



# Regulatory Impact Statement: Amenities areas

<b>Decision sought</b>	Cabinet agreement to expand the ability of the Minister to establish amenities areas for more effective management of visitor facilities and services in high-use areas
<b>Agency responsible</b>	Department of Conservation
<b>Proposing Ministers</b>	Minister of Conservation
<b>Date finalised</b>	17 June 2025

## Description

The Minister of Conservation proposes making changes to the amenities area classification in the National Parks Act 1980 and Conservation Act 1987 to enable more effective management of visitor growth in high-use conservation areas—enabling protection of conservation values while ensuring the economic benefits from tourism by ensuring visitors have access to an appropriate level and quality of facilities and services.

## Summary: Problem definition and options

### What is the policy problem?

The inherent natural beauty of New Zealand's most precious landscapes attracts many visitors, both from home and overseas. With some locations becoming much busier in recent decades, the government needs to ensure that ongoing recreational enjoyment and tourism is balanced with protection of the conservation and cultural values of public conservation land (PCL). Increasing visitor numbers can negatively impact PCL, while inadequate visitor facilities can negatively impact tourism growth in conservation areas.

Amenities areas (small areas in national parks and conservation parks suitable for the development and operation of visitor facilities and services), are an existing legislative tool that can assist with managing these tensions. However, there is a need to make those provisions more fit for purpose and integrated into the modernised planning system envisaged by the wider reforms.

### What are the policy objectives?

The objectives are:

- **Protecting the wider conservation area** – To allow the proper protection of the wider conservation area, by guiding the development of visitor facilities and services in a defined space.

- **Supporting recreation and tourism:** To contribute to fostering tourism and recreation on PCL, by setting aside relatively small areas for development to enable the planning and provision of visitor facilities and services to adequately support the current and projected visitor numbers.
- **Upholding Treaty obligations:** Providing certainty that statutory functions will be performed in a manner that gives effect to Treaty principles. Consistency with Treaty settlement commitments and other obligations.
- **Integrated future planning:** To enable the creation of forward-looking spatial planning within the amenities areas, providing greater certainty for future development and enabling local communities and tourism operations to make longer-term strategic investment decisions.

All of these objectives sit within, and contribute to, the broader policy objective of managing the tension between facilitating recreation and tourism and protecting PCL.

### **What policy options have been considered, including any alternatives to regulation?**

The two policy options considered involve making existing provisions more workable while introducing a process to support ongoing visitor growth in high-use areas and establishing the safeguards to balance growth with protection of conservation values.

Summarised, these include:

- clarifying the purpose of amenities areas
- broadening the types of PCL in which they can be established
- protecting conservation values by introducing statutory criteria before the Minister establishes an amenities area
- making the process for establishing amenities areas more efficient with specific consultation requirements and integrating management of amenities areas into the conservation management planning system.

The alternative, non-regulatory approach, is the status quo. Without a coherent spatial plan, this runs the risk of development to meet visitor growth posing a greater risk to conservation outcomes and greater risk of negative tourism outcomes.

### **What consultation has been undertaken?**

The proposals were consulted on as part of the wider government consultation to modernise the conservation system to enhance the care and protection of public conservation land. The proposal for ‘Unlocking amenities areas to protect nature and enhance tourism’ was outlined in Section 8 of the discussion document – *Modernising Conservation Land Management*. Public consultation ran from 15 November 2024 until 28 February 2025.

### **Is the preferred option in the Cabinet paper the same as the preferred option in the RIS?**

Yes

## Summary: Minister's preferred option in the Cabinet paper

<b>Costs (Core information)</b> <p>There are no additional establishment costs associated with the proposal as it streamlines the processes involved in establishing amenities areas.</p> <p>There is the potential risk of adverse conservation outcomes (which is a potential cost), but the definition of the purpose of amenities areas coupled with the proposed statutory criteria for establishment, are designed to safeguard against these occurring.</p>
<b>Benefits (Core information)</b> <p>Enabling amenities areas across a wider range of PCL classifications is expected to improve the government's ability to facilitate recreation and tourism activities, and its associated economic benefits.</p> <p>Improved spatial planning to manage future visitor growth within amenities areas will provide benefits for tourist operators and concessionaires, Iwi, local businesses and communities. Greater certainty on where visitor facilities will be established within an area enables better planning and investment decisions by these parties.</p> <p>It is also likely to create a more fit-for-purpose, cohesive, responsive, and well-integrated framework, aligning the conservation legislative frameworks.</p>
<b>Balance of benefits and costs (Core information)</b> <p>The requirements governing both the purpose of amenities area, and the statutory criteria for their establishment will limit the growth in the number of amenities areas (with just four currently in place). That said, it is acknowledged that if the Government gets this "wrong" in legislative design, or DOC and others in implementation (including monitoring), there is the potential for negative conservation impacts and/or tourism impacts.</p> <p>The benefits of these proposed legislative amendments are seen as outweighing any potential costs (defined as adverse conservation outcomes and/or adverse tourism outcomes and visitor experiences). Amenities areas will support the objective of facilitating recreation and tourism, and economic growth. Their implementation will also seek to constrain that development to specific areas that will lessen the impact that high visitor growth can have on conservation outcomes.</p> <p>In the absence of any legislative tool to enable deliberative planning for areas of high visitor growth, there remains the risk that over time, either (or both) conservation or tourism outcomes will be negatively impacted.</p>
<b>Implementation</b> <p>These policy proposals will be implemented with the broader conservation law reforms set out in <i>Modernising Conservation Land Management</i>, with amendments required to the National Parks Act 1980 and Conservation Act 1987.</p> <p>The national conservation policy statement will be developed alongside the Bill, and area plans will undergo a technical translation within 12 months of commencement to ensure consistency with the new regime. The impact of statutory planning changes on the timeliness of the concessions system will occur as soon as the national policy statement is agreed, resulting in a drop-off in volume of applications for low-risk and common activities.</p> <p>The discussion document <i>Modernising Conservation Land Management</i> specifically mentioned Milford Sound/Piopiotahi is a good example of an area that has seen high visitor</p>

growth, and which would benefit from a more considered approach to providing visitor services and tourism development. The Milford Opportunities Project identified a ‘special amenities area’ tool—similar to the tool proposed here. As such, Milford Sound, and potential other associated areas in Fiordland National Park, are likely to be the first areas where any amendments to the Acts to enable amenities areas are put into practice.

## Limitations and Constraints on Analysis

With some limitations on the evidence, a number of core assumptions were made to underpin the problem definition and options analysis. To address the limited evidence, the Milford Opportunities Project provided a useful representative case study

The value of establishing an amenities area will depend on the context and circumstances of each location. Analysis can be undertaken specifically for each location through the process for establishing amenities areas and making area plans. As such, the limitations of evidence are not considered to compromise the basis for these proposals.

Other limitations and constraints include the following.

- DOC has consulted on the general proposals but has not consulted on specific features, including the proposed statutory criteria and the proposals to apply amenities areas to conservation parks and stewardship areas. The high-level consultation is considered sufficient to endorse the proposals, particularly given the opportunity for further public consultation on the specifics through the select committee process and the process for developing the national policy statement.
- The scope of these proposals was limited to amenities areas. This means they are limited to how the problem can be addressed with land classification provisions.

I have read the Regulatory Impact Statement and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the preferred option.

**Responsible Manager(s) signature:**

Eoin Moynihan

Policy Manager – Regulatory Systems Policy

17 June 2025

s9(2)(a)

<b>Quality Assurance Statement</b>		<i>[Note this isn't included in the four-page limit]</i>
<b>Reviewing Agency:</b> Department of Conservation and Ministry for Primary Industries	<b>QA rating:</b>	Partially meets
<b>Panel Comment:</b> The QA panel consider that the information and analysis summarised in the RIS partially meets the Quality Assurance criteria. The RIS does a good job of emphasising conservation outcomes and reflects submission feedback, though it could more clearly explain how that feedback influenced policy development. Although the qualitative assessment of benefits is sound, the RIS would be strengthened by discussing how existing amenity areas have		

managed the conservation/visitor balance, referencing international examples, and situating the proposal within the broader conservation law reform context. Greater clarity on decision-making responsibilities would also enhance the RIS, either by addressing it directly or signposting its treatment in the wider reform programme.

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## Section 1: Diagnosing the policy problem

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**What is the context behind the policy problem and how is the status quo expected to develop?**

### Increasing visitor numbers on public conservation land

1. The inherent natural beauty of New Zealand's most precious landscapes attracts many visitors, both local and international. Many premier attractions are on public conservation land (**PCL**) that is managed by the Department of Conservation (**DOC**).
2. Total international visitor numbers have increased steadily over time. When the Conservation Act was passed in 1987 New Zealand had 844,000 international arrivals. This number has grown by over 350% with 3.2 million international arrivals in 2024 and 3.9 million in 2019 (pre Covid).<sup>1</sup> International travel is expected to increase on average by 5.8% per year between 2022 and 2032 worldwide.<sup>2</sup>
3. Recent data from MBIE's International Visitor Survey found that around 50% of visitors cite natural landscapes and environment as their primary reason for traveling to New Zealand, and that about 50% of international visitors to New Zealand visit national parks.<sup>3</sup>
4. Domestic and international visits are focused on popular locations on PCL.
  - 22% of international visitors visited Fiordland National Park, and 21% visited Aoraki Mount Cook National Park between October and December 2023.<sup>4</sup>
  - A record 870,000 visitors went to Piopiotahi Milford Sound in 2019, with tourism demand forecast to reach 1.1 million by 2030 and 1.5 million by 2050.<sup>5</sup>
  - Other current “hot spots” include Tongariro National Park, Cathedral Cove, and Waipoua Forest.
5. The growth in visitors to some key conservation areas will require additional investment to maintain and enhance the experience of visitors. This necessitates expanding visitor facilities such as car parks, visitor centres, improvements to tracks and paths, gondolas, and ski field lifts and facilities.
6. The visitor experience is not limited to just capital infrastructure. It also includes investment in conservation efforts to ensure that areas continue to provide visitors with access to the unique biodiversity, vistas, and wildlife interactions within them.
7. The government needs to have the planning tools to effectively manage tensions between recreational enjoyment, tourism, and protection of PCL.<sup>6</sup> The proposal to introduce an access levy at high-visitor conservation areas is also part of the solution—to provide sufficient revenue to enable ongoing investment that will support the growth of conservation tourism (currently estimated to be worth \$3.4 billion annually).<sup>7</sup>

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<sup>1</sup> MBIE (2024) [International Visitor Survey](#); Stats NZ. 2024. Tourism satellite account: Year ended March 2024.

<sup>2</sup> DOC (2024) [Understanding summer activity](#), referencing the World Travel and Tourism Council.

<sup>3</sup> MBIE (2024) [International Visitor Survey \(Rolling Annual\)](#); 3 December 2024.

<sup>4</sup> DOC (2024) [Understanding summer activity](#).

<sup>5</sup> Milford Opportunities Project (2021) Masterplan for Milford Sound Piopiotahi and the journey, [210503-MOP-Masterplan-FINAL.pdf](#).

<sup>6</sup> Protection of PCL broadly means the preservation and protection of natural and historic resources for the purposes of maintaining their intrinsic values.

<sup>7</sup> DOC (2024) Indicative internal estimate of the economic value of tourism activities on PCL aggregated from the regions in the period between 2019/2022 and 2022/2023.

## Existing statutory planning tools do not enable effective development and management of visitor amenities areas

8. Ideally visitor amenities and facilities are developed in a way that will cause the least disruption to conservation areas. This includes providing facilities close to, but outside the boundaries of national parks and conservation areas. However, when visitor facilities and amenities are developed within PCL, it is important for government to have the legislative planning tools that support effective strategic planning and development of facilities within the context of protecting conservation values.
9. The National Parks Act 1980 and the Conservation Act 1987 both enable the establishment of an amenities area, but they are not aligned in their consideration or framing of 'amenity'. The Conservation Act protects natural amenity values while the National Parks Act provides for amenities and facilities that enhance visitor experiences.
10. This disjunct in the use of an 'amenities area' lies at the heart of the problem: government not having access to effective planning tools to manage the growth in visitors across national parks and other types of public conservation land.

### *National Parks Act 1980 – Amenities areas*

11. The National Parks Act (section 15) enables the Minister to set apart an amenities area in a national park as a form of special zoning. However, the Minister can only establish such an amenities area on the recommendation of the New Zealand Conservation Authority.<sup>8</sup>
12. The development and operation of recreational and public amenities and related services for public use and enjoyment of the national park may be authorised in accordance with the National Parks Act 1980 and any relevant national park management plan. National park values only apply in an amenities area in so far as they are compatible with the development and operation of such amenities and services. Declaring an amenities area enables a greater scale of development within the defined area than is normally allowed in a national park (or a stewardship area or reserve). This is sometimes needed to provide facilities and services that meet visitor needs, manage the impacts those visitors have, and constrain activities to a designated area (for example, ski fields).
13. To date, amenities areas have been used infrequently to establish small village areas containing visitor amenities within national parks. The visitor amenities can include toilets, visitor centres, accommodation, car parks, restaurants and cafes, gondolas, and other infrastructure that supports visitors and recreational activities.

### *Conservation Act 1987 – Amenity areas*

14. There is also a provision titled 'Amenity areas' in the Conservation Act (section 23A). However, it has a different function to that in the National Parks Act. It does not provide for increased development of amenities and was introduced to implement the West

<sup>8</sup> The New Zealand Conservation Authority is an independent statutory body, established under the Conservation Act 1987 (s.6A). It advises the Minister of Conservation and the Director-General on conservation priorities at a national level, and is responsible for preparing and approving statements of general policy for national parks (and associated management plans) [Refer s.18(1)(a), (b) and s.44 National Parks Act 1980]

Membership comprises people appointed following consultation with the Ministers of Māori Affairs, Tourism and Local Government, a representative of Ngāi Tahu (a requirement under Te Rūnanga o Ngāi Tahu Act 1996), and appointments nominated by various environmental NGOs and from the public.

Coast Accord.<sup>9</sup> It favours protection of the area's indigenous natural resources and historic resources over recreational use.<sup>10</sup> The 22 amenity areas established under the Conservation Act are all in the West Coast. None have been used to provide visitor facilities, with these areas appearing to generally contain natural forest and bush.

### What is the policy problem or opportunity?

15. Government needs to be able to effectively plan and manage the growth in visitor numbers that is forecast to continue. Planning would enable better management of the impact that increasing visitor numbers can have on the visitor experience (e.g., crowding, loss of solitude and remoteness), and environment and ecological impact (e.g., erosion, trampling, disruption of wildlife).<sup>11</sup> Between December 2023 and February 2024, around a third of visitors reported that they had noticed damage from visitors.<sup>12</sup>
16. High tourist numbers can also put pressure on existing infrastructure, such as toilets, shelters, accommodation, car parks, restaurants, and cafes. Visitor car parks in both Piopiotahi Milford Sound and Aoraki Mount Cook have been overloaded in recent years. Compromised visitor experiences are a threat to the ongoing growth of New Zealand's tourism industry. Low quality experiences, overcrowded facilities, and traffic congestion are inconsistent with the overall appeal of New Zealand as a destination.
17. While increased visitor demand carries a risk of compromising site-specific visitor experiences, it also carries an opportunity for increased commercial activity relating to tourism in and around PCL
18. The ability to strategically plan for tourism growth in PCL (both identifying new areas for establishing amenities areas and expanding visitor facilities within existing amenities areas), enables delivery of visitor facilities that can help achieve commercial and conservation outcomes. Ad hoc development of commercial activity within PCL, in response to growing visitor numbers, raises the risk of compromising both conservation outcomes and tourism objectives.<sup>13</sup>
19. Legislative change could enable the Minister of Conservation to create amenities areas under the Conservation Act 1987 in the same fashion as amenities areas operate under the National Parks Act 1980. This would provide a new tool for spatial planning that more effectively manages the expansion and enhancement of visitor facilities across PCL. The existing constraint on the Minister's ability to set apart an amenities area (i.e., it requiring the recommendation of the New Zealand Conservation Authority), is also a limitation on the use of this planning tool.

<sup>9</sup> The West Coast Accord was an agreement signed in 1986 by the government, industry and environmental organisations on use of forests on the West Coast. This was cancelled in 2000 by the Forests (West Coast Accord) Act 2000.

<sup>10</sup> Section 23A of the Conservation Act 1987 provides that every amenities area shall be managed so:

- a) that its indigenous natural resources and its historic resources are protected; and
- b) subject to paragraph (a), to contribute to and facilitate people's appreciation of its indigenous natural resources and its historic resources; and
- c) subject to paragraphs (a) and (b), to foster the recreational attributes of the area.

<sup>11</sup> Higham, Espiner and Parry (2019) [The environmental impacts of tourism in Aotearoa New Zealand: A spatio-temporal analysis](#)

<sup>12</sup> DOC (2024) [Understanding summer activity](#)

<sup>13</sup> Stats New Zealand (2024) [Tourism satellite account](#) Year ended March 2024.

20. An amenities area legislative provision will enable:
  - the Minister to create a specified zone for the purposes of tourism and visitor-related development
  - the Minister to apply rules to the zone that are more enabling of tourism and recreation and remove restrictions that would apply to other conservation land
  - a spatial planning approach to development of visitor facilities within that zone.
21. An amenities area planning vehicle will enable the delivery of long-term planning at specific conservation locations, with the aim of maximising the visitor experience and minimising any negative impacts of visitors on conservation outcomes.
22. An example of a potential amenities area is Milford Sound Piopiotahi. It is part of Fiordland National Park/Te Rua-o-te-Moko, within the Te Wāhipounamu UNESCO World Heritage site. It is a global tourism hotspot with approximately 1.1 million tourists visiting each year,<sup>14</sup> contributing around \$200 million to the local economy.<sup>15</sup>

#### **What objectives are sought in relation to the policy problem?**

23. The Minister of Conservation is seeking to improve the effectiveness of managing public conservation lands to better support the visitor experience, but without compromising the achievement of conservation outcomes. The programme of work to modernise the conservation land management planning system (of which amenities areas are one part) seeks to improve the efficiency of the system.
24. The ability of the Minister to create new amenities areas is one tool in the planning system. It provides for the development and operation of recreational and public amenities and related services appropriate for the public use and enjoyment of conservation land.
25. Amenities areas also enable spatial planning. They allow government to work with concessionaires, environmental non-governmental organisations (NGOs), recreational groups, local businesses, Iwi/hapū, and tourist operators, to strategically plan for visitor growth within a designated area.
26. A forward-looking spatial plan provides greater certainty for interested parties. It enables local communities and tourism operators to make longer-term strategic investment decisions about their operations within the amenities area. It also supports tourism-related operations in adjacent local communities (e.g. food and accommodation, service providers, infrastructure investments by local authorities, etc.).
27. The following are the objectives for this work:
  - **Protecting the wider conservation area:** Delivering on the broader purpose of the conservation system by managing the tension between protecting conservation outcomes while also supporting the development of visitor facilities and services in small specific areas to support high visitor growth

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<sup>14</sup> The MOP business case notes that, in 2019, 870,000 tourists visited Milford Sound Piopiotahi by land (via SH94—50% by bus, 45% by car and 5% by campervan), with a further 220,000 entering via large cruise ships. This is a pre-Covid peak figure. All indications are that this summer’s visitation numbers to Milford Sound Piopiotahi have nearly fully returned to pre-Covid levels.

<sup>15</sup> Milford Opportunities Project Tourism Report 10 March 2021, p 29. “Local economy” refers to Milford Sound. It excludes associated expenditure in the region such as Queenstown and Te Anau where 90% of visitors day trip from. Milford’s contribution to the broader region would therefore be higher than the \$200m.

- **Supporting recreation and tourism:** Guiding the development of facilities, services, and infrastructure to support recreational and tourism opportunities related to the current and projected visitor growth.
- **Integrated future planning for conservation and tourism/recreation:** Providing greater clarity and certainty in future investment decisions for the regulator (DOC), and stakeholders (e.g., tourist operators, concessionaires), by having a legislative tool (for establishing amenities areas) that supports long-term, forward-looking spatial planning to deliver improved visitor experience in key conservation locations.
- **Consistency with Treaty obligations:** Providing certainty that statutory functions will be performed in a manner that gives effect to Treaty principles and is consistent with Treaty settlement commitments and other obligations.

### **What consultation has been undertaken?**

28. Public consultation on proposals to modernise conservation land management took place from November 2024 to February 2025, alongside consultation on proposals to introduce access charging. DOC held 25 regional hui with Iwi/Hapū during this period, 15 stakeholder engagements, and 4 public engagements. DOC received more than 5,500 submissions on proposals to modernise conservation land management, of which 4,800 were pro forma submissions from Forest and Bird.
29. The proposal for ‘Unlocking amenities areas to protect nature and enhance tourism’ was outlined in Section 8 of the discussion document *Modernising Conservation Land Management*. The views of the public were sought on a discrete proposal to amend legislation to:
  - create a single amenities area tool
  - better integrate the concept of amenities into the conservation planning system
  - enable the Minister to establish an amenities area in a national park without requiring the recommendation of the New Zealand Conservation Authority.
30. The public were also asked how the proposed legislative change could be improved as well as what the main tests should be to determine if an amenities area is appropriate.

### **Overview of submissions**

31. DOC received 5,565 submissions during consultation between November 2024 and February 2025.
32. Over 4,800 of these submissions were from individual submitters using a template created by Forest & Bird, an environmental NGO. Other submissions either used the website form to respond to specific questions in the discussion document, or used a freeform submission emailed to DOC. Most DOC website form submissions were individual submitters (80%) and just under half the freeform submissions were individual submitters (49%).
33. In terms of ‘freeform submissions’ 11.5% came from Treaty partners and Māori organisations, 11.5% from various recreation and commercial stakeholders, 11% from concessionaires, 9% from statutory bodies, 5.5% from environmental NGOs and conservation groups, and 3.5% from councils. In addition, 20 % of DOC website submissions were from conservation groups, tourism businesses, and Treaty partners.

TABLE 1: TOTAL NUMBER OF SUBMISSIONS

Type of submissions	Number of submissions	Proportion of total submissions
Forest and Bird form submission	4,837	87 %
Website submission	451	8 %
‘Freeform’ submission	277	5 %
<b>Total submissions</b>	<b>5,565</b>	

34. The figures in this document represent submissions which responded to a particular proposal or question in the discussion document. Submitters did not always respond to every proposal or question. The Forest & Bird template submission did not directly respond to any consultation questions or specific proposals, and submitters who used the Forest & Bird template are therefore not included in any of the counts of support or opposition for particular proposals.

35. About a third of freeform submissions (98) did not engage directly with the proposals in the discussion document. They typically expressed support for other submissions, the importance of protecting conservation values or highlighted their personal interests in conservation land. Of this group, 58 submitters did not think Treaty partners should be treated differently to others by the Crown.

*The views of stakeholders on creating a single amenities area tool*

36. Submitters who expressed support (e.g., stakeholders, concessionaires, and some environmental NGOs), agreed that one tool for establishing amenities areas is appropriate because it would be efficient and ensure consistency. Concessionaires noted the proposal strikes the right balance between protecting nature and allowing for tourism.

TABLE 2: QUANTITATIVE RESULTS - DO YOU AGREE WITH THE PROPOSAL TO CREATE A SINGLE AMENITIES AREA TOOL?

Website Submissions							
Strongly agree	Agree	Disagree	Strongly disagree	Neutral	Unsure		
3% (5)	21% (37)	19% (33)	20% (35)	26% (46)	11% (19)		
24% (42)		39% (68)		37% (65)			
Freeform Submitters							
Supports			Opposes				
65% (31)			35% (17)				

37. Many submitters have expressed that environmental protection should have priority over tourism growth and revenue gathering. Concessionaires have added that the potential for economic benefits, the level of visitor traffic, and the benefits to local communities should also be considered.

38. Some individuals, Treaty partners, tourism concessionaires, and councils also supported the use of a careful spatial planning approach to better manage multiple activities, especially in congested areas.
39. Many agree with the issues relating to unlocking amenities areas to protect nature and enhance tourism. However, submitters expressed concern that the proposal lacks clear ecological safeguards and the risk that amenities areas could become a backdoor for inappropriate development in highly protected areas.
40. Treaty partners have also said that the proposal presented in the discussion document did not make the role of mana whenua clear when considering and making decisions on future amenities areas.
41. Those who opposed the proposal were generally concerned that the impact of this tool will increase tourism and may result in poor conservation outcomes, particularly in areas with sensitive biodiversity. These submitters were also concerned that development interests could outweigh conservation values.
42. Many individuals, environmental NGOs, conservation groups, statutory bodies, and some recreation stakeholders did not agree with enabling the Minister to establish an amenities area in a national park without requiring the recommendations of the New Zealand Conservation Authority, as it would place too much power in the hands of the Minister.

Views of stakeholders on the main tests to determine whether an amenities area is appropriate

43. Submitters (35 comments) generally agree that a statutory test is required before an amenities area can be progressed, and there were a range of suggested tests proposed. Many submitters have expressed that environmental protection should have priority over tourism growth and revenue gathering.
44. The Environmental Defence Society suggested that amenities areas should not be granted when alternative sites outside of PCL were available. They proposed criteria that focussed on:
  - addressing adverse visitor impacts at congested sites,
  - enabling increased protection in surrounding areas,
  - distributing, containing or mitigating visitor impacts; and
  - encouraging more sustainable tourism.
45. Forest & Bird suggested the use of the existing test for special areas within national parks (set out in the General Policy<sup>16</sup>).
46. Māori groups and Treaty partners noted that appropriateness of amenities area should include upholding the cultural and ecological significance of the area, support from tangata whenua, and consultation and engagement with iwi and hapū. They also proposed specific tests such as tikanga and customary use tests and an intergenerational protection test.

<sup>16</sup> General Policy for National Parks (2005), Policy 6(o): National park management plans should identify new, modified, or expanded amenities areas in national parks only where:

- i) the development and operation of recreational and public amenities appropriate for public use and enjoyment of the national park cannot practicably be located outside the national park; and
- ii) where adverse effects on the rest of the national park can be minimised.

47. Concessionaires have added that potential for economic benefits, the level of visitor traffic, the benefits to local communities, and the ability to manage places to a high standard should also be considered.

*Stakeholder suggestions on how the proposal could be improved*

48. Thirty-four submitters provided suggestions for improving the proposal. Concessionaires' main suggestions for improvement were the use of a spatial planning approach to ensure well-designed, controlled, high-standard visitor facilities. Some noted the need for further analysis to clearly define the purpose of amenities areas, to ensure they are an effective tool and would optimise both economic and conservation outcomes.
49. Environmental NGOs, recreational groups, and some individuals noted the need to better define the term 'amenity area' and 'tourism' (putting some limitations on the type of commercial activity). They also proposed a more open and transparent process to provide checks and balances on the Ministerial decision.
50. Māori groups and Treaty partners noted the amenities areas were not a total solution. They supported the spatial planning aspect but noted that tourism enhancement should not compromise natural and cultural values.

## Section 2: Assessing options to address the policy problem

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### What criteria will be used to compare options to the status quo?

51. Assessment criteria are derived from the objectives listed above and set out below. There are separate criteria for protecting PCL and enabling recreation to recognise the tension between these criteria and the trade-offs that need to be made across them. These outcomes are in tension given recreation and use of parks has the potential to adversely impact natural and historic resources.
52. Options for change will be compared to the status quo using the following criteria.
  - The amenities area framework enables the protection of PCL.
  - The amenities area framework enables effective management of recreation and tourism activity on PCL, to deliver economic benefits from visitors.
  - The amenities area framework is well integrated across policy, area plans, and concessions and is responsive to emerging issues.
  - Consistency with Treaty obligations: There is certainty about performing statutory functions in a manner that gives effect to Treaty principles and consistency with Treaty settlement commitments and other obligations.

### What scope will options be considered within?

53. The main scope for considering options is to ensure better strategic planning and management of the growth of visitors while also protecting conservation values. In that respect, other proposals in the reforms for modernising conservation land management share a similar focus, either in whole or in part, such as some of the proposals in the concessions space.
54. The goal is to provide a better planning option that can deliver positive visitor experiences in conservation areas—from ensuring there are sufficient and world-class visitor facilities, through to providing opportunities for visitors to connect with New Zealand’s unique environment and wildlife.
55. The Government is also considering the introduction of an access levy to areas of high-visitor numbers to generate revenue to maintain and enhance the visitor experience on PCL. This levy will enable the Government to spend money on visitor infrastructure and services, as well as biodiversity work, that contributes to the visitors’ experiences on PCL.
56. And, finally, The Milford Opportunities Project has explored options for maintaining a world-class visitor experience in Milford Sound/Piopiotahi while ensuring conservation values are protected. Proposals in this document have been informed by ideas and concepts from the Milford Opportunities Project and will allow elements of the project to be taken forward should the Government pursue them. The Government’s response to the project is due to be announced shortly.

### What options are being considered

57. There are three options for how visitor facilities and services can be expanded in a structured and well-planned way, to ensure development can best capture the economic and social benefits of increased visitors to conservation areas, while simultaneously protecting the conservation and cultural values in those areas. The three options are:

- Option One: The status quo—visitor facilities and services are developed ‘as needed’ in response to changing visitor needs and numbers.
- Option Two: Enable the Minister to establish amenities areas on some PCL to enable structured, spatial planning to meet current and projected visitor growth in high-use areas.
- Option Three: Enable the Minister to establish amenities areas on some PCL (as in Option Two), with additional safeguards of legislative criteria and consultation requirements to ensure cultural and conservation values are identified and considered.

### **Option One: Status quo**

58. The ability to establish an ‘amenities area’ that can support the planning and management of visitor facilities is currently available only for national parks. The provision for an amenities area on other types of PCL (apart from scenic reserves), to provide a vehicle for planning and for managing the expansion of visitor facilities and services, is not currently possible.<sup>17</sup>
59. Establishing an amenities area currently involves a multi-step process. Appendix One sets out the current process that was followed the last known time that establishing an amenities area was contemplated. That occasion was an amenities area needed to accommodate a gondola development (which would provide access to a retreating glacier in the Franz Josef Glacier valley).
60. The Minister can only establish an amenities area in a national park on the recommendation of the New Zealand Conservation Authority.

### **Option Two: Enable the Minister to establish amenities areas in more PCL to support better visitor management**

#### **Proposal**

61. The proposal consulted on in the discussion document is for a broadening of the legislative power to establish amenities areas across various types of PCL. The purpose is for the Minister to be able to provide for the development and operation of recreational and public facilities and related services, that are appropriate for the public use and enjoyment of PCL.
62. The upgraded amenities legislative provision would enable the Minister to:
  - create a specified zone (amenities area) for the purposes of tourism and visitor-related development
  - apply rules to the amenities area that are more enabling of tourism and recreation and remove restrictions that would apply to other conservation land
  - enable a spatial planning approach to plan and manage development within that zone (providing clarity and certainty for stakeholders to support their investment decisions in supporting growth in the visitor experience).

<sup>17</sup> The Conservation Act 1987 (s.23A) provision on amenity areas is restrictive; any development within the amenity area is for the protection the natural and historic resources within that area, whereas the National Parks Act 1980 (s.15) makes the provision of visitors’ facilities and services the primary purpose. Further work will be undertaken to determine how this existing “amenity areas” provision in the Conservation Act (s.23A) will be modified, revoked or renamed to avoid confusion with the new proposed visitor-orientated focus for conservation parks and stewardship areas (under the Conservation Act).

63. The ability to establish amenities areas would be expanded from national parks to areas that attract visitors,<sup>18</sup> specifically:

- National Park (National Parks Act 1980) [EXISTING]
- Conservation parks (Conservation Act 1987)
- Stewardship areas (Conservation Act 1987)
- Recreation reserves (Reserves Act 1977)
- Historic reserves (Reserves Act 1977)
- Scenic reserves (Reserves Act 1977)
- Government or local purpose reserves (Reserves Act 1977).

64. The ‘amenities area’ plan will be integrated into the relevant area plan (as amenities areas in national parks are currently a section of the National Park Management Plan). Area plans are a key component in the new, streamlined and modernised system for conservation land management planning. If there is any inconsistency, the policies or rules within the amenities area chapter will override the policies and rules set by the broader area plan.

**Comment**

65. While amenities areas provisions in the National Parks Act have been rarely used, our view is that their general purpose (as expressed in the national parks context) as areas where visitor services and facilities are allowed and encouraged remains fit-for-purpose.

66. Amenities areas were traditionally established in national parks where demand for visitor services and facilities already existed. Four amenities areas currently exist (one in Aoraki/Mount Cook village, and three in Tongariro National Park for the Tūroa and Whakapapa ski fields and Whakapapa Village). There has been no specific need to use the amenities areas provisions in national parks in recent years. Instead, visitor facilities have been developed as visitor needs have emerged over time.

67. When responding to visitor needs for expanded facilities (e.g., car parks, toilets, improved tracks) in response to visitor growth, there is an opportunity for more deliberative, forward-planning. The growth in tourism visitor numbers in some key areas provides an opportunity to use amenities areas to ensure visitor management and economic activity develops in a structured way (not just in places where visitor pressures are already evident).

68. The proposal expands amenities areas beyond national parks to conservation parks, stewardship areas, and some reserves (together comprising over 4.7 million hectares). This will be done through changes to the Conservation Act 1987 and Reserves Act 1977. This will support improving the economic productivity of PCL and enable expansion of visitor opportunities more broadly beyond the existing destinations favoured by tourists, by enhancing alternative destinations.

69. The creation of amenities areas will be restricted to PCL which has locations that are popular with visitors now or potentially in the future (for example, historic reserves, recreation reserves, scenic reserves, conservation parks).<sup>19</sup> Amenities areas will only be

<sup>18</sup> Amenities areas will not be able to be established in: nature reserves, scientific reserves, national reserves, ecological areas, wilderness areas, wildlife sanctuaries, wildlife refuges, or wildlife management reserves.

<sup>19</sup> Stewardship areas are included as this is land that is subject to the Conservation Act (a ‘conservation area’) but is land which has not yet been given additional protection by being specifically ‘classified’ (e.g. as a conservation park). These areas can include some locations that are popular with visitors.

proposed for areas that already visitor hotspots, or are predicted to be areas of high visitor use. Their establishment can help ensure that infrastructure, services, and facilities are located and sized appropriately to protect the conservation values of these popular destinations.

70. There are conservation areas and reserves that have special attributes and hold specific classifications to provide additional protection. Although visitors are not excluded from those areas, they would not be expressly encouraged through the building of concentrated visitor facilities in such locations. Accordingly, the legislation proposes prohibiting the establishment of amenities areas on some PCL, such as, wilderness areas (which do not allow any buildings or vehicles), nature reserves, scientific reserves, national reserves, ecological areas, wildlife sanctuaries, refuges, and management reserves.

*Relationship between amenities area and wider planning for an area*

71. The use of amenities areas will enable the government to carefully consider and plan for the development of visitor growth in a way that maximises economic benefit while simultaneously managing the impact of that growth on conservation values. Area plans will establish conservation outcomes for places to guide regulatory decision-making on PCL. The amenities plan will need to be integrated into the proposed new area plan structure—this is a key proposal in the changes to modernise conservation land management planning.<sup>20</sup>
72. Including an amenities area chapter within the relevant area plan ensures that only one planning document applies to a given area, that the broader connections between the region and the amenities area are reflected, and that all relevant regional objectives and policies are in one place. The overall area plan will articulate the broader objectives for the region, and the role of the amenities area within it.
73. The process to establish an amenities area would not involve triggering a review of the relevant area plan, even though it would lead to a new chapter within the relevant area plan (the process for establishing amenities areas would itself include appropriate consultation with Treaty partners and the public).

**Option Three: Enable the Minister to expand the use of amenities areas, but with specific statutory criteria and consultation requirements**

**Proposal**

74. This option builds on Option Two by proposing two specific safeguards (consultation requirements and specific criteria the Minister must consider), to ensure that conservation values are appropriately considered and balanced with the economic benefits that the establishment of amenities areas can deliver.
75. The Minister must have regard to all the following criteria in establishing an amenities area:
  - the location is already, or is predicted to be, an area of high visitor use
  - the area is in the practical location where it would have the least effect on conservation and cultural values

<sup>20</sup> The proposed new management planning system will streamline local and regional planning by translating the existing conservation management strategies (CMSs), conservation management plans (CMPs), and national park management plans (NPMs) into area plans. The single plan for each area would enable clear objectives and policies that are specific to the local context to be set, that will also reflect national direction.

- the proposed size is no larger than reasonably necessary to provide for facilities and services
- development would not threaten the persistence of the values that underpin the purpose for which the wider area is protected, but would enable its enjoyment by a wider range of visitors than would otherwise be the case.

76. This option also proposes specific legislative requirements for consultation for establishing an amenities area to ensure that the views of Iwi and key stakeholders are considered as part of the process. It is proposed the Minister must:

- consult relevant iwi on a proposed amenities area prior to public notification
- consult the New Zealand Conservation Authority if an amenities area is in a national park (replacing the current requirement for the Authority's recommendation to set-up an amenities area)
- publicly notify an intent to create an amenities area, and provide a minimum of 40 working days for comment (the status quo for land classification decisions).

#### **Comment**

77. Many submitters agreed with the need for amenities areas to both protect nature and enhance tourism, but there was concern about a lack of clear ecological safeguards. There was concern the establishment of amenities areas could result in poor conservation outcomes (particularly in areas with sensitive biodiversity), and increase the risk of inappropriate development in highly protected areas.

78. The statutory criteria and requirements for public consultation on establishing new amenities area can mitigate some of the risks that amenities areas would allow development that would be at the expense of ecological and other conservation values. These considerations would be informed by consultation with Iwi and public submissions.

79. Under this option, the new statutory criteria will ensure an amenities area may only be established where reasonably necessary to enable tourism and recreational enjoyment of the relevant PCL, while protecting and preserving the values of the wider area.

80. The primary purpose of using an amenities areas 'tool' is to protect the conservation areas better, by creating clear boundaries to contain and manage the development of visitor facilities and services in tourism hotspots. This statutory criteria and consultation process will ensure better protection of conservation values in high-visitor areas. It will ensure amenities areas are only established in areas with current or projected growth in visitor numbers, and in areas that would benefit from comprehensive, structured forward-planning to manage that ongoing growth.

81. The statutory criteria also address submitters' concerns about the risk of inappropriate development in highly protected areas by ensuring that the proposed size of an amenities area will be appropriate for the projected visitor growth. This will help protect conservation values by locating and concentrating the development of visitor facilities in areas that are not of high ecological or cultural value.

82. The statutory criteria of constraining amenities areas to locations of high visitor use (current and projected) will mitigate the risk that a Minister will establish an amenities area in places where existing processes and planning can effectively manage the visitor numbers. In the absence of an amenities area option for high-visitor area, the risks to conservation outcomes are higher and the economic benefits from tourism will be lower.

Removing the requirement for the NZCA to recommend an amenities area

83. Many individuals, environmental NGOs, conservation groups, statutory bodies, and some recreation stakeholders did not agree with enabling the Minister to establish an amenities area in a national park without requiring the recommendations of the New Zealand Conservation Authority (NZCA). This is due to concerns that removing the Authority's role removes key checks and balances and place too much power in the hands of the Minister.
84. Currently the New Zealand Conservation Authority must recommend the establishment of an amenities area in the national park to the Minister. This existing process undermines effective decision-making by splitting it across the Minister and the New Zealand Conservation Authority.
85. Although this existing requirement is intended to provide checks and balances to the Minister's power to declare these areas, it makes it difficult for government to administer this provision. This can make it difficult to respond in a strategic and timely manner to increases in visitor volumes in national parks. This can result in delaying the provision of the facilities and services that are necessary to ensure positive visitor experiences. Milford Sound Piopiotahi is an example of this.
86. The proposed safeguard, in the form of statutory criteria the Minister will consider, will increase responsiveness and cohesion of decision making. It also aligns with corresponding wider conservation management reform proposals for the New Zealand Conservation Authority to have an advisory role.

Treaty impact analysis

87. The Minister's decision to establish an amenities area would have to give effect to Treaty principles. The criteria for establishing an amenities area would enable consideration of the duty of the principle of active protection including through identification of the location of an amenities area where it would have the least effect on conservation and cultural values, the necessary size and scale of the amenities area, and in ensuring that the amenities area would not threaten the persistence of the values for which the wider area is protected. In the context of amenities areas, this includes the need to identify and consider how taonga and connection to whenua might be actively protected.
88. The Minister's decision on an amenities area would be informed through the proposed statutory requirement for early consultation with Iwi. This early consultation with relevant Iwi, before public notification, would be more reflective of Iwi aspirations for engagement on conservation matters.
89. Removing the role of the New Zealand Conservation Authority in recommending the establishment of amenities areas has an impact Ngāi Tahu. Membership of the New Zealand Conservation Authority includes one person nominated by Te Rūnanga o Ngāi Tahu (as established by section 6 of Te Runanga o Ngāi Tahu Act 1996). Discussions over the next few months with PSGEs, including Te Rūnanga o Ngāi Tahu, will further inform this policy.

## How do the options compare to the status quo?

Criteria	Option 1 Status quo	Options 2 Enable the use of amenities areas in more PCL	Option 3 Enable the use of amenities areas in more PCL (Option 2) plus specific statutory criteria and consultation requirements
<b>Protects PCL</b>	0	<p style="text-align: center;">+</p> <p>Protects broader PCL in the area by focusing development of visitor facilities and associated infrastructure in a relatively small defined area.</p> <p>Provides for the development of facilities that can help to effectively contain the spillover impact of high visitor numbers in an area.</p> <p>Excludes types of PCL where visitor growth will not be encouraged (e.g. nature reserves, scientific reserves, national reserves, wilderness areas, ecological areas, wildlife sanctuaries, refuges or management reserves and wilderness areas)</p>	<p style="text-align: center;">++</p> <p>Statutory criteria set a high bar to establish an amenities area, which are restricted to locations with predicted or current high visitor use, and to a size that is 'reasonably necessary' (limiting unhindered commercial development in an amenities area).</p> <p>Statutory criteria will restrict amenities areas to practical locations where it would have the least effect on conservation and cultural values.</p> <p>Provides a planning tool to help effectively manage the tension between tourism and recreational outcomes and conservation values.</p> <p>Public consultation requirements to ensure value from establishing an amenities area are considered alongside any risks to conservation values.</p>
<b>Supports recreation and tourism</b>	0	<p style="text-align: center;">++</p> <p>Considers not only current visitor numbers but projected growth.</p> <p>Supports spatial planning, providing a forward plan for future visitor development that supports investment decisions by others (local businesses, local authorities, transport and infrastructure providers, concessionaires, etc.) both inside the amenities areas and in communities near the PCL.</p>	<p style="text-align: center;">++</p> <p>Protects conservation values while also growing the benefits from tourism through well-managed expansion of visitor facilities and services.</p>

Criteria	Option 1 Status quo	Options 2 Enable the use of amenities areas in more PCL	Option 3 Enable the use of amenities areas in more PCL (Option 2) plus specific statutory criteria and consultation requirements
<b>Well integrated within conservation planning system</b>	0	<p style="text-align: center;">+</p> <p>Common purpose across three primary Acts.</p> <p>Integrated within the new reformed public conservation management planning framework (namely area plans).</p> <p>The geographical boundaries, objectives, and policies for amenities areas will be included as a chapter within an area plan.</p>	<p style="text-align: center;">+</p> <p>Common criteria and consultative processes to establish amenities areas across many types of public conservation land.</p> <p>Where there is inconsistency, any policies or rules within the amenities area chapter will override the policies and rules set by the broader area plan, when applied within the amenities area.</p>
<b>Consistency with Treaty obligations</b>	0	<p style="text-align: center;">0</p> <p>Structured, forward-planning amenities plan to address visitor growth supports Iwi to effectively plan and integrate tourism business opportunities within an overall amenities area (and flow-on opportunities outside the area).</p>	<p style="text-align: center;">+</p> <p>Statutory consultation requirement to consult with relevant Iwi, prior to public notification, enables early engagement by Iwi on conservation matters.</p> <p>Statutory criteria for Ministerial decision-making on location includes considering the effect that the location will have on cultural values.</p>
<b>Overall assessment</b>	0	<p style="text-align: center;">+</p>	<p style="text-align: center;">++</p>

**Key:** Compared to the status quo

++ much better

+ better

0 about the same

- worse

-- much worse

**What option is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?**

90. Both options provide for the expanded use of amenities areas across a wider range of PCL (with specific exclusions for areas where increased visitors are not desirable). However, the additional safeguards introduced in Option Three to manage conservation and economic outcomes is the preferred option.
91. The proposed expanded amenities areas framework provides a discrete solution for high-use visitor areas. It enables spatial planning that can more effectively manage the current and projected future growth of visitor numbers, and ensures that high-visitor areas continue to provide the visitor facilities and services that maintain and enhance the visitor experience.
92. The amenities areas framework delivers a coherent strategy for managing the impact of visitors in PCL that maximises the economic benefit of tourism (for concessionaires operating within the conservation area, and for the associated businesses, local authorities, transport providers, etc., in the adjacent area).
93. Concurrently, the framework also enables the protection of cultural and conservation values by ensuring that visitor facilities are constrained in a specific geographic area, and in an area where visitor growth will have the least effect on those values.
94. Submissions on the proposal in the discussion document (Option Two) were concerned that the Ministerial discretion could result in the overuse of amenities areas. The revised proposal (Option Three) now includes statutory criteria for Ministerial decision-making that explicitly enables the weighing of conservation values and economic benefits from tourism growth. The revised proposal also introduces specific consultation requirements with Iwi and the New Zealand Conservation Authority, and a public consultation period.

**Is the Minister's preferred option in the Cabinet paper the same as the agency's preferred option in the RIS?**

95. The Minister's preferred option is Option Three.

**What are the marginal costs and benefits of the preferred option in the Cabinet paper?**

Affected groups	Comment	Impact	Evidence Certainty
<b>Additional costs of the preferred option compared to taking no action</b>			
Mana whenua	<p>Ngāi Tahu have a reduced influence through the removal of New Zealand Conservation Authority recommendation function, with the Authority having one member appointed by Te Rūnanga O Ngāi Tahu (noting this is a negotiated Treaty settlement outcome and other Iwi do not have nomination rights). This may be mitigated by the proposed statutory criteria for Ministerial decisions, which provides for mana whenua consultation and meeting Treaty obligations.</p> <p>There will also be some costs associated with engagement and consultation, but these are likely to be similar to the status quo.</p>	Low	Medium

Affected groups	Comment	Impact	Evidence Certainty
Concessionaires	Negligible cost impacts are expected though potential for transition costs of adapting to the new framework when new amenities areas are established.	Low	Medium
Minister and DOC	There will be some costs involved in determining whether the statutory test is met and in following the consultation process, although this is typical of standard DOC land management functions. Costs are mitigated through expected infrequent use. Assumption is that amenities areas will be created or expanded relatively infrequently.	Low (potentially medium for relatively confined periods).	Medium
PCL visitors	Negligible costs.	Low	Medium
Wider public, including environmental and recreational interest groups	Negligible costs.	Low	Medium
<b>Non-monetised costs</b>	Generally low costs, but with the potential for reduced influence by Ngā Tahu (mitigated with introduction of the requirement for consultation). Marginal administration costs on government.	Low	Medium
<b>Additional benefits of the preferred option compared to taking no action</b>			
Mana whenua	May provide mana whenua with greater opportunity for commercial activity, and greater ability for engagement on decision-making due to more explicit specification of the statutory requirement for the application of Treaty principles and consultation.	Medium	Low
Concessionaires	May receive some benefit through reduced fragmentation of decision-making (which may provide concessionaires with opportunities for commercial activity), as well as a more cohesive planning framework.	Medium	Low
Minister and DOC	Enables the Minister and DOC to more effectively administer the planning framework by reducing fragmentation in decision-making.	Medium	Medium
Park visitors	May benefit from government's ability to more effectively administer the planning framework through the reduction in fragmentation.	Medium	Low
Wider public, including environmental and recreational interest groups	May benefit from government's ability to more effectively administer the planning framework through a reduction in fragmentation.	Medium	Low
<b>Non-monetised benefits</b>	Potential benefits due to government's ability to more effectively administer the planning framework through a reduction in fragmentation.	Medium	Low (dependant on circumstances)

## Section 3: Delivering the package of preferred options

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### How will the proposals be implemented

96. These policy proposals will be implemented with the broader conservation law reforms, through amendments required to the National Parks Act and Conservation Act.
97. Although the new processes and approach to conservation land management require legislative change, implementing the new planning processes for establishing amenities areas will not require DOC to carry out significant programmes of work.
98. The national conservation policy statement will be developed alongside the Bill and area plans will undergo a technical translation exercise within 12 months of the Act coming into effect. The impact of statutory planning changes on the timeliness of the concessions system will occur as soon as the national policy statement is agreed. This will lead to a reduction in applications for low-risk and common activities.
99. The discussion document *Modernising Conservation Land Management* specifically mentioned Milford Sound/Piopiotahi is a good example of an area that has become congested due to its popularity, and where the need exists for a more considered approach to providing visitor services and tourism development. The Milford Opportunities Project identified a ‘special amenities area’ tool like that proposed above. A strong argument exists that this could be useful in other high-pressure areas around the country with amendments.
100. On 14 April 2025, Cabinet, as part of the Government’s response to the Milford Opportunities Project’s business case, agreed that the Government will consider an amenities area for Milford Sound/Piopiotahi with unique planning rules to support economic activity in the area [CAB-25-MIN-1025 and ECO-25-MIN-0053]. As such, Milford Sound, and potentially other associated areas in Fiordland National Park, are likely to be the first areas where any amendments to the Acts are put into practice.
101. Risks to consider through implementation are:
  - *Impacts on PCL* – Amenities areas enable greater development of visitor facilities and services on national parks and other PCL. This has the potential to negatively impact conservation and cultural values in PCL (for example, adverse effects on flora and fauna and visual effects). The statutory criteria for establishing amenities areas aim to minimise this risk.  
There is also potential for induced demand and impacts on surrounding areas. Establishing amenities areas may reduce impacts in surrounding areas by drawing visitors away. It may also increase impacts in the same area through induced demand. These risks can be managed through consultation and decision-making on the amenities area proposal, area plans, and concessions. Conversely, there are risks that if the government does not have the necessary management tools, visitors and tourism may increasingly have negative impacts on PCL.
  - *Appropriate threshold* – There is a risk that the statutory criteria set the threshold too low or too high. This could lead to these areas being used in a way that significantly impacts PCL, or the process continuing to be unresponsive to rapid changes in visitor volumes in particular locations. This can also be addressed through clear drafting.
  - *Abandoned assets* – Amenities areas enable assets to be developed at a larger scale. There is a risk these assets can become abandoned and present significant difficulties

and expense to remove. This can partially be addressed by concession conditions, with provision for bonds that cover removal costs. It can also be mitigated through area plans which only enable development that is necessary.

- *Litigation risk* – As with all legal tests, there is a risk the Ministerial criteria for establishing an amenities area creates additional complexity. If it is not clear when the test is met, this could result in a chilling effect on establishing amenities areas due to legal risk. This can be addressed through clear statutory drafting. Litigation risk is consistent with other forms of statutory decision making.

#### **How will the proposal be reviewed and evaluated?**

102. DOC will be responsible for monitoring, evaluating and reviewing any changes. DOC will monitor the successful implementation of the amenities areas tool by monitoring the impact and performance after it is first used.
103. The information from such monitoring will be included in DOC's usual accountability reporting (e.g., annual report) and will be used to inform any future policy development or legislative change to further improve the conservation management planning system. The establishment of amenities areas to support future spatial planning for visitor growth forms part of the overall monitoring of the planning system (as amenities areas will be a specific chapter in an area plan).
104. The approach is primarily set in national policy. When national policy is reviewed, this will provide an opportunity to review the approach to amenities area plans and will likely be subject to public consultation. There will also be opportunities for evaluation and review of area plans when they are developed through public consultation processes.

## APPENDIX ONE: CURRENT PROCESS

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*Source: Westland Tai Poutini Draft National Park Management Plan Sept 2018*

Ongoing access to retreating glaciers is a significant issue for this Plan to address. The Department has been approached with a proposal to address access in the Franz Josef Glacier/Kā Roimata o Hinehukatere valley through a gondola proposal. Before the gondola proposal can be fully considered, an amenities area would need to be gazetted. The Department is seeking feedback from the public about creating a proposed amenities area at this location.

### **Background**

Skyline Enterprises Ltd (SEL), through pre-notification consultation, requested that the Westland Tai Poutini National Park Management Plan provides for an amenities area in Franz Josef Glacier/Kā Roimata o Hinehukatere valley. This is to facilitate a proposed gondola development from the end of the glacier access road on the valley floor to Almer Glacier. SEL has provided an overall concept of the gondola proposal. Providing for an amenities area at this location is the first step in allowing a proposal of this kind to be considered (see Map 12).

SEL envisages that any future gondola development would be focused on providing enjoyment of the natural environment, predominantly through the ability to view the glacier and snow fields but potentially also by facilitating access to the glacier and surrounding terrain for recreational activities where safe and practicable to do so.

SEL does not intend to seek approval for a cafeteria or restaurant as part of this proposal, as it recognises the importance of maintaining and enhancing the hospitality industry within Franz Josef/Waiau township and maintaining a minimalist approach to buildings and infrastructure as part of any future gondola proposal.

The amenities area could facilitate other types of recreational and public amenities and related services i.e. not just the gondola proposal.

The following information details why an amenities area would be required as part of this proposal.

### **Statutory framework**

1. The *General Policy for National Parks* 2005 (GPNP) states that gondolas (and other aerial cableways) can only be authorised within a national park if they are in a defined amenities area, in accordance with Policy 10.5(a).

This is the first time the Department has considered gazetting an amenities area in a national park (or any public conservation lands and waters) for an activity not already in existence. The GPNP needs to be considered in creating an amenities area.

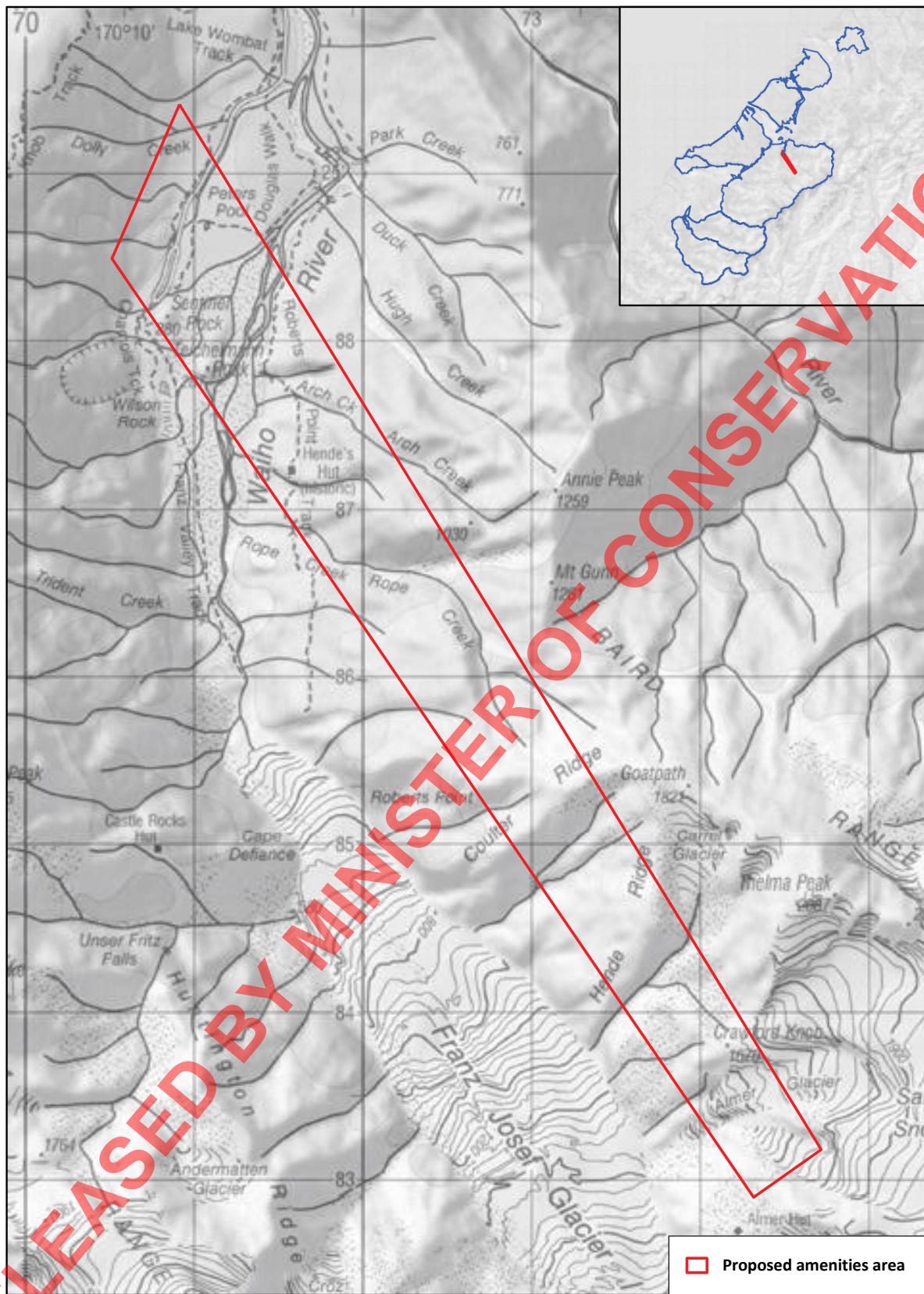
An amenities area is defined in GPNP as:

*Any area of a national park set aside for the development and operation of recreational and public amenities and related services appropriate for the public use and enjoyment of the national park (section 15, National Parks Act 1980).*

Policy 6(o) of GPNP states:

*National park management plans should identify new, modified or expanded amenities areas in national parks only where:*

- i. *the development and operation of recreational and public amenities appropriate for public use and enjoyment of the national park cannot practicably be located outside the national park; and*
- ii. *where adverse effects on the rest of the national park can be minimised.*



**Map 12 Proposed amenities area**  
 National Park Management Plan  
 Westland Tai Poutini

Proposed amenities area

## Map 12 Proposed amenities area

## National Park Management Plan

## Westland Tai Poutini

Draft Westland Tai Poutini National Park Management Plan 2018

2. Under section 15(1) of the National Parks Act 1980 (NPA), the Minister may, on the recommendation of the New Zealand Conservation Authority (NZCA), set apart an area of a park as an amenities area. This can only happen in accordance with the management plan. The mechanism for setting apart the area is by notice in the *Gazette*.

Section 15(2) of the NPA provides that, within an amenities area, the development and operation of recreational and public amenities and related services appropriate for the public use and enjoyment of the Park may be authorised in accordance with the Act and the management plan.

Under section 15(3) of the NPA, once an amenities area is gazetted, the principles applicable to national parks, notwithstanding section 4 of the NPA, apply only so far as they are compatible with the development and operation of such amenities and services. Therefore, consideration of national park values, such as preservation of natural heritage, is secondary to providing recreational and public facilities.

3. An amendment to the West Coast Te Tai o Poutini Conservation Management Strategy 2010–2020 (CMS) would be required to provide for an amenities area. Any proposed amenities area provisions outlined in this discussion box cannot become operative in the Westland Tai Poutini National Park Management Plan until the CMS has been amended.

### **Future processes**

If the proposed amenities area proceeds and is gazetted, any developments within it will require the relevant resource consents from the West Coast Regional Council and Westland District Council under the Resource Management Act 1991, and authorisations under the National Parks Act 1980 and Conservation Act 1987. These applications are also likely to include a full public notification process.

Process for setting apart an amenities area within the Park (National Parks Act 1980):

- Receive pre-notification suggestions for the Plan review (complete);
- Advise the World Heritage Council regarding Te Wāhipounamu South West New Zealand World Heritage Area (complete);
- Provide for an amenities area in the draft Plan (current stage);
- Seek feedback by way of submissions on the proposed amenities area;
- Receive and analyse submissions, hold hearings, and decide if the proposed amenities area provisions are included in the revised Plan;
- Present the revised draft Plan to the West Coast Tai Poutini Conservation Board for its consideration. The Board then sends the revised draft Plan to NZCA;
- NZCA seeks the views of the Minister of Conservation and makes its changes before approving the new Plan;
- If the proposed amenities area is retained in the approved Plan, the Minister will consider whether to gazette it. This is a separate recommendation by the NZCA and exercise of discretion by the Minister; and
- Applications for the necessary resource consents and authorisations can then be made for the gondola.

### **Context**

The walking tracks in the glacier valleys provide visitors with a view of the glaciers, but direct safe foot access onto the glaciers is no longer available. Currently, aircraft landings are the only means of access onto the glaciers for visitors without mountaineering skills. (See 2.4 about tranquillity and managing the effects of aircraft). The ongoing impacts of climate change and the retreating glaciers make providing safe and reliable access to them a significant management challenge.

A gondola or similar development could provide an alternative means for visitors to view, access and appreciate the grandeur of the glacial carved landscape and wonder of Franz Josef Glacier/Kā Roimata o Hinehukatere. Because such a proposal would require aerial cableways, pylons, associated buildings and infrastructure, these will visually affect this dynamic natural landscape.

The Park is within Te Wāhipounamu South West New Zealand World Heritage Area.

Further context for the gondola proposal SEL is undertaking geotechnical investigations and advises that any future gondola proposal must be located within the defined corridor illustrated in Map 12. Any other location is unlikely to be geotechnically suitable.

The gondola proposal will require power along the gondola line for a secondary station part way up the valley and provisions for access and ongoing maintenance. The proposal may also include the following:

Bottom station:

- Bottom terminal building(s) – ticketing/sales, workshop facilities for gondola, staff room, drivers room, offices (only for staff managing/running the gondola facility) and a covered waiting/queuing area
- Aerial cableway
- Power transformer
- Parking (visitor and staff)
- Retail/souvenir sales – photographs/vending machines
- Toilets and sewage disposal
- Rubbish storage
- Potable and fire-fighting water take and storage
- Goods in and out
- Signage/interpretative panels

Mid station:

- Building(s) – transfer area and shelter, staff room, offices (only for staff managing/ running the gondola facility)
- Toilets and sewage disposal
- Aerial cableway and ancillary/supporting functions
- Power transformer
- Walkways/potential access to other recreational pursuits
- Potable/firefighting water take and storage
- Signage/interpretive panels

Top station:

- Aerial cableway, support and ancillary functions
- Toilets and sewage disposal
- Potable and fire-fighting water take and storage
- Rubbish collection/storage
- Information desk
- Retail/souvenir sales – photographs, drink and snack sales
- Power transformer
- Walkways/potential access to other recreational pursuits
- Signage/interpretation

The gondola proposal is at an early concept stage and there is currently limited evidence as to what impact the structures may have on intrinsic values in the area. The intention at this stage is to seek the public's view about the proposed amenities area. If the proposed amenities area is to be gazetted in the Plan following public consultation, the proposed policies below are intended to ensure that potential impacts are thoroughly assessed in any future authorisation applications.

## **Proposed descriptive text and policies for the management plan**

The ongoing impacts of climate change and the retreating glaciers are creating significant management challenges for Westland Tai Poutini National Park. The walking tracks in the glacier valleys provide visitors with a view of the glaciers, but direct foot access onto the glaciers is no longer a safe and accessible option. Aircraft landings provide a means of readily accessing the glaciers. Enabling safe and reliable access to the glaciers so the public can continue to enjoy this experience is important. Access to the glaciers is likely to become more difficult in future.

A gondola or similar facilities within a confined amenities area in the Franz Josef Glacier/Kā Roimata o Hinehukatere valley could provide a quiet, easy and safe alternative for a wide range of visitors to view, access and be educated about the glaciers and surrounding environment.

### **Policies**

1. Recommend to set apart an amenities area in accordance with section 15(1) of the National Parks Act 1980 and as identified in Map 12.
2. Should not authorise any overnight accommodation in the amenities area.
3. Should authorise the development and operation of recreational and public amenities and related services in the amenities area only where:
  - a) the public's use and enjoyment are enhanced through the provision of a safe and quiet opportunity to view and access Franz Josef Glacier/Kā Roimata o Hinehukatere;
  - b) any structures or facilities are in accordance with other Plan provisions, in particular those in:
    - A living Treaty partnership and 2.1.1 Retention of Kāti Māhaki/Kāi Tahu culture, Mātauraka and Ahi Kā on the Whenua;
    - The diversity of our natural heritage is maintained and restored;
    - Our history is brought to life and protected;
    - New Zealanders and our visitors are enriched by outdoor experiences;
    - General management;
    - Structures, utilities, facilities and easements; and
    - He Tiritiri o Te Moana (Glaciers) Place;
  - c) the sale of any goods is restricted to the lower valley floor;
  - d) detailed environmental, risk assessments and cultural impact assessment, planning and design have been carried out in accordance with industry best practice and considered the latest available information regarding natural hazards and climate change;
  - e) maximum numbers of people using the facilities within the amenities area at any one time are determined based on maintaining a high-quality visitor experience;
  - f) all waste is contained and removed from the Park.

### **Questions**

1. Do you support having a gazetted amenities area in this location, and why?
2. What type of facilities would you like to see within an amenities area?
3. Should the facilities be restricted to a gondola and associated infrastructure, or should other recreational and public amenities and related services be provided for?
4. What is your vision for future activities within Franz Josef Glacier/Kā Roimata o Hinehukatere valley?

Thank you for taking your time to provide this feedback to the Department. It is important that we hear your views on this proposal.