

Cabinet Paper Talking Points: Conservation Amendment Bill: Approval for Introduction (Cabinet)

To	Minister of Conservation		
Committee	Cabinet		
Date of meeting	28 April 2026		
Reference	26-K-0011	DocCM	DOC-10859435
Minister lead	Minister of Conservation		
DOC contact/s	Bryan Dunne, Deputy Director-General, Policy: s9(2)(a) Sam Thomas, Director Policy: s9(2)(a)		
Security level	In Confidence		

Purpose – Te aronga

1. On 28 April 2026, Cabinet is due to confirm decisions from the Cabinet Legislation Committee discussion on 23 April 2026 regarding the Conservation Amendment Bill.
2. This memo provides advice and talking points to support your discussion of the purpose-related changes to the Conservation Act 1987 at Cabinet.

Background and context – Te horopaki

3. On 23 April 2026, Cabinet Legislation Committee discussed the introduction of your Conservation Amendment Bill to Parliament.
4. The Bill included drafting related to Cabinet's request in June 2025 to amend the purpose statement of the Conservation Act to enable greater economic development on conservation land [CAB-25-MIN-0213.01].
5. You have now requested advice on further options for those purpose-related changes to the Conservation Act.

We identified three new options to amend the purpose-related provisions of the Conservation Act

6. We identified the following three feasible new options to amend the purpose-related provisions of the Conservation Act. Appendix 1 outlines those options. However, we have not worked with the Parliamentary Counsel Office (PCO) on drafting details, and the final wording will be subject to their advice.
 - a. **Option 1:** Remove reference to 'where not inconsistent with conservation' from section 6(e) of the Conservation Act (the Department's functions) and the new purpose statements for the National Conservation Policy Statement, area plans and concessions.
 - b. **Option 2:** Remove references to 'where not inconsistent with conservation' per option 1 and amend section 6(e) to explicitly require DOC to 'balance' conservation and economic development.

- c. **Option 3:** Add a standalone balancing purpose clause to the Conservation Act.

We considered and discounted more fundamental changes to the system

8. The option that makes the biggest shift towards economic development s9(2)(h)
[REDACTED] involves designing a whole new purpose architecture for the conservation system.
9. Redesigning the purpose architecture would require a fundamental review of all the Acts under which DOC holds land¹ and other Acts listed in Schedule 1 of the Conservation Act. These Acts would require amendment because the Conservation Act is an “umbrella Act” that influences decision-making across all DOC-administered legislation. As such, it would no longer fit the scope of the current Amendment Bill.
10. The policy work required to deliver this option would be significant and require significantly longer timeframes than is currently provided for. It would effectively be a whole new reform proposal and would require consideration of the purpose of having a conservation system.
11. s9(2)(f)(iv)

Appendix 2 assesses the three feasible options

12. Appendix 2 assesses the three feasible options against the two criteria described in Table 1.

[illegible]

¹ The Conservation Act 1987, Reserves Act 1977, National Parks Act 1980 and the Wildlife Act 1953 [26-K-0011] – Conservation Amendment Bill: Approval for Introduction

	s9(2)(h) This is considered in the first criterion.
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13. s9(2)(h) This reflects the fact that the Conservation Act's provisions (and the provisions in the other main Acts conservation land is held under²) are directed at the functions of conserving, protecting and preserving conservation values. These provisions are spread throughout the Conservation Act and other Acts that land is held under.
14. Table 2 below summarises our overall assessment of the options. Option 1 most closely aligns with the changes you discussed with officials on 23 April. We have also developed further options for completeness. See Appendix 2 for more detail.

Table 2: Summary of options assessment	
Option	Overall assessment
Option 1	This option creates the least uncertainty and, therefore, gives highest possible confidence to decision-makers s9(2)(h) However, it is least effective at signalling a shift toward enabling more development.
Option 2	This option is more likely to create a shift toward development compared to option 1 by explicitly signalling the intended relationship between conservation and development to decision-makers and the Courts. Compared to option 1, this option creates more uncertainty for decision-makers and applicants s9(2)(h)
Option 3	Compared to options 1 and 2, this option sends a stronger signal that Parliament intends to shift the balance of economic development and conservation. s9(2)(h) This is the most significant amendment and so gives rise to the highest risk of unanticipated consequences.

Next steps – Ngā tāwhaitanga

15. Talking points for Cabinet are provided at Appendix 3. We are available to discuss this memo or provide additional advice ahead of Cabinet on 28 April 2025.
16. We recommend that you seek delegation from Cabinet to resolve the exact drafting of whichever option is agreed in consultation with PCO and Crown Law.

ENDS

² The National Parks Act 1980, Reserves Act 1977, and Wildlife Act 1953.
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Appendix 1: Potential wording for options (subject to advice from PCO and may not look exactly like this)

	Current Conservation Act		Potential wording for options (subject to advice from PCO and may not look exactly like this)
Option 1 Remove reference to 'where not inconsistent with conservation' from section 6(e) (the Department's functions) and the new purpose provisions for the National Conservation Policy Statement, area plans, and concessions	Section 6 Functions of Department The functions of the Department are to administer this Act and the enactments specified in Schedule 1, and, subject to this Act and those enactments and to the directions (if any) of the Minister, — (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:	s9(2)(h)	Section 6 amended (Functions of Department) Replace section 6(e) with: (e) in relation to the use of any natural resource or historic resource for recreation or development (including tourism), to— (i) foster its use for recreation; and (ii) allow for its development. <i>Note that including wording around cultural and regional development will increase the uncertainty about how the drafting will be interpreted. This is because 'cultural' and 'regional' development are undefined and have unclear meaning. It also is already covered by reference to development more broadly.</i>
	No equivalent drafting.		<i>Amendments to this section made to align with the amendment to section 6(e) above.</i>
	No equivalent drafting.		<i>Amendments to this section made to align with the amendment to section 6(e) above.</i>
	No equivalent drafting.		<i>Amendments to this section made to align with the amendment to section 6(e) above.</i>

	Current Conservation Act	s9(2)(h)	Potential wording for options (subject to advice from PCO and may not look exactly like this)
Option 2 Option 1 changes and also amend section 6(e) (the Department's functions) to add an explicit requirement for DOC to 'balance' conservation and development	Section 6 Functions of Department The functions of the Department are to administer this Act and the enactments specified in Schedule 1, and, subject to this Act and those enactments and to the directions (if any) of the Minister,— (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:		Section 6 amended (Functions of Department) Replace section 6(e) with: (e) to balance the conservation of any natural resource or historic resource with the use of that resource for recreation as well as development (including tourism).
Option 3 Add a standalone balancing purpose clause to the Conservation Act	No equivalent drafting.		New purpose section The purpose of this Act is to balance the conservation of any natural resource or historic resource with the use of that resource for recreation as well as development (including tourism).

Appendix 2: Options for purpose-related changes

Criteria	Option 1 Remove reference to 'where not inconsistent with conservation' from section 6(e) (the Department's functions) and the new purpose provisions for the National Conservation Policy Statement, area plans, and concessions	Option 2 Option 1 and also amend section 6(e) (the Department's functions) to add an explicit requirement for DOC to 'balance' conservation and development	Option 3 Add a standalone balancing purpose clause to the Conservation Act
s9(2)(h)			
Effectiveness at enabling economic development	Smallest increase in effectiveness This option is unlikely to materially impact the development enabled on conservation land compared to current drafting. The change would send a signal to decision-makers and the Courts that more development should be provided for. However, the impact would be smaller than the other options s9(2)(h)	Slightly larger increase in effectiveness This will create a bigger shift towards enabling economic development than option 1 alone because it gives a steer to decision-makers and the Courts about the intended relationship between conservation and development. However, like the other options, the shift would still likely be small s9(2)(h)	Largest increase in effectiveness Of the three options, this change would most explicitly signal an intention to enable development on conservation land. Any greater impact would require designing a new legislative regime through a different Bill. However, like the other options, the effect that this signalling would have on decision-making would still be limited. s9(2)(h)
s9(2)(h)			

Appendix 3: Talking points

- I identified three potential new options to amend the purpose-related provisions of the Conservation Act to enable more development on conservation land:
 - **Option 1** removes references to development being permitted only “where not inconsistent with conservation” across the Bill’s purpose provisions. This includes the Department’s functions, and the purpose statements for the National Conservation Policy Statement, area plans, and concessions.
 - **Option 2** goes further. It makes the same changes as Option 1 but also amends the Department’s functions to require DOC to explicitly require DOC to balance conservation and development.
 - **Option 3** introduces a new, standalone purpose clause into the Conservation Act that explicitly balances conservation and development.
- Overall, there is a clear trade-off: the stronger the signal in the Act in favour of development, s9(2)(h) [REDACTED]

[REDACTED]

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

s9(2)(h)

[REDACTED]

- I also considered, and rejected, a more fundamental redesign of the conservation system's purpose architecture. This would require repealing or amending much of the conservation statute book, starting effectively from scratch. That scale of reform is not feasible within this Bill and would need to be considered in a future parliamentary term.
- I seek your delegated authority to draft my preferred option subject to further advice from officials including the Crown Law Office and the Parliamentary Counsel Office.

If you prefer Option 1:

- Having weighed these issues, I consider that option 1 most effectively supports economic development s9(2)(h) [REDACTED]
[REDACTED] This option provides the most confidence to decision-makers and potential applicants.

If you prefer Option 2:

- Having weighed these issues, I consider that option 2 strikes the best balance between explicitly signalling our intended relationship between conservation and development and s9(2)(h) [REDACTED]
[REDACTED]
- It provides a good middle-ground compared to option 3. Option 3 s9(2)(h) [REDACTED]
[REDACTED] without delivering a meaningful increase in development outcomes. Existing conservation purpose indicators would be difficult to displace without much broader legislative change.

If you prefer Option 3:

- Option 3 gives the clearest signal that economic development can occur on conservation land. It explicitly signals our intended relationship between conservation and development.