



Department of Conservation
Te Papa Atawhai

To: Phillippa Fox, Director Regulatory Authorisations
From: Tinaka Mearns, as Delegate of Director-General of Conservation
CC: Niwha Jones, Pou Tairangahau; John Galilee, Statutory Manager; Chris Williams, Senior Permissions Advisor
Date: 25th October 2024

OBJECTION AND SUBMISSION SUMMARY RECOMMENDATION REPORT

1.0 APPLICATION DETAILS

Applicant:
Te Kotahitanga o Te Atiawa Trust

Permission Number:
100560-OTH

Permission Type:
Concession lease and licence (Notified)

Brief activity description:

Kotahitanga o Te Atiawa Trust (TKoTA) have applied for a 30-year lease and license to build, operate and maintain a new multi-purpose structure within the Egmont National Park.

The application includes the demolition of the existing Visitors Centre before construction commences on a new building. The new building will be purpose-built for Puketapu Hapū and Te Kotahitanga o Te Atiawa Iwi Trust to establish a presence on their whenua. The building will be multipurpose and include the following:

- Department of Conservation (DOC) Visitor Centre
- Café
- Manaaki space for venues/functions and learning space
- Toilet facilities and shower
- Display areas
- Associated offices, storage and workroom spaces.

It is proposed that a temporary Visitor Centre will be established in the Mountain House carpark area while the area is under construction.

The new build will sit in a similar size and scale to the existing Visitor Centre building without significantly impacting the existing car parking area. The footprint will be approximately 604m².

2.0 PURPOSE

This report is provided pursuant to section 49(2)(d) of the Conservation Act 1987 (CA). It provides you with:

- A summary of all submissions received; and
- Recommendations as to the extent to which the submissions should be allowed or accepted.

This report, and the recommendations and summaries contained, are provided to assist you in forming a view 'before deciding whether or not to proceed with the proposal', pursuant to section 49(2)(e) of the Conservation Act

1987. The Recommendations and Decision Report (RDR) includes more substantive commentary on the merits of recommended submissions.

3.0 BACKGROUND

TKoTA applied to DOC in August 2023 for a 30-year lease and license to build, operate and maintain a new multi-purpose structure within the Egmont National Park. The application was publicly notified in the New Zealand Herald, Taranaki Daily News, and on the Department of Conservation website in November 2023. The notification was for a period of 20 working days as prescribed by the Act.

4.0 DETAILS OF HEARING

Six submissions were received, five of the submitters were heard. The hearing was held on 3 July 2024, in New Plymouth.

Chair:

Tinaka Mearns, Director Regional Operations – Hauraki, Waikato, Taranaki region

Panel members:

Niwha Jones, Pou Tairangahau, Hauraki, Waikato, Taranaki

John Galilee, Statutory Manager, Auckland

Objectors and Submitters that were heard:

- Jacqui King (Te Kāhui o Taranaki Chairperson)
- Jacqui King (Oākura Pā (Ngāti Tairi hapū))
- Tane D Manu aka Manukonga (Puniho Pā (Ngā Mahanga hapū))
- Fay Mulligan (Secretary, Ngā Mahanga hapū)
- Sharron Steen (Ngāti Tairi hapū)

Applicant's representatives: Dion Tuuta (CEO)

5.0 SUMMARY OF KEY POINTS FROM SUBMISSIONS/COMMENTS - BOTH WRITTEN AND VERBAL AT THE HEARING

As advised, six submissions opposing the application were received during the public notification period. The content of the submissions highlighted the cultural and historical significance to their iwi and hapū of the area including the site of the proposed lease.

The table below is a summary of the key points of submissions received and their relevance for matters to be considered by the Minister under the Conservation Act 1987.

See Appendix 1 for more detail on objections, submission comments and recommendations. A full summary of the submissions received can be found here: [DOC-7544284](https://www.doc.govt.nz/assets/Uploads/DOC-7544284.pdf).

1a	Application incomplete/Insufficient information understand effects	Final building plan, cost, and funds	Relevant consideration
b		Lack of parking	Relevant consideration
c		Substandard water supply	Relevant consideration
d		Vegetation and soil removal	Relevant consideration

e		Construction footprint outside of the current building	Relevant consideration
f		Impact of temporary visitor's centre on managing visitor numbers (2)	Relevant consideration
g		Concession term of 30 years	Relevant consideration
h		Proposed Café and toilets not fit for purpose	Relevant consideration
i		DOC application form incomplete	Relevant consideration
j		No safety or operational plan supplied	Relevant consideration
k		Timeframes for public notification	Not relevant
l		Archaeologist on-site during earthworks	Relevant consideration
m		No cultural impact assessment provided	Relevant consideration under section 4 of the Conservation Act 1987

2a	Understanding Treaty Interests	Incorrectly attributing sole mana whenua status to some iwi/hapū (3)	Relevant consideration
b		Historically, geographically, culturally, tribally inaccurate reports submitted by applicant	Relevant consideration
c		Inadequate cultural narrative and design	Relevant consideration
d		Culturally inappropriate fire pit	Relevant consideration
e		Lack of engagement and consultation	Relevant consideration

6.0 RECOMMENDATIONS

Only relevant considerations outlined above should be considered in respect of the extent to which objections and comments should be allowed and submissions accepted.

At the hearing the applicant gave a verbal reply.

The applicant provided comment on two themes which are relevant for your consideration:


- (a) Mistakes on the application form
- (b) Engagement and consultation

Panel Recommendations

That the decision-maker

- (a) Note that six written submissions (all objections) were received and five of those submitters spoke to their submissions at the Hearing.
- (b) Accept the recommendations made in Part 5.0 of this report regarding which submission points should be accepted as relevant matters for consideration under Part 3B of the Conservation Act.
- (c) Agree that DOC undertakes further engagement with all iwi and hapū who have interests in the vicinity of the proposed visitor centre.

Sec 9(2)(a)



Tinaka Mearns
Delegate of Director-General of Conservation
Chair of the Hearing Panel
Date: 25 October 2024

Appendix 1

Objections and Submissions/Comments, and Recommendations

[1] Application incomplete/insufficient information to understand effects

(a) Final building plan, cost, and funds

One submission was received that questioned the lack of publicly available information as of January 2024 regarding the building plan, cost and funding.

I recommend that submitters' comments regarding the final building plan, are **allowed** as a relevant consideration under section 17U(1)(a)-(c) of the Conservation Act 1987.). I recommend that these comments be **accepted** to the extent of being a relevant consideration.

I recommend that the comments concerning cost and funding are **not allowed** because the cost and source of funding are not matters for decision as part of this application.

(b) Parking

One submission was received that noted a lack of parking currently at the North Egmont Visitor's Centre site.

For example:

Ian McAlpine (written submission 01)

"Parking at the Egmont Road End has been a nightmare of overcrowding already for Egmont National Park park-users in the summer months with the proposed concession and what the concession states."

I recommend that submitter's comments are **allowed** as a relevant consideration under section 17U(1) of the Conservation Act 1987, including (a) the nature of the activity and the type of structure or facility (if any) proposed to be constructed, (b) the effects of the activity, structure, or facility (c) any measure that can reasonably and practicably be undertaken to avoid, remedy, or mitigate any effects of the activity.

The Department may impose conditions to manage the effects of the proposed activities including managing car parking and visitor experience and the effects of providing car parking.

It is important to note that the proposal includes car parking on both Public Conservation Land and land controlled by New Plymouth District Council as road reserve. The Department is only considering the part of the proposal that falls within the boundaries of the land it administers.

I recommend that these comments be **accepted** to the extent of being a relevant consideration.

(c) Substandard water supply

One submission was received that questioned the adequacy of the water supply currently at the North Egmont Visitor Centre site, particularly during the summer months.

For example:

Ian McAlpine (written submission 01)

"Water supply at North Egmont Visitors Centre has been a shortage for several years during the summer months, with the Department of Conservation having to buy in water and with climate change (demand) on the water

supply will increase. No comments whether the concession owners will help (with the) cost of extra water supply. With tighter safety on water safety quality the water storage off the building roofs or stream come into question.”

I recommend that submitters’ comments about the water supply are **allowed** as a relevant consideration under section 17U(1)(a)-(c) of the Conservation Act 1987.

The sourcing and supply of water to the proposed new building is a relevant consideration because the decision maker will need to consider if the applicant’s proposals will provide access to adequate supply, particularly during the drier summer months, without adverse effects on the national park environment or on the visitor experience.

I recommend that these comments be **accepted** to the extent of being a relevant consideration.

(d) Vegetation and soil removal

One submission was received that queried why there was no mention of vegetation or soil removal from the proposed site of the North Egmont Visitor Centre site.

I recommend that submitter’s comments regarding the lack of detail regarding soil and vegetation removal are **allowed** as a relevant consideration under section 17U(1)(a)-(c) of the Conservation Act 1987, specifically the effects of removal on the site, including impacts on cultural and historic heritage and wildlife. Removal of vegetation, no matter how small in scale is a relevant consideration.

These matters will be assessed more thoroughly in the Recommendations and Decision Report (RDR).

Accordingly, I recommend that these comments be **accepted** to the extent of being a relevant consideration.

(e) Construction footprint outside of the current building

One submission was received that queried why there was no mention of the construction going outside the existing footprint of the current North Egmont Visitor Centre site.

I recommend that submitter’s comments regarding the lack of explanation regarding the proposed site of the new visitor centre exceeding the current footprint of the existing visitor centre be **allowed** as a relevant consideration.

(f) Impact of temporary visitor centre on managing visitor numbers (2)

Two submissions were received regarding the impact of the proposed works on the number of visitors and the Department’s ability to manage them, as well as the use of displays.

I recommend that submitters’ comments regarding the impact of the proposed works on the number of visitors and use of the displays are **allowed** as a relevant consideration under section 17U(1)(a)-(c) of the Conservation Act 1987.

The Department has made plans to install and operate a temporary Visitor Centre utilising 2-3 Portacoms at a location near the upper carpark. The current display materials are considered dated and no longer fit for purpose. There will be some but largely limited disruptions to the site, but overall visitor numbers are not expected to be impacted.

Accordingly, I recommend that these comments be **accepted** to the extent of being a relevant consideration.

(g) Concession term of 30 years

One submission was received regarding the 30-year term applied for by the applicant.

For example:

Ian McAlpine (written submission 01)

"The concession length asked for is 30 years, not normal 10-years this coming in question after the new concessionaire took over the Stratford Mountain House lasting a very short operational time. Due to the Department of Conservation Mt Egmont Management Plan 2002-2012 years out-dated and still under review, question is why 30 years without the Department unknowing what their management plan will evolve or when it will be reimplemented?"

I recommend that submitters' comments relating to the 30-year term and the age of the existing Mount Egmont National Park Management be **allowed** as a relevant consideration.

DOC is required under the relevant legislative requirements (section 17SC Conservation Act 1987) to publicly notify every application with a requested term of more than 10 years, as set out in section 17SC(1)(a)-(b) of the Conservation Act 1987,. While the Egmont National Park Management Plan 2002 is now dated, it is still the relevant statutory plan.

The length of term will be assessed more fully in the Recommendations and Decision Report.

(h) Proposed Café and toilets not fit for purpose

One submission was received questioning whether the public café and toilet facilities proposed will be sufficient for the increased visitor numbers expected?

I recommend that the submitter's comments regarding what impact the expected increase in the number of visitors is likely to have on the planned café and toilet facilities, are **allowed** as a relevant consideration under section 17U(1)(a)-(c) of the Conservation Act 1987.

The planned café and toilet facilities are outlined in the application. The Department has made plans to install and operate a temporary Visitors Centre utilising 2-3 Portacombs. There will be no temporary café during the building of the new visitors' centre.

Accordingly, I recommend that these comments be **accepted** to the extent of being a relevant consideration, but otherwise given limited weight.

(i) DOC application form incomplete

One submission stated that the application form was incomplete.

I recommend that submitters' comments querying the completeness of the application forms be **allowed** as a relevant consideration in so far as it relates to whether sufficient information has been provided to fully understand the application. All the information the submitter states is missing in the application form can be found in the supplementary information provided with the application. This can be discussed in the recommendation decision report.

(j) No safety or operational plan supplied

One submission was received pointing out the lack of an audited safety plan regarding the venue, concession or the demolition and rebuilding of the Visitor's Centre.

I recommend that the submitter's comments regarding the lack of a safety plan are **allowed** as a relevant consideration under section 17U(1)(a)-(c) of the Conservation Act 1987.

The Department may seek to impose conditions to manage safety concerns in any concession contract, if the decision is to grant the application.

Accordingly, I recommend that these comments be **accepted** to the extent of being a relevant consideration.

(k) Timeframes for public notification

One submission suggested the delay between receiving the application in September 2023 and seeking public input in November 2023 was questionable.

I recommend that submitters' comments querying the delay between receiving the application and publicly notifying it **not be allowed** as a relevant consideration. The Department must comply with all process requirements set out in Part 3B of the Conservation Act 1987. The Act sets no timeframes on these process steps.

(l) Archaeologist on-site during earthworks

One submission was received referring to the lack of an archaeologist on site during earthworks.

For example:

Ian McAlpine (written submission 01)

"The site (Egmont Road End) is in the Egmont National Park on the slopes of Mt Egmont/Taranaki, which places it in a historical/cultural area for both Māori and European cultures. This environment site is not far away from the legendary Karaka Tonga Māori occupation site and we believe all the slopes are cultural areas where they lived and the history of Europeans date back to the 1880s making this environment and North Egmont Visitor's Centre site and environment a site where archaeologists should be made to be present during the earthworks. There has been no mention of this happening by the concessionaire."

I recommend that the submitter's comments regarding the lack of an archaeologist on site during earthworks are **allowed** as a relevant consideration under section 17U(1)(a)-(c) of the Conservation Act 1987.

The effects on the proposed activity on cultural and historic heritage will be discussed in full in the Recommendations and Decision Report. The Department may manage any effects on cultural or historic heritage values by imposing relevant conditions, should the decision be to approve.

Accordingly, I recommend that these comments be **accepted** to the extent of being a relevant consideration.

(m) No Cultural Impact Assessment provided

The submitter was surprised that no formal Cultural Impact Assessment (CIA) has been completed, given the significance of the maunga and the site. The heritage, history and cultural links to mana whenua Ngā Mahanga and Ngāti Tairi and Taranaki iwi must be considered

For example:

Fay Mulligan (hearing submission 04)

"On page 27, it states that *"no formal Cultural Impact Assessment has been prepared to support this application."* ...Cultural assessment is necessary to protect the integrity of Ngā Mahanga and Ngāti Tairi, as well as our rights and responsibilities to be taken into consideration."

I recommend that the submitters' comments relating to having no Cultural Impact Assessment provided are **allowed** and **accepted** to the extent that they are relevant to the consideration of a matter under section 4 of the

Conservation Act 1987. A cultural impact assessment is a feature of Resource Management Act process and not a statutory prerequisite for applications lodged under Part 3B of the Conservation Act.

The Recommendations and Decision Report will contain detailed analysis of section 4 of the Conservation Act, the Crown's Treaty obligations, and the views of iwi/hapū.

[2] Treaty Relationships (incl. S4 and Treaty Settlement Redress)

(a) Understanding Treaty Partner Interests (3)

Three submissions received were related to excluding other iwi/hapū as mana whenua.

For example:

Jacqui King (hearing submissions 01 and 02)

"Our settlement details, in section 1.2, that Taranaki iwi claim descent from ancestors that predated the arrival of the waka migration to the western seaboard. They were known as the Kahui Ao, Kāhui Rangi, Kāhui Pō and Kāhui Atua, collectively called Te Kāhui Maunga. They occupied Mimi Maunganui (the mountain preceding Taranaki), Ruatupua (Pouakai), and Ruatawhito (Kaitake) ranges. Their principal village was Karakatonga, situated high up in the heart of the Waiwhakaiho river valley, particularly the site where the new visitor's centre is going to be. Here Taranaki iwi drew strength from the maunga and ranges, and utilised the unique location and drawing from the local flora and fauna of the slopes allowed them to flourish and prosper. Fish were caught from the surrounding streams, and waka carved from the forest trees. The maunga was also a critical part of the defence of the region, specifically Karakatonga Pā. The importance of this place is still held today, with iwi and hapū remembering the names of various structures of the pā/village, and waiata are sung about it and those times."

Fay Mulligan (hearing submission 04)

"The application has failed in earnest to provide accurate information about Ngā Mahanga and Ngāti Tairi. On page seven the application refers to the cultural refers to Te Atiawa and Puketapu hapū as mana whenua. There is no mention of Ngā Mahanga and Ngāti Tairi, whose connection to the land on which the visitor's centre sits has existed since the earliest times of Māori in the area is undisputable."

Sharron Steen (written submission 03)

"TKOTA are seeking to build a whare on Taranaki Maunga that will provide Puketapu and Te Atiawa iwi with an opportunity to connect with their whenua.' I'm objecting as the site for this proposal is within the tribal area of Ngā Mahanga a Tairi, Nga Mahanga (Puniho Pā) and Ngāti Tairi (Oakura Pā) who have mana whenua rights to this whenua."

I recommend that the submitters' comments are **allowed** as relevant considerations of an application under Part 3B of the Conservation Act 1987 and any relevant Treaty settlement legislation. This includes the impacts of the proposal on existing and forthcoming Treaty settlements for iwi and hapū who hold mana whenua status over the site and the surrounding area.

These matters were borne out in the Ngāi Tai ki Tāmaki Tribal Trust vs Minister of Conservation case in 2018, commonly referred to as the Ngāi Tai decision.¹ In it, the Court found that DOC had not followed the correct process by not considering the economic benefits and the issue of preference for Treaty Partners. In that particular case, the Court thought that had DOC followed the correct process and considered those points that we may have reached a different decision. As a result, the Court directed DOC to reconsider the applications concerned. The case is significant as it added to jurisprudence about the application of section 4 of the Conservation Act, under which DOC has to give effect to the principles of the Treaty, including in relation to

¹ Ngāi Tai ki Tāmaki Tribal Trust v Minister of Conservation [2018] NZSC 122 on 14 December 2018

concessions.

These matters will be discussed in detail in the Recommendations and Decision Report.

(b) Historically, geographically, culturally, tribally inaccurate reports submitted by applicant

One objector believes the applicant is overreaching and "trying to put their mana over Ngā Mahanga and Ngāti Tairi." Ngā Mahanga has historical connections to the Kāhui people and believes it is as strong as the other sub-tribes/hapū of the region. The objector believes Te Atiawa has no more or less right to claim this land or naming rights than Ngā Mahanga does. They claim that Te Atiawa's claim to be culturally connected as mana whenua is untrue and that the area is outside of Te Atiawa's rohe. References to the Taranaki Maunga collective are misleading as Ngā Mahanga have not given their mana whenua rights over to the collective.

For example:

Fay Mulligan (hearing submission 04)

"The application has failed in earnest to provide accurate information about Ngā Mahanga and Ngāti Tairi..."

The submission, by Fay Mulligan of Ngā Mahanga, can be read in its entirety here: [DOC-7544284](#).

I recommend that the submitters' comments relating to engagement, consultation and giving effect to the Principles of the Treaty of Waitangi are **allowed** and **accepted** to the extent that they are relevant to the consideration of a matter under section 4 of the Conservation Act 1987, which can be considered within the legal framework of that Act. It is noted that it is not DOC's role to determine mana whenua status, however it is our role to follow Treaty Settlement legislation.

The Recommendations and Decision Report will contain detailed analysis of section 4, the Crown's Treaty obligations, and the views of iwi/hapu.

(d) Inadequate cultural narrative and design

One submission was received referring to the lack of cultural narrative and design incorporating Ngā Mahanga and Ngāti Tairi narratives.

For example:

Fay Mulligan (hearing submission 04)

"On page 11 (of the application) referring to the cultural narrative and design, Fay states that these are based solely on the designs of Puketapu hapū with no engagement of Ngā Mahanga and Ngāti Tairi. The concepts and narrative remain exclusive to the applicant, leading to a biased and inaccurate process as it has not taken into account the narrative of any others (iwi or hapū).

(e) Culturally inappropriate fire pit includes in the Treaty relationships consultation etc.

One submission was concerned the introduction of a fire pit into the immediate vicinity of the visitor's centre was another example of an attempt by the applicant to introduce their own rituals into the site.

I recommend that the submitters' comments relating to the fire pit and cultural rituals are **allowed** and **accepted** to the extent that they are relevant to the consideration of a matter of engagement, consultation and giving effect to the Principles of the Treaty of Waitangi under section 4 of the Conservation Act 1987, which can be considered within the legal framework of that Act. This issue is important to DOC in such that we need to be cognisant of the various views of our Treaty Partners.

The Recommendations and Decision Report will contain detailed analysis of section 4 of the Conservation Act, the Crown's Treaty obligations, and the views of iwi/hapu.

(f) Lack of engagement and consultation

Five submitters objected to a lack of engagement and consultation by DOC and the applicant with Taranaki iwi and hapu prior to notification of the application, and the impact on iwi interests.

For example:

Jacqui King (hearing submissions 01 and 02)

"We are deeply disappointed that this process has been allowed to reach this point without any engagement let alone the consultation that is required, from a treaty partner with which we thought we had a good relationship with. We are here not only to object to the application in its entirety, but we have serious concerns about the involvement of the Department of Conservation in a project that has excluded us, when they should have known full well, that we had an interest in this specific area..."

...Again, I raise serious concern with the part the Department has played in excluding Taranaki iwi and hapū in this project. It should be well known within the Department that we have a settlement agreement with an area of interest that traverses this whenua. We have also challenged the local DOC team previously, for being excluded from this area in previous processes. So, it is well known that we have an interest."

Fay Mulligan (hearing submission 04)

"The actions of the applicant and DOC in their process so far, ...

"This application has been progressed without proper consultation with Ngā Mahanga and Ngāti Tairi. If this application is approved in its current form, there will be irreparable damage done that will not be taken lightly. They (Te Atiawa) do not know what parts have sites with wāhi tapu relevant to Ngā Mahanga and Ngāti Tairi."

I recommend that the submitters' comments are **allowed and accepted** to the extent that they are relevant to the consideration of a matter under section 4 of the Conservation Act 1987.

The principles of Partnership and Informed Decision Making require the Crown and Māori to act towards each other reasonably and in good faith, and to be well informed of each other's views when navigating a decision-making process. The principle of active protection requires the Crown to actively protect Māori interests retained under the Treaty as part of the promises made in the Treaty for the right to govern. I recommend that the submitters' comments relating to engagement, consultation and by extension giving effect to the Principles of the Treaty of Waitangi are allowed and accepted to the extent that they are relevant to the consideration of a matter which can be considered within the legal framework of the Conservation Act 1987. The Recommendations and Decision Report will contain detailed analysis of section 4, the Crown's Treaty obligations, and the position of iwi/hapu.

I also recommend that the Department undertake additional engagement and consultation with all Taranaki iwi and hapu and details of that engagement be provided to the delegated decision maker prior to the final decision being made.

These matters will be analysed in detail in the RDR.

ENDS

Complex Conservation Act

Recommendation and Decision Report

Applicant: Te Kotahitanga o Te Atiawa Trust

Permission number: 100560-OTH

Application Type: Notified Lease and Licence

To: Phillippa Fox, Director Regulatory Authorisations

From: Sofia Reid, Permissions Advisor
Chris Williams, Senior Permissions Advisor

Peer Reviewed by: Lynette Trewavas, Senior Permissions Advisor
Tinaka Mearns, Regional Director Hauraki/Waikato/Taranaki

Date sent: 30 October 2024

Executive Summary - Whakarāpopoto ā kaiwhakahaere

1. Te Kotahitanga o Te Atiawa Trust (the Applicant) has applied for a lease and licence concession. The lease includes the demolition of the existing Visitors Centre, the temporary relocation of the Visitors Centre and to build, manage and maintain a multipurpose building that will include a café, Manaaki (wananga space/overnight accommodation), and space for a Visitors Centre. A Licence is also included as part of the application for the surrounding land for outside amenity areas and utilities.
2. The Applicant is seeking a lease for a 30-year term.
3. The Department sought comments on the application form from all iwi who have interest in the area. The conversations and process from additional consultation are incorporated into the report.
4. There are eight iwi with interests to the area and each has an individual Treaty settlement. Collective cultural redress for Ngā Iwi o Taranaki relating to their Tūpuna Maunga is provided for in a collective redress deed. The redress provided under the Deed forms part of the Treaty settlement of those iwi under their individual deeds of settlement with the Crown. While legislation to give effect to much of the redress set out in the Deed has not yet been passed, some aspects of the collective redress have needed to be taken into consideration by the Department during the application process.
5. The application was notified on 22 November 2023 and closed on 10 January 2024. A hearing was held on 03 July 2024. There were 6 submissions received in total, with five of them from members of iwi and hapū in the region. These are further discussed in the Objections and Submissions Summary Report, the results of which feed into this report.

6. The proposal meets the statutory requirements, and technical advice has been incorporated from across the Department.
7. Licence and Lease for approval is linked in Appendix 1.

I recommend that you... (Ngā tohutohu)

	Concession under Part 3B of the Conservation Act 1987	Decision
a)	Approve the Application. Subject to the standard concession contract and the special conditions identified in this report	Yes
b)	Approve that there is no requirement for a bond to be included as a condition of the concession as outlined in section 101-105 of this report	Yes

Decision Maker Rational:

I have read this Recommendation and Decision Report (RDR) which sets out the background and information which support the statutory framework for considering applications for concessions. This RDR refers to a range of material in the appendices which I have read.

A copy of the Objection and Submission summary recommendations report, section 4 and Treaty analysis of the RDR was sent to the applicant and iwi. The results of the Submission process have been included into the RDR and therefore, I have considered them in making my decision. I am satisfied based on the information provided in the RDR that a bond is not required.

As a result, and acting under the delegation of the Minister of Conservation, I have decided to approve the Application and Approve that there is no requirement for a bond.



Date: 6 November 2024

Phillippa Fox, Director Regulatory Authorisations

Pursuant to the Delegation dated 9 September 2015 and 7 July 2019

Purpose - Te aronga

8. The purpose of this report is to bring together the relevant information and recommendations to support you to make a statutory decision.

Context - Te horopaki

10. The Applicant is Te Kotahitanga o Te Atiawa Trust, who is the post settlement governance entity for Te Atiawa iwi. They are a private trust that has the purpose of receiving Treaty settlement assets and holding, managing, and administering the Trust Fund for the benefit of members of Te Atiawa iwi.
11. The application forms submitted outline that the existing visitors centre is at the end of its life and there are issues with the design of the building. Through analysis of the existing building, it was determined that the most appropriate solution is a demolition of the existing building and a rebuild.
12. There has been a partnership established between the Applicant, the Department and the Ministry of Business, Innovation and Employment (MBIE) in relation to the proposed visitors centre upgrade. A Memorandum of Understanding (MOU) was put in place and signed in March 2021, that formalised this partnership linked in Appendix 1. It is stated in the MOU that the project is to develop an enhanced visitor centre which reflects an authentic cultural narrative, either by renovation or rebuild in the North of the Egmont National Park. This MOU was the starting point for all parties involved to agree to a new development at this site, which has now resulted in this application.
13. The Department acknowledges the existing visitor centre is not fit for purpose and notes a complete rebuild would allow an opportunity for the Department and the Applicant to meet their future needs and requirements. There have been several discussions between both parties around the upgrade of the centre and improving cultural representation on Taranaki Maunga and managing a new facility.
14. The Applicant has applied for a Lease/Licence to build a new visitors centre on Taranaki Maunga that will provide Te Atiawa iwi with an opportunity to connect with the whenua. The application includes the following:
 - a. Establishment of temporary visitors centre
 - b. Demolition of the existing building
 - c. Construction of new building and associated facilities
 - d. Upgrade of the carpark
15. The Applicant will own and operate the building, and it is intended that the Department will sub-lease an area within it to use as a visitor centre but no firm negotiations have

taken place for the sublease. The Department is unable to enter negotiations to lease the building until the project is further developed and an initial lease put in place.

16. There is to be a temporary visitor centre put in place that the Department will occupy for the duration of the construction period. This is to be managed at the cost of the Applicant and to the specifications set out in the Lease.
17. There is also a related Wildlife Act Authority application for the survey and salvage of the construction site (108607-FAU) requested by the Applicant, and a separate easement application by the electrical distributor PowerCo Limited, for the right to convey electricity to the building (117542-OTH).
18. The building will also accommodate a café, meeting/wananga space and some overnight accommodation and the expected design life of the structure is 50 years. The building will be primarily educational in nature as opposed to commercial. However, the meeting/wananga and overnight space will be available to the public to hire and use where aligned to cultural activities.
19. The new building will be a 604m² building containing the following facilities:
 - Café, including commercial kitchen
 - Toilet facilities to be open to the public 24/7
 - Manaaki area including the following:
 - Overnight kitchen
 - Two toilets and two showers
 - Outdoor terraces
 - Offices, display areas, storage and work room spaces

The building will sleep up to 50 people and a mattress storeroom is included in the building plans. The seated event capacity is for 120 people in the Manaaki space. As part of the construction of the building and infrastructure associated with the building, the Applicant requires a licence for the installation and maintenance of wastewater treatment and disposal field under the existing carpark and to modify the existing carpark to improve the traffic flow for larger vehicles.

20. The proposed location is listed below and a map of the location linked in Appendix 2.

Activity	Conservation Area	Land category/status
Lease of land to carry out the Visitors Centre	Egmont National Park Part Egmont National Park Survey Office Plan 10039	National Park

construction project and Licence for carpark	Part section 2 Block XIV Egmont SD	
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21. The Applicant is seeking a term of 30 years. This term is sought because of the permanent nature of the structure, the level of investment by the Applicant and the state of the current visitors centre.
22. A copy of the final application along with further appendices and associated documents to this can be found in Appendix 3.

Treaty Partner Relationships

23. The eight Taranaki iwi across the region are: Ngāti Tama, Ngāti Mutunga, Taranaki Iwi, Te Atiawa, Ngāti Maru, Ngāruahine, Ngāti Ruanui and Ngaa Rauru Kītahi. They each have separate treaty settlements.

In terms of the notification process

24. As stated above, the eight Taranaki iwi have gone through settlement. None of the individual treaty settlements contain any relevant obligations for the Department in the decision-making process for the Egmont National Park. However, it is important to recognise that both Taranaki Iwi and Te Atiawa iwi have areas of interest that overlap the proposed site of the development. The iwi groups and their associated Post Settlement Governance Entities (PSGE) are listed in the table below for reference.

Iwi	PSGE
Ngāti Ruanui	Te Rūnanga o Ngāti Ruanui
Te Atiawa	Te Kotahitanga o Te Atiawa
Ngāti Maru	Te Kāhui Maru Trust
Taranaki Tuuturu	Te Kāhui o Taranaki
Ngāruahine	Te Korowai o Ngāruahine
Ngāti Mutunga	Te Rūnanga o Ngāti Mutunga
Ngāti Tama	Te Rūnanga o Ngāti Tama
Ngaa Rauru Kītahi	Te Kaahui o Rauru

25. The Applicant stated in their application that they had undertaken engagement with Ngā Iwi o Taranaki to ensure all relevant iwi across Taranaki Maunga are informed about the project. They acknowledged the shared importance of the whare to all tangata whenua of Taranaki. The Department supported this approach for consultation, as an act of empowering the partnership with Te Atiawa iwi.

26. Comments were sought on the Application (via email) by the New Plymouth District Office from the PSGEs of seven of the eight iwi of Taranaki on 22 November 2023 (excluding TKoTA). Te Rūnanga o Ngāti Mutunga (the mandated PSGE for Ngāti Mutunga iwi) were in support of offering a concession to the Department to erect the proposed new building; no other formal responses were received through this process.
27. Public notification of the Application occurred on the same day (22 November 2023).
28. Submissions received through the public notification process highlighted that Treaty Partner consultation had not occurred as stated in the application form. The two dominant themes from the submissions were the lack of Treaty Partner consultation and the “incorrect attribution of mana whenua rights”, particularly the perceived attribution of sole mana whenua status to the Applicant. These written submissions were discussed at the hearing, the issues were acknowledged, and plans were put in place by the Department to work through the concerns. The objections and submissions report captures all the themes from the submissions and hearing and provides more in-depth detail about the concerns raised, this report is linked in Appendix 1.
29. The need for additional consultation resulted in two separate hui being arranged and carried out with representatives of the Department. The first hui was with Te Kāhui o Taranaki, Ngā Mahanga hapū and Ngāti Tairi hapū, and Puketapu Hapū (a hapū of Te Atiawa iwi) were in the second hui. This approach allowed iwi/hapū representatives a further opportunity to share in more detail their views/perspectives on the application with the Department.
30. A timeline of the stages of the application are listed below:
 - Application received 8 September 2023.
 - Notification process opened 22 November 2023 and closed 10 January 2024.
 - PSGEs of 7 iwi (not including Te Atiawa) contacted directly by the Department and invited to comment on 22 November 2023.
 - Submissions hearing held 3 July 2024, there were six submitters of which 5 were iwi/hapū and these 5 were heard.
 - Post hearing, the Department held two separate consultation hui:
 - » 1 September 2024 with Te Kāhui o Taranaki, Ngā Mahanga hapū and Ngāti Tairi hapū (all opposing application in current form)
 - » 11 September 2024 with Puketapu hapū (a hapū of Te Atiawa)
31. The table below summarises the two separate hui.

Treaty partners	Summary of Treaty partner views	Mitigations/recommendations proposed by Treaty partner	The Departments response to mitigations/recommendations proposed by Treaty partner
First hui held on 1 September 2024			
<p>Taranaki iwi (Te Kāhui o Taranaki), Ngā Mahanga hapū (hapū of Taranaki iwi), Ngāti Tairi hapū (hapū of Taranaki iwi)</p>	<p>a. Collective view that the health and wellbeing of Taranaki Maunga should be at the heart of the project, rather than individual iwi or hapū.</p> <p>b. Exclusive rights should not be given to Te Atiawa and Puketapu, thereby ignoring the statutory interests of Taranaki Iwi, Ngā Mahanga and Ngāti Tairi who have obligations to protect the site.</p> <p>c. Process issues (including lack of consultation) have led to a missed opportunity to build relationships through the project and instead resulted in damage to relationships between the</p>	<p><i>Recommendation 1.</i> For Te Kāhui Tupua (the maunga itself) to own the building which would ensure alignment with future settlement obligations.</p> <p><i>Recommendation 2.</i> Conditions put in place as part of the concession that require: the Departments responsibility for upholding settlement commitments to be upheld by the Applicant; and portions of the building funded by Crown money provided to Te Atiawa to be transferred to Te Kāhui Tupua.</p> <p><i>Recommendation 3.</i> Conditions put in place as part of the concession that require the Department's responsibility for upholding settlement</p>	<p><i>Response to recommendation 1.</i> Te Kāhui Tupua is not yet in existence. This would require iwi-iwi agreement as is not one DOC could bind the parties to through a concession arrangement. Note that the concession agreement allows for assignment in some circumstances to a third party. This could include Te Kāhui Tupua (or more likely, its asset-management company) in the future. The Department encourages the Applicant and iwi/hapū to hold further hui to discuss this outside of the Department's permissions framework.</p>

	<p>Department, iwi and hapū groups involved.</p> <p>d. Acknowledgement that the current building was not fit for purpose and did not enhance the mana of the Maunga.</p> <p>e. Other concerns related to the application included: impact on wildlife; impact of vegetation removal; lack of engagement on cultural elements associated with the project and appropriate accidental discovery protocol. Te Kāhui o Taranaki would like to be engaged on key topics such as these.</p> <p>f. Te Kāhui o Taranaki thanked the Department for consultation, confirmed they felt heard and understood.</p>	<p>commitments to be upheld by the Applicant; a cultural impact survey to be undertaken with Te Kāhui o Taranaki; and development of shared accidental discovery protocols.</p>	<p><i>Response to recommendation 2 & 3.</i></p> <p>The Department cannot delegate its Treaty settlement obligations but has considered including an appropriate condition requiring the Applicant to acknowledge and support the Departments' obligations. In terms of the application the lease/licence will include conditions around accidental discovery of artefacts, so all parties are made aware of any.</p> <p><i>Response to Wildlife Act Authority.</i></p> <p>That authority is being processed separately to this application. When that process occurs, the Department is committed to consulting iwi and hapū. This process was not run in parallel with this application to keep decision-</p>
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			making lines clear and not pre-determine either decision.
Second hui held on 11 September 2024			
Puketapu hapū (hapū of Te Atiawa iwi)	<p>a. Hapū are supportive of the Applicant's development. Expressed support for the depth of environmental, technical, cultural factors that have been considered in the application.</p> <p>b. Recognition of the site as Puketapu hapū territory, with no other relevant hapū interests in the area. Puketapu objected to their mana whenua status being challenged.</p> <p>c. Puketapu do not acknowledge Taranaki Iwi's Area of Interest (as per the Taranaki Iwi Deed of Settlement 2015) aligning only to their whakapapa.</p> <p>d. The public hearing process left Puketapu feeling disappointed and</p>	<p><i>Recommendation 1.</i></p> <p>That additional time be added to the Departments decision-making process to undertake a meaningful consultation process.</p>	<p><i>Responses to recommendation 1.</i></p> <p>The Department is obliged to follow the relevant documents enacted through settlement. The Department confirms the need to follow practices of settlement legislation on key topics such as these.</p> <p>In terms of the application the lease/licence will include conditions around accidental discovery of artefacts, so all parties are made aware of any.</p>

	<p>blindsided, and contributed to a breakdown in relationships.</p> <p>e. The hapū Chair thanked the Department and stated they felt better from talking this topic through.</p>		
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32. Across both consultation hui, there was a shared view that the maunga should be at the centre of the decision making. In addition, the following points were made:
- 32.1. The building must enhance the maunga. The current visitors centre does not enhance the maunga, and a new building is desired by all parties.
 - 32.2. Consultation with iwi and hapū should have occurred prior to the public hearing to preserve the relationship and mana of all parties.
 - 32.3. There is a desire for the relationship between all parties to improve.
 - 32.4. Representatives of all iwi/hapū expressed a desire to be involved in the project to ensure cultural and environmental elements are discussed. They would like to be consulted on key topics such as the impact of the development on wildlife; impact of vegetation removal on the site; and engage with the Department and the Applicant on cultural elements associated with the project and appropriate accidental discovery protocols.
33. Links to full Treaty partner engagement hui notes and the summaries can be found at Appendix 1.

Section 4: Giving effect to the Principles of The Treaty of Waitangi - Ngā Mātāpono Tiriti

34. Four principles have been identified as most relevant to the work of Te Papa Atawhai: Partnership, Informed Decision-Making, Active Protection, and Redress and Reconciliation.

Partnership

35. This principle requires the Department and our Treaty partners to act towards each other reasonably and in good faith, balancing the Crown's right to govern (kawanatanga) against the rights of Māori to rangatiratanga (autonomy). In this case, the context also includes that one of our Treaty partners is also the Applicant, so the Department has slightly different obligations to Te Atiawa as the Applicant, other iwi/hapū and the collective redress group.
36. The proposed arrangement, if approved, will enhance and strengthen the Department's partnership with Te Atiawa, through the achievement of some shared objectives of the project, such as creating a welcoming space for visitors and enhancing the overall experience of visiting the maunga. Being co-located with Te Atiawa in the same building will also lead to improved relations between the Department and the iwi.

37. For other iwi and hapū, partnership overlaps with informed decision-making and is reflected in the Department's efforts to identify the impacted parties and ensure that meaningful engagement and consistent consultation has taken place.

Informed Decision Making

38. This principle requires that the Department inform our Treaty partners of our interests and views, and vice versa. This also applies to the Applicant. Considerable pre-application work was done with the Applicant to prepare their application, including the "front loading" of the application with reports that would address at least some of the concerns anticipated through the public hearing process. These reports included traffic impact, geotechnical, and heritage assessments. All information provided by the Applicant with their application was shared through the public notification.
39. While consultation with iwi and hapū was initially largely left to the Applicant to manage, (who did not sufficiently engage with all impacted iwi/hapū), the Department has since demonstrated its commitment to informed decision-making through the holding of consultation hui with iwi/hapū, in addition to the public notification (and public hearing) process. Where possible and relevant to the concession consideration has been given to recommendations raised in these hui. Through these mechanisms the Department has been better able to understand the views of our Treaty partners, providing them with the opportunity to meaningfully express their views and participate in the consultation process.
40. It is the Department's recommendation that relevant parts of this report and the draft concession be sent to the Applicant. It is also recommended that relevant parts of this report are sent to iwi/hapū representatives involved in the additional consultation process, as well as Te Tōpuni Ngārahau, for reference before a decision is formally issued.

Active Protection

41. The principle of active protection requires that the Department must actively protect Māori interests retained under the Treaty as parts of the promises made by the Crown in the Treaty in return for the right to govern. In the concession's context, this is often (but not exclusively) regarded as protecting the economic interests of Māori. The proposal to build a new building on the site of the current visitor centre presents a significant investment for Te Atiawa and represents historical and cultural significance to the site. The purpose of the building itself is primarily educational and cultural, as stated in the application.
42. For opposing iwi/hapū, who are not assuming any financial or economic risk, active protection is concerned with acknowledging the historical and cultural significance of

the site, and the kaitiakitanga (guardianship) relationship they have to the flora and fauna at the location. In doing so, the Department has made sure to include appropriate accidental discovery conditions that include iwi and hapū with a potential interest in the find. Appropriate conditions are also proposed which ensure the Applicant must consult affected iwi/hapū in discussions concerning cultural and historical interpretation.

43. Through consultation with all parties, the consistent message that the Department received was that protecting and enhancing the maunga should be at the forefront of any decision. For the Department, in addition to our responsibilities to wildlife and PCL, this includes ensuring that the appropriate infrastructure is in place. The Department and iwi/hapū agree that the current visitor centre does not enhance the maunga, and therefore a new building and visitors centre are required.

Redress and Reconciliation

45. The principle of redress and reconciliation requires the Department to:
 - honour commitments made by the Crown through existing Treaty settlements,
 - ensure that the activity to be authorised does not undermine future Treaty redress
 - attempt to reconcile any differing views of iwi/hapū on the application.

Collective redress

46. On 1 September 2023 the Crown and Ngā Iwi o Taranaki, together with Te Tōpuni Ngārahau (the governance entity for the collective redress), signed the collective redress deed, Te Ruruku Pūtakerongo. Legislation is required to give effect to much of the redress set out in the Deed, although the Deed is already binding on the Crown. Te Pire Whakatupua mō Te Kāhui Tupua/Taranaki Maunga Collective Redress Bill was introduced to Parliament in April 2024. The Māori Affairs Committee recently reported back on the Bill and recommended that it is passed with minor amendments. The date has not yet been set for the second and third readings of the Bill, but the legislation is expected to come into effect within the next six to nine months. Once enacted, the legislation will have a dual name and can be referred to either as Te Ture Whakatupua mō Te Kāhui Tupua (2025) or the Taranaki Maunga Collective Redress Act (2025).
47. Under the redress arrangements Egmont National Park will be renamed Te Papa-Kura-o-Taranaki and vested as a legal person, named Te Kāhui Tupua (so the Park will effectively own itself). The interests of Te Kāhui Tupua will be represented by Te Tōpuni Kōkōrangī, a body composed of iwi and Crown appointees. Te Papa-Kura-o-Taranaki will continue to be managed by the Department and the National Parks Act 1980 will continue to apply. In future the Park must be administered and maintained to acknowledge and uphold Te Kāhui Tupua status and Ngā Pou Whakatupua, the Te Kāhui Tupua values set out in the Deed. Some decisions (notably on concessions) will be made

jointly by Te Tōpuni Kōkōrangi and the Minister, in consultation with Te Tōpuni Ngārahau (the collective governance entity).

48. While the collective redress does not yet have full legal effect, it is a relevant consideration for the decision-maker on this application because:
 - a. the legislation is expected to come into effect within a very short period and will significantly change the ownership and management of the National Park forever.
 - b. while this application must be considered under the existing legislation, the project is unlikely to be completed when the legislation comes into force, with the result that later related but separate decisions (for example, the proposed lease to the Department) will be made jointly under the new regime.
 - c. some redress does not require legislation to come into effect, but is already binding on the Crown through Te Ruruku Pūtakerongo .
 - d. the significant aspects of the redress are well-known and were cited both in the application and in feedback from iwi/hapū.
49. The Applicant referred to the collective redress in its assessment of environmental effects and noted that “the proposal is considered to be consistent with Ngā Pou Whakatupua”, (which were set out in full in the document and are attached to this report in Appendix 1). The Department considers that consistency with Ngā Pou Whakatupua is a relevant consideration for this application in the circumstances. It considers that the proposal is consistent with, and reflects the values, particularly: “Te Kāhui Tupua represents and upholds the ancestral, historical, cultural and spiritual relationship between Ngā Iwi o Taranaki and their tūpuna maunga”.
50. The legislation provides that existing interests in land (such as leases) will continue to apply on the same terms and conditions until they expire or are terminated. Although Te Kāhui Tupua will own the land, the Crown will continue to act as grantor of the interests. As the term applied for is 30 years, this means that approving the current application will effectively lock the new owner of the land into a long-term arrangement to which it was not a party and may be said to decrease its mana. On the other hand, a shorter lease is unlikely to meet the needs of the Applicant. It is also relevant that, while many attendees referred during consultation to the status and mana of Te Kāhui Tupua, none suggested that a shorter term for the concession was appropriate.
51. While Te Kāhui Tupua will own the land after the legislation comes into effect, this does not include improvements. The current visitor centre will continue to be owned by the Crown until it is demolished. The default position is that any improvements attached to the land after the legislation comes into effect will be owned by the Crown unless otherwise agreed (e.g. in a concession), so it is crucial that the concession document is

clear about ownership of the building and other improvements. In consultation several hui attendees suggested that the building should be owned by Te Kāhui Tupua. While clearly this cannot be provided for at this point because Te Kāhui Tupua is not yet in existence, it is possible to provide for assignment by agreement in the future in the concession document.

52. While Te Kāhui Tupua is not yet in existence, the Department could have consulted either Ngā Iwi o Taranaki (the collective negotiations group) or Te Tōpuni Ngārahau (the governance entity for the collective redress) as these were already in existence at the time that the application was lodged. The negotiations group no longer has a role now that negotiations have been concluded, so it is recommended that relevant parts of this report are provided to Te Tōpuni Ngārahau at the same time that it is provided to other iwi/hapū representatives involved in the additional consultation process (and the Applicant).

Reconciling differing views

53. The consultation process identified differing views, particularly between the Applicant and hapū who support the application, and those iwi/hapū who oppose it. Some involved in the consultation process challenged the perceived recognition of mana whenua by the Department. The Department recognises that it does not have a role in deciding who has mana whenua over a particular location, but it can play a part in encouraging the Applicant to take the interests of other iwi/hapū into account, for example in special conditions. This is covered in the consideration and informed decision-making sections above.

Contributions

Technical Advice

Historic Heritage Advice

54. The Departments Visitor and Heritage Advisor who assessed the application has supported the heritage assessment included with the application and the recommendations that were included with the application, this is linked below in Appendix 1. The conditions proposed will adequately manage potential effects on historic heritage values, including preparation of an Archaeological Site Management Plan prior to works commencing. The conditions have been incorporated in the lease/licence as special conditions.

Management Planning Advice

55. The Departments advice from management planners internally was sought to provide advice regarding whether any provisions in the relevant statutory planning documents

could constrain options for the application project. They considered the construction, ownership and operation of the proposed multi-use cultural education centre and leasing of a portion of the new building consistent with the relevant statutory planning documents subject to their recommendations. There were six recommendations that came from their advice and the full report is linked in Appendix 1. The recommendations have been summarised below:

- a. That the Decision Maker carefully considers any potential effects or implications of the construction, ownership, and operation of the proposed development on other iwi who also have an association with Taranaki Maunga. Ensure that careful and considerate consultation is carried out.
- b. That further information on the proposal, particularly the potential accommodation and conferencing components, is lacking in the application and would be required for thorough management planning advice. However, at this point the provisions in the Egmont National Park Management Plan require any building or structure to be sensitive to the natural environment and landscape values of the area, potentially using colours and shapes which blend with the environment.
- c. That the Applicant engage with New Plymouth District Council (NPDC) regarding any aspects of the project potentially encroaching on road reserve.
- d. That advice is sought from both the Legal and SLM teams regarding any potential adjustment to Park boundaries and the property team regarding policies and requirements applying for a lease in the new visitors centre.

The recommendations have been considered and are incorporated into this report or the lease/licence document.

Property Team Advice

56. Advice was sought from the Property team regarding what policies and requirements might apply when a visitor centre is in a building not owned by the Department, specifically related to conditions that may be required in the concession document. These have been incorporated into the concession lease licence. They will negotiate the commercial rental arrangement with the Applicant if and when a lease agreement is established between the Applicant and the Department. No additional conditions are required for granting this concession.

Summary of public notification process

57. The application was publicly notified on 22 November 2023, with the notification period closing on 10 January 2024. The application was notified in the following locations:
- a. The New Zealand Herald
 - b. The Taranaki Daily News
 - c. Department of Conservation website
58. The objections and submissions report summarises the submissions made. There were six submissions received and all were against the application moving forward. Five represented iwi/hapū groups and the other one was from a member of the public. The full report can be viewed in Appendix 1.
59. The two dominant themes amongst the iwi/hapū submissions were that the Department had incorrectly attributed sole mana whenua rights to some hapū or ignored the customary authority exercised by other iwi/hapū in the area; and the dissatisfaction at the lack of engagement and consultation by the Department regarding this application. The other submission from the member of the public was in regard to the application submitted having insufficient information to understand the effects of the proposed development.
60. A hearing was held on 3 July 2024 where five submitters were heard. The sixth submitter did not show up on the day of the hearing and this was later acknowledged via letter.
61. The recommendations of the Objection and Submission Summary Recommendation report (linked in Appendix 1) are as follows:
- 61.1. That the Decision Maker accept the recommendations made in this report regarding which submission points should be accepted as relevant matters for consideration under Part 3B of the Conservation Act, and which submission points should be disallowed.
 - 61.2. That the Department undertakes full engagement with all Treaty Partners who have interests in the vicinity of the proposed visitor centre to fully understand their views and provide a comprehensive summary and assessment of those views to the Decision Maker.
 - 61.3. That the Decision Maker undertakes a comprehensive review of all relevant statutory matters when making their decision, including the:
 - 61.3.1. assessment and analysis completed in this Report, regarding the identified submission points and the appropriateness of the concession given the matters raised by submitters;

61.3.2. views outlined by Treaty Partners and when making their decision on the application consider section 4 of the Conservation Act and relevant Treaty settlement legislation;

61.3.3. assessing the application against all relevant parts of the Egmont National Park Management Plan and relevant legislation including the matters specified in Part 3B of the Conservation Act 1987;

61.3.4. supporting documentation provided by the Applicant has been appropriately assessed by the Departments technical staff to ensure it is of sufficient quality to adequately understand the effects of the activity (and should any deficiencies be found that further information is requested); and

61.3.5. assessment on the effects of the activity and any necessary mitigation measures have been applied, including with regard to the 'make good' clauses and removal of infrastructure should the concessionaire withdraw from the site.

62. These points (61.3.1-61.3.5) have been considered and are captured throughout this report.

Statutory Analysis

Section 17S: Contents of Application

Does the Application include all required information as per s17S?	Yes
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63. Discussion: There were pre-application discussions with the Applicant and DOC prior to submission of the application to ensure that a full application was received. The full application can be found in Appendix 3.

Section 17SC: Public Notification

Is public notification required?	Yes
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64. Discussion: The Applicant is applying for lease for a term of 30 years and as such public notification is required.

Section 17U(1) and (2): Analysis of effects

Is the activity consistent with s17U(1) and (2)	Yes
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65. Discussion: There are effects both positive and negative, these are discussed below.

66. Visual effects: the proposed new development will not adversely impact the existing character and amenity experienced on the subject site and wider receiving environment. The building will visually be an improvement on the current building and has been designed to more accurately represent and portray the environment in which it sits. The location of the building on site means it is located in an area of built development. Lighting and materials have been carefully designed to ensure the building is sympathetic to the surrounding environment and that the building respects the important character of the area.
67. Landscape effects: The landscaping is reflective of the existing ecological environment and meets the recommendations of the Ecological memo provided in Appendix 3. The Landscape Plan and Report are provided in Appendix 3 and set out opportunities within the site to further enhance the proposed development. It is intended all planting will soften and fit seamlessly with the proposed building and the existing ecological environment. Any potential effects from proposed landscaping are considered positive to the development.
68. Ecological effects: the building site is on the existing footprint of the building so therefore little vegetation clearance is necessary to construct the new building and associated carpark upgrades. It is considered the vegetation clearance will have minor effects which can be mitigated by the special conditions. There may be an impact on wildlife (kiwi and lizards/skinks)_but this will be considered in a separate Wildlife Act authority.
69. Water effects: the management of the wastewater and stormwater were addressed by the infrastructure report included as part of the application. There will be an increase in water supply to provide firefighting capacity with the addition of larger water tanks. Compliance of drinking water quality will be ensured through Taumata Arowai (drinking water regulator) guidelines. Details of the water effects can be found in Appendix 3.
70. Construction effects: there will be construction management plans in place to ensure construction effects are managed. General construction related effects will be limited to earthworks, formation of site access, installation of servicing, general contractor movements and physical construction of the building. All construction activities will be undertaken in accordance with the best practice construction management plan to ensure the effects can be avoided, remedied and mitigated and as included as special conditions in the concession lease and licence. This will address any safety and operational concerns.
71. Cultural effects: the Applicant has an aspiration for this development to signify an exemplary development, with hapū and iwi values at the forefront. The Applicant made several recommendations to form conditions of the final concession due the absence of

a cultural impact assessment - these have been worked through and incorporated in *Section 4 analysis* above and the recommendations are listed in the application form. The Applicant has also stated that the proposed development will enable their cultural presence on Taranaki Maunga and the ability to undertake tikanga and other practices in their own where, thus, a positive cultural contribution to sit alongside the current Te Papa-Kura-o-Taranaki redress process. The Applicant has applied for a relocatable fire pit that will be available for cultural purposes, the fire pit itself is not to be used for private functions or available for private use. The location of the firepit in the application is questionable as to whether this is on PCL or road reserve as it sits on the boundary. Special conditions have been included that if a firepit is put in place it must be a permanent fixture to comply with the Egmont National Park Bylaw 1981.

72. Heritage effects: there is a heritage assessment included in the application form where it is acknowledged that there may be artefacts unearthed during the demolition stage of the project. This is specific to the carpark area and this was discussed within the Department's analysis of this application, this is further discussed in the *technical advice* section of this report. The Applicant has committed to carrying out an archaeological assessment during earthworks and this will manage any effects as they arise. The Applicants proposed heritage conditions and standard accidental discovery protocol conditions are proposed in the concession lease and licence agreement.
73. Transport and traffic effects: these were broken up into two separate sections the first being; construction and temporary visitors and the second being: the proposed building and demand effects. During the construction phase and while the temporary visitors centre is operating, there will be a temporary loss of carparking available, this is acknowledged and managed in their traffic assessment. Once the building is completed there may at times be a higher demand on car parking during private functions and this is to be managed through the operational traffic management plan, but ultimately the carpark upgrades will enhance the usability and traffic flow of the carpark. The effects will be mitigated through the construction management plan. Other than the short-term loss of carparks there are no other effects of concern, however there is a full traffic impact assessment included in Appendix 3. After construction, the ongoing management and maintenance of the carpark will not be part of the concession lease and licence.

Public engagement effects: a new high-quality building will enable a variety of uses by a variety of users. There is opportunity for an educational facility and classroom on the Maunga itself for schools and other educational establishments. The new visitors centre will also provide opportunity for the public to come inside and learn the history of the mountain. The space for larger private functions and overnight functionality also opens up further opportunities for the public to engage with the area better.

Section 17U(3): Purpose for which the land is held

Is the activity consistent with s17U(3) of the Conservation Act? (that is, not contrary to the purpose for which the land is held).	Yes
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The following types of conservation areas are included in the application.

Title	Section	Considerations
Egmont National Park	s4 National Parks Act 1980	Parks to be maintained in natural state, and public have right of entry

73. Discussion: The area under application is a National Park, managed under section 4 of the Act. Specifically, under Section 43 parks are to be administered and managed by the Department in such a manner as to secure to the public the fullest proper use and enjoyment of the parks consistent with the preservation of their natural and historic features and the protection and well-being of their native plants and animals. The proposed building is consistent with these purposes because the development is not increasing the footprint to what currently exists, its new design is to add to the natural aesthetic of the location and the public will be able to use the facilities either as a visitor or through a booking. Section 43 also provides that national parks are to be managed in accordance with provisions of the relevant general policy, conservation management strategy and management plan, these documents are discussed in this report. In summary, the proposed is not inconsistent with the purpose for which the land is held.

Section 17U(4): Can a structure or facility be reasonably undertaken elsewhere?

Is the activity consistent with s17U(4) of the Conservation Act? (that is, the activity cannot reasonably be undertaken at another location or in an existing structure?)	Yes
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74. Discussion: The Applicant has sought permission to demolish an existing structure that as mentioned previously has several issues related to the build i.e. leaky. The existing structure needs to be demolished or replaced to ensure the safety of those who use it now and in the future. A building has been in place at this location since 1910. This will be the third structure/facility in this place. It would be unreasonable and environmentally adverse to select a new site for the proposed new visitor centre within the Park. The existing building is at end of life with regular maintenance being undertaken to protect staff and visitors from damp and leaks. The café was decommissioned approximately 2 years ago. The general atmosphere the current visitor centre portrays is a low quality and outdated visitor experience. The location itself is the most popular visitor entrance to the park.

75. The carpark upgrade will also allow the public to better access the visitors centre. The development of the new structure and upgrade to the carpark is not inconsistent with the Act.

Section 17U(6) and (7): is exclusive possession necessary

Is the activity consistent with s17U(6) and (7) of the Conservation Act? (That is, exclusive possession is necessary)?	Yes
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76. Discussion: The application consists of two parts a Lease and a Licence, exclusive possession is necessary for the Lease of the building and the demolition and construction period surrounding the build. This is for the purposes of safety and security of the public during the construction phase and for the building once established to ensure the Applicant can operate the activity competently. The Department's view is that the request for a lease over the buildings meets the tests set out in the Act and that it would be appropriate to grant a lease.
77. The building is clearly defined within the National Park and is a fixed structure or facility. The Department considers that exclusive possession is necessary over the building for the purposes of safety and security of those assets and to ensure the Applicant can manage the building competently. In addition, exclusive possession over some structures is necessary for public safety reasons, for example exclusive possession during the construction to protect the public from hazards that may be present during this time. This is consistent in practice with the Applicant's rights under its concession to exclude or limit access by the public to those parts of the land occupied by its facility.

Section 17W: Relationship between concessions and conservation management strategies and plans

Is the activity consistent with all relevant statutory planning documents?	Yes
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76. Discussion: The statutory planning documents which are relevant to this application are the General Policy for National Parks (GPNP), the Egmont National Park Management Plan 2002 (ENPMP), the Wanganui Conservation Management Strategy (WCMS), and Egmont National Park Bylaws 1981.

General Policy for National Parks 2005 (GPNP)

77. While the policies in the General Policy for National Parks (GPNP) are not a matter the decision maker is expressly required to take into account when considering a concession

application, it must be remembered that the policies in the GPNP are implemented through the Conservation Management Strategies and the Management Plans. The GPNP is also at the apex of the policy hierarchy and its policies are considered, by the Department, to be relevant to the Minister's decision. Accommodation is specifically covered under section 9 of the GPNP where Accommodation is allowed for public use, consistent with outcomes planned for places and provided it is consistent with the policies in 9(d) and (e). Activities requiring specific authorisation are considered under section 10. These are considered in more detail within the Egmont National Park Management Plan policies. It is considered that the GPNP does not prevent the grant of a concession, provided recommended terms and conditions are included.

Wanganui Conservation Management Plan 1997 (WCMS)

78. There is a key focus throughout the WCMS on Treaty of Waitangi Principles and importance of Tangata Whenua. These sections include Section 3 Key Principles (specifically 3.2(c)), section 4 Tangata Whenua, section 12.7.2 Kaupapa Atawhai for Mt Taranaki/Egmont. Treaty of Waitangi is discussed further in sections 15 – 18 of the WCMS where co-operation and consultation is highlighted as a key requirement. 16.1 sets out four objectives and 16.3 sets out six implementation policies. These sections identify the Treaty of Waitangi as a key principle, specifically stating priority will be given to meeting the Department's Treaty obligations. It explains that the Department will take a proactive approach to meeting its responsibilities and will encourage new initiatives which facilitate this. This is especially through effective co-operation with Treaty Partners.
79. There are also many policies advocating for fit for purpose interpretation for the public as well as specific policies for the North Taranaki Visitor Centre. Section 12 covers the Egmont Ecological District. The vision of this District includes that "*The impacts of commercial and recreational utilities within the park will be reduced while interpretation facilities will be enhanced.*" Section 12.5.13 public awareness acknowledges this will centre on improving displays at the existing visitor centres. Section 12.7.6(vi) identifies recreational opportunities should be enhanced by providing well-maintained visitor facilities and interpretation at major road-ends. Section 40.2 Interpretation discusses the importance of visitors to be informed of the origins, meanings and values of a place or event to give them an appreciation of what they have experienced (objective 40.1).
80. Section 34 Use management outlines the process where authorities such as concessions are required. The primary direction will be to allow non-conservation use of land and resources administered by the Department only to the extent that it is consistent with

the protection of natural and historic values and the status of the land concerned. There are no relevant activity policies within this section.

81. Section 12.7.10 provides that the Egmont National Park should be managed in accordance with the Egmont National Park Management Plan. This is discussed below. The policies within this Plan do not preclude the activity from occurring.
82. Overall, the WCMS is not inconsistent with the proposed activity. Many of the policies encourage the use of a quality Visitor and interpretation facilities.

Egmont National Park Management Plan 2002 (ENPMP)

83. Similarly to the WCMS, the Treaty of Waitangi is a key component of the ENPMP. Part Section 3.1 Treaty of Waitangi objective is to give effect to the principles of the Treaty of Waitangi. Section 3.1.1 kaitiakitanga and section 3.1.2 Kaupapa Atawhai, and 3.1.3 Co-operation with Tangata Whenua set out the importance of the Treaty of Waitangi and working relationships with Tangata Whenua. Specifically, these policies aim to ensure there is early, open, ongoing and effective communication with Tangata Whenua about conservation issues and development within the park and to develop effective co-operation between the Department and Tangata Whenua. See discussion above for consideration of how the Treaty of Waitangi principles apply to this application.
84. Section 3.2.1.7 Fire. This section discourages open air fires to reduce fire risk which includes open air campfires and states fire is managed through the Egmont National Park Bylaws (discussed below). It is recommended the Applicant installs a permanent fireplace.
85. Visitor Centres are referred to under section 3.3.1.1 Visitor Opportunities - Facilities and services. Policy 3.3.1.1 states the Department will encourage facilities and services to provide quality inspirational, educational, cultural and recreational experiences for visitors. There are two relevant actions under this section; 7 to ensure all new buildings erected within the park or alterations to existing buildings comply with relevant requirements under the Building Act 1991, and 8 Welcome and consider offers of assistance or sponsorship for the development or maintenance of appropriate visitor facilities. This is directly applicable to the application as it is for the re-development of a visitor facility. This facility will include educational, cultural and recreational experiences.
86. Further policies under facilities and services are to require concessions include conditions on waste disposal responsibilities and to require all sewage waste disposal systems to have necessary discharge permits. These will both be conditions of any concession.

87. Visitor Centres are specifically discussed under 3.1.1.1. It notes there has been a recent upgrade to the visitor centre to include a café and this is operated under a concession. There are two actions: 1, maintain visitor centres to a high standard, and 2, Operate the café at North Egmont Visitor Centre under a concession arrangement. These will both be requirements of the concession.
88. Section 3.3.1.2 Visitor Access identifies public access should be maintained and improved. The Egmont National Park Road End Plan contains details about the intentions for the visitor centres and surrounding amenities. Egmont National Park Road End Plan 1991 is very old but remains an operative plan under the ENPMP. Section 3 Management Approach of this Plan identifies the North Egmont area is where most visitor use occurs and there is a heavy reliance on the Visitor Centre. Egmont Road (to the North Taranaki Visitor Centre) is discussed under section 6. Section 6.2.6.2 North Egmont Visitor Centre identifies the services were contracted out in 1991 and this should continue. It recommends that every effort should be made to ensure a consistent and high-quality service is provided to the public with particular attention to interpretative information on the natural values. The Egmont National Park Road End Plan does not prevent the activity from occurring and is consistent with the direction in the ENPMP.
89. Section 3.3.1.3 Accommodation. Accommodation is allowed for within the Park, provided it doesn't adversely affect park values. Existing accommodation is considered to be adequate. However, provisions are included for any new accommodation. The Actions state building must comply with the Buildings Act 1991 and departmental requirements (action 1), and colour schemes must blend in with the surrounding environment and not dominate the natural landscape, with considerations given to external cladding, landscaping, sewage and stormwater disposal (action 3). The ENPMP continues that new or redevelopment of facilities should consider access, energy efficiency, historic values, and recycling amongst other things. These matters are considered throughout the report and included as special conditions where relevant. The building will be made of glass and timber and has been designed to complement the Park.
90. Section 3.3.2 Concessions. The Policy is to allow for appropriate concession activities in the park while protecting park values. The section sets out the requirements for concessions as they are described in the Conservation Act and discussed in this report. There are no specific policies relating to this application.
91. Overall, the ENPMP does not prevent the proposed activity. Quality interpretation and visitor centres within the Park are encouraged. Public accommodation is provided for, provided specific policies are considered. Special conditions are recommended for different matters to ensure consistency with this plan.

Egmont National Park Bylaws 1981

93. Section 6 Fires is relevant to consider as the Applicant has requested the use of a permanent fireplace. Under this section no person shall light within the park any fire within 200 metres of any formed road unless the fire is in a permanently constructed fireplace. Section 6(3) states no person shall light a fire within the park (except in a permanently constructed fireplace) within 3 metres of any tree or dry vegetation. Section 6(4) Every person who lights a fire within the park shall keep that fire continuously under supervision until it is completely extinguished. Conditions to these effects are recommended to be included in the concession document.

Recommended Operating Conditions

Term

94. 30 years, for the Lease and Licence.
95. The term captures the demolition, establishment of the temporary visitors centre, construction of the new centre and lease of the building going forward.
96. The Department considers the length of term appropriate, given the purpose of the building, particularly regarding the provision of space for the Visitors Centre and the financial input required for the project.

Standard and Special Conditions

97. There are a number of Special Conditions that have been added to the Lease/Licence. These can be viewed in their entirety in the document itself linked in Appendix 1. There are minor changes to the standard conditions.

Fees

98. *Processing Fee*: The total amount for processing the application equated to

Sec 9(2)(j)

99. *Management Fee*: \$550.00 plus GST

This is comprised of:

- the base rate (managing invoices and follow up): \$150.00 + GST
- rent/fee review (covers the annual portion of the three yearly rent reviews): \$100.00 + GST

- Collection and calculation of annual activity returns: \$150.00 (<90 mins) to \$200.00 (>90 mins) + GST
- Rates recovery: \$150.00 + GST

100. *Activity Fee:*

The Activity fee was referred to and recommended by the Commercial team for a fee assessment, they separated the assessment into two sections.

- a. The recommended fee for the construction phase is Sec 9(2)(j) [REDACTED]
[REDACTED]
[REDACTED]
- b. The recommended fee for the operational phase is 7% of gross annual revenue or a minimum fee of Sec 9(2)(j) [REDACTED] (whichever is greater). This reflects the price book with the % rate and the minimum fee is reflective of a land lease rate of [REDACTED]
Sec 9(2)(j) [REDACTED]

The full fee assessment is linked in Appendix 1.

101. A fee waiver was lodged for the activity fees and the decision by the Commercial Manager for these fees is as follows;

- a. The recommended fee for the construction phase of Sec 9(2)(j) [REDACTED]
[REDACTED]
- b. The recommended fee for the operational phase is 7% of gross annual revenue or a minimum fee of Sec 9(2)(j) [REDACTED]

The fee waiver is linked in Appendix 1.

Bond

102. In considering whether or not a bond should be imposed, the Department recognises the following:

- a. The construction and operation of the proposed building has come about in large part due to funding being provided by other government agencies (MBIE) supporting a project proposed by the Applicant, and the Applicant themselves providing additional funding to complete a rebuild of the existing visitors centre in order for it to reflect an authentic cultural narrative within the boundary of Egmont National Park.
- b. The relationship between Te Atiawa and the Department was premised on having Te Atiawa lead and manage including scoping, planning and design of the new building.

- c. This has led to the Applicant being required to formalise the statutory requirements to proceed with the construction and ongoing management of the building once built.
 - d. The Department is intending to take a lease (from the Applicant) over parts of the building to run its own visitor centre; and
 - e. The Applicant and the Department, during the development of the concept and design of the building have worked well together in partnership in developing this project, and have shared in the vision and concept of having a new building at place, that would replace the Department's own visitor centre building that has become a liability to the Department in its present state. The proposed new building better reflects the importance of the cultural importance of the maunga to all Ngā Iwi o Taranaki and ensures adverse effects have been reasonably foreseen and addressed by both the Applicant and the Department; and
 - f. The Applicant has a proven track record with other facilities developments, within the Taranaki region including building the New Plymouth Airport Terminal and Ngāmotu House; and
 - g. There are comprehensive conditions to be included in any concessions (if granted) that should satisfy the Decision Maker that the Applicant will meet all obligations to ensure that its infrastructure is maintained to a high standard; and
 - h. Based on the Department's wider relationship with the Applicant, the Department has confidence that the Applicant, has the ability to fulfil its obligations and to remove infrastructure and rehabilitate the land in the highly unlikely event that the funding fails; and
 - i. Adverse effects have been identified and addressed by the Department, and therefore the risk of there being major unforeseen adverse effects is considered to be low; and
 - j. Any change in ownership that necessitates an assignment of the concession, the Grantor, as a condition of the assignment, can impose a bond or bank surety on the Assignee if this is deemed necessary.
103. It could be considered that the only reason the Department may have for requiring a financial safeguard in the form of a bond or bank surety for this Application would be if there are any operational performance failures by the Applicant to meet concession obligations. Which may result from budgetary constraints of the funding available to complete the building or, the Department's risk if the activity ceases for any reason e.g.

the operational costs of managing the building and/or the concession activity is abandoned and infrastructure needs to be removed or managed by the Department and, the Applicant may not be in a position to remediate the site to the Department's satisfaction. These risks are considered low because of the unique circumstances surrounding the development of the project and the cultural importance that this site holds for the Applicant (the focus being educational and cultural rather than commercial in nature). This development initiative has been considered a part of a larger project to enhance the visitor experience, including the Taranaki Crossing track network that has benefited from other government funding.

104. The Term of the concession (if granted) is considered 20 years less than the expected life of the building. It is considered unlikely that at the expiry of the term of the concession, the removal of the building would be required.

105. *What if the Decision Maker determines that a bond or bank surety is required?*

If a concession is granted, and a bond or bank surety required, the Department would require the Applicant to enter into a formal process with an independent professional bond/surety assessment firm to assess and calculate an appropriate bond/surety amount. The Department would participate in this exercise and, the parties would need to agree on an appropriate bond or bank surety amount. This bond or bank surety would be expected to be sufficient to ensure that there are appropriate financial safeguards in place to address, for example, any operational performance failures by the Applicant to meet concession obligations or, the Department's risk if the business fails and/or the concession activity is abandoned and infrastructure needs to be removed and the land reinstated to a satisfactory standard.

106. *Recommendation on bond or bank surety or guarantee*

It is recommended, based on the nature of this activity, the intentions of the use of the building for educational and cultural purposes along with accommodating the Department's own visitor centre, and the supporting information in items a-j above, that the Minister should be satisfied, if a concession is granted, that a bond or bank surety not be imposed.

Appendices

Appendix 1 – Document register

- [Lease and Licence \(DOC-7756708\)](#)
- [Memorandum of Understanding \(DOC-7787013\)](#)
- [Objections and Submissions Summary Report \(DOC-7787594\)](#)
- [Hui held 1 September notes \(DOC-7754218\)](#)
- [Hui held 11 September notes \(DOC-7754222\)](#)
- [Redress Deed](#)
- [Historic Heritage Advice \(DOC-7776872\)](#)
- [Management Planning Advice \(DOC-7267523\)](#)
- [Property Team Advice \(DOC-7787618\)](#)
- [Fee waiver \(DOC-7783017\)](#)
- [Fee Assessment \(DOC-7787608\)](#)

Appendix 2 – Map



Aerial image of existing visitor centre area showing land boundaries

Appendix 3 – Appendices of documents supplied by the Applicant

- [Applicant information form 1a \(DOC-7458602\)](#)
- [Concession Application form 3b private structures \(DOC-7458600\)](#)
- [Easement Application form public conservation land \(DOC-7484952\)](#)

- [Supplementary application report \(DOC-7434805\)](#)
- [Appendix 1 – Title and land status check \(DOC-7434810\)](#)
- [Appendix 2 – Architectural drawings \(DOC-7434815\)](#)
- [Appendix 3 – Heritage assessment \(DOC-7434820\)](#)
- [Appendix 4a – Water infrastructure report \(DOC-7434822\)](#)
- [Appendix 4b – Infrastructure plans \(DOC-7434826\)](#)
- [Appendix 5 – Ecological memo \(DOC-7434832\)](#)
- [Appendix 6 – Landscape design report \(DOC-7434843\)](#)
- [Appendix 7 – Traffic impact assessment \(DOC-7434845\)](#)
- [Appendix 8 – Geotechnical assessment report \(DOC-7434846\)](#)
- [Appendix 9 – Puketapu hapū Trust letter of support \(DOC-7458612\)](#)
- [Appendix 10a – Revised floor plan with survey information \(DOC-7458613\)](#)
- [Appendix 10b – Survey update legal boundaries \(DOC-7458619\)](#)