

In Confidence

Office of the Minister of Conservation

Cabinet Economic Policy Committee

Modernising Conservation Land Management: Policy Approvals

Proposal

- 1 This paper seeks policy approvals to modernise conservation land management so drafting of legislation can commence.
- 2 This is the first of two papers seeking policy decisions for a Conservation Acts (Land Management) Amendment Bill. I will return to Cabinet shortly to seek decisions on access charging for conservation land.

Relation to Government priorities

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

Executive summary

- 4 The Conservation Act 1987 needs updating and modernisation. 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 Te Tiriti o Waitangi / Treaty of Waitangi (Treaty) partners.
- 5 I propose a new model for managing conservation land that will speed up regulatory decisions, enable biodiversity protection and unlock greater economic activity on conservation land where the risks are manageable. My changes will create an effective and efficient conservation system, providing clarity both for those being regulated and government as regulator.
- 6 Economic activity on conservation land (nearly a third of New Zealand land) is regulated through management plans and national-level policies. These guide decisions on 'concessions', which authorise a range of activities, from small one-off events, to larger projects involving construction of visitor and tourism infrastructure.
- 7 Old plans and rules (and related decision-making) constrain economic activities that could have a range of benefits without negatively impacting our conservation objectives. Several factors cause these problems:
 - 7.1 Management plans, which set rules for concessions, are outdated, bloated and sometimes contain contradictory rules. Only around 20% of plans are current, and the overarching 'general' policies are now 20 years old. Plans contain overly rigid barriers to activity on conservation land.

- 7.2 The system is one size fits all and inhibits modern regulatory approaches even for low-risk and largely similar activities.
- 7.3 There is ongoing ambiguity about how to give effect to Treaty principles which has generated uncertainties around processing and decision-making.
- 8 Public consultation on potential changes to address these issues took place from November 2024 to February 2025, including 25 regional hui with Iwi. More than 5,500 submissions were received. Overall, there was agreement the current system is not working and needs to be modernised. However, views on solutions varied.
- 9 The model I propose includes:
- 9.1 Providing certainty by making it easier to approve economic activities on conservation land through a streamlined and updated planning framework consisting of two layers of plans (a National Conservation Policy Statement (NCPS) and area plans), and government decision making around regulatory rules instead of an array of other bodies;
 - 9.2 Faster processing of concessions through more simplification and standardisation, with classes of concession activities able to be pre-approved or permitted;
 - 9.3 Removal of barriers to make it easier to transfer concessions (including relevant obligations) between organisations, alongside protection for existing investment in private property;
 - 9.4 Driving innovation for tourism, the economy and nature, through settings that enable competitive allocation of scarce concession opportunities, where appropriate; and
 - 9.5 More flexible rules for exchanging and disposing of conservation land.
- 10 Proposed changes will codify what is required to give effect to Treaty principles under section 4 of the Conservation Act. There will be clear requirements about what is required to comply with section 4 in processes relating to management planning, concessions and land exchanges/disposals. Satisfying these requirements will be sufficient to comply with section 4, providing clarity to decision makers and Treaty partners. These reforms will also clarify that section 4 does not require making concessions for existing major businesses with significant assets operating on conservation land contestable.
- 11 Today, I seek agreement to key policy decisions to enable drafting of legislation to begin. I will seek further Cabinet agreement to other aspects of conservation reform, including access charging, in the coming weeks.

Background

- 12 Concessions are issued by the Minister of Conservation under a hierarchy of laws and plans produced under the Conservation Act. The two national policies (Conservation General Policy and the General Policy for National Parks) have not been substantially amended since they were made in 2005. There are over 100 statutory planning documents under these, around 80% of which are outdated. Many plans restrict economic activities without clear reason. Others overlap and have contradictory rules, making it unclear what can be authorised.

- 13 A clearer national policy and simpler area plans are needed for efficient processing of concessions and for rules that are proportionate and are not contradictory. Without them, every application requires an in-depth analysis, and some pose a high risk of challenge around interpretation.
- 14 In October 2024, Cabinet agreed to consult on changes to modernise conservation land management [ECO-24-MIN-0235]. Over 5,500 submissions were received, with the vast majority of these in the form of a template submission. Submitters generally agreed the status quo needs fixing. There was support for streamlining management planning and faster concessions processes. However, there were considerable differences in views on how to achieve these goals.
- 15 Greater use of competitive allocation in some scenarios was generally supported, although Treaty partners and incumbent operators both thought they, respectively, should receive preference in any contestable process. Some submitters were opposed to greater economic activity on conservation land and expressed scepticism about proposals to loosen settings for exchanging and disposing of conservation land. They also did not support shifting approval of all national policy and area plans to the Minister of Conservation, due to concerns about inappropriate use of conservation land.

Reform will provide for a streamlined planning system

- 16 I propose replacing the existing Conservation General Policy and General Policy for National Parks with a single National Conservation Policy Statement (NCPS).
- 17 The NCPS will be secondary legislation and will set out what content area plans can include. The single NCPS will reduce the ability for plans to create unnecessary barriers (e.g., limits unconnected to environmental effects) and create a more enabling environment for appropriate activities.
- 18 I propose replacing conservation management strategies (CMSs), conservation management plans (CMPs), and national park management plans (NPMPs) with a single layer of area plans.
- 19 The purpose of area plans is to implement the NCPS and to set, where necessary, objectives and policies specific to the local context. An area plan will apply to all public conservation land within its boundaries by default.

20 The proposed streamlined system of plans is outlined below:



- 21 I also propose the Minister of Conservation approves the NCPS and area plans, except where Treaty settlements provide alternative arrangements (e.g., co-approval roles for Iwi). In such context, the Government can create one coherent regulatory framework and be accountable for both the rules and the decisions under them – instead of as now, where the Minister is accountable for decisions and does not set or control the rules.
- 22 Appendix 1 provides further details on the form and function of the proposed NCPS and area plans for drafting the legislative amendments.

Drafting the first NCPS in the Bill for these changes

- 23 I recommend making the first NCPS through the Bill that gives effect to these changes. This will ensure a quick transition to the new planning system. I will seek Cabinet agreement to NCPS content in September 2025.

- 24 Prior to this, I will consult with Iwi, the New Zealand Conservation Authority, and key stakeholders, including a selection of major concessionaires, Federated Farmers, and the Environmental Defence Society. I recommend key Ministers (the Attorney-General, Minister for Tourism and Hospitality, and the Minister for Resources) be delegated authority alongside me to approve policy matters for targeted engagement.

Consultation on subsequent NCPS and area plans

- 25 The new planning framework will provide a meaningful, explicit, timed-based statutory role for Iwi in the development of the NCPS and area plans. For area plans, the Department of Conservation (DOC) will seek early contributions from Iwi about their aspirations and objectives for the plan and seek feedback on the objectives once drafted. Iwi will also be able to provide feedback on the plan after it is revised following public consultation. Outside of preexisting Treaty settlement arrangements, Iwi will not be able to veto the final plan, but Iwi comments must be considered before the plan is approved.
- 26 The roles of the New Zealand Conservation Authority and conservation boards will change from approval of policies and plans to advisory roles.
- 27 Proposed details on consultation, including statutory timeframes, are detailed in Appendix 1.

Introducing new amenities areas

- 28 I recommend introducing a new category of amenities areas. The purpose of an amenities area is to provide for the development and operation of recreational and public amenities and related services appropriate for the public use and enjoyment of conservation land. They give effect to this purpose by:
- 28.1 Creating a specified zone for the purposes of tourism and visitor-related development;
- 28.2 Applying rules to the zone that are more enabling of tourism and recreation and removing restrictions that would apply to other conservation land; and
- 28.3 Enabling a spatial planning approach to development within that zone.

Concessions will be processed faster

- 29 As of May 2025, there were 800 permission applications, of which 15% were more than a year old. DOC's monthly processing rate more than doubled between April 2024 and April 2025, but application volumes are growing, and the law stifles efficiency through a one size fits all approach.
- 30 The NCPS and area plans will take the churn out of dealing with each and every concession application by approving, exempting, or prohibiting entire classes of activities. This will remove low-complexity concession applications from the system, which currently need individual assessment and often involve long timeframes.
- 31 Some of the delays in processing concessions and reviewing plans can be attributed to ambiguities about how to give effect to Treaty principles as set out in section 4 of the Conservation Act. In 2018, the Supreme Court found DOC had not properly applied section 4 in relation to two commercial concessions.¹ This has raised expectations, and caused uncertainty in making decisions, as well as delays and frustration for concessionaires, Iwi/Hapū and officials.
- 32 Concession applications currently need to be processed on a 'first in, first served' basis. There is no ability to initiate a tender or other contestable process once an application has been submitted for an opportunity. This also means if applications are not progressed for

¹ *Ngāi Tai ki Tāmaki Tribal Trust v Minister of Conservation* [2018] NZSC 122.

any reason (e.g., lack of information being provided), they remain in the queue with their place effectively preserved.

33 To ensure concessions are processed in an efficient manner, I propose:

- 33.1 Setting statutory timeframes for DOC to make decisions on applications;
- 33.2 Enabling greater standardisation of concession pricing, terms, and conditions;
- 33.3 Making it easier to transfer concessions in their entirety to a new organisation/operator;
- 33.4 Streamlining public notification and reconsideration steps; and
- 33.5 Allowing for longer terms based on the useful life of fixed assets and structures, or where concessions involve critical infrastructure.

34 s9(2)(f)(iv)

Financial contribution to Treaty partners for statutory responsibilities

35 I propose further work on providing appropriate and reasonable contribution payments to Treaty partners for consultation on concessions s9(2)(f)(iv). Similar to the fast-track and resource management processes, this could be funded through concession applications. I will report back on an appropriate mechanism for this.

Contractual management of concessions

36 I propose enabling rates for concession rents, royalties and fees to be set in secondary legislation, including discounts and waivers. Rents, fees and royalties for specific activities must be reviewed periodically (including public consultation) and regulated pricing will apply to all relevant active concessions, including changes made following a review.

37 We need to ensure smooth transfers if a business is sold or goes under, or if a new operator takes over through a contestable or voluntary process. I propose changes to enable the liabilities under a concession to be transferred without a new concession process. s9(2)(g)(i)
The Crown would be required to confirm that a new operator can meet the concession obligations – to minimise risk of default that creates liabilities for the Crown.

38 s9(2)(f)(iv)

Competitive concessions processes can increase competition

39 I am proposing three things. First, these proposals will make it easier to contestably allocate new concession opportunities among multiple operators where demand is high, and supply is limited (e.g., beehive permits or aircraft landing permits in particular locations). This will end the 'first in, first served' approach. It will ensure fairness, drives the most economically efficient outcome, and encourages innovation and value-for-money.

- 40 Second, 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 big, complex concessions with significant private investment. Generally, only one operator can hold these types of concessions, and their business cannot be easily separated from the concession opportunity (e.g., ski fields, hotels, and tourism businesses) creating a monopoly in that area. They are relatively small in number but can be significant businesses in terms of revenue. The existing operator has usually invested significantly in fixed assets and wants to renew.
- 41 While Iwi have expressed interest in applying for these existing major concessions (including leases pre-dating the Conservation Act), when they reach the end of their terms, some concessionaires have expressed significant concerns with making these opportunities contestable. They see legal problems with this, especially given significant investment in private property on conservation land.
- 42 The courts have not ruled that such concessions must be made open to Iwi under section 4 of the Conservation Act. However, this matter is contested, and parties are willing to seek further clarity from the courts. This ambiguity has created uncertainties for applications and economic investment on or adjacent to conservation land.
- 43 Third, I will report back to Cabinet on the other circumstances in which it might be appropriate to run a contestable process for major opportunities. There is a tension between the potential benefits that might come from increasing competition when concession terms expire, whilst also respecting and protecting the significant investment in private property on conservation land that has occurred (and encouraging further private investment).

Enabling greater land exchanges and disposals

- 44 There is currently a very high bar for exchanges and disposals of conservation land: only conservation land of 'no' or 'very low' value can be exchanged or disposed. This means the conservation estate cannot be optimally maintained.
- 45 I recommend adopting a similar net conservation benefit test as the Fast-track Approvals Act 2024 for exchanges of conservation land.
- 46 There are instances where disposing of land could support better conservation land management. I recommend disposals be subject to the following tests:
- 46.1 Values on the land are not considered essential for indigenous biodiversity;
 - 46.2 Conservation values present are represented in other protected areas in the region;
 - 46.3 There are no rare or distinctive species or ecosystems; and
 - 46.4 The Director-General has recommended disposal.
- 47 As my intention is not to dispose or exchange land of high value, the legislation will specify the categories of land not eligible for exchange or disposal as detailed in Appendix 1.
- 48 We must ensure rights of first refusal and any other relevant responsibilities (e.g., provided through Treaty settlement redress) are upheld. Iwi will be consulted as part of exchange and disposal processes, with public consultation required for all disposals. I

propose that the Minister of Conservation must consult the Minister for Treaty of Waitangi Negotiations and Minister for Māori Development before deciding whether to dispose or exchange conservation land, similar to fast-track legislation processes.

Clarifying how Treaty principles will be given effect to through legislation

- 49 Public submissions suggested there is significant or variable opposition to changes to section 4 of the Conservation Act. Section 4 of the Conservation Act requires giving effect to Treaty principles. However, section 4 does not provide legislative detail about how, leading to legal challenges and risks.
- 50 These proposals will give legislative clarity around how to give effect to Treaty principles through some codification in the Conservation Act. My proposals clarify what is required across land management and concession processes. This includes specificity around procedural steps, statutory roles for Iwi, and requirements to consider Treaty rights and interests where currently these are not explicit. The table below provides further detail.

Status quo	Proposed changes
Management planning While some Treaty settlements provide explicit roles for Iwi in management planning, there is otherwise no clear role for Treaty partners. Several planning processes have stalled due to an inability to reach agreement on how Iwi will be involved. Of the four plan reviews underway, two have come to a halt in recent months for this reason.	'Consultation' role for Iwi in drafting the NCPS and area plans. Set processes and set timeframes for consultation. Requirement for the Minister of Conservation to consider impact on Treaty rights and interests before approving NCPS and area plans. Existing, specific roles provided through Treaty settlements (e.g. co-drafting with Te Hiku Iwi) will be maintained.
Concessions In some cases, Iwi engagement on applications is disproportionate to the scale and nature of the activity concerned. This contributes to processing delays. Some Iwi have said consultation on concession applications can be overwhelming.	There will be fewer individual applications requiring individual consultation due to 'class'-level decisions taking some bulk out of the system. No change in relation to role of Treaty partners: consultation unless provided otherwise in settlements. If their views are sought, Treaty partners will have 20 working days to provide their views, or any longer timeframe specified by the Minister. Contribution towards Iwi for costs to support meaningful engagement with set timeframes on consultation.
Land exchanges and disposals Law does not specify how Treaty partners are to be involved in land exchanges and disposals.	Requirement to 'consult' Iwi on any exchange or disposal process ahead of public notification. Requirement for the Minister of Conservation to consider impact on Treaty rights and interests before approving exchange or disposal. Rights of first refusal in settlements will be upheld.

- 51 I do not propose changing the section 4 wording. An overall descriptive clause will be added to the Conservation Act following section 4 with signals and signposts to the new requirements in various other parts of the legislation as outlined in the table above. 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 on drafting. The legislation will also be clear on what section 4 does not require, such as making concessions contestable.

- 52 I 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.

Upholding Treaty settlements and marine and coastal area rights

- 53 Many Treaty settlement commitments embed involvement of Treaty partners in planning and concessions processes and are relevant to the proposals in this paper. Treaty partners' feedback during consultation strongly emphasised the need for the Crown to uphold settlement redress, and to engage meaningfully and in good faith.
- 54 Engagement with Iwi is underway to discuss how to uphold the intent of Treaty commitments and Takutai Moana rights, in the context of these reforms. This includes with groups who have accepted a Crown offer, and post-settlement governance entities (PSGEs). DOC will also work with Te Tari Whakatau through their ongoing engagement with groups who have signed an Agreement in Principle, or initialled or signed a Deed of Settlement, as well as Takutai Moana applicants.
- 55 I will report back to Cabinet later this year on the progress of engagement with Iwi including PSGEs. I will also report back on any special arrangements needed 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.

Consequential matters

- 56 Giving effect to the proposals in this paper will require consequential and detailed decisions on additional matters, such as the following:
- 56.1 Eligibility criteria for class concessions (exempt, pre-approved, prohibited classes) and mechanisms for changing these.
 - 56.2 Whether area plans should be secondary legislation.
 - 56.3 Whether reserves that are not managed by DOC should be transitioned to the new area plan system.
 - 56.4 The instruments for setting standard concession prices, terms and conditions.
 - 56.5 Transitional issues relating to existing concessions, including whether standard terms and conditions should apply to existing concessions.
 - 56.6 How long concessionaires can continue operating on an expired concession.
 - 56.7 Whether existing 'amenity areas' under section 23A of the Conservation Act should become proposed 'amenities areas' or be renamed to avoid confusion.
 - 56.8 Whether processes for disposing of reserves should be aligned with processes for disposing of other conservation land.

Further amendments to the Conservation Act

- 57 I will seek Cabinet decisions on enabling access charging for some conservation land in the coming weeks [ECO-24-MIN-0236]. Any legislative changes to enable access charging will be included in this Bill.
- 58 I propose reporting back to Cabinet later this year on:
- 58.1 Rules and policies for the new NCPS which will unlock economic activity within appropriate constraints;
 - 58.2 An appropriate mechanism to enable contributions to be paid to Treaty partners for their participation in statutory processes, similar to the fast-track and resource management systems;
 - 58.3 A standard approach to commercial terms to support processes when concessions expire, and transfers of concessions involving third party infrastructure;
 - 58.4 Whether there are any situations in which leases and licences with significant private capital investment should be contestable; and
 - 58.5 Progress of engagement with Iwi including PSGEs and any arrangements needed to uphold Treaty settlements.

59 s9(2)(f)(iv)

Cost-of-living implications

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

Financial implications

- 61 These changes will improve appropriate use of concession revenues and cost recovery practices. Once the empowering provisions are in place, when seeking Cabinet agreement to standard concession pricing, I will provide more information about estimated fiscal impacts. This will include how revenue generation and allocation from concessions will contribute to DOC's broader financial sustainability programme.

Legislative implications

- 62 A Bill for these changes holds a category 5 priority on the 2025 Legislation Programme (to be referred to select committee this year). It will bind the Crown.
- 63 I expect parts of the Conservation Act will need to be rewritten, and consequential changes needed in other laws. Given the likely scale of drafting required, I seek authorisation to make decisions under delegation during drafting. This delegation will not apply where I intend to report back to Cabinet (e.g., on the NCPS).
- 64 This is an opportunity to modernise other parts of conservation law. Appendix 2 lists some changes, including ones agreed in 2022 but not enacted [ENV-22-MIN-0059].

s9(2)(h)

Impact analysis

Regulatory Impact Statements

- 66 Impact analysis requirements apply to most proposals in this paper. Two panels from DOC, the Ministry of Business, Innovation and Employment (**MBIE**) and the Ministry for Primary Industries (**MPI**) have reviewed the five Regulatory Impact Statements (**RISs**) accompanying this Cabinet paper. The panels consider that one meets the quality assurance (**QA**) criteria and four partially meet the criteria. The following is an abridged version of the QA statements. The full versions are attached in the RISs.

RIS	Assessment	Summary of feedback
Management planning	Meets criteria	The RIS is written clearly, and it is easy to understand the problem and how the proposals will address this. There is demonstrated evidence of consultation and how the feedback from consultation has informed the preferred option to streamline the conservation management planning system. The RIS indicates that the benefits of the preferred option are likely to outweigh the costs.
Concessions processing	Partially meets criteria	The requirements were not fully met because of the limited engagement undertaken on certain options. Further detail is also needed on real world impacts of the issue.
Competitive allocation	Partially meets criteria	The requirements were not fully met because of the limited engagement undertaken on certain options and some missing clarity on the full range of options.
Amenities areas	Partially meets criteria	The RIS does a good job of emphasising conservation outcomes and reflects submission feedback, though it could more clearly explain how that feedback influenced policy development. While the qualitative assessment of benefits is sound, the RIS would be strengthened by discussing how existing amenity areas have managed the conservation/visitor balance, referencing international examples, and situating the proposal within the broader conservation law reform context.
Land exchange and disposal	Partially meets criteria	The requirements were not fully met because of the limited engagement undertaken on certain options.

- 67 The Ministry for Regulation has determined the following proposals are exempt from the requirement to provide a RIS on the grounds that there are no or only minor economic, social, or environmental impacts:

67.1 Amend the requirement for audited accounts to ‘relevant financial statements’;

- 67.2 Clarify legislation to support online issuing of hunting permits;
 - 67.3 Removing the need for newspaper notification;
 - 67.4 Enable electronic delivery of infringement notices; and
 - 67.5 Clarify that DOC can require online payment of infringement fees.
- 68 The Ministry for Regulation has determined the proposal to allow Crown wharves attached to seabed adjacent to conservation land to be managed as if they were on conservation land is exempt from the requirement to provide a RIS on the grounds the economic, social, or environmental impacts are limited and easy to assess.

Climate Implications of Policy Assessment

- 69 The policy proposals in this paper do not have any climate implications.

Population implications

- 70 There are no immediate population implications from this paper.

Treaty implications

- 71 There has been significant engagement with Treaty partners on these proposals. The proposals in this paper will provide clarity about section 4, outlining the various implications that will be addressed through specific provisions (e.g. clear roles for Iwi in management planning processes), and signposting. Engagement with Iwi is underway to discuss how to uphold Treaty settlement commitments and Takutai Moana rights in the context of these reforms.

Human rights

- 72 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

- 73 Four consultants from MartinJenkins assisted with this work given their prior work on the public consultation and the Milford Opportunities Project.

Consultation

- 74 Public consultation took place from November 2024 to February 2025.
- 75 Engagement with Iwi, including PSGEs, is underway 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.
- 76 The following agencies have been consulted on this paper: Department of Internal Affairs, Land Information New Zealand, MBIE, Ministry for Culture and Heritage, Ministry for the Environment, Ministry for Regulation, Ministry of Housing and Urban Development, Ministry of Justice, Ministry of Transport, MPI, New Zealand Transport Agency, Te Puni Kōkiri, Te Tari Whakatau, Te Waihanga and Treasury. Crown Law, the Department of Prime Minister and Cabinet, and the Parliamentary Counsel Office have been informed.

Communications

- 77 Decisions on this paper will be announced together with those in the coming weeks on charging for access to some conservation land.

Proactive release

- 78 I intend to proactively release this paper with the press release announcing Cabinet's decisions. Redactions will be applied as appropriate under the Official Information Act 1982.

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)
 - 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;
- 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) 
- 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)

Authorised for lodgement

Hon Tama Potaka

Minister of Conservation

Appendix 1: Proposals in detail

Streamlining the conservation management planning system

- 1 The NCPS is secondary legislation.
- 2 The purpose of area plans is to implement the NCPS and to set, where necessary, objectives and policies specific to the local context. An area plan will apply to all public conservation land within its boundaries by default.
- 3 The Director-General of Conservation has the power in legislation to determine the boundaries of the new area plans (noting that there may be different arrangements for where boundaries are set out in Treaty settlements which are subject to further decisions).
- 4 The National Conservation Policy Statement (NCPS) and area plans can provide policy direction for the implementation of the following Acts (as per the status quo):
 - 4.1 Conservation Act 1987
 - 4.2 National Parks Act 1980
 - 4.3 Reserves Act 1977
 - 4.4 Marine Reserves Act 1971
 - 4.5 Hauraki Gulf Marine Park Act 2000
 - 4.6 Marine Mammals Protection Act 1978
 - 4.7 Wild Animals Control Act 1977
 - 4.8 Wildlife Act 1953.
- 5 The NCPS can:
 - 5.1 Specify what types of content area plans can and cannot include (e.g. setting the template);
 - 5.2 Make class decisions on concessions (exempt, pre-approved, prohibited activities); and
 - 5.3 Define Crown activities exempt from a resource consent under section 4 of the Resource Management Act 1991 (RMA).
- 6 The purpose of area plans is to implement the NCPS and to set, where necessary, objectives and policies specific to the local context.
- 7 Area plans can (subject to the NCPS):
 - 7.1 Set place-based objectives and policies;
 - 7.2 Include concise descriptions of core conservation values of places; and
 - 7.3 Define activities exempt from a resource consent under section 4 of the RMA.

- 8 The NCPS and area plans cannot:
 - 8.1 Derogate from the legislation; or
 - 8.2 Include actions or milestones for DOC; or
 - 8.3 Duplicate legislative provisions; or
 - 8.4 Set limits based on the number of concessionaires that can operate within an area; or
 - 8.5 Affect agreements or contracts between the Crown and landowners.
- 9 Area plans cannot derogate from the NCPS.

Transition to the new system

- 10 The first NCPS will be made through the Conservation Amendment Bill.
- 11 Within 12 months of the Bill passing, conservation management strategies (CMSs), conservation management plans (CMPs), and national park management plans (NPMPs) will be translated by the Director-General of Conservation into area plans (removing errors, making them consistent with the NCPS and legislation, and moving things between plans to ensure there is a single layer). As there will be no substantial policy changes no consultation processes will be required.
- 12 Management plans for reserves managed by DOC will become area plans or chapters in wider area plans.
- 13 The Minister of Conservation will decide whether reserve management plans developed by administering bodies under the Reserves Act are to become area plans.
- 14 Conservation management plans that are no longer necessary as part of the transition to the new system will be revoked.
- 15 Plan reviews that are in progress at commencement of the Act must comply with new content requirements set out in legislation and the NCPS and new process requirements apply for the next applicable step. The Director-General Conservation will determine which stage of the new process, the review maps to. There is discretion to repeat notification if deemed necessary.
- 16 Applications for authorisations already in progress at the commencement of the NCPS must comply with the new NCPS.
- 17 Any new applications for authorisations made following commencement of the NCPS must comply with the new NCPS.

NCPS processes (will not apply to first NCPS made through Bill)

- 18 The Minister may initiate an amendment to the NCPS at any time and direct the Director-General to prepare those amendments following these steps:

- 18.1 The Director-General will provide Iwi and the New Zealand Conservation Authority (NZCA) a minimum of 40 working days to review and provide comment on the draft and may revise the draft in light of those comments.
- 18.2 The Director-General must publicly notify the draft, invite comments from the public, and directly notify Iwi, the NZCA, conservation boards and the New Zealand Fish and Game Council. They will have at least 40 working days to comment. Public notification will not include hearings.
- 18.3 The Director-General must prepare a summary of submissions and an impact analysis report (including Treaty rights and interests) and may revise the draft NCPS.
- 18.4 The Director-General will provide Iwi and the NZCA the summary of submissions, impact analysis report, and revised draft. Iwi and the NZCA have 30 working days to provide written comment on the revised draft to the Minister.
- 18.5 The Minister approves the NCPS and must have regard to the summary of submissions, the written comments of Iwi and the NZCA, and the impact analysis report when doing so.
- 18.6 The Minister may request the Director-General to make revisions.
- 19 Minor and technical changes to the NCPS would not require drafts being shared with Iwi and NZCA, public consultation, or an impact analysis report. They can also be initiated by the Director-General of Conservation without the need for Ministerial direction.

Area plan processes

- 20 The Minister may initiate an amendment of an area plan at any time following these steps:
 - 20.1 The area plan process will be completed within 12 months:
 - 20.1.1 4 months for drafting;
 - 20.1.2 2 months for public consultation;
 - 20.1.3 3 months for revision;
 - 20.1.4 2 months for Iwi, NZCA and conservation board comment.
 - 20.2 The Minister may, at the request of the Director-General, extend timeframes but must give reason for doing so and set a new reasonable timeframe.
 - 20.3 The Director-General will draft the area plan, in consultation with the relevant Iwi and conservation board(s). Iwi and conservation board consultation requires seeking their views on:
 - 20.3.1 Their aspirations for the objectives and policies in the plan before drafting; and

- 20.3.2 The draft objectives and policies once drafted.
- 20.4 The Director-General must publicly notify the draft and provide a minimum of 40 working days for comments from the public. Public notification will not include hearings.
- 20.5 The Director-General must prepare a summary of submissions and an impact analysis report (including impacts on Treaty rights and interests).
- 20.6 The Director-General will revise the draft area plan and provide the draft area plan and summary of submissions to the NZCA, relevant Iwi and conservation board(s), who have 40 working days to provide comment.
- 20.7 The Director-General may revise the draft before sending the area plan to the Minister for approval, accompanied by the summary of submissions, impact analysis report, and written comments from relevant Iwi, conservation board(s), and the NZCA.
- 20.8 The Minister approves the plan, taking into account the submissions, impact analysis report, and written comments from relevant Iwi, conservation board(s), and the NZCA.
- 20.9 The Minister may request that the Director-General makes revisions.
- 21 Amendments to update specific policies follow a truncated process with shorter timeframes:
- 21.1 2 months drafting;
- 21.2 1 month public consultation;
- 21.3 2 months revision; and
- 21.4 1 month for Iwi, NZCA and conservation board comment.
- 22 The Minister may, at the request of the Director-General, extend these timeframes but must give reason for doing so and set a new reasonable timeframe.
- 23 Minor and technical changes would not require drafts being shared with Iwi and conservation boards, public consultation, or an impact analysis report. They can also be initiated by the Director-General of Conservation without the need for Ministerial direction.
- 24 Amendments to area plans that are required to ensure consistency with the NCPS must be made as soon as practicable. They follow the same process as minor and technical changes. The public must be notified once any relevant amendments to area plans have been made.
- 25 Area plans do not need to be reviewed within a specific timeframe.
- 26 The Minister may initiate an amendment of an area plan if requested by a concession applicant and may require the applicant to pay all or part of the actual and reasonable costs.

Processing concession applications

- 27 The Minister must make a decision on a concession application within the following timeframes:
- 27.1 One-off applications: 10 working days.
 - 27.2 Permits (other than one-off applications): 80 working days.
 - 27.3 Non-notified licenses and easements (other than one-off applications): 100 working days.
 - 27.4 Notified licences and leases: 180 working days.
- 28 The statutory timeframe starts when a complete application is accepted and lodgement fee is paid, and concludes when the Minister makes the decision to grant or decline the application.
- 29 The Minister can extend the timeframe at any point during the application process, and must provide reasons for the extension to the applicant.
- 30 The processing clock is paused if:
- 30.1 The applicant requests their application be put on hold; or
 - 30.2 Further information is requested from the applicant and a timeframe longer than ten days is provided to the applicant; or
 - 30.3 A report is commissioned or advice sought on matters raised in relation to the application (excluding Treaty partner engagement); or
 - 30.4 Interim payments have not been settled by the specified deadline.
- 31 Concession applications can be required to be made in a specified form, or include certain information in addition to what is already required by the Conservation Act.
- 32 Applicants may be required to pay a lodgement fee for a concession application.
- 33 The Director-General can issue a request for payment to recover costs associated with processing a concession from when a complete application is received.
- 34 The Minister may decline an incomplete application at any time.
- 35 The Minister may decline an application within 10 working days if:
- 35.1 It is clear that the application will not meet statutory requirements, i.e. the application obviously does not comply with, or is inconsistent with, the Conservation Act or any statutory planning document (currently the general policies, CMS, CMP and NPMPs and, in future, the NCPS and area plans); or
 - 35.2 The applicant has a history of serious or repeated non-compliance with concession conditions, including if the applicant owes money to the Crown in relation to current or previous concessions; or

- 35.3 The Crown has plans for specific areas of public conservation land and the Minister needs the ability to decline any applications to allow for those plans to be implemented.
- 36 The Minister of Conservation can decline a concession application within 20 working days to initiate a competitive allocation process.
- 37 If further information is requested, applicants will have 10 working days to provide further information if requested, and if information is not provided the application may be declined.
- 38 The Minister can pause consideration of a concession application if the Director-General has made a written demand under section 60B of the Conservation Act for payment to recover costs incurred to date in considering the application and payment has not been made within 20 working days of receiving written notice. The Minister may decline the application if payment is not settled within a further 28 days.
- 39 Whether engagement with Treaty partners takes place on a concession application is a matter of operational discretion, to be supported by explicit guidance and protocols.
- 40 If their views are sought, Treaty partners will have 20 working days to provide their views on the concession application, or any longer timeframe specified by the Minister.
- 41 Applications that must be publicly notified do not need to be notified if the Minister intends to decline the application. The Minister has discretion to determine whether a hearing is appropriate as part of public notification.
- 42 Public notification is not required for grazing licences.

Reconsiderations

- 43 Applicants must submit a reconsideration request within 20 working days of being notified of the concession decision.
- 44 Reconsiderations must be processed within 30 working days, or any longer timeframe specified by the Minister.
- 45 Reconsideration of a concession decision can only be requested once. As part of the reconsideration, the Minister cannot consider any information that was not considered as part of the original decision, unless:
- 45.1 The information existed at the time the decision was made and would have been relevant to the making of that decision; and
- 45.2 In all the circumstances it is fair to consider the information.

Competitive allocation of concessions

- 46 Retain the general discretion for the Minister to decide when to competitively allocate concession opportunities based on whether:
- 46.1 Supply is limited;

- 46.2 A market is likely to exist (i.e. demand would exceed supply); and
- 46.3 The benefits of running a competitive allocation process outweigh the costs.
- 47 Clarify that competitive allocation cannot be triggered on grounds of section 4 of the Conservation Act (giving effect to Treaty principles).
- 48 Criteria for choosing between multiple suitable applicants in a contestable process include:
 - 48.1 Performance;
 - 48.2 Returns to conservation;
 - 48.3 Offerings to visitors;
 - 48.4 Benefits to the local area; and
 - 48.5 Recognition of Treaty rights and interests.

Contractual management of concessions

- 49 Enable the rate for concession rents, royalties and fees to be set in secondary legislation, including discounts and waivers. Rents, fees and royalties for specific activities must be reviewed periodically (including public consultation) and regulated pricing will apply to all relevant active concessions, including changes made following a review.
- 50 For concessions not subject to regulated pricing (i.e. those that are not suitable for standardisation), the Minister must continue to review rents, fees and royalties every three years. The Minister may change the method of charging set out in the contract during the review and any changes made following a rent review will apply to all relevant active concessions.
- 51 The Minister may set standard terms and conditions for concessions.
- 52 Concession terms corresponding to the useful life of fixed assets and structures associated with the concession can be granted, if longer than 30 years. Concessions that provide critical infrastructure may be granted for up to 60 years under appropriate conditions.
- 53 Replace the requirement for concessionaires to provide complete statement of audited financial accounts at the end of each financial year with a requirement to provide relevant financial statements.
- 54 Enable the Minister to transfer or reassign an entire concession and contract (i.e. liabilities in addition to benefits, conditional transfers), subject to the new operator meeting due diligence requirements, and with an ability for the Crown to update terms and conditions.
- 55 If the Minister intends to decline concession applications to run an alternate process (for an existing concession opportunity), the current concessionaire can continue operating on an expired concession until their right to reconsideration in relation to the allocation decision expires or is resolved.

Exchange and disposal of public conservation land

Exchange of public conservation land

- 56 The Minister will be able to exchange public conservation land for other land where they are satisfied it results in a net conservation benefit (as assessed by the Director-General of Conservation). The net conservation benefit test will include:
- 56.1 Assessment of the conservation values of land to be exchanged and land to be acquired, as these values are likely to exist in the foreseeable future;
 - 56.2 Benefits (including those expected from the improvements the applicant provides money for) must be assessed to be achievable within a reasonable period of time after the transaction;
 - 56.3 Consideration of the ratio of cash to land; and
 - 56.4 Consideration of the likelihood that conservation value improvements will be achieved.
- 57 The Minister may authorise the payment or receipt by the Crown of money by way of equality of exchange. The exchange can include money to be used on improvements to the land being acquired by the Crown that are necessary to satisfy the Minister that the exchange results in net conservation benefit but that the land being acquired must already have a reasonable level of conservation value.
- 58 The Minister retains the discretion not to exchange land even if the exchange is assessed to have net conservation benefit, but cannot exchange if it does not meet the net conservation benefit test.
- 59 Areas that already have sound protection mechanisms in place, such as a conservation covenant, may not necessarily meet the net conservation benefit test if it is assessed that no additional conservation protection is provided through the exchange.

Disposal of public conservation land

- 60 The Minister may dispose of public conservation land subject to the following tests:
- 60.1 Values on the land are not considered essential for indigenous biodiversity conservation;
 - 60.2 Conservation values present are represented in other protected areas in the region;
 - 60.3 There are no rare or distinctive species or ecosystems; and
 - 60.4 The Director-General has recommended disposal.
- 61 The Minister must also have regard to:
- 61.1 How the land contributes to conserving indigenous biodiversity;
 - 61.2 How well represented the conservation values are on conservation land;

- 61.3 The presence of rare or distinctive species or ecosystems;
 - 61.4 The significance of ecosystem services, where information is reasonably available;
 - 61.5 The cultural and historic significance of the land;
 - 61.6 How the land contributes to natural linkages and functioning of places;
 - 61.7 Provision of public access;
 - 61.8 Recreational value; and
 - 61.9 Financial implications for the Crown of the disposal.
- 62 DOC will be able to recover costs associate with preparing the land for sale from the proceeds of sale. Any proceeds from the disposal of conservation land above the costs of preparing the land for sale can only be applied to land purchases or capital expenditure on public conservation land.

Exclusions for land exchange or disposal

- 63 Land is not eligible for exchange or disposal if it is in one of the following categories:
- 63.1 Categories of land that are not eligible for exchange under the Fast-track Approvals Act, including national reserves;
 - 63.2 Ecological areas (under the Conservation Act 1987);
 - 63.3 Any conservation land within a designated World Heritage Area;
 - 63.4 Any land that has been assessed as having cultural, national or international significance (to be determined by the Minister); and
 - 63.5 Reserves that are not Crown-owned.
- 64 Minor and technical boundary adjustments (that require exchange or disposal) may be made to the excluded areas above (with the exception of national parks) where the specific areas being disposed of have low or no conservation value.

Other exclusions and considerations

- 65 Where an exchange or disposal would trigger an offer-back or right of first refusal obligation, agreement in writing from the holder of that right or obligation is required.
- 66 The Minister must consider the impacts on existing concessionaires when making a decision on an exchange or disposal.
- 67 Ministers must consider whether the consequences of the land exchange would be practical to manage on an ongoing basis, including consideration of whether the land exchange would result in an enclave of private land within a conservation area or a Crown-owned reserve.
- 68 Where land is subject to an existing Treaty settlement negotiation it cannot be disposed or exchanged.

- 69 When making a decision on an exchange or disposal the Minister must consider whether the land is likely to be subject to a future Treaty settlement negotiation.
- 70 Land being given up by the Crown may be subject to a reservation, classification, interest, or encumbrance (e.g. covenants or easements).

Process requirements for exchange and disposal

- 71 Land disposals will be subject to public consultation. The Director-General must provide a minimum of 30 working days for public comment.
- 72 Land exchanges will not require public consultation.
- 73 The Director-General must seek feedback on a proposed land exchange or disposal from Treaty partners and provide them a minimum of 30 working days to provide comment. For disposals, this must occur prior to public notification. Feedback must be included in a report with analysis of Treaty rights and interests and the report must be considered by the Minister when making their decision.
- 74 The Minister of Conservation must consult the Minister for Treaty of Waitangi Negotiations and the Minister for Māori Development before deciding whether to dispose or exchange conservation land.

Crown-owned reserves with administering bodies

- 75 Any relevant reserve administering body in place as a result of a Treaty settlement must agree to an exchange or disposal.
- 76 Reserve administering bodies not in place because of a Treaty settlement must be consulted on the proposal to exchange or dispose of land.
- 77 Where land is exchanged, the administering body for the land being disposed of will not be the default administering body for the land being acquired.

Amenities areas

- 78 The purpose of an amenities area is to provide for the development and operation of recreational and public amenities and related services appropriate for the public use and enjoyment of conservation land. They give effect to this purpose by:
- 78.1 Creating a specified zone for the purposes of tourism and visitor-related development;
- 78.2 Applying rules to the zone that are more enabling of tourism and recreation and removing restrictions that would apply to other conservation land; and
- 78.3 Enabling a spatial planning approach to development within that zone.
- 79 Amenities areas can be established in the following categories of land:
- 79.1 National parks (National Parks Act 1980);
- 79.2 Conservation parks (Conservation Act 1987);

- 79.3 Stewardship areas (Conservation Act 1987);
 - 79.4 Recreation reserves (Reserves Act 1977);
 - 79.5 Historic reserves (Reserves Act 1977);
 - 79.6 Scenic reserves (Reserves Act 1977); and
 - 79.7 Government or local purpose reserves (Reserves Act 1977);
- 80 Establishment of an amenities area is subject to a test to determine where it is reasonably necessary to enable tourism and recreational enjoyment while protecting and preserving the values of the wider area. The criteria for the test include:
- 80.1 The location is already, or is predicted to be, an area of high visitor use; and
 - 80.2 The amenities area is in the practical location where it would have the least effect on conservation and cultural values; and
 - 80.3 The proposed size of the amenities area is no larger than reasonably necessary to provide for facilities and services; and
 - 80.4 Development of the amenities area would not threaten the persistence of the values that underpin the purpose for which the wider area is protected.
- 81 The Minister of Conservation must consult relevant Iwi on a proposed amenities area prior to public notification. The Minister must also consult the NZCA if the proposed amenities area is to be in a national park. This replaces the current requirement that amenities areas can only be established in national parks on the recommendation of the NZCA.
- 82 The Minister of Conservation must publicly notify an intent to create an amenities area, and provide a minimum of 40 working days for comment.
- 83 When establishing an amenities area, and without triggering a review of the affected plan, the Minister will set the objectives and policies for the amenities area within a relevant area plan. Any objectives and policies specific to the amenities area will override objectives and policies set by the rest of the area plan for the purposes of managing the amenities area.

Appendix 2: Other changes

Amendment	Rationale	ENV-22-MIN-0059
Remove personal liability of New Zealand Conservation Authority and Conservation Board members acting in good faith when undertaking their statutory duties	Support unfettered decisions or advice	Yes
Require reserve boards and reserve administering bodies only be audited when their total annual operating expenditure is \$550,000 or more	Reduce administrative costs	Yes
Require the Public Service Commission only give written consent for the Director-General to delegate powers to a Department of Conservation officer or employee	Reduce administrative costs	Yes
Allow for role of 'Commissioner' to be delegated to a specific job title (regardless of which individual holds that title)	Reduce administrative costs	Yes
Allow a 'conservation area' to be established as a nature reserve or scientific reserve without first needing to be established as a 'reserve'	Reduce administrative costs	Yes
Explicitly state that aircraft concessions are required for landing or taking off on all public conservation land, not just 'conservation areas'	Clear and user-friendly legislation (reflects operational practice)	Yes
Explicitly state that all aircraft activities (whether recreational or not) require a concession for landing or taking off on public conservation land	Clear and user-friendly legislation (reflects operational practice)	Yes
Remove the requirement that New Zealand Police must have Department of Conservation authorisation to hold seized item(s) (currently required for every item seized under section 39C of Wild Animal Control Act 1977)	Reduce administrative costs	Yes
Update the definition of 'disability assist dog' in legislation	Clear and user-friendly legislation (outdated wording)	Yes
Update references made to Westland National Park/Tai Poutini National Park	Clear and user-friendly legislation (outdated wording)	Yes
Amend the Conservation Act 1987 and National Parks Act 1980 to modernise the publication requirements for conservation management strategies and plans, and national park management plans	Reduce administrative costs	Yes

Declare that land under section 62 of the Conservation Act 1987 is held for conservation purposes under section 7 of the Act	Reduce administrative costs	Yes
Allow marginal strips to be less than 20 meters if the purposes of the marginal strip can be achieved with a smaller strip	Clarifies law, consistent with the purpose of the provision	-
Allow Crown-owned wharves attached to seabed adjacent to public conservation land to be managed as if they were Crown-owned assets on public conservation land	Certainty for commercial users and manage Crown liability risks	-
Clarify legislation to support online issuing of hunting permits	Clear and user-friendly legislation (reflects operational practice)	-
Enable email delivery of infringement notices	Modernisation – reduce administrative costs	-
Clarify that infringement fees are not able to be paid in person at Department of Conservation offices	Modernisation (and codifies existing practice)	-
Modernise public notification requirements by removing the need for newspaper notices	Modernisation – reduce administrative costs	-