Department of Conservation
Te Papa Atawbai

Briefing: Letters to PSGEs following Cabinet Decisions

Tos	Minister of Conservation	**Date submitted**	17 October 2025
Action sought	Approval to send attached letters to various groups to communicate Cabinet's recent decisions on upholding Treaty settlement commitments and Takutai Moana rights	**Priority**	Normal
Reference	25-B-0448	**DocCM**	DOC-10462058
Security Level	In Confidence	**Timeframe**	24 October 2025
Risk Assessment	High Risks to Crown-Māori relations and timeframes for the Conservation Amendment Bill		
Attachments	Attachment A – Letter to complex redress groups (T1) Attachment B – Letter to simple redress groups (T2) Attachment C – Letter to pre-settlement groups (T3) Attachment D – Letter to Te Rūnanga o Ngāi Tahu Attachment E – Letter to Takutai Moana applicants Attachment F – Letter to Ngā Hapū o Ngāti Porou Attachment G – Letter to Rakiura Tītī Committee Attachment H – Appendix of Tranche 1, 2 and 3 groups		

Contacts	
Name and position	**Phone**
Peter Galvin, Deputy Director General Policy	s9(2)(a)
Huia Forbes, Director Treaty Negotiations and Land	s9(2)(a)

Executive summary – Whakarāpopoto ā kaiwhakahaere

1. This briefing seeks your agreement to send the attached letters to Post-Settlement Governance Entities (**PSGEs**) and other affected groups, outlining Cabinet decisions on upholding Treaty settlement commitments and Takutai Moana rights through conservation law reform.
2. The letters advise PSGEs and others of Cabinet's decisions and will enable the next phase of engagement with PSGEs and other relevant groups.
3. Attached are seven different template letters to the following Treaty partners:
    - Tranche 1: Groups with complex redress
    - Tranche 2: Groups with simple redress
    - Tranche 3: Pre-settlement groups
    - Te Rūnanga o Ngāi Tahu
    - Takutai Moana applicants
    - Ngā Hapū o Ngāti Porou
    - Rakiura Tītī Committee
4. Next steps and timelines for engagement are provided at paragraph 11 of this briefing. DOC anticipates tailored proposals for complex redress to be sent to all PSGEs and Ngā Hapū o Ngāti Porou as soon as practical after your decisions on complex redress in late October, with detailed engagement to occur through to early 2026.
5. DOC has coordinated with Ministry for the Environment (**MfE**) officials to understand their engagement approach for Resource Management (**RM**) reforms. Where possible, we will seek to align timeframes to ensure consultation on respective reform processes is efficient.
6. Various PSGEs, iwi and hapū groups have raised concerns about potential impacts of reform on their Treaty settlement commitments and the level of engagement thus far. Sending the letters out in a timely manner will reduce the risk to Crown-Māori relationships.

We recommend that you … (Ngā tohutohu)

		Decision
a)	**Agree** to sign the attached letters	Yes / No
b)	**Note** next engagement steps with PSGEs	
c)	**Note** you will be receiving a briefing seeking approval of generic options for complex redress by the end of October	
d)	**Agree** that letters to applicants under the Takutai Moana Act will be sent by Te Tari Whakatau through their existing contact list	Yes / No

e)	**Note** that the rest of the letters will be sent by your office	

s9(2)(a)

Date: 21/10/2025

Peter Galvin
Deputy Director-General, Policy

Date: / /

Hon Tama Potaka
Minister of Conservation

Purpose – Te aronga

1. This briefing provides letters communicating Cabinet's recent decisions to post-settlement governance entities (**PSGEs**), groups who are still in negotiation of their Treaty settlements (**other groups**), Customary Marine Title (**CMT**) holders, and Takutai Moana applicants.

Background and context – Te horopaki

2. In June 2025, Cabinet made decisions regarding the Conservation Acts (Land Management) Amendment Bill (**the Bill**) (CAB-25-MIN-0213.01 refers). At this time, Cabinet invited you to report back on upholding relevant Treaty settlement commitments and arrangements to uphold rights under the Marine and Coastal Area (Takutai Moana) Act 2011 and the Ngā Rohe Moana o Ngā Ngāti Porou Act 2019, in consultation with the Minister for Treaty of Waitangi Negotiations.
3. In August 2025, you agreed to write to PSGEs (and groups in negotiations) following Cabinet decisions in September [25-B-0346 refers]. These letters would outline:
   - The Crown's aim of upholding the intent of Treaty settlement redress and working with PSGEs and other groups to seek to find mutually agreeable solutions, while recognising the need to change the conservation system and the Government's intention to introduce the Bill,
   - Cabinet's decisions and what redress will be included in the introduced Bill, and
   - Your plans to provide PSGEs with options for endorsement for more complex and material changes, and the process should that not be possible prior to enactment.
4. On 29 September 2025, Cabinet agreed to your proposals to uphold Treaty settlements and Takutai Moana rights in the Bill (CAB-25-MIN-0334.01 refers). In relation to Treaty settlement redress, Cabinet agreed:
   - to uphold redress relating to deeds of recognition, overlay classifications, decision-making frameworks, cultural materials and consultation on exchanges and disposals,
   - in principle to carry across to the new system:
     a. co-approval and/or co-development roles for PSGEs directly provided through Treaty settlements in relation to statutory planning documents; and
     b. the substantive effect of legal weightings provided through settlement redress,

- the Bill will include temporary arrangements preserving redress commitments to enable further engagement on about 45 more complex commitments prior to enactment.

5. In relation to Takutai Moana rights, Cabinet agreed:
   - to uphold the requirement for a CMT planning document to be considered by replacing references to conservation management strategies with area plans,
   - to preserve the requirement for the CMT group to have 40 working days to give or decline permission for a concession application to be considered; and
   - the Bill will include temporary arrangements in relation to the Ngā Hapū o Ngāti Porou arrangements to enable engagement with Ngā Hapū o Ngāti Porou before enactment.
6. Cabinet has delegated the authority to make decisions on replacing the temporary arrangements drafting following further engagement. Once the Bill has been introduced to the House, this delegated authority is subject to the usual parliamentary procedures. For example, you could recommend policy changes to a select committee or introduce an Amendment Paper for consideration by the House without the need for Cabinet approval. Ahead of enactment, when making decisions about temporary arrangement drafting under delegated authority from Cabinet, you must consult the Minister for Treaty of Waitangi Negotiations (for drafting relating to Ngā Hapū o Ngāti Porou arrangements and redress for Tranche 3 pre-settled groups).
7. Over the coming months, we will work with Crown Law Office and Parliamentary Counsel Office on the specific drafting for temporary arrangements and will update you in due course.
8. The attached letters advise iwi of Cabinet's decisions and will enable the next phase of engagement with PSGEs and other relevant groups.

Letters vary depending on the complexity of settlement commitments

9. There are different template letters for each of the tranches based on the complexity of existing Treaty settlement commitments, broadly:
   - Tranche 1 – approximately 28 settlements that have commitments that require more material changes to ensure the intent of the settlement is upheld through reform.
   - Tranche 2 – approximately 56 settlements that have commitments that we expect can be relatively easily upheld under the Bill, with some requiring only consequential amendments to settlements.
   - Tranche 3 – approximately 37 yet-to-settle groups with a redress commitment that could be impacted by the Bill.[1]
10. There are also four other letters to the following groups:
    - Te Rūnanga o Ngāi Tahu – outlining potential impact to their unique redress.
    - Ngā Hapū o Ngāti Porou – outlining the intention for the Bill to include "temporary arrangements" to enable further discussion prior to enactment.
    - Rakiura Tītī (Beneficial Islands) Committee – outlining the proposed changes to the Takutai Moana Act and offering engagement with officials.

[1] This includes redress commitments made by the Crown in Crown offers, Agreements in Principle, initialled and signed Deeds of Settlement, and settlement legislation

- All applicants under the Takutai Moana Act – outlining the proposed changes to the Takutai Moana Act and noting the avenue of select committee for sharing their views.

11. Given the large number of applicants under the Takutai Moana Act, that letter will be sent by Te Tari Whakatau through their existing contact list. Subject to your agreement, the rest of the letters will be sent electronically by your office.

Process of engagement

Timing for next engagement steps

12. The table below shows the next steps in engagement:

Week beginning 20 October 2025	DOC will contact PSGEs and relevant groups to advise that letters from the Minister outlining Cabinet's decisions will be sent.
Week beginning 20 October 2025	Subject to your approval and signature, your office and Te Tari Whakatau will send the attached letters to the relevant PSGEs and affected groups.
Week beginning 10 November 2025	You will receive a briefing seeking approval of generic options for complex redress. Your decisions will inform tailored proposals for PSGEs. You will also receive a bespoke Ngāi Tahu proposal for agreement.
October – November 2025	DOC officials will engage with Pou Taiao technicians and other agencies to continue to test and refine generic options for complex redress.
Week of 24 November 2025	DOC will send tailored proposals to all PSGEs and Ngā Hapū o Ngāti Porou as soon as practical after your decisions on complex redress, ideally in November
Early 2026	Detailed engagement between DOC and PSGEs.
Early 2026	*Meetings between MOC and specific PSGEs **may** need to occur.
Mid-April 2026	MOC decisions on upholding redress (translate, carve out, further discussions).

Ongoing PSGE engagement

13. Throughout the process, DOC officials remain available to meet with PSGEs at any stage. This has been communicated previously and is reiterated in the attached letters. While developing and finalising generic options for complex redress, PSGE views on how such redress should be translated through the reforms will continue to be sought.

14. s9(2)(i) [redacted]

15. It is possible that you may need to meet with certain groups in early 2026 to gain endorsement from PSGEs for the approach to upholding redress, before you make final decisions.

Risk assessment – Aronga tūraru

16. Various groups have raised significant concerns around the potential impact of the reforms on their Treaty settlements and the level of engagement in the process thus far. s9(2)(g)(i) [redacted]

s9(2)(g)(i) [redacted]

17. Sending the letters out as soon as possible after Cabinet decisions will minimise relationship risk by maintaining timely, transparent, and good faith engagement by the Crown, and by enabling PSGEs and other iwi and hapū groups to be well informed for further engagement. Departmental PSGE engagement leads will contact PSGEs prior to the letters being sent to support these relationships.

18. MfE officials are also engaging with many of the same groups on RM reform on a shorter timeframe. s9(2)(g)(i) [redacted]

19. The letters have been reviewed by the DOC legal team and Crown Law, although we are awaiting final review to ensure consistency with the language MfE are using to support their consultation with PSGEs.

Treaty principles (section 4) – Ngā mātāpono Tiriti (section 4)

20. All of the above sections relate to how the Crown can meet its Treaty obligations throughout the conservation law reform process.

21. Giving effect to Treaty principles requires meaningful engagement with PSGEs and other affected Māori groups. Providing further detail on upholding Treaty settlements and Takutai Moana rights will support informed decision-making and their ability to engage effectively in the reforms process.

Consultation – Kōrero whakawhiti

22. MfE and Crown Law have been consulted on the drafting of the attached letters and proposed approach.

23. Te Tari Whakatau and Te Puni Kōkiri have been provided with a copy of this briefing.

Financial implications – Te hīraunga pūtea

24. There are no financial implications for the actions required in this briefing. The ongoing engagement with PSGEs is funded from DOC baseline funding.

Next steps – Ngā tāwhaitanga

25. DOC will continue to engage with officials at MfE to ensure consultation with PSGEs is aligned as much as is practical.

26. Once you have agreed to and signed the letters, your office will send them directly to each PSGE. DOC will provide contact details to your office. Given the large number of applicants under the Takutai Moana Act, Te Tari Whakatau have agreed to distribute these letters via their existing contact list, subject to your agreement.

27. You will receive advice on generic options for upholding the intent of complex redress in early November for approval. Your decisions will inform proposals for each PSGE, to be sent as soon as practical after your decisions on complex redress are received.

ENDS

Hon Tama Potaka

Minister of Conservation
Minister for Māori Crown Relations
Minister for Māori Development
Minister for Whānau Ora
Associate Minister of Housing

3rd November 2025

[Full Name]
[Organisation]
[e-mail hyperlink]

Tēnā koe (1 person)/ Tēnā kōrua Person 1 rāua ko Person 2 (2 people)

Upholding Treaty settlement commitments through the Conservation Acts (Land Management) Amendment Act

I am writing to confirm Cabinet's recent decisions on an approach to upholding the Crown's Treaty settlement commitments through the Conservation Acts (Land Management) Amendment Bill (the **Bill**) and the intended process from here.

I appreciate the time you have already taken to work alongside the Department, including through submitting on the Department's discussion document, and other correspondence and meetings. Engagement with Treaty partners, including post-settlement governance entities (**PSGEs**) and pre-settled groups, has helped shape the proposals that were considered by Cabinet in September.

I recognise the importance of ensuring you have the right information available to understand how your Treaty settlement redress may operate under the revised conservation regulatory system. My officials remain available to meet at any stage as the process and, later, as the Bill progresses. The Department will send further information and analysis on providing for your redress in the new system before the introduction of the Bill.

Proposal for further engagement on upholding complex conservation redress

There are challenges for how some redress aligns with the proposed reform of the conservation system (described below as complex redress). The Crown remains committed to upholding the intent of your Treaty settlement redress and working alongside you to seek to find mutually agreeable solutions, while also progressing these reforms to enhance the efficiency and effectiveness of the conservation system.

To that end, I have asked officials to engage with you on this matter prior to the introduction of the Bill and alongside the select committee process.

To assist with the next phase of discussions, Cabinet has agreed in principle to carry across:

- co-approval and/or co-development roles for PSGEs into the new system where such roles are currently directly provided through Treaty settlements in relation to conservation management strategies (**CMS**), national park management plans (**NPMP**) and conservation management plans (**CMP**); and
- the substantive effect of existing legal weightings into the new system. For example, those which currently require decision makers to 'recognise and provide for' or 'take into account' certain matters when developing planning documents.

Additional detail on each of these redress types is attached to this letter.

The purpose of this next phase of engagement is to discuss how to best uphold the intent of your redress in the new system. Where complex redress has been identified, Cabinet has decided to include temporary arrangements in the Bill when it is first introduced to Parliament, with the expectation that these continue to be discussed with you and are revised after introduction. These temporary arrangements will set out how the intent of your redress could be upheld under the revised conservation system.

Following the select committee process, Cabinet has authorised me to make final decisions to update these temporary arrangements before the Bill is passed into law. This would be informed by both select committee and the proposed engagement.

Proposals for standard redress to be included in the Bill

The focus of our discussions to date has centred on providing for complex redress mechanisms in the new conservation system. However, most settlements that include complex redress also provide for what might be described as standard redress. I have been advised that this redress can operate largely as intended in the new system with minor change.

To that end, as outlined in the attachment to this letter, Cabinet has agreed to a range of proposals to ensure the ongoing operation of deeds of recognition, overlay classifications, decision-making framework redress, cultural materials redress, and statutory land management redress under the proposed reforms.

Next steps

My intention is for the Bill to be introduced in early 2026. The Department remains committed and available to meet with you at any stage of this process.

Please contact [PSGE engagement lead: Huia Forbes / Peter Galvin / Ewan Delany] to discuss this letter and to arrange a time to meet at [PSGE engagement lead contact info: email and phone].

Prior to the introduction of the Bill, the Department will write to you providing the temporary arrangements, analysis of your specific Treaty settlement redress and proposals for your consideration.

Although the select committee process will be available for you to share your views (and I encourage you to do so via that process as well), I have directed the Department to prioritise the proposed discussions with you before introduction and alongside the select committee process. It is important to me to understand your views on how best to uphold Treaty settlement redress, and for us to seek agreement where possible. The Department has funding available to support your engagement in this process.

Prior to receiving further information directly from the Department, you can find out more about the proposed reforms at www.doc.govt.nz/get-involved/have-your-say/all-consultations/2024-consultations/help-us-modernise-conservation-land-management.

Mauriora

Hon Tama Potaka
Minister of Conservation

Attachment: Overview of complex redress and Cabinet's decisions on standard redress

Additional detail on complex redress

Co-authorship or co-development of statutory plans

A number of settlements include commitments for the settling group (via the PSGE) to have a role in co-authoring or co-approving a CMP, NPMP, CMS or CMS content/chapter. Statutory planning redress often relates to areas of particularly high significance to Iwi/Hapū, where there was a desire for more intensive or collaborative management with the Crown.

Cabinet has agreed to proposed reforms which would replace CMSs, CMPs and NPMPs with a single layer of area plans. These area plans will be approved by the Minister of Conservation (the **Minister**) rather than by the Conservation Board or New Zealand Conservation Authority (**NZCA**) as is presently the case. Through these reforms, PSGEs will retain their nomination role for Conservation Boards or the NZCA, as is presently the case but these conservation boards (and the NZCA) will have a reduced role in the new system, no longer approving or revising statutory plans.

This is a change. However, the intention is that the reduction in the number of planning layers and centralised decision-making will lead to a more straightforward and coherent planning regime. The intention is that these changes will lead to a more straightforward and coherent planning regime. Further, it is intended through the reforms that Treaty partners will have better input in area plan development processes, through clarifying engagement requirements.

I consider that CMSs, CMS content/chapters, NPMPs and CMPs created through settlement should be preserved as their own area plans as far as practical in the new system.

Status of environmental plans / visions / strategies and legal weightings

A range of settlements provide co-management models over specific natural resources (such as a river or lake) where the relevant Iwi/Hapū can prepare (in conjunction with local authorities) a 'vision' or 'strategy' predominantly aimed at resource management.

In many of these instances, all or part of these documents are then given a 'legal weighting' under specific statutes, including the Conservation Act, so that the Director-General would have to 'recognise and provide for' or 'take into account' the strategy when preparing and approving conservation planning documents. In a few cases, these documents (or components of them) have the status of general policy or a CMP.

Other Treaty settlement commitments also require particular values or principles to be considered in the development of conservation planning documents.

The new National Conservation Policy Statement (**NCPS**) will replace statements of general policy. In addition, the introduction of a single layer of area plans, approved by the Minister, will remove the statutory plans from the conservation system that this redress targets.

The Department will write to you outlining proposals for how your specific Treaty settlement redress could be carried across to the revised system.

Proposals for standard redress to be included in the Bill

Cabinet decisions on deeds of recognition and overlay classifications

Deeds of recognition are a standard, non-exclusive, redress mechanism included in most comprehensive settlements with little variation. The deed of recognition includes a statement

of the settling group's association with the land and requires the Minister and the Director-General of Conservation (the **Director-General**) to consult and 'have regard to' the views of the PSGE in relation to specific sites when:

- preparing a CMS, CMP or NPMP; and
- undertaking certain operational management activities (for example, constructing structures, signs or tracks).

Overlay classifications are a powerful form of standard redress that apply to highly significant sites that continue to be administered by the Department. The redress includes a statement of values and protection principles (i.e. ways to avoid harming the values of the site).

Overlay classifications include requirements for the NZCA and conservation boards to 'have particular regard to' a statement of values and protection principles when *considering,* and consult the PSGE and 'have particular regard to' their views when *approving*, a CMS, CMP or NPMP. Overlay classifications also require the NZCA to give PSGEs an opportunity to make submissions on any significant concerns they have about a draft CMS, before approval. The NZCA and conservation boards will not have comparable roles in relation to area plans in the new system.

Cabinet has agreed to uphold deed of recognition and overlay classification redress by replacing references to CMSs, CMPs, and NPMPs with references to area plans.

In addition, Cabinet has also agreed to further uphold overlay classification redress, by requiring, consistent with the inputs of PSGEs in the current system:

- the Director-General to seek the views of Iwi (including relevant PSGEs) when preparing area plans, have particular regard to the overlay classification (i.e. the statement of values and protection principles created by the overlay classification) in that process, and provide a distinct opportunity to relevant PSGEs to make written comments prior to submitting an area plan for approval; and
- the Minister to have particular regard to the views of PSGEs as to the effect of the overlay classification when approving the area plan.

Cabinet decisions on decision-making framework redress and class concessions

Settlements sometimes include a decision-making framework (**DMF**) that requires consultation with PSGEs on statutory authorisations, including concession applications, in their area of interest. These settlement DMFs, in some cases, also include a process to identify categories of concessions that do or do not require engagement between the Department and the PSGE. Where settlement DMFs don't include a specific timeframe, they usually refer to a "reasonable" or "sufficient" timeframe for response.

Cabinet has agreed that, if their views are sought, Treaty partners will have 20 working days to provide their views on a concession application, or any longer timeframe specified by the Minister. Several settlements include a decision-making framework that requires consultation with PSGEs on statutory authorisations, including concession applications, and most of these specify that sufficient or reasonable time must be given for consultation – however, a small number of settlements include specific timeframes.

Cabinet has agreed to uphold DMF redress by preserving specified timeframes for response above 20 working days, where those exist in a relevant Treaty settlement. In all other cases, Ministerial discretion may be exercised to extend timeframes beyond 20 working days.

On 24 July 2025, Sam Thomas (Director of Policy) wrote to you providing an overview of the NCPS and its key proposals, including that the reforms will enable class concessions (such as pre-approved, exempt or prohibited activities). Class concessions will be used to:

- Exempt some activities (that currently require a concession) from requiring a concession. This includes activities where the cumulative effects are low and conditions can be standardised (for example small scale filming/photography and collection of air for scientific purposes). Applications involving easements, licenses or leases would not be exempt.
- Pre-approve some activities in advance, meaning it is possible to get a concession fairly easily subject to paying a fee and agreeing to certain, pre-set conditions. This would be for activities that are deemed low risk (for example guiding and drone use), but where there is a need to actively monitor or understand cumulative effects and where fees should be collected.
- Prohibit activities that are inconsistent with the conservation purpose for the land or where the adverse effects can't reasonably be avoided or mitigated.

The introduction of class concessions means that there are likely to be fewer individual concession applications that will trigger settlement DMFs.

Cabinet decisions on cultural materials redress

Cultural materials redress provides for the PSGE to authorise its members to collect or possess cultural materials (including dead protected wildlife) under streamlined authorisation processes or outside of the usual requirements for a permit or other authorisation under conservation legislation. An authorisation by the PSGE can only be issued if there is an agreed cultural materials plan in place between the PSGE and the Department or the Minister. The cultural materials provisions also include requirements for consultation with PSGEs when there are competing or third-party requests for cultural materials.

Cultural materials redress will continue to operate in the new system; however, the introduction of class concessions means some activities will be pre-approved or exempt from needing authorisation. There may be some uncertainty in the new system if existing cultural materials redress places greater controls on the ability of PSGE members to collect or possess cultural materials.

I consider it is important that PSGE members benefit from the reforms in the same way as the public. Where a pre-approved or exempt class concession overlaps with existing cultural materials redress, the Bill will clarify that PSGE members can collect or possess those cultural materials without requiring authorisation.

Cabinet decisions on statutory land management redress

Statutory land management requirements are included in some settlements for the Department to engage with a PSGE before it proposes disposal of conservation land, or if a third party notifies the Department that it intends to propose disposing of conservation land (such as local authorities who manage some conservation land).

Relationship agreements outline the consultation provisions that apply to statutory land management and specify that the PSGE must be provided with "sufficient information and time" to make informed comments and/or submissions in relation to a proposal.

Only a limited number of settlements (approximately 26) require the Department to consult with PSGEs on land exchange or disposal decisions.

Cabinet has decided to require Treaty partner consultation for all exchanges and disposals with a *minimum* consultation period of 30 working days, which will include all PSGEs. This upholds these settlement commitments by requiring consultation with Treaty partners (which would include relevant PSGEs), irrespective of whether there is a commitment to do so. The Minister must have regard to the cultural and historic significance of the land.

The operation of right of first refusal redress for exchanges and disposals is unaffected by the reforms.

Hon Tama Potaka

Minister of Conservation
Minister for Māori Crown Relations
Minister for Māori Development
Minister for Whānau Ora
Associate Minister of Housing

3rd November 2025

[Full Name]
[Organisation]
[e-mail hyperlink

Tēnā koe

Upholding Treaty settlement commitments through the Conservation Acts (Land Management) Amendment Bill

I am writing to confirm Cabinet's recent decisions on an approach to upholding the Crown's Treaty settlement commitments through the Conservation Acts (Land Management) Amendment Bill (the **Bill**) and the intended process from here.

I appreciate the time you have already taken to work alongside the Department, including through submitting on the Department's discussion document, and other correspondence and meetings. Engagement with Treaty partners, including post-settlement governance entities (**PSGEs**) and pre-settled groups, has helped shape the proposals that were considered by Cabinet in September.

The Department will continue to prioritise engagement with you before, and following, the introduction of the Bill and my officials remain available to meet at any stage.

Proposals for standard redress to be included in the Bill

In July 2025, Huia Forbes (Director Treaty Relationships) wrote to you setting out the Department's initial analysis on a range of standard redress included in your settlement. I have been advised that standard redress can operate largely as intended in the new system with minor change.

Cabinet decisions on deeds of recognition and overlay classifications

Cabinet has agreed to replace conservation management strategies, conservation management plans, and national park management plans with a single layer of "area plans", approved by the Minister of Conservation (the **Minister**) (rather than by the conservation board or the New Zealand Conservation Authority (**NZCA**)).

Deeds of recognition are a standard, non-exclusive, redress mechanism included in most comprehensive settlements with little variation. The deed of recognition includes a statement of the settling group's association with the land and requires the Minister and the Director-General of Conservation (the **Director-General**) to consult and "have regard to" the views of the PSGE in relation to specific sites when:

- preparing a conservation management strategy (**CMS**), conservation management plan (**CMP**) or national park management plan (**NPMP**); and
- undertaking certain operational management activities (for example, constructing structures, signs or tracks).

Overlay classifications are a powerful form of standard redress that apply to highly significant sites that continue to be administered by the Department. The redress includes a statement of values and protection principles (i.e. ways to avoid harming the values of the site).

Overlay classifications include requirements for the NZCA and conservation boards to "have particular regard to" a statement of values and protection principles when *considering*, and consult the PSGE and "have particular regard to" their views when *approving*, a CMS, CMP or NPMP. Overlay classifications also require the NZCA to give PSGEs an opportunity to make submissions on any significant concerns they have about a draft CMS, before approval. The NZCA and conservation boards will not have comparable roles in relation to area plans in the new system.

Cabinet has agreed to uphold deed of recognition and overlay classification redress by replacing references to CMSs, CMPs, and NPMPs with references to area plans.

In addition, Cabinet has also agreed to further uphold overlay classification redress, by requiring, consistent with the inputs of PSGEs in the current system:

- the Director-General to seek the views of Iwi (including relevant PSGEs) when preparing area plans, have particular regard to the overlay classification (i.e. the statement of values and protection principles created by the overlay classification) in that process, and provide a distinct opportunity to relevant PSGEs to make written comments prior to submitting an area plan for approval; and
- the Minister to have particular regard to the views of PSGEs as to the effect of the overlay classification when approving the area plan.

Cabinet decisions on decision-making framework redress and class concessions

Settlements sometimes include a decision-making framework (**DMF**) that requires consultation with PSGEs on statutory authorisations, including concession applications, in their area of interest. These settlement DMFs, in some cases, also include a process to identify categories of concessions that do or do not require engagement between the Department and the PSGE. Where settlement DMFs don't include a specific timeframe, they usually refer to a "reasonable" or "sufficient" timeframe for response.

Cabinet has agreed that, if their views are sought, Treaty partners will have 20 working days to provide their views on a concession application, or any longer timeframe specified by the Minister. Several settlements include a decision-making framework that requires consultation with PSGEs on statutory authorisations, including concession applications, and most of these specify that sufficient or reasonable time must be given for consultation – however, a small number of settlements include specific timeframes.

Cabinet has agreed to uphold DMF redress by preserving specified timeframes for response above 20 working days, where those exist in a relevant Treaty settlement. In all other cases, Ministerial discretion may be exercised to extend timeframes beyond 20 working days.

On 24 July 2025, Sam Thomas (Director of Policy) wrote to you providing an overview of the National Conservation Policy Statement (**NCPS**) and its key proposals, including that the reforms will enable class concessions (such as pre-approved, exempt or prohibited activities). Class concessions will be used to:

- Exempt some activities (that currently require a concession) from requiring a concession. This includes activities where the cumulative effects are low and conditions can be standardised (for example small scale filming/photography and

collection of air for scientific purposes). Applications involving easements, licenses or leases would not be exempt.

- Pre-approve some activities in advance, meaning it is possible to get a concession fairly easily subject to paying a fee and agreeing to certain, pre-set conditions. This would be for activities that are deemed low risk (for example guiding and drone use), but where there is a need to actively monitor and understand cumulative effects and where fees should be collected.
- Prohibit activities that are inconsistent with the conservation purpose for the land or where the adverse effects can't reasonably be avoided or mitigated.

The introduction of class concessions means that there are likely to be fewer individual concession applications that will trigger settlement DMFs.

Cabinet decisions on cultural materials redress

Cultural materials redress provides for the PSGE to authorise its members to collect or possess cultural materials (including dead protected wildlife) under streamlined authorisation processes or outside of the usual requirements for a permit or other authorisation under conservation legislation. An authorisation by the PSGE can only be issued if there is an agreed cultural materials plan in place between the PSGE and the Department or the Minister. The cultural materials provisions also include requirements for consultation with PSGEs when there are competing or third-party requests for cultural materials.

Cultural materials redress will continue to operate in the new system; however, the introduction of class concessions means some activities will be pre-approved or exempt from needing authorisation. There may be some uncertainty in the new system if existing cultural materials redress places greater controls on the ability of PSGE members to collect or possess cultural materials.

I consider it is important that PSGE members benefit from the reforms in the same way as the public. Where a pre-approved or exempt class concession overlaps with existing cultural materials redress, the Bill will clarify that PSGE members can collect or possess those cultural materials without requiring authorisation.

Cabinet decisions on statutory land management redress

Statutory land management requirements are included in some settlements for the Department to engage with a PSGE before it proposes disposal of conservation land, or if a third party notifies the Department that it intends to propose disposing of conservation land (such as local authorities who manage some conservation land).

Relationship agreements outline the consultation provisions that apply to statutory land management and specify that the PSGE must be provided with "sufficient information and time" to make informed comments and/or submissions in relation to a proposal.

Only a limited number of settlements (approximately 26) require the Department to consult with PSGEs on land exchange or disposal decisions.

Cabinet has decided to require Treaty partner consultation for all exchanges and disposals with a *minimum* consultation period of 30 working days, which will include all PSGEs. This upholds these settlement commitments by requiring consultation with Treaty partners (which would include relevant PSGEs), irrespective of whether there is a commitment to do so. The Minister must have regard to the cultural and historic significance of the land.

The operation of right of first refusal redress for exchanges and disposals is unaffected by the reforms.

Next steps

My intention is for the Bill to be introduced in early 2026. The Department remains committed and available to meet with you at any stage of this process.

I encourage you to share your views directly with the select committee through the public submissions process. However, I would also welcome direct engagement with my officials alongside that public-facing process. Please contact Arna Litchfield (Land Reclassification Manager) to arrange a time to meet at alitchfield@doc.govt.nz or on s9(2)(a) [redacted].

The Department has funding available to support your engagement in this process.

You can find out about the proposed reforms at www.doc.govt.nz/get-involved/have-your-say/all-consultations/2024-consultations/help-us-modernise-conservation-land-management

Mauriora

Hon Tama Potaka
Minister of Conservation

Hon Tama Potaka

Minister of Conservation
Minister for Māori Crown Relations
Minister for Māori Development
Minister for Whānau Ora
Associate Minister of Housing

3rd November 2025

[Full Name]
[Organisation]
[e-mail hyperlink]

Tēnā koe

Upholding Treaty settlement commitments through the Conservation Acts (Land Management) Amendment Act

I am writing to confirm Cabinet's recent decisions on an approach to upholding the Department of Conservation's Treaty settlement commitments through the Conservation Acts (Land Management) Amendment Bill (the **Bill**) and the intended process from here.

Cabinet's decisions extend to pre-settled groups where specific conservation-related redress has been formally offered by the Crown, whether collectively or individually. This includes redress commitments made by the Crown in Crown offers, Agreements in Principle, initialled and signed Deeds of Settlement, and introduced (but not yet enacted) settlement legislation.

I appreciate the time you have already taken to work alongside the Department, including through submitting on the Department's discussion document, and other correspondence and meetings. Engagement with Treaty partners, including post-settlement governance entities (**PSGEs**) and pre-settled groups, has helped shape the proposals that were considered by Cabinet in September.

I recognise the importance of ensuring you have the right information available to understand how your Treaty settlement redress may operate under the revised conservation regulatory system. My officials remain available to meet at any stage as the process and, later, as the Bill progresses. The Department will send further information and analysis on providing for your redress in the new system before the introduction of the Bill.

Proposal for further engagement on upholding complex conservation redress

There are challenges for how some redress aligns with the proposed reform of the conservation system (described below as complex redress). The Crown remains committed to upholding the intent of your Treaty settlement redress and working alongside you to seek to find mutually agreeable solutions, while also progressing these reforms to enhance the efficiency and effectiveness of the conservation system.

To that end, I have asked officials to engage with you on this matter prior to the introduction of the Bill and alongside the select committee process.

To assist with the next phase of discussions, Cabinet has agreed in principle to carry across:

- co-approval and/or co-development roles for PSGEs into the new system where such roles are directly provided through Treaty settlements in relation to conservation management strategies (**CMS**), national park management plans (**NPMP**) and conservation management plans (**CMP**); and

- the substantive effect of existing legal weightings into the new system. For example, those which currently require decision makers to 'recognise and provide for' or 'take into account' certain matters when developing planning documents.

Additional detail on each of these redress types is attached to this letter.

The purpose of this next phase of engagement is to discuss how to best uphold the intent of your redress in the new system. Where complex redress has been identified, Cabinet has decided to include temporary arrangements in the Bill when it is first introduced to Parliament, with the expectation that these continue to be discussed with you and are revised after introduction. These temporary arrangements will set out how the intent of your redress could be upheld under the revised conservation system.

Following the select committee process, Cabinet has authorised me to make final decisions to update these temporary arrangements before the Bill is passed into law. This would be informed by both select committee and the proposed engagement.

Proposals for standard redress to be included in the Bill

The focus of our discussions to date has centred on providing for complex redress mechanisms in the new conservation system. However, most settlements that include complex redress also provide for what might be described as standard redress. I have been advised that standard redress can operate largely as intended in the new system with minor change.

To that end, as outlined in the attachment to this letter, Cabinet has agreed to a range of proposals to ensure the ongoing operation of deeds of recognition, overlay classifications, decision-making framework redress, cultural materials redress, and statutory land management redress under the proposed reforms.

Next steps

My intention is for the Bill to be introduced in early 2026s. The Department remains committed and available to meet with you at any stage of this process.

Please contact [PSGE engagement lead: Huia Forbes / Peter Galvin / Ewan Delany] to discuss this letter and to arrange a time to meet at [PSGE engagement lead contact info email and phone].

Prior to the introduction of the Bill, the Department will write to you providing the temporary arrangements, analysis of your specific Treaty settlement redress and proposals for your consideration.

Although the select committee process will be available for you to share your views (and I encourage you to do so via that process as well), I have directed the Department to prioritise the proposed discussions with you before introduction and alongside the select committee process. It is important to me to understand your views on how best to uphold Treaty settlement redress, and for us to seek agreement where possible. The Department has funding available to support your engagement in this process.

Prior to receiving further information directly from the Department, you can find out more about the proposed reforms at www.doc.govt.nz/get-involved/have-your-say/all-consultations/2024-consultations/help-us-modernise-conservation-land-management.

Mauriora

Hon Tama Potaka
Minister of Conservation

cc: Hon Paul Goldsmith, Minister for Treaty of Waitangi Negotiations

Attachment: Overview of complex redress and Cabinet's decisions on standard redress

Additional detail on complex redress

Co-authorship or co-development of statutory plans

A number of settlements include commitments for the settling group (via the PSGE) to have a role in co-authoring or co-approving a CMP, NPMP, CMS or CMS content/chapter. Statutory planning redress often relates to areas of particularly high significance to Iwi/Hapū, where there was a desire for more intensive or collaborative management with the Crown.

Cabinet has agreed to proposed reforms which would replace CMSs, CMPs and NPMPs with a single layer of area plans. These area plans will be approved by the Minister of Conservation (the **Minister**) rather than by the Conservation Board or New Zealand Conservation Authority (**NZCA**) as is presently the case. Through these reforms, PSGEs will retain their nomination role for Conservation Boards or the NZCA, as is presently the case but these conservation boards (and the NZCA) will have a reduced role in the new system, no longer approving or revising statutory plans.

This is a change. However, the intention is that the reduction in the number of planning layers and centralised decision-making will lead to a more straightforward and coherent planning regime. The intention is that these changes will lead to a more straightforward and coherent planning regime. Further, it is intended through the reforms that Treaty partners will have better input in area plan development processes, through clarifying engagement requirements.

I consider that CMSs, CMS content/chapters, NPMPs and CMPs created through settlement should be preserved as their own area plans as far as practical in the new system.

Status of environmental plans / visions / strategies and legal weightings

A range of settlements provide co-management models over specific natural resources (such as a river or lake) where the relevant Iwi/Hapū can prepare (in conjunction with local authorities) a 'vision' or 'strategy' predominantly aimed at resource management.

In many of these instances, all or part of these documents are then given a 'legal weighting' under specific statutes, including the Conservation Act, so that the Director-General would have to 'recognise and provide for' or 'take into account' the strategy when preparing and approving conservation planning documents. In a few cases, these documents (or components of them) have the status of general policy or a CMP.

Other Treaty settlement commitments also require particular values or principles to be considered in the development of conservation planning documents.

The new National Conservation Policy Statement (**NCPS**) will replace statements of general policy. In addition, the introduction of a single layer of area plans, approved by the Minister, will remove the statutory plans from the conservation system that this redress targets.

The Department will write to you outlining proposals for how your specific Treaty settlement redress could be carried across to the revised system.

Proposals for standard redress to be included in the Bill

Cabinet decisions on deeds of recognition and overlay classifications

Deeds of recognition are a standard, non-exclusive, redress mechanism included in most comprehensive settlements with little variation. The deed of recognition includes a statement

of the settling group's association with the land and requires the Minister and the Director-General of Conservation (the **Director-General**) to consult and 'have regard to' the views of the PSGE in relation to specific sites when:

- preparing a CMS, CMP or NPMP; and
- undertaking certain operational management activities (for example, constructing structures, signs or tracks).

Overlay classifications are a powerful form of standard redress that apply to highly significant sites that continue to be administered by the Department. The redress includes a statement of values and protection principles (i.e. ways to avoid harming the values of the site).

Overlay classifications include requirements for the NZCA and conservation boards to 'have particular regard to' a statement of values and protection principles when *considering,* and consult the PSGE and 'have particular regard to' their views when *approving*, a CMS, CMP or NPMP. Overlay classifications also require the NZCA to give PSGEs an opportunity to make submissions on any significant concerns they have about a draft CMS, before approval. The NZCA and conservation boards will not have comparable roles in relation to area plans in the new system.

Cabinet has agreed to uphold deed of recognition and overlay classification redress by replacing references to CMSs, CMPs, and NPMPs with references to area plans.

In addition, Cabinet has also agreed to further uphold overlay classification redress, by requiring, consistent with the inputs of PSGEs in the current system:

- the Director-General to seek the views of Iwi (including relevant PSGEs) when preparing area plans, have particular regard to the overlay classification (i.e. the statement of values and protection principles created by the overlay classification) in that process, and provide a distinct opportunity to relevant PSGEs to make written comments prior to submitting an area plan for approval; and
- the Minister to have particular regard to the views of PSGEs as to the effect of the overlay classification when approving the area plan.

Cabinet decisions on decision-making framework redress and class concessions

Settlements sometimes include a decision-making framework (**DMF**) that requires consultation with PSGEs on statutory authorisations, including concession applications, in their area of interest. These settlement DMFs, in some cases, also include a process to identify categories of concessions that do or do not require engagement between the Department and the PSGE. Where settlement DMFs don't include a specific timeframe, they usually refer to a "reasonable" or "sufficient" timeframe for response.

Cabinet has agreed that, if their views are sought, Treaty partners will have 20 working days to provide their views on a concession application, or any longer timeframe specified by the Minister. Several settlements include a decision-making framework that requires consultation with PSGEs on statutory authorisations, including concession applications, and most of these specify that sufficient or reasonable time must be given for consultation – however, a small number of settlements include specific timeframes.

Cabinet has agreed to uphold DMF redress by preserving specified timeframes for response above 20 working days, where those exist in a relevant Treaty settlement. In all other cases, Ministerial discretion may be exercised to extend timeframes beyond 20 working days.

On 24 July 2025, Sam Thomas (Director of Policy) wrote to you providing an overview of the NCPS and its key proposals, including that the reforms will enable class concessions (such as pre-approved, exempt or prohibited activities). Class concessions will be used to:

- Exempt some activities (that currently require a concession) from requiring a concession. This includes activities where the cumulative effects are low and conditions can be standardised (for example small scale filming/photography and collection of air for scientific purposes). Applications involving easements, licenses or leases would not be exempt.
- Pre-approve some activities in advance, meaning it is possible to get a concession fairly easily subject to paying a fee and agreeing to certain, pre-set conditions. This would be for activities that are deemed low risk (for example guiding and drone use), but where there is a need to actively monitor and understand cumulative effects and where fees should be collected.
- Prohibit activities that are inconsistent with the conservation purpose for the land or where the adverse effects can't reasonably be avoided or mitigated.

The introduction of class concessions means that there are likely to be fewer individual concession applications that will trigger settlement DMFs.

Cabinet decisions on cultural materials redress

Cultural materials redress provides for the PSGE to authorise its members to collect or possess cultural materials (including dead protected wildlife) under streamlined authorisation processes outside of the usual requirements for a permit or other authorisation under conservation legislation. An authorisation by the PSGE can only be issued if there is an agreed cultural materials plan in place between the PSGE and the Department or the Minister. The cultural materials provisions also include requirements for consultation with PSGEs when there are competing or third-party requests for cultural materials.

Cultural materials redress will continue to operate in the new system; however, the introduction of class concessions means some activities will be pre-approved or exempt from needing authorisation. There may be some uncertainty in the new system if existing cultural materials redress places greater controls on the ability of PSGE members to collect or possess cultural materials.

I consider it is important that PSGE members benefit from the reforms in the same way as the public. Where a pre-approved or exempt class concession overlaps with existing cultural materials redress, the Bill will clarify that PSGE members can collect or possess those cultural materials without requiring authorisation.

Cabinet decisions on statutory land management redress

Statutory land management requirements are included in some settlements for the Department to engage with a PSGE before it proposes disposal of conservation land, or if a third party notifies the Department that it intends to propose disposing of conservation land (such as local authorities who manage some conservation land).

Relationship agreements outline the consultation provisions that apply to statutory land management and specify that the PSGE must be provided with "sufficient information and time" to make informed comments and/or submissions in relation to a proposal.

Only a limited number of settlements (approximately 26) require the Department to consult with PSGEs on land exchange or disposal decisions.

Cabinet has decided to require Treaty partner consultation for all exchanges and disposals with a *minimum* consultation period of 30 working days, which will include all PSGEs. This upholds these settlement commitments by requiring consultation with Treaty partners (which would include relevant PSGEs), irrespective of whether there is a commitment to do so. The Minister must have regard to the cultural and historic significance of the land.

The operation of right of first refusal redress for exchanges and disposals is unaffected by the reforms.

Hon Tama Potaka

Minister of Conservation
Minister for Māori Crown Relations
Minister for Māori Development
Minister for Whānau Ora
Associate Minister of Housing

Justin Tipa
Te Rūnanga o Ngāi Tahu

justin.tipa@ngaitahu.iwi.nz

Tēnā koe

Upholding Treaty settlement commitments through the Conservation Acts (Land Management) Amendment Act

I am writing to confirm Cabinet's recent decisions on an approach to upholding the Crown's Treaty settlement commitments through the Conservation Acts (Land Management) Amendment Bill (the **Bill**) and the intended process from here.

I appreciate the time you have already taken to work alongside the Department, including through your submission on the Department's discussion document, and the range of correspondence and meetings that have occurred between you and Department officials. Your engagement, as well as that with other Treaty partners, including post-settlement governance entities and pre-settled groups, has helped shape the proposals that were considered by Cabinet in September.

I acknowledge the unique nature of the Ngāi Tahu Settlement, given the large amount of public conservation land within your takiwā and your statutory role on the New Zealand Conservation Authority.

I recognise the importance of ensuring you have the right information available to understand how your Treaty settlement redress may operate under the revised conservation regulatory system. The Department will send a bespoke proposal for discussion on providing for your redress in the new system in November.

Proposal for further engagement on upholding complex conservation redress

There are challenges relating to how some redress aligns with the proposed reform of the conservation system (described below as complex redress). The Crown remains committed to upholding the intent of your Treaty settlement redress and working alongside you to seek to find mutually agreeable solutions, while also progressing these reforms to enhance the efficiency and effectiveness of the conservation system.

To that end, I have asked officials to engage with you on this matter prior to the introduction of the Bill and alongside the select committee process.

To assist with the next phase of discussions, Cabinet has agreed in principle to carry across:

- co-approval and/or co-development roles into the new system where such roles are directly provided through Treaty settlements in relation to conservation management strategies (**CMS**), national park management plans (**NPMP**) and conservation management plans (**CMP**); and

- the substantive effect of existing legal weightings into the new system. For example, those that currently require decision makers to 'recognise and provide for' or 'take into account' certain matters when developing planning documents.

Additional detail on each of these redress types is attached to this letter.

Nominations to the New Zealand Conservation Authority and Conservation Boards are unaffected by the reforms, but these bodies' role in decision-making is altered. Further discussion will be needed to explore how the intent of this redress can be upheld.

Where complex redress has been identified, Cabinet has decided to include temporary arrangements in the Bill when it is first introduced to Parliament, with the expectation that these are revised after introduction. These temporary arrangements will set out how the intent of your redress could be upheld under the revised conservation system.

The purpose of this next phase of engagement is to discuss how to best uphold the intent of your redress in the new system. Following the select committee process, Cabinet has authorised me to make final decisions to update these temporary arrangements before the Bill is passed into law.

Proposals for standard redress to be included in the Bill

The focus of our discussions to date has centred on providing for complex redress mechanisms in the new conservation system. However, most settlements that include complex redress also provide for what might be described as standard redress. I have been advised this redress can operate largely as intended in the new system with minor change.

To that end, as outlined in the attachment to this letter, Cabinet has agreed to a range of proposals to ensure the ongoing operation of deeds of recognition, overlay classifications, decision-making framework redress, cultural materials redress, and statutory land management redress under the proposed reforms.

Next steps

My intention is for the Bill to be introduced in early 2026. The Department remains available to meet with you at any stage of this process. I understand that regular hui have been occurring between the Department and Te Rūnanga o Ngāi Tahu representatives.

Prior to the introduction of the Bill, the Department will write to you providing the temporary arrangements, analysis of your specific Treaty settlement redress and proposals for your consideration.

Although the select committee process will be available for you to share your views (and I encourage you to do so via that process as well), I have directed the Department to prioritise the proposed discussions with you before introduction and alongside the select committee process. It is important to me to understand your views on how best to uphold your Treaty settlement redress, and for us to seek agreement where possible. Please contact Peter Galvin (Deputy Director-General Policy) at pgalvin@doc.govt.nz or s9(2)(a) [redacted] to discuss this letter further.

Prior to receiving further information directly from the Department, you can find out more about the proposed reforms at www.doc.govt.nz/get-involved/have-your-say/all-consultations/2024-consultations/help-us-modernise-conservation-land-management.

Mauriora

Hon Tama Potaka
Minister of Conservation

Attachment: Overview of complex redress and Cabinet's decisions on standard redress

Additional detail on complex redress

Co-authorship or co-development of statutory plans

A number of settlements include commitments for the settling group (via the PSGE) to have a role in co-authoring or co-approving a CMP, NPMP, CMS or CMS content/chapter. Statutory planning redress often relates to areas of particularly high significance to Iwi/Hapū, where there was a desire for more intensive or collaborative management with the Crown.

Cabinet has agreed to proposed reforms which would replace CMSs, CMPs and NPMPs with a single layer of area plans. These area plans will be approved by the Minister of Conservation (the **Minister**) rather than by the Conservation Board or New Zealand Conservation Authority (**NZCA**) as is presently the case. Through these reforms, PSGEs will retain their nomination role for Conservation Boards, and Ngāi Tahu on the NZCA, but these conservation boards (and the NZCA) will have a reduced role in the new system, no longer approving or revising statutory plans.

This is a change. However, the intention is that the reduction in the number of planning layers and centralised decision-making will lead to a more straightforward and coherent planning regime. The intention is that these changes will lead to a more straightforward and coherent planning regime. Further, it is intended through the reforms that Treaty partners will have better input in area plan development processes, through clarifying engagement requirements.

I consider that CMSs, CMS content/chapters, NPMPs and CMPs created through settlement should be preserved as their own area plans as far as practical in the new system.

Status of environmental plans / visions / strategies and legal weightings

A range of settlements provide co-management models over specific natural resources (such as a river or lake) where the relevant Iwi/Hapū can prepare (in conjunction with local authorities) a 'vision' or 'strategy' predominantly aimed at resource management.

In many of these instances, all or part of these documents are then given a 'legal weighting' under specific statutes, including the Conservation Act, so that the Director-General would have to 'recognise and provide for' or 'take into account' the strategy when preparing and approving conservation planning documents. In a few cases, these documents (or components of them) have the status of general policy or a CMP.

Other Treaty settlement commitments also require particular values or principles to be considered in the development of conservation planning documents.

The new National Conservation Policy Statement (**NCPS**) will replace statements of general policy. In addition, the introduction of a single layer of area plans, approved by the Minister, will remove the statutory plans from the conservation system that this redress targets.

Proposals for standard redress to be included in the Bill

Cabinet decisions on deeds of recognition and overlay classifications

Deeds of recognition are a standard, non-exclusive, redress mechanism included in most comprehensive settlements with little variation. The deed of recognition includes a statement of the settling group's association with the land and requires the Minister and the Director-General of Conservation (the **Director-General**) to consult and 'have regard to' the views of the PSGE in relation to specific sites when:

- preparing a CMS, CMP or NPMP; and
- undertaking certain operational management activities (for example, constructing structures, signs or tracks).

Overlay classifications are a powerful form of standard redress that apply to highly significant sites that continue to be administered by the Department. The redress includes a statement of values and protection principles (i.e. ways to avoid harming the values of the site).

Overlay classifications include requirements for the NZCA and conservation boards to 'have particular regard to' a statement of values and protection principles when *considering,* and consult the PSGE and 'have particular regard to' their views when *approving*, a CMS, CMP or NPMP. Overlay classifications also require the NZCA to give PSGEs an opportunity to make submissions on any significant concerns they have about a draft CMS, before approval. The NZCA and conservation boards will not have comparable roles in relation to area plans in the new system.

Cabinet has agreed to uphold deed of recognition and overlay classification redress by replacing references to CMSs, CMPs, and NPMPs with references to area plans.

In addition, Cabinet has also agreed to further uphold overlay classification redress, by requiring, consistent with the inputs of PSGEs in the current system:

- the Director-General to seek the views of Iwi (including relevant PSGEs) when preparing area plans, have particular regard to the overlay classification (i.e. the statement of values and protection principles created by the overlay classification) in that process, and provide a distinct opportunity to relevant PSGEs to make written comments prior to submitting an area plan for approval; and
- the Minister to have particular regard to the views of PSGEs as to the effect of the overlay classification when approving the area plan.

Cabinet decisions on decision-making framework redress and class concessions

Settlements sometimes include a decision-making framework (**DMF**) that requires consultation with PSGEs on statutory authorisations, including concession applications, in their area of interest. These settlement DMFs, in some cases, also include a process to identify categories of concessions that do or do not require engagement between the Department and the PSGE. Where settlement DMFs don't include a specific timeframe, they usually refer to a "reasonable" or "sufficient" timeframe for response.

Cabinet has agreed that, if their views are sought, Treaty partners will have 20 working days to provide their views on a concession application, or any longer timeframe specified by the Minister. Several settlements include a decision-making framework that requires consultation with PSGEs on statutory authorisations, including concession applications, and most of these specify that sufficient or reasonable time must be given for consultation – however, a small number of settlements include specific timeframes.

Cabinet has agreed to uphold DMF redress by preserving specified timeframes for response above 20 working days, where those exist in a relevant Treaty settlement. In all other cases, Ministerial discretion may be exercised to extend timeframes beyond 20 working days.

On 24 July 2025, Sam Thomas (Director of Policy) wrote to you providing an overview of the NCPS and its key proposals, including that the reforms will enable class concessions (such as pre-approved, exempt or prohibited activities). Class concessions will be used to:

- Exempt some activities (that currently require a concession) from requiring a concession. This includes activities where the cumulative effects are low and conditions can be standardised (for example small scale filming/photography and collection of air for scientific purposes). Applications involving easements, licenses or leases would not be exempt.
- Pre-approve some activities in advance, meaning it is possible to get a concession fairly easily subject to paying a fee and agreeing to certain, pre-set conditions. This would be for activities that are low risk (for example guiding and drone use), but where there is a need to actively monitor or engage cumulative effects and where fees should be collected.
- Prohibit activities that are inconsistent with the conservation purpose for the land or where the effects can't reasonably be avoided or mitigated.

The introduction of class concessions means that there are likely to be fewer individual concession applications that will trigger settlement DMFs.

Cabinet decisions on cultural materials redress

Cultural materials redress provides for the PSGE to authorise its members to collect or possess cultural materials (including dead protected wildlife) under streamlined authorisation processes or outside of the usual requirements for a permit or other authorisation under conversation legislation. An authorisation by the PSGE can only be issued if there is an agreed cultural materials plan in place between the PSGE and the Department or the Minister. The cultural materials provisions also include requirements for consultation with PSGEs when there are competing or third-party requests for cultural materials.

Cultural materials redress will continue to operate as intended in the new system, however, the introduction of class concessions means some activities will be pre-approved or exempt from needing authorisation. There may be some uncertainty in the new system if existing cultural materials redress places greater controls on the ability of PSGE members to collect or possess cultural materials.

I consider it is important that PSGE members benefit from the reforms in the same way as the public. Where a pre-approved or exempt class concession overlaps with existing cultural materials redress, the Bill will clarify that PSGE members can collect or possess those cultural materials without requiring authorisation.

Cabinet decisions on statutory land management redress

Statutory land management requirements are included in some settlements for the Department to engage with a PSGE before it proposes disposal of conservation land, or if a third party notifies Department that it intends to propose disposing of conservation land (such as local authorities who manage some conservation land).

Relationship agreements outline the consultation provisions that apply to statutory land management and specify that the PSGE must be provided with "sufficient information and time" to make informed comments and/or submissions in relation to the proposal.

Only a limited number of settlements (approximately 26) require the Department to consult with PSGEs on land exchange or disposal decisions.

Cabinet has decided to require Treaty partner consultation for all exchanges and disposals with a *minimum* consultation period of 30 working days, which will include all PSGEs. This upholds these settlement commitments by requiring consultation with Treaty partners (which

would include relevant PSGEs), irrespective of whether there is a commitment to do so. The Minister must have regard to the cultural and historic significance of the land.

The operation of right of first refusal redress for exchanges and disposals is unaffected by the reforms.

Hon Tama Potaka

Minister of Conservation
Minister for Māori Crown Relations
Minister for Māori Development
Minister for Whānau Ora
Associate Minister of Housing

3rd November 2025

Tēnā koutou

Upholding Takutai Moana rights through the Conservation Acts (Land Management) Amendment Act

I am writing to you in your capacity as an applicant (or as a representative of an applicant) under the Marine and Coastal Area (Takutai Moana) Act 2011 (the **Takutai Moana Act**) and to inform you of Cabinet's recent decisions regarding the reform of the conservation system through the Conservation Acts (Land Management) Amendment Bill (the **Bill**), and the intended process from here.

I have been consulting on proposals for the Bill since November 2024. These reforms are focused largely on modernising conservation land management, including significant changes to conservation management planning, concessions, and land disposal and exchange processes.

The Takutai Moana Act intersects with the conservation system in several important ways. Under the Takutai Moana Act, Customary Marine Title (**CMT**) holders have:

- a right for their CMT planning document to be taken into account by the Director-General when reviewing or amending a relevant conservation management strategy; and
- a conservation permission right: to consider applications for a concession, or an application to declare or extend a marine reserve, or a proposal to declare or extend a conservation protected area - relating to a conservation area within the coastal and marine area over which they hold CMT. The CMT holder has 40 days to give or decline permission for the Minister or Director-General (or delegate) to proceed to consider an application or proposal that is subject to the conservation permission right.

The CMT document will be taken into account in area plan development

The Government proposes for the Bill to replace conservation management strategies (and conservation management plans, and national park management plans) with a single layer of area plans, approved by the Minister (rather than by the Conservation Board or New Zealand Conservation Authority).

In removing conservation management strategies from the conservation system, further change is required to provide for CMT planning documents in the new conservation management system. Cabinet has agreed to uphold the requirement for a CMT planning document to be taken into account by replacing references to conservation management strategies with area plans. This ensures that the CMT planning document right is translated into the modernised conservation system, under the proposed reforms.

Private Bag 18041, Parliament Buildings, Wellington 6160, New Zealand | +64 4 817 6811 | t.potaka@ministers.govt.nz

The conservation permission right will retain a 40 working day timeframe

In general, there will be a default timeframe of 20 working days for Treaty partner consultation on a concession application, or any longer timeframe specified by the Minister. However, Cabinet has agreed to preserve the provision for a CMT group to have 40 working days to give or decline permission for a concession application (related to a conservation area over which they hold CMT) to be considered by the Minister (or delegate).

Next steps

My intention is for the Bill to be introduced in early 2026. I encourage you to share your views directly with the select committee through the public submissions process.

If you have any questions, you can contact landlegislation@doc.govt.nz.

You can also find out more about the proposed reforms at www.doc.govt.nz/get-involved/have-your-say/all-consultations/2024-consultations/help-us-modernise-conservation-land-management

Mauriora

Hon Tama Potaka
Minister of Conservation

cc: Hon Paul Goldsmith, Minister for Treaty of Waitangi Negotiations

Hon Tama Potaka

Minister of Conservation
Minister for Māori Crown Relations
Minister for Māori Development
Minister for Whānau Ora
Associate Minister of Housing

Nga Hapu o Waipiro Takutai Kaitiaki Trust

C/O Project Manager – Ngā Hapū o Ngāti Porou

takutai@tronp.org.nz

Tēnā koe

Upholding Ngā Hapū o Ngāti Porou rights through the Conservation Acts (Land Management) Amendment Act

I am writing to inform you of Cabinet's recent decisions regarding the reform of the conservation system in relation to the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019, and the intended process from here.

I have been consulting on proposals for the Conservation Acts (Land Management) Amendment Bill (the **Bill**) since November 2024. These reforms are focused largely on modernising conservation land management, including significant changes to conservation management planning, concessions, and land disposal and exchange processes.

In September, Cabinet considered a range of proposals to uphold the intent of Treaty settlement commitments, and arrangements to uphold rights under the Marine and Coastal Area (Takutai Moana) Act 2011 and the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019.

In relation to the Takutai Moana Act, Cabinet has agreed:

- To uphold the requirement for a Customary Marine Title (**CMT**) planning document to be taken into account by replacing references to conservation management strategies with area plans - given the intended change to introduce area plans will remove conservation management strategies from the conservation system that the CMT planning document targets.
- There will be a default timeframe of 20 working days for Treaty partner consultation on concessions. However, Cabinet has agreed to preserve the requirement for a CMT group to have 40 working days to give or decline permission for a concession application to be considered by the Minister (or delegate).

I recognise that the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 includes comparable, and additional, processes and rights to the Marine and Coastal Area (Takutai Moana) Act 2011. As such, similar amendments to the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 will also be required as part of the proposed conservation system reform.

Proposal to continue discussing upholding Ngā Hapū rights

The Crown remains committed to upholding the intent of Ngā Hapū o Ngāti Porou rights and working alongside you to seek to find mutually agreeable solutions, while also progressing reforms to enhance the efficiency and effectiveness of the conservation system.

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The purpose of this next phase of engagement is to discuss how to best uphold the intent of Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 rights in the new system. To that end, if this has not been resolved before introduction, Cabinet has decided to include temporary arrangements in the Bill when it is first introduced to Parliament, with the expectation that these are revised after introduction. These temporary arrangements will set out how Ngā Hapū rights could be upheld under the revised conservation system. I have asked officials to engage with you on this matter prior to the introduction of the Bill and alongside the select committee process.

Following the select committee process, Cabinet has authorised me to make final decisions to update these temporary arrangements before the Bill is passed into law.

Next steps

My intention is for the Bill to be introduced in early 2026. The Department remains committed and available to meet with you at any stage of this process.

Prior to the introduction of the Bill, the Department will write to you providing the temporary arrangements, analysis of Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 and proposals for your consideration.

Although the select committee process will be available for you to share your views (and I encourage you to do so via that process as well), I have directed the Department to prioritise discussions with you before introduction and alongside the select committee process. It is important to me to understand your views on how best to uphold Ngā Hapū rights, and for us to seek agreement where possible. The Department has funding available to support your engagement in this process.

I will then decide on providing for these rights in the new system prior to the enactment of the legislation, in consultation with the Minister for Treaty of Waitangi Negotiations.

Ewan Delany (Chief Advisor, Policy) will be in touch to discuss next steps in more detail.

If you have any questions, you can contact edelany@doc.govt.nz or on s9(2)(a) [redacted].

You can also find out more about the proposed reforms at www.doc.govt.nz/get-involved/have-your-say/all-consultations/2024-consultations/help-us-modernise-conservation-land-management

Mauriora

Hon Tama Potaka
Minister of Conservation

cc: Hon Paul Goldsmith, Minister for Treaty of Waitangi Negotiations

Hon Tama Potaka

Minister of Conservation
Minister for Māori Crown Relations
Minister for Māori Development
Minister for Whānau Ora
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Rakiura Tītī (Beneficial Islands) Committee

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Tēnā koutou

Upholding Takutai Moana rights through the Conservation Acts (Land Management) Amendment Act

I am writing to you in your capacity as a Customary Marine Title holder under the Marine and Coastal Area (Takutai Moana) Act 2011 (the **Takutai Moana Act**) and to inform you of Cabinet's recent decisions regarding the reform of the conservation system through the Conservation Acts (Land Management) Amendment Bill (the **Bill**) and the intended process from here.

I have been consulting on proposals for the Bill since November 2024. These reforms are focused largely on modernising conservation land management, including significant changes to conservation management planning, concessions, and land disposal and exchange processes.

The Takutai Moana Act intersects with the conservation system in several important ways. Under the Takutai Moana Act, Customary Marine Title (**CMT**) holders have:

- a right for their CMT planning document to be taken into account by the Director-General when reviewing or amending a relevant conservation management strategy; and
- a conservation permission right: to consider applications for a concession, or an application to declare or extend a marine reserve, or a proposal to declare or extend a conservation protected area - relating to a conservation area within the coastal and marine area over which they hold CMT. The CMT holder has 40 days to give or decline permission for the Minister or Director-General (or delegate) to proceed to consider an application or proposal that is subject to the conservation permission right.

The CMT document will be taken into account in area plan development

The Government proposes for the Bill to replace conservation management strategies (and conservation management plans, and national park management plans) with a single layer of area plans, approved by the Minister (rather than by the Conservation Board or New Zealand Conservation Authority).

In removing conservation management strategies from the conservation system, further change is required to provide for CMT planning documents in the new conservation management system. Cabinet has agreed to uphold the requirement for a CMT planning document to be taken into account by replacing references to conservation management

strategies with area plans. This ensures that the CMT planning document right is translated into the modernised conservation system, under the proposed reforms.

The conservation permission right will retain a 40 working day timeframe

In general, there will be a default timeframe of 20 working days for Treaty partner consultation on a concession application, or any longer timeframe specified by the Minister. However, Cabinet has agreed to preserve the provision for a CMT group to have 40 working days to give or decline permission for a concession application (related to a conservation area over which they hold CMT) to be considered by the Minister (or delegate).

The reforms will also enable class concessions (such as pre-approved, exempt or prohibited activities) through the new National Conservation Policy Statement (**NCPS**), including for activities within the coastal marine area. Class concessions will mean that there are likely to be fewer individual concession applications that will trigger the conservation permission right for CMT holders.

Class concessions will be used to:

- Exempt some activities (that currently require a concession) from requiring a concession. This includes activities where the cumulative effects are low and conditions can be standardised (for example small scale filming/photography and collection of air for scientific purposes). Applications involving easements, licenses or leases would not be exempt.
- Pre-approve some activities in advance, meaning it is possible to get a concession fairly easily subject to paying a fee and agreeing to certain, pre-set conditions. This would be for activities that are deemed low risk (for example guiding and drone use), but where there is a need to actively monitor or understand cumulative effects and where fees should be collected.
- Prohibit activities that are inconsistent with the conservation purpose for the land or where the adverse effects can't reasonably be avoided or mitigated.

Next steps

My intention is for the Bill to be introduced in early 2026.

Although the select committee process will be available for you to share your views (and I encourage you to do so via that process as well), I have directed the Department to prioritise discussions with you before introduction and alongside the select committee process.

Ewan Delany (Chief Advisor, Policy) will be in touch to discuss next steps in more detail.

If you have any questions, you can contact edelany@doc.govt.nz or on s9(2)(a) [redacted].

You can also find out about the proposed reforms at www.doc.govt.nz/get-involved/have-your-say/all-consultations/2024-consultations/help-us-modernise-conservation-land-management

Mauriora

Hon Tama Potaka
Minister of Conservation

cc: Hon Paul Goldsmith, Minister for Treaty of Waitangi Negotiations