temporary structures: These activities tend to involve greater ecological impact and require active management.



### Attachment 3 Proposed recreation and tourism zones

Zone	Description	Visitor experience
Amenities area (existing land classification enhanced by the reforms)	Areas to provide for facilities and infrastructure that support visitor access to conservation areas.	Legislation enables and encourages tourism and recreation development
Urban	Areas inside or on the periphery of urban areas. Typically includes an historic or cultural site.	Expectation of infrastructure, noise and crowds  Activities - TBC
Rural	Areas dominated by farmland and plantation forest, which are part of the visitor experience.	
Front country	The parts of large natural areas that are easiest to access and where the majority of visitation occurs. Often focused on a particular attraction.	
Back country	Large scale natural settings generally accessed through Front country, often as part of longer walks and tracks (e.g. Great Walks).	Lower density of visitor infrastructure, noise and crowds expected  Activities - TBC
Remote area	Areas beyond the Back country zone, forming the wild lands in the interior of large protected areas.	Minimal levels of visitor infrastructure, noise and crowds expected  Activities - TBC
Wilderness area (existing land classification)	Gazetted wilderness.	Legislation restricts buildings, livestock, aircraft landings, machinery, vehicles