

# Conservation

## HIGHLIGHTS

### Labour will:

- Aim that in 10 years' time New Zealand's indigenous wildlife population is stabilised and increasing, with species coming off the threatened list regularly.
- Introduce a Tourism and Conservation Infrastructure Fund to improve DOC biodiversity funding and tourism infrastructure.
- Keep the critically threatened Maui's dolphin safe from being harmed by activities such as fishing or petroleum exploration.

## Introduction

Conservation is the preservation and protection of New Zealand's unique natural environment, as a good thing in and of itself – not just as a resource for the tourism industry, as the current government seems to think.

Our environment is central to New Zealand's sense of identity and the basis of our clean green image. Kiwis place high value on the wild and beautiful landscapes, mountains, forests, lakes, rivers and oceans that define our country. Our natural heritage not only has very significant intrinsic, cultural and social value, but is a key part of the country's economic infrastructure that must be actively maintained and enhanced.

The public conservation estate provides habitat for our unique plants and wildlife as well as opportunities for healthy outdoor recreation.<sup>1</sup> It also provides essential and valuable ecosystem services such as clean water, flood and erosion control, and carbon sequestration.

While conservation is a core government responsibility through the Department of Conservation (DOC), Labour greatly values the contribution communities and the private sector make to conservation projects. Such participation will deliver greater conservation gains than the government alone can achieve.

## Protecting our natural heritage and biodiversity

Most of our native plants, animals, birds, fish and insects are found only in New Zealand, i.e. they are "endemic" and unique. However, humans, along with introduced animals, have eliminated many of New Zealand's indigenous species. More than 3000 other indigenous species – including 80% of our remaining 168 bird species – are threatened with, or at risk of,

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<sup>1</sup> Conservation estate, public conservation estate, and public conservation land/water are interchangeable terms. Freshwater and marine habitats are included.

extinction (i.e. in serious trouble, or some trouble).<sup>2</sup> We can do far better than this, given the will to do so, and New Zealand's world-leading expertise in species protection and recovery.

**Labour will:**

- Aim that in 10 years' time New Zealand's indigenous wildlife population is stabilised and increasing, with species coming off the threatened list regularly.

## **Biodiversity on public and private land**

The New Zealand Biodiversity Strategy (NZBS) for halting the decline of our indigenous biodiversity has been in place since 2000. A draft National Policy Statement (NPS) on Indigenous Biodiversity, under the Resource Management Act 1991, has not yet been approved. This NPS is needed to promote biodiversity protection on private land, especially in the face of intensified agriculture.

**Labour will:**

- Review the progress made in implementing the New Zealand Biodiversity Strategy and action the results of the review
- As a matter of priority make any necessary changes to the draft NPS on Indigenous Biodiversity, to ensure that it is truly effective and aligned with the NZBS, and then gazette it.

See Labour's *Water* policy for the protection of rivers, wetlands and estuaries and native freshwater species.

## **Pest and weed control**

Pests pose a serious challenge to our threatened species. As well as mammalian predators – possums, rats, stoats, ferrets, weasels, feral cats and mice – there are other animal pests such as goats, rabbits and wasps. Without active pest control, making headway in the protection and enhancement of our native plant and animal life is impossible. Effective pest control also prevents the collapse of forest canopy and the resulting erosion of hillsides.

There are a range of tools available for controlling mammalian predators, including new automatic resetting traps. However, aerial application of 1080 is the best available option for possum, rat and stoat control particularly in difficult to access country. The use of 1080 is strongly supported by the Parliamentary Commissioner for the Environment (PCE), who says it "remains essential for the foreseeable future."<sup>3</sup> DOC and other pest control agencies should better explain to the public the need to use aerial 1080, at least until new and alternative tools are developed.

Weed problems include introduced plants (like old man's beard) that smother native plants. Other weeds invade land or water areas and displace native species. The worst on land are wilding pines, comprising a range of conifer species that spread rapidly over areas of tussock grassland.

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<sup>2</sup> See DOC, *New Zealand's Threatened species Strategy, Draft for consultation*, May 2017, pages 8 and 12; and Parliamentary Commissioner for the Environment (PCE): *Taonga of an island nation: Saving New Zealand's birds*, May 2017, page 28.

<sup>3</sup> PCE report above, note 2, page 5.

Current DOC funding allows pest and weed control over only part of the conservation estate. This area must be progressively increased to cover the whole estate, particularly if New Zealand is to become free of possums, rats, and stoats – including in areas outside the conservation estate.<sup>4</sup>

**Labour will:**

- Resource weed and integrated pest control on public conservation land to protect threatened species, ecosystems and significant landscapes, and progressively increase the area treated to cover the whole conservation estate
- Support the increased use of aerial 1080 so it becomes a much more effective tool for landscape-scale pest control (especially of possums, rats and stoats), while minimising the by-kill of non-target species
- At the same time encourage research into and development of new and improved alternative tools to 1080
- Explore enhanced opportunities for collaboration and partnerships with private and community sector investment in pest and weed control on public and private land.

Kauri dieback disease could wipe out this iconic New Zealand species. Labour is strongly committed to stopping the spread of the disease and working to do so in partnership with iwi, local Councils and communities. Myrtle rust is the latest pathogen to reach our shores and is a severe threat to exotic and native plants, including pohutukawa.

**Labour will:**

- Continue central government's contribution to combatting Kauri dieback disease, and take all reasonable measures to stop myrtle rust spreading.

## **A predator free New Zealand, sanctuaries and mainland islands**

Dedicated sanctuaries are the most effective incubators for rejuvenating populations of threatened native birds and other wildlife. An island sanctuary could be as large as Rakiura/Stewart Island, for which a Predator Free Rakiura project is underway.

The development of “mainland island” sanctuaries – possibly including large peninsula areas with natural sea barriers such as the Coromandel, Mahia, Banks and Otago peninsulas – is a forerunner of a predator free New Zealand, with predators being eradicated on a landscape scale with or without the use of fences.

Key predators that should be eradicated by 2050 are possums, rats and stoats. Other mammalian predators should be suppressed, if eradication is not practicable. In any event, the National government has failed to properly resource the Predator Free 2050 initiative.

Sanctuaries can create educational and economic benefits for a region, attracting thousands of visitors each year.

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<sup>4</sup> The application of aerial 1080 costs between about \$20–\$30 per hectare – see PCE report above, note 2, pages 49 and 114. On this basis (taking a middle figure of \$25 per hectare) it would cost about \$42 million per year to control possums, rats and stoats over all of DOC's 5 million ha of indigenous forests, using aerial 1080 on a 3 year cycle. Doing so would readily achieve a goal of the Predator Free 2050 initiative to increase by 1 million hectares the mainland area where predators are suppressed, by 2025.

**Labour will:**

- Back New Zealand being predator free by 2050, or earlier, with mammalian predators being eradicated as technology and techniques allow
- Work with all sectors to achieve this goal, including local government, environmental NGOs, other community and recreational groups, iwi, business, and tourism interests
- Promote mainland islands, including examining the feasibility of turning large peninsula areas into them
- Aim by 2025 to demonstrate that mainland predator eradication can be achieved in areas of at least 20,000 hectares without the use of fences
- Aim by 2025 to achieve eradication of all mammalian predators (not just possums, rats and stoats) from offshore island nature reserves<sup>5</sup>
- Encourage recreational and tourism opportunities alongside species recovery work in predator free sanctuaries and areas.

## **Enhancing public conservation land**

### **Adding to the conservation estate**

Much of the conservation estate is steep, mountainous terrain. The last Labour Government focused on redressing this imbalance. Valuable ecosystems – from lowland forests and wetlands, to tussock grasslands and coastal areas – were given priority for protection. The Nature Heritage Fund has played a major role in acquiring land for conservation purposes.

**Labour will:**

- Make additions to the conservation estate with priority for under-represented ecosystems and natural features, such as North Island lowland forests, wetlands, and iconic areas needing protection from development pressures
- Consider whether the Nature Heritage Fund is currently adequately funded.

There is concern that under National developers may be able to swap low quality land with DOC in exchange for access to pristine land.

**Labour will:**

- Ensure that inappropriate swaps of public conservation land (including stewardship land) do not take place
- Not sell or swap conservation land that is specially protected under the Conservation Act 1987
- Respect the decision of the Supreme Court in the Ruataniwha case and not overturn it.<sup>6</sup>

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<sup>5</sup> These 2025 aims are also goals of Predator Free 2050.

<sup>6</sup> *Hawke's Bay Regional Investment Company Ltd v Royal Forest and Bird Protection Society of New Zealand Inc* [2017] NZSC 106.

## Reviewing the status of stewardship land

When DOC was established in 1987, it inherited from predecessor agencies land that had not been adequately defined and classified in law – and so as a holding position it was passed to DOC as “stewardship land”. Stewardship land comprises 30 percent of the conservation estate. It includes land with significant conservation value, much of which has been added to the estate since 1987.

There has still been no systematic classification of stewardship land into conservation land categories (e.g. reserve, sanctuary, conservation area) – or a systematic identification of land that does not warrant DOC administration. The “limbo” status of stewardship land can cause practical problems, for example, as to whether hydro power or mining development or a land swap is appropriate for an area of stewardship land.

The Parliamentary Commissioner for the Environment reported on stewardship land in 2013 and recommended action.<sup>7</sup>

### **Labour will:**

- Undertake a systematic classification of stewardship land, beginning with land that has clearly significant conservation value.

Making the Mokihinui into national park

The Mokihinui is an outstanding wild river and flows through stewardship land. Its large catchment area is of such conservation and recreation quality that it would justify being added to the adjacent Kahurangi National Park. The New Zealand Conservation Authority is currently considering this.

### **Labour will:**

- Encourage the New Zealand Conservation Authority to complete its consideration of the proposal to add the Mokihinui river catchment to Kahurangi National Park and make an appropriate recommendation to the Minister of Conservation.

## Promoting conservation by DOC and the whole community

As our frontline conservation agency, DOC manages about a third of the country’s land as well as marine reserves and marine mammal sanctuaries. Its core roles are to protect our unique biodiversity and to provide healthy recreational outdoor opportunities for Kiwis.

DOC is responsible for protecting our most critically endangered species, and operates recovery programmes for our rarest species including kiwi, kokako and takahe. It also manages historic sites and buildings, and runs an extensive “outdoors infrastructure” of huts, tracks and visitor facilities.

DOC should advocate strongly and publicly for conservation, and at all levels of government. This role has been undermined by National. DOC should also be ensuring that tourist operators, energy companies, farmers and other users of public conservation land do so fairly, sustainably and in a way that protects our heritage.

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<sup>7</sup> PCE, *Investigating the future of conservation: The case of stewardship land*, August 2013; and *Update Report*, April 2015.

Labour is committed to DOC being able to carry out all these public service roles effectively. Its work should be founded on the best ecological science and practical conservation management experience. This includes rebalancing DOC by restoring regional frontline staff with local knowledge and expertise.

**Labour will:**

- Ensure that DOC plays a leading role in maintaining New Zealand's biodiversity, and is properly resourced to do so
- Rebalance DOC by restoring regional frontline staff with local knowledge and expertise
- Expect DOC to give free and frank advice on how to conserve our indigenous biodiversity
- Ensure that DOC acts as an independent statutory advocate in processes for the conservation of natural and historic resources, including recreational freshwater fisheries and freshwater fish habitats.

## Conservation funding

DOC needs much better funding if it is to carry out its functions effectively, especially saving threatened species and making the conservation estate predator free by 2050. Labour wants to avoid the need for emergency funding such as has characterised "Battle for Our Birds" in recent years.

This could be done in a number, or combination, of ways. These include: baseline funding for Management of Natural Heritage being raised; carbon credits being available to DOC under the Permanent Forest Sink Initiative for increased carbon storage in its indigenous forests resulting from comprehensive pest control; and international visitors being charged for use of the DOC estate.

Over recent years the increase in the number of international visitors to New Zealand has put strain on infrastructure such as car parks, toilets, worker accommodation and large infrastructure such as hotels. Our booming international tourism industry relies heavily on the quality of areas managed by DOC, which are under pressure from increasing numbers of tourists.

We need additional funding to ensure that our tourism facilities and the conservation estate are provided with the resources needed to cater for increasing tourist demand and to protect our natural heritage.

**Labour will:**

- Fund and support DOC so it can undertake its essential functions effectively
- Raise baseline DOC funding for Management of Natural Heritage, initially to the final amount budgeted in 2016/17<sup>8</sup>

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<sup>8</sup> The final budgeted appropriation for *Management of Natural Heritage* in 2016/17 was \$196 million compared with the \$161 million initially budgeted, and the \$173 million initially budgeted for 2017/18. The difference in the 2016/17 figures is largely accounted for by emergency funding for "Battle for our Birds". This was in response to a mast (heavy seeding) year in native (particularly beech) forests, to prevent rodent and stoat numbers from soaring.

- Investigate carbon credits being available to DOC under the Permanent Forest Sink Initiative
- Establish a \$75m a year Tourism and Conservation Infrastructure Fund to pay for projects that will improve the experience of visitors to New Zealand and enhance our natural environment
- Provide this \$75m a year of investment through a \$25 per visit border levy on international visitors who are not citizens or residents of New Zealand.

60 per cent of the Fund (\$45m per year) will be used to improve infrastructure and support for our tourism industry, and 40 per cent (\$30m per year) will be used to protect our biodiversity and ensure conservation is properly resourced.

Community-led conservation, and iwi and stakeholder involvement

Volunteer and community-led conservation initiatives are essential to the overall drive to protect New Zealand's natural heritage. Labour appreciates the very important advocacy work done by environmental NGOs on conservation and other environmental issues. And there are hundreds of volunteer conservation groups throughout the country working on restoration and pest control projects. People care for forest, stream and wetland biodiversity on private as well as public land, and their enthusiasm and hard work has produced some dramatic results for all New Zealanders.

Conservation stakeholders – or potential conservation stakeholders – include iwi, local government, environmental NGOs, other community organisations, philanthropists and private sector businesses. Local conservation boards and the New Zealand Conservation Authority provide valuable community input into conservation planning and management. Business stakeholders are increasingly appreciating the commercial benefits of association with and active involvement in conservation initiatives.

**Labour will:**

- Explore new ways of growing, coordinating and supporting participation in conservation projects at a community level
- Ensure that there are adequate budgeted contestable funds to support and encourage community-led conservation work
- Actively pursue iwi, local government, community and corporate partnerships for conservation projects, including, for example, community education and involvement in practical conservation projects such as the development of mainland island sanctuaries.

DOC has an important role in the Treaty of Waitangi settlement process. DOC increasingly engages with iwi via Treaty legislation rather than section 4 of the Conservation Act, in a second generation approach to conservation. Through enhanced partnership under the Treaty framework, and in giving effect to kaitiakitanga aspirations, iwi are amplifiers of the

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Given that mast years are now occurring frequently (perhaps as a result of changing climate), such costs need to be anticipated and the areas covered expanded from the 16% of masting beech forest covered by Battle for our Birds in 2014. Even aside from this, the cost of meeting expanded predator eradication and suppression objectives needs to be recognised and baselined.

conservation cause. Free and unfettered access for all New Zealanders to conservation areas continues.

**Labour will:**

- Consider means of enhancing partnership arrangements with iwi both centrally and regionally, including co-governance and co-management arrangements where appropriate.

## Building conservation skills

Our young people are the skill base for frontline conservation work in the future.

**Labour will:**

- Build the available pool of conservation rangers, planners and biodiversity specialists by developing a conservation apprenticeship programme.

This programme will be targeted at school-leavers who are contemplating working in the conservation sector. Its aim will be to provide a strong grounding in practical conservation management. On successfully completing the programme, some graduates may seek work through DOC while others may go on to employment in local government or community-led conservation work.

We will also support young people who have been unemployed to gain conservation and life skills through work on the conservation estate.

**Labour will:**

- Give unemployed young people a job for six months doing work of public value, so they can gain work experience and avoid long-term unemployment.

It is estimated there would be 10,000 participants per year. Participants will be employed to do much needed environmental and community work that would not otherwise be carried out. It is anticipated many will work on DOC projects. Councils and NGOs, too, have many important environmental and community projects that they would like to do but cannot do because the labour cost is prohibitive, such as riparian planting. WINZ will work with these groups to identify projects that meet these criteria.

Helping private landowners

Many farmers and other private landowners have a strong conservation ethic. DOC will lend its expertise to identify and legally protect indigenous ecosystems on private land. Much private land has been protected with the support of targeted funding, including through the QEII National Trust and Nga Whenua Rahui.

**Labour will:**

- Encourage private landowners to protect conservation values on their land including restoration and recovery work, support them with specific funds and conservation trusts, and promote exemption for legally-protected conservation areas from rating by local authorities.

This will be complementary to an effective NPS on Indigenous Biodiversity.

## Helping Kiwis enjoy the great outdoors

Kiwis have a long and proud history of getting out into the great outdoors and exploring the wonderful natural heritage our country has to offer. They expect their government to protect the quality of these recreational experiences – including walking, tramping, skiing, climbing, hunting, angling, swimming, rafting, boating and mountain biking.

Te Araroa – “the long pathway” from Cape Reinga to Bluff – has been a huge success. The Walking Access Commission aims to create “free, certain, enduring and practical” public access for outdoor recreation. There is an extensive network of tracks and huts across public conservation land, on both the “front country” and the “back country”.

The conservation estate is enjoyed by overseas visitors. Labour supports tourism and other businesses that rely on public conservation land and resources, and provide economic benefits to the country. However, such commercial use must not compromise conservation values or recreational access by the Kiwi public.

### Labour will:

- Enhance public access to the outdoors, waterways and coastline through support for the Walking Access Commission, Te Araroa, and other opportunities as they arise
- Promote outdoor recreational opportunities and maintain and upgrade the infrastructure of huts, tracks, camping grounds and other visitor facilities, in both the front and back country
- Ensure that concession and licensing arrangements with DOC and Fish & Game (for sports fish and game birds) are consistent with conservation values and public recreational access, and provide a fair return to DOC and Fish & Game for such commercial use.

## Protecting our marine areas and life

New Zealanders have always shared a special connection with the sea. Our rich marine and coastal ecosystems provide food and recreation. However, these ecosystems have a history of being impacted by over-fishing, soil erosion, over-development, urban and pastoral run-off, careless waste disposal and sewage pollution.

Some really exceptional coastal areas remain essentially untouched. We must be vigilant to ensure that places like New Chum beach in the Coromandel – one of the finest beaches in the world – remain unthreatened by development.

Ten years from now, Labour wants New Zealand to be known for its world-leading approach to marine conservation. We want a network of marine reserves and other marine protected areas to support the rejuvenation of our marine life. We want a reputation for being excellent guardians of our endemic marine mammals and seabirds. We want our trading partners to continue buying our seafood because they know they are buying a sustainable, quality product.

## Marine protected areas

Many different groups have a high level of interest in our marine areas. These include commercial fishers, recreational fishers, other recreational users such as surfers and divers, iwi, conservationists, and scientists investigating marine species and habitats. With so many stakeholders, forging agreement on which areas should be protected remains a challenge.

Labour aims to have 30 percent of our marine area in some form of protection by 2025 – both in the territorial sea (out to 12 nautical miles) and the exclusive economic zone or EEZ (out to 200 nautical miles). At least half of the 30 percent will be in marine reserves.

Protection will include: an ecologically representative and effective network of marine reserves (which are no take areas); mataitai reserves and taiapure which are protected according to the wishes of local iwi and communities; marine mammal sanctuaries; and trawling and dredging bans.

The marine protected areas (MPA) strategy brings together the various community and other interests with a stake in the marine protection, but limited progress has been made.

### Labour will:

- Revitalise the MPA process, especially the regional stakeholder forums that are central to it, and promote DOC as the lead government agency for MPA planning
- Ensure that DOC has the necessary technical capability to facilitate and implement increased marine protection
- Establish a network of marine reserves and other protected areas for the protection of marine biodiversity.

In respect of marine reserves, there have been concerns that DOC has been both their promoter and (through the Minister of Conservation) the ultimate decision maker. A revitalised MPA process will see communities themselves – through regional stakeholder forums – promoting the creation of marine reserves. They will do that together with other types of MPAs (such as mataitai reserves, which are approved by the Minister of Primary Industries).

DOC's role in marine reserve creation will become that of a facilitator, and the tension of its dual role will be resolved. Marine reserves, and other types of MPA, will be created on the recommendation of regional stakeholder forums.

Labour will be vigilant over species that are under threat and take specific action as necessary. For example, Maui's and Hector's dolphins are protected in only part of their natural range. Particularly for Maui's dolphin – with only an estimated 63 adults remaining – the precautionary principle must apply and all known areas of habitation must be protected.<sup>9</sup>

### Labour will:

- Monitor the effectiveness of existing marine mammal sanctuaries
- Support the development of further protective measures or sanctuaries in order to ensure the recovery of our endemic marine mammal populations

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<sup>9</sup>The known areas of Maui's dolphin habitation that should be protected are all waters off the west coast of the North Island less than 100 metres deep, from Maunganui Bluff in the north to the Whanganui River mouth in the south, including harbours.

- Promote the recovery of Maui's and Hector's dolphin populations by ensuring that only dolphin-safe fishing methods are used throughout the natural range of these dolphins, in all areas less than 100 metres deep.

## Unsustainable marine activities

New Zealand is a special place for seabirds, and is known as the seabird capital of the world. About 10% of the world's seabird species breed nowhere else, and 40% of albatross species are endemic to New Zealand. Despite some progress in avoiding bycatch, species such as albatross, petrel and shearwaters are at risk from commercial fishing methods – as are marine mammals such as Maui's and Hector's dolphin and the New Zealand sea lion. Thousands of seabirds are killed each year in commercial trawl and longline fisheries.<sup>10</sup> Maui's dolphin may also be at risk from seismic surveying for oil exploration.

### Labour will:

- Implement a phase-out of destructive and unsustainable fishing methods (such as bottom trawling, dredging and set netting) that harm vulnerable marine habitats
- Support the fishing industry in transitioning to safe fishing methods that do not cause mortality of marine mammal and seabird species
- Not grant any new permits for oil exploration unless it is proved that this activity, particularly seismic surveying, causes no harm to Maui's dolphin or vulnerable marine habitats.

See "Oceans" in Labour's *Environment* policy for protecting the marine environment against risks such as oil spills.

## Marine legislation reform

Most of New Zealand's marine protection legislation has been on the statute books for many years and needs updating. This includes the Wildlife Act 1953, Marine Reserves Act 1971, Marine Mammals Protection Act 1978, and the Fisheries Act 1996. We need a genuinely sustainable approach to the management of our seas and sea life. That will include a stronger precautionary approach in the Fisheries Act.

### Labour will:

- Revise our marine protection legislation to ensure consistency, optimal delivery of protection objectives, and genuine sustainability
- Develop new marine protected areas legislation to replace the Marine Reserves Act, with the legislation providing for the various types of marine protection, and for robust processes to achieve it
- Consider whether there should be an independent decision maker for the establishment of MPAs, similar to applications for water conservation orders

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<sup>10</sup> PCE report above, note 2, pages 64 and 117.

- Ensure that all impacts on marine mammals, including fishing and mining, are managed in a way consistent with the aims of the current Marine Mammals Protection Act.

The new marine protected areas legislation would broaden the purpose of marine reserves (and other marine protected areas) from scientific study to the conservation of marine biodiversity, and enable them to be created in the EEZ.

## Kermadec Rangitahua Ocean Sanctuary

The Kermadec Islands are a part of New Zealand 1000 kms to the northeast, and straddle tropical and temperate climates. The Kermadec marine region is one of the most diverse and stunning in the world. It contains underwater volcanoes and the second-deepest ocean trench on the planet (over 10 km deep in places). It has remarkable marine biodiversity, including giant squid, the deep diving sperm whale, and millions of seabirds.

There is already a marine reserve around the Kermadec Islands, which protects some of the marine habitats of the area (out to the territorial sea boundary). But a much higher level of protection in the EEZ around the Kermadecs is justified, which can be done through a special Act of Parliament. Such legislation is currently before Parliament but is stalled.

### Labour will:

- Support the creation of a Kermadec Rangitahua Ocean Sanctuary.
- However, the enabling legislation should not remove the right of Iwi or others to go Court to test their rights at law for losses they assert arise from breach of Treaty rights, Treaty settlements, or quota rights due to the Sanctuary's creation. The lesson from the foreshore and seabed experience is that it is wrong to oust the jurisdiction of the Courts.

## Whales

Labour strongly backs international efforts to ensure the world's whale populations are protected from commercial exploitation. Some populations are beginning to recover, but more needs to be done.

### Labour will:

- Work through international organisations to achieve stronger protection for whales, to end commercial and "scientific" whaling, and to advance the South Pacific Whale Sanctuary.

## Preserving Antarctica

New Zealand has a special relationship with Antarctica. Labour has long advocated for its preservation in a pristine state, and for it to be administered for peaceful scientific purposes through the Antarctic Treaty system.

**Labour will:**

- Act as an international advocate for the protection of the Antarctic ecosystem from mineral or other inappropriate exploitation, and strongly support appropriate marine protection around Antarctica.

## **Controlling mining activity on public conservation land**

### **Schedule 4 land**

Schedule 4 of the Crown Minerals Act 1991 (CMA) prohibits mining activity for Crown-owned minerals on land described in Schedule 4. Areas can be added to the Schedule, or in some cases taken out of it, by Order in Council.

The particularly high conservation value of Schedule 4 land prevails over potential mining value. However, certain low impact activities are allowed. These include prospecting and exploration to determine what minerals are present, and mining of petroleum or gas by drilling from outside the area.

Labour believes that Schedule 4 should be strengthened in two ways.

Some of the generic categories of land listed in Schedule 4 (e.g. national parks, marine reserves) cannot be taken out of the Schedule by Order in Council, but other areas can be (e.g. conservation land on Great Barrier Island and the Coromandel Peninsula). This would allow Ministers of the day to reverse Parliament's will and that would be wrong. Also, for areas added by Order in Council, uncertainty would be created if they could simply be removed by Order in Council.

**Labour will:**

- Make it clear that no land may be taken out of Schedule 4 by Order in Council.

Greater certainty would be created, and the need to use Orders in Council lessened, if some other generic categories of land were added to Schedule 4.

**Labour will:**

- Amend Schedule 4 to add ecological areas and world heritage sites to the generic protected categories, and to extend southwards the described area of the Coromandel.<sup>11</sup>

### **Non-Schedule 4 land**

Mining can sometimes be accommodated on non-Schedule 4 land in the conservation estate – but it must be for the Minister of Conservation alone to approve such mining access or not. This was the position before National amended the CMA in 2013 to provide for the Minister of Energy and Resources and the Minister of Conservation to jointly make access decisions (other than for small-scale activities, which the Minister of Conservation alone still makes).

The Minister of Energy and Resources represents a different set of interests, so it is inappropriate for that Minister to participate in access decisions. Decision-making by the Minister of Conservation alone worked well in practice, with mining access not being

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<sup>11</sup> This would add to the Schedule 4, item 12 description of the Coromandel Peninsula all the conservation land south of the Kopu-Hikuai Road to the southern boundary of the Te Aroha Ecological District.

unreasonably denied. As the Parliamentary Commissioner for the Environment says, “joint decision-making by the two Ministers ... undermines the role of the Minister of Conservation as guardian of the conservation estate.”<sup>12</sup>

**Labour will:**

- Amend the CMA so that the Minister of Conservation alone (or other land-holding Minister) is able to approve, or decline, mining access to Crown land.

At present the legal tests for access to public conservation land are different for mining activities (section 61(2) of the CMA) from other concessions for activities on public conservation land (section 17U of the Conservation Act 1987). There is no good reason for this, and the tests should be aligned on the basis of section 17U.

**Labour will:**

- Align the access arrangement legal tests for mining activities with the legal tests for other concessions on public conservation land.

## Securing the future of the South Island high country

Kiwis value the South Island high country for its open spaces and remarkable natural landscapes, and for its clean air, clean water, and free-flowing rivers,

Large areas of former Crown high country pastoral lease land have been added to the public conservation estate through tenure review. This has preserved natural values and made this land accessible to ordinary Kiwis. Tenure review contributed significantly to 11 conservation parks in the South Island high country, all created through the actions of the last Labour Government. Labour believes the benefits of tenure review have now been substantially achieved, and therefore –

**Labour will:**

- Stop tenure review; and acquire by direct purchase additional pastoral lease land required for the conservation estate (e.g. to complete high country parks).

There are concerns about inappropriate intensification of land use in the high country. While land is in pastoral lease (about 170 of which remain), the uses to which it can lawfully be put are basically limited to low-intensity pastoralism. The Crown as owner can directly protect landscape values and limit environmental impacts.

**Labour will:**

- Enforce the terms of pastoral leases, especially around lakes where landscape and public access values are paramount.

Public access between privately-held blocks of land in the high country and existing or new public conservation land is often unclear. This can prevent people enjoying the full range of walking experiences our natural landscape has to offer.

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<sup>12</sup> PCE, *Update report on Making difficult decisions: Mining the conservation estate*, June 2014, page 9.

**Labour will:**

- Promote public rights of access through high country land by identifying unformed legal roads and marginal strips alongside waterways, and ensuring they are recorded on relevant publicly accessible databases.

**Mackenzie basin**

“Greening” of lower altitude tussock landscapes is occurring in parts of the Mackenzie basin, with increasing dairying pressure and irrigation raising water extraction and quality issues. The drylands character of the basin is changing rapidly, with ecological values being lost. Labour is committed to protecting habitats and landscapes in the Mackenzie basin, and to protecting the basin from inappropriate water use and irrigation.

In 2013 the Mackenzie Agreement was reached among stakeholders about the future protection, management and development of the basin. The Agreement has faltered for a variety of reasons including lack of government support. Land conversion into intensive agriculture has continued apace. The Environment Court has found this to be often inappropriate, and usually unsustainable in the context of the basin’s outstanding natural landscapes.<sup>13</sup>

**Labour will:**

- Protect the Mackenzie basin from inappropriate water use, irrigation and land use intensification
- Revisit the Mackenzie Agreement as to whether it is capable of achieving its original purpose.

Aoraki/Mt Cook National Park overlooks the Mackenzie basin. The Park is a world heritage area in recognition of its outstanding natural values. Land to the southeast is also of national park quality, and adding this to the Park would expand its size by 50%. The addition would come from existing conservation land, including lower altitude land provided by completed tenure reviews.

Further south – and to the east of Lake Pukaki – there is scope also for the creation of a drylands conservation park.

**Labour will:**

- Ask the New Zealand Conservation Authority to formally investigate making an addition to the southeast of Aoraki/Mt Cook National Park
- Create a drylands conservation park in the Mackenzie basin.

## Pastoral lease rents

Labour believes that high country pastoral lease rents should be fair and reasonable for lessees while the Crown, on behalf of the public, obtains a fair financial return on these land assets. National has undermined these objectives by introducing a complex rent setting system based on the productive capacity of the land, while ignoring the right to exclusive

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<sup>13</sup> *Federated Farmers of New Zealand (Inc) v Mackenzie District Council* [2017] NZEnvC 53, para 535.

possession that lessees enjoy and which (in association with location) contributes to the land value. This disconnects rents from the market value of the land.

Labour believes that the Crown's right to a fair return on the full value of the land should have been retained, i.e. an annual rent based on 2% of the land value exclusive of improvements (LEI). It is unfair for the Crown (and public) to receive no financial benefit from the exclusive possession/location aspect of pastoral leases, given that this aspect contributes significantly to the market prices paid for pastoral leases.

Any genuine issues of rental affordability under the previous rent-setting system could have been addressed on a case-by-case basis. As proposed by the last Labour Government, lower rents could have been offered to lessees in exchange for better public access or improved protection for conservation values, such as greater pest and weed control.

**Labour will:**

- Reserve the right to revisit the pastoral lease rent-setting system and to restore the previous system of an annual rent based on 2% of LEI.

