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Committee Secretariat,
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Tēnā koutou,

Submission of Manawātū District Council on the Conservation Amendment Bill.

Manawātū District Council (MDC) thanks the Environment Committee for the opportunity to submit on the Conservation Amendment Bill. This submission builds on MDC's previous submissions on the Consultation on Modernising Conservation Land Management and Exploring Charging for Access to Some Public Conservation Land.

Background

The Manawātū District is characterised by diverse landscapes spanning the rugged Ruahine Ranges, the Pohangina Valley, and the fertile plains of the Manawātū River. As a predominantly rural territorial authority, the district includes and adjoins significant areas of public conservation land managed by DOC, encompassing the western edge of the Ruahine Forest Park, the Tāwhirihoē Scientific Reserve at Tangimoana, the Ototara Scientific Reserve near Himatangi, Pukepuke Lagoon (a nationally significant wetland complex on the west coast) public conservation land on the northern side of the Manawātū Gorge, areas around Awahou North, and several sites along the Pohangina River

The Ruahine Forest Park and the Rangiwahia Scenic Reserve are widely used for tramping and hunting, and the Pohangina Valley serves as a gateway to the Ruahine Range, attracting visitors from across New Zealand and abroad. These areas are not merely ecological assets as they are central to the identity and economic vitality of our communities, supporting tourism, outdoor recreation, and the cultural traditions of tangata whenua. For tangata whenua, these places are whenua with cultural, spiritual, historical and whakapapa connections extending across generations, including wāhi tapu, wāhi tūpuna, traditional travel routes, mahinga kai, and landscapes that remain central to the identity and wellbeing of local iwi and hapū.

The district's scientific reserves and wetlands, including Ototara and Pukepuke Lagoon, also contain regionally and nationally important ecological and geological values. The vegetated conservation areas in the upper catchments of the district, including the Ruahine Ranges and the upper Pohangina Valley, also play a role in stabilising soils,

reducing erosion, and improving water quality downstream, providing significant benefits to rural communities, agricultural land, and the wider river system that extend well beyond their recreational, scenic, and indigenous biodiversity values. These established indigenous ecosystems also contribute to climate and catchment resilience by absorbing rainfall, moderating flood peaks, sequestering carbon, regulating local climate, and supporting clean air. They provide accessible natural spaces for physical activity, restoration, and connection to place, with consequent benefits for physical health, mental wellbeing, and community resilience.

These conservation areas intersect with Council responsibilities for rural roads, local amenity, public safety, emergency management coordination, infrastructure planning, reserves, and district-wide destination management. MDC considers that decisions made under this Bill will directly affect these areas and the rights and interests of our iwi partners.

These responsibilities are also relevant to the potential transfer of costs and risks to ratepayers where increased visitor activity, changed access arrangements, or commercial development, creates additional demand on rural roading, public safety, emergency management, or local amenities without early Council involvement in the decision-making process.

This submission addresses seven thematic areas arising from the Bill: (1) the shift to a National Conservation Policy Statement and area plans; (2) the functions of the Department; (3) the new concessions regime; (4) the international visitor access levy; (5) visitor amenities areas; (6) land exchanges and disposals; and (7) Treaty obligations and iwi partnership. For each theme, MDC identifies where the Bill's provisions either interact with or diverge from positions we have previously advanced, and where new issues of significance to the district arise.

MDC is generally supportive of the objective of modernising and streamlining conservation land management. However, we have significant concerns regarding several provisions of the Bill, and we strongly urge the Select Committee to consider the amendments and recommendations set out in this submission.

The New Planning Hierarchy (Clauses 5, 15, and Associated Provisions)

The Bill's replacement of the existing hierarchy of general policies, conservation management strategies (CMS), and conservation management plans with a single National Conservation Policy Statement (NCPS) and non-overlapping area plans represents the most structurally significant change in the legislation. Clause 15 inserts new sections 13A to 13I, which together create the architecture of this new two-tier system. The NCPS, as secondary legislation approved by the Minister, will set binding national policy, and area plans will provide the regional and local expression of that policy.

MDC expressed qualified support for a single national-level document, in our previous submission, provided it was evidence-based rather than driven by the political priorities of the government of the day. We maintain that position. New section 13D empowers the

Minister to make the NCPS, with its purpose including recognising the economic opportunities arising from the use and development of conservation land. MDC remains concerned that this framing risks shifting the fundamental character of the conservation estate from an ecological and cultural asset into primarily an economic resource - a concern we raised explicitly in our earlier submission in response to what we perceived as an undue emphasis on the DOC estate as an economic instrument.

Functions of the Department (enabling commercial development)

The Bill also provides, in new section 6(ea), that a new function of the Department will be to recognise economic opportunities and enable the use and development of land to the greatest extent practicable. MDC notes that this is a new, small-but-significant, proposal which was not publicly consulted on as part of the original discussion document (although the intent was signalled in 2014 press releases).

Taken together with the NCPS purpose provision, this creates a statutory framework that systematically elevates commercial development as a conservation value. MDC urges the Select Committee to ensure that conservation values including indigenous biodiversity protection, ecological integrity, and cultural significance, are explicitly affirmed as the primary purpose of the conservation estate, with economic enablement treated as a subordinate and conditional consideration.

Absence of Local Authority Representation

MDC is concerned about the continuing absence of any meaningful role for territorial authorities in the making and amendment of the NCPS and area plans. New Schedule 2 and Schedule 3, inserted by clause 45, set out the processes for making or amending these instruments. The consultation requirements acknowledge iwi authorities and the Conservation Authority and Conservation Boards, but no equivalent recognition is given to local government.

MDC has highlighted the omission of local government considerations in our previous submission, and it has not been addressed in the Bill. District and city councils are significant stakeholders in area plan development. As the Bill itself acknowledges, DOC's conservation land sits alongside and interconnects with local roads, infrastructure, and community services. Decisions made in area plans have direct consequences for local government assets, pest management responsibilities, and the delivery of visitor services.

It is incongruous that territorial authorities, which in many cases co-manage conservation areas or hold adjacent land, are afforded no more influence in the area plan process than members of the general public. This omission is particularly concerning in a district such as the Manawātū, where decisions on the use of public conservation land can have direct implications for ratepayer-funded infrastructure and for rural communities expected to absorb the downstream effects of visitor growth, commercial development, or changed access arrangements without any corresponding role in the upstream statutory process.

MDC therefore considers that local government involvement is not merely desirable as a matter of process; it is a practical safeguard to ensure that economic drivers are not pursued at the expense of the environmental qualities, rural character, indigenous ecosystems, and community values that make the district distinctive.

MDC calls on the Select Committee to insert a formal consultation requirement with affected territorial authorities into both the Schedule 2 and Schedule 3 processes.

The Relationship with RMA Plans

The Bill makes a consequential amendment to the Resource Management Act 1991 (clause 127), providing that section 9(3) of the RMA does not apply to Crown work on public conservation land that is consistent with the NCPS or an area plan. However, the Bill does not adequately address the potential for conflict or duplication between area plans and district plans or regional plans under the RMA. This issue is especially acute where Crown works, visitor infrastructure, or concession-related development may intersect with district planning matters such as land stability, stormwater, traffic safety, indigenous biodiversity corridors, water quality, and the cumulative effects of development on adjacent rural communities. This was a gap we identified in our earlier submission, and it remains unresolved. MDC recommends that the Bill include a clear provision establishing how inconsistencies or overlaps between area plans and RMA plans are to be resolved, and that DOC be required to notify affected local authorities when developing or amending area plans that may affect land-use planning outcomes in the district.

The New Concessions Regime (Clauses 23 and 40 — New Part 3B and Section 60BA)

MDC broadly supports the objective of streamlining concession processing. In our January 2025 submission, we supported the introduction of clearer classes of activities, the reduction of administrative burdens, and the acceleration of decision-making for low-impact activities. The Bill's new Part 3B, inserted by clause 23, introduces a structured three-pathway approach— individual concessions, allocation, and pre-approved concessions which has merit. The pre-approved concessions pathway in new subpart 4 (sections 14ZI to 14ZK), enabling applicants to obtain concessions by completing a form and paying a fee for NCPS classified activities, has the potential to significantly reduce processing time for routine and low-impact activities, to the benefit of local operators.

Concerns Regarding the Removal of Public Hearing Rights

MDC has concerns about the removal of automatic hearing rights for submitters on publicly notified concession applications (new section 14S). The right for affected parties, including local authorities, to be heard on concession applications that may materially affect their infrastructure, assets, or communities is an important safeguard. The removal of hearings in favour of a purely written process risks reducing the quality of decision-

making, particularly for complex or contested applications in areas such as the Ruahine Forest Park where multiple interests converge. Similarly, the Bill removes public notification requirements for grazing licence applications and for applications that are intended to be declined (new section 14R). While the latter has practical logic, the former is concerning. Grazing concessions can have significant ecological impacts and can affect the interests of adjacent landowners and local communities. MDC urges the Select Committee to retain public notification requirements for grazing licences and to provide a discretion, at minimum, for the Minister to convene a hearing where an application has generated substantive written submissions from affected parties.

Cost Recovery and Small Operators

New section 60BA (inserted by clause 40) enables the Director-General to recover costs from applicants during the processing of a concession application, rather than only at its conclusion. Furthermore, these costs are non-refundable even if the application is unsuccessful. MDC's concern, previously raised in its previous submission, is that this approach will disproportionately disadvantage small operators and community-based organisations including those in the Manawātū district who operate local recreational and eco-tourism ventures in and around the Ruahine Forest Park. We recommend that the Bill include a provision enabling the Director General to waive or reduce cost recovery obligations for small operators, community groups, and iwi or hapū undertaking activities consistent with Treaty settlement arrangements.

Competitive Allocation Processes

New subpart 3 (sections 14ZF to 14ZH) introduces a framework for competitive allocation of concession opportunities. In our previous submission, MDC raised reservations about competitive allocation processes, noting the practical difficulties of ensuring all parties are equally positioned to submit bids simultaneously, and the challenges of establishing stable criteria in the context of evolving environmental understanding. These concerns are not resolved by the Bill. MDC reiterates that competitive allocation should not apply to small-scale, low-impact operations supporting local communities, to traditional or cultural activities of iwi, or to scientific and conservation activities. We recommend that regulations made under new section 48E(1) provide explicit exemptions for these categories.

International Visitor Access Levy Implementation Concerns

The Bill provides that levy areas may be applied to specific conservation areas, national parks, reserves, or geographic areas including specific paths, tracks, or roads (new section 48D(3) to (5)). MDC notes that the Ruahine Forest Park, given its multiple access points integrated into the broader transport network, presents significant enforcement challenges under any charging regime. MDC has also previously noted about the practicality of enforcing collection where public roads pass through conservation areas such as national parks.

The Bill's regulation-making power (section 48D(6)) allows for collection by third parties, which may offer a practical solution in some contexts, but the broader question of enforcement in areas with diffuse access points is not resolved. New section 11 and clause 35 (new section 51UA) create an offence and infringement regime for international visitors who fail to pay the levy, with a maximum fine of \$5,000 and an infringement fee of \$200. MDC considers that the practical enforceability of these provisions in remote areas of conservation land warrants careful consideration. We recommend that the Select Committee seek detailed advice from DOC and the New Zealand Police on their respective enforcement roles before the Bill is passed.

Local Authority Involvement in Levy Setting

New section 48D(7) requires the Minister to consult Māori groups with relevant interests, local communities, and affected concession holders before recommending levy regulations. MDC is encouraged by the inclusion of 'local communities' but notes that this falls short of a formal requirement to consult territorial authorities (which may be particularly relevant where a local authority shares some responsibility for assets within a conservation area). Given that the implementation of access levies will have direct consequences for destination marketing, visitor management, and local transport (and other) infrastructure, MDC recommends that the Bill explicitly require consultation with affected territorial authorities as part of the levy-setting process.

MDC also reiterates its previous position that access charging should not be applied in areas of particular cultural significance to iwi or in locations where charges might displace visitors to more ecologically sensitive areas. We recommend that the regulations made under section 48D include explicit criteria prohibiting levy designation in these circumstances.

Visitor Amenities Areas (Clause 23 — New Part 3D, Sections 16 to 16I)

The Bill introduces a new category of land designation, visitor amenities areas, which permits the Minister to set apart areas within conservation parks, stewardship areas, national parks, and reserves for the development and operation of recreational and public amenities including toilets, visitor centres, accommodation, car parks, restaurants, cafes, and commercial tourism services.

MDC acknowledges that well-designed visitor infrastructure is essential to managing increasing visitor pressures sustainably and to generating the conservation revenue that underpins the ecological work of the Department. The Pohangina Valley and Ruahine Forest Park already experience significant visitor demand, and the absence of adequate facilities has at times resulted in adverse environmental outcomes and a poor visitor experience. To that extent, the concept of visitor amenities areas has merit.

However, MDC is concerned that new section 16G provides that activities within a visitor amenities area may be authorised even if doing so would be inconsistent with the wider area plan, with the purposes for which the land is held applying only so far as they are

compatible with that authorisation. This is a significant departure from the existing conservation values framework. The provision effectively allows a visitor amenities area designation to override conservation objectives within the parent land. In the Manawatū district, the relevant issue is not whether visitor facilities are sometimes needed, but whether the scale and location of commercial amenities could place pressure on rural communities, local infrastructure, and catchment values that have been carefully improved over time.

MDC urges the Select Committee to introduce a clearer and more robust test for the conservation limits of visitor amenities area development, including an explicit requirement that designation not result the creation of de facto commercial precincts of a scale inconsistent with the primary conservation values of the area, or result in irreversible loss of indigenous biodiversity or ecological integrity in the affected area.

MDC notes that new section 16B requires the Minister to invite comments from relevant iwi authorities (and the Conservation Authority where the area is within a national park) when considering a visitor amenities area proposal, and that public consultation is required under new section 16C. However, consistent with our broader submissions, there is no formal requirement to consult territorial authorities, whose infrastructure and services will be directly affected by the development of commercial amenities on adjacent conservation land. MDC requests that this is amended.

Land Exchanges and Disposals (Clause 23 — New Part 3C, Sections 15 to 15ZB)

MDC expressed support for a simpler and more expansive land exchange system, noting that the previous requirement for exchanges to be contiguous with existing conservation areas had in some cases prevented outcomes with a clear net conservation benefit. The Bill's approach in new section 15A that will enable exchanges where there is a net conservation benefit as measured by the natural and historic resources of the incoming land compared with the outgoing land, is consistent with the principle we advocated.

However, MDC maintains the reservation expressed in our earlier submission that the assessment of net conservation benefit involves inherently subjective judgements, for example, whether the habitat of one species is more ecologically significant than that of another, or how a loss of wetland should be weighed against a gain of native bush. The Bill vests this determination in the Minister (new section 15C), with the Director-General required to produce a report following consultation (new section 15B). MDC considers that this process would benefit from independent ecological input and recommends that the Bill require the Director-General's report to include an assessment by a suitably qualified and independent ecologist before the Minister decides on any proposed exchange.

Regarding land disposals, MDC called for clearer safeguards against potential misuse of expanded disposal powers, a robust public consultation process, and mechanisms for ongoing monitoring of disposed land's conservation status. MDC notes that the Bill incorporates a public notification and comment process (new section 15L) and a

requirement for the Director-General's recommendation (without which disposal cannot proceed under section 15K(2)(f)), which provides some protection. However, new section 15M provides that public submitters have no right to be heard on their submissions regarding a proposed disposal. This is directly inconsistent with the safeguard MDC recommended. The removal of hearing rights for land disposal proposals, which are decisions of significant and permanent consequence, is not justified by administrative efficiency alone.

MDC recommends that the Select Committee reinstate hearing rights for submitters on land disposal proposals, or at minimum provide a discretionary power for the Minister to convene a hearing where submissions raise substantive conservation, cultural, or public interest concerns. MDC is further concerned by the absence of any provision for ongoing monitoring of the conservation status of disposed land. Once conservation land is disposed of and enters private ownership, there is no mechanism in the Bill to assess whether the ecological values that were present at the time of disposal continue to be protected. We recommend the inclusion of a monitoring provision, and where appropriate, the use of covenant conditions under new section 15Q to protect residual conservation values on disposed land.

Treaty Obligations, Iwi Partnership, and the Rangitāne o Manawatu Settlement

The Bill's insertion of new section 4A (clause 5) prescribes how Treaty principles must be applied in specific land management processes, moving from the broad interpretive obligation in the current section 4, which requires the Conservation Act to be "so interpreted and administered as to give effect to the principles of the Treaty of Waitangi" , to a more procedural and codified approach. While MDC acknowledges that this offers some degree of process clarity, we are concerned that it may in practice weaken the breadth and strength of the existing Treaty clause.

This concern is particularly acute in the Manawātū District context. The remnant areas of high-quality natural environment within our district- including the Ruahine Ranges, Pukepuke Lagoon, and the district's scientific reserves- are of deep cultural significance to local iwi. These areas contain ancestral connections, mahinga kai, wāhi tapu, and taonga species. Indigenous biodiversity is inseparable from these cultural values: the health of native species, habitats, ecosystems, whenua, wai and ngāhere supports mātauranga Māori, customary relationships with the environment, and the exercise of kaitiakitanga. Loss or degradation of these environments is therefore both an ecological loss and a cultural loss. It is therefore essential that iwi participation in the management of these areas is not reduced or constrained by a narrower, more procedural Treaty framework. MDC's concern is not only about legal process but about substantive outcomes: iwi participation in conservation management must be adequately resourced to be meaningful and must not place participating iwi, hapū, or other Māori groups at a disadvantage.

This concern is compounded by the Bill's new section 14T, which imposes statutory timeframes on Māori groups consulted on concession applications, while the resourcing provisions for iwi and hapū to participate effectively in the streamlined system remain entirely unaddressed. MDC is also concerned that provisions designed to streamline decision-making, when combined with reduced hearing rights or compressed consultation timeframes, may reduce the ability of iwi, hapū and Māori communities to influence decisions affecting places of cultural significance. Imposing participation timeframes without providing resourcing support risks producing rushed or inadequate consultation, particularly where Treaty partners are expected to advise on multiple competing applications under the new allocation framework.

MDC therefore seeks that section 4 of the Conservation Act 1987 be retained in its current form, unchanged, to ensure that the obligation to give effect to the principles of the Treaty of Waitangi remains broad and substantive, and that the ability of iwi to participate meaningfully in the management of culturally significant conservation lands is not weakened by the procedural codification proposed in new section 4A.

Rangitāne o Manawatu Settlement Act — Schedule 6 Amendments

Schedule 6 of the Bill makes consequential amendments to several Treaty settlement Acts. This includes specific amendments to the Rangitāne o Manawatu Claims Settlement Act 2016, which is of direct relevance to MDC given our longstanding relationship with Rangitāne o Manawatu.

The Schedule 6 amendments to that Act repeal section 70(4)(c), amend section 75(3)(a), repeal section 97(2)(c), and update the reference in section 124(b) from 'section 16A' to 'section 15A'. These are listed as consequential amendments, but MDC urges the Select Committee to seek confirmation from both DOC and Rangitāne o Manawatu that these amendments preserve the full substance and effect of the existing settlement redress arrangements, particularly those relating to overlay classifications and the iwi's role in conservation management decision-making within their rohe.

More broadly, the Bill's transitional provisions (new clauses 24 and 25 of Schedule 1AA, inserted by clause 44) commit the Crown to work with post-settlement governance entities (PGSEs) to seek agreement on how Treaty settlement redress will operate in the new system, with a two-year window applying. MDC notes that this two-year period, while providing initial structure, may be insufficient for all PSGEs to work through the implications of the new framework, particularly given the scale of the changes to the concessions and planning regimes. We recommend that the Select Committee consider whether a longer transitional period, or a bespoke process for PSGEs with particularly complex settlement arrangements, would better serve the Crown's Treaty obligations.

Cultural Significance and Access Charging

MDC reiterates the position advanced in our February 2025 submission that access charging should not apply to areas of cultural or spiritual significance to iwi, or to areas

used for traditional food gathering or customary practices. That position reflects MDC's view that conservation land is not simply a public asset, but also whenua with enduring whakapapa, tikanga and kaitiaki relationships that should not be constrained by charging settings. The Bill's levy provisions (new section 48D) do not explicitly protect such areas from levy designation. MDC recommends the inclusion of an explicit statutory exemption from levy designation for areas identified as having particular cultural significance to iwi or hapū, determined in consultation with the relevant Māori groups.

Conclusion

MDC supports the modernisation of the Conservation Act where it improves clarity, efficiency, and the administration of conservation land. The natural environment, landscapes, and recreational opportunities provided by conservation land, and the district's coastal and wetland reserves, are central to the identity and wellbeing of our communities, and MDC is supportive of reforms that better protect and sustainably manage these taonga. The Bill contains provisions that Council can support: a more coherent planning framework, proportionate treatment of low-risk activities, improved concession administration, a targeted international visitor levy, and a more workable approach to land exchange where net conservation benefit is demonstrated.

However, the Bill in its current form risks elevating economic opportunity above conservation purpose without adequate statutory qualification. It reduces local and public participation in significant decisions, creates broad and insufficiently constrained visitor amenities powers, and fails to provide a sufficiently clear or meaningful role for territorial authorities in planning and decision-making processes.

Above all, the Council urges the Committee to ensure that the Bill does not dilute the fundamental conservation purpose of the legislation. The conservation estate must not be recast primarily as a commercial or economic resource. The landscapes, indigenous biodiversity, and cultural connections it protects are not renewable, and the communities of the Manawatū District, like communities across New Zealand, depend on their enduring stewardship.

Yours sincerely,



Michael Ford

Mayor