

29 May 2025

Tēnā koe

Thank you for your request to the Department of Conservation (the Department), received on 7 April 2025, in which you asked for information relating to the concession granted to Te Kotahitanga o Te Atiawa Trust for the North Taranaki Visitors Centre (DOC Permission Number 100560-OTH).

We have considered your request under the Official Information Act 1982 (OIA).

On 8 May 2025, we extended the timeframe to respond to your request to 29 May 2025 to allow time to complete the necessary third-party consultation.

### Department's response

Your questions and our responses are listed below:

1. *A full summary of the submissions received regarding this concession application, as recorded in file DOC-7544284.*

As agreed at the consultation hui with iwi and hapū last year, a copy of the Objection and Submissions Summary Recommendation Report was provided to you by Chris Williams via email dated 31 October 2024.

I have provided a further copy of this document in full as Item 1 in the attached documents.

2. *The complete Complex Conservation Act Recommendation and Decision Report (RDR) that informed the decision to grant the concession, including explanations given for the exclusion of mana whenua hapū/iwi from the application process.*

I have decided to provide the Complex Conservation Act Recommendation and Decision Report (RDR) to you as Item 2 in the attached documents. It includes the Treaty Partner Relationships and Section 4 Analysis sections of the RDR, which were provided to you in the email from Chris Williams referred to in our response to Question 1 above.

I am releasing the RDR to you in part, subject to information being withheld under section 9(2)(j) of the OIA - to enable the Crown to negotiate without disadvantage or prejudice.

3. *The advice provided to the Minister of Conservation regarding the granting of the concession, including any explanations for the exclusion of mana whenua hapū/iwi from the application process.*

As the Minister of Conservation was not the decision maker in this process no advice has been provided to the Minister regarding the granting of this concession. The Department has, however, kept the Minister informed of key updates.

In making my decision, I have considered the public interest considerations in section 9(1) of the OIA and determined there are no public interests that outweigh the grounds for withholding.

You are entitled to seek an investigation and review of my decisions by writing to an Ombudsman as provided by section 28(3) of the OIA.

**Additional context**

Under section 4 of the Conservation Act 1987 (the Act), the Department must give effect to the principles of the Treaty of Waitangi in its interpretation and administration of the Act. The Department's standard approach is to lead consultation to fulfil a part of this obligation. On this occasion, the applicant (as confirmed via email on 13 January 2023) requested the Department allow them to lead Treaty partner-related consultation on the understanding this approach would empower iwi and hapū.

Through the public consultation process, it became clear the direct consultation process allowed for by the Department had not been undertaken in a manner consistent with upholding section 4 considerations within our decision-making process. Details of the issues and discussions from the written submissions and hearing on 3 July 2024 are outlined in the Objection and Submissions Summary Recommendation Report (see Item 1 in the attachments).

Consequently, the Department paused processing of the application for approximately two months to undertake fuller engagement with Treaty partners. The hui held included representatives of the Department, Te Kāhui o Taranaki, Ngā Mahanga hapū, Ngāti Tairi hapū, and Puketapu hapū (a hapū of Te Atiawa iwi). This approach sought to specifically understand any issues, recommendations and perspectives brought up - to appropriately inform decisions to be made on the application.

The concerns and recommendations raised in the hui held, and the Department's analysis, were summarised in the RDR (see Item 2 in the attachments), which was considered by the decision maker. In undertaking analysis and consultation, the Department does not seek to determine who has mana whenua over a particular location.

The analysis outlined how, and to what extent, the concerns and recommendations could be responded to, noting the limits to what can be addressed within the Department's regulatory framework. The summary of items raised was shared with submitters by email on 31 October 2024 for transparency.

Where possible, the issues raised were addressed within the conditions placed on the concession. Elements raised that could not be addressed through our regulatory framework were instead shared with the applicant as actionable considerations.

Please note that this letter (with your personal details removed) and attached documents may be published on the Department's website.

Nāku noa, nā

A handwritten signature in black ink, appearing to read 'Phillippa Fox', with a stylized flourish at the end.

Phillippa Fox  
Director, Regulatory Authorisations  
Department of Conservation | *Te Papa Atawhai*