Department of Conservation
Te Papa Atawhai

Briefing: Conservation land management reform – delegated decisions

To	Minister of Conservation	**Date submitted**	7 November 2025
Action sought	Decide on policy for conservation land management reform	**Priority**	High
Reference	25-B-0389	**DocCM**	DOC-10510370
Security Level	In Confidence		

Risk Assessment	High	**Timeframe**	21 November 2025, to allow sufficient drafting time.
Attachments	Attachment A: Further delegated decisions for Conservation Acts (Land Management) Amendment Bill		

Contacts	
Name and position	**Phone**
Peter Galvin, Deputy Director-General, Policy	s9(2)(a)
Sam Thomas, Director Policy	s9(2)(a)

We recommend that you … (Ngā tohutohu)

		Decision
a)	**Decide** on the recommendations in Attachment A relating to: • contractual management of concessions; • the approach to reserves managed by administering bodies; • New Zealand Conservation Authority determinations under the National Parks Act 1980; • land ineligible for exchange and disposal; and • the commencement period for the Bill.	See Attachment A
b)	**Note** decisions are also needed on the approach to clarifying section 4 of the Conservation Act 1987, on which you will receive separate advice.	

Date: / /

Peter Galvin
Deputy Director-General, Policy

Date: / /

Hon Tama Potaka
Minister of Conservation

Purpose – Te aronga

1. This briefing seeks your decisions for the Conservation Acts (Land Management) Amendment Bill on the following:
    - contractual management of concessions;
    - the approach to reserves managed by administering bodies;
    - New Zealand Conservation Authority determinations under the National Parks Act 1980;
    - land ineligible for exchange and disposal; and
    - the commencement period for the Bill.

Background and context – Te horopaki

2. On 30 June 2025, Cabinet made major policy decisions in relation to the Bill (CAB-25-MIN-0213.01). Cabinet delegated authority to you to make decisions required for drafting.
3. In July 2025, you made decisions under delegation on a range of matters (25-B-0292 refers). This briefing seeks further decisions so we can finish issuing drafting instructions to Parliamentary Counsel Office (PCO).

Advice on matters for Bill drafting

4. Matters on which we need your decisions for Bill drafting are in Attachment A.
5. Decisions are also required from you about the approach to clarifying section 4 of the Conservation Act 1987, on which you will receive separate advice.

Next steps – Ngā tāwhaitanga

6. In order to introduce the Bill in March next year, you will need to make decisions on this briefing by 21 November 2025.
7. We are working to the dates below for introduction of the Bill next year:

November 2025	Advice to you on the new National Conservation Policy Statement (NCPS). Final drafting instructions issued to PCO for Bill. All remaining dates are subject to the time taken for PCO to complete drafting.
February 2026 (TBC)	Cabinet approvals for NCPS, including a parliamentary paper on the NCPS to be referred to select committee alongside the Bill. As previously agreed, this will allow select committee to consider the Bill and the content of the new NCPS together.
March 2026	Bill approved for introduction.

ENDS

Attachment A: Further delegated decisions for Conservation Acts (Land Management) Amendment Bill

Proposal	Recommendations	Decision	Analysis and advice
Contractual management of concessions			
Smoothing transfer of concessions	1. **Agree** that applications to transfer concessions can only be considered if they meet the following criteria: • the activity is not changing; and • it is possible to allocate liability to a particular point in time, and split it between the incoming and outgoing operators.	Yes / No	Cabinet has agreed that the Minister can transfer or reassign an entire concession and contract (i.e., liabilities in addition to benefits, conditional transfers), subject to the new operator meeting due diligence requirements, and with an ability for the Crown to update terms and conditions (CAB-25-MIN-0213.01). For drafting, we require further decisions about how "due diligence requirements" are operationalised. **Transferring concessions is likely to be appropriate only in very specific situations** We recommend the Minister be allowed to transfer a concession, including liabilities, in the following circumstances only: • where the activity is "like for like", and not changing (i.e., the incoming operator can carry out the same activity on the same terms, with no expansion or new/changed structures): A change in activities is a variation to a concession and is treated as a new concession application. However, transferring the concession on a like-for-like basis to the new operator provides a useful backstop and does not preclude them from seeking a variation later (should they decide to change or expand the offerings); and • where it is possible to allocate liability to a particular point in time, and split it between the operators: It is unlikely that an incoming operator will want to be responsible for all liabilities associated with the concession, particularly those incurred under the previous operator. Similarly, the outgoing operator will not want to be responsible for liabilities in the future incurred by the new operator. In order to manage risks, we also recommend transfers should only be possible if the Minister is satisfied the new operator: • is who they claim to be; • is financially sound and can pay fees associated with their concession (activity fees, as well as processing fees, management, and monitoring fees); • has the necessary capacity and capability to undertake the activity to the standard required by the concession document and satisfy its conditions over the remaining life of the concession; and • does not have a history of non-compliance with previous concessions. The new operator can still apply for a new concession (instead of a transfer) if they do not satisfy the above conditions. During drafting, we will also simplify the statutory tests and processes for transfers. For example, under current settings, a "full" transfer of a concession (i.e., of interest and liabilities) is treated as a new concession, meaning public notification and effects assessment requirements apply. These will no longer be relevant for concessions that are transferred on a "like for like" basis.
	2. **Agree** that transfers are only possible if the Minister is satisfied of the following due diligence requirements. The incoming operator: • is who they claim to be; • is financially sound and can pay fees associated with their concession (activity fees, as well as processing fees, management, and monitoring fees); • has the necessary capacity and capability to undertake the activity; and • does not have a history of non-compliance with previous concessions.	Yes / No	
Setting concession conditions: future concessions	3. **Agree** that when setting concession conditions the Minister can: • set standard conditions that must be used (either individual conditions or options for conditions); and • set types of conditions that must be used.	Yes / No	Cabinet has agreed the Minister can set standard conditions for concessions. These will help reduce the individual negotiation that can sometimes take place when concessions are being granted, and better support standard approaches to concession management. Further policy decisions are required to give effect to this decision in the Bill, including choice of instrument.

Proposal	Recommendations	Decision	Analysis and advice
	4. **Agree** that where the Minister has set a standard condition (including options for a standard condition), a bespoke condition cannot be used, unless otherwise agreed by the Minister.	Yes / No	**We recommend a broad enabling power that allows conditions to be set and used in a number of ways** DOC already uses template concession documents. These include non-binding conditions for a variety of concession types. The conditions in these templates can be overridden by other bespoke conditions for any particular concession, known as special conditions. In practice, ministerially-set conditions are likely to be helpful in place of what we currently do through special conditions, which pertain to particular topics (e.g., bonds, liabilities, etc.). Having a set approach to these terms that cannot be altered by DOC will strengthen DOC's negotiating position with concessionaires, and allow for better management of risks and liabilities stemming from concessions. To future proof the legislation, we recommend a broad power to allow flexibility for different approaches to setting and using standard conditions, based on the nature of activity, concession type, and type of condition (e.g. rehabilitation, management of structures, noise control, hours of operation). We recommend that the Bill should empower the Minister of Conservation to specify: • conditions that must be used (either individual conditions or options for conditions); and • types of conditions that must be included in concession documents. **We recommend that the Minister can agree concession conditions** Similar to the Fast-track Approvals Act, we recommend that ministerially-set standard conditions are agreed by the Minister (as opposed to being secondary legislation, for example). We also recommend the Minister be required to publish concessions conditions they have set. **Ministerially-set standard conditions should take precedence over other conditions where there are inconsistencies** Standard conditions set by the Minister could be used in addition to template conditions already part of current practice. They also do not preclude the inclusion of additional conditions in concessions. We recommend clarifying that where the Minister has set standard conditions, no other condition in a concession can derogate from a ministerially-set condition for that concession – and are of no effect to the extent they do.
	5. **Agree** that the Minister must publish all standard conditions they have set (including types of conditions they have required) for concessions.	Yes / No	
	6. **Agree** that other conditions in a concession cannot derogate from any ministerially-set standard conditions for that concession, and are of no effect where there are inconsistencies.	Yes / No	
Setting concession conditions: existing concessions	7. **Agree** that setting conditions for existing concessions can only be done through regulations, rather than the ministerial power in recommendations 3 – 6 above, as this effectively varies existing concessions unilaterally.	Yes / No	**We recommend retaining flexibility to unilaterally vary concessions for standard conditions** There may be some cases where it is desirable to set conditions that will apply to existing concessions, but we recommend a high bar for modifying concessions in this manner. We do not consider this power amounts to expropriation, and the requirement for Cabinet to agree these conditions provides a safeguard on its use. We recommend that if the Minister seeks to unilaterally vary existing concessions through special conditions, this should be done through regulations. The regulations should specify: • the conditions being applied to concessions (either exact conditions or options for conditions); • the concession types, activities, or categories to which the conditions apply; and • if there is a choice between options for conditions, who (i.e. which party) needs to make this choice and the deadline for doing so.
	8. **Agree** that regulations setting conditions for existing concessions must specify: • the conditions being applied to concessions (either exact conditions or options for conditions); • the concession types, activities, or categories the conditions apply to; and • if there is a choice between options for conditions, who needs to make this choice and the deadline for doing so.	Yes / No	

Proposal	Recommendations	Decision	Analysis and advice
Setting activity fees	9. **Agree** to use regulations when setting standard concession rents, royalties, and fees (activity fees). When doing so, regulations may: • use specific dollar amounts, formulae or other methodologies for calculating activity fees, by concession types, activities, and/or categories; • set different fees and pricing models for activities, including for different times of the year or in different locations); • provide for discounts, waivers and exemptions.	Yes / No	Cabinet has agreed that the Bill will enable the rate for activity fees to be set in secondary legislation, including discounts and waivers. The activity fees should be reviewed periodically (including public consultation), and fees in secondary legislation will apply to all relevant active concessions (including following a fee review). **We recommend setting standard activity fees, including discounts and waivers, in regulation** Consistent with best practice for fee setting, we recommend enabling the setting of standard activity fees in regulations, including: • using specific dollar amounts, formulae, or other methodologies for calculating activity fees by concession types, activities and/or categories; • setting different fees and pricing models for activities (including for different times of the year or in different locations); and • providing for discounts, waivers and exemptions. **We recommend three-yearly reviews of activity fees set in regulation** We recommend three-yearly reviews of any fee regulations. This is consistent with the review timeframe for all other activity fees (thus ensuring equity) and provides sufficient levers for ongoing calibration without being too onerous with too frequent reviews. We also recommend consulting interested parties when setting or amending activity fees in regulations. While this is not required under existing fee setting powers available to you under section 48(1)(k) of the Conservation Act, this is consistent with standard practice for setting regulations, including for fees. Finally, we also recommend specifying that these regulations can apply to any type of public conservation land (including national parks and reserves). Under the status quo, you can grant concessions on national parks and reserves vested in the Crown, but you cannot regulate them using regulation-making powers in the Conservation Act.
	10. **Agree** that regulations for activity fees must be reviewed every 3 years.	Yes / No	
	11. **Agree** that the Minister must be satisfied that adequate consultation has been undertaken with interested parties before regulating setting activity fees are made or amended.	Yes / No	
	12. **Agree** that regulations setting activity fees can apply to any type of conservation land.	Yes / No	
Approach to reserves managed by administering bodies			
	13. **Note** that no decisions have been made about how reserves with administering bodies will be treated in the new system.		In June 2025, Cabinet agreed that you will decide whether reserve management plans developed by administering bodies under the Reserves Act will become area plans (CAB-25-MIN-0213.01 refers). Under the Reserves Act and some Treaty settlement legislation: • Administering bodies are appointed to **control and manage** a reserve: administering bodies have some decision-making responsibilities and undertake the day-to-day administration of the reserve. • Reserve land is vested in an administering body: similar to the above, however the administering body has more powers. There are also privately owned reserves where land is typically owned by council or a post-settlement governance entity. There is 1,003,420 hectares of land classified as reserve. Of this DOC administers 80.8%, administering bodies administer 13.55% and 5.65% is privately owned. The Conservation General Policy and conservation management strategies do not currently apply to reserves managed by administering bodies. Administering bodies are in most cases required to develop their own reserve management plans which are approved by the Minister of Conservation unless that approval role is delegated to the body (which it is for councils).

Proposal	Recommendations	Decision	Analysis and advice
Approach to vested and privately owned reserves	14. **Agree** to maintain existing management planning and permission arrangements for vested and privately owned reserves.	Yes / No	**Maintaining existing management planning and permissions arrangements for privately owned and vested reserves upholds the integrity of vesting appointments and private ownership** Administering bodies are responsible for authorising activities under the Reserves Act on a vested or privately-owned reserve. Part 3B of the Conservation Act does not apply and the activity must be consistent with the purpose of the reserve. DOC does not develop reserve management plans or process concessions on vested and privately owned reserves. Keeping the status quo management planning arrangements will mean that reserve management plans for vested and privately owned reserves will not be bound by the same constraints as area plans. This is appropriate because the NCPS will not apply, and it upholds the integrity of vesting appointments and private ownership. If the reserve management plans for these reserves became area plans, there would be resourcing implications for DOC because DOC would become responsible for developing the area plans and processing the permissions on these reserves.
Approach to control and manage reserves that are unrelated to Treaty settlements	15. **Agree** that control and manage reserves (that aren't in place due to a Treaty settlement), as well as reserves with joint committees (that aren't in place due to a Treaty settlement), are subject to the class concession framework, including the ability to disapply class concessions.	Yes / No	**We recommend applying the class concession framework to control and manage reserves, as well as reserves with a joint committee** Concessions on control and manage reserves are generally processed by DOC. However, where the administering body is a council, they have been delegated authority to grant concessions. Councils do not always choose to exercise this power so sometimes DOC still processes the applications. There is also a range of management arrangements. For example, a joint committee can be appointed to administer a reserve that is otherwise managed by DOC. Similarly to councils, joint committees can be responsible for making decisions on concessions, but the responsibility is often delegated to DOC. As DOC generally processes concessions on control and manage reserves, applying the class concessions framework to these reserves would create efficiency benefits for DOC, applicants and the administering body. Applying exempt and pre-approved activities requires also allowing relevant reserve management plans to have the power to disapply exempt and pre-approved activities in the same way area plans can.[1] Where the approval of a reserve management plan is delegated to an administering body, the approving party would apply the same criteria that the Minister uses to disapply exempt and pre-approved activities. Unless there is a disapplication, the class concessions framework within the NCPS would override policies set out in a reserve management plan if they are inconsistent with the class concession framework.
	16. **Agree** that the criteria for managing the disapplication of class concessions will apply to those who are delegated the approval of reserve management plans by the Minister of Conservation.	Yes / No	
Process changes for reserve management plans	17. **Agree** that hearings will not be required as part of the reserve management plan development process.	Yes / No	**We recommend removing the requirement for hearings when developing reserve management plans** The current process for developing and amending reserve management plans would benefit from being amended. In line with Cabinet's decision for area plan processes, we recommend removing the requirement for administering bodies to hold hearings. This would remove a resource burden and encourage administering bodies, particularly those with little resource, to update or develop their reserve management plan. Administering bodies will still have the ability to hold a hearing if they choose to.

[1] In July 2025 (25-B-0292 refers), you agreed that area plans can disapply exempt and pre-approved activities where:
- The NCPS has allowed disapplications for a particular exempt of pre-approved activity,
- The Minister considers disapplication is required due to significant adverse effects on natural, cultural, or historic values present at a specific site, and
- The area plan specifies the geographic boundaries of the disapplication, which must not be broader than necessary to avoid significant adverse effects on the specific values being protected.

Proposal	Recommendations	Decision	Analysis and advice
New Zealand Conservation Authority (NZCA) determinations under the National Parks Act 1980			
Approach to NZCA determinations under the National Parks Act	18. **Agree** that the Bill will require the New Zealand Conservation Authority (NZCA), in making a determination under section 4(2)(b) of the National Parks Act 1980, to: • ensure that interested or affected people and organisations are given the opportunity to express their views on the proposal and the NZCA will have regard to those views, where relevant; • consider the relevant area plan; and • notify the determination to DOC so it can be published on the DOC website.	Yes / No	The National Parks Act 1980 requires that native animals and plants should be preserved so far as possible and introduced plants and animals shall be exterminated so far as possible, except where the NZCA otherwise determines. Under the current system, the NZCA determinations are published in planning documents (the General Policy for National Parks, national park management plans, or conservation management strategies). As the NZCA will no longer approve planning documents following the reforms, their determinations must be made through a different mechanism. We propose that the Bill will outline the following requirements for when the NZCA makes a determination: • the NZCA should ensure that interested or affected people and organisations are given the opportunity to express their views on the proposal and the NZCA will have regard to those views, where relevant; • the NZCA should consider the relevant area plan; and • that the determination must be notified to DOC to publish on their website. We also propose that the existing determination made for salmonids and game birds is provided for through transition provisions in the primary legislation. DOC consulted the NZCA on including these requirements in the NCPS and they didn't raise any concerns about the proposed approach. We don't see that they would have any concern with it being in the Bill instead.
	19. **Agree** to include transitional provisions in the Bill to ensure that the existing determination made by the NZCA, which relates to salmonids and game birds, remains in effect following enactment of the Bill until such time as the NZCA revokes or varies the determination.	Yes / No	
Land ineligible for exchange and disposal			
Land ineligible for exchange and disposal	20. **Agree** to remove national and cultural significance from the mandatory exclusions for land exchanges and disposals, and make them mandatory considerations instead.		Cabinet agreed that the following land would be ineligible for an exchange or disposal: *Any land that has been assessed as having cultural, national or international significance (to be determined by the Minister).* As we have progressed drafting, we have found this may result in unintended consequences. Excluding land of cultural significance is likely to be highly constraining and vulnerable to legal challenge. Most conservation land is likely to have cultural significance to someone and specifying that it is the Minister's assessment does not prevent it from being contestable. Excluding land of cultural significance may also prevent conservation land that would otherwise be suitable for disposal from being available to relevant Iwi/hapū. National significance is also uncertain. For example, it may exclude disposal of land that has structures on it with a nationally significant architectural style. While this may warrant retaining the land, we would recommend allowing for more discretion in these types of circumstances. We recommend that this criterion is narrowed to only cover international significance, and that national significance and cultural significance become a consideration rather than a pass/fail test. Where particular sites are known to be significant and undesirable for disposal or exchange, they can be added to the list of excluded land in the Bill or added through the Order in Council mechanism by the Minister of Conservation at any time after the Bill passes. If you agree, this change can be drafted into the Bill and addressed with Cabinet when the Bill is approved for introduction.

Proposal	Recommendations	Decision	Analysis and advice
Commencement period for the Bill			
Commencement period for the Bill	21. **Agree** that the Bill will commence the day after Royal assent.		Commencement dates are typically set out in the legislation. There are several approaches you could take for determining when the Bill will commence (i.e. come into force as law). These include: • commencement on a specific date, (e.g. 1 January 2026) • formula-based commencement, such as the day after Royal assent or a set number of days following assent (e.g. 28 days), and • commencement by Order in Council. We recommend the Bill commence the day after Royal assent. This approach offers flexibility while still providing a predictable timeframe for implementation. Setting a specific commencement date would provide the most certainty to Treaty partners, concessionaires, applicants and other users of the system, but this could require later amendment if the legislative process is delayed.