



Briefing: Options for upholding complex settlement redress

To	Minister of Conservation	Date submitted	20 November 2025
Action sought	Approve generic options for upholding complex settlement redress	Priority	High
Reference	ADVB-45	DocCM	DOC-10530247
Security Level	In Confidence		

Risk Assessment	Medium Risks to timeframe of conservation law reform, risks to Crown-Māori relations	Timeframe	26 November 2025 to ensure communication with PSGEs before the end of the year.
Attachments	Attachment A – Options table for upholding complex redress Attachment B – Proposal for Ngāi Tahu redress Attachment C – Table for upholding standard redress		

Contacts	
Name and position	Phone
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Executive summary – Whakarāpopoto ā kaiwhakahaere

1. Cabinet previously agreed the approach to standard redress (outlined in attachment C). We are now seeking your initial decisions on complex redress. This briefing seeks your agreement to generic options for upholding the intent of complex settlement redress as part of the Conservation Acts (Land Management) Amendment Bill (the Bill). These options (Attachment A) will form the basis of tailored proposals as to how settlement redress may function in the new system, and create guidelines to enable detailed engagement with Post-Settlement Governance Entities (PSGEs) early next year.
2. It also seeks your approval of a bespoke proposal to uphold the intent of Ngāi Tahu settlement redress (Attachment B), to form the basis of further engagement with Ngāi Tahu.
3. The approaches agreed by Cabinet to upholding standard redress (redress that can operate as intended in the new system with minor amendments) are provided for your information (Attachment C).
4. You have communicated to PSGEs that they can expect this proposal before the end of the year. Approval of these generic options by 26 November 2025, alongside your decisions around the National Conservation Policy Statement, will enable DOC to provide these tailored proposals within the expected timeframe and support informed engagement with PGSEs.
5. Some PSGEs have expressed concern regarding the proposed reform, and there is a risk that translating redress mechanisms into the new system may be viewed as insufficient to uphold their redress, particularly when viewed alongside proposed codification of section 4 requirements. Engaging in good faith as early as possible to seek mutually agreeable solutions can mitigate this risk.
6. Subject to your approval of the generic options to uphold complex redress, DOC will write to all relevant PSGEs providing analysis of their specific Treaty settlement redress, and proposals for their consideration.
7. Reform relating to resource management also affects settlement redress, and PSGEs may compare the two approaches. We have worked with Ministry for the Environment to align approaches where appropriate. We recommend you inform Minister Bishop and Under-Secretary Court of your decisions as the two engagement streams may overlap.
8. This briefing has been reviewed by both Te Tari Whakatau and Te Puni Kōkiri.

We recommend that you ... (Ngā tohutohu)

		Decision
	Approve options for complex settlement redress in Attachment A .	See Attachment A
	Approve options for Ngāi Tahu settlement redress in Attachment B.	See Attachment B
	Note DOC will send a proposal for complex settlement redress to all relevant PSGEs by the end of the year, provided decisions on complex redress options are reached by 26 November.	
	Note the options for standard settlement redress as agreed by Cabinet are in Attachment C.	

	Inform the Minister Responsible for RMA Reform and the Parliamentary Under-Secretary for RMA Reform of your decisions as these may overlap with resource management engagement.	
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s9(2)(a)

Date: 20/11/2025

Peter Galvin,
Deputy Director-General - Policy

Date: / /

Hon Tama Potaka
Minister of Conservation

Purpose – Te aronga

1. This briefing seeks your agreement to generic options for upholding the intent of complex settlement redress as part of the Conservation Acts (Land Management) Amendment Bill (**the Bill**).
2. The briefing also seeks your approval of a bespoke proposal to uphold the intent of Ngāi Tahu settlement redress.

Background and context – Te horopaki

3. On 30 June, Cabinet agreed to a suite of changes to conservation land management [**CAB-25-MIN-0213.01** refers]. This included high-level decisions about the purpose and scope of the National Conservation Policy Statement (**NCPS**) and area plans.
4. On 29 September 2025, Cabinet agreed to your proposals to uphold Treaty settlements and Takutai Moana rights in the Bill (**CAB-25-MIN-0334.01** refers).
 - Cabinet agreed that the introduced Bill will include temporary arrangements for about 45 complex settlement commitments, to allow further engagement prior to enactment. Various in-principle decisions were made to enable this next phase of engagement (discussed in Attachment A).
 - Cabinet agreed to approaches to uphold standard redress (redress that can operate as intended in the new system with minor amendments). These are provided for your information in Attachment C.
5. Cabinet has delegated the authority to you to make decisions on replacing the temporary arrangements.
6. You are currently considering decisions regarding the content of the first NCPS (**25-B-0350** refers). The NCPS proposals in that briefing have informed the options attached here.
7. At the start of November, you sent letters to all PSGEs informing them of these Cabinet decisions and setting out the next steps for engagement (**25-B-0448** refers).
8. Letters to Tranche 1 PSGEs (groups with complex redress) stated that DOC will write to them before the end of the year providing:
 - the temporary arrangements,
 - analysis of their specific Treaty settlement redress, and
 - proposals as to how the intent of their redress can be upheld.
9. These proposals will form the basis for detailed engagement to inform the final drafting of the Bill. This engagement is intended to occur in early 2026, alongside the select committee process. You will then be able to make decisions on upholding the intent of complex redress.
10. Tranche 2 PSGEs (groups with standard redress) will also be sent a proposal detailing how their redress will function in the new system before the end of the year.
11. We are analysing proposed redress arrangements with groups yet to settle who have complex redress. Engagement with these groups will consider how the changes to the conservation land management system impacts their settlement process.

Options for translating complex redress mechanisms are set out in detail in the attached table

12. Attachment A sets out options for upholding complex redress, based on Cabinet decisions to date. These options are intended to form the basis for bespoke proposals

for each PSGE in Tranche 1, and to create guidelines for detailed engagement to occur early next year. These options have been developed based on decisions you made in August 2025 (**25-B-0346** refers).

13. While these options are high level and applicable to a number of PSGEs with complex settlements, some redress requires a unique process. These instances have been set out in the table for your consideration. The proposed options are, where possible, designed to allow existing rights and redress set out in the relevant Treaty settlements to continue to operate as intended when settlement was reached.

PSGEs and iwi groups have raised concerns about the suite of proposed changes

14. Both the Conservation Act 1987 and the NCPS will regulate the content of area plans, and the NCPS will have the new regulatory effect of setting class concessions. The intention of these amendments is to design legislative frameworks that create appropriate conditions for rights to be exercised and outcomes to be achieved, while simplifying planning processes and concession processes.
15. Under the proposed first NCPS, area plans will not be able to set limits on activities or set any other area-specific policies. They will describe values, set objectives, map visitor zones and disapply class concessions (where the criteria for disapplication are met). Bylaws and regulations will be used instead to set any necessary activity limits. Area plans will not be explicitly directing operational planning, as has been agreed by Cabinet.
16. This approach refines and clarifies the purpose of these documents, removing the ability to broadly interpret content which has arguably occurred as plans have been used for regulatory and/or operational direction.
17. It is likely that some PSGEs may consider the proposed exclusion of area-specific policies as inconsistent with the intent of their redress. There are various instances where settlement legislation states that a CMS chapter/CMP can contain outcomes, policies and milestones that apply to a specific place. PSGEs may also want to provide input into the bylaws and regulations used to set activity limits, however, the current proposals do not include these options.
18. Some PSGEs may also consider class concessions to narrow the influence of their redress, s9(2)(i)(iv), or where the NCPS has made a class decision they expected to be made at the local level through the plan. You are currently considering which activities are included in class concessions (**25-B-0350** refers).
19. It is possible that, though the role or function of a PSGE (for example co-approval of a plan) may continue with relatively minor amendments, perception around the degree of influence of that power may change when considering law reform as a whole. Due to the direction provided on the form and content of area plans and the introduction of class concessions, simply translating equivalent powers may still be seen as eroding settlement redress.
20. Pou Taio has noted various concerns regarding the suite of proposed changes, particularly that:
 - Changing approval functions centralises decision-making power in the Minister and removes independent oversight, as well as statutory checks and balances that ensure Treaty partnership and local input.
 - Under the NCPS, section 4 responsibilities and Treaty redress are reduced to limited consultation steps, which undermines existing co-management and Treaty settlement arrangements.
 - Pre-approving or exempting concessions will remove iwi engagement for a large proportion of decisions that currently require consultation, reducing Treaty partnership and accountability.

- The NCPS prioritises national consistency over local distinctiveness and removes the ability to adapt plans to different cultural landscapes.
 - Engagement between the Crown and iwi regarding unique settlement redress is not sufficiently in-depth regarding the implications of the proposals.
21. We will continue to engage with Pou Taiao as this reform progresses.
22. PSGEs and iwi groups like the National Iwi Chairs Forum and Pou Taio have also raised concerns about the proposed changes in the context of broader changes relating to resource management reform and the review of Treaty principles.
23. If the options proposed are not considered to provide equivalence and sufficiently uphold the intent of settlement redress, PSGEs are likely to consider the suite of changes as diluting their involvement in and influence over conservation land management, with subsequent risks to the reform process, Crown-Māori relations, and the durability of Treaty settlements.

DOC has presented ways in which these concerns are mitigated or offset within the broader reform package

24. We have considered these concerns and note:
- We have identified criteria for disapplying exemption or pre-approval classes and we can continue to test these through the engagement.
 - We have identified for iwi that an off-set to the focus of Area Plans is that iwi will be able to have a better quality of engagement with a reduced number of concessions, and they will get to have a formal role (where not provided) in the setting of values within an Area from place to place.
 - The changes in many cases provide for a direct relationship between the Minister and the iwi. There has been a mixed response to proposed change. You have received our advice on the functioning of s4 in the broader environment which is an ongoing conversation. The Area Plans retain significant flexibility to describe values from place to place – there's no intent to reduce that, only the structure of the statutory documents that describe them.
26. We would also argue that our engagement has been transparent and deliberate throughout the process, and that we have been available and willing to engage.

DOC has proposed options that may mitigate the perception of lost influence

27. Cabinet agreed that the NCPS can specify what types of content area plans can and cannot include [CAB-25-MIN-0213.01 refers] and the first NCPS is proposed to constrain that content. However, the NCPS is secondary legislation so any constraints on content do not override any relevant Treaty settlement commitments in primary legislation.

28. s9(2)(i)
29. s9(2)(i)

s9(2)(i)

30. If PSGEs propose alternative options that they view as preferable, and DOC considers these options are viable, we will seek your approval on a case-by-case basis as needed.

Upholding Customary Marine Title holders' rights

Customary Marine Title interacts with concession processes

31. The Marine and Coastal Area (Takutai Moana) Act 2011 (**MACA Act**) provides broad rights for Customary Marine Title (CMT) holders to grant or decline permission for activities authorised under resource management or conservation legislation, where they are carried out within the relevant CMT area. This includes the ability for CMT holders to grant or decline permission for concession applications to be considered by DOC.
32. All CMT holders received a letter from you on 3 November (sent via Te Tari Whakataua) regarding how recent Cabinet decisions affect their rights.

Exempt and pre-approved activities cannot apply to CMT areas

33. DOC has previously advised you that these rights can continue to operate as intended, but that there may be fewer individual concessions to which the right applies due to the application of exempt and pre-approved activity classes within CMT areas. This advice is incorrect because it is not possible for exempt and pre-approved activities to apply to CMT areas.
34. CMTs can be established within the common marine and coastal area. The common marine and coastal area is the area between the high tide line and the outer limits of the territorial sea but excludes (among other areas) conservation areas under the Conservation Act, national parks under the National Parks Act 1980, and reserves under the Reserves Act 1977.
35. There are currently three groups with CMT rights:
- a. Ngā Hapū o Ngāti Porou (arising from Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019).
 - b. Rakiura Tītī (Beneficial Islands) Committee (arising from the MACA Act).
 - c. Ngā Pōtiki a Tamapāhore Trust (Tauranga Harbour, determined under the MACA Act).
36. CMT areas cannot overlap with any classification of public conservation land. As exempt and pre-approved activities are applied to land classifications, it is not possible to apply them to CMT areas. This is in alignment with the approach taken by the Ministry for the Environment in respect of the proposed RMA reform.

Approach to Treaty settlement reserves

We recommend upholding the arrangements for control and manage reserves in place due to Treaty settlement

37. On 30 June 2025, Cabinet agreed that you will decide whether reserve management plans developed by administering bodies under the Reserves Act will become area plans (**CAB-MIN-0213.01** refers).

38. On 6 November 2025, we provided you with a briefing seeking your decisions on various topics including the approach to reserves managed by administering bodies (**25-B-0389** refers).
39. Some Treaty settlements have appointed administering bodies to control and manage reserves as redress. These administering bodies have some decision-making responsibilities and undertake the day-to-day administration of the reserve.
40. These arrangements can vary depending on the settlement. However, in most cases, decision-making over concessions is delegated to the administering body and/or the underlying landowner.
41. We recommend upholding these Treaty settlement arrangements by not applying the NCPS, including the class concession framework (i.e. exempt and pre-approved activities) to these reserves. This would avoid undermining decision-making responsibilities set out in settlement redress.

Risk assessment – Aronga tūraru

42. s9(2)(i) [REDACTED]
43. We note the recent High Court proceedings lodged by Iwi Chairs Forum and Waikato Tainui, where declarations have been sought from the High Court in relation to the Resource Management reform and the upholding of Treaty settlement redress. It is possible that similar action may be taken if it is felt the Crown is not upholding redress through the conservation law reform process.
44. We also note that many groups have indicated their preference to engage on the full detail of the reform, such as a draft NCPS, so they can fully understand the relationship between proposed changes and their settlements. Further policy development, such as the refinement of section 4, is likely to exacerbate this position and may hinder meaningful engagement.
45. Engaging in good faith to seek to find mutually agreeable solutions can mitigate these risks. The generic options are intended as a starting point for discussion with PSGEs, who may during the engagement period identify and propose alternative potential solutions. Continuing engagement discussions will also inform us about each PSGE's understanding and interpretation of their Treaty settlement redress.
46. s9(2)(i) [REDACTED]
47. PSGEs are likely to want more clarity around the details of the NCPS and how it will impact area plans before they consider they are able to meaningfully engage regarding how their redress can function in the new system. Your decisions on the NCPS are expected by 1 December 2025 (**25-B-0350** refers). Decisions within this timeline will allow us to include more detail on how the NCPS will affect redress when we send proposals to PSGEs.

48. Your 3 November 2025 letters to all PSGEs – those with ‘standard’ redress and groups with complex redress – stated that they can expect a written proposal for their consideration by the end of the year. If we do not meet this timeframe, it may delay the intended engagement early next year and diminish the likelihood of reaching mutually agreeable solutions. Approval of the attached options by 26 November 2025 will allow DOC to prepare these summaries within the timeframe PSGEs are expecting, and allow for sufficient consideration of these summaries ahead of planned engagement in early 2026.

Treaty principles (section 4) – Ngā mātapono Tiriti (section 4)

49. All of the above sections relate to how the Crown can meet its Treaty obligations throughout the conservation law reform process.
50. Giving effect to Treaty principles includes requiring meaningful engagement with PSGEs and other affected groups. Providing them with written proposals regarding their redress before the end of the year will support informed engagement by PSGEs.

Consultation – Kōrero whakawhiti

51. Since November 2024, DOC has been engaging with PSGEs to discuss how the intent of their settlement redress can be upheld in the reformed conservation law framework. That has included:
- You convening on-line regional hui to present your proposals for amendments to the Conservation Act 1987, and to discuss themes emerging from engagement and the reform process.
 - Initial letters sent to all PSGEs by the Director General of Conservation in November 2024, setting out the proposed law reform.
 - DOC convening regional in-person hui for all Treaty Partners in November and December 2024.
 - The Director General of Conservation writing again in March 2025 setting out proposals for PSGE engagement to uphold Treaty settlement redress.
 - Meetings being held over 2025 with most PSGEs who have complex redress arrangements, as well as others who expressed an interest in understanding the reforms further.
 - DOC sending your letter communicating decisions on standard redress options and next steps with further invitations to meet in November 2025.
52. Various hui have been held with some, though not all, groups. While some of the options in the attached table reflect ideas discussed at these hui, many groups have noted their preference to engage based on substantive proposals, as opposed to potential options.
53. Engagement has occurred with Te Rūnanga o Ngāi Tahu representatives to support the development of options for how their settlement will be upheld through the reforms. Discussions were held in September and further analysis provided to Te Rūnanga o Ngāi Tahu.
54. Reform relating to resource management also affects settlement redress, and PSGEs may compare the two approaches or view the broader reform as a package. We have worked with Ministry for the Environment officials to ensure messaging is as consistent as possible and to aid efficiencies in engaging. Our recommended approach to upholding MACA rights is consistent with their approach, which has already been agreed by Ministers.

55. We worked with Te Tari Whakatau on engaging with iwi in negotiations, and regarding parties with CMT rights to ensure we are aligned. Your letters of 3 November 2025 regarding CMT rights were also copied to the Minister of Treaty Negotiations. We have consulted with Te Tari Whakatau on the draft version of this briefing and they are broadly supportive of the recommendations.
56. We have consulted with Te Puni Kōkiri on the draft version of this briefing and attachments.

Financial implications – Te hīraunga pūtea

57. The ongoing engagement with PSGEs is funded from DOC baseline funding.

58. s9(2)(i) [REDACTED]

Next steps – Ngā tāwhaitanga

59. Subject to your decisions in the attached table, DOC engagement leads will write to relevant PSGEs with a formal proposal for upholding complex redress as soon as is practical, but no later than December 2025.
60. DOC recommends you provide decisions on the matters outlined in this briefing by 26 November 2025. This will allow DOC to prepare and send tailored proposals by the end of the year, as has been communicated to all PSGEs, including those with standard redress.
61. Detailed engagement will occur between DOC officials and PSGEs early next year regarding complex redress and in some cases standard redress. We expect PSGEs will also want to engage on any potential changes impacting the application of section 4. DOC officials remain available to engage with PSGEs at any time throughout the process.
62. Should proposals require options not approved in this briefing, DOC will update you and seek your agreement as required.

ENDS

Attachment A – Options table for upholding complex redress

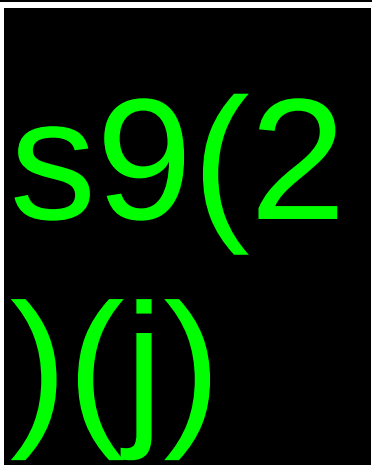
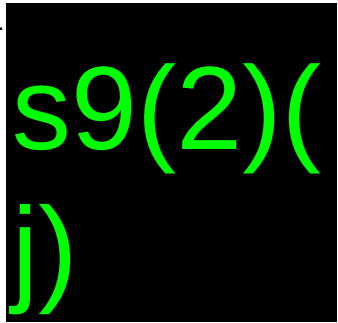
Redress	Analysis and advice	Recommendations	Decision
Statutory planning redress: • Co-authorship or co-approval of CMP (14 settlements) • Co-authorship or co-approval of NPMP (1 settlement) • Co-authorship or co-approval of CMS (2 CMSs corresponding to 6 settlements) • Co-authorship or co-approval of CMS chapter (6 settlements)	Changes to the statutory planning system Conservation management plans (CMPs), national park management plans (NPMPs), and conservation management strategies (CMSs) will be replaced by a single layer of area plans. Area plans will be approved by the Minister of Conservation rather than by the NZCA or conservation boards. The scope of area plans is intended to be narrower than how statutory planning documents have been used to date. Both the Conservation Act and the National Conservation Policy Statement (NCPS) will regulate the content of area plans. Generic area plans will not be able to contain some content that current management plans contain (e.g. actions, milestones), and the NCPS is also likely to be more prescriptive about what they can contain compared to current general policies. Under the proposed NCPS, area plans cannot set limits on activities or set any other area-specific policies. They will only describe values, set objectives, map visitor zones and disapply class concessions (where the criteria for disapplication are met). Bylaws and regulations will be used instead to set any activity limits. In addition, the NCPS will have the new regulatory effect of setting class concessions, specifically exempting some activities from needing concessions, and pre-approving others (so concessions can be obtained through a streamlined, automated process instead). This means there will be fewer concessions requiring individual processing in line with any relevant area plan. Where certain criteria are met, class concessions may be disapplied in specific areas. Statutory planning redress was negotiated on the expectation that conservation planning documents: 1. Enhance the visibility of Treaty partners' association with an area, 2. Influence DOC operational priorities and resource allocation, 3. Cover the management of conservation land, the marine environment and species off conservation land (mainly CMSs), and 4. Are the main instrument for regulating activities in an area.		

	Upholding statutory planning redress [REDACTED] The intent of statutory planning redress is to provide PSGEs with a high level of influence over the content of the relevant plan or chapter through a co-approval and/or co-authoring role. Under the current system, co-authorship (also referred to <u>as</u> co-drafting, co-development, or jointly preparing) means sharing functions with the Director-General to prepare or review a plan, while co-approval means sharing the approval function with the NZCA. Cabinet has agreed in principle to carry across co-approval and/or co-development roles for PSGEs where such roles are directly provided through Treaty settlements in relation to CMSs, NPMPs and CMPs. Area plans will not require co-development or co-approval with relevant Treaty partners, such as PSGEs, unless explicitly provided through a Treaty settlement. Consultation roles which are provided for in settlement redress would continue with relatively minor amendments.	Upholding statutory planning redress 1. [REDACTED]	Yes / No
	Overlapping redress plans A redress plan is a management plan (CMP/JMP/NPMP) or CMS/CMS chapter that is provided for as part of a settlement, often for a discrete area of particular cultural significance. Some redress plans overlap. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]	Overlapping redress plans 2. [REDACTED] [REDACTED] [REDACTED] [REDACTED] 3. [REDACTED] [REDACTED] [REDACTED]	Yes / No

	s9(2)(j)	s9(2)(j)	Yes / No Yes / No
	Nature of role in area plan process <u>For CMPs/NPMPs</u> The current role of PSGEs in relation to all redress CMPs and NPMPs is generally co-approval, although there are some exceptions (e.g. Taranaki Maunga (He Kawa Ora)) involves both co-drafting and co-approval). Content for a CMP tends to include operational elements which will be excluded from an area plan going forward. [Redacted] [Redacted] [Redacted] [Redacted]	Nature of role in area plan process [Redacted] [Redacted] [Redacted] [Redacted] [Redacted] [Redacted] [Redacted]	Noted Noted

	[REDACTED] [REDACTED] <u>For CMS/CMS chapters</u> The current role of PSGEs in relation to redress CMSs and CMS chapters is generally co-drafting. The Te Hiku CMS is an exception where the role involves both co-drafting and co-approval. Content for a CMS/CMS chapters will be guided by the NCPS. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]	s9(2)(j)	Noted Yes / No Yes / No
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	s9(2)(j)	EITHER s9(2)(j)	Yes / No Yes / No Yes / No Noted
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			Yes / No Yes / No
Nominations to conservation boards (13 settlements relating to 10 conservation boards)	Conservation boards can currently approve CMPs and advise on CMSs and NPMPs (e.g. by being consulted on drafts). CMSs and CMPs will be replaced with a single layer of area plans and shift the approval role for both to the Minister (as opposed to the NZCA or the conservation boards). Conservation boards will remain, although their statutory functions relating to statutory planning will be changed under the new system to providing comment on area plans. Settlements provided for nomination to conservation boards with the expectation that this would provide influence over the board's current role in reviewing and advising on CMSs and NPMPs, or in approving CMPs. Co-drafting and co-approval roles for iwi in the drafting and approval of area plans may provide an equivalent role. PSGEs will continue their nomination to conservation boards (and Ngāi Tahu on the NZCA), but these conservation boards (and the NZCA) will no longer approve or revise statutory planning documents. Although nomination will be unaffected, their influence in statutory planning decisions is affected because boards will no longer be approving CMPs or recommending approval of CMSs/NPMPs. Conservation boards will instead have an advisory role during area plan process. PSGEs with this redress still have a higher degree of influence over decision-making (given they would still sit on the conservation board) compared to Treaty partners generally, though less influence than through a co-drafting or co-approval role. We consider there are two mutually exclusive options for this type of redress:	Nominations to conservation boards 16. 	Noted

	1. [REDACTED] 2. [REDACTED] Some iwi have nominations to conservation boards that are not enshrined in their settlement legislation. These instances are outside the scope of this briefing.	17. [REDACTED]	Yes / No
Representation on NZCA (1 settlement)	The NZCA currently approves the General Policy for National Parks (GPNP), CMSs and NPMPs, and may approve CMPs if they are referred on by a conservation board. Functions of the NZCA relating to statutory planning will be changed to reviewing and providing comment on the NCPS and area plans. The Minister will approve the NCPS and area plans. The Ngāi Tahu settlement provides for nomination of one member to the NZCA. The NZCA representation was negotiated to provide Ngāi Tahu with a high degree of influence over the approval of the GPNP, CMSs and NPMPs in recognition that over 70% of public conservation lands and a significant majority of national parks are within the Ngāi Tahu takiwā. The relationship with Ngāi Tahu is critical for the delivery of conservation outcomes in the South Island. Ngāi Tahu nomination to the NZCA will be unaffected. However, the redress intent for Ngāi Tahu to have strong influence as a decision-maker through the NZCA over approved policies and plans is reduced, as the NZCA will now have an advisory role in the NCPS and area plan processes instead of an approval role for the GPNP and a range of plans. [REDACTED]	Representation on NZCA 18. [REDACTED] a) [REDACTED] AND b) [REDACTED]	Yes / No Yes / No

s9(2)(j)

19.

Yes / No

Statutory advisor relating to plan functions (1 settlement)	s9(2)(j)		Noted Yes / No
Status of environmental plans/vision/strategy and legal weightings	A range of settlements provide co-management models over specific natural resources (such as a river or lake) where the relevant iwi/hapū can prepare (in conjunction with local authorities) a 'vision' or 'strategy' predominantly aimed at resource management. In many of these instances, all or part of these documents are then given a 'legal weighting' under specific statutes, including the Conservation Act, so that the Director-General would have to 'recognise and provide for' or 'take into account' the strategy when	Status of environmental plans/vision/strategy and legal weightings 22. Note that Cabinet has agreed in principle to carry	

	preparing and approving conservation planning documents. In a few cases, these documents (or components of them) have the status of general policy or a CMP. Other Treaty settlement commitments also require particular values or principles to be considered in the development of conservation planning documents. The new National Conservation Policy Statement (NCPS) will replace statements of general policy, and will be approved by the Minister. In addition, the introduction of a single layer of area plans, approved by the Minister, will remove the statutory plans from the conservation system that this redress targets. Area plans are not intended to have the same level of effect as the current statutory plans they will replace. Cabinet has agreed in principle to carry across the substantial effect of legal weightings, which require decision makers to (for example) have regard to certain matters when developing planning documents. Plans which have the status of CMPs The conservation components of two integrated river management plans (Waipā River and Waikato River) currently have the status of CMPs. These plans are yet to be drafted, and will be co-drafted with DOC. s9(2)(j)	across the substantial effect of legal weightings in the preparation of a relevant area plan. Plans which have the status of CMPs s9(2)(j)	Noted Yes / No Yes / No Yes / No
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	Statements that have the status of general policies [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] s9(2)(j)	Statements that have the status of general policies [REDACTED] s9(2) (j)	Yes / No Noted
Legal personhood and maunga / awa values (in relation to class concessions)	A small number of settlements require particular values and the status of legal personhood related to a specific awa or maunga to be recognised and provided for when conservation functions, duties or powers are exercised in relation to that awa or maunga. For example, persons exercising or performing functions, duties or powers under conservation legislation in relation to the Whanganui River or an activity within the Whanganui catchment affecting the river must recognise and provide for the intrinsic values of the river (Tupua te Kawa) and the status of legal personhood. Taranaki Maunga Collective redress sets out maunga values which are the foundation for the governance, management, and administration of Te Papa-Kura-o-Taranaki under settlement legislation. It also includes a non-derogation clause that means that statements of general policy, including the general policy for national parks and any conservation management strategy, must not derogate from the Deed of Settlement or Te Ture Whakaturua mō Te Kāhui Tupua Act. [REDACTED] s9(2)(j)	Legal personhood and maunga / awa values (in relation to class concessions) [REDACTED] s9(2) (j)	Yes / No Yes / No

Approach to uphold Treaty settlement redress relating to control and manage reserves	On 30 June 2025, Cabinet delegated you authority to decide whether reserve management plans developed by administering bodies under the Reserves Act will become area plans (CAB-MIN-0213.01 refers). On 7 November 2025, you made decisions on a briefing covering various topics including the approach to reserves managed by administering bodies (25-B-0389 refers). This briefing seeks your decision on the approach to uphold Treaty settlement redress relating to control and manage reserves. Upholding the arrangements for control and manage reserves in place due to Treaty settlement Some Treaty settlements have appointed PSGEs as administering bodies using control and manage arrangements as redress. These administering bodies have some decision-making responsibilities and undertake the day-to-day administration of the reserve. These arrangements can vary depending on the settlement. However, in most cases, decision making over concessions is delegated to the board and/or the underlying landowner.	Approach to uphold Treaty settlement redress relating to control and manage reserves 28. s9(2)(j)	Yes / No
Joint bodies with delegated decision-making on concessions	Some redress provides delegated decision-making powers for joint bodies (which include PSGEs) in specific areas such as jointly managed reserves. For example, it may delegate powers to the joint body to: - grant or refuse a concession in a specified area, - authorise or decline to authorise the taking or killing of fauna in a specified area and impose conditions on the authorisation, - grant or decline to grant the taking of specimens of flora, fauna, rock minerals and soil in a specified area. The delegations often have limitations. For example, the joint body cannot make decisions on applications by the PSGE, or the concession activities must already be considered in	Joint bodies with delegated decision-making on concessions 29.	Noted

	the relevant management plan. Many deeds note that the Minister of Conservation retains the power to amend or revoke the delegated authority. However, they also often specify that the Minister shall consult with the joint body before revoking such delegations. Class concessions will limit the number of individual concessions applications subject to the delegated decision-making powers and may be seen as impacting the intent of this redress. This is consistent with our previous advice that the proposed class concessions will result in fewer concession applications requiring individual consideration by the decision-maker and therefore subject to the consultation and engagement provisions in settlement decision-making framework.	s9(2)(j)	Yes / No Yes / No
s9(2)(j)			

s9(2)(j)			Noted
Third-party requests for cultural materials	Cultural materials provisions include requirements for consultation with PSGEs when there are competing or third-party requests for cultural materials. The NCPS proposes to provide for cultural activities in pre-approved activities. As limited cultural materials plans have been agreed, this is likely to enable greater access for iwi to some cultural materials. However, for the collection of some cultural materials, it will also remove the opportunity for consultation with PSGEs when there are requests from third parties or competing requests. The consultation requirement enables PSGEs to influence decisions about how cultural materials are used and by whom, and to ensure sustainable management of cultural materials. There is an option to disapply materials covered by an agreed cultural materials plan, but this could also risk undermining the proposed efficiencies and standardisation of class concessions. You have agreed that area plans can disapply exempt and pre-approved activities if there is a significant impact adverse effects on cultural values present at a specific site. We consider this option suitable to manage the possible effects on cultural materials.	34. Note that the disapplication mechanism under the NCPS could be used for third-party requests for cultural materials on the basis of significant adverse effects on cultural values present at the specific site.	Noted

Takutai moana legislation provides for customary marine title (CMT) groups to give or decline permission for concessions within the title area to be considered	Customary Marine Title interacts with concession processes for areas held under the Wildlife Act The Marine and Coastal Area (Takutai Moana) Act 2011 (MACA Act) provides broad rights for Customary Marine Title (CMT) holders to grant or decline permission for activities authorised under resource management or conservation legislation, where they are carried out within the relevant CMT area. The Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 provides similar rights. This includes the ability for CMT holders to grant or decline permission for concession applications to be considered by the Department of Conservation (DOC). CMT holders have 40 working days to make a decision. If a decision is not made within this timeframe, then DOC will begin to process the application. There are currently three groups with CMT rights: • Ngā Hapu o Ngāti Porou (Tai Rāwhiti, arising from the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019). • Rakiura Tītī (Beneficial Islands) Committee (Tītī Islands, arising from the MACA Act). • Ngā Pōtiki a Tamapāhore Trust (Tauranga Harbour, determined under the MACA Act). Exempt and pre-approved activities cannot apply to most CMT areas DOC has previously advised you that these CMT concession rights can continue to operate as intended, but that there may be fewer individual concessions to which the right applies due to the application of exempt and pre-approved activity classes within CMT areas. This advice is incorrect because it is not possible for exempt and pre-approved activities (activity classes) to apply to most CMT areas. Under the MACA Act, CMTs can be recognised within the common marine and coastal area. This area specifically excludes (among other areas) Crown owned conservation areas under the Conservation Act, national parks under the National Parks Act, and reserves under the Reserves Act. This means that CMT rights will not be impacted by exempt and pre-approved activities in these types of land. CMT can be recognised over land held under the Wildlife Act (which is also Crown owned conservation area to which class concessions would apply). At this stage there are no CMT areas that overlap with land held under the Wildlife Act, meaning no class concessions will apply in CMT areas. While there are no exempt or pre-approved activities proposed to apply to land held under the Wildlife Act in the first NCPS, this does not preclude future versions of the NCPS from	Takutai moana legislation provides for customary marine title (CMT) groups to give or decline permission for concessions within the title area to be considered 35. Note that DOC has previously provided you incorrect advice relating to the application of exempt and pre-approved activities to CMT areas. 36. Agree that when land held under the Wildlife Act is designated as a CMT in the future that activity classes would prevail until the activity classes in the NCPS are amended. 37. Agree that the Minister of Conservation is required to notify CMT holders of any proposed amendments to activity classes that impact their CMT area.	Noted Yes / No Yes / No
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	designating activities as exempt or pre-approved for land held under the Wildlife Act. In the event CMT is recognised for land held under the Wildlife Act in the future, we recommend clarifying that activity classes for that area prevail until relevant activity classes are amended. This reflects that applications for new concessions, rather than existing concessions, are in scope of CMT holders' permissions rights. There are some privately owned reserves under the Reserves Act where CMTs could be recognised. However, on 7 November 2025, you agreed to maintain existing permission arrangements for privately owned reserves to uphold the integrity of private ownership (25-B-0389 refers). This means that exempt and pre-approved activities will not apply to these reserves. Upholding CMT holders' rights and applying exempt and pre-approved activities There are four agreed processes to amend activity classes: • NCPS amendment process (scenario 1) • Streamlined process to modify activity classes in the NCPS (scenario 2) • Revoking activity classes in the NCPS (scenario 3), and • Area plan amendment process including the disapplication of activity classes (scenario 4). If the entire NCPS is being amended (scenario 1) or the streamlined process to modify activity classes is being progressed (scenario 2), we recommend the Minister of Conservation is required to notify relevant CMT holders only when the changes to the activity classes would impact their CMT area. There are different timeframes for consultation under these processes, one of which is shorter than timeframes required under the MACA Act for CMT holders when exercising their conservation permission right. Our recommend approach to uphold CMT holders' rights under these processes is described in the following table. <table border="1" data-bbox="443 1110 1503 1377"> <thead> <tr> <th>Process</th><th>Previous decision</th><th>Recommendation</th><th>Rationale</th></tr> </thead> <tbody> <tr> <td>NCPS amendment process (scenario 1)</td><td>Cabinet has already agreed that Iwi, the NZCA, conservation boards, the New Zealand Fish and Game Council and the public have 40</td><td>CMT holders have 40 working days to either permit or refuse any amendments to activity classes within their CMT area.</td><td>Both timeframes are consistent and CMT holders' rights would be upheld.</td></tr> </tbody> </table>	Process	Previous decision	Recommendation	Rationale	NCPS amendment process (scenario 1)	Cabinet has already agreed that Iwi, the NZCA, conservation boards, the New Zealand Fish and Game Council and the public have 40	CMT holders have 40 working days to either permit or refuse any amendments to activity classes within their CMT area.	Both timeframes are consistent and CMT holders' rights would be upheld.	38. Agree that for future amendments to the NCPS that amend activity classes which apply in CMT areas, CMT holders will have 40 working days to either give or decline permission for a pre-approved or exempt activity to take place within their CMT area. 39. Agree that for future amendments to the NCPS that amend activity classes which apply in CMT areas, the timeframe for the streamlined process to modify activity classes will be extended from 20 working days to 40 working days for CMT holders only	Yes / No Yes / No
Process	Previous decision	Recommendation	Rationale								
NCPS amendment process (scenario 1)	Cabinet has already agreed that Iwi, the NZCA, conservation boards, the New Zealand Fish and Game Council and the public have 40	CMT holders have 40 working days to either permit or refuse any amendments to activity classes within their CMT area.	Both timeframes are consistent and CMT holders' rights would be upheld.								

		working days (minimum) to comment on a draft.				
	Streamlined process to modify activity classes in the NCPS (scenario 2)	You have agreed that the Iwi, the NZCA, conservation boards, the New Zealand Fish and Game Council and the public have 20 working days to comment on a draft.	Where the proposed changes to activity classes impact CMT areas, we recommend extending the public consultation timeframe to 40 working days to uphold CMT holders' rights. Where the proposed changes do not impact CMT areas, we recommend providing 20 working days for public consultation (consistent with your previous decision).	The extended timeframe is appropriate because it upholds CMT holders' rights and would not be required each time this process is used given: • 0.02% of public conservation land is held under the Wildlife Act. • There are currently no activity classes proposed on land held under the Wildlife Act. • There are currently no CMT areas that overlap land held under the Wildlife Act.		
	CMT holders would be required to provide their response within the designated timeframe. If no response is received by DOC, the changes to activity classes will continue to progress. If CMT holders decline to grant permission, DOC would need to continue processing applications for those activities individually under the standard concessions process in Part 3B of the Conservation Act, which triggers the conservation permission right under the MACA Act. The processes for revoking activity classes in the NCPS (scenario 3) and amending area plans (scenario 4) will not impact CMT holders' permissions rights. This is because both of these processes result in concession applications being processed on a case-by-case basis if they overlap relevant CMT areas (i.e., CMT holders would still be able to exercise					

	the conservation permission right under the MACA Act on individual concession applications).		
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Attachment C - Standard redress options approved by Cabinet

Description of commitment	Updated description of proposals	Cabinet decisions on providing for standard redress in the new system
Deeds of recognition (approximately 500 deeds of recognition across approximately 45 settlements)	Deeds of recognition link to changes to statutory planning (CMSs, CMPs and NPMPs). Current planning documents will be replaced with a single layer of area plans.	<i>Cabinet decisions on deeds of recognition</i> Deeds of recognition are a standard, non-exclusive, redress mechanism included in most comprehensive settlements with little variation. The deed of recognition includes a statement of the settling group's association with the land and requires the Minister and the Director-General of Conservation (the Director-General) to consult and “have regard to” the views of the PSGE in relation to specific sites when: • preparing a CMS, CMP or NPMP; and • undertaking certain operational management activities (for example, constructing structures, signs or tracks). Cabinet has agreed to uphold deed of recognition and overlay classification redress by replacing references to CMSs, CMPs, and NPMPs with references to area plans.
Overlay classifications (114 overlay classifications across 40 settlements)	As with deeds of recognition, overlay classifications link to changes to statutory planning (CMSs, CMPs and NPMPs). These will be replaced with a single layer of area plans. Many of which are currently considered and approved by conservation boards and the NZCA. Area plans will be prepared by the Director-General, and Iwi in some circumstances, and approved by the Minister. The NZCA and conservation boards will be responsible for reviewing area plans prior to the Minister considering them.	<i>Cabinet decisions on overlay classifications</i> Overlay classifications are a powerful form of standard redress that apply to highly significant sites for iwi that continue to be administered by the Department. The redress includes a statement of values and protection principles (i.e. ways to avoid harming the values of the site). Overlay classifications include requirements for the NZCA and conservation boards to “have particular regard to” a statement of values and protection principles when <i>considering</i> and consult the PSGE and “have particular regard to” their views when <i>approving</i> a CMS, CMP or NPMP. Overlay classifications also require the NZCA to give PSGEs an opportunity to make submissions on any significant concerns they have about a draft CMS, before approval. The NZCA and conservation boards will not have comparable roles in relation to area plans in the new system. Cabinet has agreed to uphold overlay classification redress by replacing references to CMSs, CMPs, and NPMPs with references to area plans. In addition, Cabinet has also agreed to further uphold overlay classification redress by requiring, consistent with the inputs of PSGEs in the current system: • the Director-General to seek the views of Iwi (including relevant PSGEs) when preparing area plans, have particular regard to the overlay classification (i.e. the statement of values and protection principles created by the overlay classification) in that process, and provide a distinct opportunity to relevant PSGEs to make written comments prior to submitting an area plan for approval; and • the Minister to have particular regard to the views of PSGEs as to the effect of the overlay classification when approving the area plan.
Decision-making frameworks (15 settlements)	The reforms will enable class concessions (pre-approved or exempt) through the new National Conservation Policy Statement (NCPS). Class concessions will be used to: • Exempt some activities (that currently require a concession) from requiring a concession. This includes activities where the cumulative effects are low, and conditions can be standardised. Applications involving easements, licenses or leases would not be exempt. • Permit some activities in advance, meaning you can get a concession fairly easily subject to paying a fee and agreeing to certain, pre-set conditions. This would be for activities that are low risk, but where there is a need to	<i>Cabinet decisions on decision-making framework redress and class concessions</i> Settlements sometimes include a decision-making framework (DMF) that requires consultation with PSGEs on statutory authorisations, including concession applications, in their area of interest. These settlement DMFs, in some cases, also include a process to identify categories of concessions that do or do not require engagement between the Department and the PSGE. Where settlement DMFs don't include a specific timeframe, they usually refer to a “reasonable” or “sufficient” timeframe for response. Cabinet has agreed that, if their views are sought, Treaty partners will have 20 working days to provide their views on a concession application, or any longer timeframe specified by the Minister. Fifteen settlements include a decision-making framework that requires consultation with PSGEs on statutory authorisations, including concession applications, and most of these specify that sufficient or reasonable time must be given for consultation – however, a small number of settlements include specific timeframes. Cabinet has agreed to uphold DMF redress by preserving specified timeframes for response above 20 working days, where those exist in a relevant Treaty settlement. In all other cases, Ministerial discretion may be exercised to extend timeframes beyond 20 working days. On 24 July 2025, Sam Thomas (Director of Policy) wrote to you providing an overview of the National Conservation Policy Statement (NCPS) and its key proposals, including that the reforms will enable class concessions (such as pre-approved, exempt or prohibited activities). Class concessions will be used to:

	actively monitor cumulative effects and where fees should be collected. For all remaining concessions, clear timeframes for some steps of the concessions process will be set, including timeframes for Treaty partners to respond when consulted on concession applications. There will be a default timeframe of 20 working days for Treaty partner consultation, or any longer timeframe specified by the Minister.	- Exempt some activities (that currently require a concession) from requiring a concession. This includes activities where the cumulative effects are low and conditions can be standardised (for example small scale filming/photography and collection of air for scientific purposes). Applications involving easements, licenses or leases would not be exempt. - Pre-approve some activities in advance, meaning it is possible to get a concession fairly easily subject to paying a fee and agreeing to certain, pre-set conditions. This would be for activities that are low risk (for example guiding and drone use), but where there is a need to actively monitor or engage cumulative effects and where fees should be collected. The introduction of class concessions means that there are likely to be fewer individual concession applications that will trigger settlement DMFs.
Cultural materials plans/protocols (64 settlements)	The reforms will enable class concessions (such as pre-approved, or exempt) through the new NCPS. The draft NCPS outlines that: - pre-approved activities could include collection of rocks, soil, non-threatened flora /plants / fungi /seeds for research or cultural purposes. Plant species that can be collected will be listed and will not include collection of threatened flora/fungi; and - exempt activities could include collection of air and water for cultural purposes.	<i>Cabinet decisions on cultural materials redress</i> Cultural materials redress provides for the PSGE to authorise its members to collect or possess cultural materials (including dead protected wildlife) via a streamlined authorisation process or outside of the usual requirements for a permit or other authorisation under conversation legislation. An authorisation by the PSGE can only be issued if there is an agreed cultural materials plan in place. The cultural materials provisions also include requirements for consultation with PSGEs when there are competing or third-party requests for cultural materials. Cultural materials redress will continue to operate as intended in the new system; however, the introduction of class concessions means some activities will be pre-approved or exempt from needing authorisation. There may be some uncertainty in the new system if existing cultural materials redress places greater controls on the ability of PSGE members to collect or possess cultural materials. I consider that it is important that PSGE members are no worse off than the public because of the reforms. Cabinet has therefore agreed that the Bill will clarify that PSGE members can collect or possess cultural materials in the new system even if that ability is more permissive than cultural materials redress in a relevant Treaty settlement.
Statutory land management requirements (26 settlements)	The Bill will set clear minimum timeframes (30 working days) for feedback from Treaty partners with respect to proposals to exchange and dispose of conservation land.	<i>Cabinet decisions on statutory land management redress</i> Statutory land management requirements are included in some settlements for the Department to engage with a PSGE before it proposes disposal of conservation land, or if a third party notifies Department that it intends to propose disposing of conservation land (such as local authorities who manage some conservation land). Relationship agreements outline the consultation provisions that apply to statutory land management and specify that the PSGE must be provided with “sufficient information and time” to make informed comments and/or submissions in relation to the proposal. Only a limited number of settlements (approximately 26) require the Department to consult with PSGEs on land exchange or disposal decisions. Cabinet has decided to require Treaty partner consultation for all exchanges and disposals with a <i>minimum</i> consultation period of 30 working days, which will include all PSGEs. This upholds these settlement commitments by requiring consultation with Treaty partners (which would include relevant PSGEs), irrespective of whether there is a commitment to do so.
DOC Protocol Existence and terms of Protocol to be noted in statutory conservation documents (CMPs, CMSs, NPMPs).	CMSs, CMPs and NPMPs will be replaced by a single layer of area plans, approved by the Minister (rather than by the Conservation Board or NZCA).	This type of redress can be upheld by replacing references to CMSs, CMPs, and NPMPs with references to area plans.
Right of first refusal	To enable more flexibility to exchange and dispose of land, there will be changes to the tests to exchange and dispose. Exchanges will be permitted where it can satisfy a ‘net conservation benefit’ test. Alongside a set of considerations, disposals must be recommended by the Director-General of Conservation, the land cannot be essential for biodiversity conservation, and the habitat provided must be present in other protected areas. New tests to provide more flexible settings are expected to result in more land than only that with “no, or very low” conservation value being disposed of (which has proven to be a very high bar). As this may include some RFR land, it is likely that one of the	Rights of first refusal over conservation land can readily translate to the new conservation system, including how it interrelates with the “disposal for conservation purposes” exemption. To the extent that the volume of land exchanged or disposed of increases, and that this includes RFR land, the changes may result in: - More opportunities for Treaty partners to exercise their RFR negotiated as part of a Treaty settlement. - More exchanges which do not trigger an RFR via the provision in your settlement Act which allows for disposal of RFR land under sections 16A and 24E of the Conservation Act. Any land obtained by the Crown through such an exchange would become RFR land. - Strengthened consultation requirements for the Department to engage with Treaty partners on all relevant disposals and exchanges.

	impacts of this change will be that there are more opportunities for mana whenua to exercise their right of first refusal.	
Taonga species	No expected impact	No expected impact