

Submission on the Conservation Amendment Bill

13 July 2026

SUBMITTER DETAILS

FULL NAME: Environmental Defence Society Incorporated
ADDRESS: PO Box 91736, Victoria Street West, Auckland 1142
CONTACT: Shay Schlaepfer / Amelia Scharing
EMAIL: shay@eds.org.nz / amelia@eds.org.nz

INTRODUCTION

1. This is a submission by the Environmental Defence Society (EDS) on the Conservation Amendment Bill (Bill).
2. EDS is an apolitical, not-for-profit organisation dedicated to achieving improved outcomes for New Zealand's environment. It is active as a legal watch-dog, policy think tank, and conference organiser.
3. EDS has an extensive history advocating for positive conservation outcomes, enhanced visitor management and sustainable tourism. It has produced a number of reports in this area, including:
 - a. In 2020, EDS published a *Tourism and Landscape Protection* report which investigated how tourism was currently managed, its environmental impacts, and opportunities for the tourism industry to positively contribute to landscape protection.
 - b. In 2021, EDS's *Caring for the Landscapes of Aotearoa New Zealand* report built on a range of case studies, a review of international and national best practice, and a legal review to propose a raft of reforms to provide more robust landscape protection.¹
 - c. In 2021, EDS's *Conserving Nature* report undertook a detailed examination of the regulatory framework in place for the conservation system, identifying key issues and problems.² The report won the RMLA publication of the year award for its contribution to enhanced understanding of conservation issues.
 - d. In 2023, EDS released an *Independent Review of the Conservation Management Planning System*. The review was commissioned by the Department of Conservation

¹ Peart R et al (2021) *Caring for Landscapes of Aotearoa New Zealand: synthesis report*, Environmental Defence Society, Auckland

² Koolen-Bourke D and R Peart (2021) *Conserving Nature: conservation reform issues paper*, Environmental Defence Society, Auckland

(DOC). It focused on identifying reasons for inertia in the planning system and developing proposals to address them.³

- e. In 2023, EDS published a report called *Reform of the Wildlife Act 1953: An Opportunity for Transformational Change of Aotearoa New Zealand's Biodiversity Law* which looked at options for modernising New Zealand's species legislation.⁴
 - f. In 2024, EDS brought these recommendations on the conservation system together in *Restoring Nature: Reform of the conservation management system*.⁵ The report draws on the insights garnered from over 100 interviews with people regularly engaging in the conservation system; expert ecological and economic advice; input from Māori advisors; and a review of case-law and international best practice. It sets out a comprehensive package of recommendations for a new, modernised, streamlined and fit-for-purpose conservation system.
4. EDS's work on the conservation system highlights the need for reform. But it is essential to get the settings right. Public conservation land (PCL) constitutes one third of the country – some 8.6 million hectares. Within it are some of the most iconic landscapes and heritage sites, and most of the remaining intact ecosystems, native forests (75%)⁶ and wilderness areas. These lands are home to some of the most imperilled indigenous plants and animals.
 5. PCL contains some of the few places where 'natural quiet' and 'dark skies' can still be experienced. For mana whenua, native ecosystems and unmodified landscapes constitute the environment in which mātauranga Māori evolved. It is where most of the surviving taonga places can be found.⁷ The protection of PCL is critical to enduring cultural connections and traditional practices. For New Zealanders more generally, PCL represents our collective natural and cultural heritage, something of immense importance to be cherished and passed on to future generations.
 6. PCL is also of international significance. New Zealand has an exceptional level of endemic biodiversity, likely the highest for any country in the world and similar only to Antarctica.⁸ This means that species losses here are losses to the entire planet.
 7. With 4,000 species threatened, and increasing pressures from land use intensification and climate change, now is not the time to be reducing protections for PCL.

³ Koolen-Bourke et al (2023) *Independent Review of the Conservation Management Planning System*, Environmental Defence Society, Auckland

⁴ Koolen-Bourke et al (2023), *Reform of the Wildlife Act 1953: An Opportunity for Transformational Change of Aotearoa New Zealand's Biodiversity Law*, Environmental Defence Society, Auckland

⁵ Koolen-Bourke et al (2024) *Restoring Nature: Reform of the conservation management system*, Environmental Defence Society, Auckland

⁶ New Zealand Institute of Economic Research, 2024, *The value of public conservation land: an ecosystem services assessment*, NZIER report to the Department of Conservation, Wellington, 14

⁷ Waitangi Tribunal (2011) *Ko Aotearoa Tēnei: A report into claims concerning New Zealand law and policy affecting Māori culture and identity*, Wai 262, Waitangi Tribunal Report, Wellington, 127

⁸ Mark John Costello, 2023, Exceptional endemism of Aotearoa New Zealand biota shows how taxa dispersal traits, but not phylogeny, correlate with global species richness, *Journal of the Royal Society of New Zealand*, Volume 54, Issue 1, 144-159

STRUCTURE OF SUBMISSION

8. This submission is structured as follows:

- a. Introduction
- b. Executive summary
- c. Economic clauses
- d. Disposals and exchanges
- e. Visitor amenity areas
- f. Streamlined planning
- g. Section 4
- h. Other
- i. Conclusion

EXECUTIVE SUMMARY

9. The Bill has not landed well with the New Zealand public. It has serious flaws, some of which the Government has signalled a willingness to fix. EDS encourages that approach and asks that the Bill be further re-worked to address its issues.
10. The conservation management system needs updating. EDS supports new legislation which will assist DOC to more effectively and efficiently manage PCL, freeing it up to focus its efforts on the conservation of New Zealand's unique indigenous biodiversity.
11. Putting aside the exchange and disposals provisions, which the Government has said it will not proceed with, EDS's greatest concern with the Bill lies with the economic clauses. We have taken the Minister's willingness to reconsider these provisions on board and have suggested alternative drafting. We consider it essential that any recognition of use and development within the conservation estate be subject to overarching conservation imperatives. That is a bottom line for EDS.
12. In addition, we do not support the wide-reaching and largely unfettered Ministerial power to set aside visitor amenity areas, with their consequential broad scope. Amendments are needed to limit use of these areas to ensure appropriate guardrails are in place to safeguard conservation values.
13. Similarly, for the policy and plan making and concessions frameworks, EDS is concerned with ensuring that any aggregation of Ministerial power is appropriately constrained and that adequate checks are built into the system to maintain public participation and the prioritisation of conservation imperatives at every step.
14. EDS considers that these issues are capable of remedy. It encourages the Select Committee to continue working with officials to address them.

ECONOMIC CLAUSES

15. EDS opposes the following economically focussed clauses in the Bill (the 'economic clauses'):
- a. Clause 6, amendments to s 6 of the Conservation Act (functions of Department);

- b. Clause 15, proposed s 13D(2) (purpose of the National Conservation Policy Statement (NCPS));
 - c. Clause 15, proposed s 13H(2)(b) (purpose of Area Plans); and
 - d. Clause 23, proposed s 14 (purpose of concessions framework).
16. These clauses were not discussed during engagement on development of the Bill, and have been included late in the piece because of a direction from Cabinet to enable greater economic development on conservation land. They therefore appear to be a last minute ‘add on’, rather than an integrated part of the reforms, which are responding to well-identified issues.
17. DOC says they are intended to be a “minor shift”⁹ that will benefit a small number of less economically significant activities and that “conservation will remain the primary purpose of the Conservation Act.”¹⁰
18. It states the changes are intended to enable economic development “that is not inconsistent with conservation”¹¹ and while “protecting conservation values”¹² and “preserving conservation outcomes.”¹³
19. This seems to reflect the Minister’s approach: “The Minister advised that he did not see a strong case for a shift away from conservation as the primary purpose of the system.”¹⁴
20. Current drafting of the economic clauses does not give effect to that intended approach. Rather, it represents a significant departure from the status quo, where conservation is given clear primacy.
21. EDS recommends amendments to, or deletion of, these clauses as set out below. Our changes recognise limited economic development opportunities for PCL when consistent with conservation imperatives.
22. EDS’s support for other aspects of the Bill, discussed below, is conditional on EDS’s relief sought on the economic clauses being upheld. EDS cannot support the Bill if those changes are not made.

DOC’s functions

23. DOC’s functions are set out in s 6 of the Conservation Act 1987 (the ‘Act’). They include managing land for conservation purposes and providing for recreation and tourism when not inconsistent with the conservation of natural or historic resources.

⁹ Supplementary Analysis Report: Amending the purpose of the Conservation Act 1987 at [50] and Summary: Option 1, Benefits

¹⁰ Ibid at Summary: Option 1, Benefits

¹¹ Ibid at Summary: Problem definition and options and Summary: Option 1, Costs

¹² Ibid at Summary: Problem definition and options

¹³ Ibid at [17]

¹⁴ Ibid at [24]

24. Clause 6 of the Bill introduces a new economically focussed function to:¹⁵

“6(ea) 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 to enable this use and development to the greatest extent practicable under this Act and other enactments”

25. PCL is already used extensively for economic purposes, with thousands of active concessions. It is not clear there is a problem here to be addressed. EDS is not opposed to expanding DOC’s functions to recognise there are limited use and development opportunities associated with land and other resources managed by DOC where compatible with conservation.

26. EDS does not, however, support the drafting in the Bill:

- a. The term “economic opportunities” is not defined and would capture a wide range of activities such as tourism, grazing, energy generation and infrastructure.¹⁶
- b. Use and development is not limited by “minor” or “insignificant” descriptors and cannot, therefore, be assumed to only provide for less economically significant activities (on the basis that significant economic activities will progress via other legislative regimes i.e., fast-track).
- c. As DOC identifies, current settings may have deterred some potential operators from applying for concessions under the Act and “the exact nature of activities enabled through the changes is unclear.”¹⁷
- d. There is no hierarchy between DOC’s functions, so the new function will sit alongside existing ones, on equal footing. This is at odds with Cabinet’s rejection of a balancing approach to conservation and economic development outcomes.¹⁸
- e. Unlike proposed s 6(e), relating to the fostering of recreation, the new economic purpose is not qualified by ‘consistency with conservation’. Indeed, inclusion of the qualifier in proposed s 6(e), and not s 6(ea), appears to be deliberate drafting to ensure that economic opportunities are not subject to conservation matters.
- f. The words “to enable this use and development to the greatest extent practicable under this Act and other enactments” could be interpreted as directing DOC to enable economic activity to its maximum potential, irrespective of conservation outcomes. It would set a very high threshold for declining concessions.
- g. When considering a mining access arrangement on PCL, the Crown Minerals Act 1991 requires that the Minister(s) have regard to the objectives of the conservation law under

¹⁵ Conservation Amendment Bill, cl 6 (proposed s 6(ea))

¹⁶ Recreation is covered by another proposed new function to “foster the use of land and other natural resources and historic resources managed by the Department for recreation to the extent consistent with their conservation”, see cl 6 of the Bill, proposed s 6(e). It may be that “economic opportunities” in proposed s 6(ea) is not therefore intended to include recreation-based activities.

¹⁷ Department of Conservation, Supplementary Analysis Report: Amending the purpose of the Conservation Act 1987, dated 15 April 2026, at [50].

¹⁸ Supplementary Analysis Report: Amending the purpose of the Conservation Act 1987, Option 2

which the land is administered.¹⁹ This means proposed s 6(ea) may influence mining decisions.

27. In this context, assertions that DOC's proposed new economic function will only enable economic development when consistent with conservation, or that conservation will take primacy, is blatantly wrong.

28. EDS seeks the following amendments to the Bill:

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,—

“6(ea) recognise that appropriate the economic opportunities that arise from the use and development of land and other natural resources and historic resources managed by the Department may be provided for where the proposed activities are consistent with the conservation of that land and those resources. ~~, and to enable this use and development to the greatest extent practicable under this Act and other enactments~~”

New purpose of conservation policy and plans

29. The Bill streamlines conservation management planning, giving effect to many of the recommendations set out in EDS's independent review of the conservation system.²⁰ As we showed, planning is currently beset by unworkable complexities and churn. The Bill provides for a consolidated National Conservation Policy Statement (NCPS) and for Area Plans.

30. The Bill states that the purpose of these instruments is to create policy for the Acts listed in section 13A(2)²¹ and to:²²

“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 to enable this use and development to the greatest extent practicable under those Acts.”

31. EDS opposes this purpose for the NCPS and Area Plans:

- a. The purpose of the NCPS and Area Plans is an exclusive list. Expressly including provision for economic opportunities as a purpose, and not including any conservation-related direction, will elevate economic opportunities above conservation outcomes.
- b. Including economic opportunities as a purpose creates uncertainty about how a policy set for a section 13A(2) Act interfaces with economic direction imperatives. In the event

¹⁹ Crown Minerals Act 1991, section 61(2):

(2) *In considering whether to agree to an access arrangement, or variation to an access arrangement, in respect of Crown land, the appropriate Minister (in the case of subsection (1)) or the Minister and the appropriate Minister (in the case of subsection (1AA)) shall have regard to—*
(a) *the objectives of any Act under which the land is administered; and*
(b) *any purpose for which the land is held by the Crown; and*
(c) *any policy statement or management plan of the Crown in relation to the land;*

²⁰ D Koolen-Bourke, R Peart, B van Uitregt and C Dowsett, 2024, *Restoring Nature: Reform of the Conservation Management System*, Environmental Defence Society

²¹ And, for Area Plans, for the Hauraki Gulf Marine Park Act 2000, see cl 13H(2)(a)(ii)

²² Conservation Amendment Bill, cl 15 (proposed ss 13D(2)(b) and 13H(2)(b))

of a conflict, there is a high risk that the direction to enable use and development under those Acts to the greatest extent practicable would take precedence, irrespective of the conservation outcomes. That is because it is explicitly listed, whereas other conservation outcomes are not.

- c. It could even be inferred that conservation outcomes are not relevant to a NCPS or Area Plans, given:
 - i. NCPSs and Area Plans are made by the Minister, not DOC (with its attendant s 6 conservation functions);
 - ii. The Act has no purpose section that provides overall direction to the Minister to prioritise conservation outcomes when making these instruments;
 - iii. Proposed clause 13D(3) states “to this end, the NCPS may”, meaning the content of a NCPS is constrained by the economic direction in the purpose of a NCPS. Thus the direction to provide for use and development to the greatest extent practicable applies to descriptions of how consistent an activity is with an area²³ and what kinds of activities are pre-approved or exempt from requiring a concession.²⁴
 - iv. Area Plans must be consistent with the NCPS,²⁵ so the issues perpetuate.

32. EDS seeks that proposed s 13D(2)(b) and s 13H(2)(b) be deleted from the Bill.

33. Alternatively, EDS seeks the following amendments to the Bill:

Section 13D National Conservation Policy Statement

- (1) The Minister ~~may~~ must make a National Conservation Policy Statement.
- (2) The purpose of the NCPS is to—
 - (a) set policy to implement ~~relating to~~ the Acts listed in **section 13A(2)**;
 - (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 to enable this use and development to the greatest extent practicable under those Acts.~~ assist the Department to achieve its functions as set out in section 6 of this Act and in the other Acts listed in **section 13A(2)**.

Section 13H Area plans

- (1) The Minister must make area plans.
- (2) The purpose of an area plan is to—
 - (a) provide regional-level and local-level policy ~~relating to~~ implement—
 - (i) the Acts listed in **section 13A(2)**; and
 - (ii) the Hauraki Gulf Marine Park Act 2000; and
 - (b) ~~recognise the economic opportunities that arise from the use and development of land and other natural resources and historic resources~~

²³ Conservation Amendment Bill, proposed s 13D(3)(c)

²⁴ Conservation Amendment Bill, proposed s 13D(3)(d)

²⁵ Conservation Amendment Bill, proposed s 13H(4)(a)

~~managed by the Department, and to enable this use and development to the greatest extent practicable under those Acts assist the Department to achieve its functions as set out in section 6 of this Act and in the other Acts listed in **section 13A(2)**.~~

Concessions framework

34. The Bill creates a new concessions framework, the purpose of which is to provide the Minister with discretion to recognise the economic opportunities from use and development of conservation resources and land managed by DOC and enable their use and development to the greatest extent practicable.²⁶

35. This approach:

- a. Suffers from the same issues set out above, in that there is no corresponding directive that use and development be consistent with conservation objectives or outcomes. It is a one-sided approach which prioritises economic opportunities.
- b. Does not address how conflicts will be resolved when, for example, a concession enables economic use or development but conflicts with another conservation provision.²⁷ There is a high risk that economic opportunities would take precedence because they are explicitly referred to, and conservation outcomes are not.
- c. Does not clarify what ‘to the greatest extent practicable’ means. The Bill does not include any environmental limits which might provide guardrails.
- d. Does not promote ‘win win’ opportunities, prioritising concessions which support conservation outcomes while enabling use or development.

36. EDS seeks that proposed s 14(1) be deleted from the Bill.

37. Alternatively, EDS seeks the following amendments to the Bill:

Section 14 Purpose of this Part

(1) The purpose of this Part is to provide a concession framework within which the Minister may make decisions on activities involving the use and development of natural and historic resources —

~~(a) may, in a way that recognises the economic opportunities that arise from the use and development of the natural resources and historic resources of conservation areas, make decisions enabling their use and development to the greatest extent practicable under this Act:~~

*~~(b) may, in a way that recognises the economic opportunities that arise from the use and development of land managed by the Department under the Acts referred to in **subsection (2)**, make decisions enabling that land’s use and development to the greatest extent practicable under those Acts.~~*

~~(2) The Acts are the National Parks Act 1980, the Reserves Act 1977, and the Wildlife Act 1953.~~

²⁶ Conservation Amendment Bill, cl 23 (proposed s 14)

²⁷ Which would arise under, for example, cl 23 (proposed s 14Z(1)(a)) of the Conservation Amendment Bill

~~(3)~~ (2) See section 49(1) of the National Parks Act 1980, section 59A(1) of the Reserves Act 1977, and section 14AA(1) of the Wildlife Act 1953, which apply to this Part, with modifications, in order to authorise the granting of concessions under those Acts.

EXCHANGE AND DISPOSALS

38. The Minister of Conservation has advised the Select Committee that the Government no longer supports the land exchange and disposals provisions of the Bill and prefers to retain the status quo legislative settings for land exchanges and disposals.²⁸ It invites the Committee to remove those clauses or it “will submit an Amendment Paper at the appropriate point in the legislative process if the Committee does not do so.”²⁹
39. EDS supports that direction. It opposes the exchange and disposal provisions of the Bill. EDS considers the current “no, or very low” legal threshold for exchange and disposal of PCL should be retained, although we are open to considering further refinement of the *process* for exchange and disposals.
40. EDS opposes the Bill’s exchange and disposal provisions because:
- a. The proposed thresholds for exchange and disposal could have opened up approximately 60% of the conservation estate to privatisation.
 - b. It has been said that the *highest value* conservation land is in Schedule 5 (land illegible for exchange or disposal). However, a lot of Schedule 5 land is of *lower priority* for biodiversity protection than most of the land *outside* the Schedule. Land *outside* Schedule 5 supports numerous environments, ecosystems and species that are more poorly represented nationally and less adequately protected than Schedule 5 land.³⁰
 - c. For exchanges, a net conservation benefit test would require assessment of immeasurables. It will often not be possible to objectively or rigorously determine whether one land parcel is of higher value than another when values such as the presence of different species and ecosystems are non-exchangeable (one parcel supports ‘apples’ and the other ‘oranges’). Decisions will necessarily be subjective and open to bias.
 - d. An exchange of land that considers only benefit and loss of PCL, and not to conservation in New Zealand more generally, will be blind to a net loss outcome caused by withdrawing legal protection from outgoing land. For example, when mature forest on incoming land was under little risk of future loss, but mature forest on the disposed land is lost to development, there will be a net loss of mature forest
 - e. Considering future improvements in the assessment of net conservation benefit under proposed s 15C(4)(d)) (and undertakings to fund or carry out those improvements) adds to the uncertainty of any net benefit.

²⁸ Minister Potaka letter to Catherine Wedd, Chair of Environment Committee, dated 29 June 2026

²⁹ Minister Potaka letter to Catherine Wedd, Chair of Environment Committee, dated 29 June 2026

³⁰ Cieraad et al. (2015) provides the latest national assessment of representation and protection across New Zealand land environments. Cieraad E, Walker S, Price R, Barringer J 2015. *An updated assessment of indigenous cover remaining and legal protection in New Zealand’s land environments*. New Zealand Journal of Ecology. ;39(2):309-315.

- f. Does not consider future value of land in the context of a changing climate, where land currently seen to have low conservation value, may in future provide critical habitat.
- g. For disposals, a high threshold such as Threatened status means that only those species or ecosystems that are already very much reduced will meet this test. The threshold disregards factors such as current trajectories, vulnerability, and/or the likely effects of ongoing clearance and climate change on many At Risk species and ecosystems. There will be many At Risk species and ecosystems that are in accelerated or precipitated declines, with their genetic diversity (i.e. within-species biological diversity) already reduced. Further loss will lower their likelihoods of long-term persistence, and/or remove tractable opportunities for population recovery.
- h. The 'best of the best' threshold is uncertain but, in any event, the best of the best may be land included in Schedule 5 and therefore ineligible for disposal. This renders the best of the best threshold largely redundant.
- i. Collectively, the exchange and disposal provisions could have resulted in the loss of significant, irreplaceable and vulnerable indigenous biodiversity.

VISITOR AMENITY AREAS

- 41. The Bill introduces visitor amenity areas (VAAs) via new Part 3D of clause 23 of the Bill.
- 42. EDS supports the VAA concept in principle. We agree that DOC needs better visitor management tools to protect conservation areas. However, EDS opposes the current framing of VAAs in the Bill.
- 43. As proposed in the Bill, VAAs operate as an almost unfettered Ministerial override of statutory protections and local planning with resultant high potential for significant adverse impacts on conservation values.
- 44. Amendments are required to ensure that the concept does not result in adverse conservation outcomes, and so that VAAs actually result in effective strategic planning for high-use conservation areas as intended.
- 45. In summary, EDS submits that the VAA framework in the Bill should be amended so that:
 - a. The purpose of VAAs is re-oriented to focus on providing for the use and enjoyment of land in a manner consistent with conservation.
 - b. VAAs can only be set aside on the recommendation of the New Zealand Conservation Authority (NZCA) or the Director-General.
 - c. VAAs can only be set aside when in accordance with Area Plans, such that a VAA can provide a more detailed spatial plan for a defined area.
 - d. The scope of VAAs is better defined so that amenities and services are appropriately constrained.
 - e. The decision-making criteria are amended to provide adequate legal thresholds for protecting conservation values.

- f. VAA assessments are framed within the wider conservation estate, rather than on a site-by-site basis.
- g. There is greater public oversight in the development of VAAs.

Wrong conceptual framing for VAAs

- 46. The Regulatory Impact Statement (RIS) for VAAs says that VAAs are a planning tool to facilitate greater recreation and tourism and economic growth. It gives some recognition to the need to plan for recreation and tourism activities within the context of protecting conservation values. However, this appears to be a secondary consideration for VAAs.
- 47. Rather, the conservation benefits of VAAs are largely described as the ability to concentrate visitor development within contained areas to minimise *ad hoc* tourism activities across the wider estate.
- 48. This framing is reflected in the purpose of VAAs in the Bill: to “provide the public with recreational and public amenities and related services to further the use and enjoyment of land”.³¹
- 49. Conservation outcomes, at the VAA site or across the wider estate, are completely missing from this purpose statement. Instead, it is focussed on expanding the use and enjoyment of conservation land by providing for more amenities and services.
- 50. It is a one-sided mechanism designed to increase growth potentially at the expense of conservation. That is the wrong starting position.
- 51. The value of VAAs is to enable strategic spatial planning of high-use conservation areas so that visitor needs can be met in a way that best protects the area’s conservation values. The starting position should be protecting those values, and then providing for development within their constraints.
- 52. The purpose of VAAs needs updating to reflect this change in orientation.

Lack of oversight

- 53. Amenity areas are currently provided for under the National Parks Act and the Conservation Act.
- 54. Conservation Act amenity areas are very different to the Bill’s proposed version of VAAs. Under the Conservation Act, amenity areas are managed so indigenous natural resources and historic resources are protected and, subject to that imperative, to contribute to and facilitate people’s appreciation of those resources. The recreational attributes of the area are fostered only to the extent consistent with the above. They do not provide an analogous example for VAAs.
- 55. Instead, VAAs in the Bill appear in large part to be modelled off the National Parks regime. The purpose of VAAs in the Bill uses similar language to amenity areas in the National Parks Act i.e., “for the public use and enjoyment of the park” (National Parks Act)³² and “to further the use and

³¹ Conservation Amendment Bill, cl 23, proposed s 16A

³² National Parks Act, s 15(2)

enjoyment of land” (the Bill). Further, the kinds of activities provided for are the same: “recreational and public amenities and related services”.

56. However, the application and use of National Park amenity areas differs from VAAs in the Bill in two key respects:

- a. Under the National Parks Act, amenity areas can only be established on the recommendation of the NZCA. The Bill does not require a recommendation by the NZCA or, for that matter, the Director-General. The Minister can, at their sole discretion, decide to set aside conservation land as VAAs.³³ This opens up the possibility of Minister’s ‘pet projects’ being progressed at the expense of conservation. Particularly as VAAs can be located in areas “predicted” to be of high visitor use, which encourages speculation and could provide for VAAs in currently undeveloped areas.
- b. Under the National Parks Act, amenity areas can only be established when in accordance with the relevant management plan. Under the Bill, when making their decision on a VAA, the Minister must consider the relevant Area Plan (but not the NCPS) and the potential impact on the parent land.³⁴ However, this consideration is rendered nugatory by later provisions which provide that the Minister can proceed with a VAA even if it is inconsistent with provisions of the Area Plan or the purpose and principles for which the land is held. Practical implementation of a VAA is through the insertion of a VAA chapter in the relevant Area Plan. Once inserted, the VAA takes precedence over that plan and the purposes or principles for which the affected land is held.³⁵ In effect, a VAA chapter is a complete override of existing legislative protection and local planning for that area. It cuts across the conservation purpose for which the land is held, and any area plan controls on development.

57. These differences represent a significant loss of oversight and safeguards for conservation outcomes. EDS submits that the Bill should be amended so that:

- a. VAAs can only be set aside on the recommendation of the NZCA or the Director-General; and
- b. VAAs can only be set aside when in accordance with Area Plans, such that a VAA can provide a more detailed spatial plan for a defined area (it follows therefore that a VAA should not be able to proceed before an Area Plan is in place and that the Bill should specify that).

Lack of safeguards for conservation

58. The RIS acknowledges the potential risk of adverse conservation outcomes associated with VAAs if the Government gets it “wrong” in legislative design, or DOC and others in implementation. It says that the purpose and statutory criteria are designed to safeguard against that possibility.

59. As discussed above, the purpose of VAAs does not provide any safeguards for conservation. The statutory criteria, and wider VAA framework, likewise do not provide adequate safeguards to ensure that conservation values are not materially and adversely impacted by amenity areas.

³³ Conservation Amendment Bill, proposed s 16(2)

³⁴ Conservation Amendment Bill, proposed s 16E(2)(a)(iv)

³⁵ Conservation Amendment Bill, proposed s 16G

Scope of VAA activities is too broad

60. When introducing the Bill, Ministers focussed on the usefulness of VAAs to adequately provide for essential visitor needs, such as toilets.³⁶ This obscures the true extent of what the Bill could provide for in VAAs.
61. The RIS similarly masks the full scope of VAAs by referring to them as a tool to enable “small specific areas”, and referring to the “small villages” that have been established to date under the National Parks amenities regime.
62. This commentary is illusory and misleading. It grossly under-describes the potential scope of VAAs in the Bill. They have no spatial, geographical or intensity constraints. So while some VAAs may be small in scale, the Bill allows them to also be exceptionally large.
63. Under the Bill, VAAs are to provide for “recreational and public amenities” and “related services”. These terms are far too broadly defined.³⁷
64. The activities listed under “recreational and public amenities” are not limited by scale, size or number. That could result in numerous large accommodation options and restaurants being provided for within the conservation estate. The term also includes the open-ended “any other infrastructure” which could capture quarries to support construction of the amenities listed, and linear infrastructure such as transport, telecommunications and utilities.
65. Further, “related services” potentially captures development outside the VAA, but required to service the area. There is no requirement that the operator services, catering, merchandising, guiding, transportation and equipment rental occur within the VAA. Their operations are similarly unlimited.
66. The Bill does not guide the contents of a VAA chapter. It could, therefore, exempt or permit activities without the need for a concession. The breadth of unconstrained activity within scope of a VAA that could benefit from this (non)consenting pathway is in stark contrast to the otherwise cautious approach to exempt and pre-approved activities proposed in the NCPS. For example, under the NCPS pre-exempt activities such as guiding (including guided biking, horse trekking, rock climbing, kayaking, and motor vehicle tours) have pre-set limits on the number of people enabled on each trip, with maximum group sizes proportionate to the zone in which the activity will occur.³⁸
67. The development of amenity areas for the purposes of tourism or economic growth have to date been highly controversial and subject to public contest. Proposals in areas such as the Westland

³⁶ See Hansard, 12 May 2026, Conservation Amendment Bill, First Reading. For example:

Hon. Tama Potaka 14:57 “In 1988, when I went up on Mount Tongariro when I was 12 years old, there weren’t too many toilets available back then. There was a rock and maybe a tree, and that was it, but now it’s phenomenal. You’ve got facilities on the maunga that can be used by international and other visitors that go up and visit it, but they need to be cleaned, they need to be emptied, and we’ve got all sorts of gadgets that measure all that exciting stuff.”

Grant McCallum 15:36 “By allowing people to have appropriate businesses on conservation land and to charge visiting tourists to go there, we can all go and enjoy these special places, and we can also build things like toilets, which are required, because it’s a hell of a lot better to have toilets than people wandering behind the bushes. I commend this bill to the House.”

³⁷ Conservation Amendment Bill, proposed s 16A(2)

³⁸ Proposed NCPS, page 43, Appendix 3, Table 4. Maximum group size of 15 people in high and medium visitor zones, and eight people in low visitor zones

Tai Poutini National Park,³⁹ Aoraki Mount Cook National Park,⁴⁰ Kahurangi National Park,⁴¹ and Fiordland National Park,⁴² have seen strong levels of public engagement. Sentiment towards proposals to establish commercial enterprises and tourism opportunities in these natural spaces is generally oppositional,⁴³ and none of the proposals have succeeded without a reduction in the level of commercialisation. For example:

- a. The draft Westland Tai Poutini National Park management plan released for consultation in 2018 included a proposed new amenity area of 460ha, which enabled development of future activities including a gondola along Franz Josef glacier.⁴⁴ The plan received 1,361 submissions, many of which were opposed to the gondola idea due to effects on landscape and environmental values.⁴⁵ The plan review was paused in February 2019 as a result of the Supreme Court decision on *Ngāi Tai ki Tāmaki*.⁴⁶ The pause was necessary to consider the implications of the decision, and take into account the changing statutory landscape.⁴⁷
- b. Responses to the draft Aoraki Mount Cook National Park management plan, also released in 2018, were more favourable but still expressed concern over the intention to balance commercial tourism development with the preservation of the environmental and conservation values of the park.⁴⁸ The plan was also paused to consider the implications of the *Ngāi Tai ki Tāmaki* decision.⁴⁹
- c. Proposals relating to the Ōpārara Arches in Kahurangi National Park initially included a significant amount of development and commercialisation in order to market the area as an iconic tourist attraction, including a new suspension bridge, a giant moa installation, a light show, and numerous upgrades to infrastructure including roads, tracks and jetties. The proposals were inconsistent with the relevant management plan, and drew opposition over increased threats to significant landscape and indigenous biodiversity.⁵⁰ Following public responses, the Minister intervened in the proposal, requiring a lower impact approach to be developed.⁵¹
- d. In Fiordland National Park, proposals to establish a Piopiotahi Special Amenities area in Milford Sound as part of the Milford Opportunity Project were objected to by the Southland Conservation Board. The new amenity area would have been excluded from the national park for the benefit of commercial interests. The Board considered this to

³⁹ Lynley Hargreaves, 2019, 'Park plans problems', *Forest & Bird*, 71: 36

⁴⁰ Snoyink N, 2019, 'Why do National park plans favour development over protection?' *Stuff media* (22 January 2019)

⁴¹ Bywater Thoman, 2021, 'Ōpārara Basin redevelopment plan bridge too far for DOC' *New Zealand Herald* (6 December 2021)

⁴² NZCA meeting minutes 18 October 2024

⁴³ See Williams D, 2019, 'Withdraw 'flawed' plans, DOC urged', *Newsroom* (3 February 2019)

⁴⁴ Draft Westland Tai Poutini National Park Management Plan, dated September 2018

⁴⁵ Background to Westland Tai Poutini National Park Management Plan 2018/19 review: View submissions on the draft plan" accessed 1 July 2026

⁴⁶ *Ngāi Tai ki Tāmaki Tribal Trust v Minister of Conservation* [2018] NZSC 122

⁴⁷ Department of Conservation, "Westland Tai Poutini National Park Management Plan" accessed [here](#)

⁴⁸ Snoyink N, 2019, 'Why do National park plans favour development over protection?' *Stuff media* (22 January 2019)

⁴⁹ Department of Conservation, "Aoraki Mount Cook National Park Management Plan", accessed [here](#)

⁵⁰ Williams "Save fragile site, Minister urged" *Newsroom* 26 May 2020 [article](#)

⁵¹ Bywater Thoman, 2021, 'Ōpārara Basin redevelopment plan bridge too far for DOC' *New Zealand Herald* (6 December 2021).

be a dangerous precedent, and expressed concerns over the changes in management focus.⁵²

68. The RIS says that Milford Sound is likely to be the first area where the Bill's changes are operationalised. The Milford Opportunity Project was approved in June 2025. Some of its masterplan proposals were not considered feasible due to ecological impacts and are not being progressed, such as a cable car and walks. The Bill's proposed VAA framework would potentially allow for these activities, notwithstanding their conservation impact.
69. Rather than craft the amenity areas concept in line with public expectations, the Bill opens up parts of the conservation estate to development far and beyond what has already been rejected by the public. It runs a serious and high risk of inappropriate commercialisation of PCL.
70. Finally, as noted above, the language of "recreational and public amenities" and "related services" originates from the National Parks Act. Any suggestion that the VAA concept goes no further than that which is already provided for in National Parks is untenable because application of amenity areas under the National Parks Act includes at least two additional safeguards not carried through into the Bill: NZCA recommendation and consistency with relevant management plan(s).
71. EDS seeks that VAA activities are better defined so that amenities and services are appropriately constrained.

Decision-making criteria is inadequate

72. When deciding whether to set aside a VAA and include a VAA chapter in an Area Plan, the Minister must "consider" the matters listed in proposed s 16E(2)(a) and must be "satisfied" of the matters listed in proposed s 16E(2)(b).
73. EDS submits that s 16E(2)(b) should be reframed so the matters listed are legal thresholds for proceeding with a VAA, not based on unfettered Ministerial discretion. That is particularly important given that the Minister can initiate a VAA on their own initiative.⁵³
74. Further, the terms "significantly less", "could not reasonably" and "well represented" in proposed s 16E(2)(B)(ii), (iii) and (v) respectively are ambiguous, but set a high bar for when a VAA would not be appropriate within the parent land. They provide for net loss of natural resources within the conservation estate. The thresholds need to be re-set to better protect conservation values.

Site-by-site assessment fails to address cumulative impacts across PCL

75. Rather than stepping back and, having regard to current and future anticipated visitor demand across the entire conservation estate, strategically planning for *appropriately* located VAAs where conservation values can accommodate that growth, the Bill provides for VAAs in areas of demand irrespective of conservation values. This is a missed opportunity in the Bill – to strategically and spatially plan for increased growth across the estate.

⁵² The Southland Conservation Board wrote to the Minister (2 September 2024) objecting to the proposal, and raised their concerns with the NZCA. See New Zealand Conservation Authority, Meeting 17 and 18 October 2024, Agenda and meeting papers, page 95.

⁵³ Conservation Amendment Bill, proposed s 16(2)(a)

76. Instead, the Bill focuses on impact on the “parent land”, which is the affected conservation park, stewardship area, national park or reserve where the VAA will be applied. This narrows the scope of consideration to that individual land area. For example, s 16E(2)(a)(iii) requires the Minister to consider the “potential impact of the proposal” on the affected ... parent land “as a whole”, and section 16E(2)(b)(ii) requires that the Minister be satisfied that there is no other area “within the parent land” where the adverse effects would be significantly less.
77. Doing so may lead to adverse impacts on conservation values at the site being downplayed, where those impacts are actually significant at the estate scale. For example, if the entire parent land has very high conservation value, the Bill provides for a trading off of those values against development. The consideration of immeasurables of economic growth and conservation risks net biodiversity loss, particularly if offsetting and/or compensation is utilised, which the Bill is silent on.
78. This area-by-area focus risks cumulative impacts across the conservation estate. Instead, EDS submits that when considering the location of VAAs and their activities, a wider estate lens should be applied.

Public input is lacking

79. Whilst the Bill provides for public consultation of VAAs, it lacks sufficient public oversight of VAAs because:
- a. The Bill provides no guidance on the development of VAA chapters, which presumably will include detailed development opportunities, including concession pathways. The VAA chapters are where the rubber hits the road for implementing VAAs and they are largely a black hole in the Bill. The Bill needs to provide greater guidance on the contents of these chapters.
 - b. The NZCA is only consulted on draft VAA documents if it relates to national parks. Conservation Boards are not provided any early opportunity to comment and advise. This strips local input from the early stages of VAA development.
 - c. Submitters have no right to a hearing.⁵⁴ This is a significant issue and is likely to result in increased lack of social licence and legal challenge of the VAA.
 - d. After public consultation the Minister can tell the Director-General to change the VAA proposal, including the VAA chapter. Further public consultation is not required.⁵⁵
 - e. The Bill is unclear whether public consultation is required for VAA boundary adjustments.⁵⁶
80. EDS submits that further work is required to the VAA framework to address these issues and ensure adequate and proportional public involvement in the development of VAAs.

⁵⁴ Conservation Amendment Bill, proposed s 16D

⁵⁵ Conservation Amendment Bill, proposed s 16E(c)

⁵⁶ Conservation Amendment Bill, proposed s 16H(2)(b) “any necessary modifications” could mean that public consultation is not required

STREAMLINED PLANNING

81. The Bill introduces a new policy system which consolidates current conservation management planning by introducing a single policy statement, and replacing strategies and management plans with Area Plans. EDS supports a simplified hierarchy of national direction consisting of a NCPS⁵⁷ and a single layer of Area Plans.⁵⁸ EDS also supports proposals that streamline the concessions process, such as provision for exempt or pre-approved activities and introduction of an allocation process.
82. EDS considers that the following changes are required to the Bill to ensure that the planning and concessions frameworks appropriately safeguard conservation values, are workable and address all relevant considerations.

Strengthen role of NZCA and conservation Boards

83. EDS is concerned with the diminished role of the NZCA and local Conservation Boards in the Bill and an increased centralisation and concentration of power with the Minister.
84. Currently, the Minister approves the Conservation General Policy and NZCA approves the General Policy for National Parks. Conservation Management Strategies, Conservation Management Plans, and National Park Management Plans are approved by the NZCA, conservation boards, and the NZCA respectively.
85. The NZCA is an independent statutory body, whose role is set out in the Conservation Act, the National Parks Act and the Reserves Act.⁵⁹ It plays an important expert advisory and oversight role in the conservation system, including advising the government on conservation policies at a national level and approving all planning and policy documentation (except the General Conservation Policy Statement).⁶⁰
86. It also operates as a mechanism for Conservation Boards to escalate concerns. This means it can be abreast of a wide range of public interest concerns that DOC and the Minister might not fully appreciate.
87. The NZCA therefore provides a level of independence and expertise to conservation decision-making. It also provides an important avenue for Ngāi Tahu to achieve Treaty settlement outcomes through their representation within the authority.
88. As a result of EDS's policy work on the conservation system, EDS advocated for a *strengthening* the NZCA's oversight role, including providing it with:⁶¹
 - a. The ability to operate as a Commission of Inquiry (with consent of the Minister).

⁵⁷ Conservation Amendment Bill, proposed s 13D

⁵⁸ Conservation Amendment Bill, proposed s 13H

⁵⁹ Conservation Act 1987, ss 6B and 6C; National Parks Act 1980, s 18; and Reserves Act 1977, s 15A(4)

⁶⁰ Conservation Act 1987, ss 17F(p) (Approval of conservation management strategies) and 17G(3)(h) (approval of conservation management plans); National Parks Act 1980, ss 44(1) (Adoption of National Park Policy Statements), 48 (Approval of National Park Management Plans)

⁶¹ Koolen-Bourke et al (2024) *Restoring Nature: Reform of the conservation management system*, Environmental Defence Society, Auckland, 120

- b. The power to require government agencies to provide it with such assistance and information as necessary to perform its functions.
 - c. The power to inquire and report on the impacts of development, public works and mining, and make recommendations to the Minister.
89. EDS also recommended a range of mechanisms to strengthen the role of Conservation Boards including drafting planning documents, in partnership with DOC and tangata whenua, and recommending their approval.
90. Shifting to Ministerial approval of the NCPS and Area Plans will remove an important check on decision-making in the conservation system. Absent any appeals process (to the Environment Court or similar) under the Conservation Act, this would leave judicial review as the only check on Ministerial power.
91. If the important oversight role of the NZCA and Conservation Boards is removed, contrary to our submission, EDS recommends that a right of appeal to the High Court be provided. This could be limited to an appeal on questions of law.⁶²

NCPS promulgation is mandatory

92. The Bill says the Minister “may” make a NCPS.⁶³ EDS submits that a NCPS should be mandatory. The NCPS is an important policy link between the legislation and Area Plans. It is a central mechanism enabling the streamlining of conservation planning, as it prescribes exempt and pre-approved activities and provides guidance on how activities are consistent (or not) with the purposes for which the land is held.
93. The Bill also says that the Minister may make the first NCPS without the process in the Bill being followed.⁶⁴ EDS opposes this approach. The first NCPS should absolutely proceed using the consultation processes set out in Schedule 2 of the Bill. The current consultation underway for the draft NCPS is not a substitute because the final shape of the Bill is not set, and therefore the final shape of the NCPS cannot yet be determined or submitted on.

Incorporate climate change considerations

94. Climate change considerations are not incorporated into the Bill or the draft NCPS and remain unintegrated in the planning and concessions system.
95. Climate change is already making conservation management more costly and complex. DOC’s 2019 national risk assessment report identified 331 DOC assets, 119 “recreation functional locations”, 62 “destinations”, 260 ecosystem management units and 99 species management units in high risk or potential inundation zones.⁶⁵

⁶² An example where intermediary option was adopted is s 158 of the Local Government (Auckland Transitional Provisions) Act 2010

⁶³ Conservation Amendment Bill, proposed s 13D

⁶⁴ Conservation Amendment Bill, proposed cl 8 of Part 3 to be inserted into Schedule 1AA of the Act

⁶⁵ Tait A, 2019, Risk-exposure assessment of Department of Conservation coastal locations to flooding from the sea: A national risk assessment of DOC assets, archaeological sites, recreational functional locations, and ecosystem and species management units vulnerable to coastal inundation and sea-level rise, Science for Conservation, 332

96. DOC needs better tools, and a clear statutory and policy mandate, to take climate change considerations into account. The management planning system needs to support climate change mitigation and adaptation. Decision-makers need to consider matters such as carbon emissions, restoration potential and enhanced carbon sequestration, the resilience of indigenous biodiversity, the need for increased habitat and connectivity, and the risks associated with extreme weather events including asset protection and human health and safety concerns.

97. EDS recommends that the Bill:

- a. Provide statutory recognition for DOC's Climate Change Adaptation Action Plan and incorporate direction within the new NCPS to ensure it is implemented throughout the planning system and influences concession decisions; and
- b. Provide DOC with the ability to review concessions to ensure compliance with, and implementation of, the Climate Adaptation Plan.

Exempt and pre-approved activities are appropriately ringfenced

98. EDS supports the criteria for exempt and pre-approved activities listed in proposed s 13E(1) of the Bill. The draft NCPS appears to have appropriately applied these criteria with its list of exempt and pre-approved activities.

99. However, EDS is concerned that proposed s 13E(2) of the Bill would allow for activities that are inconsistent with the purpose of the Act, the purpose for which the land is held, and that do not appropriately manage adverse effects (including cumulative effects). Standards should be set at a level that does not provide for outlier activities that pose a risk to conservation values. EDS submits that s 13E(2) be deleted.

100. In addition, the Bill should enable the creation of exempt or pre-exempt activities to be applied to specific geographical locations. EDS submits that a new criteria should be added to proposed s 13E(4) along the lines of "In deciding whether a particular activity is to be classified as exempt or pre-approved, the Minister must consider- the geographical location of the activity".

101. EDS supports provision for the Minister to suspend or change exempt or pre-approved activities. The same criteria for setting exempt or pre-approved activities should apply to any amendments. However, EDS submits that the Bill should also include a feedback mechanism which requires (mandatory) responses, including review and revision of exempt and pre-approved activities, in the event that monitoring demonstrates adverse conservation outcomes are occurring.

Grounds for declining concessions are strengthened

102. The economic clause inserted in the concessions section of the Bill (proposed s 14) builds unnecessary conflict into the system. For example, proposed s 14Z sets out mandatory grounds for declining an application, many of which may compete if the economic clauses stay in the Bill. This problem is easily fixed by adopting EDS's changes to the economic clauses detailed above.

103. The mandatory grounds for declining a concession in proposed s 14Z do not include when adverse effects on conservation values cannot be avoided, remedied or mitigation. This is a gap that needs addressing.

Retain public participation for grazing licences

104. EDS opposes proposed s 14R(5)(d) which removes the requirement for grazing licences. Grazing livestock on PCL is one of the most controversial and contested uses. This is because of the significant impacts grazing can have on conservation values. Lifting public notice requirements would take away an important check and balance that helps ensure that controversial existing activities are revisited and conditions scrutinised.
105. A case in point was the roll-over of a historic grazing concession in Haast Valley, despite a repeated history of cattle straying into Mount Aspiring National Park, and the site not able to be effectively fenced to prevent this.⁶⁶
106. EDS submits that s 14R(5)(d) should be deleted.

Retain right to be heard

107. Under the Bill, submitters have no right to a hearing, with hearings only at the discretion of the Minister.⁶⁷ This is a significant issue and is likely to result in increased legal challenge.
108. EDS seeks that proposed s 14S, cl 15 of Schedule 2 and cl 14 of Schedule 3 of the Bill be deleted. Alternatively, the Bill should be amended so that the Director-General is tasked with recommending to the Minister whether a hearing is required.

SECTION 4

109. Proposed s 4A of the Bill seeks to define what s 4 of the Act requires with respect to various processes under the Bill. It largely includes inviting written comment from iwi or Māori groups with relevant interests, and preparing reports on impacts on the rights and interests of Māori. In effect, the section significantly constrains the practical implementation of the Crown's Treaty obligations under the Act.
110. Any prescription of what s 4 requires in a particular process should be agreed between Treaty partners, which does not appear to be the case here. It is also likely to vary around the country, which makes such prescription in the Act itself likely unworkable. EDS therefore submits that any changes to the application of s 4 be paused until such agreement can be brokered.

OTHER

Levies

111. EDS supports efforts to enhance DOC's funding streams via the increased use of levies. EDS therefore supports aspects of the Bill that provide for this. However, the revenue should be hypothecated to DOC, for reinvestment in conservation. It also needs to be additional, and not result in a reduction in government core funding.

⁶⁶ See discussion in Koolen-Bourke D and R Peart (2021) *Conserving Nature: conservation reform issues paper*, Environmental Defence Society, Auckland, 94 – 95

⁶⁷ Conservation Amendment Bill, proposed s 14S, cl 15 of Sch 2 of the Bill and cl 14 of Sch 3 of the Bill

Classification of land

112. The Bill often refers to the 'purpose for which the land is held'. For example, an NCPS may provide additional information on what activities are consistent with the purposes for which areas are held.⁶⁸ This presupposes that the land has been appropriately classified. That is not always the case. Stewardship land is a case in point and its programme of reclassification should continue. EDS is concerned about erroneous understandings of the values of Stewardship land. EDS provided the Prime Minister with a fact sheet that describes Stewardship land, its origins and the importance of continuing with reclassification. It is enclosed as **Attachment A**.

CONCLUSION

113. The Bill has serious flaws, some of which the Minister has signalled will be addressed. EDS is pleased the Government has decided to retract the exchange and disposal provisions and expressed a willingness to amend the economic clauses, of which EDS has suggested alternative drafting.
114. As outlined above, there are other big issues that need addressing before this Bill is acceptable. EDS submits those issues are capable of being remedied as described above.
115. EDS would like to be heard in support of its submission.

⁶⁸ Conservation Amendment Bill, proposed s 13D(3)(c)