



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

To	Minister of Conservation		
Committee	Cabinet		
Date of meeting	30 June 2025		
Reference	25-K-0016	DocCM	To come
Minister lead	Minister of Conservation		
DOC contacts	- Ruth Isaac, Deputy Director-General, Policy and Regulatory Services – s9(2)(a) - Sam Thomas, Director Policy – s9(2)(a)		
Security level	In Confidence		

Purpose – Te aronga

- On 30 June 2025, Cabinet will confirm decisions from the Cabinet Economic Policy Committee (ECO) on 25 June 2025 relating to your paper titled 'Modernising Conservation Land Management: Policy Approvals'.
- This memo provides brief advice and talking points to support your discussion of this paper at Cabinet.

Background and context – Te horopaki

- On 25 June 2025, ECO discussed adding a recommendation to the Cabinet paper. The new recommendation would direct the Minister of Conservation to explore changes to the purpose of the Conservation Act 1987 to explicitly recognise economic development.

New recommendation for Cabinet paper

- The following recommendation can be added to the Cabinet paper as a new standalone recommendation between recommendations 2 and 3:

Invite the Minister of Conservation to review the purpose statement for the Conservation Act to ensure the National Conservation Policy Statement and area plans can enable greater economic development on conservation land.

- We consider this recommendation clearly signals the Government's objective. It provides sufficient latitude for you to decide the exact wording of changes to the Conservation Act's purpose provision during drafting in consultation with other Ministers. We will provide more detailed advice at that stage about drafting options.

- Our initial thinking is that greater emphasis on and provision for economic development could be provided in the purpose of the Conservation Act by stating the purpose is 'protection and preservation of natural and historic resources while enabling recreation, tourism and economic activity to the extent that effects can be managed'.

8. For the reasons below, DOC does not recommend a broader shift in the purpose at this time. This would be a very substantial change to the hierarchy of objectives in section 6 of the Conservation Act about how natural and historic resources are managed and used:

The functions of the Department are (...) —

- (a) *to manage for conservation purposes, all land, and all other natural and historic resources, for the time being held under this Act, and all other land and natural and historic resources whose owner agrees with the Minister that they should be managed by the Department:*
- (e) *to the extent that the use of any natural or historic resource for recreation or tourism is not inconsistent with its conservation, to foster the use of natural and historic resources for recreation, and to allow their use for tourism.*

11. Mining and significant projects are already subject to different purpose clauses in other legislation. The Conservation Act purpose statement is for all other approvals on conservation land, of which the economic development-focussed approvals tend to be for tourism, other small businesses and smaller infrastructure projects. Most applications for such activities are already approved.

12. Much of the discussion at ECO related to enabling mining. Permissions to mine on conservation land (access arrangements) are issued under the Crown Minerals Act 1991 (CMA), not as concessions under the Conservation Act.

13. The purpose of the Conservation Act does not restrict mining in the same way it restricts other concessions. Where the CMA allows mining on conservation land, the objectives of the Conservation Act (for land held under the Conservation Act), the relevant management plan, and the purpose for which the land is held are only considerations – they are not binding.
14. Since 1 January 2025, there have been 19 mining access arrangements processed. Only one was declined, one was returned, and one was withdrawn – the remainder were approved.
15. If the Government's intention is to open more conservation land for mining, changes to the CMA framework, particularly land listed in Schedule 4, would be the most effective way to do so. For example, if the intention is to be able to mine national parks or sanctuary areas, these would need to be removed from Schedule 4 of the CMA. This would be achieved through a different policy process to the changes proposed through the current reform. We note that this was not considered desirable as part of Fast Track by the current Government.
16. Wildlife permissions are also usually required for mining on or even under conservation land. We understand that these permissions can sometimes cause hold-ups for mining projects. These are not issued through the Conservation Act and are outside the scope of this reform. However, there is a separate process underway to reform the Wildlife Act 1953 and any issues can be resolved through that. Moreover, DOC is working to meet target timeframes and clear the backlog of these permissions, and is also reviewing how we assess wildlife impacts and set conditions to ensure proportionality in our approach. Wider reform here will require changes to the Wildlife Act rather than the Conservation Act.

Other significant projects relating to economic development also already have a more enabling legislative framework

17. The Fast-track Approvals Act 2024 provides an authorisation pathway for projects of national or regional significance. Any mining projects that are not dealt with under the fast-track are authorised under the Crown Minerals Act, as described above. It is only for any remaining projects on conservation land that Conservation Act approvals are needed. These tend to relate to tourism opportunities on conservation land (e.g. ski fields, guiding) or other infrastructure.

Next steps – Ngā tāwhaitanga

18. Talking points for Cabinet are provided at Appendix 1. We are available to discuss this memo or provide additional advice ahead of Cabinet on 30 June 2025.

ENDS

Appendix 1: Talking points

- ECO last week added one new recommendation to the paper.
- The recommendation invites me to develop a revised purpose for the Conservation Act that is more permissive of economic development on conservation land.
- This is important to clearly allow the National Conservation Policy Statement, and plans made under it, to be more enabling of economic activities on conservation land.
- To assist with drafting changes to the purpose statement in the Conservation Act, we need to be clear about the policy intent.
- Cabinet will be able to review the proposed drafting before the Bill is introduced.
- While there are some risks associated with amending the purpose, those don't preclude us from deciding to do so now.
- First, when we went out for consultation, we said there would be no changes to the purpose. There will, however, be another opportunity for the public to have their say on the Bill at select committee.
- Second, changing the purpose will not directly address the matter of how to drive more mining or significant infrastructure projects on conservation land.
- It could better enable generally smaller tourism and infrastructure projects, and provide a stronger legal basis for the changes we want to make in the National Conservation Policy Statement.
- But for the other things:
 - Permissions for projects of national and regional significance now go through the Fast-track Approvals Act and are already subject to a development-focused purpose.
 - Any mining projects on conservation land that do not meet the Fast Track threshold are authorised through the Crown Minerals Act.

These are already subject to a mining-focused purpose. Existing prohibitions on mining on certain types of conservation land are set out in that Act, not the Conservation Act.

- Both the Fast-track Approvals Act and Crown Minerals Act have more enabling purposes which guide DOC's decisions under those Acts, rather than the Conservation Act.
- We also need to fix the Wildlife Act, and work on that is underway.
- I will be working with officials to draft a purpose statement for the Conservation Act that clearly reflects the direction we decide today.

Appendix 2: Copy of recommendations

The Minister of Conservation recommends that the Committee:

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

Policy approvals

- 2 agree to the proposals to modernise conservation land management as detailed in this paper and Appendix 1, which will:
 - 2.1 streamline the conservation management planning system by replacing the Conservation General Policy and General Policy for National Parks with a National Conservation Policy Statement (NCPS);
 - 2.2 replace conservation management strategies, national park management plans and conservation management plans with a single layer of areas plans;
 - 2.3 enable the creation of amenities areas to provide for recreational and public amenities and related services on conservation land;
 - 2.4 enable faster processing of concessions, including by specifying classes of activities;
 - 2.5 streamline contractual management of concessions;
 - 2.6 enable competitive allocation of concessions; and
 - 2.7 enable greater exchange and disposal of conservation land.
- 3 **[new recommendation] invite the Minister of Conservation to review the purpose statement for the Conservation Act to ensure the National Conservation Policy Statement and area plans can enable greater economic development on conservation land;**
- 4 direct the Minister of Conservation to report back on:
 - 4.1 policies for the new NCPS which will unlock economic activity within appropriate constraints;
 - 4.2 an appropriate mechanism for a financial contribution to Treaty partners for efficient engagement on statutory processes;
 - 4.3 s9(2)(f)(iv) 
 - 4.4 whether there are any situations in which leases and licences with significant private capital investment should be contestable;

Codifying section 4

- 5 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;
- 6 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;
- 7 agree the legislation will specify what section 4 does not require, such as making concessions contestable;
- 8 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

- 9 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;
- 10 direct the Minister of Conservation to report back on the following, after engagement with affected groups:
 - 10.1 upholding relevant Treaty settlement commitments; and
 - 10.2 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

- 11 §9(2)(h) [REDACTED]
- 12 invite the Minister of Conservation to issue drafting instructions to the Parliamentary Counsel Office to give effect to decisions on this paper including appendices;
- 13 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;
- 14 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

- 15 note the Minister of Conservation will seek policy approvals for the NCPS in September 2025 after targeted consultation;
- 16 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

- 17 note legislative amendments for the following could also be progressed through this Bill:
- 17.1 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
- 17.2 s9(2)(f)(iv)

Authorised for lodgement

Hon Tama Potaka
Minister of Conservation