

Cabinet Paper Talking Points: Further policy decisions for the Conservation Acts (Land Management) Amendment Bill

To	Minister of Conservation		
Committee	Cabinet		
Date of meeting	29 September 2025		
Reference	25-K-0032	DocCM	DOC-10451145
Minister lead	Conservation		
DOC Contact/s	Peter Galvin, Deputy Director-General, Policy – 9(2)(a) Sam Thomas, Director Policy – 9(2)(a)		
Security Level	In Confidence		

Purpose – Te aronga

1. On 29 September 2025, Cabinet is due to confirm decisions on your paper titled *Further policy decisions for the Conservation Acts (Land Management) Amendment Bill*. This paper was previously considered by the Cabinet Business Committee (CBC) on 22 September and has been updated following discussions at CBC (CBC-25-MIN-0049 refers).
2. This memo provides a brief outline of the matters in your Cabinet paper that have changed following CBC, suggested talking points and Q&As (see appendices).

Proposals

3. In June 2025, Cabinet made decisions to modernise the management of conservation land (CAB-25-MIN-0213.01 refers). You reported back to CBC on 22 September on a number of matters so that drafting of the Bill can continue.
4. Following CBC, you updated your paper on the following topics:
 - 9(2)(f)(iv) [redacted]
 - Financial contributions to third parties for their role in statutory processes: You are now proposing to provide a financial contribution, funded by a charge on concession applicants, to enable timely and effective third-party consultation 9(2)(f)(iv) [redacted] on concession applications. This will apply to consultation on applications other than through any public notification process.

Talking points are attached to this memo

5. We recommend highlighting the following points:
 - 9(2)(f)(i) [redacted]

- 9(2)(f)(iv) [REDACTED]
- Financial contributions for third party consultation costs:
 - **You propose a financial contribution to third party costs for consultation on concession applications, funded by a charge on concession applicants. This will support fast and meaningful participation in these processes.** Under the new settings, there will be significantly fewer concession applications that need processing – but for those that remain, new statutory timeframes require fast decisions and efficient consultation. Providing a nominal contribution to third party costs is appropriate and will support successful implementation of these reforms.
 - Further Cabinet decisions will be needed to set the quantum of the charge, the contribution level for third parties, and the eligibility for that contribution. **This is similar to the approach in the Fast-track Approvals Act 2024**, in which the primary legislation includes a broad enabling provision to enable financial contributions to consultation costs of third-party groups specified in secondary legislation.

Next steps – Ngā tāwhaitanga

6. The Cabinet paper has been updated to reflect CBC's decisions.
7. In the coming weeks:
 - You will receive briefings seeking further policy decisions required for Bill drafting, as well as the National Conservation Policy Statement (NCPS).
 - You are planning to seek Cabinet policy approval to begin drafting the first NCPS later this year.

ENDS

Appendix 1: Talking points

Reporting back on matters for conservation land management reform

- In June, Cabinet made policy decisions to modernise the management of conservation land. At the time, I committed to reporting back on some matters.
- At CBC last Monday, I sought decisions on a few such matters. We had some good discussions at CBC, and as a result I have updated my proposals on:
 - 9(2)(f)(iv) [REDACTED]
 - Financial contributions for third-party consultation costs.

9(2)(f)(i)

- [REDACTED]
- [REDACTED]
- [REDACTED]

Financial contributions for consultation costs

- I have amended my proposal on financial contributions for consultation on concession applications. These contributions will support timely and meaningful engagement, excluding any input provided through public notification.
- At CBC, we decided to broaden this contribution to all third parties who are consulted, 9(2)(f)(iv) [REDACTED].
- Some support is likely to lead to better quality consultation – rather than defaulting to objection, due to an inability to meaningfully engage.

- This will be funded by a charge on concession applications. Charging concessionaires is appropriate as the economic benefits of obtaining a concession – including faster and easier decisions through the improved system – accrue primarily to the applicant.
- I expect that the contributions will be nominal, rather than covering full costs.
- I will come back to Cabinet for further decisions on the quantum of the charge, the contribution level for third parties, and the eligibility for that contribution.
- This is similar to the charge in the Fast-track Approvals Act 2024: the primary legislation includes a broad enabling provision to enable financial contributions, with secondary legislation then specifying the third-party groups eligible to receive these.

Back pocket talking points about other concessions changes

- We agreed that the new National Conservation Policy Statement (NCPS) will identify:
 - Activities that don't need a concession at all.
 - Activities that are approved in advance. This means that applicants can get a concession with a simple click of a button online, after paying a fee and agreeing to simple terms and conditions.
- I expect the new classes of exempt or pre-approved activities will remove around 40% of existing concession applications from the system. This means that there will be significantly fewer concessions requiring individual processing.
 - For example, from January to June 2025 DOC received about 1,400 applications. Accounting for exempt and pre-approved activities, there would only be about 830 applications in that same period left needing individual processing.

- For other concessions that do need processing, we also agreed to statutory timeframes on concessions applications to speed up processing.
 - Currently, there are few statutory timeframes associated with consultation. In some cases this has pushed out to several months, delaying decisions.
 - Our changes to introduce new statutory timeframes, will add pressure on those consulted and impose stricter requirements on them.
- Consultation with third parties provides valuable information and supports informed and durable concession decisions. Timely consultation is also key for making fast decisions.

• 9(2)(f)(iv) [Redacted]
[Redacted]
[Redacted]

■ [Redacted]
[Redacted]

■ [Redacted]
[Redacted]

■ [Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

9(2)(f)(iv) [Redacted]
[Redacted]

Answer 9(2)(f)(iv) [Redacted]
[Redacted]

■ [Redacted]
[Redacted]
[Redacted]
[Redacted]

■ [Redacted]
[Redacted]
[Redacted]

■ [Redacted]
[Redacted]
[Redacted]
[Redacted]

■ [Redacted]
[Redacted]
[Redacted]
[Redacted]

9(2)(f)(iv)

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

9(2)(f)(iv)

[Redacted text block]

[Redacted text block]

[Redacted text block]

9(2)(f)(iv)

[Redacted text block]

	9(2)(f)(iv) [Redacted]
	9(2)(f)(iv) [Redacted]
Answer	<p>9(2)(f)(iv) [Redacted]</p> <p>[Redacted]</p>
<p>Question 7: Won't providing financial contributions for third party consultation set a precedent for other engagement processes across government?</p>	
Answer	<p>This charge will only cover consultation outside public notification processes on concession applications. Concessionaires are the primary beneficiary of that consultation. It does not include costs of other engagement DOC undertakes with the same stakeholders (e.g. for management planning).</p> <p>This is also not the first time this type of approach has been used – it is the approach for the Fast-track Approvals Act.</p>

Question 8: Will a charge for third party consultation increase costs on concessionaires compared to the status quo?

Answer

Yes – this will increase the cost of applying for concessions. However, DOC has historically under-recovered concession costs, meaning some costs are currently borne by the taxpayer rather than those who use and benefit from the system.

In addition:

- As approximately 40% of existing concession applications will be covered by exempt or pre-approved activities under the new system, the total costs associated with this proposal would be lower than under current settings. For example, about 1,400 concession applications were received from January to June 2025. Based on a similar six-month period, under the new settings, only about 830 applications would likely require individual processing.
- Third parties (including Treaty partners) are not consulted on every application. Changes we are making to clarify the Treaty clause in the Conservation Act and other process improvements will streamline this process.
- New timeframes for decisions (including on Treaty partner consultation) will speed up processing, and could offset any impact of the charge.

Question 9: Who does DOC consult with outside of Treaty partners? Who could be eligible for the contribution?

Answer

At present, third party consultation on concession applications (i.e. outside the notification process) tends to be with:

- Treaty partners: this arises from Treaty settlements and section 4. Treaty partners are the type of third party most often consulted with.

	<ul style="list-style-type: none"> • Conservation boards. • Local authorities. <p>Consultation with any other third parties tends to be based on the particular details of an application (e.g. with specific parties who may be impacted or have relevant interests).</p> <p>I will seek Cabinet’s decisions on eligibility later, to inform drafting of secondary legislation.</p>
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Question 10: What is likely additional cost to applicants from this charge, and what is the likely contribution to consulted third parties?

Answer	<p>DOC will give me further advice on an appropriate quantum for the charge, as well as the contribution level for third parties.</p> <p>It is important that the charge is reasonable and doesn’t lead to significant cost increases for applicants, while also making sure that the contribution is suitable to support timely and meaningful engagement.</p> <p>The charge would only be a contribution toward the costs incurred by third parties when consulted on concession application. It would be a nominal amount rather than covering full costs.</p>
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Question 11: Why should concession applicants be expected to fund consultation with third parties, which could be their competitors? If the Crown feels obliged to consult, shouldn’t the Crown compensate them for their time?

Answer	<p>The concession system is user pays. This approach is appropriate as the economic benefits of a concession accrue primarily to the applicant. 9(2)(g)(i)</p> <p>[REDACTED]</p> <p>[REDACTED]</p>
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9(2)(g)(i)

A charge on concessionaires for this would be consistent with the rest of the cost recovery regime for concession processing and management.

There is some risk of potential competitors being consulted and remunerated. Generally, this tends to happen during public notification, which is out of scope for the contributions. My officials will consider this issue further when advising on eligibility for the contributions.

Appendix 3: Copy of Recommendations

The Minister of Conservation recommends that the Committee:

1. **note** a Bill is being drafted to give effect to Cabinet decisions to modernise conservation land management [CAB-25-MIN-0213.01];
2. **note** in June 2025, Cabinet invited the Minister of Conservation to report back on a range of matters, including those described in this paper [CAB-25-MIN-0213.01]:

Upholding Treaty settlements

3. **agree** to uphold redress relating to deeds of recognition, overlay classifications, decision-making frameworks, cultural materials and consultation on exchanges and disposals as described in this paper;
4. **agree** in principle to carry across to the new system:
 - 4.1. co-approval and/or co-development roles for PSGEs directly provided through Treaty settlements in relation to statutory planning documents; and
 - 4.2. the substantive effect of legal weightings provided through settlement redress;
5. **agree** the Bill will include temporary arrangements preserving redress commitments to enable further engagement on about 45 more complex commitments prior to enactment;
6. **delegate** authority to the Minister of Conservation to make final decisions, in consultation with the Minister for Māori Development, to replace drafting relating to temporary arrangements for complex redress;
7. **note** the Minister of Conservation will consult the Minister for Treaty of Waitangi Negotiations on outcomes of talks with groups in negotiation before making decisions;

Upholding Takutai Moana rights

8. **agree** to uphold the requirement for a CMT planning document to be considered by replacing references to conservation management strategies with area plans;
9. **9(2)(f)(iv)**
10. **agree** 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;
11. **delegate** authority to the Minister of Conservation to make final decisions, in consultation with the Minister for Treaty of Waitangi Negotiations, to replace drafting relating to temporary arrangements for the Ngā Hapū o Ngāti Porou arrangements;

A mechanism for financial contributions **9(2)(f)(iv)**

12. **agree** to enable disbursing funds collected from concession applicants to help meet costs of statutory consultation on those applications;

Contestability of leases and licences with significant private capital investment

13. **agree** incumbent operators for major tourism concessions involving significant private capital investment will have a protected window from 2 to 5 years before expiry of the current concession to apply for a new concession;

Other matters

14. 9(2)(f)(iv)
- [Redacted text]

Drafting of legislation

15. **invite** the Minister of Conservation to issue drafting instructions to the Parliamentary Counsel Office to give effect to the above decisions through the Bill; and
16. **authorise** the Minister of Conservation to make decisions consistent with this paper on issues that arise during drafting.

Authorised for lodgement

Hon Tama Potaka
Minister of Conservation