Department of Conservation
Te Papa Atawbai

Cabinet Paper Talking Points: Modernising Conservation Land Management - Policy Approvals

To	Minister of Conservation		
Committee	Cabinet Economic Policy Committee (ECO)		
Date of meeting	25 June 2025		
Reference	25-K-0015	**DocCM**	DOC-10337910
Minister lead	Minister of Conservation		
DOC Contact/s	Ruth Isaac, Deputy Director-General, Policy and Regulatory Services – s9(2)(a) Sam Thomas, Director Policy – s9(2)(a)		
Security Level	In Confidence		

Purpose – Te aronga

1. You are taking a Cabinet paper to Cabinet Economic Policy Committee (ECO) on 25 June 2025 titled *Modernising Conservation Land Management: Policy Approvals*. It seeks agreement to your proposals to modernise key elements of the conservation system.
2. This memo provides you a brief outline of the key points in your Cabinet paper, suggested talking points and Q&As (see appendices) to support your attendance at ECO.

Proposals

3. The Cabinet paper seeks policy approvals so that drafting of legislation can commence.
4. Your proposals support economic growth by unlocking greater economic activity on public conservation land while protecting nature and our iconic landscapes.
5. Key proposals in the paper include:
    - creating a more streamlined, purposeful and flexible management planning system
    - setting clear process requirements and timeframes for concessions
    - establishing how and when concessions should be competitively allocated
    - establishing standard terms and conditions for concessions
    - enabling more flexible rules for exchanging and disposing conservation land
    - providing clarity around Treaty of Waitangi obligations in these processes, including engagement requirements and decision-making considerations.

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Talking points are attached to this memo

6. We recommend you highlight the following points with your Cabinet colleagues:

- **Fixing concessions and management planning is a conservation priority as agreed by Cabinet.** Cabinet agreed priorities for the conservation portfolio in August 2024 [ECO-24-MIN-0154]. This paper's proposals relate to the priority of fixing concessions and management planning.
- **Reform will provide for streamlined planning system.** The proposals will streamline and simplify management planning, reducing unnecessary barriers to activities on conservation land and creating a more enabling environment for appropriate activities.
- **Concessions will be processed faster.** Currently, individual decisions are required even for low-risk and largely similar activities. DOC's monthly processing rate has doubled when comparing April 2025 to April 2024, but volumes are rising, and the law can reduce efficiency**.** These proposals will take the churn out of dealing with each and every concession application by approving, exempting or prohibiting entire classes of activities.

  Proposals will make it easier to contestably allocate concession opportunities among multiple operators where demand is high to ensure fairness and economically efficient outcomes, ending the 'first in, first served' approach. It would also clarify that section 4 of the Conservation Act does not require concessions to be contestable, particularly for complex concessions with significant private investment (e.g. ski fields, hotels, tourism businesses).
- **Introducing new category of amenities areas.** Changes will broaden the types of conservation land they can be established on and make the process more efficient.
- **Enabling greater flexibility for land exchanges and disposal presents opportunities for conservation.** The proposals apply a net conservation benefit test for land exchanges (similar to what is in the Fast-track Approvals Act), and a new test for land disposals that support better conservation land management.
- **Clarifying how Treaty principles will be given effect to through legislation.** The proposals do not change the wording of section 4 of the Conservation Act 1987. However, they define clear requirements that will be deemed sufficient to comply with section 4 for the purposes of concessions, management planning and land transactions. The legislation will also be clear what section 4 does not require, such as making concessions contestable.
- **Treaty settlements and marine and coastal area rights will be upheld.** Many Treaty settlement commitments embed involvement of Treaty partners in planning and concessions processes. Engagement with Iwi including post-settlement governance entities (PSGEs) is ongoing to identify how to provide material equivalence for redress. The decisions sought in this Cabinet paper will not override Treaty settlements.

Next steps – Ngā tāwhaitanga

7. Your Cabinet paper will be considered by ECO on 25 June 2025. DOC officials will be available to support your attendance and answer questions as required.

8. Once proposals are approved, drafting of legislation will commence. Engagement with post-settlement governance entities will continue to determine how Treaty settlements will be upheld through these reforms. In the coming weeks you will receive briefings seeking decisions on this and other issues you are committing to report back to Cabinet on.

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9. You will also soon seek Cabinet decisions on access charging for conservation land to advance the priority of generating new revenue.

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Appendix 1: Talking points

Proposals relate to Cabinet endorsed priorities

- Last year, Cabinet agreed to law change to fix concessions, which are the permissions for economic activities on conservation land.
- Processing of concessions is too slow, the rules in legislation and statutory plans are too rigid, and there is too much uncertainty for applicants, decision makers and Treaty partners.
- Now that public consultation is complete, I am seeking your agreement to my proposals to modernise conservation land management so that a Bill can be drafted.
- These proposals support economic growth by unlocking greater economic activity on public conservation land while protecting nature and our iconic landscapes.

Fixing concessions and management planning

- The concessions system is a poor regulatory framework. It's expensive, slow, out of date and contradictory.
- I'm proposing changes to unlock greater economic activity on conservation land where the risks are manageable.
- My changes will create an effective and efficient conservation system, making concession decisions faster and providing clarity both for applicants and the government.
- These changes include:
    - replacing two general policies with one National Conservation Policy Statement (NCPS) that is approved by the Minister
    - replacing a complex hierarchy of planning documents with a single layer of area plans without outdated constraints
    - taking some concession applications out of the system by pre-approving or exempting them
    - creating statutory timeframes for concession decisions

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    - enabling longer terms for big, fixed assets with long lives
    - standardising pricing and terms and conditions

- These changes will allow drafting of legislation to begin. There is some further policy work required during drafting, and I expect getting Cabinet approvals in a few months' time on some matters.
- One such matter is the first NCPS. I recommend making the first NCPS through the Bill process. This will ensure a quick transition to the new planning system as the NCPS directs what goes into area plans and can override current plans if needed.
- I will seek Cabinet agreement to the content of the first NCPS in September 2025.
- Before this, there will be targeted consultation with Iwi, the New Zealand Conservation Authority and key stakeholders like major concessionaires, Federated Farmers and the Environmental Defence Society.

Competitive allocation of concessions

- The reforms will make it easier to use contestable processes to competitively allocate concession opportunities.
- This will drive economic outcomes and ensure fairness among operators where demand is high and there is limited supply. For example, for beehive permits or aircraft landing permits.
- I am seeking legislative changes to clarify that section 4 of the Conservation Act does not require concession opportunities to be made contestable, particularly for major concessions with significant private investment (e.g. ski fields, hotels, and tourism businesses).
- Section 4 requires giving effect to Treaty principles across a wide range of conservation processes.
- Some Iwi have expressed interest in applying for major concessions when they come up for renewal and have argued that section 4 requires making these opportunities available to them.

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- Some concessionaires however have significant concerns with this and see legal problems, especially where there has been significant investment in private property on conservation land.
- I will report back to Cabinet on the other circumstances where it might be appropriate to run a contestable process for major opportunities.

Enabling greater flexibility for land exchanges and disposals

- There is currently a very high bar for exchanges and disposals of conservation land – the land needs to have no or very low conservation value.
- I propose to enable exchanges and disposals in more circumstances.
- Like Fast-track approvals, land exchanges would be able to occur where there is a net conservation benefit.
- For disposals, there will be some conservation thresholds to meet, including ensuring:
    - Values on the land are not considered essential for indigenous biodiversity
    - Conservation values present are represented in other protected areas in the region
    - There are no rare or distinctive species or ecosystems, and,
    - The DG Conservation has recommended the disposal.
- The Minister of Conservation will also need to consider a few other factors such as cultural and historic significance, public access, Crown financial implications.
- Stronger protections are needed as these land transactions would not be subject to the economic significance threshold applied to fast-track projects.
- So, I propose excluding the same areas as fast-track as well as ecological areas, World Heritage Areas and land of national/international significance (e.g. Waipoua Forest, home of Tāne Mahuta).

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Clarifying how Treaty principles are given effect to through legislation

- Some of the delays in processing concessions and management planning can be attributed to bureaucratic and legal ambiguity about how to give effect to Treaty principles.
- As I mentioned earlier, Section 4 of the Conservation Act requires giving effect to Treaty principles in a wide range of conservation processes. I am not proposing to change this.
- However, I propose to add requirements throughout the Conservation Act that outline what is required to give effect to section 4 for various processes.
- Additionally, the drafting will clarify that for those processes, complying with those requirements will be sufficient for complying with section 4.
- That includes how Treaty partner consultation is supposed to occur across concessions and land management matters, and how Treaty rights and interests are considered in decision-making.
- Parliament's intent needs to be clear in the legislation, because there is risk of litigation when codifying section 4.
- These changes will provide clear direction about the boundaries of what section 4 does and does not require. For example, that section 4 does not require concession opportunities to be contestable.

Upholding Treaty settlements and marine and coastal area rights

- Many Treaty settlement commitments embed involvement of Treaty partners in conservation processes. These along with Takutai Moana rights will be upheld.
- Engagement with Iwi, including post-settlement governance entities, is ongoing to identify appropriate equivalence for redress.

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Appendix 2: Questions and answers

Question 1: How will the management planning changes help concession holders and those who operate on conservation land?	
Answer	The changes will improve DOC's regulatory practice by reducing the time and cost to write and review plans - ensuring they stay up-to-date and reflect current priorities. This means concession holders and businesses know what activities can be done at any place on conservation land. These proposals also help to deliver: ○ faster, more consistent and effective policies on the activities that can take place on public conservation lands, and, ○ more clarity on how Treaty rights and interests should be recognised and protected in conservation management planning. All of which will provide greater clarity and certainty for regulated parties.
Question 2: Will existing concessionaires have to compete for the right to continue to operate when their concession term expires?	
Answer	Many businesses that operate on conservation land need long-term certainty to make the kinds of investments needed to deliver a good experience for people. But we also want a system that does not completely 'lock in' important concessions with one holder; competition ensures the best business with the best offer gets a concession. These proposals seek to make it easier to competitively allocate economic opportunities on conservation land and provide more certainty for investment. There are cases where there has been significant private investment in fixed assets on conservation land. More work will be done to determine whether and in what situations it might be appropriate to run a contestable process for major

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	concession opportunities. I will be reporting back to Cabinet on that.
Question 3: Will changes allow for large amounts of conservation land to be sold off?	
Answer	No. Proposed changes aim to allow for the disposal of small discrete parcels of land, where it makes sense for conservation. Tests and consideration would need to be met to ensure the protection of conservation values. The proposed changes also aim to allow exchanges that achieve a net conservation benefit – that is, to allow land exchanges that actually increase conservation value. Areas with high conservation value are proposed to be disqualified from being eligible to be exchanged or disposed of.
Question 4: Who will manage the disposal process? Will land be transferred to LINZ for disposal?	
Answer	The Minister of Conservation is the decision-maker on disposals under the Conservation Act. However, under the status quo, reserves under the Reserves Act must first have their status revoked by the Minister of Conservation before then being considered for disposal as Crown land which is subject to the Land Act 1948. The disposal process in these cases is a Land Information New Zealand (LINZ) process. Para 56.8 of the paper notes that further work is required on whether processes for disposing of reserves should be aligned with processes for disposing of other conservation land. DOC will be engaging with LINZ on this point.

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Question 5: What happens to land which meets the disposal criteria but for which there is no willing buyer?	
Answer	The land would remain in the conservation estate.
Question 6: What are the expected fiscal impacts of changing how concessions are processed and allocated?	
Answer	These changes provide a framework for more standard concession pricing. Once the empowering provisions are in place, I will provide more information about estimated fiscal impacts when seeking Cabinet agreement to standard concession pricing through secondary legislation. This will include how revenue generation and allocation from concessions will contribute to DOC's broader financial sustainability programme.
Question 7: Will these changes open up more conservation land for mining?	
Answer	Decisions about whether to allow mining on conservation land are made under the Crown Minerals Act, not the Conservation Act.
Question 8: Will these changes make it easier to reclassify stewardship land?	
Answer	There is a separate process underway to reclassify stewardship land on the West Coast of the South Island. The proposed change to provide more flexibility to dispose of land, where it makes sense for conservation, may lead to more options for any future reclassification processes.

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Appendix 3: Copy of recommendations

The Minister of Conservation recommends that the Committee:

1 note in October 2024, Cabinet approved public consultation on changes to modernise conservation land management and invited the Minister of Conservation to report back with recommended legislative amendments [ECO-24-MIN-0235];

Policy approvals

2 agree to the proposals to modernise conservation land management as detailed in this paper and Appendix 1, which will:

2.1 streamline the conservation management planning system by replacing the Conservation General Policy and General Policy for National Parks with a National Conservation Policy Statement (NCPS);

2.2 replace conservation management strategies, national park management plans and conservation management plans with a single layer of areas plans;

2.3 enable the creation of amenities areas to provide for recreational and public amenities and related services on conservation land;

2.4 enable faster processing of concessions, including by specifying classes of activities;

2.5 streamline contractual management of concessions;

2.6 enable competitive allocation of concessions; and

2.7 enable greater exchange and disposal of conservation land.

3 direct the Minister of Conservation to report back on:

3.1 policies for the new NCPS which will unlock economic activity within appropriate constraints;

3.2 an appropriate mechanism for a financial contribution to Treaty partners for efficient engagement on statutory processes;

3.3 s9(2)(f)(iv) [redacted]

3.4 whether there are any situations in which leases and licences with significant private capital investment should be contestable;

Codifying section 4

4 agree to add an overall descriptive clause to the Conservation Act following section 4 with signals and signposts to new requirements in various other parts of the legislation;

5 note drafting will make clear that complying with these requirements will be sufficient to comply with section 4 (in relation to the relevant processes), subject to advice from Parliamentary Counsel Office;

6 agree the legislation will specify what section 4 does not require, such as making concessions contestable;

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7 note the Minister of Conservation will liaise with the Ministerial Oversight Group for the Treaty principles provisions review on any drafting issues that arise regarding section 4 and Treaty principles;

Treaty settlements and Takutai Moana rights

8 note the intent to uphold Treaty settlements through these reforms including redress commitments made by the Crown in Crown offers, Agreements in Principle, initialled and signed Deeds of Settlement, and settlement legislation;

9 direct the Minister of Conservation to report back on the following, after engagement with affected groups:

9.1 upholding relevant Treaty settlement commitments; and

9.2 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 consultation with the Minister for Treaty of Waitangi Negotiations);

Drafting of legislation

10 s9(2)(f)(iv) [redacted]

11 invite the Minister of Conservation to issue drafting instructions to the Parliamentary Counsel Office to give effect to decisions on this paper including appendices;

12 authorise the Minister of Conservation to make decisions consistent with this paper on issues that arise during drafting except those in recommendations 3 and 9;

13 agree to also include in the Bill, proposals agreed in 2022 but not enacted [ENV-22-MIN-0059] as listed in Appendix 2;

National Conservation Policy Statement

14 note the Minister of Conservation will seek policy approvals for the NCPS in September 2025 after targeted consultation;

15 delegate the authority to agree policy matters to be consulted on for the first NCPS to the Minister of Conservation, the Attorney-General, Minister for Tourism and Hospitality and the Minister for Resources;

Other policy proposals

16 note legislative amendments for the following could also be progressed through this Bill:

16.1 enabling charging for access to some conservation land, on which the Minister of Conservation will report to Cabinet in the coming weeks [ECO-24-MIN-0236]; and

16.2 s9(2)(f)(iv) [redacted]

Authorised for lodgement

Hon Tama Potaka

Minister of Conservation

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