Reconsideration Request Form

Department of Conservation
Te Papa Atawhai

What is a reconsideration?

The Minister of Conservation has the discretion to reconsider decisions on concessions under section 17ZJ of the Conservation Act 1987 (the Act). These powers have been delegated to decision-makers within the Department of Conservation (DOC).

A reconsideration is where an applicant requests the Minister (or delegate) review a concession decision to ensure all relevant material and analysis was considered in reaching the decision. A reconsideration is not limited to the matters raised in the applicant's request. The decision maker may review any factors that informed the original decision. A reconsideration may result in an unfavourable outcome for an applicant.

Who may request a reconsideration?

Only the applicant for a concession may request to have that concession decision reconsidered.

When may you request a reconsideration?

An applicant may seek a reconsideration of their decision where:

- It was declined - on the basis that they think it should have been approved.
- It was granted, but they dispute some aspect of the decision, for example the conditions or the term, and the concession is yet to be executed (signed by the applicant) or cancelled under section 17ZD.

A reconsideration **cannot** be carried out where:

- a concession has been executed (i.e. signed by the applicant),
- the concession has been cancelled under section 17ZD of the Conservation Act, or
- the request relates to a variation of an existing concession.

The Department of Conservation (DOC) is not required to undertake a reconsideration in every case. DOC will make a preliminary decision as to whether to accept the request for a reconsideration, and will notify the applicant of that decision before work begins on any substantive reconsideration.

Who is responsible for the cost?

The applicant submitting the reconsideration request is liable for all costs associated with the request, regardless of whether DOC accepts the request and undertakes a substantive reconsideration or not.

When to use this form?

Use this form when requesting a reconsideration of a concession decision made under Part 3B of the Conservation Act 1987. This also includes applications made under legislation that applies Part 3B of the Conservation Act, e.g., the National Parks Act 1980 and the Reserves Act 1977.

DOC cannot accept requests to reconsider decisions that are not made under the Part 3B of the Conservation Act. For example, a decision made for an application under the Wildlife Act 1953 or the Marine Mammals Protection Act 1978.

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How will DOC decide whether to reconsider a decision?

Reconsideration requests should:

- be submitted using this form.
- identify where you consider the decision maker made an error in applying Part 3B of the Act.
- be made based on evidence, with any additional information addressing the reason the application was declined, or the specific aspect of the decision being contested.

DOC (as the Minister's delegate) is unlikely to perform a substantive reconsideration where:

- a reconsideration has already been carried out.
- the request is not submitted within 20 working days of being notified of the concession decision.
- the original application was declined on the basis that the effects are uncertain or unknown, and the reconsideration request does not address that information gap.
- the request for reconsideration relates to a standard activity fee, or relates to a standard condition included in a standard concession document as listed on the DOC website.
- any new information provided amends the scope of the application in a material way (e.g., changes the location or type of activity originally applied for).

Pre-application checklist

Before you fill in the request form, please complete the pre-application checklist.

Has your concession been signed?	☐Yes ☒No
Have you been informed that your concession has been cancelled?	☒Yes ☐No
Does your request relate to a variation of an existing concession?	☐Yes ☒No
Does your request relate to a permit authorised under the Wildlife Act or the Marine Mammals Protection Act?	☐Yes ☒No

If you answer 'yes' to any of the questions in this checklist, DOC is unable to carry out a reconsideration.

If you answered 'no' to each of the questions, please fill in the request form below.

Please fill in all fields

1. Applicant information

Applicant Name:	Horowhenua District Council
Concession number:	Permission 125600-OTH
Date you were notified of concession decision:	30 July 2026
Have more than 20 working days passed since DOC notified you	☒Yes (if yes, provide extenuating circumstances below) ☐No

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of the concession decision?	
Are there any extenuating circumstances relating to your case?	Permission has been given for the extension for the reconsideration by Permissions Regulatory Deliver Manager Christine Butler via email on 1 October 2026.
Has your application previously been reconsidered? *(If yes, your request is likely to be declined)*	☐Yes ☒No

2. Reason for Reconsideration

This is the opportunity to provide information to support why you believe a decision or aspect of the decision should be changed. Please provide the rationale for your reconsideration request and any supporting attachments below. Please also note that:

- if you are seeking reconsideration on the value of standard activity fees, or conditions included in standard concession documents, your request for a reconsideration will likely be declined.
- if DOC accepts your request and goes on to undertake a fee reassessment as part of the reconsideration, the value of that fee reassessment will be final, and not subject to negotiation.

Please re-read How will DOC decide whether to reconsider a decision? to help you with your request.

What decision was made on your application?	☐Approved ☒Declined

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Please describe why you believe the original decision was wrong. Please be as specific as possible, and identify what parts of the decision letter, decision support document, or decision report that you are challenging. *For example, you believe you should have been granted a longer term, that your activity fee is incorrect, or a condition included in a concession document is unnecessary.* *You may provide additional information to support your request, provided it does not materially change the scope of your original application.*	Attached is a memorandum which outlines the five grounds Horowhenua District Council does not consider that all relevant material and analysis was properly considered by the Department in making its original decision.

3. Attachments

Please attach all supporting information. Additional information is limited in scope. Additional information must relate to the reason your application was declined, or the term or condition that is being disputed. If, in DOC's opinion, any new information provided amends the scope of the application in a material way (e.g., changes the location or type of activity originally applied for), you will be advised to lodge a new application.

Please label your attachments as indicated below. Add more rows as necessary.

Attachment Number	Name of Attachment
Attachment 1	**Memorandum – Reconsideration Request – Waikawa Beach Easement (125600-OTH) – 20 October 2026**
Attachment 2	

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4. Reconsideration Application Checklist

Please complete the below checklist prior to submitting your application for reconsideration.

Have you filled out every field?	☒
Have you read this form carefully and understand its contents?	☒
Have you correctly named and attached the attachments?	☒

Once complete, please forward this form, along with any attachments, to permissions@doc.govt.nz.

Applicant Name/s (of authorised person/s)	Lacey Winiata	**Date**	21/10/2026

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Item 2

From: permissions <permissions@doc.govt.nz>
Sent: Wednesday, 21 October 2026 1:47 pm (NZDT)
To: permissions <permissions@doc.govt.nz>
Subject: Reconsideration request for permission 125600-OTH
Attachments: Reconsideration request form; supporting memorandum

From: Lacey Winiata <laceyw@horowhenua.govt.nz>
Sent: Wednesday, 21 October 2026 12:41 pm
To: permissions <permissions@doc.govt.nz>
Subject: Reconsideration request for permission 125600-OTH

Kia ora,

Please find attached the reconsideration request form and memorandum outlining the grounds for reconsideration.

Please let me know if you have any questions or concerns.

Ngā mihi, Lacey

Lacey Winiata
Parks and Property Manager | Tumu Rawa, Papa Rehia
Member of Komiti Oranga
Waea Mahi | (06) 366 0999
Waea Pukoro | 9(2)(a)

126 Oxford Street, Levin
Private Bag 4002, Levin 5540

[Out of scope: correspondence concerning another permission]

From: Lacey Winiata laceyw@horowhenua.govt.nz
Sent: Thursday, 1 October 2026 9:24 am
To: Christine Butler chbutler@doc.govt.nz; permissions permissions@doc.govt.nz
Cc: Kelvin Brown kibrown@doc.govt.nz; Brent Harvey BrentH@horowhenua.govt.nz; Monique Davidson moniqued@horowhenua.govt.nz
Subject: RE: 125600-OTH Reconsideration request

Mōrena,

Thank you, I appreciate the extension.

I confirm we will provide our substantive reconsideration request by 21 October 2026 and understand that the interim information submitted with my earlier email will be disregarded.

Have a good day.

Lacey.

Lacey Winiata
Parks and Property Manager | Tumu Rawa, Papa Rehia
Member of Komiti Oranga
Waea Mahi | (06) 366 0999

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Waea Pukoro | 9(2)(a)

126 Oxford Street, Levin

Private Bag 4002, Levin 5540

From: Christine Butler chbutler@doc.govt.nz
Sent: Thursday, 1 October 2026 9:20 am
To: Lacey Winiata laceyw@horowhenua.govt.nz; permissions permissions@doc.govt.nz
Cc: Kelvin Brown kibrown@doc.govt.nz; Brent Harvey BrentH@horowhenua.govt.nz; Monique Davidson moniqued@horowhenua.govt.nz
Subject: RE: 125600-OTH Reconsideration request

Kia ora Lacey

Thank you for getting this interim reconsideration information through to us.

I confirm we can provide you an extension until the 21st October to submit your substantial reconsideration request.

We will now disregard the information you provided in this email.

Ngā mihi

Christine Butler

Permissions Regulatory Delivery Manager

Christchurch/Ōtautahi Office

Phone 9(2)(a)

www.doc.govt.nz<http://www.doc.govt.nz/>

From: Lacey Winiata <laceyw@horowhenua.govt.nz>
Sent: Wednesday, 30 September 2026 4:52 pm
To: permissions <permissions@doc.govt.nz>
Cc: Christine Butler <chbutler@doc.govt.nz>; Kelvin Brown <kibrown@doc.govt.nz>; Brent Harvey <BrentH@horowhenua.govt.nz>; Monique Davidson <moniqued@horowhenua.govt.nz>
Subject: 125600-OTH Reconsideration request

Tēnā koe,

Please find attached Council's completed reconsideration request form and supporting objection concerning the decision to decline concession application 125600-OTH for vehicle access at Waikawa Beach.

Council is lodging this request within today's extended deadline while awaiting a response to our request for a further extension until Wednesday, 21 October 2026.

Our intention was to provide a more comprehensive reconsideration request. However, receiving the further OIA response today has left limited time to assess the material, obtain advice and address its implications. We also consider that gaps remain regarding the decision making process.

If the further extension is granted, Council intends to withdraw the attached reconsideration request and replace it with a fuller request by the agreed extended deadline. Please confirm that the extension would allow Council to take this approach and that a replacement request would be accepted within that timeframe.

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Until that confirmation is received, the attached documents stand as Council's formal request for reconsideration and should be treated as lodged within today's deadline. If the extension is declined, Council wishes to proceed with this request.

Council remains committed to securing a lawful, managed interim access arrangement while a longer-term solution is progressed. We ask that the Department agree to hold off taking steps to close the existing access while the extension request and reconsideration process are addressed, and work with Council on any interim arrangements required.

Ngā mihi, Lacey

Lacey Winiata
Parks and Property Manager | Tumu Rawa, Papa Rehia
Member of Komiti Oranga
Waea Mahi | (06) 366 0999
Waea Pukoro | 9(2)(a)

126 Oxford Street, Levin
Private Bag 4002, Levin 5540

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Any views expressed in this message are those of the individual sender and may not necessarily reflect the views of Horowhenua District Council.

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To: Department of Conservation | Te Papa Atawhai

From: Horowhenua District Council

Date: 21 October 2026

Re: Reconsideration request under s 17ZJ of the Conservation Act 1987 - Permission 125600-OTH, Waikawa Beach easement application

Introduction

1. This memorandum has been prepared to accompany Horowhenua District Council's (**Council**) Reconsideration Request Form submitted under s 17ZJ of the Conservation Act 1987 (**Act**). The application for reconsideration is being made in respect of the decision by the Department of Conservation (**Department**) to decline Council's application for a concession over the Waikawa Conservation Area (Permission 125600-OTH).

2. The Reconsideration Request Form notes that the purpose of a reconsideration is to ensure that all relevant material and analysis was considered by the Department when making its decision.

3. The Reconsideration Request Form also notes that a reconsideration is not limited to matters raised in the original application, and that the decision-maker is able to review any factors that informed the original decision.

4. As set out in the five grounds outlined below, the Council does not consider that all relevant material and analysis was properly considered by the Department in making its original decision. This application for reconsideration seeks that the grounds below, and all associated information, are given further consideration, with the consequence that the Council's application for a concession should be granted.

Background to the decision to decline

5. The decision to decline the Council's original application was communicated to the Council via:

   (a) a letter from the Department dated 30 July 2026 (**Decline Letter**); and

   (b) an accompanying Complex Conservation Act Recommendation and Decision Report (**Decision Report**).

6. The Decision Report provides the reasons for the decline of the Council's original application, with reference to the provisions of Part 3B of the Act. This memorandum responds to those reasons, with discussion of the relevant grounds for this reconsideration application below.

Ground 1 – Incorrect reference to Fauna advisor's recommendations of 5 May 2026, and no direct consideration of possible mitigation or management options for potential broader 'off-track' effects

7. On 5 May 2026, the Department's Technical Advisor – Fauna, Rogan Colbourne, provided internal advice to Kelvin Brown and John Lyall in relation to the effects of the proposed right of way.

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8. In that email, Mr Colbourne concluded that the proposal was "a continuation of existing disturbance to wildlife", that disturbance to nesting birds would be "at the same level when the previous access was available", and that replacing the track would be "low risk compared with the previous track", with mitigation through signage or monitoring of potential benefit.

9. Mr Colbourne's advice concluded with a clear recommendation: "My advice would be to grant a temporary right of way but to work to replace the beach access point for vehicles well away from the actual river mouth".

10. To the extent that Mr Colbourne's expert advice concerns adverse effects, the advice supports the grant of a concession, albeit on a temporary basis and subject to future relocation away from the river mouth. It is possible that these conditions would have been acceptable to the Council, had they been subject to any consideration by the Department. In particular, obtaining a concession that authorises the use of the subject land for access on a more temporary nature would be of substantial benefit due to the technical and planning complexities associated with identifying and obtaining approvals for an alternative beach access. To put this another way, the Council would be supportive of the grant of a concession with conditions under s 17X of the Act, including conditions that would:

    (i) Address the duration of the concession;
    (ii) Require period reviews of the operation and effects associated with the activity; and
    (iii) Provide for site rehabilitation once an alternative location is identified and approved.

11. Further to the above, the Decision Report does not directly address or respond to Mr Colbourne's recommendations, nor explain why they were rejected in reaching the decision to decline under ss 17U(1) and 17U(2). In particular, paragraph [43] of the Decision Report provides an incorrect summary of the position of the Departments Technical Advisors, by stating:

> The last paragraphs in both Technical Advisors comments support the need to decline this application as it is not just the impact of the significant damage that has occurred to public conservation land, but the negative impact on the critical part of the estuary environment.

12. The Council considers this statement to be incorrect, in that it does not reflect the recommendation by Mr Colbourne to grant a temporary approval (with possible conditions that eliminate any track widening, or off-track vehicle use), pending further work to relocate the access point to another location.

13. This concern was raised in the Council's comments on the draft recommendation, with the Department's response pointing to the "cumulative effects" of the activity, including the potential to result in further damage to the dune ecosystem and providing access to the estuary system.

14. While the Council acknowledges that both Technical Advisors raised the potential for effects to arise in relation to the estuary environment, these broader potential effects were not addressed in any detail in the recommendation report (including the possibility that conditions could be imposed to mitigate or manage those effects) and they extend beyond the activity that is directly subject to the application for concession (see, for example, the comment that refers to people and dogs using the track leading to "significant disturbance", which will be relevant generally throughout this popular walking location).

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15. Although paragraph [57] states that "there are no conditions that will mitigate the impact of vehicle use on a coastal dune system and estuary environment", there is no clear evidence in support of that statement.

16. Given the framing of the Technical Advisor's advice, the Council is concerned that no clear or direct consideration has been given to the potential to adopt and incorporate measures that can reasonably and practicably be undertaken to avoid, remedy, or mitigate any adverse effects of the activity (as required by s 17U(1)(c)), including any potential effects that could arise in relation to the estuary environment.

17. The Council seeks that this matter is the subject of reconsideration, and the Council would be prepared to provide further information under s 17SD of the Act as necessary if that would benefit the decision-maker in their reconsideration, or the potential to impose appropriate conditions.

Ground 2 – Ngāti Wehiwehi support not appropriately recognised

18. Council's application stated that "Ngāti Wehiwehi have expressed support for enabling access to the beach - whether controlled or unrestricted", with a stated willingness to partner with Council on messaging, kaitiakitanga-focused education, and monitoring.

19. The Decision Report records that no response was received from Ngāti Wehiwehi when the Department sought Treaty partner views directly, notwithstanding that Council had, separately, engaged with and secured the support of Ngāti Wehiwehi at the community level.

20. As captured in Appendix 3 to the Decision Report, Council's comments on the draft report noted this discrepancy, and confirmed that Ngāti Wehiwehi had been actively engaged throughout, and had offered to provide correspondence or a letter of support - an offer the Permissions Advisor did not take up.

21. The Department's own Treaty partner engagement process also appears to have been limited to two emails sent to Te Tūmatakahuki and two emails sent to Muaūpoko Tribal Authority (on 9 and 23 March 2026). No response was received from either of these entities. There was no direct approach to Ngāti Wehiwehi, notwithstanding the Department's own recognition that Ngāti Wehiwehi, as mana whenua in this location, are particularly interested in activities on their whenua affecting their kaitiakitanga and rangatiratanga.

22. In addition, the Council notes that:

    (i) Te Tūmatakahuki is the mandated mana whenua forum for twelve Raukawa hapū across Horowhenua – not only Ngāti Wehiwehi – meaning that correspondence to Te Tūmatakahuki alone cannot be assumed to reach, or be actioned by, Ngāti Wehiwehi specifically;

    (ii) Muaūpoko Tribal Authority represents a distinct iwi grouping to Te Tūmatakahuki – being the hapū of Muaūpoko. Relationships between Raukawa and Muaūpoko in this rohe are contested, making it very unlikely that correspondence to Muaūpoko Tribal Authority would reach, or elicit a response from, Ngāti Wehiwehi; and

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(iii) at paragraph [25] of the Decision Report, the Department itself acknowledged that both Te Tūmatakahuki and Muaūpoko Tribal Authority have "tremendous capacity issues", which is a likely reason why the emails went unanswered.

23. Taken together, these matters indicate that an email-only approach to Te Tūmatakahuki and Muaūpoko Tribal Authority was unlikely, on the Department's own assessment and view as to capacity, to generate a timely or hapū-specific response from Ngāti Wehiwehi. This reinforces why a direct approach to Ngāti Wehiwehi was necessary in the circumstances.

24. Council submits that the existing community-level support of Ngāti Wehiwehi was not appropriately recognised in the Decision Report, and that the Department could and should have sought Ngāti Wehiwehi's views directly before making its decision. At the least, this should have occurred after the Council provided its comments on paragraph 25 of the draft recommendation report, which offered to provide correspondence or other material to the decision-maker, as opposed to recording that no response was received.

25. In the absence of direct contact and confirmation from Ngāti Wehiwehi, the Council considers that the Department should have been satisfied with the information provided by Council, which confirmed Ngāti Wehiwehi support for access to the beach.

Ground 3 – Risk of worsening effects in the absence of a managed easement

26. Under s 17U(1)(a) and (b) the decision-maker must have regard to the nature and effects of the activity. The Decision Report focuses on the effects of granting the easement but does not adequately weigh the effects of declining it.

27. The Council's comments on the draft report make this point directly: declining the easement does not remove the community's desire for access, and may instead result in continued unmanaged use, the creation of new informal tracks, and a broader disturbance footprint across the dune environment. This is the nature of the activity and the risk arising from these effects that the easement (with appropriate conditions) would seek to mitigate.

28. The Department's suggested alternative - installation of a gate at 47-49 Manga Pirau Street restricting access to pedestrians only - does not resolve this risk, or address other concerns that appear to be relied on by the Department (see above, the comment on pedestrians and dogs using the estuary environment). In fact, the reasoning given by the Decision Report for decline – relative to effects grounds – can be read as suggesting that no pedestrian access is warranted, which creates a disconnect between this suggestion and the rationale for decline.

29. The Council's concern, reflected in the experience of the Community Group process to date, is that restricting formal vehicle access without an authorised and managed alternative route is unlikely to eliminate demand. Instead, there is the potential that it could lead to new and uncontrolled access points being formed elsewhere across the dune and estuary system, or the removal of any gate that seeks to prevent vehicle access using the current track.

30. In terms of the matters sought for reconsideration, the Council submits that the comparison the decision-maker should properly draw is not between the proposed easement and no access at all, but between a managed, conditioned access route within an existing formed track, and the likely environmental outcome if vehicle access continues informally and without mitigation (either in this location, or somewhere else).

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Ground 4 – Council's willingness to accept a shorter term

31. The Council's application sought an easement term of no more than five years, expressly on the basis that this would be a short-term measure while longer-term alternative access options continued to be investigated. Five years therefore represented the maximum term sought, not a fixed or minimum requirement.

32. The Council reiterates its willingness to find a reasonable solution in a different location, and confirms it is open to a shorter term than five years if that would better accommodate the Department's concerns while a longer-term alternative is identified and authorised (via appropriate approvals). The Council considers that granting a shorter or conditional concession provides a more flexible and proportionate outcome in the circumstances, instead of simply declining the application.

33. In addition, subject to the framing of possible conditions, it may be possible to impose review conditions that allow effects on the broader estuary environment to be periodically assessed and reported to the Department, as a mechanism to manage any broader concerns about cumulative effects.

Ground 5 – Treatment of alternative locations and s 77 of the Local Government Act 2002

34. The Decision Report relies on the Boffa Miskell report to conclude that "other optional locations" exist and that s 17U(4) of the Act is therefore not satisfied. In summary, the Council's view is that this assessment is thin and simply not supportable on the evidence before the Department.

35. The Council does not dispute that the Boffa Miskell report identified three alternative sites. However, the Boffa Miskell report also concluded:

    (a) that none of those three alternatives was "obviously 'better' or 'easier'";

    (b) that all three would require non-complying resource consent to be obtained from Horizons Regional Council, with moderate-to-high consenting risk;

    (c) that specialist surveys alone would take six months to a year and cost in the order of $50,000 to $80,000 or more; and

    (d) that the Manga Pirau alignment (Option 1) would, in addition, require ongoing river training and rock armouring, making it the most expensive option to construct and maintain.

36. In terms of the matters in s 17U(4), the relevant test is that the Minister shall be satisfied that the "activity could reasonably be undertaken in another location", including another conservation area where the "potential adverse effects would be significantly less".

37. The Council did consider the alternative locations identified by its consultants, including through the process with Horizons Regional Council, affected landowners, and other stakeholders referred to in Council's comments on the draft report. Those options were not pursued because of their cost to ratepayers and the material risk that the necessary resource consents would not be obtained.

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38. The Council's decision-making in this respect reflects its statutory obligations under ss 77(1) of the Local Government Act 2002 to, in the course of the decision-making process, seek to identify all reasonably practicable options for the achievement of the objective of a decision, and assess those options in terms of their advantages and disadvantages, which in this case included the cost of each option and the impact of that cost on ratepayers.

39. The Boffa Miskell report does not support the proposition that the activity can reasonably be undertaken in another location with significantly less adverse effects than the proposed location, which is an already-disturbed, formed track.

40. The Council's position is that there are no better alternatives that can justify the decline of the application at this stage, pursuant to s 17U(4). Without working through complex and time-consuming resource consent processes under the RMA, which are likely to involve the need for affected party approvals and public notification, there is no other location where the activity can be reasonably undertaken. The Council's assessments have been exhaustive, with substantial resources committed to consultants and community engagement.

41. Against this context, the Council has landed on the current location as the best and most appropriate temporary location for beach access. As the Department was made aware, the Council has now commenced further investigations into new options, which may require the Council to consider whether it can or should purchase property, but this work will take time to progress, which is why Council has sought the easement in the interim.

42. The Council submits that in this instance the decline of its application in reliance on the options in the Boffa Miskell report ignores the conclusions reached in that report, and does not properly take into account Council's decision-making obligations under the Local Government Act 2002 in relation to cost and practicability obligations. The Decision Report provides a very limited assessment of the s 17U(4) ground, concluding that there are other optional locations (at paragraph [63]). However, the Decision Report does not seek to explain how or why those other locations should be preferred over the current temporary activity, or how the activity could be reasonably undertaken in those locations – when complex consent requirements would first need to be satisfied.

Conclusion

43. For the reasons set out above, Council contends that the decision to decline the application was reached without appropriate consideration of:

(a) DoC's own fauna technical advice recommending a temporary right of way;

(b) The potential that mechanisms could be imposed that address potential effects, including via conditions attached to the concession;

(c) the existing community-level support of Ngāti Wehiwehi and the DoC's own engagement with mana whenua;

(d) the comparative risk of worsening, unmanaged effects if the easement is refused;

(e) Council's willingness to accept a shorter term for the easement; and

(f) the actual content and limitations of the Boffa Miskell alternatives assessment, assessed against Council's own statutory decision-making obligations as a local

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authority, which does not support the thin finding that there are other locations at which the activity could reasonably be undertaken.

44. Council requests that the decision-maker reconsider the decision to decline the application in light of the above. As noted above, the Council would be willing to provide any additional material to the decision-maker if that would assist with this reconsideration.

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