

1 May

Talking Points on Conservation Amendment Bill for Cabinet on 4 April 2026

- Following the discussion at Cabinet on Tuesday 28 April, I worked with Ministers Bishop and Jones to agree alternative wording for section 6(e) of the Conservation Act – which sets out the functions of the Department of Conservation – to better reflect the Government’s intention for greater economic development of conservation land whilst managing legal risk.
- This wording is also reflected in new section 13D – the purpose of the National Conservation Policy Statement (NCPS) – and in the purpose provisions for area plans and concessions (new sections 13H and 14).

PROPOSED DRAFTING

Section 6 amended (Functions of Department)

Replace section 6(e) with:

(e) to recognise the economic opportunities that arise from the use and development of land and other natural resources and historic resources managed by the Department, and enable this use and development to the greatest extent practicable under this Act and other enactments:

New section 13D (National Conservation Policy Statement)

(2) The purpose of the NCPS is to—

(b) recognise the economic opportunities that arise from the use and development of land and other natural resources and historic resources managed by the Department, and enable this use and development to the greatest extent practicable under those Acts.

- This drafting goes as far as possible to create a clear and certain signal in favour of economic development, s9(2)(f)
- It clearly and strongly signals in the direction of economic development. It gives statutory legitimacy to a range of economic development activities broader than tourism and provides a stronger hook in the Act to support policies in the NCPS that are more enabling of economic development.
- I seek delegated authority, with advice from PCO and Crown Law to refine the final wording used in the Bill to give effect to this change.

1 May

Reactive talking points

s9(2)(f)(ii)

Does the change need to mention effects mitigation?

The query arose in the context of how the inclusion of “to the greatest extent practicable” in the proposed new wording for s6(e) relates to mitigation measures. There are two potential angles in relation to this question:

1. Whether the new wording addresses any risk of DOC imposing disproportionate mitigation measures.
2. Whether the wording needs to be strengthened to provide that effects mitigation could be considered as part of assessing the greatest extent practicable (i.e. as a way to enable more projects to be approved).
3. s9(2)(h)

You may wish to note on point 1:

- The changes to section 6 apply to all of DOC’s functions so the recognition and enablement of economic activity will apply to all relevant functions. This flows through to DOC’s function to consider mitigation measures when processing concession applications.
- s9(2)(h)
- No specific reference to mitigation is needed in the purpose changes and having one would not achieve anything material.

You may wish to note on point 2:

- The Bill creates a purpose for concessions which is to recognise the economic opportunities that arise from the use and development of conservation land, and to enable this use and development to the greatest extent practicable.
- New section 14K in the Bill sets out the matters the Minister must have regard to when considering a concession application. This includes any measures that can reasonably and practicably be undertaken to mitigate any adverse effects of the activity.
- As it is already required through section 14K, the purpose changes do not need to acknowledge the role of effects mitigation.

1 May

- In practice, this means operators will still be able to get approval to undertake activities with adverse impacts on conservation land, provided they manage those impacts.

Mautohe Cathedral Cove – consideration of economic development in DOC operational decisions.

This query was about whether the proposed changes would have an impact on the speed with which DOC reopens regionally important tracks. This was in the context of the re-opening of Mautohe Cathedral Cove. You may wish to note:

- Section 6 of the Conservation Act that sets out the functions of the Department will be amended.
- These changes are primarily targeted at enabling economic development through the concessions regime.
- Mautohe Cathedral Cove is a strategic priority for DOC. This reflects the conservation, economic, social and cultural benefits that the experience provides for New Zealand.
- In 2023/24 DOC only closed what was absolutely necessary to manage visitor safety.
 - Walking access was closed to allow time for land to stabilise and for DOC to find new safe routes through landslips.
 - Because DOC only closed walking access, marine operators were able adapt to the market and provide alternative ways to visit the location. This approach allowed for alternative economic opportunities to arise.
- Since the 2023/24 event, DOC has made changes to the way they operate which has enabled them to re-open Mautohe Cathedral Cove faster following extreme weather events.
 - Since the 2023/24 closure of walking access at this location, DOC has introduced operational procedures to assess safety risk and enable timely re-opening of the walking experience.
 - In the last three extreme weather events the walking access to Mautohe Cathedral Cove was only closed for a maximum of 3-4 days per event. The closures were proactively managed and communicated. This included targeted communications to locals and local businesses.
- Going forward, access charging, enabled through the Bill, will provide a reliable revenue stream that is planned to be directed at maintaining this site and the wider Coromandel Peninsula to create ongoing resilience. As it will be a reliable revenue stream, DOC will be incentivised not to restrict access without good cause and to restore access as soon as practicable.
- It is not practical or desirable to introduce legislative provisions that would force DOC to reopen sites when doing so is not safe for visitors or economically unsustainable.
 - The landscape of Mautohe Cathedral Cove is fragile and exposed to climate change.