

In Confidence

Office of the Minister of Conservation

Cabinet Business Committee

Further policy decisions for the Conservation Acts (Land Management) Amendment Bill

Proposal

- 1 This paper seeks remaining policy decisions relating to the Conservation Acts (Land Management) Amendment Bill.

Relation to Government priorities

- 2 These proposals support economic growth by unlocking activity on conservation land while protecting biodiversity and nature, and our iconic landscapes.

Executive summary

- 3 In June 2025, Cabinet made decisions to modernise the management of conservation land (CAB-25-MIN-0213.01 refers). These will drive greater economic activity on conservation land where effects can be managed, while protecting nature. At the time, Cabinet invited me to report back on a number of matters including:
 - 3.1 Upholding the intent of Treaty settlements and Takutai Moana rights;
 - 3.2 Financial contributions to Treaty partners for their role in statutory processes; and
 - 3.3 Circumstances in which leases and licences with significant private capital investment should be contestable.
- 4 There are approximately 700 specific Treaty settlement commitments across 85 completed settlements that require amendment to operate in the context of these reforms. I propose the following approach to upholding these commitments in the Bill:
 - 4.1 Translating redress that can be upheld with minor consequential amendments (approximately 90% of relevant Treaty settlement commitments); and
 - 4.2 Including temporary arrangements preserving redress that may require more complex and material changes in the Bill (approximately 45 Treaty settlement commitments), and committing to working with post-settlement governance entities (PSGEs) prior to enactment to discuss replacing the placeholder drafting.
- 5 We have engaged and consulted with many Iwi and Māori representatives over the past year on indicative reforms. However, I intend to write to PSGEs expressing the Crown's aim to uphold the intent of their settlement redress within the context of these reforms, and to work with them on options for how redress will operate in the new legislative environment where more complex and material changes may be needed. It may be necessary for some of these discussions to continue beyond introduction and in parallel to the select committee process.

- 6 This paper also seeks agreement to several other matters for the Bill. I propose providing financial contributions for consultation on concession applications in a similar manner to the Fast-track Approvals Act 2024. This will ensure concession decisions can be made faster, in line with new statutory timeframes, and ensure transparency and certainty of fees and consultation requirements.
- 7 I also propose, for major tourism concessions with significant private capital investment, that the Minister of Conservation must notify the incumbent at least five years before term expiry if they intend to run a contestable process to allocate the concession upon expiry. If not, there will be a protected window for incumbents to be able to apply for a new concession before any other applicants.
- 8 Finally, this paper provides an update on decisions I have made about amending the purpose statement of the Conservation Act 1987, as directed by Cabinet. I am making incisive changes to the legislation, namely to section 6 (the functions of the Department of Conservation), Part 3A and Part 3B, to ensure that the National Conservation Policy Statement (NCPS) and area plans can contain more enabling policies, which can then be given effect in concession decisions.

Background

- 9 In June 2025, Cabinet made policy decisions to modernise and simplify the management of conservation land (CAB-25-MIN-0213.01 refers). These reforms will speed up regulatory decisions, enable biodiversity protection and unlock greater economic activity on conservation land where the risks are manageable.
- 10 At the time, Cabinet invited me to report back on several matters. Cabinet also directed me to amend the purpose statement for the Conservation Act to ensure the NCPS and area plans can enable greater economic development on conservation land.

Remaining policy decisions relating to the Bill

- 11 I seek decisions for the Bill on the following matters:
- 11.1 An approach to upholding the intent of Treaty settlement commitments;
 - 11.2 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);
 - 11.3 A mechanism for financial contributions to Treaty partners for participation in specific conservation statutory processes; and
 - 11.4 Contestability of leases and licences with significant private capital investment.

Approach to upholding Treaty settlement commitments and Takutai Moana rights

Upholding Treaty settlement commitments

- 12 DOC has more than 3,000 Treaty settlement commitments. Of these, around 700 specific commitments across approximately 85 settlements will require amendment to continue to operate in the new system. These range from very minor changes (e.g. changing references from “conservation management plan” to “area plan”) to complex and material changes.
- 13 The Department of Conservation (DOC) has been engaging with PSGEs and certain pre-settlement groups since November 2024 on how to uphold the intent of commitments affected by these reforms. While some PSGEs have acknowledged the potential benefits of

the reforms, most have sought further detail on the design of the new system, and others have expressed degrees of opposition to the changes.

- 14 In general, PSGEs expect the Crown will seek their agreement before introducing legislation that will affect settlements.

- 15 s9(2)(h) [REDACTED]

- 16 s9(2)(h) [REDACTED]

Proposal for upholding Treaty settlements

- 17 My proposed approach has four key elements:
- 17.1 Translating approximately 700 commitments through minor consequential changes in the Bill so they can operate as intended (called ‘standard redress’ in this paper);¹
 - 17.2 Including temporary arrangements in the Bill preserving about 45 commitments, which will need more complex and material changes (called ‘complex redress’);²
 - 17.3 Committing to working with PSGEs prior to enactment to discuss replacement drafting for upholding the intent of the complex redress; and
 - 17.4 Writing to PSGEs to confirm the Crown’s aim is to uphold the intent of Treaty settlement redress through these reforms.

Upholding standard redress commitments

- 18 Cabinet has previously decided to replace current statutory planning documents³ with a single layer of area plans, and for DOC and the Minister of Conservation to be responsible for developing and approving these respectively. Minor tweaks to settlements are therefore required to ensure certain standard redress works as intended in the new system.

- 19 To uphold standard redress, I seek Cabinet’s approval to the below:

Deeds of recognition	Replace references to current statutory planning documents with area plans.
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¹ Approximately 90% of DOC’s relevant Treaty settlement commitments. This is made up of approximately 500 deeds of recognition across approximately 45 settlements; 15 decision-making frameworks (that provide for PSGE involvement in concessions decision-making processes); 114 overlay classifications across 40 settlements; 64 items of cultural materials redress; and 26 statutory land management provisions.

² Approximately 45 complex redress commitments. Co-authorship or co-approval of conservation management plans or national park management plans (15 settlements); co-authorship or co-approval of conservation management strategies or conservation management strategies chapters (12 settlements); overlapping planning redress (4 settlements); nomination to the NZCA (1 settlement); nomination to Conservation Boards (13 settlements); and the status of environmental strategies, visions and plans and legal weightings.

³ Conservation management strategies, conservation management plans, and national park management plans.

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Overlay classifications (in addition to row above)	Require Director-General of Conservation to seek Iwi views (including relevant PSGEs) when preparing area plans; to have particular regard to any overlay classification in that process; and to give relevant PSGEs opportunity to comment if they have concerns about a draft area plan in relation to an overlay area, before submitting an area plan for approval. Require Minister of Conservation to have particular regard to PSGEs' views as to effect of overlay classification when approving area plan.
Decision-making frameworks	Preserve specified timeframes for response in decision-making frameworks where greater than the default timeframe already agreed by Cabinet.
Cultural materials	Clarify that PSGE members can collect or possess cultural materials in the new system even if that ability is more permissive (e.g. through new exempt or pre-approved activities) than in a relevant Treaty settlement.
Consultation on exchanges and disposals	Cabinet decisions to require consultation with Treaty partners ahead of any exchange or disposal will uphold all settlement commitments (in about 26 settlements) that require consultation on these matters.

More time and clarity is required to engage with PSGEs on complex redress

- 20 Given the complexity of the remaining redress, I propose working with PSGEs and groups in negotiations to seek to find mutually agreeable solutions but recognise that might not be achievable. I seek Cabinet's decision in principle to carry across into the new system:
- 20.1 Co-approval and/or co-development roles for PSGEs where such roles are directly provided through Treaty settlements in relation to current statutory planning documents;⁴ and
 - 20.2 The substantive effect of existing legal weightings, which require decision makers to (for example) have regard to certain matters when developing planning documents.
- 21 The Bill, as introduced, will contain temporary arrangements preserving complex redress, subject to further decisions. I seek delegated authority from Cabinet to replace these placeholders (in consultation with the Minister for Māori Development) before enactment, based on the outcome of further discussions with PSGEs and the select committee process.
- 22 I propose, immediately following Cabinet consideration, to write to all PSGEs and groups in negotiations outlining:
- 22.1 The Crown's aim of upholding the intent of Treaty settlement redress and working with PSGEs to seek to find mutually agreeable solutions, while recognising the need to adjust the conservation system and the Government's intention to introduce the Bill;
 - 22.2 Cabinet's decisions and what redress will be included in the introduced Bill; and
 - 22.3 My plans to provide them with options for endorsement for more complex and material changes, and the process should that not be possible before enactment.
- 23 DOC will continue to work alongside other agencies to gain efficiencies for both the Crown and PSGEs through various reform processes, including where they require amendments to settlement legislation (e.g. resource management reform).

⁴ Conservation management strategies, conservation management plans, and national park management plans.

Upholding Takutai Moana rights

- 24 The reforms will need to uphold the rights of Māori under the Marine and Coastal Areas (Takutai Moana) Act 2011, including customary marine title (CMT) holders.
- 25 There are currently two groups with CMT rights.⁵ Under the Takutai Moana Act, 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. They also have a right to review any concessions relating to a conservation area within the coastal and marine area over which they hold CMT. I recommend these rights are upheld by replacing references to conservation management strategies with area plans, and maintaining the timeframe for response on concessions. I do not anticipate any significant impacts on the overall efficient functioning of the new system as a result of these decisions.
- 26 I also propose engaging in more detail with existing CMT holders before enactment. For Ngā Hapū o Ngāti Porou arrangements, I seek Cabinet approval to include in the Bill temporary arrangements preserving existing rights, to be updated before enactment based on further engagement. I seek delegated authority from Cabinet to replace these placeholders (in consultation with the Minister for Treaty of Waitangi Negotiations) before enactment. In addition, I intend to write to all current applicants under the Takutai Moana Act prior to introduction of the Bill to inform them of the planned changes, and invite them to engage through the select committee process to share their views.

A mechanism for financial contributions

- 27 Our decisions in June 2025 will speed processing and lower costs for many applicants. Straightforward applications will also be removed from the system by either being exempt from needing a concession, or by being pre-approved. I expect around 40% of existing concession applications will be captured. Examples of activities I am considering exempting or pre-approving are below, and I will seek Cabinet agreement to these in the coming months.

Potential exempt activities	Potential pre-approved activities
- News of the day filming and photography - Small-scale recreational events - Small-scale recreational filming and photography - Collection of air or water for research purposes	- Guiding (e.g. guided walking, guided biking, horse-trek guiding, rock climbing, white-water rafting, four-wheel driving) - Transportation (e.g. commercial boat/bus transport) - Drone use - Collection of soil, rock, plant and non-protected wildlife for research purposes - Small- and medium-scale commercial events - Small- and medium-scale commercial filming and photography

- 28 New statutory timeframes on concession applications mean remaining concession applications will be processed faster. Currently, there are few statutory timeframes associated with consultation, and in some cases this has pushed out to several months. Our changes will introduce new statutory timeframes, including a default Treaty partner consultation timeframe of 20 working days.

⁵ Ngā Hapū o Ngāti Porou (arising from the Ngā Hapū o Ngāti Porou legislation); and Rakiura Tītī (Beneficial Islands) Committee (arising from the Takutai Moana Act).

- 29 In June, Cabinet invited me to report back on an appropriate mechanism for financial contributions to Treaty partners for efficient engagement on statutory processes. I, however, consider that the Bill does not need to determine this eligibility detail, noting the Cost Recovery Impact Statement (CRIS) prepared by DOC reflects Cabinet's invitation.
- 30 I propose the Crown provides a financial contribution, funded by a charge on concession applicants, to best enable timely and effective third-party consultation in these statutory processes (excluding public notification). This would be similar to the charge in the Fast-track Approvals Act 2024.⁶
- 31 Charging applicants is appropriate as the economic benefits of obtaining a concession accrue primarily to the applicant. This means that a cost recovery mechanism is appropriate to fund support for consultation on these concessions. While the contributions are unlikely to completely cover costs, they will support meaningful participation in these processes.
- 32 The intent is to ensure a transparent and certain process for fees and consultation requirements, to benefit both concessionaires and those being consulted on applications. Currently, applicants pay for the costs of processing their concession applications. This does not cover costs associated with DOC's third-party consultation on applications.
- 33 Without sufficient support, the effectiveness of consultation may be undermined even if statutory timeframes are met. Consultation provides decision-makers with valuable information (e.g. on Treaty rights and interests), supporting informed and durable decision-making.
- 34 As approximately 40% of existing concession applications will be covered by exempt or pre-approved activities under the new system, the costs associated with this proposal would be lower than under current settings. For example, 1,395 concession applications were received in the six-month period 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. These may involve consultation, based on the impact on any third party or their relevant interests. These applications are likely to be more complex than pre-approved or exempt activities, and timely consultation is key for fast decisions.
- 35 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. These decisions will be sought after further work on the cost recovery model, to inform drafting of secondary legislation. The charges will need to be reasonable and will be recovered alongside existing concessions processing fees.

Contestability of leases and licences with significant private capital investment

- 36 In June, Cabinet invited me to report back on whether there are any circumstances in which leases and licences with significant private capital investment should be contestable. This was in the context of our previous decisions to make it easier to competitively allocate concessions. Cabinet also agreed that section 4 (the Treaty clause in the Conservation Act) does not require concession opportunities to be contestable.
- 37 Contestability can ensure fairness, drive the most economically efficient outcomes, and encourage innovation and value-for-money. However, it is just one of several tools available to the Crown to achieve these objectives as landowner and steward of the conservation estate.

⁶ Under the Fast-track Approvals Act 2024 financial contributions will be paid to specified Māori groups when they have made comments on applications. These contribution amounts are set in the Fast-track Approvals (Cost Recovery) Regulations 2025.

- 38 Currently, DOC has to process applications in the order they are received, including from third parties seeking to take over an existing concession on term expiry. The Bill could result in more such contest for existing concessions. For most concessions, this situation is not problematic. However, for major tourism concessions with significant private capital investment, a concession changing hands after a contestable process raises questions about the incumbent's fixed assets and structures, which the new operator may require to operate.
- 39 I want to achieve a balance between competition and encouraging long-term investment in visitor experience infrastructure. For major tourism concessions, I propose only the incumbent can apply for a new concession during a protected window from 2 to 5 years before expiry of the current concession. If the Minister intends to run a contestable process, this must be decided outside this window (i.e. they could make this decision and notify the incumbent at least 5 years before the concession expires, or do it within 2 years of expiry). A decision to initiate a contestable process within the protected window can only be made if, and after, an incumbent's application is declined. This also does not preclude taking preliminary steps at any time to investigate or enable a competitive process (e.g. market sounding), and I expect any contestable process would be run expeditiously once initiated, after notification.
- 40 Similarly, it is only within 2 years of expiry that anyone else can apply for that concession. If incumbents want certainty about competition for the concession they currently hold, they can apply earlier during the protected window.
- 41 I consider this approach will address the legitimate concerns of concessionaires who have made significant investments in fixed assets and structures on conservation land, without unnecessarily limiting the Crown's options to manage the conservation estate.
- 42 The detailed definition of the concessions to which this applies will be set in secondary legislation. This would provide flexibility over time to adjust thresholds for concession size and the fixed assets/structures involved, as well as the range of activities covered. I also intend to provide further guidance about the use of competitive allocation, building on Cabinet's previous decisions. This will provide signals to the market about when I am more likely to exercise my discretion to run a contestable process.
- 43 s9(2)(h)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Changing the purpose statement of the Conservation Act 1987

- 44 In June, Cabinet directed me to amend the purpose statement for the Conservation Act to ensure the NCPS and area plans can enable greater economic development on conservation land, by supporting faster, clearer and more consistent decisions on concessions, and removing rigidity in existing plans.
- 45 At present, there is no single purpose section in the Act. Instead, the purpose is implicitly reflected through its long title and through specific provisions that combine to create a clear and strong conservation purpose.
- 46 I do not see a strong case for a fundamental shift away from conservation as the primary purpose of the system. Concession applications are typically approved: between 1 January 2025 and 30 June 2025, of the 1,395 applications made, only 2% were declined. In

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addition, some key authorisations on conservation land are made outside of the concessions framework, for example mining projects, projects of regional or national significance, and wildlife authorisations are all dealt with under separate legislation that is out of scope of this reform.⁷ However, the current legislation does not provide any ability for DOC to consider economic value or potential returns to the conservation estate.

- 47 Any approach that is a significant departure from the current purpose (e.g. a new overarching purpose statement, changing conservation as the primary purpose or balancing conservation and development outcomes) introduces significant risks without guarantee of effectiveness. The scale of drafting required would also mean it cannot be delivered during the current parliamentary term, which is my timeframe for Bill enactment.

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[illegible]

- 49 Cabinet's intent can be achieved through a more incisive approach. I will be making targeted changes to parts of the Conservation Act that form the existing 'purpose architecture' which can then be implemented through the NCPS and area plans. Subject to further advice from the Parliamentary Counsel Office and Crown Law on specific drafting to achieve Cabinet's intent to encourage economic development, my changes include:

- 49.1 Amending section 6, which sets out DOC’s functions, to include economic development.
- 49.2 Adding new purpose provisions to Parts 3A (management planning) and 3B (concessions) of the Conservation Act. These would clearly state the NCPS and area plans can include policies for the use and development of conservation land.
- 49.3 The new empowering provisions for the NCPS and area plans will explicitly state that one of their functions is to provide additional detail about the relationship between various activities and the purposes for which different types of land are held. This ensures the powers of the NCPS and area plans are linked to concession decision-making, which requires considering the purposes for which land is held (see next paragraph).
- 49.4 Currently, concessions cannot be granted if they are inconsistent with “the purposes for which the land concerned is held”. I am changing this to a mandatory consideration, aligning with the approach taken in the Fast-track Approvals Act and the Crown Minerals Act. This provides a degree of discretion for decision-makers.

- 50 I will return to Cabinet Legislation Committee with specific drafting prior to the Bill's introduction.

⁷ Other than Conservation Act concessions ancillary to mining operations, for example for access roads.

Cost-of-living implications

51 There are no immediate cost-of-living implications from this paper.

Financial implications

52 There are no immediate financial implications of this particular paper. However, DOC will be implementing these reforms in the context of reducing baselines. Without new funding, I expect reprioritisation will be needed to ensure successful delivery.

Legislative implications

53 I am aiming to introduce the Bill in early-2026 and enact it this term, and will submit a bid for a corresponding place on 2026 Legislation Programme.

Impact analysis

54 Two Regulatory Impact Statements (**RISs**) have been prepared for this paper:

RIS	Assessment	Summary of feedback
Limitations on competitive allocation of certain concessions on conservation land	Requirements partially met	The panel considered that the quality assurance (QA) criteria were not fully met because of the limited supporting data, little detail on monitoring and evaluation, and limited engagement related to this proposal. However, the panel noted that there will be opportunities for the public to engage on the proposals in the RIS through the select committee process for the Bill.
Financial contribution for Treaty partner consultation in concessions processes	Requirements partially met	The CRIS partially meets the QA criteria. The CRIS is clear with limitations and constraints on the scope of the preferred options and analysis appropriately identified. The panel considers the analysis of the preferred option does not sufficiently address all the risks identified, and the extent to which the option will achieve the intended objective.

55 The Ministry for Regulation has determined that other proposals in this paper are exempt from regulatory impact assessment requirements.

56 Additionally, the Climate Implications of Policy Assessment (**CIPA**) team has confirmed CIPA requirements do not apply to the proposals set out in this paper.

Population implications

57 There are no immediate population implications from this paper.

Human rights

58 The proposals in this paper are consistent with the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993.

Use of external resources

59 Three contractors helped develop this paper, and associated advice and documents.

Consultation

60 Public consultation on the reforms took place from November 2024 to February 2025.

61 Engagement with Iwi, including PSGEs, has been ongoing since November 2024 to discuss how to uphold Treaty settlement commitments in the context of these reforms.

DOC is also engaging with the National Iwi Chairs Forum's Pou Taiao technicians on upholding settlements and drafting the first NCPS.

- 62 The following agencies were consulted on this paper: Crown Law, Department of Internal Affairs, Ministry of Housing and Urban Development, Land Information New Zealand, Ministry for Culture and Heritage, Ministry for Primary Industries, Ministry for Regulation, Ministry for the Environment, Ministry of Business, Innovation and Employment, Ministry of Justice, Ministry of Transport, New Zealand Infrastructure Commission, New Zealand Transport Agency, Parliamentary Counsel Office, the Treasury, Te Puni Kōkiri, Te Tari Whakatau.

Communications

- 63 I am not planning further announcements on these decisions until the Bill is introduced. I will be writing to all PSGEs and groups in negotiations to inform them of these decisions.

Proactive release

- 64 I intend to proactively release this paper as soon as possible to inform discussions with PSGEs, with redactions as appropriate under the Official Information Act 1982.

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;

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- 9 **agree** 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;
- 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

- 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 **note** the approach taken by the Minister of Conservation to amend the purpose of the Conservation Act 1987 to ensure the National Conservation Policy Statement and area plans can enable greater economic development on conservation land, including the following changes:
 - 14.1 amending section 6 of the Conservation Act (which sets out DOC's functions) to include economic development; and
 - 14.2 adding new purpose provisions to Parts 3A (management planning) and 3B (concessions) of the Conservation Act to state the NCPS and area plans can include policies for the use and development of conservation land;

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