

Appendix A: Decisions required to amend or clarify previous Cabinet decisions

Amendment	Rationale
Section 4	
1. The drafting relating to section 4 does not include a 'deemed compliance' element (i.e. stating that complying with new requirements being added elsewhere in the Act are sufficient to comply with section 4).	s9(2)(h) [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
Management planning	
2. The impact analysis report (including Treaty rights and interests) will be provided to Iwi and NZCA at their final review of an area plan.	The impact analysis report (including Treaty rights and interests) was unintentionally missed from the package to be provided to Iwi and NZCA for this step in the area plan process.
3. Remove an area plan translation process and, instead, maintain the existing Conservation Management Strategy, Conservation Management Plan and National Park Management Plan content that is not inconsistent with the NCPS until area plans are implemented (e.g. existing policies and limits would become non-operative).	Further analysis of the implementation of the previously agreed approach has identified critical risks, including: The translation process was beyond the bounds of the empowering provisions; - the possible breach of Treaty obligations; and - the timeframes were not feasible.

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	Proposed change: As an alternative interim measure, I propose temporarily maintaining the existing CMSs, CMPs and NPMPs, but any existing content in CMSs, CMPs and NPMPs that is inconsistent with the NCPS would no longer be in effect. The rolling out of area plans would then occur more gradually, in line with the process set out in legislation. This approach: • allows for the advantages of the previous translation approach; and • enables DOC to better resource the development of fulsome area plans, meaning area plans collectively will be in place faster.
4. The timeframes for area plans are: • 270 working days for the standard process; and • 160 working days for the short process. 5. Remove the Ministerial decision from the scope of the overall timeframe. 6. Remove the specific statutory timeframes for the Director-General's revision of the draft area plan following public consultation.	Timeframes were converted from months/years to working days as this is standard legislative practice. The standard process is now 270 working days (approximately 2 months longer than initial decisions which were for a year) and the short process is now 160 working days (approximately 2 months longer than initial decisions which were for 6 months). To allow sufficient time for drafting and revisions during the process. The Minister's decision step not being about bound by a timeframe provides flexibility for their consideration and any necessary revisions. This is consistent with the Fast-track Approvals Act 2024. Removing the specific statutory timeframes for the Director-General's revision of the draft area plan following public consultation provides more flexibility in the process without extending overall timeframes.
7. The timeframe for iwi and NZCA final comments for area plans and the NCPS will be 40 working days.	The timeframe for Iwi and NZCA final comments were shorter for the NCPS (30 days) than for area plans (40 days), with no justification for this difference. These have been aligned to be 40 working days.

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8. Require the Director-General to seek written comments from conservation boards alongside Iwi and the NZCA in both the standard and short NCPS processes.	The NCPS will set out where activities are pre-approved or exempt and such highly localised decisions would formerly have involved conservation boards. Unlike the NZCA, conservation boards provide a localised conservation and community perspective that is unlikely to be provided by other submitters. As such their input will help the Minister make informed decisions on localised content.
9. The Minister of Conservation may initiate an amendment of an area plan at the request of an applicant whose concession application has been declined.	This change better reflects the original policy intent and aligns with the status quo. Current legislation specifies that this request to amend a conservation management strategy or conservation management plan can only occur where the concessionaire's application has been declined. Current legislation does not enable concession applicants to request a review of a national park management plan.
<i>Visitor amenities areas</i>	
10. The timeframe for consultation on visitor amenities areas with Iwi and the NZCA will be 40 working days.	No decision was made on the timeframe within which consultation with Iwi and the NZCA should occur. A timeframe of 40 working days aligns with similar timeframes in other steps and processes.
<i>Land exchanges and disposals</i>	
11. One of the thresholds for preventing land disposal will be narrowed. Instead of broadly stating 'conservation values', it will instead specify threatened species, threatened ecosystems and biodiversity values.	This change narrows the threshold to exclude historic, cultural and recreation values and focus only on biodiversity. Including historic, cultural and recreational values makes the test harder to meet, more vulnerable to legal challenge, and prevents land that would otherwise be suitable for disposal from being available to relevant Iwi/hapū. Historic, cultural and recreational values will continue to be mandatory considerations.
12. Adding consideration of how the land came to be owned by the Crown and managed by DOC to aid in disposal decisions.	This additional consideration enables the decision-maker to consider how the land came into DOC management and assists with disposal of land where the Department, for example, may have received it in error in the past.

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13. Include additional considerations for land exchanges, similar to the Fast-track Approvals Act 2024 approach.	The following additional considerations are consistent with the Fast-track Approvals Act 2024 and the overall framework previously agreed by Cabinet: • the conservation values of the land concerned, including how threatened or abundant they are; and • the financial implications for the Crown; and • 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 being landlocked within a conservation area or a Crown-owned reserve; and • the legal and financial liabilities, and health and safety risks, for the Crown associated with the land exchange.
14. Allow remaining proceeds (after covering costs of disposal) to be spent on capital assets (including associated operating expenditure) on conservation land and further land purchases. 15. [No change required] The Reserves Act and National Parks Act will not be amended to reflect the above, as they already allow for retention and recycling of proceeds of sale from reserves and national parks respectively.	Cabinet previously agreed that proceeds from the disposal of conservation land will be directed to DOC (rather than returned to the centre) to cover: • Costs of preparing the land for disposal (e.g. assessments, conveyancing) in the first instance, and • Further land purchases or capital expenditure on conservation land from any remaining proceeds. The current Cabinet decision would not cover the associated operating costs of new capital (e.g., maintenance, depreciation, capital charge). This would limit DOC's ability to deliver on any capital projects as the associated operating funding would have to be found within existing baselines, which are already under significant pressure. Slightly broadening the Cabinet decision and allowing proceeds to be spent on further land purchases or capital assets (including any associated operating costs) on conservation land preserves Cabinet's original intent, while preventing further pressures on DOC's baselines.

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	The Reserves Act and the National Parks Act already allow for retention and recycling of proceeds of sale from reserves and national parks respectively so no changes are recommended to these Acts.
16. Existing land exchange and disposal requests will be processed using the existing process, unless an applicant withdraws their application and applies to go through the new system.	This change seeks to avoid duplication of effort for land exchanges and disposals currently being processed, where steps have already been satisfied and the applicant is not seeking to change the parcel of land they are requesting. Where Treaty partner engagement and/or public notification has occurred and/or an agreement is already in place, the request is to progress under the previous policy settings (including the decision-making framework e.g. Conservation General Policy). These changes do not prevent an applicant requesting to pull out of the current process and start again to access the new settings. Starting again would incur new fees associated with the new application.
17. Remove World Heritage Areas from being excluded from being considered for land exchanges and disposals. 18. Change the prohibition on land of international significance to a mandatory consideration instead.	Cabinet previously agreed that World Heritage Areas (WHAs) and land of international significance generally be excluded from being considered for land exchange and disposal. These prohibitions are stricter than the status quo, which was not intended. I recently agreed to explore the disposal of 17 parcels of stewardship land that fall within the Te Wāhipounamu WHA as part of a review of stewardship land in the western South Island region. This is possible under current legislative settings provided that relevant international processes are followed. I therefore do not consider it necessary to retain the previously proposed prohibition relating to WHAs or “land of international significance” for land exchanges and disposals, and propose amending the prohibition on land of international significance to a mandatory consideration instead. Treating international significance as a mandatory consideration better reflects this position and ensures that such values - including World Heritage designations - are explicitly considered in any decision to exchange or dispose of land. I also consider that further policy

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	settings (including other exclusions, as well as new tests and considerations) will provide sufficient protection for our most precious conservation land. National parks remain excluded from being considered for land exchanges and disposals.
<i>Treaty settlement redress</i>	
19. Include general “upholding Treaty settlements” provisions, modelled on the provisions in the Planning and Natural Environment Bills (the Planning Bills) to cover complex redress which has yet to be finalised in the Bill. This includes a requirement to work with PSGEs and Ngā Hapū o Ngāti Porou, to seek agreement on how their redress will operate in the new system (a ‘negotiations clause’) with a two-year sunset period. Until any agreement is reached it also requires those performing or exercising functions, duties and powers under the new system to give redress the same or equivalent effect to the greatest extent possible as it has in the current system.	This clarifies a previous Cabinet decision that at introduction the Bill would include “temporary arrangements” to uphold a number of “complex” settlement redress commitments, and rights relating to the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019. Aligning with the approach taken in the Planning and Natural Environment Bills ensures consistency in our approaches to settlement issues raised across the two natural resources reform programmes.
20. Deeds of recognition will be upheld through the general “upholding Treaty settlements” provisions.	This clarifies a previous Cabinet decision that at introduction, the Bill would reflect how “standard redress” would be upheld. The approach taken to upholding standard redress (i.e. by making amendments to Acts) means the Bill does not specifically address redress that stems from non-legislative instruments, including deeds of recognition.

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21. Prior to approving an area plan, the Minister, rather than the Director-General, must give post-settlement governance entities (PSGEs) with a relevant overlay classification an opportunity to make submissions, including written submissions about the plan.	This decision reflects a previous Cabinet decision, but changes the role holder from the Director-General to the Minister to reflect that the Minister will be the approver of plans under the new system.
22. Preserve specified timeframes in statutory authorisation / concessions redress in relationship agreements, including when the timeframes across multiple consultation steps are cumulatively more than the default.	This clarifies a previous Cabinet decision which preserved timeframes for iwi responses on concession applications in decision-making frameworks (DMFs) when those timeframes are longer than the default. It is recommended this decision includes timeframes for iwi responses to concession applications as set out in relationship agreements, including when the timeframes across multiple consultation steps are cumulatively more than the default.
<i>Access levies</i>	
23. Access levies can be introduced to conservation areas, national parks, or reserves that are managed or administered by DOC, and remove the requirement that land is owned by the Crown	Cabinet previously agreed that the scope of access levies would be limited to ‘some areas of public conservation land’. This limited the scope to conservation areas, national parks, and reserves managed or administered by DOC <u>and</u> owned by the Crown. This was not in line with the original intent for it to apply more broadly to land managed or administered by DOC. I recommend removing the requirement that the land be owned by the Crown in order to clarify that access levies can be introduced for conservation areas, national parks, and reserves managed or administered by DOC. This is a minor scope change which will not significantly increase the amount of land included.

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<i>Other changes</i>	
24. Enable the Director-General to recover costs while processing anything the Conservation Act under the cost recovery provisions, such as exchanges and disposals (i.e., before the final decision is made).	Cabinet previously agreed to allow requests for payment to recover costs of processing a concession application on a “rolling basis” (i.e., from when a complete application is received and throughout processing, rather than at the end). This ability to recover costs during processing would be useful for other decisions that can take significant time, effort, and cost to process (e.g. land exchanges and disposals). As such, I recommend applying this provision beyond the original scope of concessions to anything the Conservation Act currently allows cost recovery under sections 60A to 60D.