



Briefing: Decisions - Stewardship Land Reclassification - Western South Island

To	Minister of Conservation	Date submitted	16 April 2025
Action sought	Agree to undertake final engagement on Western South Island stewardship land and make subsequent decisions.	Priority	High
Reference	25-B-0146	DOC-CM	DOC-7858504
Security Level	In Confidence		

Risk Assessment	High Some reclassification decisions are of heightened public, Treaty partner and stakeholder interest. Various parties have suggested they may pursue judicial review if they disagree with the outcomes.	Timeframe	9 May 2025
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Attachments	Attachment A - Timeline to reach reclassification decisions Attachment B - Decision booklet Attachment C - Section 49 Summary of submissions report Attachment D - Te Rūnanga o Ngāi Tahu input Attachment E - Ngāti Apa ki te Rā Tō input Attachment F - Ngāti Rārua input Attachment G - New Zealand Conservation Authority input Attachment H - West Coast Tai Poutini Conservation Board input Attachment I - Canterbury Aoraki Conservation Board input Attachment J - Te Tari Whakatau advice
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Contacts	
Name and position	Cell phone
Ewan Delany, (Acting) Deputy Director-General, Policy and Regulatory Services	9(2)(a) [REDACTED]
Nicole Kunzmann, Reclassification Manager	9(2)(a) [REDACTED]

Executive summary – Whakarāpopoto ā kaiwhakahaere

1. The reclassification of stewardship land in the Western South Island, Te Tai Poutini, is in its final stages. Your role is to decide whether to approve, or decline, each of 576 reclassification proposals that were notified.

This briefing and attached material contain information and advice to support you as decision-maker

2. This material includes a timeline to reach reclassification decisions, a DOC summary of submissions report (the section 49 report), and final input from Treaty partners, the New Zealand Conservation Authority (NZCA), and relevant Conservation Boards.
3. We recommend you inform your Ministerial colleagues about the proposals before the agreed meeting between yourself and the Te Rūnanga o Ngāi Tahu Kaiwhakahaere (Kaiwhakahaere) and Ngāi Tahu mana whenua. You can then present a paper to the Cabinet Economic Policy Committee (ECO), noting your intention to make reclassification decisions.
4. Following these steps, you will be in a position to make reclassification decisions, as set out in the attached decision booklet. DOC recommends you proceed with 480, do not proceed with 93, and proceed in part with three of the 576 notified proposals.
5. There is a high degree of interest in these decisions as they will affect the future conservation of large swathes of the Western South Island, as well as the cultural, recreational, and economic interests in these areas. This interest creates an increased risk of legal challenge, particularly from Environmental NGOs and iwi.

Some of your 576 reclassification proposal decisions will be of heightened interest

6. Of particular note are decisions regarding national park proposals. National park additions are supported by Environmental NGOs and national park status was described as the “highest level of protection” by Forest and Bird. National parks are not eligible for mining under Schedule 4 of the Crown Minerals Act and are largely excluded from Fast-track activities. Conversely, Treaty partners unanimously oppose national park additions, with Te Rūnanga o Ngāi Tahu (Ngāi Tahu) [REDACTED] citing concerns the status alienates them from their ancestral lands.
7. DOC recommends progressing 48 of the 49 national park proposals to the NZCA for its consideration. In its submission to the public process, the NZCA supported all 49 national park proposals. The NZCA would need to consider any national park proposals you choose to progress, as it is the owner of the subsequent process for national park additions.
8. DOC’s position is that these 48 areas hold natural/historic resources that warrant national park status, that substantive outcomes for Treaty partners are evident in the national park and other proposals notified, and that particular activities related to the identified Treaty interests can be considered if national park status is applied. However, you may decide that Treaty partner interests or other relevant factors outweigh these considerations.
9. Stewardship land around the Stockton and Denniston coal measure plateaux is also of heightened interest due to the existence of significant ecological values alongside mining interests. Ngāi Tahu opposes DOC’s recommendation to proceed with conservation park status as the land is being considered for remediation and/or Fast-track processes. In contrast, Environmental NGOs oppose conservation park status due to concerns that it provides insufficient protection. DOC recommends you proceed with the notified conservation park proposals for these areas. We consider they provide an appropriate level of protection for the natural and historic values at place.
10. The Waitaha Forest faces similar scrutiny due to its natural and recreational values and as it contains the location of the proposed Fast-track hydro scheme. The previous concession application for the hydro scheme was declined in 2019 by the Minister for the Environment due to the significant impacts it would likely have on the remote, unmodified natural landscape and features, and the associated recreational values. DOC recommends that you do not proceed with the notified conservation park status for this area. This would mean the land would remain in stewardship for the time being. We note that a Fast-track panel could approve the hydro project under a stewardship land or conservation park classification. We accept submitters’ arguments

that the area may warrant a classification that more accurately reflects the unmodified and high value natural resources and provides a more robust level of protection, such as ecological area or national park. Both Forest and Bird and the Environmental Defence Society recommend the area be considered for national park status.

11. The proposed 181,000ha Tarahanga e Toru Historic Reserve would recognise Ngāi Tahu's values and interests through a substantive outcome. Ngāi Tahu views this area as being "integral to Poutini Ngāi Tahu identity" as it is part of Poutini Ngāi Tahu legends, customs and traditions centred around pounamu. Public submissions raised concern as to whether the significant and unmodified natural values, and high recreational values, are adequately protected by a historic reserve status. DOC recommends you implement the reserve as it is satisfied the values are appropriately protected, when considering the historic resources and Treaty interests present.

DOC has worked to give effect to Treaty principles throughout this process; where different positions could not be reconciled these are explained in the advice

12. Through this process, DOC has developed a strong working relationship with Ngāi Tahu, and whilst it has faced its challenges, Ngāi Tahu has referred to this project as an example of the Treaty partnership in practice. It is worth noting that Ngāi Tahu and DOC now agree on 81% of the recommendations as presented in the section 49 report.
13. We believe that DOC has considered and given effect to the principles of the Treaty throughout the design and implementation of this process, and in preparing the section 49 report and associated DOC recommendations. DOC has worked with Ngāi Tahu under the terms of the signed Agreements and has received input from Ngāti Apa and Ngāti Rārua on the notified proposals.
14. While there is much agreement on the potential outcomes from this process, Ngāi Tahu holds a different view to DOC regarding the interpretation and application of section 4. These differences in respective interpretations mean there is risk of litigation for some decisions. Ngāi Tahu suggests that "if Ngāi Tahu interests cannot be accommodated through the reclassification, then the reclassification should not proceed". In DOC's view this is tantamount to a veto, which is clearly at odds with the *Ngāi Tai* Supreme Court decision. The purpose of the Conservation Act is to promote conservation of New Zealand's natural and historic resources. Section 10 of the Legislation Act clarifies that the meaning of legislation "must be ascertained from its text and in light of its purpose and its content". DOC's position is therefore that the obligations on it with respect to section 4 are not absolute or unqualified, and the protective steps it is reasonable to take will change depending on the circumstances.

Your decision-making role is defined by conservation legislation, but your decisions are relevant to broader interests

15. DOC has provided advice consistent with the statutory scheme of conservation legislation. While your reclassification decisions may intersect with wider Government policy and processes, such as the Minerals Strategy or Fast-Track processes, these factors are not relevant for your considerations under conservation legislation. Basing reclassification decisions on considerations outside the scope of this statutory scheme could provide grounds for legal challenge
16. We recommend you meet with officials to discuss the material you have received and to confirm an approach to your decision-making process for this significant piece of work.

We recommend that you ... (Ngā tohutohu)

		Decision
a)	Note the timeline to reach reclassification decisions for stewardship land in the Western South Island (Attachment A).	Noted
b)	Note our recommendation that you inform your Ministerial colleagues of your intentions to make reclassification decisions.	Noted
c)	Note that you have agreed to meet with the Kaiwhakahaere and Ngāi Tahu mana whenua to discuss the notified reclassification proposals prior to making decisions, as per the 2024 Agreement.	Noted
d)	Agree that, following your hui with the Kaiwhakahaere and Ngāi Tahu mana whenua, you will present a paper to the Cabinet Economic Policy Committee (ECO) noting your intention to make reclassification decisions.	Yes / No
e)	Agree to make decisions on the notified reclassification proposals in the attached decision booklet (Attachment B), following your meeting with the Kaiwhakahaere and Ngāi Tahu mana whenua, and once Cabinet has noted your intention to do so.	Yes / No
f)	Note that a summary of submissions report, with associated recommendations, has been prepared under section 49(2)(d) of the Conservation Act 1987 to inform your decisions (Attachment C).	Noted
g)	Note that input from Treaty partners, the New Zealand Conservation Authority, and relevant Conservation Boards is included to inform your decisions (Attachments D-I).	Noted

9(2)(a)

Date: / / ,

Ewan Delany
(Acting) Deputy Director-General, Policy
and Regulatory Services

16 4 25

Date: / /

Hon Tama Potaka
Minister of Conservation

Purpose – Te aronga

1. To support you to undertake final engagement with the Kaiwhakahaere and Ngāi Tahu mana whenua on the reclassification of stewardship land in the Western South Island, Te Tai Poutini, and to make subsequent decisions on the notified reclassification proposals.

Background and context – Te horopaki

Reclassification of Western South Island stewardship land is in its closing stages

2. In May 2022, 576 proposals to reclassify 644,016ha of stewardship land in the Western South Island were publicly notified. This constitutes roughly 24% of all stewardship land in New Zealand.
3. Recommendations made by the National Panel represented your notified intentions. Recommendations of the Ngāi Tahu Mana Whenua Panel (Mana Whenua Panel) were also made available to inform public submissions. Submissions were received, with hearings held, concluding in September 2022.
4. This process represents the first major reclassification of stewardship land to occur since the Mōkihinui catchment was added to Kahurangi National Park in 2019 (64,400ha), and is the largest reclassification undertaking since DOC's inception in 1987.
5. This project has entailed a significant working partnership between DOC and Ngāi Tahu, on a project of scale and complexity. DOC has also been engaging with Te Taihū iwi, whose Area of Interest overlaps with Western South Island stewardship land. Of these Te Taihū iwi, Ngāti Apa ki te Ra Tō (Ngāti Apa) and Ngāti Rārua have taken the opportunity to provide comment on the notified proposals.

You are the decision maker for Western South Island stewardship land proposals

6. Work on the reclassification project has progressed on the basis that decisions will be made by the Minister of Conservation rather than under delegation, due to the extensive scale and high-profile nature of the project.
7. On 16 December 2024 you endorsed a timeline to reach decisions [24-B-0608 refers]. This included process/engagement steps agreed through a 2024 Agreement between you and Te Rūnanga o Ngāi Tahu (Ngāi Tahu), which included that you will meet with the Kaiwhakahaere and Ngāi Tahu mana whenua to discuss the reclassification proposals prior to decisions being made. An updated timeline is included as Attachment A.
8. We recommend you inform your Ministerial colleagues who have relevant portfolio interests of your intention to make decisions before meeting with the Kaiwhakahaere. You can then present a noting paper to the Cabinet Economic Policy Committee (ECO) before making your final decisions.

Your decisions will be informed by public submissions alongside Treaty partner advice and other relevant inputs

9. This briefing provides context for your engagement with the Kaiwhakahaere and Ngāi Tahu mana whenua, and with Ministerial colleagues, and includes the inputs required to inform your subsequent decisions, including collated input from:
 - Treaty partners.
 - The New Zealand Conservation Authority (NZCA).
 - Relevant Conservation Boards (West Coast Tai Poutini and Canterbury Aoraki).
10. This briefing also attaches the summary of submissions report (the section 49 report) with associated DOC recommendations, and advice on points of interest relating to the reclassification proposals.

You must decide whether to approve, or decline, each reclassification proposal

11. Each of the 576 proposals require a distinct decision. Due to the large number of proposals being considered, these are presented in a decision booklet (Attachment B).

12. Under section 49(2)(d) of the Conservation Act 1987, the DOC Director-General must provide “with a recommendation a summary of all objections and comments received and a recommendation as to the extent to which they should be allowed or accepted”. This report is included as Attachment C.
13. The final statutory decision-making step is for you to “consider the recommendation, and the contents of the summary, before deciding whether or not to proceed with the proposal” (section 49(2)(e)).
14. DOC recommends you proceed with 480, do not proceed with 93, and proceed in part with three of the 576 notified proposals. Ngāi Tahu agrees with 81% of the DOC recommendations.
15. Your ultimate decision is binary; you can choose to either proceed or not with each notified proposal. You must consider all the relevant information but are not constrained by DOC’s recommendations in this briefing. Any contrary decisions must be robustly justified and recorded, relying on legally relevant considerations. Should you consider a different classification outcome to be more appropriate, a new statutory reclassification process would need to be followed, including public notification.

A decision booklet sets out the context to your decisions

16. We have attached a decision booklet to capture your decisions for each notified proposal. This sets out the notified proposal(s) for each stewardship area, alongside the DOC recommendations made under section 49(2)(d) and the position of our Treaty partners regarding each proposal.
17. Treaty partner positions regarding each notified proposal are presented using the symbols ✓ (support), X (oppose), and ● (support in part). Where further context has been provided through Treaty partner engagement and input (Attachments D – F), this is identified with a * symbol.
18. Due to the scale and binary nature of the proposals, we recommend you record your decisions as ‘Y’ (proceed with notified proposal) or ‘N’ (do not proceed with notified proposal).
19. Space is provided for you to capture the key considerations or rationale underpinning your decisions. Capturing these considerations will be particularly important if you choose to make decisions contrary to DOC advice, or where decisions are of heightened interest. As set out below, only certain considerations should inform your decisions.

Only certain matters are relevant considerations under conservation legislation

20. Your decisions must be based on considerations that are consistent with the purpose and scheme of conservation legislation, including the Conservation Act 1987 (the Act), the National Parks Act 1980, and the Reserves Act 1977. The overarching statutory purpose of the Conservation Act is “to promote the conservation of New Zealand’s natural and historic resources”.
21. Relevant matters include, but are not limited to, the natural and historic resources present as defined in the Conservation Act¹, Conservation General Policy, section 4 Conservation Act considerations, and the impact of associated legislation such as the Climate Change Response Act 2002.
22. The reclassification principles are set out in Conservation General Policy 6(b), which states that the classification of any public conservation lands may be reviewed to ensure that “the classification of such lands continues to either:
 - i. give appropriate protection and preservation for their natural resources, and/or historical and cultural heritage; or
 - ii. give appropriate protection and preservation for their educational, scientific, community, or other special features, for the benefit of the public; or
 - iii. enable integrated conservation management identified in conservation management strategies or plans; or
 - iv. provide for access and enjoyment by the public where that is in accordance with the purposes for which the land is held; or

¹ Section 2, Interpretation. Conservation Act 1987.

- v. reflect the values of public conservation lands that are present; or
 - vi. enable specified places to achieve conservation outcomes in the future”.
23. The consideration of potential non-conservation-related uses for the land, and related economic implications, are not relevant decision-making factors under the Act² when reviewing the classification of public conservation land. This means, for example, that the potential negative impacts or economic benefits of extractive activities that can be considered under different classifications are not relevant considerations.
24. An exception is where such matters are raised by our Treaty partners, whose rights and interests are broad under section 4 and may include consideration of Māori economic interests that are tethered to customary interests. Ngāi Tahu has identified its economic interests in WSI stewardship land include pounamu, forestry and/or afforestation across 20 stewardship parcels predominantly within the Hokitika and Mahwhera areas. Opportunities related to Fast-track approvals and critical mineral mining opportunities are also indicated, 9(2)(g)(i) [REDACTED] DOC considers that the notified proposals appropriately reflect the natural/historic resources present and allow for activities related to these identified Treaty interests to be considered, for example through the granting of concessions and/or the collection of cultural materials, and other activities that do not require specific permissions.
25. While there is no general obligation requiring DOC to advance the economic interests of Treaty partners, giving effect to Treaty principles includes considering any impacts on Treaty partner interests, alongside other relevant considerations such as protection of the natural and historic resources present.

Some reclassification decisions are of heightened interest

26. Some reclassification proposals are of heightened interest to the public, Treaty partners, Environmental NGOs (ENGOS) and business groups. It is anticipated there will be further interest in these decisions, with some parties suggesting they may pursue judicial review if they disagree with the outcome. These are summarised below.

National park proposals require your decision...

27. The National Panel recommended 49 areas (covering 77,101ha) for referral to the NZCA for consideration as to the suitability of a national park classification. This was due to the high conservation values present and/or contiguous boundaries with neighbouring national parks.
28. Two of these proposals include land associated with the Cave Creek and Pike River disasters, and are of particular interest to the affected families and the local community (PAP_10, MAW_02). Other potential outcomes also include doubling the size of the Paparoa National Park.
29. The Mana Whenua Panel opposed all national park proposals. Ngāi Tahu hold a tribal position opposing any additions to national parks within the Ngāi Tahu takiwā. Their primary concern is that “the addition of land to national parks will not give effect to the principles of the Treaty as required by section 4, as it alienates Ngāi Tahu from our ancestral lands”. [REDACTED] Ngāti Rārua have also opposed all national park proposals within their Areas of Interest, [REDACTED]
30. The NZCA supported all notified national park proposals. These proposals were also strongly supported by submitters, including 5,976 submissions made using a Forest and Bird template noting it to be the “highest level of protection”. Environmental NGOs and the public criticised what they viewed as the relatively small number of national park proposals, and advocated for additional areas to be referred to the NZCA for consideration.
31. National parks are listed in Schedule 4 of the Crown Minerals Act 1991. Any land classified as national park would not be eligible for mining access arrangements, apart from certain low impact activities. They are also not eligible for Fast-track projects, excepting electricity infrastructure in some instances. However, a range of cultural, recreational and commercial activities can and do take place in national parks.

² As described at [p.352]. *Buller Electricity Ltd v Attorney-General* [1995] 3 NZLR 344.

Also relevant is the Ruataniwha Supreme Court case, *Hawke’s Bay Regional Investment Company Ltd v Royal Forest and Bird Protection Society* [2017] NZSC 106 at [111].

32. DOC recommends you proceed with 48 of the 49 national park proposals.
33. DOC considers that these areas hold natural/historic resources that warrant consideration by the NZCA for national park status. Not referring these areas to the NZCA for consideration as national park additions would be contrary to promoting conservation outcomes.
- Stewardship areas are not afforded equivalent consideration to national parks through management planning processes, not being included in national park management plans.
 - National parks receive a higher level of resourcing associated with their management than other public conservation land, including stewardship land.
34. Giving effect to section 4 includes taking reasonable steps to actively protect the identified Treaty partner interests, but this obligation is not absolute and unqualified, as this would be inconsistent with DOC's other statutory responsibilities. Although we acknowledge Treaty partner opposition to the national park proposals, we consider proceeding with the notified proposals to be consistent with Treaty principles, taking into account the very high conservation values of these areas and national interest in the preservation of these values.
35. Ngāi Tahu's position has included that a national park classification does not sufficiently acknowledge mana and rangatiratanga; provide for the exercise of kaitiakitanga and mahinga kai; and provide governance, management and decision-making roles. While acknowledging the restrictions associated with a national park classification, including on mahinga kai, the statutory scheme of the National Parks Act and General Policy for National Parks does allow for particular activities related to identified Treaty interests:
- Commercial activities for tangata whenua remain possible subject to a concession process, and may require a degree of preference to be afforded to applications.
 - Some cultural activities will not require any authorisations. Others may be approved pursuant to a concession or an existing cultural materials plan, including the customary collection of pounamu under the korowai (protective cloak) of the Kaitiaki Rūnanga.
 - Treaty partners have involvement in management planning processes and other significant decisions relating to national park management. For example, the recent Paparoa National Park Management Plan (2021) was co-written with Ngāi Tahu and Ngāti Waewae, meaning the aspirations of Ngāi Tahu/Ngāti Waewae guide decision-making over the Park.
36. Ngāi Tahu's concerns apply to other classifications and broader settings. DOC has also considered and given effect to Treaty principles throughout the design and implementation of this process. Substantive outcomes for Treaty partners regarding national parks are also evident in the wider process to reclassify stewardship land. 9(2)(g)(i)
- _____
- _____
- _____
- _____
- _____.
37. Other land, of comparable conservation value to national parks, was withdrawn by the Government from the process prior to notification (~175,000ha) following discussions with Ngāi Tahu. This was based on the understanding that the current framework does not include a classification that Ngāi Tahu consider would appropriately recognise the high cultural value of these particular places. 9(2)(f)(iv)
- _____

...There is a subsequent NZCA led process for national park additions, we expect that the work done to date will support this process

38. Additions and changes to the boundaries of existing national parks are made by the Governor-General by Order-in-Council, on your recommendation. The National Parks Act 1980 stipulates that you shall not make any recommendation to the Governor-General except where it is preceded by a recommendation, to you, from the NZCA (section 7(2)).

39. This means that if you decide that any notified proposals for national park additions should proceed, the NZCA will then need to determine whether the areas in question warrant such a recommendation. The NZCA considerations are set out in the General Policy for National Parks.
40. While there is a clearly defined process for the NZCA to consider adding land to national parks (General Policy for National Parks 6(d)), DOC considers that some initial steps of the General Policy for National Parks 6(d) have been met by the reclassification process completed to date. For example:
- That you have been advised on the proposals (i).
 - That the views of Conservation Board (ii), tangata whenua (iii), territorial authority and fish and game council (iv) have been sought.
41. The General Policy for National Parks 6(h) sets out circumstances whereby the NZCA may recommend national park additions without requesting a formal investigation. DOC also considers that some aspects of 6(h) have been met by the investigations undertaken by the National Panel, for example that the national park values have already been investigated or are already well documented (6(h)(iii)), including that public information has been sought, and is available to the NZCA.
42. Conversely, if the NZCA do request formal investigation on any national park proposal, the General Policy for National Parks 6(e) stipulates that this “should include an assessment of the likely social, recreational, cultural and economic implications for tangata whenua and local and regional communities, as well as the nation generally”. This would allow for concerns raised through industry and local communities to be considered as part of a prospective process.
43. The NZCA is ultimately responsible for deciding how much further information it requires. DOC has engaged with the Chair of the NZCA, Edward Ellison, in preparing this advice:
- We noted the extent of analysis and consultation already done through this reclassification project, and the NZCA’s previous submissions in support of these national park proposals, and sought comment from the Chair on the extent of further investigations required for the NZCA to discharge its duties.
 - The Chair noted that 9(2)(f)(iv) [REDACTED]
[REDACTED]
[REDACTED] The Chair also noted that he would welcome a discussion with you on this and can provide further views on required next steps as you reach your decisions.
44. DOC will collate the information required by the NZCA to enable it to consider its recommendation, which will include existing assessments completed by DOC such as the relevant Conservation Value Reports and information received through the public process.

Tarahanga e Toru Historic Reserve

45. Fourteen stewardship areas covering approximately 181,000ha were proposed to be classified as Tarahanga e Toru Historic Reserve, to reflect the historic and cultural values present while also preserving the natural and recreational values.
46. The proposed area contains significant and unmodified natural values extending from the mountains west of the Southern Alps and Main Divide through to the sea, sharing a border with Arthur’s Pass National Park. It is also popular with recreational users. The Mana Whenua Panel identified that this area is part of Poutini Ngāi Tahu legends, customs and traditions centred around pounamu and is “integral to Poutini Ngāi Tahu identity”.
47. Ngāi Tahu is seeking implementation of all 14 areas proposed as historic reserve, and has indicated that your decision on this is of great importance to the iwi. The NZCA stated support for nine areas proposed to be classified as Tarahanga e Toru, and did not comment on the remainder.
48. Ngāti Rārua has recommended you proceed with nine areas proposed to be classified as Tarahanga e Toru, and did not comment on the remainder which are outside of the Ngāti Rārua Area of Interest. [REDACTED]
[REDACTED]
49. A substantial number of submissions were received in opposition to the notified proposal, including from Environmental NGOs. This was due to concerns that historic reserve status would

inadequately protect the identified natural resources, that it may limit recreational access to the area, that the proposed reserve did not clearly identify a primary purpose, or that it was larger than necessary for protection of the identified historic resources and cultural values.

50. DOC recommends you proceed with all 14 Tarahanga e Toru Historic Reserve proposals. Our conclusion is that the natural resources are appropriately protected and public recreational access adequately provided for under the proposed classification when considering the identified historic resources and Treaty interests. The proposed reserve could also be described as an example of a substantive outcome for our Treaty partners, consistent with section 4.

Coal measure plateaux (Stockton and Denniston)

51. The stewardship areas situated on and around the Stockton and Denniston coal measure plateaux (KAW_08, KAW_10; KAW_11, KAW_17) hold high ecological values as well as active and historic mining infrastructure. The Mount Rochfort conservation area (KAW_17) is of particular public interest as the site of the Escarpment open-cast coal mine, which had its concession approved in 2013. All areas were proposed to be classified as conservation park.
52. Ngāi Tahu has opposed these proposals as the areas are “adjacent to land being considered for mine remediation by government agencies led by the Treasury” and due to the areas being subject to Fast-track processes. [REDACTED]
[REDACTED] they were opposed by Ngāti Rārua, who advocated for the land to remain held in stewardship.
53. A large number of submissions, including from ENGOs, advocated for a range of alternative protective classifications, while suggesting that conservation park does not adequately protect the notable natural resources present. This included a submission from the Coal Action Network, with a petition signed by 2,113 people.
54. DOC recommends you proceed with these conservation park proposals. Our conclusion is that the natural resources present are appropriately protected under the proposed conservation parks, when also considering the historic resources present. While acknowledging the interests identified by Ngāi Tahu, we note that classification as a conservation park would still allow for the consideration of restoration and development opportunities (e.g. mine rehabilitation) through the granting of concessions or other authorisations. Conservation parks remain eligible for Fast-track projects and mines.

Waitaha Forest

55. Waitaha Forest (HOK_52) is a 30,814ha area containing most of the Waitaha River catchment. It is very ecologically diverse with a high level of naturalness. It also holds high recreational value, particularly from a whitewater perspective. The notified proposal was to classify the area as a conservation park, a classification with a primary purpose of being managed so that “its natural and historic resources are protected” (s.19(1)).
56. The area includes the location of the proposed Waitaha hydro scheme, which had its concession application declined in August 2019 by the Minister for the Environment due to the significant impacts it would have on the remote, unmodified natural landscape and features and associated recreational values.
57. The applicant, Westpower, has since partnered with Poutini Ngāi Tahu, and the Waitaha hydro project is included in Schedule 2 of the Fast-track Approvals Act 2024. Whether the land is classified as a conservation park, or retained in stewardship, the Waitaha Fast-track project would be able to proceed. DOC anticipates that this could impact negatively on the natural and recreational values of the area. We note that a Fast-track panel could still approve the project notwithstanding these values.
58. Ngāi Tahu has opposed the proposal because the area is “subject to fast-track process”. The proposal was also opposed by Ngāti Rārua, who advocated for the land to remain held in stewardship. [REDACTED]
[REDACTED]
59. A substantial number of submissions in opposition to the proposal argued that the unmodified and high value natural features would not be adequately protected by the proposed conservation park. The significant recreational values present were also stressed, with a focus on the value of the rivers to the kayaking, rafting and canyoning communities as well as backcountry trampers. Submitters noted that the Waitaha Gorge is recognised as an Outstanding Natural Landscape

and Morgans Gorge as an Outstanding Natural Feature. It was also noted that this area is adjacent to the Adams Wilderness Area, forming part of a highly natural mountains to sea sequence, and should be managed holistically.

- Submissions predominantly advocated that classification as either national park or ecological area would more appropriately reflect the unmodified natural landscape and features and provide robust levels of protection. In particular, both Forest and Bird and the Environmental Defence Society advocated for national park classification.
60. Considering these submissions, DOC recommends you do not proceed with this proposal. Our conclusion was that, in this instance, the unmodified natural resources present warrant a classification that more appropriately reflects their high value. The area is highly natural and ecologically diverse, containing a broad suite of common, threatened and at-risk flora and fauna. The area does not contain any substantive historic resources that would justify the holistic classification of conservation park.
61. As your decisions are binary – to proceed or not with the notified proposal – it is not within the scope of the section 49 report to recommend proceeding with a different classification. Deciding to not proceed with the proposal would mean the area is retained in stewardship. A new reclassification process would then need to be initiated, including public notification, to assign a different classification i.e. not conservation park or stewardship land. Both these classifications are eligible for Fast-track projects.

Novel Local Purpose Reserves

62. Local purpose reserves are held under the Reserves Act 1977 "for such local purpose or purposes as are specified in any classification of the reserve" (s.23(1)). Any natural or historic resources are managed and protected to the extent compatible with the principal or primary purpose of the reserve. The purposes of local purpose reserves have historically been considered self-explanatory (e.g. Local Purpose (Road) Reserve).
63. The notified proposals included 83 local purpose reserves with reserve purposes which have not previously been used. These novel local purpose reserves included 73 Local Purpose (River Conservation) Reserves and ten Local Purpose (Ngāi Tahu) Reserves. For example, Local Purpose (Waitangitāhuna Ngāi Tahu) Reserve was proposed to recognise the existence of a historic pā and occupation site in the vicinity and the area's value for mahinga kai. Local Purpose (River Conservation) Reserves were proposed for land alongside rivers and on floodplains.
64. Substantial public opposition was received to these proposals, suggesting that the proposed reserve purposes were insufficiently defined, leaving it uncertain how natural and historic resources will be protected.
65. Considering those submissions, DOC recommends you do not proceed with these proposals. Our conclusion is that further policy work is required to describe the purpose of the proposed reserves and to identify any potential management implications. The Reserves Act directs that scenic, historic, archaeological, biological, or natural features are required to be managed and protected to the extent compatible with the primary purpose of the reserve. A future decision would then be required on whether to assign the revised reserve purpose, which may include public notification.
66. For the proposed Local Purpose (Ngāi Tahu) Reserves, Ngāi Tahu has advocated that you do not proceed with all proposals, but that you direct DOC to "commence policy work [to clarify the purpose and management implications] immediately." Ngāti Rārua expressed support for all 10 Local Purpose (Ngāi Tahu) Reserves. [REDACTED]
67. For the proposed Local Purpose (River Conservation) Reserves, Ngāi Tahu advocated that you do not proceed with all 73 proposals. Ngāti Rārua opposed two proposals and were neutral on 57. [REDACTED]

Disposal investigations

68. Areas considered to hold low or no conservation value were proposed to be investigated for disposal by DOC, 68 proposals covering up to 3,432.1ha. This investigation will ensure adherence to Conservation General Policy tests for disposal, which were not considered by the National or Mana Whenua Panel.

69. Thirty-one areas covering 66.4ha (0.01% of the land assessed) were proposed to be disposed of in full. DOC recommends you proceed with 28 of these proposals. After considering public submissions, it was concluded that some areas were highly unlikely to meet the Conservation General Policy disposal tests, based on natural resources present or provision of access to other public conservation land.
70. A further 37 proposals covering up to 3,365.7ha (0.5% of land assessed) were considered to hold portions of low conservation value land, within a larger area of high conservation value. DOC recommends you proceed with 36 of these proposals, and proceed in part with one.
71. Ngāi Tahu has supported 66 disposal proposals, advocated that you proceed in part with one, and opposed one (TWP_48). In two instances where DOC recommends to not proceed with disposal proposals, Ngāi Tahu has maintained that the notified intention is appropriate (KAW_05, KAW_43).
72. [REDACTED]
73. Ngāti Rārua commented on 47 disposal proposals, supporting 43, adopting a neutral position on three and opposing one (KAW_08, Hector – Greenfield Street).
74. There was substantial public opposition to disposals, based on the grounds that retaining modified public conservation land can support ecological restoration, climate change mitigation, and public access and recreation. There was particular interest in land beside rivers, including from the NZCA.

Treaty partners have provided input to support informed decisions

75. The Western South Island is within the Ngāi Tahu takiwā and DOC acknowledges Ngāi Tahu rangatiratanga and mana over the lands within its boundaries. This project has entailed a significant working partnership between the Department and Ngāi Tahu. The Western South Island is also within the Areas of Interest of several Te Taihū iwi and we have provided further opportunity for all Treaty partners to input into the process.
76. The Mana Whenua Panel developed reclassification recommendations alongside the National Panel, which were made publicly available in 2022 along with the notified reclassification proposals. Ngāi Tahu has since revisited these recommendations, as provided for by the 2024 Agreement, considering the section 49 report and recommendations. Their position on some proposals has changed in the intervening period.
77. Te Taihū iwi were informed of the notification process on May 27, 2022, prior to the public announcement, by the Northern South Island Operations Director. No submissions were received from those Treaty partner organisations in response to the public notice. DOC has engaged with Te Taihū iwi outside of the submissions process to provide a subsequent opportunity for your decisions to be informed by their views on the notified proposals, particularly within their respective Areas of Interest. Ngāti Apa and Ngāti Rārua have since undertaken work to identify their Treaty interests regarding WSI stewardship land, including forming their views on the notified proposals.
78. Input from Ngāi Tahu, Ngāti Apa and Ngāti Rārua is included as Attachments D-F. Departmental advice regarding this input is collated below.

Te Rūnanga o Ngāi Tahu

79. While the analysis in the section 49 report relates to the Mana Whenua Panel position publicly notified in 2022, the comments in this briefing relate to the most recent position supplied by Ngāi Tahu (Attachment D). This input will likely form the basis of your upcoming hui with the Kaiwhakahaere and Ngāi Tahu mana whenua, a commitment under your 2024 Agreement with the Kaiwhakahaere.
80. In their input, Ngāi Tahu has stated its final position in relation to the section 49 recommendations. In the decision table, the position of Ngāi Tahu has been presented in relation to each notified proposal. For example, if Ngāi Tahu has agreed with a DOC recommendation to proceed with a proposal, this has been interpreted as supporting you to proceed with the proposal.

81. Ngāi Tahu seeks that you proceed with 379, do not proceed with 191, and proceed in part with four of the 576 notified proposals, adopting a neutral position on two proposals. This aligns with 81% of the DOC recommendations. The areas where Ngāi Tahu disagrees are grouped below.
82. National Parks - Areas were proposed to be referred to the NZCA to investigate the suitability of national park additions. Ngāi Tahu holds a tribal position opposing any additions to national parks within the Ngāi Tahu takiwā. This relates to 48 proposals (77,099ha).
- DOC considers that these areas hold natural/historic resources that warrant consideration by the NZCA. This process allows for the NZCA to further explore specific Ngāi Tahu interests and aspirations, including what giving effect to Treaty principles may require (paragraphs 27-37).
83. Ngāi Tahu Interests – Reclassification proposals (conservation parks and scenic/historic reserves) were notified for areas that contain pounamu resources, or are adjacent to Ngāi Tahu forestry. Ngāi Tahu has advocated to retain these areas in stewardship to enable further assessment of the values and opportunities of the whenua for Ngāi Tahu. This relates to 18 proposals.
- DOC considers that the notified proposals appropriately reflect the natural/historic resources present. They allow for particular activities related to the identified Treaty interests to be considered, for example through the granting of concessions and/or the collection of cultural materials, and other activities that do not require specific permissions.
84. Other Matters - Areas were proposed to be classified that are subject to other matters, including Fast-track applications, local infrastructure, climate mitigation planning or future opportunities for DOC and the West Coast community. Ngāi Tahu has advocated for these areas to be held in stewardship until the identified matter is resolved. This relates to 23 proposals.
- None of the classification proposals for these areas fall under Schedule 4 of the Crown Minerals Act, where for example, Fast-track applications would be ineligible. Consideration of the matters raised by Ngāi Tahu would not be precluded by the notified proposals.
85. Assessment of Conservation Value - Areas where Ngāi Tahu considers the natural or historic resources present do not justify the notified proposal. This relates to 12 proposals.
- DOC considers that the notified proposals appropriately reflect the natural/historic resources present.
86. Consistent with section 4, DOC has engaged with Ngāi Tahu to understand its position and the potential impact on its rights and interests. We consider that the DOC section 49 recommendations to proceed with these proposals have given proper consideration to the section 4 directive, while also being consistent with the overarching conservation purpose of the Act.
87. Substantive outcomes for Ngāi Tahu are evident in the DOC recommendations. For example, the relatively small number of national park proposals that DOC recommends be referred to the NZCA (48 proposals, 77,099ha, 12% of land assessed), the 10 DOC recommendations to retain land in stewardship due to the identified Treaty interests (including two where the national panel recommendations were overturned), and the 14 areas (181,381ha) DOC recommends to be classified as the Tarahanga e Toru Historic Reserve.

Ngāti Apa ki te Rā Tō

88. In its input (Attachment E), Ngāti Apa set out its position regarding the notified proposals. DOC has identified 118 stewardship areas as falling within the Ngāti Apa Area of Interest, as set out in its Deed of Settlement. [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

Whakapoāi SILNA redress

92. Individual South Island Māori [REDACTED] were allocated land at Whakapoāi (North of Karamea) through the South Island Landless Natives Act 1906 (SILNA). The Whakapoāi land did not transfer to those individuals as intended. The Ngāi Tahu Claims Settlement Act 1998 provides for either the original land to be transferred to successors, or for the Crown to offer alternative forms of redress, including substitute land. The redress process is subject to the Māori Land Court identifying the modern-day successors to the original Whakapoāi SILNA beneficiaries. It is the Minister for Treaty of Waitangi Negotiations who puts to the successors (once identified) the forms of redress available.
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

94. DOC has consulted Te Tari Whakatau on this matter (full advice included as Attachment J). Te Tari Whakatau does not consider that the reclassification of stewardship land is at odds with future consideration of options for Whakapoāi 'alternative forms of redress'.
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

96. DOC notes that public conservation land, exempting national parks, remains available for SILNA redress following reclassification. [REDACTED]
[REDACTED] If areas are disposed of, they will no longer be available for SILNA redress.
97. Te Tari Whakatau advises that the Protection Mechanism no longer applies to Crown land for disposal in Te Waipounamu, as the Crown has settled the historical claims of all nine iwi of Te Waipounamu.

National Parks

98. Areas were proposed to be referred to the NZCA to investigate the suitability of national park additions. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
99. DOC considers that these areas hold natural/historic resources which warrant consideration by the NZCA, and that not proceeding would be inconsistent with conservation outcomes. Giving effect to section 4 includes taking reasonable steps to actively protect the identified Treaty partner interests, but this obligation is not absolute and unqualified, as this would be inconsistent with DOC's other statutory responsibilities. The NZCA process allows for further exploration of specific Ngāti Apa interests and aspirations, including what giving effect to Treaty principles may require (paragraphs 27-45).

Ngāti Rārua

100. In its input (Attachment F), Ngāti Rārua set out its position regarding the notified proposals. DOC identified 423 stewardship areas as falling within the Ngāti Rārua Area of Interest, as set out in its Deed of Settlement. Ngāti Rārua commented on 491 notified proposals in total.
101. Ngāti Rārua presented statements of association for the wider region of Te Tai Poutini, and for the seven sub-regions within its Area of Interest. Within Mawhera, Ngāti Rārua presented additional statements of association for specific places.
102. Ngāti Rārua stated its support for 132 of the notified proposals, and was neutral on 276 notified proposals. It opposed 83 notified proposals. Of these, it instead recommended disposal for 24 areas, and retain in stewardship for 59 proposals. No specific detail regarding the rationale for its positions was provided.
103. In most instances, the Ngāti Rārua position aligns with the recommendations made by the Mana Whenua Panel at the time of notification. An exception is KAW_08, Hector – Greenfield Street, where Ngāti Rārua opposed the notified disposal proposal.

NZCA & Conservation Boards have statutory roles to advise on land reclassification

104. Under the Conservation Act, the NZCA (s.6B(1)(d)) and Conservation Boards s.6M(d)(i)) have statutory functions to advise on land reclassification if they consider it to be a matter of national or international importance.
105. Input has been received from the NZCA, West Coast Tai Poutini Conservation Board, and Canterbury Aoraki Conservation Board. This is included as Attachments G - I.

New Zealand Conservation Authority (NZCA)

106. The NZCA holds a particular interest in national parks due to its role leading the process for national park additions (set out in Chapter 3, section 49 report), and as the owner of the General Policy for National Parks.
107. The NZCA submitted through the public notification process, and its comments have been included and assessed as part of the section 49 report. NZCA confirmed on 29 January 2025 that its advice remains the same as that provided in their submission, included as Attachment G.

The NZCA supports all national park proposals and recommend additional national park areas

108. The NZCA recognised Ngāi Tahu opposition to national park additions, but “strongly supports” all 49 notified proposals to investigate the suitability of national park additions. DOC recommends to proceed with 48 of the 49 notified proposals.
109. The NZCA support for these national park proposals was based on its understanding that even though Ngāi Tahu oppose national park additions in principle, “Ngāi Tahu has agreed to, and is comfortable with, the process continuing and with the Minister making decisions on all recommendations including potential additions to National Parks”. They concluded it would not be “inconsistent with section 4” for the NZCA to support the notified national park proposals. They note that “the conservation law reform process [...] seems a better avenue where such issues could be constructively addressed.” However, Ngāi Tahu has suggested the NZCA understanding is an “incorrect representation of the Ngāi Tahu position” (Attachment D).
110. The NZCA identified 31 additional stewardship areas as warranting further consideration regarding potential national park additions. In the public notice, those areas were proposed for a range of alternative classifications. Although those areas may hold natural/historic resources of a similar nature to nearby national parks, the DOC recommendations concluded that the points raised in each instance by NZCA did not justify overturning the notified proposals.

The NZCA support some Tarahanga e Toru Historic Reserve proposals and conservation parks

111. The NZCA support several areas proposed to be classified as Tarahanga e Toru Historic Reserve, acknowledging “the cultural significance of this land to Poutini Ngāi Tahu”. DOC recommends to proceed with all Tarahanga e Toru Historic Reserve proposals. The NZCA did not submit on all Tarahanga e Toru Historic Reserve proposals.
112. The NZCA support four conservation park proposals in particular, on the basis that the vegetation and ecosystems present are not distinct enough to warrant a national park classification. DOC recommends to proceed with three of those proposals. For ‘Wanganui/Otira

Catchments (South)' (HOK_19), DOC recommends to not proceed with the proposal, considering the significant public opposition received. DOC's conclusion is that the natural resources present warranted a classification that more appropriately reflect their value, and that the area does not contain sufficient historic resources to justify the more holistic classification of conservation park. The primary purpose of a conservation park is to be managed so that "its natural and historic resources are protected", with a secondary purpose "to facilitate public recreation and enjoyment" (s.19(1)).

West Coast Tai Poutini Conservation Board

113. The West Coast Tai Poutini Conservation Board was regularly updated in the lead up to public notification. The Board Chair attended the public hearings as an observer. The Board did not submit through the public process.
114. In its advice received in March 2025 (Attachment H), the Board acknowledged that the process undertaken "provided adequate opportunity for public input and discussion", and that "the Conservation Board was kept well informed". The Board did not comment on any specific proposals or stewardship areas.
115. The Board requested that it be kept informed regarding areas identified for potential disposal. It was also noted that your decisions "may have relevance to the Conservation Management review currently being undertaken".

Canterbury Aoraki Conservation Board

116. The Canterbury Aoraki Conservation Board submitted through the public process.
117. Four stewardship areas are within the rohe of the Canterbury Aoraki Conservation Board.
118. In its advice (Attachment I), it expressed support for three notified proposals (Recreation Reserve, Local Purpose (Water Supply) Reserve and Tarahanga e Toru Historic Reserve).
119. The fourth stewardship area, proposed for addition to Arthur's Pass National Park, was supported only once Te Rūnanga o Ngāi Tahu no longer oppose additions of land to national parks in the Ngāi Tahu takiwā.
120. DOC's recommendation is to proceed with the notified proposals for all four stewardship areas.

Wider implications of stewardship land reclassification decisions

121. Some of your reclassification decisions may have wider implications for intersecting Government legislation, policy proposals, or existing processes.
122. Although useful context, particularly in terms of informing your Ministerial colleagues, the factors set out below are not relevant considerations under conservation legislation, i.e. when determining an appropriate classification to promote the conservation of the identified natural/historic resources and providing for their appreciation and enjoyment by the public, while giving effect to Treaty principles.

Government policy and strategy

Minerals Strategy and Critical Minerals List

123. DOC has engaged with the Resources team at the Ministry for Business Innovation and Employment (MBIE), which has raised concerns regarding the potential impact of land classification changes on extractive industries. MBIE is particularly keen to understand the mineral potential of areas proposed for national park investigation. Only three of the potential 49 proposed national park additions appear to have any significant overlap with minerals interests.
124. Mining, apart from certain low impact activities, is not permitted on public conservation land listed within Schedule 4 of the Crown Minerals Act 1991. Forty-nine proposals (covering 77,101ha or 12% of the area assessed) were proposed to be referred to the NZCA to investigate the suitability of national park additions. These are the only classification proposals that would fall within Schedule 4 of the Crown Minerals Act. You can choose not to make these areas national

parks but the mining interests would not be relevant considerations. You would need to form a view that national park status was not suitable for relevant statutory considerations.

125. Of these 49 proposals, MBIE has identified likely mineral deposits (gold, coal and/or rare earth minerals) associated with 'KAW_19 Lyell Range - Radiant Range', 'PAP_02 Northern Paparoa Range', and 'PAP_18 Paparoa Range South'. DOC recommends you proceed with 48 of the 49 proposals for national park additions, including these three stewardship areas.
126. If, following NZCA consideration, those areas are classified as national park they would become ineligible for any new mining access arrangements. Existing access arrangements will continue until they expire. Any applications to vary or renew an access arrangement will be assessed against the revised purpose for which the land is held. One medium impact access arrangement for mineral exploration in the Conservation Area Lyell Range – Radiant Range (0.3075ha), and three low impact access arrangements for suction dredging and open cast alluvial gold mining activities in the Conservation Area - Paparoa Range South (covering 197.1ha) would be affected by this, once their term comes up for renewal. The expiry dates for the permits range from 2026 through to 2050. One access arrangement associated with the Pike River Mine Recovery Agency is also affected, along with one gravel access arrangement.
127. There are an additional 29 access arrangements for areas proposed for classifications not affected by Schedule 4 of the Crown Minerals Act 1991. This includes gold mining access arrangements for alluvial mining (three permits covering 43.17ha), suction dredging (six permits covering 142.69ha) and open cast mining (three permits covering 36.83ha); and access arrangements for open cast coal mining (five permits covering 228.02ha). The remaining approvals are centred on gravel, rock or limestone.
128. This data does not include historic and non-active mining permits granted to Solid Energy where the minerals permit is now held by Bathurst Coal Limited, and one permit held by the Pike River Recovery Agency.

Fast-track Approvals Act 2024

129. Under the Fast-track Approvals Act 2024, a project must not include an ineligible activity, which includes “an activity that would require an access arrangement under section 61 or 61B of the Crown Minerals Act 1991, and that would occur in an area for which a permit cannot be granted under that Act” (section 5(1)(f)).
130. DOC recommends you proceed with 48 out of 49 proposals for NZCA national park investigations. If a national park classification is determined to be suitable and implemented, that land would be affected by Schedule 4 of the Crown Minerals Act 1991 and become ineligible for fast-track access arrangements under the Act.
131. All other proposed classifications would remain eligible for Fast-track projects.
132. There are three Fast-track projects involving land included in the WSI reclassification process, as listed in Schedule 2 of the Fast-track Approvals Act. Those applications would not be affected by the notified proposals whether approved or declined:
 - The Arahura Papakāinga Housing project (HOK_11, 2806208).
 - Proposed to remain in stewardship, due to ongoing discussions with DOC regarding Ngāi Tahu interests. DOC recommends you proceed with this proposal.
 - The Buller Plateaux Continuation Project (KAW_08, 2807745, KAW_10, 2807805, KAW_17, 2808235, KAW_26, 2808247):
 - Proposed to be classified as conservation park. DOC recommends you proceed with these proposals (refer paragraphs 52-55).
 - The Waitaha Hydro Project (HOK_52, 2805641).
 - Proposed to be classified as conservation park. DOC recommends you do not proceed with this proposal (refer paragraphs 56-61).

9(2)(f)(iv)

9(2)(f)(iv)

Conservation Amendment Bill

139. The proposed Conservation Amendment Bill considers changes to enable more flexibility for land exchange and disposal.
140. Proposed changes include removing the policy test that only areas with low to no conservation value are eligible for exchange and disposal, and allowing for additional classifications to be eligible for disposal (removing the requirement that the classification must be revoked prior to disposal).
141. Land classified as national parks and ecological area would be excluded from these changes.
142. There are 20 proposed ecological areas, covering approximately 7,231ha. DOC recommend you proceed with those proposals due to the high natural values of those areas.
143. There are 49 areas proposed for NZCA national park investigations, covering approximately 77,101ha. DOC recommends you proceed with 48 out of 49 proposals.
144. If the Conservation Amendment Bill is enacted, and the notified proposals implemented, the national park and ecological areas would be ineligible for disposal or exchange. Other than instances where land is proposed as ecological area or national park, reclassification at this time is unlikely to limit future disposal or exchange options under the Conservation Amendment Bill, but they wouldn't meet the current test anyway..

Tourism New Zealand Strategy

145. DOC has engaged with the Tourism team at MBIE regarding the notified proposals. Tourism is the largest economic sector in WSI. MBIE noted the region's tourism branding is based on the theme of 'untamed natural wilderness', and the scenic value of public conservation land in the region. The notified reclassification proposals are anticipated to support tourism outcomes in the region.
146. The notified proposals suggest classifications that reflect the identified natural/historic resources and promote their conservation. A clearly defined land classification provides clarity to users of the land, both recreational and commercial, and reduces the risk of legal challenge to decisions about the land's management.

147. Potential outcomes, such as doubling the size of the Paparoa National Park, could further support the tourism profile of the region.
148. Similar to the current stewardship status, tourism-related permissions can still be considered under all proposed classifications. Further conditions may apply if land is classified as national park following NZCA consideration, as set out in the relevant National Park Management Plan (e.g. smaller party sizes for guided walks, less frequent helicopter landings). These settings are being reviewed and potentially changed as part of current reforms.

Other processes

Reclassification may impact the renewal of existing authorisations/permissions

149. As referred to in paragraphs 126-129, changing the status of stewardship land may impact the renewal of existing authorisations (e.g. grazing licences or access arrangements). When permissions expire applications for renewals will be considered against the revised purpose for which the land is held.
150. Existing permissions will continue to apply until their expiry. Similarly, if land is deemed suitable for disposal, that land will not be listed for sale until existing permissions expire, unless otherwise agreed by the permit holder. There are 11 grazing concessions (covering approximately 58 ha) and no active mining access arrangements within areas proposed for disposal.
151. Permissions within areas proposed for NZCA national park consideration include a variety of recreational concessions, mining access arrangements (see paragraphs 126-129) and activities such as aircraft landings, easements for vehicles and facilities, telecommunications infrastructure and beehives.
152. If, following NZCA investigations, land is classified as national park, no grazing permissions will be affected. Outside of national park proposals there are 102 active grazing concessions (covering approximately 6,100ha) within a range of proposed classifications. DOC has kept the Land Policy team at MPI informed regarding the notified proposals.

Some areas proposed for disposal investigations are within the World Heritage Area boundary

153. Areas of very low conservation value were notified to be investigated for disposal, 18 of which are within the Te Wāhipounamu - South West New Zealand World Heritage Area.
154. Although you hold authority to dispose of stewardship land, that land will still retain World Heritage Area status and the associated obligations. Decisions to revoke World Heritage Area status, which would modify the boundary of the World Heritage Area, rest with the World Heritage Committee.
155. DOC's preliminary assessment is that the proposed disposals amount to a minor boundary modification, which will not have significant consequences for the extent of the World Heritage Area nor affect its Outstanding Universal Value. This will be confirmed as part of any subsequent disposal investigations. Modifications that are considered major based on values or extent require a full nomination process, including an 18-month evaluation cycle.
156. If you approve the proposed disposal investigations, and the subsequent DOC process finds that they adhere to all relevant legislative and general policy tests, the procedure for disposing of Crown-owned land will be undertaken. Following the disposal investigations, we will also submit applications for any consequential World Heritage Area boundary changes for consideration by the World Heritage Committee.

Following your decisions, implementation follows varied pathways and timelines

157. Once DOC receives your reclassification decisions, some classifications can be implemented directly via Gazette notice. Where no surveying is required, we estimate a two-month implementation timeframe may be possible. Depending on your final decisions, this may apply to 355 proposals under the Conservation and Reserves Acts, for example classifications such as conservation park or scenic reserve.

Some decisions will spark further processes, with longer timeframes:

158. **Disposals:** The 68 proposals for disposal would require a DOC investigation to ensure that legislative and Conservation General Policy tests are adhered to, which may involve a further, more in-depth conservation values assessment.
- In most cases, surveying will be required before valuation can occur. Following this, a LINZ-accredited supplier is required to ascertain potential obligations to offer the land back to previous owners, whether the land is needed for public works, and whether Ngāi Tahu has a right of first refusal. A tender process on the open market can then be run by an accredited LINZ agent. We estimate a timeframe of up to 12 months, with appropriate resourcing and prioritisation of this work against other tasks.
 - The costs of this process will vary depending on the attributes of the land. Under current legislation, any receipts from the sale of land go to the Crown account. Due to the potentially substantial costs to the Department, under usual circumstances DOC does not instigate disposals unless requested to by a third party. There is then a guaranteed buyer required to cover costs associated with the process.
159. **National Parks:** If you decide to proceed with the proposed National Parks, the NZCA will carry out a further process (refer paragraphs 27-45). This may take six months to a year to complete, depending on the amount of further investigation the NZCA undertakes.
160. **Novel local purpose reserves:** The section 49 report recommends you do not proceed with the 83 local purpose reserves notified with a novel purpose until further policy work is done to clarify the purpose and any management or concession implications (refer paragraphs 62-68). If you decide to direct the Department to carry out this policy work, we do not anticipate this will be a lengthy process.
161. **Stewardship:** Some Western South Island stewardship land will remain held in stewardship. This may arise from decisions to not proceed with notified classification proposals, land notified to remain held in stewardship, and land that was not included in the original public notice due to Treaty partner interests. Changing the status of this land would require the instigation of a new reclassification process, the scope and design of which would need to be agreed

Risk assessment – Aronga tūraru

162. The Western South Island is within both the Ngāi Tahu takiwā (where its Treaty settlement includes the Crown acknowledgment that Ngāi Tahu has rangatiratanga and mana over the lands within its boundaries) and is within the Areas of Interest of several Te Taihū iwi. The respective Te Taihū Treaty settlements identify a core Protocol Area and a wider Area of Interest, which includes areas that overlap with the Ngāi Tahu takiwā. Rights and interests in overlapping areas have been the subject of legal challenge and the ongoing risk of litigation remains high. DOC has engaged with Ngāi Tahu, Ngāti Apa and Ngāti Rārua to ensure they are aware your decisions will be fully informed of their respective views and interests, consistent with the section 4 directive to give effect to Treaty principles.
163. Your decisions must be based on considerations that are consistent with the purpose and scheme of the Conservation Act 1987. Basing reclassification decisions on considerations outside the scope of the Act (e.g. economic interests other than those of relevant Treaty partners) would be ultra vires, and could provide grounds for legal challenge. The recommendations included in the section 49 report have been drafted in a manner consistent with conservation legislation.
164. Environmental NGOs (Forest & Bird and the Environmental Defence Society in particular) have criticised the public notification process, and have communicated that they will be scrutinising your reclassification decisions. We have endeavoured to ensure the section 49 report, and associated DOC recommendations, are legally robust. We have also engaged with these NGOs directly to understand their concerns and allay them where possible.
165. If you do not consider the section 49 report within a reasonable timeframe, there is a risk that the submission information could be considered stale. Relying on stale submissions to inform decisions may provide grounds for criticism and challenge. A significant period has already passed since public submissions were made and we recommend that you consider the section 49 report (Attachment C) without delay, recording your consideration by making annotations where appropriate. Your receipt of the report marks two and a half years from the close of the public process.

166. Stewardship land reclassification is of significant interest to iwi, ENGOs, commercial interests, local councils, and communities. News stories have highlighted the lack of outcomes to date, while also noting your intention to make decisions in the second quarter of 2025. Failure to make reclassification decisions as announced will likely lead to further criticism and an increased reputational risk.

Treaty principles (section 4) – Ngā mātāpono Tiriti (section 4)

167. Section 4 directs that the Conservation Act shall so be interpreted and administered as to give effect to the principles of the Treaty of Waitangi. This obligation applies to the process of reclassifying stewardship land and to your decisions on each of the proposals.
168. **Partnership:** DOC has engaged with Treaty partners in good faith, fairly and reasonably, and honouring any previous commitments. The Western South Island region is within the Ngāi Tahu takiwā and also within the wider Areas of Interest of several Te Taihū iwi. We have provided reasonable opportunities for Ngāi Tahu and the identified Te Taihū iwi to provide input into the process, consistent with the section 4 directive.
169. **Informed Decision Making:** Both the Crown and Māori need to be well informed of the other's interests and views. The views provided by Ngāi Tahu and Te Taihū iwi are reflected in our advice and included in full for your consideration (Attachments D - F). In addition, you have agreed to meet with the Kaiwhakahaere and Ngāi Tahu mana whenua to discuss the notified reclassification proposals prior to making decisions. This ensures that you have sufficient information to fully understand the relevant interests of all Treaty partners and any implications of classification decisions on those interests, including your consideration as to whether any substantive outcomes might be required to protect those interests. Where appropriate, recommendations to that effect have been made in the section 49 summary of submissions report.
170. **Active Protection:** The Crown must actively protect Māori interests retained under the Treaty as part of the promises made in the Treaty for the right to govern. This includes the promise to protect tino rangatiratanga and taonga. This obligation is not absolute and unqualified, as this would be inconsistent with DOC's other statutory responsibilities and requires informed decision-making and judgement as to what is reasonable in the circumstances. The DOC recommendations include consideration as to whether any substantive outcomes might be required to protect those interests.
171. DOC has considered and given effect to the principles of the Treaty throughout the design and implementation of this process and in preparing the section 49 report and the associated DOC recommendations. This includes advice on how you will be able to give effect to Treaty principles in making your decisions.
172. Substantive outcomes for Treaty partners are evident in the process, for example:
- The 14 areas (181,381ha) proposed to be classified as the Tarahanga e Toru Historic (refer paragraphs 46-51) in addition to three other Māori cultural historic reserves.
 - Land withheld from notification due to its high cultural value and the perceived lack of an appropriate classification option (~175,000ha, refer paragraph 37).
 - Eight areas notified to be retained in stewardship due to the identified Treaty interests (7,927ha).
 - 9(2)(g)(i)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
173. Ngāi Tahu has indicated it is "deeply concerned" regarding DOC's interpretation of section 4, suggesting that decisions based on this interpretation are "open to being challenged legally". DOC disagrees and considers that the process undertaken to date follows the guidance of the Courts. However, it is recognised that there are both relationship and litigation risks posed by the differences of views in how section 4 is appropriately applied.
174. The *Ngāi Tai* decision is the leading case on the interpretation and application of section 4 (albeit in a concessions context). It recognised, among other things, that section 4 is a powerful

provision that should not be narrowly construed and that, while substantive outcomes for iwi may be necessary, section 4 does not operate as a veto.

175. Ngāi Tahu considers that section 4 is “the fundamental starting point in any reclassification decision”, and that section 4 should not be trumped by other conservation considerations or diluted by forming part of a balancing exercise against other relevant conservation considerations and objectives. Ngāi Tahu suggests that “if Ngāi Tahu interests cannot be accommodated through the reclassification, then the reclassification should not proceed”. In DOC’s view this is tantamount to a veto, which is clearly at odds with the *Ngāi Tai* decision. The purpose of the Conservation Act is to promote the conservation of New Zealand’s natural and historic resources. By section 10 of the Legislation Act 2019, this requires the meaning of the Act to be ascertained from its text and in light of its purpose and its content. Further, the *Broadcasting Assets* case recognised that whatever obligations sit with DOC, this does not mean those obligations are absolute or unqualified, and the protective steps which it is reasonable to take will change depending on the circumstances which exist at any particular time.
176. As this briefing makes clear, a number of recommendations have been made to you that give effect to section 4 by recognising the interests of Ngāi Tahu, while at the same time considering the conservation values of the areas proposed for reclassification. Equally, other recommendations seek to give effect to section 4 by recognising that the conservation values in question are so high as to warrant a classification that Ngāi Tahu is firmly opposed to. Yet, in agreeing with DOC’s recommendations in respect of both classes of decision, you will be giving appropriate effect to Treaty principles.

Consultation – Kōrero whakawhiti

177. In the lead up to your decisions, we will maintain regular cross-agency engagement with MBIE and the Ministry for Primary Industries. They are aware that you intend to make decisions on proposed classifications for Western South Island stewardship land, and that you will keep the Minister for Resources, Minister for Agriculture, and Minister for South Island/Hunting & Fishing informed. We also anticipate providing updates to the Minister of Finance, Minister for Infrastructure and the Prime Minister’s Office, as required.
178. Engagement with Ngāi Tahu has been undertaken according to your 2024 Agreement with the Kaiwhakahaere. This has included its review of the section 49 report.
179. We have engaged with Te Tauīhu iwi to facilitate their input on the reclassification proposals for Western South Island stewardship land.
180. We have maintained communication with key stakeholders, including NGOs, to inform them of your intention to begin making final decisions in the second quarter of 2025.

Financial implications – Te hīraunga pūtea

181. Delivering the operational work to prepare for decision-making is being financed out of DOC baseline funding. This includes financial remuneration for Treaty partners, as set out in the 2024 Ngāi Tahu Agreement and Te Tauīhu iwi Deeds of Grant.
182. Funding for implementation of most reclassification decisions can be sourced from baseline funding as it is not significant.
183. The process for disposal carries substantial costs associated with conservation values assessments, survey, valuation, legal fees, accredited agent fees, and other related costs (refer paragraph 160). Under current legislation, any receipts from the sale of the land go to the Crown account. In 2022, Cabinet agreed to amend legislation to enable proceeds from the sale of stewardship land to be directed to DOC to offset the costs associated with disposal, with any surplus proceeds returned to the Crown. However, under the current settings, the Department is likely to bear the costs of the process without receiving financial benefit.
184. Costs associated with disposal will vary pending your final decisions, and the scale of survey required. Most of the 68 disposal proposals will require some level of survey if approved. Survey costs can range from \$5,000 to \$80,000 depending on scale, complexity and the need for physical survey. With focused procurement of suppliers, we anticipate economies of scale compared to business-as-usual survey rates. DOC will be able to give an estimate of costs following your decisions.

Next steps – Ngā tāwhaitanga

185. DOC officials would like to meet with you to discuss the reclassification proposals, and the material included in this briefing.
186. Following your hui with the Kaiwhakahaere and Ngāi Tahu mana whenua, and subsequently informing your ministerial colleagues, we will draft a Cabinet paper for your consideration, and work with your office to lodge it with ECO.
187. Once the ECO Cabinet paper has progressed, enabling you to make final decisions, DOC will prepare a briefing for you on the options for future stewardship land reclassification work. This will include consideration of transition to a smaller scale BAU approach.

ENDS
