

1 July 2026

**Committee Secretariat
Environment Committee
Parliament Buildings
Wellington**

via email to: en.legislation@parliament.govt.nz

Tēnā koe,

Submission on the Conservation Amendment Bill

Hawke's Bay Regional Council (HBRC) appreciates the opportunity to make a submission on the Conservation Amendment Bill (the Bill). HBRC supports the submission made by Te Uru Kahika and wishes to note specific concerns about the proposed amendments and their potential implications for Hawke's Bay.

Proposed new Purpose

The Bill signals a significant shift in the statutory framework for public conservation land (PCL) management. Including the introduction of a new DOC function to recognise economic opportunities arising from land and resource use, departing from the current conservation first approach. The key risk is that stronger development-enabling direction may give greater statutory weight to development and increase pressure on PCL – despite New Zealand, and more specifically, Hawke's Bay facing continued biodiversity decline.

In this context, HBRC notes that consideration should be given to, allowing economic opportunities, but not at the expense of, or inconsistent with DOC's primary function of conservation.

Proposed land exchanges and disposals

The Bill proposes to introduce a new regime for land exchanges and disposals. Explanatory material states that the Bill retains the ineligibility of land exchanges and disposals for highest-value PCL, which comprises approximately 40% of PCL.

However, regionally, this has significant implications for Hawke's Bay, given the near absence of proposed new Schedule 5 land and the extensive loss and fragmentation of indigenous vegetation and habitat. Despite this, Hawke's Bay is home to regionally significant PCL outside of Schedule 5 land, all of which would be eligible for land exchange or disposal. This includes areas such as Boundary Stream Scenic Reserve, which DOC describes as “the largest and most intact forest tract remaining in the Maungaharuru Ecological District and provides an unparalleled series of habitats for native wildlife”.

There are potential risks where eligibility for exchange or disposal is based on whether land is important for threatened species or ecosystems, or whether habitat is among the best examples of its type. This creates a risk that locally significant, connective, buffering, or restoration-potential values may be under-weighted if they do not meet the relevant thresholds. This risk is particularly relevant to modified

or secondary ecosystems that still contribute to landscape-scale biodiversity outcomes and are especially important for Hawke's Bay.

Particularly in relation to land disposals, there is uncertainty regarding the application of section 15K(1)(b). The terms "not the best" and "one of the best" do not clearly define which land, in relation to legally protected land within an ecological district, are exempt from disposal. It is unclear what constitutes "best", for what reason, and what threshold applies to "one of the best". In some ecological districts, such as Heretaunga in Hawke's Bay, indigenous vegetation and habitat have been reduced to such an extent that most, if not all, remaining areas retain ecological importance. Furthermore, it is unclear whether the process for identifying "best" examples of habitat is limited to PCL comparisons, as "legally protected land" is not defined in the Bill, and whether a "best" example of habitat is limited to entire areas of PCL, or small portions of habitat within those entire PCL areas.

Land exchange or disposal also risks the loss of catchment function. Land may have moderate site-level conservation values but high hydrological, erosion-control, soil-conservation, or sediment-reduction value because of its slope, position in the catchment, riparian function, or relationship to downstream receiving environments.

Finally, particularly for land exchanges, the Bill's stated test is that incoming land has higher conservation values than outgoing land, including cultural and historic values. A key uncertainty is whether the assessment framework will adequately account for non-substitutable values, such as catchment position, hydrological function, mature indigenous vegetation, long-established ecological processes, wāhi tapu, or cultural landscape relationships.

In this context, the Hawke's Bay Regional Council notes that consideration should be given to the regional significance of PCL, not only its national or international significance. Consideration should also be given to the role of PCL in providing connectivity, buffering, and landscape-scale biodiversity outcomes, and to its contribution to catchment resilience, particularly in retaining soils on steep, erosion-prone, hill country and reducing sediment movement. The assessment framework should also consider whether the higher conservation values test adequately accounts for non-substitutable conservation, cultural, and historic values. HBRC further notes that the disposal of PCL should be limited to land that has no, or very little, conservation value.

Treaty implications

While the Bill is intended to uphold Treaty settlement commitments and includes consequential amendments to Treaty settlement legislation, there remains uncertainty as to how the proposed amendments will operate in practice.

Uncertainty exists in the interpretation of section 15A(2)(c) and the concept of how outgoing land is "managed" within the terms of a Treaty settlement. In Hawke's Bay, as part of the 2014 Treaty settlement, Maungaharuru-Tangitū Trust (MTT) received parcels of PCL as redress and subsequently gifted parcels back to DOC. Although MTT is not the administering body, it retains a management role

within its area of interest, raising questions as to whether this satisfies section 15A(2)(c) and whether the land would be exempt from exchange.

Similar uncertainty is also present across the wider region in relation to the interpretation of section 15A(2)(c). Many Post Settlement Governance Entities (PSGEs) have been established in accordance with the terms of Treaty settlements and now play a significant role in the management of PCL.

In this context, HBRC notes that consideration should be given to what constitutes management of PCL under section 15A(2)(c), including where redress land may have been gifted back to the Crown. Consideration should also be given to whether any exchange or disposal would prejudice existing Treaty settlement rights and interests.

Conclusion

Hawke's Bay Regional Council recognises the intent to modernise conservation administration and improve the efficiency of conservation planning, concessions, and land management processes. We support changes that will deliver better outcomes, faster and at a reduced cost, particularly section 13E and council related work consistent with conservation purposes on PCL. However, we note concerns that the Bill introduces a fundamental shift toward development, and greater rights to exchange or dispose of PCL, creating risks for biodiversity, regionally significant PCL, catchment function, and Treaty settlements in Hawke's Bay, particularly given limited, if any, Schedule 5 land.

Thank you again for the opportunity to make a submission on the proposed amendments. We do not wish to be heard in support of our submission. Should you have any queries with regards to the content of the comments please contact me in the first instance.

Ngā mihi,



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