

Stewardship Land Reclassification

Summary of Submissions Report

Appendix 2: Kawatiri



Department of
Conservation
Te Papa Atawhai

New Zealand Government

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KAW_01 – Mōkihinui - Ward Street – 2807746

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Mōkihinui - Ward Street	KAW_01_2807746p	Disposal	Disposal	8	24

Conservation Values Report (CVR) Description

A 1.2502-ha area of beach, dune and grazed pasture at the rivermouth of the Mōkihinui River at the coastal end of the small settlement of Mōkihinui. There is little recreational use and a grazing licence is in place over part of the area. Historically, there have been European settlements in the area for gold and coal mining, and sawmilling.

Panel Recommendations

National Panel: Disposal should be considered as the identified ecological values are not considered sufficient to warrant ongoing management of this area as a whole by the Department. It is noted that the Department should give consideration to the presence of foreshore and coastal dune sections in the disposal process, retaining these areas as a local purpose (esplanade) reserve.

Mana Whenua Panel: Disposal, as the conservation area is highly modified into developed pasture and should not form part of public conservation land.

S.49(2)(d) Recommendation

- Proceed with the notified proposal, referring this area to the Department to investigate the suitability of disposal.

Summary of accepted submissions: Those submissions accepted as holding merit supported the proposed disposal investigation where there are no conservation values remaining. Also accepted were comments noting that this outcome is supported by the Mana Whenua Panel and reflects the perspectives of Ngāi Tahu.

Section 4 and Treaty principles: The Mana Whenua Panel supported the proposed classification, supported by submissions from Treaty partner organisations, on the grounds that the area is highly modified.

The Mana Whenua Panel have signalled specific Ngāi Tahu interests associated with this stewardship area, particularly that “a historic occupation site is in the vicinity of this conservation area”. Given the Mana Whenua Panel support for the notified classification, I consider the classification is not inconsistent with the identified interests.

Rationale: My assessment is that the pastoral components of the stewardship area hold low conservation values (highly modified, within a peri-urban habitat), and warrant further consideration as to the suitability of disposal. I note that any parts of the area identified to have substantive natural values (i.e. foreshore and coastal dune sections) are unlikely to pass the Conservation General Policy and legislative disposal tests.

Disposal - KAW_01_2807746p

Support

Ecology and Landscape (Allowed)

- Submissions stated they support disposal of stewardship land where there are no conservation values remaining, or agreed that the land did not hold any conservation values and was therefore suitable for disposal.

I recommend that these comments are accepted. The pastoral components of the stewardship area hold low conservation values (highly modified, within a peri-urban habitat), supporting a disposal investigation. I note that any parts of the area identified to have substantive natural values are unlikely to pass the Conservation General Policy and legislative disposal tests.

Treaty Considerations (Allowed)

- Submissions supported the recommendations of the Mana Whenua Panel on the basis that they reflect the rights and interests of mana whenua, recognise Ngāi Tahu's connection to their ancestral lands, and fulfil obligations under the Treaty of Waitangi.

I recommend that these comments are accepted. I note that the Mana Whenua Panel have supported the proposed disposal investigation. The modified nature of the pastoral components of this stewardship area justifies referring this area to the Department to investigate the suitability of disposal.

General (Allowed)

- Submissions expressed general support without providing further justification.

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area and no new material is raised, these submission points do not raise any matters for further consideration.

Other (Not Allowed)

- It was noted that disposals only form 0.01% of the stewardship land in the West Coast reclassification process.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Oppose

Access and Recreation (Allowed)

- Submitters opposed disposal based on concerns around loss of access to the coast, noting in particular that access needs may change as erosion occurs (e.g. "includes foreshore and sand dunes public access needs to be secure", "Reclassification of coastal areas as local purpose reserves for the purpose of providing access to the sea and to protect the coastal environment is appropriate for the coastal areas, allowing a buffer for imminent erosion").
- A submitter opposed disposal based on camping use of the area (e.g. "several of the sites proposed for disposal appear to have recreational and camping value in NZMCA's opinion. NZMCA submits that these sites should not be disposed of but rather re-classified as recreation reserves suitable for camping").
- Submitters objected to disposal on the grounds that this represents a loss of public access and ability for future generations to enjoy these areas, and expressed opposition to any disposal which means a loss of recreation opportunities such as angling or hunting.
- Submitters requested that "appropriate mechanisms are used to ensure existing and future public use is maintained or improved", or recommended classification as a local purpose reserve with purposes either river conservation, river access, or recreation access to "ensure public access is retained in perpetuity".

I recommend that these comments are accepted to the extent that I agree parts of the area (e.g. beach and dune) are used for access along the coast. However, it is my assessment that the sections recommended for disposal (modified pasture, within a peri-urban environment, described in the CVR as likely to have little recreational use) do not secure practical access to the coast and do not hold recreational values that warrant retention as public conservation land. Any areas of foreshore and coastal dune are unlikely to pass the legislative and Conservation General Policy disposal tests. I note that any potential disposal arising from the Departmental investigation will trigger the formation of marginal strips for qualifying waterbodies, which will be retained and protected as public conservation land.

Climate Change and Natural Hazards (Allowed)

- A submitter opposed disposal based on the area holding "opportunities for ecosystem restoration in response to flood events or coastal erosion".
- It was stated that disposal "will not assist with a reduction in emissions from agriculture".
- Submissions opposed the recommendation on the grounds that all public conservation land, even if modified/pasture, offers potential for climate change mitigation and adaption (e.g. "opportunities for flood/erosion buffering, or allowing room for natural river processes", "areas are so important for communities that they need to be kept by DOC for climate mitigation, not disposed of").

- A submitter noted that "in almost all cases these areas have historically been part of the riverbed, and the rivers need this buffer to be able to move around without causing damage to infrastructure and farming assets. As a corollary to that, the freeholding of land adjacent to riverbeds often results in additional rock protection work which constrains the river, and the natural processes at play. This often results in unintended consequences (often erosion at other sites)".
- Submitters also argued that modified land could be retained and restored to support carbon sequestration (e.g. "Disposal will forgo future carbon sequestration and climate mitigation").

I recommend that these comments are not accepted. The small size of the area (1.25 ha), its highly modified nature, and landscape context (within a peri-urban environment), limit the appropriateness and effectiveness of retaining it for ecosystem restoration and carbon sequestration. The low conservation values of the pastoral areas warrant investigation for disposal, however, the National Panel notes that the foreshore and coastal dune sections should be retained.

Ecology and Landscape (Allowed)

- Submitters opposed disposal based on ecological values (e.g. "retention of good opportunities for restoration of depleted indigenous ecosystems" and the area's potential for providing coastal habitat for penguins ("The tragedy of the 4.5km of coastline between Mōkihinui River and Mussel Rocks (...) is that almost all of it has no indigenous cover left, having been subsumed into farmland, fenced off right at the edge of the high tide mark, and now being eroded by sea level rise, and thence buffered from it by extensive, dug, sand banking. And where does this leave the penguins and their need for coastal habitat? No place for them to nest and rest and eat along this coastline").
- Submissions expressed opposition to any disposal of stewardship land on the grounds that even modified areas are likely to contain some natural values or indigenous species (juncus, carex etc), that areas near forests could easily revert to a natural state, or that even highly modified land holds opportunities for ecosystem regeneration and restoration (e.g. "disposal will lose the opportunity for regeneration and restoration"). A "precautionary policy" was recommended to hold conservation future options open.
- A submission recommended that waterways and wetlands would be better protected if adjacent land was retained, grazing excluded, and restoration/natural succession allowed to occur.
- Submissions opposed disposal of land by rivers on the grounds that so little remains in public conservation land (e.g. "poor ecological representation in existing protected areas").
- Submitters opposed disposal on riverbed and floodplains unless areas are "completely modified" and can be fenced off from waterways, or unless areas are small and landlocked and have no restoration potential.

I recommend that these comments are not accepted. The small size of the area (1.25 ha), its highly modified nature, and landscape context (within a peri-urban environment) limit the appropriateness and effectiveness of retaining it for restoration. The low conservation values of the pastoral areas warrant investigation for disposal, however, the National Panel notes that the foreshore and coastal dune sections should be retained. I note that any parts of the area identified to have substantive natural values are unlikely to pass the Conservation General Policy and legislative disposal tests.

Treaty Considerations (Allowed)

- One submission stated that "no stewardship land should be made available for disposal, except to tangata whenua; and only then with the need to maintain the block's cultural, conservation & mahika-kai values in their entirety".
- A submitter stated, "transfer ownership to local iwi".

I recommend that these comments are not accepted. The proposed disposal investigation was supported by the Mana Whenua Panel, and any potential disposal of land arising from the Departmental investigation will be subject to the rights of first refusal process as set out in the Ngāi Tahu Claims Settlement Act 1998. The highly modified area is unlikely to hold substantive "conservation & mahika-kai values".

General (Allowed)

- Submissions expressed opposition to disposal of any stewardship land in general terms, argued that public conservation land is best retained for future generations or future conservation purposes, expressed a desire for maximum environmental protection, or supported "a cautionary approach" and preference to retain land in Crown ownership.

I recommend that these comments are not accepted. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification.

Permissions, Economic Factors and Land Use (Not Allowed)

- A submitter opposed disposal as the land is “unusable (as ocean or river) and should remain in Crown ownership”.
- Submitters raised concerns that disposal of part of the area would require subdivision with associated costs. One submitter concluded, “when costs to investigate, survey and create new parcels are considered, the costs may outweigh any small benefit and it may be simpler to reclassify the two parcels including foreshore and dunes as local purpose reserve as described”.
- A submitter expressed concern that change in status or disposal will affect the existing access, noting that grazing occurs on the site.
- Submissions recommended consideration of potential productivity and whether the land could be used to support future food security.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Process and Consultation (Not Allowed)

- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.
- It was noted that “proposed disposals do not give even a general indication where disposal boundaries might be”, making it difficult for submitters to comment.

It was suggested that there should be less focus on present values and more weight given to potential conservation value, as per the Conservation General Policy 6(c) and the Conservation Act requirement to safeguard options for future generations. It was recommended that the reclassification framework should include a “future conservation use” designation to hold land for future conservation requirements.

- A submitter noted that “there is no requirement” that land with low conservation values is disposed of, expressing opposition to any disposal of riverbed or pastoral land in public ownership.
- A submitter stated that “The National Panel is recommending 65 hectares for disposal, but has recommended up to an additional 1000 hectares of land may be disposed of where there is pastoral land alongside river conservation areas (subject to survey). This is not explained or justified”.
- A submitter advocated for the proposed classification to be revised, stating that “conservation values alone must determine recommended classifications, and recreation and use values are not conservation values”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- Submitters raised concerns that people had modified land without a concession, i.e. “encroached on public conservation land” and suggested that land should not be disposed of in these instances.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Climate Change and Natural Hazards (Allowed)

- A submitter stated that no land should be disposed of if there is potential for restoration or carbon sequestration, and that riverbeds and adjacent land should be retained for flood retention, with no grazing permitted.

I recommend that these comments are not accepted. The small size of the area (1.25 ha), its highly modified nature, and landscape context (within a peri-urban environment) limit the appropriateness and effectiveness of retaining it for ecosystem restoration and carbon sequestration. The low conservation values of the pastoral areas warrant investigation for disposal, however, the National Panel notes that the foreshore and coastal dune sections should be retained.

General (Allowed)

- Submissions advocated generally for all national parks, forest parks, scenic reserves, and stewardship land to be protected from development.

I recommend that these comments are not accepted. The legislation does not provide for absolute protection from development – rather it contemplates that some activities may be acceptable and provides a mechanism for authorising such activities, through the grant of concessions. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification.

Other (Not Allowed)

- One submission noted that disposal of land will be subject to the Heritage New Zealand Pouhere Taonga Notification Process for Disposal of Crown-owned Land.
- One submission suggested any funds from land sold should go to the Nature Heritage Fund.

As I have recommended these comments are not allowed, I recommend they are not accepted.

KAW_02 – Mōkihinui River – 2807738

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Mōkihinui River	KAW_02_2807738q	Scenic Reserve (a)	Neutral	11	5

Conservation Values Report Description

A 5.8481-ha area with a mix of tall forest and seral riparian forest adjacent to other natural areas and pasture. This area is at low altitude (0-40 m above sea level) and at the junction of three ecological districts; Karamaea, Kawatiri and Wangapeka. The Mōkihinui area was the site of two main gold rushes. Mōkihinui River nearby is enjoyed for kayaking, swimming, and its high landscape value as background to the iconic Warrigal Island.

Panel Recommendations

National Panel: Scenic reserve (a), to preserve the identified ecological values and landscape values, and protect any identified historic or archaeological features, while providing for recreational use of the area.

Mana Whenua Panel: Neutral.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of scenic reserve.

Summary of accepted submissions: Those submissions accepted as holding merit supported the notified classification as providing for ongoing recreational access, offering sufficient protection in the context of climate change, and reflecting the notable natural and historic resources present.

Section 4 and Treaty principles: The Mana Whenua Panel did not oppose the proposed classification.

No specific Ngāi Tahu interests were raised for consideration by the Mana Whenua Panel for this stewardship area. I acknowledge statements of the Mana Whenua Panel that “there is a deep connection between Ngāi Tahu and all of the whenua in the Ngāi Tahu takiwā, and the absence of site-specific values in the preliminary analysis does not detract from that connection, nor does it confirm that site-specific values are not present.”

Rationale: My conclusion is that the proposed classification will appropriately promote the conservation of the natural and historic resources present (e.g. indigenous podocarp/beech forest).

Scenic Reserve (a) - KAW_02_2807738q

Support

Access and Recreation (Allowed)

- A submitter supported the proposed classification on recreational grounds and noted that this parcel can be accessed by “floating the rapids upstream”, which is done frequently by visitors mainly in summer.

I recommend that these comments are accepted. They hold merit under the Conservation Act as they support promotion of recreation that is not inconsistent with the preservation of the natural and historic resources present. The notified scenic reserve classification provides for the public to have freedom of entry and access to the reserve, subject to conditions necessary for the protection and well-being of the reserve and the public themselves, as per Section 19(2)(b) of the Reserves Act 1977.

Climate Change and Natural Hazards (Allowed)

- A submitter supported the proposed classification as offering a high level of protection “in light of the impacts of climate change”.

I recommend that these comments are accepted. I agree that the protection of the existing natural resources present is of increasing importance when considering the need for climate mitigation. Classification as scenic reserve will support this

outcome. The relevance of this factor for reclassification decisions is evident when the future-focused elements in the definition of conservation are considered, including, “safeguarding the options of future generations” in relation to ‘natural resources’, “the air, water and soil in or on which any plant or animal lives or may live”, and in relation to ‘protection’ of a resource, “restoration to some former state and its augmentation, enhancement, or expansion” (Conservation Act 1987, s. 2).

Ecology and Landscape (Allowed)

- A submitter supported the proposed classification, noting the area’s scenic value and stating, “the importance of this in maintaining the scenic beauty and natural character of the area cannot be stressed enough” and that the area is a rare example of its type so needs “strong protection”.

I recommend that these comments are accepted. I agree that the natural resources identified in these comments are appropriately protected and preserved by the proposed classification. Under a scenic reserve classification “indigenous flora and fauna, ecological associations, and natural environment and beauty shall as far as possible be preserved” (Reserves Act 1977, s. 19(2)(a)).

Historic and Cultural Values (Allowed)

- A submitter supported the classification noting the “rich history of coalmining in the area” and the proximity of the area to one of the first coal mines in New Zealand. The submitter also stated that there was a “waka kereru” uplifted from a stream nearby that now sits at Arahura Marae.

I recommend that these comments are accepted. I agree that the historic resources identified in these comments are appropriately protected and preserved by the proposed classification. Under a scenic reserve classification “where historic, archaeological, geological, biological, or other scientific features are present in the reserve, those features shall be managed and protected to the extent compatible with the principal or primary purpose of the reserve” (Reserves Act 1977, s. 19(2)(a)).

General (Allowed)

- Submissions expressed general support for the proposed classification, referencing the “information in the technical reports”, or without providing further justification.
- A submitter noted their preference for all stewardship land to be reclassified at the highest possible level based on its “high cultural conservation value”.

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area and no new material is raised, these submission points do not raise any matters for further consideration.

Oppose

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions opposed reclassification as scenic reserve, noting that though it does not prohibit mining, it adds extra restrictions with consequent negative economic benefits, suggesting that retaining the land in stewardship or reclassifying it as a conservation park provides adequate legal protection while allowing commercial activities to be considered on a case-by-case basis.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Process and Consultation (Not Allowed)

- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- A submission opposed all reclassification of stewardship land to specially protected areas unless it was purchased by the Nature Heritage Fund for the purpose of adding it to a national park.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submissions were concerned whether the proposed classification allows for hunting, fishing and “provision for public access”, and stated that any classification should explicitly provide for these activities.

I recommend that these comments are not accepted. Insufficient information is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification. The proposed classification does not prohibit public access for the activities, if authorised (for example in a hunting permit). Authorisation of such activities involves a separate decision-making process, the outcome of which would depend on effects on the conservation values present rather than the proposed land classification.

General (Allowed)

- Submissions advocated generally for all national parks, forest parks, scenic reserves, and stewardship land to be protected from development.

I recommend that these comments are not accepted. The legislation does not provide for absolute protection from development – rather it contemplates that some activities may be acceptable and provides a mechanism for authorising such activities, through the grant of concessions. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification.

Permissions, Economic Factors and Land Use (Not Allowed)

- Submitters were concerned that a change in status or disposal of the area would affect current permissions and “existing right of way access” including the grazing that occurs on the site.

As I have recommended these comments are not allowed, I recommend they are not accepted.

KAW_02 – Burkes Creek – 2807751

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Burkes Creek	KAW_02_2807751r	Stewardship	Stewardship	7	11

Conservation Values Report Description

A 0.8637-ha area with a mix of tall forest and seral riparian forest adjacent to other natural areas and pasture. This area is at low altitude (0-40 m above sea level) and at the junction of three ecological districts; Karamea, Kawatiri and Wangapeka. This area is covered by a Species Management Unit for protection of the threatened large land snail *Powelliphanta lignaria* and there is an access easement through the area. The Mōkihinui area was the site of two main gold rushes. Mōkihinui River immediately beside this area is enjoyed for kayaking, swimming, and its high landscape value as background to the iconic Warrigal Island.

Panel Recommendations

National Panel: Retain in stewardship. This is because the area has Māori cultural values that are not accommodated by the current classification options. We recognise that this area also supports multiple other values that can be accommodated in the existing framework. Accordingly, we recommend that the existing classifications are amended to recognise Māori cultural values.

Mana Whenua Panel: Retain as stewardship land to enable further assessment of the values and opportunities of this land for Ngāi Tahu.

S.49(2)(d) Recommendation

- Proceed with the notified proposal, retaining the area in stewardship.

Summary of accepted submissions: Those submissions ‘accepted’ as holding merit supported retaining the area in stewardship to recognise Ngāi Tahu interests or expressed general support for the proposal.

Section 4 and Treaty principles: The Mana Whenua Panel supported the notified proposal, supported by submissions from Treaty partner organisations. The Mana Whenua Panel have signalled interests associated with this stewardship area, particularly that “Ngāi Tahu may have future aspirations for this land and so those aspirations must be assessed, recognised, considered and provided for”, “further assessment of the values and opportunities of this land for Ngāi Tahu is required” and “taking further time to assess this land is consistent with Section 4 of the Conservation Act and the Treaty principles of informed decision making and active protection”.

Under Section 4 of the Act, reasonable steps must be taken to actively protect relevant Treaty partner values and interests. This obligation is not absolute and unqualified, however. Active protection requires you to properly understand the nature of the interests claimed and to reconcile that material with any wider or competing rights or interests, and to make informed decisions that are reasonable in the circumstances.

My assessment, considering submissions accepted, is that it is reasonable in the circumstances to retain this area in stewardship to further explore Ngāi Tahu interests and aspirations, including what Treaty principles may require. I note that any further work will be undertaken in a manner consistent with Treaty principles.

Rationale: I have concluded based on those submissions accepted, and considering the identified Ngāi Tahu interests, that it is appropriate to retain the area in stewardship at this time. I note that as stewardship land the area will remain protected until an appropriate classification is determined.

Retain in Stewardship - KAW_o2_2807751r

Support

Treaty Considerations

- Submissions supported the position of the Mana Whenua Panel on the basis that their recommendations reflect the rights and interests of mana whenua, and recognise Ngāi Tahu's connection to their ancestral lands" (e.g. "by adopting the recommendations of the Mana Whenua Panel the Minister will give effect to the principles of the Treaty of Waitangi").
- A submitter stated support for the land to remain in stewardship "to enable further assessment of Ngāi Tahu interests relating to forestry (particularly where adjacent to Ngāi Tahu Forestry owned land) and pounamu".

I recommend that these comments are accepted. My assessment, considering submissions accepted, is that it is reasonable in the circumstances to retain this area in stewardship to further explore Ngāi Tahu interests and aspirations, including what Treaty principles may require.

General

- Submissions stated support for the proposed classification or agreement with the Mana Whenua Panel without providing further justification.

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area and no new material is raised, these submission points do not raise any matters for further consideration.

Permissions, Economic Factors and Land Use

- Submissions advocated for retaining the area in stewardship or reclassifying it as a conservation park, suggesting these classifications provide "more than adequate legal protection".
- A submitter stated support for the recommendation, expressing concern that change in status or disposal will affect the existing access and noting that grazing currently occurs on the site.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Oppose

Access and Recreation

- Submitters opposed the recommendation, noting that public access to the Mōkihinui River "is valued here" (e.g. "a fun swim frequently done by the many visitors there, mainly through summer") and stating that any reclassification must ensure public access is available between the road and the river across this parcel.

I recommend that these comments are not accepted. Although I agree that recreational values are present, my assessment, considering submissions accepted, is that it is reasonable in the circumstances to retain this area in stewardship to further explore Ngāi Tahu interests and aspirations, including what Treaty principles may require. I note that as stewardship land the area, and public access to it, will remain protected until an appropriate classification is determined.

Ecology and Landscape

- Submitters opposed the recommendation based on concerns that retaining land in stewardship would not sufficiently protect the notable ecological and scenic values.
- Submitters advocated for higher protection to provide buffering for the Mōkihinui River and Burkes Creek, noted the presence of "naturally uncommon ecosystems (including dunes and wetlands) and depleted ecosystems (in relatively good condition)", and described the rich forest biodiversity (e.g. "Generally the area is practically impenetrable thick supplejack and kiekie protecting some beautiful large specimens of kahikatea, toru, kāmahī and red beech. There are also nikau palms and very large and towering Dicksonia and mamaku tree ferns. Both parcels are H1.1 rare, which rarity is important to protect, therefore these parcels need strong protection"). Scenic reserve or local purpose (river conservation for ecological reasons) reserve were proposed as more suitable classifications.

I recommend that these comments are not accepted. Although I agree that the area holds ecological value, my assessment, considering submissions accepted, is that it is reasonable in the circumstances to retain this area in stewardship to further explore Ngāi Tahu interests and aspirations, including what Treaty principles may require. I note that as stewardship land the area will remain protected until an appropriate classification is determined.

Historic and Cultural Values

- A submitter noted that “historic sites are not recorded as being present, or are present only at small discrete parts of the land parcel”, and that “historic/cultural values appear to be principally experiential (e.g. an historic route)”.
- Another submitter in opposition to the recommendation commented that the report does not describe the heritage values, and noted that “there is a rich history of coalmining in the area, with parcel (1) being adjacent to, or directly opposite of, one of the earliest coalmines in colonial New Zealand. Site records include L28-36 - Mōkihinui-Seddonville Railway Line. This has been omitted from this report”.

I recommend that these comments are not accepted. My assessment, considering submissions accepted, is that it is reasonable in the circumstances to retain this area in stewardship to further explore Ngāi Tahu interests and aspirations, including what Treaty principles may require. I note that as stewardship land the area will remain protected until an appropriate classification is determined.

Treaty Considerations

- Submitters in opposition noted that the report does not identify what the Ngāi Tahu values referred to are or why they would be insufficiently protected by another classification, commenting that “it serves no purpose for a reclassification exercise to not reclassify with no convincing reason given”.
- A submitter in opposition noted that the recommendation’s basis (i.e. that Māori cultural options are not being accommodated by the existing framework) suggests that the Panels “appear to be recommending an amendment to the relevant Acts which would be beyond the scope of the Panels’ Terms of Reference”.

I recommend that these comments are not accepted. My assessment, considering submissions accepted, is that it is reasonable in the circumstances to retain this area in stewardship to further explore Ngāi Tahu interests and aspirations, including what Treaty principles may require. I note that potential changes to management or legislative frameworks are not the subject of the notified classification proposal.

General

- Submissions opposed retaining any land in stewardship, describing it as a “meaningless recommendation”.
- A submitter stated that the area’s recommended to retain in stewardship should be revisited and given adequate protection based on the conservation value of the land.

I recommend that these comments are not accepted. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area and no new material is raised for further consideration.

Permissions, Economic Factors and Land Use

- Submitters expressed concern that retaining the area as stewardship land exposes it to risk of activities such as mining or being swapped out of the conservation estate (e.g. “without rigorous protection from the environmental impacts of those industries”).

As I have recommended these comments are not allowed, I recommend they are not accepted.

Process and Consultation

- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Access and Recreation

- Submitters were concerned with ensuring that free public access, hunting and fishing can continue.

I recommend that these comments are not accepted. Insufficient information is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification. The proposed classification does not prohibit public access for the activities, if authorised (for example in a hunting permit). Authorisation of such activities involves a separate decision-making process, the outcome of which would depend on effects on the conservation values present rather than the proposed land classification.

General

- One submission advocated generally for all national parks, forest parks, scenic reserves and stewardship land to be protected from development.

I recommend that these comments are not accepted. The legislation does not provide for absolute protection from development – rather it contemplates that some activities may be acceptable and provides a mechanism for authorising such activities, through the grant of concessions. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area and no new material is raised which supports reconsideration of the notified classification.

KAW_03 – Seddonville - Mōkihinui Road – 2807749

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Seddonville - Mōkihinui Road	KAW_03_2807749s	Recreation Reserve	Recreation Reserve	12	4

Conservation Values Report Description

A 0.2032-ha area of primarily rough pasture and a building, which was formerly Seddonville Bowling Club and clubrooms. There is a community agreement to use the space as bowling green, but there has been no upkeep of the building or grounds, and no current recreational use. Seddonville has a strong coalmining history, including in state socialism.

Panel Recommendations

National Panel: Recreation reserve, to appropriately protect the identified ecological values whilst providing for recreational use of the area.

Mana Whenua Panel: Supports the Western South Island National Panel's recommendation.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of recreation reserve.

Summary of accepted submissions: Those submissions accepted as holding merit supported the notified classification as appropriately protecting the historic resources present and offering sufficient protection in the context of climate change. Also accepted were comments noting that this outcome is supported by the Mana Whenua Panel and reflects the perspectives of Ngāi Tahu.

Section 4 and Treaty principles: The Mana Whenua Panel supported the proposed classification, supported by submissions from Treaty partner organisations.

No specific Ngāi Tahu interests were raised for consideration by the Mana Whenua Panel for this stewardship area. I acknowledge statements of the Mana Whenua Panel that "there is a deep connection between Ngāi Tahu and all of the whenua in the Ngāi Tahu takiwā, and the absence of site-specific values in the preliminary analysis does not detract from that connection, nor does it confirm that site-specific values are not present."

Rationale: My conclusion is that the natural resources present are appropriately protected by the proposed classification (e.g. small area of rough pasture, and Seddonville has a strong coalmining history) while also reflecting the public access and recreational features present.

Recreation Reserve - KAW_03_2807749s

Support

Climate Change and Natural Hazards (Allowed)

- A submitter supported the proposed classification as offering a high level of protection "in light of the impacts of climate change".

I recommend that these comments are accepted. I agree that the protection of the existing natural resources present is of increasing importance when considering the need for climate mitigation. Classification as recreation reserve will support this outcome, to the extent compatible with the identified primary purpose. The relevance of this factor for reclassification decisions is evident when the future-focused elements in the definition of conservation are considered, including, "safeguarding the options of future generations" in relation to 'natural resources', "the air, water and soil in or on which any plant or animal lives or may live", and in relation to 'protection' of a resource, "restoration to some former state and its augmentation, enhancement, or expansion" (Conservation Act 1987, s. 2).

Historical and Cultural Values (Allowed)

- A submitter supported the proposed classification and recognised the area has historical values relating to coalmining, including a recorded heritage site L28-36.

I recommend that these comments are accepted. My view is that the historic resources identified in these comments are consistent with those described in the CVR (e.g. Seddonville has a strong coalmining history), and they are appropriately protected and preserved by the proposed classification. Under the proposed classification, “where scenic, historic, archaeological, biological, geological, or other scientific features or indigenous flora or fauna or wildlife are present on the reserve, those features or that flora or fauna or wildlife shall be managed and protected to the extent compatible with the principal or primary purpose of the reserve” (Reserves Act 1977, s. 17(2)(b)).

Treaty Considerations (Allowed)

- The recommendation of the Mana Whenua Panel was supported on the basis that it reflects “the values, interests, and perspectives of the Papatipu Rūnanga in whose Takiwā the relevant land is located”, and that adopting the recommendations of the Mana Whenua Panel would give effect to the principles of the Treaty.
- Submissions supported the recommendations of the Mana Whenua Panel on the basis that they reflect the rights and interests of mana whenua, recognise Ngāi Tahu’s connection to their ancestral lands, and fulfil obligations under the Treaty of Waitangi.

I recommend that these comments are accepted. I note that the Mana Whenua Panel have supported the proposed recreation reserve. I agree that natural resources present are appropriately protected by the proposed classification when also considering the public access and recreational features present.

General (Allowed)

- Submissions expressed general support for the proposed classification, referencing the “information in the technical reports”, or without providing further justification.
- A submitter noted their preference for all stewardship land to be reclassified at the highest possible level based on its “high cultural conservation value”.

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area and no new material is raised, these submission points do not raise any matters for further consideration.

Permissions, Economic Factors and Land Use (Not Allowed)

- A submitter supports the mana whenua recommendation but has concerns that a “change in status or disposal will affect the existing access” and grazing that occurs on site.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Oppose

Process and Consultation (Not Allowed)

- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- A submission opposed all reclassification of stewardship land to specially protected areas unless it was purchased by the Nature Heritage Fund for the purpose of adding it to a national park.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submissions were concerned whether the proposed classification allows for hunting, fishing and “provision for public access”, and stated that any classification should explicitly provide for these activities.

I recommend that these comments are not accepted. Insufficient information is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification. The proposed classification does not prohibit public access for the activities, if authorised (for example in a hunting permit). Authorisation of such activities involves a separate decision-making process, the outcome of which would depend on effects on the conservation values present rather than the proposed land classification.

KAW_04 – Miko - Radcliffe Ridge – 2807739

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Miko - Radcliffe Ridge	KAW_04_2807739t	Ecological Area	Neutral	15	5

Conservation Values Report Description

A 358.4954-ha area of indigenous forest on the dissected western slopes of the northern Radcliffe Ridge within the Ngakawau Ecological District. The most accessible lower slopes have been logged for rimu, while the upper slopes are intact. The eastern side borders the Radcliffe Ecological Area and the southern end the Ngakawau Ecological Area. There are healthy and diverse bird populations. There is no formed public access to the block, but the area has pigs and goats and is likely to be used for pig-hunting.

Panel Recommendations

National Panel: Ecological area, to reflect the identified values and to rationalise the boundary of the existing Radcliffe Ecological Area and to improve landscape continuity.

Mana Whenua Panel: Neutral.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of ecological area.

Summary of accepted submissions: Those submissions accepted as holding merit supported the notified classification, suggesting it offers sufficient protection in the context of climate change and reflects the high ecological values present.

Section 4 and Treaty principles: The Mana Whenua Panel did not oppose the proposed classification.

No specific Ngāi Tahu interests were raised for consideration by the Mana Whenua Panel for this stewardship area. I acknowledge statements of the Mana Whenua Panel that “there is a deep connection between Ngāi Tahu and all of the whenua in the Ngāi Tahu takiwā, and the absence of site-specific values in the preliminary analysis does not detract from that connection, nor does it confirm that site-specific values are not present.”

Rationale: My conclusion is that the proposed classification will appropriately protect the conservation of the natural and historic resources present (e.g. indigenous forest, *Powelliphanta lignaria johnstoni* population) and provide consistency with the adjacent ecological areas.

Ecological Area - KAW_04_2807739t

Support

Climate Change and Natural Hazards (Allowed)

- A submitter supported the proposed classification as offering a high level of protection “in light of the impacts of climate change”.
- Submissions expressed strong support, stating that classifications that provide strong environmental protection are particularly important in light of the impacts of climate change, referencing recent flooding in the West Coast and Nelson regions.

I recommend that these comments are accepted. I agree that the protection of the existing natural resources present is of increasing importance when considering the need for climate mitigation. Classification as an ecological area will support this outcome. The relevance of this factor for reclassification decisions is evident when the future-focused elements in the definition of conservation are considered, including, “safeguarding the options of future generations” in relation to ‘natural resources’, “the air, water and soil in or on which any plant or animal **lives** or may live”, and in relation to ‘protection’ of a resource, “restoration to some former state and its augmentation, enhancement, or expansion” (Conservation Act 1987, s. 2).

Ecology and Landscape (Allowed)

- A submitter supported the proposed classification noting nearby areas which have been ecologically damaged and stating that "it is imperative that some of those type locality forests are retained to enlarge the Radcliffe Ridge Ecological Area".
- A submitter supported the proposed classification because it shares its long eastern boundary and values with the Radcliffe Ecological Area, noting the area "supports a diverse common forest avifauna as well as threatened species", which includes the "endemic large land snail *Powelliphanta lignaria johnstoni*".
- A submitter supported the recommendation noting "beech and southern rata present, good numbers of bush birds and threatened species e.g. roroa, *Powelliphanta* snails, long tailed bat and red mistletoe are all present".

I recommend that these comments are accepted. They provide site-specific details regarding the natural resources present which are consistent with those described in the CVR (e.g. indigenous beech/podocarp forest, *Powelliphanta lignaria johnstoni* (Nationally Endangered) population). My view is that the proposed classification will appropriately promote their protection and preservation and provide consistency with the adjacent ecological areas.

General (Allowed)

- Submissions expressed general support for the proposed classification, referencing the "information in the technical reports", or without providing further justification.
- A submitter noted their preference for all stewardship land to be reclassified at the highest possible level based on its "high cultural conservation value".

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area and no new material is raised, these submission points do not raise any matters for further consideration.

Oppose

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions opposed reclassification as an ecological area, noting that though it does not prohibit mining, it adds extra restrictions with consequent negative economic benefits, suggesting that retaining the land in stewardship or reclassifying it as a conservation park provides adequate legal protection while allowing commercial activities such as mining to be considered on a case-by-case basis.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Process and Consultation (Not Allowed)

- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- One submission opposed any reclassification of stewardship land to specially protected areas unless the land was specifically purchased by the Nature Heritage Fund for the purpose of adding it to a national park.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submitters queried or were concerned with ensuring that any reclassification provides explicitly for access, sports fishing and gamebird hunting.

I recommend that these comments are not accepted. The submission does not identify how the potential for hunting and fishing is relevant to decision-making on classification of the area, and no new material is raised which supports reconsideration of the notified classification. It should be noted that the proposed classification does not prohibit public

access for the proposed activities, or the activities themselves when appropriately authorised (for example under a hunting permit), where consistent with preservation of the conservation values present.

KAW_05 – Frank Stream – 2807740

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Frank Stream	KAW_05_2807740u	Ecological Area	Neutral	14	4

Conservation Values Report Description

A 139.2409-ha area of poorly drained slopes with a mosaic of low yellow silver forest and scrub on the lower eastern slopes of Radcliffe Ridge. The area is of national and regional heritage significance, and the sites represent two important industries linked to the development of West Coast communities and economy: timber milling and coal mining.

Panel Recommendations

National Panel: Ecological area, to appropriately reflect the identified values and to rationalise the boundary of the existing Radcliffe Ecological Area, and to improve landscape continuity.

Mana Whenua Panel: Neutral.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of ecological area.

Summary of accepted submissions: Those submissions accepted as holding merit supported the notified classification, suggesting it offers sufficient protection in the context of climate change and reflects the high ecological values present.

Section 4 and Treaty principles: The Mana Whenua Panel did not oppose the proposed classification.

No specific Ngāi Tahu interests were raised for consideration by the Mana Whenua Panel for this stewardship area. I acknowledge statements of the Mana Whenua Panel that “there is a deep connection between Ngāi Tahu and all of the whenua in the Ngāi Tahu takiwā, and the absence of site-specific values in the preliminary analysis does not detract from that connection, nor does it confirm that site-specific values are not present.”

Rationale: My conclusion is that the proposed classification will appropriately protect the conservation of the natural and historic resources present (e.g. regenerating rimu and a diversity of forest avifauna) and provide consistency with the surrounding Radcliffe Ecological Area.

Ecological Area - KAW_05_2807740u

Support

Climate Change and Natural Hazards (Allowed)

- A submitter supported the proposed classification as offering a high level of protection “in light of the impacts of climate change”.
- Submissions expressed strong support, stating that classifications that provide strong environmental protection are particularly important in light of the impacts of climate change, referencing recent flooding in the West Coast and Nelson regions.

I recommend that these comments are accepted. I agree that the protection of the existing natural resources present is of increasing importance when considering the need for climate mitigation. Classification as an ecological area will support this outcome. The relevance of this factor for reclassification decisions is evident when the future-focused elements in the definition of conservation are considered, including, “safeguarding the options of future generations” in relation to ‘natural resources’, “the air, water and soil in or on which any plant or animal lives or may live”, and in relation to ‘protection’ of a resource, “restoration to some former state and its augmentation, enhancement, or expansion” (Conservation Act 1987, s. 2).

Ecology and Landscape (Allowed)

- A submitter supported the proposed classification based on the area's high values, including ecological values such as "amazingly rich forest of birdlife, including lots of fernbirds in the headhigh umbrella ferns", and historical values associated with mining and colonial settlement.
- A submitter supported the proposed classification stating that this classification is needed to "protect identified scientific and ecological values and rationalise the boundary of Radcliffe Ecological Area".
- A submitter supported the proposed classification on ecological grounds noting that "wetlands are present" that have populations of "fernbird, also kaka, kea and yellow crowned parakeet".

I recommend that these comments are accepted. They provide site-specific details regarding the natural resources present which are consistent with those described in the CVR (e.g. regenerating rimu and a diversity of forest avifauna). My view is that the proposed classification will appropriately promote their protection and preservation and provide consistency with the surrounding Radcliffe Ecological Area.

General (Allowed)

- Submissions expressed general support for the proposed classification, referencing the "information in the technical reports", or without providing further justification.
- A submitter noted their preference for all stewardship land to be reclassified at the highest possible level based on its "high cultural conservation value".

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area and no new material is raised, these submission points do not raise any matters for further consideration.

Oppose

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions opposed reclassification as an ecological area, noting that though it does not prohibit mining, it adds extra restrictions with consequent negative economic benefits, suggesting that retaining the land in stewardship or reclassifying it as a conservation park provides adequate legal protection while allowing commercial activities such as mining to be considered on a case-by-case basis.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Process and Consultation (Not Allowed)

- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- One submission opposed any reclassification of stewardship land to specially protected areas unless the land was specifically purchased by the Nature Heritage Fund for the purpose of adding it to a national park.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submitters queried or were concerned with ensuring that any reclassification provides explicitly for access, sports fishing and gamebird hunting.

I recommend that these comments are not accepted. The submission does not identify how the potential for hunting and fishing is relevant to decision-making on classification of the area, and no new material is raised which supports reconsideration of the notified classification. It should be noted that the proposed classification does not prohibit public

access for the proposed activities, or the activities themselves when appropriately authorised (for example under a hunting permit), where consistent with preservation of the conservation values present.

Permissions, Economic Factors and Land Use (Not Allowed)

- A submitter noted that they hold coal mining permits over the area that are not accurately recorded in the CVRs.

As I have recommended these comments are not allowed, I recommend they are not accepted.

KAW_05 – Seddonville – 2807741

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Seddonville	KAW_05_2807741v	Ecological Area	Neutral	15	5

Conservation Values Report Description

A 109.5997-ha area of hill country immediately adjacent to the pastures now occupying the Mōkihinui River flats, southwest of Seddonville. It includes a portion of the State Mine Hill Species Management Unit, managed for the longterm persistence of *Powelliphanta lignaria rotella*. The area is of national and regional heritage significance, and the sites represent two important industries linked to the development of West Coast communities and economy: timber milling and coal mining.

Panel Recommendations

National Panel: Ecological area, to appropriately reflect the identified values and to rationalise the boundary of the existing Radcliffe Ecological Area, and to improve landscape continuity.

Mana Whenua Panel: Neutral.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of ecological area.

Summary of accepted submissions: Those submissions accepted as holding merit supported the notified classification, suggesting it offers sufficient protection in the context of climate change, reflects the high ecological values and recognises the historical values present.

Section 4 and Treaty principles: The Mana Whenua Panel did not oppose the proposed classification.

No specific Ngāi Tahu interests were raised for consideration by the Mana Whenua Panel for this stewardship area. I acknowledge statements of the Mana Whenua Panel that “there is a deep connection between Ngāi Tahu and all of the whenua in the Ngāi Tahu takiwā, and the absence of site-specific values in the preliminary analysis does not detract from that connection, nor does it confirm that site-specific values are not present.”

Rationale: My conclusion is that the proposed classification will appropriately protect the conservation of the natural and historic resources present (e.g. diversity of common forest avifauna, population of *Powelliphanta lignaria rotella*) and provide consistency with the adjacent Radcliffe Ecological Area.

Ecological Area - KAW_05_2807741v

Support

Climate Change and Natural Hazards (Allowed)

- A submitter supported the proposed classification as offering a high level of protection “in light of the impacts of climate change”.
- Submissions expressed strong support, stating that classifications that provide strong environmental protection are particularly important in light of the impacts of climate change, referencing recent flooding in the West Coast and Nelson regions.

I recommend that these comments are accepted. I agree that the protection of the existing natural resources present is of increasing importance when considering the need for climate mitigation. Classification as an ecological area will support this outcome. The relevance of this factor for reclassification decisions is evident when the future-focused elements in the definition of conservation are considered, including, “safeguarding the options of future generations” in relation to ‘natural resources’, “the air, water and soil in or on which any plant or animal lives or may live”, and in relation to ‘protection’ of a resource, “restoration to some former state and its augmentation, enhancement, or expansion” (Conservation Act 1987, s. 2).

Ecology and Landscape (Allowed)

A submitter supported the proposed classification based on the area's high ecological values which include "amazingly rich forest of birdlife, including lots of fernbirds in the headhigh umbrella ferns".

- A submitter supported the proposed classification noting that this area is "the only natural ecosystem of riverflats remaining of the Seddonville flats", and stating that this classification is needed to "protect identified scientific and ecological values and rationalise the boundary of Radcliffe Ecological Area".
- A submitter supported the classification noting the flora and fauna and stating that the area "provides habitat for the endangered *Powelliphanta lignaria rotella*".

I recommend that these comments are accepted. They provide site-specific details regarding the natural resources present which are consistent with those described in the CVR (e.g. diversity of common forest avifauna, population of *Powelliphanta lignaria rotella*). My view is that the proposed classification will appropriately promote their protection and preservation and provide consistency with the Radcliffe Ecological Area.

Historic and Cultural Values (Allowed)

- A submitter supported the proposed classification, recognising the historical value of this area related to coal mining and certain colonial features, such as "a suspension bridge high above Chasm Creek".

I recommend that these comments are accepted. Classification as an ecological area will protect heritage values to the extent compatible with the identified value for which it is held (Conservation Act 1987, s. 21).

General (Allowed)

- Submissions expressed general support for the proposed classification, referencing the "information in the technical reports", or without providing further justification.
- A submitter noted their preference for all stewardship land to be reclassified at the highest possible level based on its "high cultural conservation value".

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area and no new material is raised, these submission points do not raise any matters for further consideration.

Oppose

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions opposed reclassification as an ecological area, noting that though it does not prohibit mining, it adds extra restrictions with consequent negative economic benefits, suggesting that retaining the land in stewardship or reclassifying it as a conservation park provides adequate legal protection while allowing commercial activities such as mining to be considered on a case-by-case basis.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Process and Consultation (Not Allowed)

- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- One submission opposed any reclassification of stewardship land to specially protected areas unless the land was specifically purchased by the Nature Heritage Fund for the purpose of adding it to a national park.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submitters queried or were concerned with ensuring that any reclassification provides explicitly for access, sports fishing and gamebird hunting.

I recommend that these comments are not accepted. The submission does not identify how the potential for hunting and fishing is relevant to decision-making on classification of the area, and no new material is raised which supports reconsideration of the notified classification. It should be noted that the proposed classification does not prohibit public access for the proposed activities, or the activities themselves when appropriately authorised (for example under a hunting permit), where consistent with preservation of the conservation values present.

Permissions, Economic Factors and Land Use (Not Allowed)

- A submitter noted that they hold coal mining permits over the area that are not accurately recorded in the CVRs.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- A submitter queried, "What happens to the residents by imposing a change of land status to preserve the ecology?"

As I have recommended these comments are not allowed, I recommend they are not accepted.

KAW_05 – Fletcher Creek – 2807743

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Fletcher Creek	KAW_05_2807743w	Historic Reserve	Historic Reserve	19	10

Conservation Values Report Description

A 128.0545-ha area that is a mosaic of beech forest, regenerating mānuka forest, old pine plantation and cleared areas on the lower eastern slopes of Radcliffe Ridge near the abandoned Charming Creek coal mine and historic mill. The latter two blocks are within the Species Management Unit for the protection of *Powelliphanta lignaria johnstoni* (Nationally Endangered). The area is of national and regional heritage significance, and the sites represent two important industries linked to the development of West Coast communities and economy: timber milling and coal mining. The Charming Creek walkway is a Local Treasure, and the Charming Creek area is a proposed Tohu Whenua site.

Panel Recommendations

National Panel: Historic reserve, to protect and illustrate the significance of the identified historic and archaeological features, while preserving the indigenous flora and fauna present and providing for the existing recreational use of the area.

Mana Whenua Panel: Supports the Western South Island National Panel's recommendation.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of historic reserve.

Summary of accepted submissions: Those submissions accepted as holding merit supported the notified classification while noting the area to be of historic and recreational value. Also accepted were comments that supported the Mana Whenua Panel recommendation.

Section 4 and Treaty principles: The Mana Whenua Panel have supported the notified classification, supported by Treaty partner submissions. They have signalled specific Ngāi Tahu interests associated with this stewardship area, particularly that “this conservation area is adjacent to Ngāi Tahu Forestry, an indication of Ngāi Tahu presence, interest and use of the land in this vicinity” and “Ngāi Tahu may have future aspirations for this land (such as forestry)”. The Mana Whenua Panel also noted that the Charming Creek area is a Tohu Whenua site.

Given the Mana Whenua Panel have supported the notified classification, and I consider the classification is not inconsistent with the identified interests.

Rationale: My conclusion is that, while recognising the significance of the area to Ngāi Tahu, on balance the natural resources present are appropriately protected under the proposed classification.

Historic Reserve - KAW_05_2807743w

Support

Access and Recreation (Allowed)

- A submitter supported the classification, referencing the area's recreational opportunities and the protection the classification would provide, noting the "Charming Creek Walkway is a popular day walk and mountain biking track. The proposed historic reserve, which is surrounded by the Radcliffe Ecological Area, would encompass the walkway and protect the regional and national heritage of the area".

I recommend that these comments are accepted. I agree that the area contains recreational values which are appropriately protected under the proposed classification. Under a historic reserve “the public shall have freedom of entry and access to the reserve, subject to (...) such conditions and restrictions as the administering body considers to be necessary for the

protection and general well-being of the reserve and for the protection and control of the public using it" (Reserves Act 1977, s. 18(2)(b)).

Historic and Cultural Values (Allowed)

- A submitter supported the classification and noted the area's flora, fauna and historical values in their submission stating that timber and coal mining are two important industries in the area and "there are five actively conserved heritages places of these two industries all within Fletcher Creek" and "abandoned artifacts associated with these industries".
- A submitter supported the proposed classification, noting the area's coal mining and timber milling history "typifies the 19th and 20th economic history of the West Coast" and the protection the proposed classification would provide "the proposed historic reserve, which is surrounded by the Radcliffe Ecological Area, would encompass the walkway and protect the regional and national heritage of the area".
- A submitter supported the classification noting that it is a "sensible status for this popular area with its mining heritage and interesting scenery".

I recommend that these comments are accepted. I agree that the proposed reserve status recognises the ecological significance of the area while reflecting the historic resources and heritage features present. The CVR records the presence of an archaeological site and five actively conserved heritage places.

Treaty Considerations (Allowed)

- The recommendation of the Mana Whenua Panel was supported on the basis that it reflects "the values, interests, and perspectives of the Papatipu Rūnanga in whose Takiwā the relevant land is located", and that adopting the recommendations of the Mana Whenua Panel would give effect to the principles of the Treaty.

I recommend that these comments are accepted. The Mana Whenua Panel have noted an interest in this area related to the presence of Ngāi Tahu forestry on adjacent land. With regard to the principles of informed decision making and active protection, I consider the proposed historic reserve classification is consistent with the identified interests in terms of not precluding the consideration of access, as required, to the adjoining private land.

- A submitter supported the Mana Whenua Panel and the proposed classification noting that the sites are important "as they recognise sites of significance to Ngāi Tahu and ensure Ngāi Tahu values and interests are at the forefront of the classification alongside conservation values". They also stated that they wanted to see that "the detail of the classification is developed in a manner that recognises and provides for the rangatiratanga of Ngāi Tahu".

I recommend that these comments are not accepted. Although I agree that the proposed historic reserve can recognise "sites of significance to Ngāi Tahu" and promote the protection and preservation of these sites, the purpose of the proposed reserve is set and established as per Section 18 of the Reserves Act 1977. Potential changes to management or legislative frameworks are not the subject of the public notice.

General (Allowed)

- Submissions expressed general support for the proposed classification without providing further justification, referencing the technical reports, or agreeing it reflected the "information in the technical reports".
- A submitter noted their preference for all stewardship land to be reclassified at the highest possible level based on its "high cultural conservation value".
- The recommendation was supported as it "reflects the use of the land and adequately protects against degradation of the land".

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area and no new material is raised, these submission points do not raise any matters for further consideration.

Other (Not Allowed)

- A submitter supported the proposed classification "so long as the department prioritises environmental protection of the area in its ongoing management and plans".

- A submitter supported the proposed classification as a historic reserve and recommended "further archaeological assessment and field survey to update archaeological records, define extents and inform conservation management strategies".

As I have recommended these comments are not allowed, I recommend they are not accepted.

Oppose

Access and Recreation (Allowed)

- Submitters opposed the recommendation based on concern that historic reserve does not adequately reflect recreation values or guarantee public access (e.g. "Environmental protection, public access, the hut, bridge and track systems, and other recreational facilities are not recognised or guaranteed under this category, and they need to be", "this classification appears to provide relatively weak protection to both conservation and public access").

I recommend that these comments are not accepted. My assessment is that the public recreational access to the area is appropriately provided for under the proposed classification when also considering the historic resources present (e.g. five actively conserved heritage places). Under a historic reserve "the public shall have freedom of entry and access to the reserve, subject to (...) such conditions and restrictions as the administering body considers to be necessary for the protection and general well-being of the reserve and for the protection and control of the public using it" (Reserves Act 1977, s. 18(2)(b)).

Ecology and Landscape (Allowed)

- A submitter expressed concern that the classification allows for activities such as hydro and mining and that these are "not appropriate for the management and protection of ecological and recreation values, nor do they, in my opinion, suitably honour the historic interests of mana whenua and their strong connection to the land".
- Submitters expressed concern that historic reserve would not provide protection for natural values (e.g. "I do not believe the ecological and biodiversity values of these areas are adequately recognised, protected and managed", "recognises historic and cultural values but does not provide strong enough legal protection for native plants, wildlife and landscapes").
- A submitter opposed the proposed classification and advocated for it to be included in one of the two ecological areas adjacent, stating "this would provide better and lasting protection to the biodiversity found within that area".
- A submitter opposed the proposed classification noting the area is in the middle of an ecological area and stating that "although somewhat degraded still retains some very good natural values regenerating forest, wetland and snails in particular", and proposed this area is also classified as an ecological area; "any historic values would also be protected by ecological area".

I recommend that these comments are not accepted. My assessment is that the natural resources present are appropriately protected under the proposed classification, when also considering the historic resources identified in the CVR (e.g. the area is of national and regional heritage significance, and the sites represent two important industries linked to the development of West Coast communities and economy: timber milling and coal mining). Under a historic reserve the natural resources present "shall be managed and protected to the extent compatible with the principal or primary purpose of the reserve" (Reserves Act 1977, s. 18(2)(c)).

Historic and Cultural Values (Allowed)

- A submitter stated their opposition to the use of historic reserve classification "except for small-scale, discrete and recognised archaeological and historical sites and buildings".
- A submitter opposed the proposed classification, recognising the historical value of this area related to coal mining and certain colonial features, such as "a suspension bridge high above Chasm Creek".

I recommend that these comments are not accepted. My assessment is that the proposed reserve status appropriately reflects the historic resources and heritage features present. The CVR records the presence of an archeological site and five actively conserved heritage places, while noting the national and regional heritage significance of the area.

Treaty Considerations (Allowed)

- It was stated that the proposed classification does “not adequately encompass both nature protection and mana whenua aspirations” or their “their strong connection to the land”.

I recommend that these comments are not accepted. The Mana Whenua Panel have noted an interest in this area related to the presence of Ngāi Tahu forestry on adjacent land. I consider the proposed historic reserve classification is consistent with the identified interests in terms of not precluding the consideration of access, as required, to the adjoining private land.

Process and Consultation (Not Allowed)

- Submitters queried the extent of land proposed for historic reserve classification, suggesting that the large-scale historic reserve recommendations by the Panels “suggests a failure to search out and find the correct reserve classification for each one”.
- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.
- A submitter opposed the recommendation as being too restrictive for mining and associated economic opportunities. It was suggested that historic reserve classification would add “a great deal of cost in both time and money relative to any extra protection given” and that a conservation park classification or retaining the land in stewardship would provide “more than adequate legal protection” and allow commercial uses to be considered on a case-by-case basis.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- One submission opposed all reclassification of stewardship land to specially protected areas unless it was purchased by the Nature Heritage Fund for the purpose of adding it to a national park.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submissions were concerned whether the proposed classification allows for hunting, fishing and “provision for public access”, and stated that any classification should explicitly provide for these activities.

I recommend that these comments are not accepted. Insufficient information is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification. The proposed classification does not prohibit public access for the activities, if authorised (for example in a hunting permit). Authorisation of such activities involves a separate decision-making process, the outcome of which would depend on effects on the conservation values present rather than the proposed land classification.

Treaty Considerations (Allowed)

- It was stated that the proposed classification does “not adequately encompass both nature protection and mana whenua aspirations” or their “their strong connection to the land”.

I recommend that these comments are not accepted. The Mana Whenua Panel have noted an interest in this area related to the presence of Ngāi Tahu forestry on adjacent land. I consider the proposed historic reserve classification is consistent with the identified interests in terms of not precluding the consideration of access, as required, to the adjoining private land.

General (Allowed)

- One submission advocated generally for all national parks, forest parks, scenic reserves and stewardship land to be protected from development.

I recommend that these comments are not accepted. The legislation does not provide for absolute protection from development – rather it contemplates that some activities may be acceptable and provides a mechanism for authorising such activities, through the grant of concessions. Insufficient justification is provided regarding the natural and historic

resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification.

Permissions, Economic Factors and Land Use (Not Allowed)

- A submitter stated that the proposed classification does not provide strong protection for natural values as it “will allow for commercial activities and leases that national park or scenic reserve status would not allow”.
- A submitter noted that they hold coal mining permits over the area that are not accurately recorded in the CVRs.

As I have recommended these comments are not allowed, I recommend they are not accepted.

KAW_05 – Seddonville – 2807748

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Seddonville	KAW_05_2807748x	Ecological Area	Neutral	14	5

Conservation Values Report Description

A 0.7089-ha area consisting of hill country on the lower eastern slopes of Radcliffe Ridge, adjacent to the pastures now occupying the Mōkihinui River flats, southwest of Seddonville. It includes a portion of the State Mine Hill Species Management Unit, managed for the longterm persistence of *Powelliphanta lignaria rotella*. The area is of national and regional heritage significance, and the sites represent two important industries linked to the development of West Coast communities and economy: timber milling and coal mining.

Panel Recommendations

National Panel: Ecological area, to appropriately reflect the identified values and to rationalise the boundary of the existing Radcliffe Ecological Area, and to improve landscape continuity.

Mana Whenua Panel: Neutral.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of ecological area.

Summary of accepted submissions: Those submissions accepted as holding merit supported the notified classification, suggesting it offers sufficient protection in the context of climate change and reflects the high ecological values present.

Section 4 and Treaty principles: The Mana Whenua Panel did not oppose the proposed classification.

No specific Ngāi Tahu interests were raised for consideration by the Mana Whenua Panel for this stewardship area. I acknowledge statements of the Mana Whenua Panel that “there is a deep connection between Ngāi Tahu and all of the whenua in the Ngāi Tahu takiwā, and the absence of site-specific values in the preliminary analysis does not detract from that connection, nor does it confirm that site-specific values are not present.”

Rationale: My conclusion is that the proposed classification will appropriately protect the conservation of the natural and historic resources present (e.g. *Powelliphanta lignaria rotella* population) and provide consistency with the adjacent Radcliffe Ecological Area.

Ecological Area - KAW_05_2807748x

Support

Climate Change and Natural Hazards (Allowed)

- A submitter supported the proposed classification as offering a high level of protection “in light of the impacts of climate change”.
- Submissions expressed strong support, stating that classifications that provide strong environmental protection are particularly important in light of the impacts of climate change, referencing recent flooding in the West Coast and Nelson regions.

I recommend that these comments are accepted. I agree that the protection of the existing natural resources present is of increasing importance when considering the need for climate mitigation. Classification as an ecological area will support this outcome. The relevance of this factor for reclassification decisions is evident when the future-focused elements in the definition of conservation are considered, including, “safeguarding the options of future generations” in relation to ‘natural resources’, “the air, water and soil in or on which any plant or animal lives or may live”, and in relation to ‘protection’ of a resource, “restoration to some former state and its augmentation, enhancement, or expansion” (Conservation Act 1987, s. 2).

Ecology and Landscape (Allowed)

- A submitter supported the proposed classification, noting the area's high values including ecological values such as "amazingly rich forest of birdlife, including lots of fernbirds in the headhigh umbrella ferns", and historical values associated with mining and colonial settlement.
- A submitter supported the proposed classification noting that this area is "the only natural ecosystem of riverflats remaining of the Seddonville flats", and stating that this classification is needed to "protect identified scientific and ecological values and rationalise the boundary of Radcliffe Ecological Area".

I recommend that these comments are accepted. They provide site-specific details regarding the natural resources present which are consistent with those described in the CVR. My view is that the proposed classification will appropriately promote their protection and preservation and provide consistency with the adjacent Radcliffe Ecological Area.

General (Allowed)

- Submissions expressed general support for the proposed classification, referencing the "information in the technical reports", or without providing further justification.
- A submitter noted their preference for all stewardship land to be reclassified at the highest possible level based on its "high cultural conservation value".

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area and no new material is raised, these submission points do not raise any matters for further consideration.

Oppose

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions opposed reclassification as an ecological area, noting that though it does not prohibit mining, it adds extra restrictions with consequent negative economic benefits, suggesting that retaining the land in stewardship or reclassifying it as a conservation park provides adequate legal protection while allowing commercial activities such as mining to be considered on a case-by-case basis.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Process and Consultation (Not Allowed)

- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- One submission opposed any reclassification of stewardship land to specially protected areas unless the land was specifically purchased by the Nature Heritage Fund for the purpose of adding it to a national park.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submitters queried or were concerned with ensuring that any reclassification provides explicitly for access, sports fishing and gamebird hunting.

I recommend that these comments are not accepted. The submission does not identify how the potential for hunting and fishing is relevant to decision-making on classification of the area, and no new material is raised which supports reconsideration of the notified classification. It should be noted that the proposed classification does not prohibit public access for the proposed activities, or the activities themselves when appropriately authorised (for example under a hunting permit), where consistent with preservation of the conservation values present.

Other (Allowed)

- A submitter queried, "What happens to the residents by imposing a change of land status to preserve the ecology?"

As I have recommended these comments are not allowed, I recommend they are not accepted.

Permissions, Economic Factors and Land Use (Not Allowed)

- A submitter noted that they hold coal mining permits over the area that are not accurately recorded in the CVRs.

As I have recommended these comments are not allowed, I recommend they are not accepted.

KAW_05 – Seddonville Tramline – 2807750

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Seddonville Tramline	KAW_05_2807750y	Disposal	Neutral	4	21

Conservation Values Report Description

A 1.2712-ha area of hill country on the lower eastern slopes of Radcliffe Ridge, including a former tramline, adjacent to the pastures now occupying the Mōkihinui River Flats southwest of Seddonville. The Seddonville Tramline is made up of two long narrow straight-lined strips of land currently tracked or part of a baleage paddock.

Panel Recommendations

National Panel: Disposal should be considered as the conservation values identified are very low.

Mana Whenua Panel: Neutral.

S.49(2)(d) Recommendation

- Do not proceed with the notified proposal, retaining the area in stewardship at this time.

Summary of accepted submissions: The submissions accepted as holding merit opposed the proposed disposal investigation, providing material not previously considered regarding access and recreation values of the stewardship area (i.e. the area provides access to Seddonville Conservation Area, Radcliffe Ecological Area, and Charming Creek).

Section 4 and Treaty principles: The Mana Whenua Panel did not oppose the proposed classification.

No specific Ngāi Tahu interests were raised for consideration by the Mana Whenua Panel for this stewardship area. I acknowledge statements of the Mana Whenua Panel that “there is a deep connection between Ngāi Tahu and all of the whenua in the Ngāi Tahu takiwā, and the absence of site-specific values in the preliminary analysis does not detract from that connection, nor does it confirm that site-specific values are not present.”

I note that any further work to determine an appropriate classification for this area will be undertaken in a manner consistent with Treaty principles.

Rationale: Submitters raised points regarding recreation and access values which had not been considered in the forming of recommendations. The Conservation General Policy (6(d)vii) states that land should not be disposed of where it secures practical walking access to public conservation lands. Considering submission points that this stewardship area is necessary for recreational access to Seddonville Conservation Area, Radcliffe Ecological Area, and Charming Creek, my conclusion is that retention as public conservation land is warranted.

Disposal - KAW_05_2807750y

Support

Ecology and Landscape (Allowed)

- Submissions stated they support disposal of stewardship land where there are no conservation values remaining or agreed that the land did not hold any conservation values and was therefore suitable for disposal.

I recommend that these comments are not accepted. Though the area is modified, I have concluded based on comments in opposition to the notified intention, that the access and recreation values raised by submitters mean the stewardship area warrants retention as public conservation land.

General (Allowed)

- Submissions expressed general support without providing further justification.

I recommend that these comments are not accepted. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised for further consideration. I have concluded based

on comments in opposition to the notified intention, that the access and recreation values raised by submitters mean the stewardship area warrants retention as public conservation land.

Other (Not Allowed)

- It was noted that disposals only form 0.01% of the stewardship land in the West Coast reclassification process.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Oppose

Access and Recreation (Allowed)

- Submitters opposed disposal of this conservation area, stating that it provides practical access to public conservation land, namely Seddonville Conservation Area, Radcliffe Ecological Area, and Charming Creek, and must be retained to ensure ongoing public access (e.g. “An important value of that tramline is that it provides access to the DOC estate through the private land surrounding it. If that tramline goes into private ownership there will then be no access to the awesome back country to the southwest of that tramline, and no access in that area to Chasm Creek and the Radcliffe Ecological Area”, “Cleared access along historic tramline routes provides practical access to the conservation area beyond (recommended for reclassification as Ecological Area, where enduring public access is assumed) for the Seddonville community and potentially for visitors, potentially with new access to Chasm Stream, and must be retained to provide enduring access”).
- Submitters objected to disposal on the grounds that this represents a loss of public access and ability for future generations to enjoy these areas, and expressed opposition to any disposal which means a loss of recreation opportunities such as angling or hunting.
- Submitters requested that “appropriate mechanisms are used to ensure existing and future public use is maintained or improved”, or recommended classification as a local purpose reserve with purposes either river conservation, river access, or recreation access to “ensure public access is retained in perpetuity”.

I recommend that these comments are accepted. They provide site-specific details and raise new material regarding public access values of the stewardship area. The Conservation General Policy (6(d)vii) states that land should not be disposed of where it secures practical walking access to public conservation lands. It is my assessment that the access and recreation values raised by submitters warrant retention of this stewardship area as public conservation land.

Climate Change and Natural Hazards (Allowed)

- Submissions opposed the recommendation on the grounds that all public conservation land, even if modified/pasture, offers potential for climate change mitigation and adaption (e.g. “opportunities for flood/erosion buffering, or allowing room for natural river processes”, “areas are important for communities that they need to be kept by DOC for climate mitigation, not disposed of”).
- A submitter noted that “in almost all cases these areas have historically been part of the riverbed, and the rivers need this buffer to be able to move around without causing damage to infrastructure and farming assets. As a corollary to that, the freeholding of land adjacent to riverbeds often results in additional rock protection work which constrains the river, and the natural processes at play. This often results in unintended consequences (often erosion at other sites)”.
- Submitters also argued that modified land could be retained and restored to support carbon sequestration (e.g. “Disposal will forgo future carbon sequestration and climate mitigation”).

I recommend that these comments are not accepted. While the access values of the stewardship area warrant its retention as public conservation land, its small size and landscape context (a narrow strip running through pastoral land) limit the appropriateness and effectiveness of restoration for carbon sequestration. The conservation area is not adjacent to any waterbodies where it plays a role in flood or erosion buffering, so these comments do not raise relevant matters to consider.

Ecology and Landscape (Allowed)

- A submitter opposed disposal, stating that the area retains regenerating bush.
- Submissions expressed opposition to any disposal of stewardship land on the grounds that even modified areas are likely to contain some natural values or indigenous species (juncus, carex etc), that areas near forests could easily

revert to a natural state, or that even highly modified land holds opportunities for ecosystem regeneration and restoration (e.g. “disposal will lose the opportunity for regeneration and restoration”). A “precautionary policy” was recommended to hold conservation future options open.

- A submission recommended that waterways and wetlands would be better protected if adjacent land was retained, grazing excluded, and restoration/natural succession allowed to occur.
- Submissions opposed disposal of land by rivers on the grounds that so little remains in public conservation land (e.g. “poor ecological representation in existing protected areas”).
- Submitters opposed disposal on riverbed and floodplains unless areas are “completely modified” and can be fenced off from waterways, or unless areas are small and landlocked and have no restoration potential.

I recommend that these comments are accepted to the extent that retaining the stewardship area as public conservation land will support protection for any natural values remaining. However, while the access values of the area warrant its retention as public conservation land, the area’s small size and landscape context (a narrow strip running through pastoral land) limit the appropriateness and effectiveness of ecosystem restoration.

Treaty Considerations (Allowed)

- One submission stated that “no stewardship land should be made available for disposal, except to tangata whenua; and only then with the need to maintain the block’s cultural, conservation & mahika-kai values in their entirety”.

I recommend that these comments are accepted to the extent that I have concluded based on comments in opposition to the notified intention that the access and recreation values of the area justify retention as public conservation land.

General (Allowed)

- Submissions expressed opposition to disposal of any stewardship land in general terms, argued that public conservation land is best retained for future generations or future conservation purposes, expressed a desire for maximum environmental protection, or supported “a cautionary approach” and preference to retain land in Crown ownership.

I recommend that these comments are accepted to the extent that I have concluded based on comments in opposition to the notified intention that the access and recreation values of the area justify retention as public conservation land.

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions recommended consideration of potential productivity and whether the land could be used to support future food security.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Process and Consultation (Not Allowed)

- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.
- It was noted that “proposed disposals do not give even a general indication where disposal boundaries might be”, making it difficult for submitters to comment.

It was suggested that there should be less focus on present values and more weight given to potential conservation value, as per the Conservation General Policy 6(c) and the Conservation Act requirement to safeguard options for future generations. It was recommended that the reclassification framework should include a “future conservation use” designation to hold land for future conservation requirements.

- A submitter noted that “there is no requirement” that land with low conservation values is disposed of, expressing opposition to any disposal of riverbed or pastoral land in public ownership.
- A submitter stated, “The National Panel is recommending 65 hectares for disposal, but has recommended up to an additional 1000 hectares of land may be disposed of where there is pastoral land alongside river conservation areas (subject to survey). This is not explained or justified”.
- A submitter advocated for the proposed classification to be revised, stating that “conservation values alone must determine recommended classifications, and recreation and use values are not conservation values”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- A submitter expressed frustration that development or clearing had been enabled on DOC land, creating a situation where the person or company “responsible for destroying the ecological and historic value of that land is then to be likely rewarded by being the most suitable person (or company) to be in a position to buy that land”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Climate Change and Natural Hazards (Allowed)

- A submitter stated that no land should be disposed of if there is potential for restoration or carbon sequestration, and that riverbeds and adjacent land should be retained for flood retention, with no grazing permitted.

I recommend that these comments are not accepted. While the access values of the stewardship area warrant its retention as public conservation land, the area’s small size and landscape context (a narrow strip running through pastoral land) limit the appropriateness and effectiveness for restoration and carbon sequestration. The conservation area is not adjacent to any waterbodies where it plays a role in flood or erosion buffering, so these comments do not raise relevant matters to consider.

General (Allowed)

- Submissions advocated generally for all national parks, forest parks, scenic reserves, and stewardship land to be protected from development.

I recommend that these comments are not accepted. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification.

Other (Not Allowed)

- One submission noted that disposal of land will be subject to the Heritage New Zealand Pouhere Taonga Notification Process for Disposal of Crown-owned Land.
- One submission suggested any funds from land sold should go to the Nature Heritage Fund.

As I have recommended these comments are not allowed, I recommend they are not accepted.

KAW_06 – Lyell Range - Radiant Range (Central) – 2807731

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Lyell Range - Radiant Range (Central)	KAW_06_2807731p	National Park (Kahurangi)		6033*	16
Lyell Range - Radiant Range (Central)	KAW_06_2807731q		Stewardship	12	39

Conservation Values Report Description

A 15,836.5587-ha area consisting of three parcels that are primarily covered in regenerating indigenous vegetation recovering from logging. The geology is predominantly Tertiary sediment and coal measures. The area is on the northwest facing hill slopes of Mount Glasgow in North Westland Ecological District. It includes the mid reaches of Coal Creek with the upper Chasm Creek forming its southern boundary. Its long eastern boundary is Kahurangi National Park. Coal Creek is a highly diverse freshwater system for freshwater fish, important for the presence of Nationally Vulnerable species as well as for whitebait diversity. Mount Glasgow was used as part of a wilderness race in 2020 and is used largely by West Coast trampers. These parcels are likely to have historical and archaeological values associated with coal mining. There is a beehive site on Mount Glasgow Road.

Panel Recommendations

National Panel: National Park (Kahurangi), to reflect the identified values, rationalise the boundary of the Kahurangi National Park and improve landscape continuity.

Mana Whenua Panel: Retain as stewardship land pending further policy work or legal reform, based on the tribal position that the addition of land to national parks will not give effect to the principles of the Treaty of Waitangi as it alienates Ngāi Tahu from their ancestral lands.

S.49(2)(d) Recommendation

- Proceed with the notified proposal, by referring this area to the NZCA for its consideration on the suitability of a national park classification in accordance with the relevant policy and procedures, including Policy 6 of the General Policy for National Parks and Section 4 of the Conservation Act 1987.

Summary of accepted submissions: The submissions accepted as holding merit supported the proposed national park addition to protect the area's natural values, improve climate change mitigation, and ensure ongoing public recreational access. Submitters referenced specific natural resources which were noted to be of high value and similar in nature to the adjoining national park.

Section 4 and Treaty principles: The Mana Whenua Panel opposed the proposed national park referrals, supported by submissions from Treaty partner organisations. Te Rūnanga o Ngāi Tahu oppose all additions to national parks within the Ngāi Tahu takiwā as “the addition of land to national parks will not give effect to the principles of the Treaty of Waitangi (as required by section 4 of the Conservation Act 1987) as it alienates Ngāi Tahu from our ancestral lands”. The Mana Whenua Panel have also signalled specific Ngāi Tahu interests associated with this stewardship area, particularly that “this conservation area is adjacent to Ngāi Tahu Forestry”, “Ngāi Tahu may have future aspirations for this land (such as forestry)”, “further assessment of the values and opportunities of this conservation area for Ngāi Tahu is required”.

I note that my s.49 recommendations and your decision on whether to refer this area to the NZCA for their consideration must give effect to Treaty principles independently of the NZCA's section 4 obligations.

* This figure includes 5,976 submissions made using a Forest and Bird template.

Although I acknowledge the Mana Whenua Panel opposition to the notified proposal, my assessment, considering those submissions accepted, is that the natural and historic resources present are of a similar nature to the adjacent national park, and warrant proceeding with a referral to the NZCA. Giving effect to Section 4 of the Act 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.

Referring this area to the NZCA for their consideration provides an opportunity for the NZCA to further assess the natural and historic resources present, and explore specific Ngāi Tahu interests and aspirations, including their consideration as to what giving effect to Treaty principles may require.

Rationale: My conclusion, considering those submissions accepted, is that the natural and historic resources present warrant referral to the NZCA for their consideration as per the process set out in Chapter 3 of the introduction to this Summary of Submissions Report.

National Park (Kahurangi) - KAW_o6_2807731p

Support

Access and Recreation (Allowed)

- A submitter supported the proposed classification to guarantee access to the Wangapeka Track and noted access has "often been compromised in the past".
- A submitter supported the proposed classification as reasonable and stated that there is a historic track that could "make an excellent side route from the Old Ghost Road".

I recommend that these comments are accepted. These comments hold merit under the Conservation Act as they support promotion of recreation that is not inconsistent with the preservation of the natural and historic resources present. Under a national park classification "the public shall have freedom of entry and access" subject to restrictions "necessary for the preservation of the native plants and animals or for the welfare in general of the parks" (National Parks Act 1980, s. 4(2)(e)).

Climate Change and Natural Hazards (Allowed)

- Submitters stated their support for the highest level of protection "in light of the impacts of climate change" (e.g. "for ecosystem services, for climate stability" and "given the biodiversity and climate crisis we are facing").

I recommend that these comments are accepted. I agree that the protection of the existing natural resources present is of increasing importance when considering the need for climate mitigation. Classification as national park will support this outcome. The relevance of this factor for reclassification decisions is evident when the future-focused elements in the definition of conservation are considered, including, "safeguarding the options of future generations" in relation to 'natural resources', "the air, water and soil in or on which any plant or animal lives or may live", and in relation to 'protection' of a resource, "restoration to some former state and its augmentation, enhancement, or expansion" (Conservation Act 1987, s. 2).

Ecology and Landscape (Allowed)

- There was support for adding close or adjoining conservation areas to the Kahurangi National Park on the grounds that these areas hold similar ecological, geographical and landscape values and would rationalise the Kahurangi National Park boundaries or enhance connectivity or buffer the existing National Park (e.g. "based on ecological and scenic values that are similar to adjoining national parks", "shares complimentary high conservation and scientific values", "provide additional habitat for rare and threatened species to move through the landscape", and the current land classification delineations were described as "historic and arbitrary" and "not informed by ecological and landscape principles".
- Submitters supported the proposed classification on the basis of its "high ecological value" with one pushing for decision makers to insist that "any stewardship parcel where ecological values have been identified as high enough for inclusion into national park" has that high protection to, among other things, "retain true wildernesses, for ecosystem services, for climate stability".
- A submitter supported additions to national parks and stated that "National Parks represent the pinnacle of conservation land protection and guarantee access rights for the public, protection of indigenous fauna and flora

and protect against environmentally degrading activities such as mining and clearing the land for further agriculture”.

- A submitter supported the recommendation to add this area to the Kahurangi National Park and noted the area is important for two endemic insects, the “Butler’s ringlet (*Erebiola butleri*) butterfly population” and “Janita’s tussock ringlet (*Argyrophenga janitae*)”.
- A submitter supported the classification because of the area’s high ecological and landscape values, while pointing out the recreational opportunities not mentioned by the national panel and stating that “the addition of this to Kahurangi National Park would enhance the landscape connectivity and continuity”.
- Submitters supported the proposed classification “to appropriately protect the outstanding recreational, landscape and ecological values” or because of the area’s values that are “consistent with adjacent national park values” (e.g. “there are clearly National Park values in this conservation area”, “greater protect stewardship land that retains high natural values”).

I recommend that these comments are accepted. They provide site-specific details regarding the natural resources present which warrant consideration. The natural resources identified by submitters are consistent with those described in the CVR (e.g. primarily covered in regenerating indigenous vegetation recovering from logging, and the long eastern boundary is Kahurangi National Park). The contiguous boundary with Kahurangi National Park further supports your notified intention to refer this area to the NZCA for its recommendation as to the suitability of a national park addition.

Treaty Considerations (Allowed)

- Submissions in support of national parks acknowledged mana whenua opposition to them and noted a desire to “see the concerns of mana whenua addressed”. However, they viewed maximum protection of the natural values as paramount and suggested that changes to management or legislative frameworks should occur to reflect Treaty principles and to ensure free access and use of national parks for cultural, traditional, historical, and customary purposes, while ensuring that natural values are preserved and protected.
- Submissions supported additions to adjacent national parks where mana whenua had not identified site-specific cultural values for the land.

I recommend that these comments are accepted to the extent that they agree the natural and historic resources present warrant referral to the NZCA for their consideration. However, while the possibility of future changes to management or legislative frameworks is identified by submitters as a potential means of reconciling that purpose with Treaty partner interests, such changes are not being considered within this reclassification exercise. The notified proposal includes referral of the area to the NZCA for its consideration on the suitability of a national park classification, which provides a further opportunity to explore specific Ngāi Tahu interests and aspirations, including the NZCA’s consideration as to what giving effect to Treaty principles may require.

General (Allowed)

- Submissions expressed general support for the proposed classification, referencing the “information in the technical reports”, “based on the values assessment”, or without providing further justification.
- A submitter noted their preference for all stewardship land to be reclassified at the highest possible level based on its “high cultural conservation value”.
- Submissions expressed general support for all additions to national parks, or for maximum protection across all stewardship land (e.g. “want to see these areas given the highest level of protection”).

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is identified, these submission points do not raise any matters for further consideration.

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions noted that national parks support a nature economy, and that this is in line with the Te Whanaketanga Tai Poutini West Coast Economic Strategy 2050.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Process and Consultation (Not Allowed)

- Submissions expressed concern about “major inconsistencies and contradictions” in the reclassification process, noting that some high value conservation land has not been recommended for reclassification as national park (e.g. “much of the land under review is on par with the values of existing National Parks, if not higher”).
- A submitter queried the lack of “terms of reference for Mana Whenua and its method of decision-making”, raising concern “that commercial concerns could take precedence over protecting the natural values”. They suggested that “Mana Whenua concerns regarding national parks should have been resolved prior to the reclassification project”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- A submission suggested that the implementation of the proposed classification “needs to be followed up with sufficient funding for pest eradication”.
- A submitter advocated for all national parks and proposed that “public conservation land should be rehabilitated to help deal with native reforestation, enhance ecological buffer zones and maintain ecological diversity”.
- A submitter supported the recommendation, stating “we support the protection of the surrounding area of the historic Lyell dray road, as well as the historic Mōkihinui pack track”, but noted they had concerns regarding mountain biking in the area and the activities taken to build the associated mountain biking amenities.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Oppose

Access and Recreation (Allowed)

- Submissions expressed concern about loss of recreation opportunities and access, suggesting that other classifications, such as conservation park, recreation reserve, or scenic reserve, may provide a better balance between recreational enjoyment and protection of natural values. Restrictions on dog walking were raised specifically by a West Coast resident.
- Submissions stated opposition to any reclassification unless it provides explicitly for access, including helicopter landings, sports fishing and gamebird hunting, or stated opposition as National Park status “excludes hunting for native species which are classified as gamebirds under the Wildlife Act, and which are managed as gamebirds (such as Pukeko and Paradise Shelduck)”.
- A submitter opposed reclassifying the land stating these areas “are for the people to enjoy and use for recreation purposes and to get outdoors”.

I recommend that these comments are not accepted. The methods of appreciation and recreational enjoyment proposed (e.g. dog access, hunting of indigenous avifauna) are potentially incompatible with protecting and preserving the natural resources described in the CVR, and the points raised do not justify overturning the notified intention. Although under a national park classification “the public shall have freedom of entry and access”, this is subject to restrictions “necessary for the preservation of the native plants and animals or for the welfare in general of the parks” (National Parks Act 1980, s. 4(2)(e)).

Ecology and Landscape (Allowed)

- Submissions opposed all recommended reclassification as a national park, describing the land as “not so unique or scientifically important to meet the standard set by the National Parks Act”. They recommended reclassification as a conservation park, or suggested a scenic reserve or recreation reserve, to ensure sufficient protection in areas where there is potential risk of damaging activities such as mining.

I recommend that these comments are not accepted. My assessment is that the natural resources described in the CVR (e.g. primarily covered in regenerating indigenous vegetation recovering from logging, and its long eastern boundary is Kahurangi National Park) justify referring this area to the NZCA for its recommendation as to the suitability of a national park addition. This is further supported by the land context of the adjoining Kahurangi National Park.

Treaty Considerations (Allowed)

- Several submissions opposed the proposed national park investigation whilst supporting the proposal to retain the area in stewardship, pending conservation law reform to create more appropriate forms of protected area classifications from a Ngāi Tahu perspective. This follows a Ngāi Tahu tribal position that a national park classification “obstructs Ngāi Tahu from maintaining ancestral relationships with the whenua, obstruct kaitiaki rights and responsibilities, limits the meaningful involvement of Ngāi Tahu in decision-making processes, and is less enabling of customary practices that are fundamental to sustaining tribal identity and mana”.
- Submissions opposed reclassifying this area as national park with concerns it goes against crown obligations under Te Tiriti o Waitangi, the Treaty of Waitangi stating that “to not recognise the Mana Whenua Panel Recommendations is to ignore Te Tiriti o Waitangi, the Treaty of Waitangi” and that “National Park land does not recognise Māori, particularly here Ngāi Tahu, as holding a special and unique interest in the land”.
- A submitter also stated, “National Park land does not allow for mana whenua of the area to be involved in its care in the same way that Stewardship land does”.

Potential changes to management or legislative frameworks are not the subject of the notified proposal. As such, I recommend that comments advocating for such amendments are not accepted. The notified proposal includes referral of the area to the NZCA for its consideration on the suitability of a national park classification, which provides a further opportunity to explore specific Ngāi Tahu interests and aspirations, including the NZCA’s consideration as to what giving effect to Treaty principles may require.

General (Allowed)

- Submissions stated general opposition to national park classification, stated support for leaving the land in stewardship, or expressed support for the recommendations made by the Mana Whenua Panel, without providing further justification.

I recommend that these comments are not accepted. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised for further consideration.

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions expressed opposition to the proposed national park classification as being “too restrictive” (e.g. “tying even more land up in restrictive legislation”), or negatively affecting potential economic benefits derived from mineral resource extraction. They argued that this would not be in the best interests of the public.
- A submitter opposed the proposed classification and was concerned that “change in status or disposal will affect the existing concessions” for beehives in the area.
- A submitter opposed the proposed reclassification, noting there is “estimated to be 1.3 Million tonnes of coal within this area that would be sterilised by inclusion in the National Park if the proposal were to proceed”.
- A submitter opposed adding land to national parks, noting there is coal mining permits for the assessment area that are not recorded in the CVRs.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Process and Consultation (Not Allowed)

- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.
- A submitter opposed the proposed classification with concerns that the process being followed would “outpace statutory mechanisms” leading to “accentuating significant uncertainty and risk for the legitimacy of The Old Ghost Road” (specifically relating to mountain biking). The submitter “considers this to be imprudent sequencing and recommends the underlying statutory matters be resolved first”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- A submitter opposed all reclassification of stewardship land to specially protected areas unless it was purchased by the Nature Heritage Fund for the purpose of adding it to a national park.
- Submissions expressed the view that national park classification does not equate to effective protection from introduced pests or predators (e.g. “national parks are badly run and full of cats, rats, stoats, possums, goats and deer so no protection there”).

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Access and Recreation (Allowed)

- A submitter stated they wanted to see consideration given to the impacts “multiple National Park additions will have on the options for local dog owners and the unforeseen impacts this may have on shorebirds, as more people are driven to beaches and coastal areas”.

I recommend that these comments are not accepted. The methods of appreciation and recreational enjoyment proposed (e.g. dog access) are potentially incompatible with protecting and preserving the natural resources described in the CVR, and the points raised do not justify overturning the notified intention. Although under a national park classification “the public shall have freedom of entry and access”, this is subject to restrictions “necessary for the preservation of the native plants and animals or for the welfare in general of the parks” (National Parks Act 1980, s. 4(2)(e)).

General (Allowed)

- One submitter advocated generally for all national parks, forest parks, scenic reserves and stewardship land to be protected from development.

I recommend that these comments are not accepted. The legislation does not provide for absolute protection from development – rather it contemplates that some activities may be acceptable and provides a mechanism for authorising such activities, through the grant of concessions. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification.

Retain in Stewardship - KAW_o6_2807731q

The comments received in relation to the Mana Whenua Panel recommendation are summarised below and have been considered in relation to the notified proposal when forming s.49 allow/accept recommendations.

Support

Access and Recreation (Allowed)

- A submitter advocated for no reclassification based on concern that a change in status could restrict or prevent public access.

I recommend that these comments are not accepted. The concerns raised are addressed by the proposed classification. Under a national park classification “the public shall have freedom of entry and access” subject to restrictions “necessary for the preservation of the native plants and animals or for the welfare in general of the parks” (National Parks Act 1980, s. 4(2)(e)).

Treaty Considerations (Allowed)

- Submitters supported the position of the Mana Whenua Panel on the basis that their recommendations reflect the rights and interests of mana whenua, and recognise Ngāi Tahu’s connection to their ancestral lands” (e.g. “by adopting the recommendations of the Mana Whenua Panel the Minister will give effect to the principles of the Treaty of Waitangi”).
- Submitters stated that national park classification would “obstruct Ngāi Tahu from maintaining ancestral relationships with the whenua, obstruct kaitiaki rights and responsibilities, limits the meaningful involvement of

Ngāi Tahu in decision-making processes, and is less enabling of customary practices that are fundamental to sustaining tribal identity and mana”, and suggested that areas “must remain as stewardship land pending conservation law reform to create more appropriate forms of protected area classifications from a Ngāi Tahu perspective”.

Potential changes to management or legislative frameworks are not the subject of the notified proposal. As such, I recommend that comments advocating for such amendments are not accepted. The notified proposal includes referral of the area to the NZCA for its consideration on the suitability of a national park classification, which provides a further opportunity to explore specific Ngāi Tahu interests and aspirations, including the NZCA’s consideration as to what giving effect to Treaty principles may require.

General (Allowed)

- Submitters stated support for the proposed classification or agreement with the Mana Whenua Panel without providing further justification.

I recommend that these comments are not accepted. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised for further consideration.

Permissions, Economic Factors and Land Use (Not Allowed)

- A submitter noted that coal mining permits and exploration permits are held for the assessment area, and stated support for retaining the land in stewardship as coal mining options would be “sterilised” by inclusion in the national park.
- A submitter stated support for the Mana Whenua Panel Recommendation based on concern that change in status would affect the existing permissions, noting the presence of a beehive site.
- Submitters stated that reclassifying land as national park, or other classifications which fall under Schedule 4, could have economic consequences by excluding mineral extraction and other activities on that land. The potential loss of opportunities resulting from these restrictions was seen as damaging, particularly in terms of mineral extraction and site rehabilitation. It was argued that the assessment should consider “minerals prospectivity and other economic, social, and cultural considerations”.
- Submissions advocated for retaining the area in stewardship or reclassifying it as a conservation park, suggesting these classifications provide “more than adequate legal protection”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Oppose

Access and Recreation (Allowed)

- Submitters stated preference for national park classification and for “protection of the surrounding area of the historic Lyell dray road (as well as the historic Mōkihinui pack track)” though noting concern about any further development of mountain biking trails and suggesting recreation values should only be fostered insofar as they are consistent with the preservation of natural and historic resources.

I recommend that these comments are accepted. These comments hold merit under the Conservation Act as they support promotion of recreation that is not inconsistent with the preservation of the natural and historic resources present. Under a national park classification “the public shall have freedom of entry and access” subject to restrictions “necessary for the preservation of the native plants and animals or for the welfare in general of the parks” (National Parks Act 1980, s. 4(2)(e)).

Ecology and Landscape (Allowed)

- Submitters advocated for reclassification as a national park based on the area’s landscape values, and connection and similarity to the existing national park, i.e. “connected by continuous indigenous forest cover to Kahurangi National Park to the south and east”, “provides a buffer between the National Park and developed farmland”, “Its inclusion would rationalise the boundaries of Kahurangi National Park and improve landscape continuity”.

- Submitters also cited the area's high ecological values as justification for inclusion in Kahurangi National Park (e.g. "nationally significant ecological systems", "The presence of Nationally Vulnerable and threatened species and its high species diversity make this a high value ecological area").
- Submitters specifically noted that Lyell Range is important as the northernmost locality of the Butler's ringlet butterfly and the northwesternmost known locality of the Janita's tussock ringlet; that it contains the *Powelliphanta* land snail, and that Coal Creek has a "highly diverse range of native aquatic life".
- One submitter who advocated for national park classification suggested that the grazed portion of the conservation area could be disposed of.

I recommend that these comments are accepted. They provide site-specific details regarding the natural resources present which warrant consideration. The natural resources identified by submitters are consistent with those described in the CVR (e.g. primarily covered in regenerating indigenous vegetation recovering from logging, and its long eastern boundary is Kahurangi National Park). The contiguous boundary with Kahurangi National Park further supports your notified intention to refer this area to the NZCA for its recommendation as to the suitability of a national park addition, including the "grazed portion" described by a submitter.

Treaty Considerations (Allowed)

- Submitters in opposition to retaining land in stewardship noted that the justification is based on Ngāi Tahu future aspirations for the land (such as forestry), stating that these economic aspirations "are often in direct contrast to the conservation values the land was supposed to be assessed on" or that they are concerned about the weight given to these aspirations in area "that clearly has National Park values to protect".
- Submissions expressed a preference for national park reclassification, but advocated for Mana Whenua to have free access and use of national parks for cultural, traditional, historical, and customary purposes, describing this as aligning with Section 4 of the National Parks Act, and for conservation principles to be carried out in an "established collegial co-governance manner". One submitter stated that "National Park status does not as it stands, prevent customary relationship of an iwi with the whenua which the current review of GP reflects (...) Statutory acknowledgements and nohoanga sites can be excluded from National Park status but should not remain as stewardship".
- A submission argued that "an area with high conservation values should be reclassified to reflect that value" and that the Mana Whenua Panel Recommendation "goes beyond the obligation to give effect to the Treaty of Waitangi".
- One submission argued against retaining land as stewardship where the area had not been identified as holding site-specific values to Ngāi Tahu.

I recommend that these comments are accepted to the extent that they agree the natural and historic resources present warrant referral to the NZCA for their consideration. However, while the possibility of future changes to management or legislative frameworks is identified by submitters as a potential means of reconciling that purpose with Treaty partner interests, such changes are not being considered within this reclassification exercise. The notified proposal includes referral of the area to the NZCA for its consideration on the suitability of a national park classification, which provides a further opportunity to explore specific Ngāi Tahu interests and aspirations, including the NZCA's consideration as to what giving effect to Treaty principles may require.

General (Allowed)

- Submissions expressed preference for reclassification as a national park and for "maximum protection" without providing further justification, or due to the land's "high cultural conservation value".

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is identified, these submission points do not raise any matters for further consideration.

- Submissions opposed retaining land in stewardship, describing it as a "meaningless recommendation".
- One submission suggested reclassification as either scenic reserve or conservation park is preferable to retaining the land in stewardship.

I recommend that these comments are not accepted. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised for further consideration.

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions noted that national parks support a nature economy, and that this is in line with the Te Whanaketanga Tai Poutini West Coast Economic Strategy 2050.
- Submitters expressed concern that retaining the area as stewardship land exposes it to risk of activities such as mining or being swapped out of the conservation estate (e.g. “without rigorous protection from the environmental impacts of those industries”).
- A submitter stated that some areas that “have no adequate protections awarded to are in key mineral mining areas. They include access to the West Coast coal and gold deposits and are already subject to prospecting permits”.
- It was suggested that the land instead be “disposed of or become incorporated into one of the park categories”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Process and Consultation (Not Allowed)

- A submitter commented that the recommendation lacks a “credible explanation as to how stewardship status could be in the public interest”.
- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.
- Submissions expressed concern about “major inconsistencies and contradictions” in the reclassification process, noting that some high value conservation land has not been recommended for reclassification as national park.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- A submitter recommended that the grazed portion be disposed of and “a premium should be sought from the neighbouring landowner illegally grazing it”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submitters were concerned with ensuring that free public access, hunting and fishing can continue.

I recommend that these comments are not accepted. Insufficient information is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification. The proposed classification does not prohibit public access for the activities, if authorised (for example in a hunting permit). Authorisation of such activities involves a separate decision-making process, the outcome of which would depend on effects on the conservation values present rather than the proposed land classification.

Treaty Considerations (Allowed)

- Submitters recommended that potential amendments to the National Parks Act be resolved as a priority “so that there is no need for a recommendation of Stewardship Area in the meantime”.

Potential changes to management or legislative frameworks are not the subject of the notified proposal. As such, I recommend that comments advocating for such amendments are not accepted. The notified proposal includes referral of the area to the NZCA for its consideration on the suitability of a national park classification, which provides a further opportunity to explore specific Ngāi Tahu interests and aspirations, including the NZCA’s consideration as to what giving effect to Treaty principles may require.

General (Allowed)

- One submission advocated generally for all national parks, forest parks, scenic reserves and stewardship land to be protected from development.

I recommend that these comments are not accepted. The legislation does not provide for absolute protection from development – rather it contemplates that some activities may be acceptable and provides a mechanism for authorising such activities, through the grant of concessions. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification.

KAW_07 – Miko Foreshore – 2807742

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Miko Foreshore	KAW_07_2807742a	Recreation Reserve	Neutral	7	8

Conservation Values Report Description

An 8.5856-ha area which is a mixture of dune, coastal terrace and coastal rock outcrops, with modified native vegetation, pasture and buildings on the foreshore north of the Ngakawau River mouth between SH6 and the sea. There are no current permissions, but there are signs of unauthorised activity. Parts of the area appear to be used as private yards and pasture to the north is integrated into the adjacent farming operation. The area is subject to coastal erosion, and the beach has extended inland. Cobbled skink have been found here in the past, but the erosion has taken away most of their suitable habitat. There have been proposals to put a seawall along sections of this coastline, including this area. The area is used by locals accessing the beach, including for fishing and gathering mussels. No tracks or facilities managed by DOC.

Panel Recommendations

National Panel: Recreation reserve, to protect the identified ecological values while providing for recreational use of the area.

Mana Whenua Panel: Neutral.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of recreation reserve.

Summary of accepted submissions: Those submissions accepted as holding merit supported the notified classification as appropriately reflecting the natural resources present and offering sufficient protection in the context of climate change.

Section 4 and Treaty principles: The Mana Whenua Panel did not oppose the proposed classification.

No specific Ngāi Tahu interests were raised for consideration by the Mana Whenua Panel for this stewardship area. I acknowledge statements of the Mana Whenua Panel that “there is a deep connection between Ngāi Tahu and all of the whenua in the Ngāi Tahu takiwā, and the absence of site-specific values in the preliminary analysis does not detract from that connection, nor does it confirm that site-specific values are not present.”

Rationale: My conclusion is that the natural resources present (e.g. a mixture of dune, coastal terrace and coastal rock outcrops, with modified native vegetation, pasture and buildings) are appropriately protected by the proposed classification, while also reflecting the public access and recreational features present.

Recreation Reserve - KAW_07_2807742a

Support

Climate Change and Natural Hazards (Allowed)

- A submitter supported the proposed classification as offering a high level of protection “in light of the impacts of climate change”.

I recommend that these comments are accepted. I agree that the protection of the existing natural resources present is of increasing importance when considering the need for climate mitigation. Classification as recreation reserve will support this outcome, to the extent compatible with the identified primary purpose. The relevance of this factor for reclassification decisions is evident when the future-focused elements in the definition of conservation are considered, including, “safeguarding the options of future generations” in relation to ‘natural resources’, “the air, water and soil in or on which any

plant or animal lives or may live”, and in relation to ‘protection’ of a resource, “restoration to some former state and its augmentation, enhancement, or expansion” (Conservation Act 1987, s. 2).

Ecology and Landscape (Allowed)

- A submitter supported the proposed recommendation, noting the decline of the flora and fauna that should be traditionally found in the area, including little blue penguins, and stating the positive effects that the extra protection could have on certain native species and the area as a whole.

I recommend that these comments are accepted. My view is that the natural resources identified in these comments are consistent with those described in the CVR (e.g. a mixture of dune, coastal terrace and coastal rock outcrops, with modified native vegetation, pasture and buildings), and they are appropriately protected and preserved by the proposed classification. Under the proposed classification, “where scenic, historic, archaeological, biological, geological, or other scientific features or indigenous flora or fauna or wildlife are present on the reserve, those features or that flora or fauna or wildlife shall be managed and protected to the extent compatible with the principal or primary purpose of the reserve” (Reserves Act 1977, s. 17(2)(b)).

General (Allowed)

- Submissions expressed general support for the proposed classification, referencing the “information in the technical reports”, or without providing further justification.
- A submitter noted their preference for all stewardship land to be reclassified at the highest possible level based on its “high cultural conservation value”.

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area and no new material is raised, these submission points do not raise any matters for further consideration.

Oppose

Climate Change and Natural Hazards (Allowed)

- A submitter opposed the proposed classification, stating they wanted the site reviewed for its “climate adaptation and resilience”.
- A submitter opposed the recommendation and advocated for a government purpose reserve classification, noting that the area holds “opportunities for ecosystem restoration in response to flood events or coastal erosion”.
- A submitter opposed the proposed classification and advocated for the area to remain as stewardship land noting the area is “currently being affected by increased incidence of storm surges natural hazards” and stating that “classification as recreational reserve is not compatible with land that will be lost to the sea within the current planning horizon”.

I recommend that these comments are not accepted. The proposed classification will support the protection of the natural resources present to the extent compatible with the principal or primary purpose of the reserve, and as a result support the area’s climate mitigation potential. The points raised do not justify overturning the notified intention. The fact that the area is affected by sea level rise and coastal erosion does not preclude the use of the area for recreation. Under the proposed classification, “where scenic, historic, archaeological, biological, geological, or other scientific features or indigenous flora or fauna or wildlife are present on the reserve, those features or that flora or fauna or wildlife shall be managed and protected to the extent compatible with the principal or primary purpose of the reserve” (Reserves Act 1977, s. 17(2)(b)).

Ecology and Landscape (Allowed)

- A submitter opposed the classification and advocated for a government purpose reserve classification noting the area contains naturally uncommon ecosystems “including dunes and wetlands”.

I recommend that these comments are not accepted. My view is that the natural resources present (e.g. a mixture of dune, coastal terrace and coastal rock outcrops, with modified native vegetation, pasture and buildings) are appropriately protected by the proposed classification, while also reflecting the public access and recreational features present. The points raised do not warrant overturning the notified classification.

Permissions, Economic Factors and Land Use (Not Allowed)

- A submitter opposed conservation park classification and was in favour of retaining in stewardship. They expressed concern that reclassification would make it more difficult to develop new renewable electricity generation distribution, and for the government to meet emissions targets and renewable energy goals. It was noted that the proposed classification “will be incompatible with adaptation works required to protect SH67 as foreshore retreat occurs in response to rising levels” and it may impact the “economic, social and cultural benefits of the local West Coast community”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Process and Consultation (Not Allowed)

- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.
- A submitter advocated for the proposed classification to be revised, stating that “conservation values alone must determine recommended classifications, and recreation and use values are not conservation values”, also stating that if a national park classification is “politically unpalatable, then political judgement calls must be made by accountable politicians, not by the Panel”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- A submission opposed all reclassification of stewardship land to specially protected areas unless it was purchased by the Nature Heritage Fund for the purpose of adding it to a national park.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submissions were concerned whether the proposed classification allows for hunting, fishing and “provision for public access”, and stated that any classification should explicitly provide for these activities.

I recommend that these comments are not accepted. Insufficient information is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification. The proposed classification does not prohibit public access for the activities, if authorised (for example in a hunting permit). Authorisation of such activities involves a separate decision-making process, the outcome of which would depend on effects on the conservation values present rather than the proposed land classification.

KAW_07 – SH67 - Hector – 2807752

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
SH67 - Hector	KAW_07_2807752b	Recreation Reserve	Neutral	7	8

Conservation Values Report Description

A 0.3433-ha area which is a mixture of dune, coastal terrace and coastal rock outcrops, with modified native vegetation and buildings, on the foreshore near the Ngakawau River mouth between SH6 and the sea. There are no current permissions, but there are signs of unauthorised activity with parts of the area appearing to be used as private yards. The area is subject to coastal erosion, and the beach has extended inland. Cobbled skink have been found here in the past, but the erosion has taken away most of their suitable habitat. There have been proposals to put a seawall along sections of this coastline, including this area. The area is used by locals accessing the beach, including for fishing and gathering mussels. No tracks or facilities managed by DOC.

Panel Recommendations

National Panel: Recreation reserve, to protect the identified ecological values while providing for recreational use of the area.

Mana Whenua Panel: Neutral.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of recreation reserve.

Summary of accepted submissions: Those submissions accepted as holding merit supported the notified classification as appropriately reflecting the natural resources present and offering sufficient protection in the context of climate change.

Section 4 and Treaty principles: The Mana Whenua Panel did not oppose the proposed classification.

No specific Ngāi Tahu interests were raised for consideration by the Mana Whenua Panel for this stewardship area. I acknowledge statements of the Mana Whenua Panel that “there is a deep connection between Ngāi Tahu and all of the whenua in the Ngāi Tahu takiwā, and the absence of site-specific values in the preliminary analysis does not detract from that connection, nor does it confirm that site-specific values are not present.”

Rationale: My conclusion is that the natural resources present (e.g. a mixture of dune, coastal terrace and coastal rock outcrops, with modified native vegetation, pasture and buildings) are appropriately protected by the proposed classification, while also reflecting the public access and recreational features present.

Recreation Reserve - KAW_07_2807752b

Support

Climate Change and Natural Hazards (Allowed)

- A submitter supported the proposed classification as offering a high level of protection “in light of the impacts of climate change”.

I recommend that these comments are accepted. I agree that the protection of the existing natural resources present is of increasing importance when considering the need for climate mitigation. Classification as recreation reserve will support this outcome, to the extent compatible with the identified primary purpose. The relevance of this factor for reclassification decisions is evident when the future-focused elements in the definition of conservation are considered, including, “safeguarding the options of future generations” in relation to ‘natural resources’, “the air, water and soil in or on which any plant or animal lives or may live”, and in relation to ‘protection’ of a resource, “restoration to some former state and its augmentation, enhancement, or expansion” (Conservation Act 1987, s. 2).

Ecology and Landscape (Allowed)

- A submitter supported the proposed recommendation, noting the decline of the flora and fauna that should be traditionally found in the area, including little blue penguins, and stating the positive effects that the extra protection could have on certain native species and the area as a whole.

I recommend that these comments are accepted. My view is that the natural resources identified in these comments are consistent with those described in the CVR (e.g. a mixture of dune, coastal terrace and coastal rock outcrops, with modified native vegetation, pasture and buildings), and they are appropriately protected and preserved by the proposed classification. Under the proposed classification, “where scenic, historic, archaeological, biological, geological, or other scientific features or indigenous flora or fauna or wildlife are present on the reserve, those features or that flora or fauna or wildlife shall be managed and protected to the extent compatible with the principal or primary purpose of the reserve” (Reserves Act 1977, s. 17(2)(b)).

General (Allowed)

- Submissions expressed general support for the proposed classification, referencing the “information in the technical reports”, or without providing further justification.
- A submitter noted their preference for all stewardship land to be reclassified at the highest possible level based on its “high cultural conservation value”.

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area and no new material is raised, these submission points do not raise any matters for further consideration.

Oppose

Climate Change and Natural Hazards (Allowed)

- A submitter opposed the proposed classification, stating they wanted the site reviewed for its “climate adaptation and resilience”.
- A submitter opposed the recommendation and advocated for a government purpose reserve classification, noting the area holds “opportunities for ecosystem restoration in response to flood events or coastal erosion”.
- A submitter opposed the proposed classification and advocated for the area to remain as stewardship land, noting the area is “currently being affected by increased incidence of storm surges natural hazards” and stating that “classification as recreational reserve is not compatible with land that will be lost to the sea within the current planning horizon”.

I recommend that these comments are not accepted. The proposed classification will support the protection of the natural resources present to the extent compatible with the principal or primary purpose of the reserve, and as a result support the area’s climate mitigation potential. The points raised do not justify overturning the notified intention. The fact that the area is affected by sea level rise and coastal erosion does not preclude the use of the area for recreation. Under the proposed classification, “where scenic, historic, archaeological, biological, geological, or other scientific features or indigenous flora or fauna or wildlife are present on the reserve, those features or that flora or fauna or wildlife shall be managed and protected to the extent compatible with the principal or primary purpose of the reserve” (Reserves Act 1977, s. 17(2)(b)).

Ecology and Landscape (Allowed)

- A submitter opposed the proposed classification, noting kororā nest in or very close to these areas, and that the conservation report states sea and shore birds likely use this area. The submitter proposed the area be classified as a “Local Purpose Esplanade Reserve, Wildlife Management Area or Government Purpose Reserve for Wildlife Management to give wildlife and recreational values equal priority”, as the proposed classification values recreational values higher than wildlife values.

I recommend that these comments are not accepted. My view is that the natural resources present (e.g. a mixture of dune, coastal terrace and coastal rock outcrops, with modified native vegetation, pasture and buildings) are appropriately protected by the proposed classification, while also reflecting the public access and recreational features present. The points raised do not warrant overturning the notified classification.

Process and Consultation (Not Allowed)

- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.
- A submitter advocated for the proposed classification to be revised, stating that “conservation values alone must **determine recommended classifications, and recreation and** use values are not conservation values”, also stating that if a national park classification is “politically unpalatable, then political judgement calls must be made by accountable politicians, not by the Panel”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- A submission opposed all reclassification of stewardship land to specially protected areas unless it was purchased by the Nature Heritage Fund for the purpose of adding it to a national park.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submissions were concerned whether the proposed classification allows for hunting, fishing and “provision for public access”, and stated that any classification should explicitly provide for these activities.

I recommend that these comments are not accepted. Insufficient information is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification. The proposed classification does not prohibit public access for the activities, if authorised (for example in a hunting permit). Authorisation of such activities involves a separate decision-making process, the outcome of which would depend on effects on the conservation values present rather than the proposed land classification.

KAW_07 – Ngākawau River Mouth - Hector – 2807753

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Ngākawau River Mouth - Hector	KAW_07_2807753c	Recreation Reserve	Neutral	7	9

Conservation Values Report Description

A 0.1269-ha area which is a mixture of dune, coastal terrace and coastal rock outcrops, with modified native vegetation on the foreshore near the Ngākawau River mouth, between SH6 and the sea. There are no current permissions, but there are signs of unauthorised activity. The area is subject to coastal erosion, and the beach has extended inland. Cobbled skink have been found here in the past, but the erosion has taken away most of their suitable habitat. There have been proposals to put a seawall along sections of this coastline, including this area. The area is used by locals accessing the beach, including for fishing and gathering mussels. No tracks or facilities managed by DOC.

Panel Recommendations

National Panel: Recreation reserve, to protect the identified ecological values while providing for recreational use of the area.

Mana Whenua Panel: Neutral.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of recreation reserve.

Summary of accepted submissions: Those submissions accepted as holding merit supported the notified classification as appropriately reflecting the natural resources present and offering sufficient protection in the context of climate change.

Section 4 and Treaty principles: The Mana Whenua Panel did not oppose the proposed classification.

No specific Ngāi Tahu interests were raised for consideration by the Mana Whenua Panel for this stewardship area. I acknowledge statements of the Mana Whenua Panel that “there is a deep connection between Ngāi Tahu and all of the whenua in the Ngāi Tahu takiwā, and the absence of site-specific values in the preliminary analysis does not detract from that connection, nor does it confirm that site-specific values are not present.”

Rationale: My conclusion is that the natural resources present (e.g. a mixture of dune, coastal terrace and coastal rock outcrops, with modified native vegetation, pasture and buildings) are appropriately protected by the proposed classification, while also reflecting the public access and recreational features present.

Recreation Reserve - KAW_07_2807753c

Support

Climate Change and Natural Hazards (Allowed)

- A submitter supported the proposed classification as offering a high level of protection “in light of the impacts of climate change”.

I recommend that these comments are accepted. I agree that the protection of the existing natural resources present is of increasing importance when considering the need for climate mitigation. Classification as recreation reserve will support this outcome, to the extent compatible with the identified primary purpose. The relevance of this factor for reclassification decisions is evident when the future-focused elements in the definition of conservation are considered, including, “safeguarding the options of future generations” in relation to ‘natural resources’, “the air, water and soil in or on which any plant or animal lives or may live”, and in relation to ‘protection’ of a resource, “restoration to some former state and its augmentation, enhancement, or expansion” (Conservation Act 1987, s. 2).

Ecology and Landscape (Allowed)

- A submitter supported the proposed recommendation, noting the decline of the flora and fauna that should be traditionally found in the area, including little blue penguins, and stating the positive effects that the extra protection could have on certain native species and the area as a whole.

I recommend that these comments are accepted. My view is that the natural resources identified in these comments are consistent with those described in the CVR (e.g. a mixture of dune, coastal terrace and coastal rock outcrops, with modified native vegetation, pasture and buildings), and they are appropriately protected and preserved by the proposed classification. Under the proposed classification, “where scenic, historic, archaeological, biological, geological, or other scientific features or indigenous flora or fauna or wildlife are present on the reserve, those features or that flora or fauna or wildlife shall be managed and protected to the extent compatible with the principal or primary purpose of the reserve” (Reserves Act 1977, s. 17(2)(b)).

General (Allowed)

- Submissions expressed general support for the proposed classification, referencing the “information in the technical reports”, or without providing further justification.
- A submitter noted their preference for all stewardship land to be reclassified at the highest possible level based on its “high cultural conservation value”.

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area and no new material is raised, these submission points do not raise any matters for further consideration.

Oppose

Climate Change and Natural Hazards (Allowed)

- A submitter opposed the proposed classification, stating they wanted the site reviewed for its “climate adaption and resilience”.
- A submitter opposed the recommendation and advocated for a government purpose reserve classification, noting that the area holds “opportunities for ecosystem restoration in response to flood events or coastal erosion”.
- A submitter opposed the proposed classification and advocated for the area to remain as stewardship land, stating the area is close to a bridge approach on SH67 and that work will be needed to protect the approach from erosion. They also noted that “Recreational access to the area is not incompatible with the current classification or likely future use of the piece”.

I recommend that these comments are not accepted. The proposed classification will support the protection of the natural resources present to the extent compatible with the principal or primary purpose of the reserve, and as a result support the area’s climate mitigation potential. The points raised do not justify overturning the notified intention. The fact that the area is affected by sea level rise and coastal erosion does not preclude the use of the area for recreation. Under the proposed classification, “where scenic, historic, archaeological, biological, geological, or other scientific features or indigenous flora or fauna or wildlife are present on the reserve, those features or that flora or fauna or wildlife shall be managed and protected to the extent compatible with the principal or primary purpose of the reserve” (Reserves Act 1977, s. 17(2)(b)).

Ecology and Landscape (Allowed)

- A submitter opposed the proposed classification, noting kororā nest in or very close to these areas, and that the conservation report states sea and shore birds likely use this area. The submitter proposed the area be classified as a “Local Purpose Esplanade Reserve, Wildlife Management Area or Government Purpose Reserve for Wildlife Management to give wildlife and recreational values equal priority”, as the proposed classification values recreational values higher than wildlife values.

I recommend that these comments are not accepted. My view is that the natural resources present (e.g. a mixture of dune, coastal terrace and coastal rock outcrops, with modified native vegetation, pasture and buildings) are appropriately protected by the proposed classification, while also reflecting the public access and recreational features present. The points raised do not warrant overturning the notified classification.

Permissions, Economic Factors and Land Use (Not Allowed)

- A submitter opposed conservation park classification and was in favour of retaining in stewardship. They expressed concern that reclassification would make it more difficult to develop new renewable electricity generation distribution, and for the government to meet emissions targets and renewable energy goals. It was noted that the proposed classification “will be incompatible with adaptation works required to protect SH67 as foreshore retreat occurs in response to rising levels” and it may impact the “economic, social and cultural benefits of the local West Coast community”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Process and Consultation (Not Allowed)

- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.
- A submitter advocated for the proposed classification to be revised, stating that “conservation values alone must determine recommended classifications, and recreation and use values are not conservation values”, also stating that if a national park classification is “politically unpalatable, then political judgement calls must be made by accountable politicians, not by the Panel”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- A submission opposed all reclassification of stewardship land to specially protected areas unless it was purchased by the Nature Heritage Fund for the purpose of adding it to a national park.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submissions were concerned whether the proposed classification allows for hunting, fishing and “provision for public access”, and stated that any classification should explicitly provide for these activities.

I recommend that these comments are not accepted. Insufficient information is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification. The proposed classification does not prohibit public access for the activities, if authorised (for example in a hunting permit). Authorisation of such activities involves a separate decision-making process, the outcome of which would depend on effects on the conservation values present rather than the proposed land classification.

KAW_07 – SH67 - Hector – 2807754

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
SH67 - Hector	KAW_07_2807754d	Recreation Reserve	Neutral	7	9

Conservation Values Report Description

A 0.0826-ha area which is a mixture of dune, coastal terrace and coastal rock outcrops, with modified native vegetation and buildings on the foreshore near the Ngakawau River mouth between SH6 and the sea. There are no current permissions, but there are signs of unauthorised activity with parts of the area appear to be used as private yards. The area is subject to coastal erosion, and the beach has extended inland. Cobbled skink have been found here in the past, but the erosion has taken away most of their suitable habitat. There have been proposals to put a seawall along sections of this coastline, including this conservation area. The area is used by locals accessing the beach, including for fishing and gathering mussels. No tracks or facilities managed by DOC.

Panel Recommendations

National Panel: Recreation reserve, to protect the identified ecological values while providing for recreational use of the area.

Mana Whenua Panel: Neutral.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of recreation reserve.

Summary of accepted submissions: Those submissions accepted as holding merit supported the notified classification as appropriately reflecting the natural resources present and offering sufficient protection in the context of climate change.

Section 4 and Treaty principles: The Mana Whenua Panel did not oppose the proposed classification.

No specific Ngāi Tahu interests were raised for consideration by the Mana Whenua Panel for this stewardship area. I acknowledge statements of the Mana Whenua Panel that “there is a deep connection between Ngāi Tahu and all of the whenua in the Ngāi Tahu takiwā, and the absence of site-specific values in the preliminary analysis does not detract from that connection, nor does it confirm that site-specific values are not present.”

Rationale: My conclusion is that the natural resources present (e.g. a mixture of dune, coastal terrace and coastal rock outcrops, with modified native vegetation, pasture and buildings) are appropriately protected by the proposed classification, while also reflecting the public access and recreational features present.

Recreation Reserve - KAW_07_2807754d

Support

Climate Change and Natural Hazards (Allowed)

- A submitter supported the proposed classification as offering a high level of protection “in light of the impacts of climate change”.

I recommend that these comments are accepted. I agree that the protection of the existing natural resources present is of increasing importance when considering the need for climate mitigation. Classification as recreation reserve will support this outcome, to the extent compatible with the identified primary purpose. The relevance of this factor for reclassification decisions is evident when the future-focused elements in the definition of conservation are considered, including, “safeguarding the options of future generations” in relation to ‘natural resources’, “the air, water and soil in or on which any plant or animal lives or may live”, and in relation to ‘protection’ of a resource, “restoration to some former state and its augmentation, enhancement, or expansion” (Conservation Act 1987, s. 2).

Ecology and Landscape (Allowed)

- A submitter supported the proposed recommendation, noting the decline of the flora and fauna that should be traditionally found in the area, including little blue penguins, and stating the positive effects that the extra protection could have on certain native species and the area as a whole.

I recommend that these comments are accepted. My view is that the natural resources identified in these comments are consistent with those described in the CVR (e.g. a mixture of dune, coastal terrace and coastal rock outcrops, with modified native vegetation, pasture and buildings), and they are appropriately protected and preserved by the proposed classification. Under the proposed classification, “where scenic, historic, archaeological, biological, geological, or other scientific features or indigenous flora or fauna or wildlife are present on the reserve, those features or that flora or fauna or wildlife shall be managed and protected to the extent compatible with the principal or primary purpose of the reserve” (Reserves Act 1977, s. 17(2)(b)).

General (Allowed)

- Submissions expressed general support for the proposed classification, referencing the “information in the technical reports”, or without providing further justification.
- A submitter noted their preference for all stewardship land to be reclassified at the highest possible level based on its “high cultural conservation value”.

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area and no new material is raised, these submission points do not raise any matters for further consideration.

Oppose

Climate Change and Natural Hazards (Allowed)

- A submitter opposed the proposed classification, stating they wanted the site reviewed for its “climate adaption and resilience”.
- A submitter opposed the recommendation and advocated for a government purpose reserve classification, noting that the area holds “opportunities for ecosystem restoration in response to flood events or coastal erosion”.

I recommend that these comments are not accepted. The proposed classification will support the protection of the natural resources present to the extent compatible with the principal or primary purpose of the reserve, and as a result support the area’s climate mitigation potential. The points raised do not justify overturning the notified intention. The fact that the area is affected by sea level rise and coastal erosion does not preclude the use of the area for recreation. Under the proposed classification, “where scenic, historic, archaeological, biological, geological, or other scientific features or indigenous flora or fauna or wildlife are present on the reserve, those features or that flora or fauna or wildlife shall be managed and protected to the extent compatible with the principal or primary purpose of the reserve” (Reserves Act 1977, s. 17(2)(b)).

Ecology and Landscape (Allowed)

- A submitter opposed the proposed classification, noting kororā nest in or very close to these areas, and that the conservation report states sea and shore birds likely use this area. The submitter proposed the area be classified as a “Local Purpose Esplanade Reserve, Wildlife Management Area or Government Purpose Reserve for Wildlife Management to give wildlife and recreational values equal priority”, as the proposed classification values recreational values higher than wildlife values.

I recommend that these comments are not accepted. My view is that the natural resources present (e.g. a mixture of dune, coastal terrace and coastal rock outcrops, with modified native vegetation, pasture and buildings) are appropriately protected by the proposed classification, while also reflecting the public access and recreational features present. The points raised do not warrant overturning the notified classification.

General (Allowed)

- A submitter opposed the proposed classification and stated they preferred the area to remain stewardship land.

I recommend that these comments are not accepted. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised for further consideration.

Permissions, Economic Factors and Land Use (Not Allowed)

- A submitter opposed the classification noting that important infrastructure may need to be installed under this area soon with the submitter also stating that “recreational access to the area is not incompatible with the current classification or likely future use of the land”, and that “stewardship classification should remain”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Process and Consultation (Not Allowed)

- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.
- A submitter advocated for the proposed classification to be revised, stating that “conservation values alone must determine recommended classifications, and recreation and use values are not conservation values”, also stating that if a national park classification is “politically unpalatable, then political judgement calls must be made by accountable politicians, not by the Panel”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- A submission opposed all reclassification of stewardship land to specially protected areas unless it was purchased by the Nature Heritage Fund for the purpose of adding it to a national park.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submissions were concerned whether the proposed classification allows for hunting, fishing and “provision for public access”, and stated that any classification should explicitly provide for these activities.

I recommend that these comments are not accepted. Insufficient information is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification. The proposed classification does not prohibit public access for the activities, if authorised (for example in a hunting permit). Authorisation of such activities involves a separate decision-making process, the outcome of which would depend on effects on the conservation values present rather than the proposed land classification.

KAW_07 – SH67 - Hector – 2807755

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
SH67 - Hector	KAW_07_2807755e	Recreation Reserve	Neutral	7	9

Conservation Values Report Description

A 0.1147-ha area which is a mixture of dune, coastal terrace and coastal rock outcrops, with modified native vegetation pasture and buildings near the foreshore of the Ngakawau River mouth between SH6 and the sea. There are no current permissions, but there are signs of unauthorised activity and parts of the area appear to be used as private yards. The area is subject to coastal erosion, and the beach has extended inland. Cobbled skink have been found here in the past, but the erosion has taken away most of their suitable habitat. There have been proposals to put a seawall along sections of this coastline, including these conservation areas. The areas are used by locals accessing the beach, including for fishing and gathering mussels. No tracks or facilities managed by DOC.

Panel Recommendations

National Panel: Recreation reserve, to protect the identified ecological values while providing for recreational use of the area.

Mana Whenua Panel: Neutral.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of recreation reserve.

Summary of accepted submissions: Those submissions accepted as holding merit supported the notified classification as appropriately reflecting the natural resources present and offering sufficient protection in the context of climate change.

Section 4 and Treaty principles: The Mana Whenua Panel did not oppose the proposed classification.

No specific Ngāi Tahu interests were raised for consideration by the Mana Whenua Panel for this stewardship area. I **acknowledge** statements of the Mana Whenua Panel that “there is a deep connection between Ngāi Tahu and all of the whenua in the Ngāi Tahu takiwā, and the absence of site-specific values in the preliminary analysis does not detract from that connection, nor does it confirm that site-specific values are not present.”

Rationale: My conclusion is that the natural resources present (e.g. a mixture of dune, coastal terrace and coastal rock outcrops, with modified native vegetation, pasture and buildings) are appropriately protected by the proposed classification, while also reflecting the public access and recreational features present.

Recreation Reserve - KAW_07_2807755e

Support

Climate Change and Natural Hazards (Allowed)

- A submitter supported the proposed classification as offering a high level of protection “in light of the impacts of climate change”.

I recommend that these comments are accepted. I agree that the protection of the existing natural resources present is of increasing importance when considering the need for climate mitigation. Classification as recreation reserve will support this outcome, to the extent compatible with the identified primary purpose. The relevance of this factor for reclassification decisions is evident when the future-focused elements in the definition of conservation are considered, including, “safeguarding the options of future generations” in relation to ‘natural resources’, “the air, water and soil in or on which any plant or animal lives or may live”, and in relation to ‘protection’ of a resource, “restoration to some former state and its augmentation, enhancement, or expansion” (Conservation Act 1987, s. 2).

Ecology and Landscape (Allowed)

- A submitter supported the proposed recommendation, noting the decline of the flora and fauna that should be traditionally found in the area, including little blue penguins, and stating the positive effects that the extra protection could have on certain native species and the area as a whole.

I recommend that these comments are accepted. My view is that the natural resources identified in these comments are consistent with those described in the CVR (e.g. a mixture of dune, coastal terrace and coastal rock outcrops, with modified native vegetation, pasture and buildings), and they are appropriately protected and preserved by the proposed classification. Under the proposed classification, “where scenic, historic, archaeological, biological, geological, or other scientific features or indigenous flora or fauna or wildlife are present on the reserve, those features or that flora or fauna or wildlife shall be managed and protected to the extent compatible with the principal or primary purpose of the reserve” (Reserves Act 1977, s. 17(2)(b)).

General (Allowed)

- Submissions expressed general support for the proposed classification, referencing the “information in the technical reports”, or without providing further justification.
- A submitter noted their preference for all stewardship land to be reclassified at the highest possible level based on its “high cultural conservation value”.

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area and no new material is raised, these submission points do not raise any matters for further consideration.

Oppose

Climate Change and Natural Hazards (Allowed)

- A submitter opposed the proposed classification, stating they wanted the site reviewed for its “climate adaption and resilience”.
- A submitter opposed the recommendation and advocated for a government purpose reserve classification, noting that the area holds “opportunities for ecosystem restoration in response to flood events or coastal erosion”.

I recommend that these comments are not accepted. The proposed classification will support the protection of the natural resources present to the extent compatible with the principal or primary purpose of the reserve, and as a result support the area’s climate mitigation potential. The points raised do not justify overturning the notified intention. The fact that the area is affected by sea level rise and coastal erosion does not preclude the use of the area for recreation. Under the proposed classification, “where scenic, historic, archaeological, biological, geological, or other scientific features or indigenous flora or fauna or wildlife are present on the reserve, those features or that flora or fauna or wildlife shall be managed and protected to the extent compatible with the principal or primary purpose of the reserve” (Reserves Act 1977, s. 17(2)(b)).

Ecology and Landscape (Allowed)

- A submitter opposed the proposed classification, noting kororā nest in or very close to these areas, and that the conservation report states sea and shore birds likely use this area. The submitter proposed the area be classified as a “Local Purpose Esplanade Reserve, Wildlife Management Area or Government Purpose Reserve for Wildlife Management to give wildlife and recreational values equal priority”, as the proposed classification values recreational values higher than wildlife values.

I recommend that these comments are not accepted. My view is that the natural resources present (e.g. a mixture of dune, coastal terrace and coastal rock outcrops, with modified native vegetation, pasture and buildings) are appropriately protected by the proposed classification, while also reflecting the public access and recreational features present. The points raised do not warrant overturning the notified classification.

General (Allowed)

- A submitter opposed the proposed classification and stated they preferred the area to remain stewardship land.

Permissions, Economic Factors and Land Use (Not Allowed)

- A submitter opposed the classification noting that important infrastructure may need to be installed under this area soon with the submitter also stating that “recreational access to the area is not incompatible with the current classification or likely future use of the land”, and that “stewardship classification should remain”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Process and Consultation (Not Allowed)

- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.
- A submitter advocated for the proposed classification to be revised, stating that “conservation values alone must determine recommended classifications, and recreation and use values are not conservation values”, also stating that if a national park classification is “politically unpalatable, then political judgement calls must be made by accountable politicians, not by the Panel”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- A submission opposed all reclassification of stewardship land to specially protected areas unless it was purchased by the Nature Heritage Fund for the purpose of adding it to a national park.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submissions were concerned whether the proposed classification allows for hunting, fishing and “provision for public access”, and stated that any classification should explicitly provide for these activities.

I recommend that these comments are not accepted. Insufficient information is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification. The proposed classification does not prohibit public access for the activities, if authorised (for example in a hunting permit). Authorisation of such activities involves a separate decision-making process, the outcome of which would depend on effects on the conservation values present rather than the proposed land classification.

KAW_o8 – Stockton – 2807744

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Stockton	KAW_o8_2807744f	Conservation Park		13	25
Stockton	KAW_o8_2807744g		Stewardship	7	25

Conservation Values Report Description

A 345.7944-ha area of mostly regenerating native forest on the true left of Ngakawau River, encompassing most of the catchment of Mine Creek between the site of the historic coalmining towns of Stockton and Millerton in the headwaters of Mine Creek. A small part of the area is cleared for mining infrastructure and Millerton Road. The area includes the steep-sided gully of the Mine Creek catchment, draining the northwest tip of Stockton Plateau into Ngakawau River. The Stockton-Ngakawau coal cableway runs through the area. Millerton was the largest underground mine in New Zealand, and there are recorded associated archaeological sites. There are no tracks or facilities managed by DOC, but Millerton residents had partly cleared and compiled descriptions of the tracks to historic features in Millerton Park. There is an access easement.

Panel Recommendations

National Panel: Conservation park (Waimangaroa) to reflect the identified values, protecting natural and historic resources while facilitating public recreation and enjoyment of the area. The extent of this conservation park reflects the archaeological landscape associated with mining on Stockton Plateau.

Mana Whenua Panel: Retain as stewardship land as the area is adjacent to land being considered for mine remediation by government agencies led by the Treasury, and therefore reclassification should not occur at this time.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of conservation park.

Summary of accepted submissions: Those submissions accepted as holding merit supported the notified classification, noting the high ecological and landscape values of the conservation area and the heritage values present.

Section 4 and Treaty principles: The Mana Whenua Panel opposed the proposed classification, supported by submissions from Treaty partner organisations, as the area is “adjacent to land being considered for mine remediation by government agencies led by the Treasury, and therefore reclassification should not occur at this time”.

Although I acknowledge the Mana Whenua Panel opposition to the notified proposal, my assessment, considering those submissions accepted, is that the natural and historic resources present warrant proceeding with the notified proposal.

Regarding the specific concerns identified by the Mana Whenua Panel (mine rehabilitation), I note that conservation legislation contemplates that some activities may be acceptable and provides a mechanism for authorising such activities through the granting of concessions. The proposed classification may still allow for certain mine rehabilitation activities (for example) through this mechanism, which would be administered in a manner that gives effect to Treaty principles.

Rationale: My conclusion is that the natural resources present (e.g. a varied vegetation and fauna patterns which are representative of the Ngakawau Ecological District, moderately high level of naturalness, and *Powelliphanta lignaria johnstoni* (Nationally Endangered)), are appropriately protected under the proposed classification when also considering the historic resources present (e.g. sites which relate to the historic coal mining in the Millerton-Stockton area, two recorded archaeological sites). The primary purpose of conservation parks includes to be managed so “that its natural and historic resources are protected” (Conservation Act 1987, s. 19(1)(a)).

Conservation Park - KAW_o8_2807744f

Support

Ecology and Landscape (Allowed)

- Submissions supported the classification as protecting the high landscape and ecological values present noting the high levels of naturalness, varied vegetation and presence of endangered fauna such as *Powelliphanta lignaria johnstoni* (e.g. “The assessment area is a natural/ historic landscape of high ecological value. It provides continuity and connectivity with adjacent Ngakawau Ecological Area and neighbouring conservation land into a much larger conservation landscape”).
- A submitter outlined the high ecological value of the area and supported the “additional layer of protection” the conservation park classification would provide.

I recommend that these comments are accepted. They provide site specific details regarding the natural resources present which warrant consideration. My view is that the natural resources identified in these comments are consistent with those described in the CVR (e.g. indigenous podocarp/beech/kāmahi forest, variation in vegetation patterns and fauna habitats which are representative of the Ngakawau Ecological District, moderately high level of naturalness), and they are appropriately protected through classification as a conservation park. The primary purpose of conservation parks includes to be managed so “that its natural and historic resources are protected” (Conservation Act 1987, s. 19(1)(a)).

- A submitter who supported the proposed classification advocated for “an ecological area overlay in recognition of the biodiversity”.

I recommend that this comment is not accepted. My assessment is that the natural resources present (e.g. a varied vegetation and fauna patterns which are representative of the Ngakawau Ecological District, moderately high level of naturalness, and *Powelliphanta lignaria johnstoni* (Nationally Endangered)) are appropriately protected under the proposed classification when also considering the historic resources present (e.g. sites which relate to the historic coal mining in the Millerton-Stockton area). The primary purpose of conservation parks includes to be managed so “that its natural and historic resources are protected” (Conservation Act 1987, s. 19(1)(a)). I note that the submitter has recommended the addition of an ecological overlay, however, any such addition is not within the scope of what was notified for this reclassification process.

Historic and Cultural Values (Allowed)

- A submitter supported the classification as providing “an additional layer of protection” for the high heritage values present “associated with coal mining around Millerton and Stockton and included several archaeological sites”.

I recommend that these comments are accepted. I agree that the proposed classification of conservation park appropriately protects the historic values present as described by the submitter and CVR (e.g. sites which relate to the historic coal mining in the Millerton-Stockton area, two recorded archaeological sites). The primary purpose of conservation parks includes to be managed so “that its natural and historic resources are protected” (Conservation Act 1987, s. 19(1)(a)).

General (Allowed)

- Submissions expressed general support for the proposed classification without providing further justification, or agreed it reflected the “information in the technical reports”.
- A submitter noted their preference for all stewardship land to be reclassified at the highest possible level based on its “high cultural conservation value”.

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area and no new material is raised, these submission points do not raise any matters for further consideration.

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions in support of conservation park advocated for greater protection from "intrusive development" such as mining and hydro schemes, stating that "most of the Southern Alps deserves protection equivalent to that of National Park status".
- A submitter expressed "trust that Conservation Park status will provide full protection from any future mining applications in these areas".
- Submissions advocated for retaining the area in stewardship or reclassifying it as a conservation park, suggesting these provide "more than adequate legal protection".

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- A submission suggested that the implementation of the proposed classification "needs to be followed up with sufficient funding for pest eradication".

As I have recommended these comments are not allowed, I recommend they are not accepted.

Oppose

Access and Recreation (Allowed)

- A submitter who advocated for classification as scenic reserve or ecological area as their preferred options, with conservation park as the final choice, described the area as having "plenty of recreational opportunities" and noted "The amazing thing about these places is that they already have old tracks, with steps and concrete and cuttings". They described the area as "a botanists and geologists dream with easily visited unusual plants and landforms". The "Stockton area" was noted to include "the very old mine at Ngakawau where you find the colored sands that for a long time were a hobby for the people to collect and make sand picture bottles with".
- A submitter who advocated for the area to remain in stewardship, suggested the proposed classification is inappropriate because "recreational values should not be enhanced in particular areas", while also suggesting that it "is not necessary to ensure the protection of recreational values because recreational values will be protected".

I recommend that these comments are not accepted. It is my view that the recreational values present as described in the CVR (e.g. no DOC managed tracks or facilities, occasional visits by locals and visitors) and noted by submitters, will be appropriately protected by the proposed classification and the points raised do not warrant overturning the notified intention. The proposed conservation park will be managed "to facilitate public recreation and enjoyment", subject to the protection of the natural and historic resources present (Conservation Act 1987, s. 19(1)(b)).

Climate Change and Natural Hazards (Allowed)

- A submitter who advocated for the area to remain in stewardship, suggested that the proposed classification "may create a barrier to realising both the Governments emissions reduction targets".
- A submitter opposed the proposed classification, citing "concern that site should be reviewed for Community climate adaptation and resilience".

I recommend that these comments are not accepted. The proposed classification will support the protection of the natural resources present, and as a result support the area's climate mitigation potential. Comments regarding adaptation do not specify what type of adaptation they mean or why this should be considered for this conservation area, so I am unable to consider them further.

Ecology and Landscape (Allowed)

- Submitters suggested that the proposed conservation park did not reflect the high and "unique" ecological values of the area (e.g. "the Panel has not properly considered the nationally important ecological values that exist in these places"), which warrant a higher level of protection such as ecological area (e.g. the area may have "the last remnants of a range of insects, snails, lizards, or plant speciation that may be nationally at risk, endangered, or threatened", "ecological values that appear similar to those on other nearby land with a higher protected status", "a suite of rare and distinct fauna, including *Powelliphanta lignaria johnstoni* (Nationally Endangered)", "the

Nationally Critical *Powelliphanta augusta* and numerous other threatened species”, “the Stockton-Millerton area qualifies for high ecological significance through all the criteria of representativeness, diversity and pattern, rarity and distinctiveness, and ecological context”). The importance of the area as a “rare plateau landscape” was noted.

- Submitters advocated that “integrating its management with the existing Ecological Area would lead to landscape scale consistent management”, (“added to the Ngakawau Ecological Area and be managed in a more coherent and ecologically robust manner than would occur in a Conservation Park”), noting “high ecological values for threatened species” and the land context of the adjoining Ngakawau Ecological Area. Submitters also noted that the values match those of the nearby Orikaka Ecological Area.
- It was suggested that the proposed classification is “inconsistent with the requirement that the recommended classification should be according to the identified conservation values”, and that conservation park provides “pretty much the same protection as that of Stewardship Land”.
- Submitters opposed the entire proposal to create the conservation park (Waimangaroa) due to concerns the status would not protect the values present (e.g. “the Nationally Critical *Powelliphanta augusta* and numerous other threatened species... These parcels should be added to the Ngakawau Ecological Area and be managed in a more coherent and ecologically robust manner than would occur in a Conservation Park”.

I recommend that these comments are not accepted. Although I acknowledge the high value nature of the natural resources present (e.g. varied vegetation and fauna patterns which are representative of the Ngakawau Ecological District, moderately high level of naturalness, and *Powelliphanta lignaria johnstoni* (Nationally Endangered)), my assessment is that they are appropriately protected under the proposed classification when also considering the historic resources present (e.g. sites which relate to the historic coal mining in the Millerton-Stockton area). The primary purpose of conservation parks includes to be managed so “that its natural and historic resources are protected” (Conservation Act 1987, s. 19(1)(a)).

- A submitter noted “factual inaccuracies” in the information provided to the Panels, suggesting that it “over-states the natural heritage significance of the area”. It was suggested that the land should remain held in stewardship “for at least the period of mining and subsequent rehabilitation”.

I recommend that these comments are not accepted. Although areas of modification may be present, my conclusion is that the natural resources present as described in the CVR justify the proposed classification (e.g. indigenous podocarp/beech/kāmahi forest, variation in vegetation patterns and fauna habitats which are representative of the Ngakawau Ecological District, moderately high level of naturalness) and the points raised do not warrant overturning the notified intention. The primary purpose of conservation parks includes to be managed so “that its natural and historic resources are protected” (Conservation Act 1987, s. 19(1)(a)).

Treaty Considerations (Allowed)

- Submissions expressed preference for the recommendation of the Mana Whenua Panel, on the basis that it “reflects the values, interests, and perspectives of the Papatipu Rūnanga in whose Takiwā the relevant land is located”.

I recommend that these comments are not accepted. Although I acknowledge the Mana Whenua Panel opposition to the notified proposal, my assessment, considering those submissions accepted, is that the natural resources present (e.g. indigenous podocarp/beech/kāmahi forest, variation in vegetation patterns and fauna habitats which are representative of the Ngakawau Ecological District, moderately high level of naturalness) are appropriately protected under the proposed classification when also considering the historic resources present (e.g. sites which relate to the historic coal mining in the Millerton-Stockton area).

General (Allowed)

- Submissions advocated for a higher level of protection than that proposed, without providing further justification.

I recommend that these comments are not accepted. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised for further consideration.

Permissions, Economic Factors and Land Use (Not Allowed)

- **Submitters** noted the presence of permissions “to enable activities associated with mining” on adjoining private land, including that the aerial ropeway passes through the assessment area, and that its associated concession is not described in the CVR.
- It was identified that adjoining land is “being considered by Treasury for management solutions for historic Crown liability of acid mine drainage” (e.g. “access to the road will be required indefinitely for operation of the SPHS (or for any other alternative rehabilitation option adopted by the Crown) and to provide public access to the hinterland”). It was suggested that the proposed classification would negatively impact on these activities, and that the land should remain held in stewardship “for at least the period of mining and subsequent rehabilitation”.
- A submitter who expressed general concern about the low-level protection offered by conservation park (e.g. “conservation parks do not protect against the establishment of mines on conservation land), noted support for that classification for areas “potentially containing crown minerals”.
- Submitters advocated for a classification that would prevent future mining in the area (e.g. a classification that recognises its uniqueness and protects it from future mining”). A scientific reserve was proposed, with a submitter suggesting that “alternatively the conservation park status should be accompanied by addition to schedule 4 of the Crown Minerals Act”.
- A submitter who advocated for the area to remain in stewardship, suggested that the proposed classification “does not appropriately reflect the current or future values of the land”, and may create a barrier to realising “the economic, social and cultural benefits of the local West Coast community”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Process and Consultation (Not Allowed)

- A submitter advocated for the proposed classification to be revised, stating that “conservation values alone must determine recommended classifications, and recreation and use values are not conservation values”.
- A submitter stated that if a national park classification is “politically unpalatable, then political judgement calls must be made by accountable politicians, not by the Panel”.
- A submitter noted the “absence of any information about possible economic activities that may occur” and that they could therefore not be confident about the appropriateness of the proposed classification.
- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- One submission opposed all reclassification of stewardship land to specially protected areas unless it was purchased by the Nature Heritage Fund for the purpose of adding it to a national park.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submissions queried whether the proposed classification allows hunting, fishing and “provision for public access”.

I recommend that these comments are not accepted. The submission does not identify how the potential for hunting and fishing is relevant to decision-making on classification of the area, and no new material is raised which supports reconsideration of the notified classification. It should be noted that the proposed classification does not prohibit public access for the proposed activities, or the activities themselves when appropriately authorised (for example under a hunting permit), where consistent with preservation of the conservation values present.

General (Allowed)

- Submissions advocated generally for all national parks, forest parks, scenic reserves, and stewardship land to be protected from development.

I recommend that these comments are not accepted. The legislation does not provide for absolute protection from development – rather it contemplates that some activities may be acceptable and provides a mechanism for authorising such activities, through the grant of concessions. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification.

Other (Not Allowed)

- A submitter advocated for new conservation parks to “come with additional Government funding for better biodiversity work and more pest control”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Retain in Stewardship - KAW_o8_2807744g

The comments received in relation to the Mana Whenua Panel recommendation are summarised below and have been considered in relation to the notified proposal when forming s.49 allow/accept recommendations.

Support

Access and Recreation (Allowed)

- Submitters who advocated for retaining the area in stewardship until existing permissions are concluded and rehabilitation completed, suggested that the actual recreational use of the area is lower than that described by the National Panel, or that the rights being exercised by the miner are not consistent with uncontrolled public access. They referenced an “independent visitor intercept survey”, noting that “the majority of visitors do not go beyond the Denniston brakehead, which is outside the area of land under review”.

I recommend that these comments are not accepted. It is my view that the recreational values present as described in the CVR (e.g. no DOC managed tracks or facilities, occasional visits by locals and visitors) will be appropriately protected by the proposed classification and the points raised do not warrant overturning the notified intention. The proposed conservation park will be managed “to facilitate public recreation and enjoyment”, subject to the protection of the natural and historic resources present (Conservation Act 1987, s. 19(1)(b)).

Treaty Considerations (Allowed)

- Submitters supported the position of the Mana Whenua Panel on the basis that “the recommendations of the MWP reflect the values, interests, and perspectives of the Papatipu Rūnanga in whose Takiwā the relevant land is located, and recognise Ngāi Tahu’s connection to their ancestral lands” (e.g. “by adopting the recommendations of the Mana Whenua Panel the Minister will give effect to the principles of the Treaty of Waitangi”, “Mana whenua, here made up of Ngāi Tahu and Poutini Ngāi Tahu, have the longest and strongest claim to this land and their interests should be upheld as per their recommendation”).

I recommend that these comments are not accepted. Although I acknowledge the Mana Whenua Panel opposition to the notified proposal, my assessment, considering those submissions accepted, is that the natural resources present (e.g. indigenous podocarp/beech/kāmahi forest, variation in vegetation patterns and fauna habitats which are representative of the Ngakawau Ecological District, moderately high level of naturalness) are appropriately protected under the proposed classification when also considering the historic resources present (e.g. sites which relate to the historic coal mining in the Millerton-Stockton area).

General (Allowed)

- Submissions stated support for the proposed classification or agreement with the Mana Whenua Panel without providing further justification.

I recommend that these comments are not accepted. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised for further consideration.

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions advocated for retaining the area in stewardship or reclassifying it as a conservation park, suggesting these classifications provide “more than adequate legal protection”.
- Retaining the land in stewardship was supported on the basis that reclassification may “create a barrier to realising both the Governments emissions reduction targets and REG goals as well as the economic, social and cultural benefits of the local West Coast community”.
- Submitters stated that reclassification would impact the rehabilitation of acid mine drainage, and suggested the area be retained in stewardship until after rehabilitation has been completed.
- A submitter noted that Bathurst holds authorisations “to enable the mining activity in the Stockton mine itself” and that the aerial ropeway passes through this area but is not described in the CVR.
- Submitters supported the recommendation on the grounds that retaining land in stewardship will enable various land uses to continue, noting that mining and access authorisations are held in the assessment area, and that the land is adjacent to areas requiring acid mine drainage solutions. They recommended that the land should remain in stewardship until mining and rehabilitation activities are concluded. One submitter qualified their comment by suggesting that areas adjacent to or including active mining should be left as stewardship land “until the conclusion/expiry of their access rights” but that the “areas of escarpment and of undisturbed land could be Conservation Park. This may mean splitting this area to accommodate these differences”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Oppose

Access and Recreation (Allowed)

- Submitters who advocated for reclassification as scenic reserve or conservation park noted the mining heritage and historic sites (e.g. “contains a number of historic sites with physical remains present that are important for tourism and recreation in the area”, “Koronui Incline and old town, Millerton Incline and the Britannia Track”.
- A submitter wanted this classification revisited and adequate protections given that are based on the conservation value of the land, noting that “The fundamental purpose should thus be the protection of the conservation value of the land and the guarantee of public access”.

I recommend that these comments are accepted. I agree that the proposed classification of conservation park will support ongoing public access to the area and that the historic values present are appropriately protected through classification as a conservation park. The proposed conservation park will be managed “to facilitate public recreation and enjoyment”, subject to the protection of the natural and historic resources present (Conservation Act 1987, s. 19(1)(b)).

Climate Change and Natural Hazards (Allowed)

- A submitter stated opposition based on concern that the site “should be reviewed for Community climate adaptation and resilience”.

I recommend that these comments are not accepted. The proposed classification will support the protection of the natural resources present, and as a result support the area’s climate mitigation potential. Comments regarding adaptation do not specify what type of adaptation they mean or why this should be considered for this conservation area, so I am unable to consider them further.

Ecology and Landscape (Allowed)

- Submitters objected to retaining the land as stewardship land and advocated for an ecological area classification “where their ecological values are high”, or stating “more suitable classification of Ecological Area”, without providing an explanation.
- A submitter noted the ecological value of the area and expressed support “that the assessment area be classified as part of a larger heritage/ecological park”.
- A submitter opposed retaining the area in stewardship and stated they “do not support the destruction of native environments to mine coal”.

I recommend that these comments are accepted to the extent that I agree that the area warrants a higher level of protection than that provided by stewardship. My assessment is that the natural resources present (e.g. a varied vegetation and fauna patterns which are representative of the Ngakawau Ecological District, moderately high level of naturalness, and *Powelliphanta lignaria johnstoni* (Nationally Endangered)) are appropriately protected under the proposed classification when also considering the historic resources present (e.g. sites which relate to the historic coal mining in the Millerton-Stockton area). The primary purpose of conservation parks includes to be managed so “that its natural and historic resources are protected” (Conservation Act 1987, s. 19(1)(a)).

- Submitters advocated for a higher classification on the basis that this does not reflect the high ecological values present (i.e. uncommon ecosystem types and various rare species). Specifically, the area was noted to support various threatened flora and fauna and provide habitat for species such as kiwi, native geckos, the threatened long-tailed bat, *Powelliphanta lignaria johnstoni* and *Powelliphanta augusta* (Nationally Critical) (e.g. “This is habitat for the Nationally Endangered *Powelliphanta lignaria johnstoni*, with ecological and altitudinal gradients linking the coastal Scenic Reserve to the Ngakawau Ecological Area with which it should be joined”, “overwhelmingly natural and largely intact”). Various suggestions were made as to appropriate alternative classifications, including ecological area, scenic reserve, national park, or scientific reserve, or some combination of those.
- Submitters stated that the area holds values comparable to those of the nearby Orikaka Ecological Area and plays an important role in connectivity (e.g. “important for connectivity between the coastal and lowland forest, and the inland mountain forests of the Ngakawau Ecological Area”, “provides continuity and connectivity with adjacent Ngakawau Ecological Area and neighbouring conservation land into a much larger conservation landscape”, “surrounded by important conservation areas”).

I recommend that these comments are not accepted. My assessment is that the natural resources present (e.g. a varied vegetation and fauna patterns which are representative of the Ngakawau Ecological District, moderately high level of naturalness, and *Powelliphanta lignaria johnstoni* (Nationally Endangered)) are appropriately protected under the proposed classification when also considering the historic resources present (e.g. sites which relate to the historic coal mining in the Millerton-Stockton area). The primary purpose of conservation parks includes to be managed so “that its natural and historic resources are protected” (Conservation Act 1987, s. 19(1)(a)).

Historic and Cultural Values (Allowed)

- A submitter noted the historical value of the area and expressed support “that the assessment area be classified as part of a larger heritage/ecological park”.

I recommend that these comments are accepted. I agree that the historic values present warrant a higher level of protection than that provided by stewardship and my conclusion is that the proposed classification of conservation park appropriately protects these values. The primary purpose of conservation parks includes to be managed so “that its natural and historic resources are protected” (Conservation Act 1987, s. 19(1)(a)).

General (Allowed)

- Submissions opposed retaining land in stewardship without providing further justification, describing it as a “meaningless recommendation”. Some submitters expressed a preference for a different classification such as a conservation park, scenic reserve, or an ecological area.
- A submitter noted their preference for all stewardship land to be reclassified at the highest possible level based on its “high cultural conservation value”.

I recommend that these comments are accepted to the extent that they support a higher level of protection and the proposed classification of conservation park. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area and no new material is raised, these submission points do not raise any matters for further consideration.

Permissions, Economic Factors and Land Use (Not Allowed)

- Submitters expressed concern that retaining the area as stewardship land exposes it to risk of activities such as mining or being swapped out of the conservation estate. It was suggested that reclassification should consider the “likely potential incursion by commercial or industrial groups”.

- One submitter suggested that “It appears to me that this recommendation is an undercover ploy to open conservation lands with notable conservation values to environmentally abusive extractive commercial activities and other inappropriate developments in the interests of private financial rewards”.
- Submitters opposed retaining the area as stewardship land and commented that the justification for retaining land in stewardship is based on the area’s adjacency to land being considered for mine remediation, with some stating that “mine remediation should occur on the land that already has been impacted by mining”. The submitters also stated that according to communication with a DOC staff member, “none of the current or probable future activity (regarding coal mining) is incompatible with the area becoming a Conservation Park” or “under Conservation park general rules there is still opportunity for recreation and commercial enterprise
- Submitters noted the area is “ecologically unique and precious” and expressed their support for the highest level of protection “against future degradation by mining”.
- Submitters recommended adding this area to the adjoining Ngakawau Ecological Area on the basis that the site has “nationally important ecological values” that are rare and specific to this site (i.e. “Buller Coal Plateau area is a rare landscape and geological site”). They noted the area contains “Nationally Critical *Powelliphanta augusta* and numerous other threatened species” while also providing for landscape continuity “these areas provide habitat continuity between surrounding coastal and high-altitude public conservation land”.
- Submitters expressed concern that retaining the area as stewardship land exposes it to risk of activities such as mining or being swapped out of the conservation estate. It was suggested that reclassification should consider the “likely potential incursion by commercial or industrial groups”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Process and Consultation (Not Allowed)

- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.
- Submissions expressed concern about “major inconsistencies and contradictions” in the reclassification process, noting that some high value conservation land has not been recommended for reclassification as national park.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submitters were concerned with ensuring that free public access, hunting and fishing can continue.

I recommend that these comments are not accepted. The submission does not identify how the potential for hunting and fishing is relevant to decision-making on classification of the area, and no new material is raised which supports reconsideration of the notified classification. It should be noted that the proposed classification does not prohibit public access for the proposed activities, or the activities themselves when appropriately authorised (for example under a hunting permit), where consistent with preservation of the conservation values present.

General (Allowed)

- Submitters advocated generally for all national parks, forest parks, scenic reserves and stewardship land to be protected from development.

I recommend that these comments are not accepted. The legislation does not provide for absolute protection from development – rather it contemplates that some activities may be acceptable and provides a mechanism for authorising such activities, through the grant of concessions. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification.

- A submitter was unsure of the reasons for the recommendation.

I recommend that these comments are not accepted. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised for further consideration.

KAW_o8 – Millerton – 2807745

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Millerton	KAW_o8_2807745h	Conservation Park		15	24
Millerton	KAW_o8_2807745i		Stewardship	6	27

Conservation Values Report Description

A 57.2705-ha area of mostly regenerating native forest on the true left of Ngakawau River, encompassing some of the catchment of Mine Creek between the site of the historic coalmining towns of Stockton and Millerton in the headwaters of Mine Creek. A small part of the area is cleared for Millerton Road. The area includes the steep-sided gully of the Mine Creek catchment, draining the northwest tip of Stockton Plateau into Ngakawau River. Millerton was the largest underground mine in New Zealand, and there are recorded associated archaeological sites. There are no tracks or facilities managed by DOC, but Millerton residents had partly cleared and compiled descriptions of the tracks to historic features in Millerton Park. There is an access easement.

Panel Recommendations

National Panel: Conservation park (Waimangaroa), to reflect the identified values, protecting natural and historic resources while facilitating public recreation and enjoyment of the area. The extent of this conservation park reflects the archaeological landscape associated with mining on Stockton Plateau.

Mana Whenua Panel: Retain as stewardship land as the area is adjacent to land being considered for mine remediation by government agencies led by the Treasury, and therefore reclassification should not occur at this time.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of conservation park.

Summary of accepted submissions: Those submissions accepted as holding merit supported the notified classification, noting the high ecological, landscape and heritage values present.

Section 4 and Treaty principles: The Mana Whenua Panel opposed the proposed classification, supported by submissions from Treaty partner organisations, as the area is “adjacent to land being considered for mine remediation by government agencies led by the Treasury, and therefore reclassification should not occur at this time”.

Although I acknowledge the Mana Whenua Panel opposition to the notified proposal, my assessment, considering those submissions accepted, is that the natural and historic resources present warrant proceeding with the notified proposal.

Regarding the specific concerns identified by the Mana Whenua Panel (mine rehabilitation), I note that conservation legislation contemplates that some activities may be acceptable and provides a mechanism for authorising such activities through the granting of concessions. The proposed classification may still allow for certain mine rehabilitation activities (for example) through this mechanism, which would be administered in a manner that gives effect to Treaty principles.

Rationale: My conclusion is that the natural resources present (e.g. a varied vegetation and fauna patterns which are representative of the Ngakawau Ecological District, moderately high level of naturalness, and *Powelliphanta lignaria johnstoni* (Nationally Endangered)) are appropriately protected under the proposed classification when also considering the historic resources present (e.g. sites related to the historic coal mining in the Millerton-Stockton area). The primary purpose of conservation parks includes to be managed so “that its natural and historic resources are protected” (Conservation Act 1987, s. 19(1)(a)).

Conservation Park - KAW_o8_2807745h

Support

Access and Recreation (Allowed)

- A submitter supported the proposed classification “as a minimum level of protection”, noting interest by the local community in “existing and new tracks in this area and securing access over the plateau as the mining operation is wound up”.

I recommend that these comments are accepted. These comments provide site-specific details regarding the public access and recreational features present which are appropriately reflected by the notified classification and supported by the CVR (e.g. Millerton residents had partly cleared and compiled descriptions of the tracks to historic features in the Millerton Park). They hold merit under the Conservation Act as they support promotion of recreation that is not inconsistent with the preservation of the natural and historic resources present.

Ecology and Landscape (Allowed)

- Submitters expressed support based on the ecological and heritage values of the area.
- A submitter advocated for the assessment area to be classified as part of a larger “heritage/ecological park”.
- A submitter in support of the proposed classification outlined the high ecological value of the area, qualifying their support by noting that “an additional layer of protection needs to be provided”.

I recommend that these comments are accepted to the extent that they support the proposed classification as protecting the natural values present. My assessment is that the natural resources present (e.g. a varied vegetation and fauna patterns which are representative of the Ngakawau Ecological District, moderately high level of naturalness, and *Powelliphanta lignaria johnstoni* (Nationally Endangered)) are appropriately protected under the proposed classification when also considering the historic resources present (e.g. sites related to the historic coal mining in the Millerton-Stockton area). The primary purpose of conservation parks includes to be managed so “that its natural and historic resources are protected” (Conservation Act 1987, s. 19(1)(a)).

Historic and Cultural Values (Allowed)

- A submitter noted the high heritage values present “associated with coal mining around Millerton and Stockton and included several archaeological sites”, qualifying their support by noting that “an additional layer of protection needs to be provided”.

I recommend that these comments are accepted. I agree that the proposed classification of conservation park appropriately protects the historic values present as described by the submitter and CVR (e.g. the sites within the assessment area represent the beginnings of commercial mining at Millerton and the rise of the dominance of coal in the Buller economy). The primary purpose of conservation parks includes to be managed so “that its natural and historic resources are protected” (Conservation Act 1987, s. 19(1)(a)).

General (Allowed)

- Submissions expressed general support for the proposed classification without providing further justification, or agreed it reflected the “information in the technical reports”.
- A submitter noted their preference for all stewardship land to be reclassified at the highest possible level based on its “high cultural conservation value”.

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area and no new material is raised, these submission points do not raise any matters for further consideration.

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions in support of conservation park advocated for greater protection from “intrusive development” such as mining and hydro schemes, stating that “most of the Southern Alps deserves protection equivalent to that of National Park status”.

- A submitter expressed “trust that Conservation Park status will provide full protection from any future mining applications in these areas”.
- Submissions advocated for retaining the area in stewardship or reclassifying it as a conservation park, suggesting these provide “more than adequate legal protection”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- A submitter advocated to be made aware of any future mining resource consent applications in the area.
- A submission suggested that the implementation of the proposed classification “needs to be followed up with sufficient funding for pest eradication”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Oppose

Access and Recreation (Allowed)

- A submitter who advocated for classification as scenic reserve or ecological area, described the area as “a botanists and geologists dream with easily visited unusual plants and landforms”.
- A submitter who advocated for the land to be retained in stewardship, noted that “recreational access to the piece is not incompatible with the current classification or likely future use of the land”.
- A submitter who advocated for the area to remain in stewardship, suggested the proposed classification is inappropriate because “recreational values should not be enhanced in particular areas”, while also suggesting that it “is not necessary to ensure the protection of recreational values because recreational values will be protected”.

I recommend that these comments are not accepted. It is my view that the recreational values present (e.g. no DOC managed tracks or facilities, but Millerton residents have cleared and compiled descriptions of the tracks of historic features in Millerton Park) will be appropriately protected by the proposed classification, and the points raised do not warrant overturning the notified intention. The proposed conservation park will be managed “to facilitate public recreation and enjoyment”, subject to the protection of the natural and historic resources present (Conservation Act 1987, s. 19(1)(b)).

Climate Change and Natural Hazards (Allowed)

- A submitter who advocated for the area to remain in stewardship, suggested that the proposed classification “may create a barrier to realising both the Governments emissions reduction targets”.
- A submitter opposed the proposed classification, citing “concern that site should be reviewed for Community climate adaptation and resilience”.

I recommend that these comments are not accepted. The proposed classification will support the protection of the natural resources present, and as a result support the area’s climate mitigation potential. Comments regarding adaptation do not specify what type of adaptation they mean or why this should be considered for this conservation area, so I am unable to consider them further.

Ecology and Landscape (Allowed)

- Submitters suggested that the proposed conservation park did not reflect the high ecological values of the area (e.g. “the Panel has not properly considered the nationally important ecological values that exist in these places”), which warrant a higher level of protection such as ecological area (e.g. the area may have “the last remnants of a range of insects, snails, lizards, or plant speciation that may be nationally at risk, endangered, or threatened”, “ecological values that appear similar to those on other nearby land with a higher protected status”, “a suite of rare and distinct fauna, including *Powelliphanta lignaria johnstoni* (Nationally Endangered)”, “the Nationally Critical *Powelliphanta augusta* and numerous other threatened species”, and “the Stockton-Millerton area qualifies for high ecological significance through all the criteria of representativeness, diversity and pattern, rarity and distinctiveness, and ecological context”).
- Submitters advocated that “integrating its management with the existing Ecological Area would lead to landscape scale consistent management” (e.g. “should be added to the Ngakawau Ecological Area and be managed in a more

coherent and ecologically robust manner than would occur in a Conservation Park”), noting “high ecological values for threatened species” and the land context of the adjoining Ngakawau Ecological Area.

- It was suggested that the proposed classification is “inconsistent with the requirement that the recommended classification should be according to the identified conservation values”, and that conservation park provides “pretty much the same protection as that of Stewardship Land”.

I recommend that these comments are not accepted. Although I acknowledge the high value nature of the natural resources present (e.g. a varied vegetation and fauna patterns which are representative of the Ngakawau Ecological District, moderately high level of naturalness, and *Powelliphanta lignaria johnstoni* (Nationally Endangered)), my assessment is that they are appropriately protected under the proposed classification when also considering the historic resources present (e.g. sites which relate to the historic coal mining in the Millerton-Stockton area, two recorded archaeological sites). The primary purpose of conservation parks includes to be managed so “that its natural and historic resources are protected” (Conservation Act 1987, s. 19(1)(a)).

- A submitter noted “factual inaccuracies” in the information provided to the Panels, suggesting that it “over-states the natural heritage significance of the area”. It was suggested that the land should remain held in stewardship “for at least the period of mining and subsequent rehabilitation”.

I recommend that these comments are not accepted. Although areas of modification may be present, my conclusion is that the natural resources present as described in the CVR justify the proposed classification (e.g. indigenous vegetations which is representative of the Ngakawau Ecological District, moderately high level of naturalness) and the points raised do not warrant overturning the notified intention. The primary purpose of conservation parks includes to be managed so “that its natural and historic resources are protected” (Conservation Act 1987, s. 19(1)(a)).

Treaty Considerations (Allowed)

- Submissions expressed preference for the recommendation of the Mana Whenua Panel, on the basis that it “reflects the values, interests, and perspectives of the Papatipu Rūnanga in whose Takiwā the relevant land is located”.

I recommend that these comments are not accepted. Although I acknowledge the Mana Whenua Panel opposition to the notified proposal, my assessment, considering those submissions accepted, is that the natural resources present (e.g. a varied vegetation and fauna patterns which are representative of the Ngakawau Ecological District, moderately high level of naturalness, and *Powelliphanta lignaria johnstoni* (Nationally Endangered)) are appropriately protected under the proposed classification when also considering the historic resources present (e.g. sites which relate to the historic coal mining in the Millerton-Stockton area).

General (Allowed)

- Submissions advocated for a higher level of protection than that proposed, without providing further justification.

I recommend that these comments are not accepted. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised for further consideration.

Permissions, Economic Factors and Land Use (Not Allowed)

- Submitters noted the presence of permissions “to enable activities associated with mining” on adjoining private land (e.g. a submitter noted that the aerial ropeway passes through this assessment area and that its associated concession is not described in the CVR).
- Submitters advocated for the area to be retained in stewardship as the reclassification of these conservation areas would impact the rehabilitation of acid mine drainage through the establishment of hydro schemes (e.g. “Miller Stream and Mine Creek both pass through this piece and are currently the main drainage paths for AMD ... The SPHS proposes capture of AMD from the headwaters of these streams. Access through the piece will be required to build an AMD diversion”). It was also identified that adjoining land is “being considered by Treasury for management solutions for historic Crown liability of acid mine drainage”.
- A submitter who expressed general concern about the low-level protection offered by conservation park (e.g. “conservation parks do not protect against the establishment of mines on conservation land”, “needs to be given a

classification that recognises its uniqueness and protects it from future mining”), noted support for that classification for areas “potentially containing crown minerals”.

- Submitters opposed the recommendation on the grounds that it provides insufficient protection against certain activities (e.g. “conservation Parks allow future mining, logging, and grazing”). It was suggested the classification as ecological area or scientific reserve was more appropriate, with a submitter suggesting that “alternatively the conservation park status should be accompanied by addition to schedule 4 of the Crown Minerals Act”.
- A submitter who advocated for the area to remain in stewardship, suggested that the proposed classification “does not appropriately reflect the current or future values of the land”, and may create a barrier to realising “the economic, social and cultural benefits of the local West Coast community”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Process and Consultation (Not Allowed)

- A submitter stated that if a national park classification is “politically unpalatable, then political judgement calls must be made by accountable politicians, not by the Panel”.
- A submitter noted the “absence of any information about possible economic activities that may occur” and that they could therefore not be confident about the appropriateness of the proposed classification.
- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.
- A submitter advocated for the proposed classification to be revised, stating that “conservation values alone must determine recommended classifications, and recreation and use values are not conservation values.”

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- One submission opposed all reclassification of stewardship land to specially protected areas unless it was purchased by the Nature Heritage Fund for the purpose of adding it to a national park.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submissions queried whether the proposed classification allows hunting, fishing and “provision for public access”.

I recommend that these comments are not accepted. The submission does not identify how the potential for hunting and fishing is relevant to decision-making on classification of the area, and no new material is raised which supports reconsideration of the notified classification. It should be noted that the proposed classification does not prohibit public access for the proposed activities, or the activities themselves when appropriately authorised (for example under a hunting permit), where consistent with preservation of the conservation values present.

General (Allowed)

- Submissions advocated generally for all national parks, forest parks, scenic reserves, and stewardship land to be protected from development.

I recommend that these comments are not accepted. The legislation does not provide for absolute protection from development – rather it contemplates that some activities may be acceptable and provides a mechanism for authorising such activities, through the grant of concessions. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification.

Permissions, Economic Factors and Land Use (Not Allowed)

- A submitter who did not express an opinion on the proposed classification, noted that they do not support “any sale of land for mining or any other use at Millerton above Granity north of Westport”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- A submitter advocated for new conservation parks to “come with additional Government funding for better biodiversity work and more pest control”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Retain in Stewardship - KAW_o8_2807745i

The comments received in relation to the Mana Whenua Panel recommendation are summarised below and have been considered in relation to the notified proposal when forming s.49 allow/accept recommendations.

Support

Access and Recreation (Allowed)

- A submitter who advocated for retaining the area in stewardship mentioned acid mine drainage and possible future pipelines through the area, but noted that “recreational access to the piece is not incompatible with the current classification or likely future use of the land”.

I recommend that these comments are not accepted. It is my view that the recreational values present as described in the CVR and noted by submitters (e.g. no DOC managed tracks or facilities, occasional visits by locals and visitors) will be appropriately protected by the proposed classification and the points raised do not warrant overturning the notified intention. The proposed conservation park will be managed “to facilitate public recreation and enjoyment”, subject to the protection of the natural and historic resources present (Conservation Act 1987, s. 19(1)(b)).

Treaty Considerations (Allowed)

- Submitters supported the position of the Mana Whenua Panel on the basis that “the recommendations of the MWP reflect the values, interests, and perspectives of the Papatipu Rūnanga in whose Takiwā the relevant land is located, and recognise Ngāi Tahu’s connection to their ancestral lands” (e.g. “by adopting the recommendations of the Mana Whenua Panel the Minister will give effect to the principles of the Treaty of Waitangi”, “Mana whenua, here made up of Ngāi Tahu and Poutini Ngāi Tahu, have the longest and strongest claim to this land and their interests should be upheld as per their recommendation”).

I recommend that these comments are not accepted. Although I acknowledge the Mana Whenua Panel opposition to the notified proposal, my assessment, considering those submissions accepted, is that the natural resources present (e.g. a varied vegetation and fauna patterns which are representative of the Ngakawau Ecological District, moderately high level of naturalness, and *Powelliphanta lignaria johnstoni* (Nationally Endangered)) are appropriately protected under the proposed classification when also considering the historic resources present (e.g. sites which relate to the historic coal mining in the Millerton-Stockton area).

General (Allowed)

- Submissions stated support for the proposed classification or agreement with the Mana Whenua Panel without providing further justification.

I recommend that these comments are not accepted. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised for further consideration.

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions advocated for retaining the area in stewardship or reclassifying it as a conservation park, suggesting these classifications provide “more than adequate legal protection”.
- Retaining the land in stewardship was supported on the basis that reclassification may “create a barrier to realising both the Governments emissions reduction targets and REG goals as well as the economic, social and cultural benefits of the local West Coast community”.
- Submitters stated that reclassification would impact the rehabilitation of acid mine drainage, and suggested the area be retained in stewardship until after rehabilitation has been completed.

- A submitter noted that Bathurst holds authorisations "to enable the mining activity in the Stockton mine itself", and that the aerial ropeway passes through this area but is not described in the CVR.
- Submitters supported the recommendation on the grounds that retaining land in stewardship will enable various land uses to continue, noting that mining and access authorisations are held in the assessment area, and that the land is adjacent to areas requiring acid mine drainage solutions. They recommended that the land should remain in stewardship until mining and rehabilitation activities are concluded. One submitter qualified their comment by suggesting that areas adjacent to or including active mining should be left as stewardship land "until the conclusion/expiry of their access rights", but that the "areas of escarpment and of undisturbed land could be Conservation Park. This may mean splitting this area to accommodate these differences".

As I have recommended these comments are not allowed, I recommend they are not accepted.

Oppose

Access and Recreation (Allowed)

- A submitter wanted this classification revisited and adequate protections given that are based on the conservation value of the land, noting that "The fundamental purpose should thus be the protection of the conservation value of the land and the guarantee of public access".
- Submitters who advocated for reclassification as scenic reserve or conservation park noted the mining heritage and historic sites (e.g. "contains a number of historic sites with physical remains present that are important for tourism and recreation in the area", "Koronui Incline and old town, Millerton Incline and the Britannia Track".
- Submitters supported reclassification as a conservation park "as a minimum" and noted that the local community is interested "in existing and new tracks in this area and securing access over the plateau as the mining operation is wound up".

I recommend that these comments are accepted. I agree that the proposed classification of conservation park will support ongoing public access to the area. The proposed conservation park will be managed "to facilitate public recreation and enjoyment", subject to the protection of the natural and historic resources present (Conservation Act 1987, s. 19(1)(b)).

Climate Change and Natural Hazards (Allowed)

- A submitter stated opposition based on concern that the site "should be reviewed for Community climate adaptation and resilience".

I recommend that these comments are not accepted. The proposed classification will support the protection of the natural resources present, and as a result support the area's climate mitigation potential. Comments regarding adaptation do not specify what type of adaptation they mean or why this should be considered for this conservation area, so I am unable to consider them further.

Ecology and Landscape (Allowed)

- Submitters objected to retaining the land as stewardship land and advocated for an ecological area classification "where their ecological values are high", or stated "more suitable classification of Ecological Area", without providing an explanation.
- A submitter noted the ecological value of the area and expressed support "that the assessment area be classified as part of a larger heritage/ecological park".

I recommend that these comments are accepted to the extent that I agree that the area warrants a higher level of protection than that provided by stewardship. My assessment is that the natural resources present (e.g. moderately high naturalness and dominated by native vegetation, threatened large land snail *Powelliphanta lignaria johnstoni* (Nationally Endangered), diversity of forest avifauna and rare and distinct species) are appropriately protected under the proposed classification when also considering the historic resources present (e.g. sites which relate to the historic coal mining in the Millerton-Stockton area, two recorded archaeological sites). The primary purpose of conservation parks includes to be managed so "that its natural and historic resources are protected" (Conservation Act 1987, s. 19(1)(a)).

- Submitters advocated for a higher classification on the basis that it does not reflect the high ecological values present, i.e. uncommon ecosystem types and various rare species, and the largely natural and intact character of the

area. Specifically, the area was noted to contain tracts of unmodified forest, support various threatened flora and fauna and provide habitat for kiwi, native geckos, the threatened long-tailed bat, and *Powelliphanta augusta* (Nationally Critical) and *Powelliphanta lignaria johnstoni* (Nationally Endangered), (e.g. “This is habitat for the Nationally Endangered *Powelliphanta lignaria johnstoni*, with ecological and altitudinal gradients linking the coastal Scenic Reserve to the Ngakawau Ecological Area with which it should be joined”, “overwhelmingly natural and largely intact”). Various suggestions were made as to appropriate alternative classifications, including ecological area, scenic reserve, national park, or scientific reserve, or some combination of those.

- Submitters stated that the area holds values comparable to those of the nearby Orikaka Ecological Area and plays an important role in connectivity (e.g. “important for connectivity between the coastal and lowland forest, and the inland mountain forests of the Ngakawau Ecological Area”, “provides continuity and connectivity with adjacent Ngakawau Ecological Area and neighbouring conservation land into a much larger conservation landscape”, “surrounded by important conservation areas”).
- Submitters recommended adding this area to the adjoining Ngakawau Ecological Area on the basis that the site has “nationally important ecological values” that are rare and specific to this site i.e. “Buller Coal Plateau area is a rare landscape and geological site”. They noted the area contains “Nationally Critical *Powelliphanta augusta* and numerous other threatened species” while also providing for landscape continuity “these areas provide habitat continuity between surrounding coastal and high-altitude public conservation land”.

I recommend that these comments are not accepted. My assessment is that the natural resources present (e.g. moderately high naturalness and dominated by native vegetation, threatened large land snail *Powelliphanta lignaria johnstoni* (Nationally Endangered), diversity of forest avifauna and rare and distinct species) are appropriately protected under the proposed classification when also considering the historic resources present (e.g. sites which represent the beginnings of commercial mining at Millerton, two recorded archaeological sites). The primary purpose of conservation parks includes to be managed so “that its natural and historic resources are protected” (Conservation Act 1987, s. 19(1)(a)).

Historical and Cultural Values (Allowed)

- A submitter noted the historical value of the area and expressed support “that the assessment area be classified as part of a larger heritage/ecological park”.

I recommend that these comments are accepted. I agree that the historic values present (e.g. the sites within the assessment area represent the beginnings of commercial mining at Millerton and the rise of the dominance of coal in the Buller economy). warrant a higher level of protection than that provided by stewardship and my conclusion is that the proposed classification of conservation park appropriately protects these values. The primary purpose of conservation parks includes to be managed so “that its natural and historic resources are protected” (Conservation Act 1987, s. 19(1)(a)).

General (Allowed)

- Submissions opposed retaining land in stewardship without providing further justification, describing it as a “meaningless recommendation”.
- Some submitters expressed a preference for a different classification such as a conservation park, scenic reserve, or an ecological area.
- A submitter noted their preference for all stewardship land to be reclassified at the highest possible level based on its “high cultural conservation value”.

I recommend that these comments are accepted to the extent that they support a higher level of protection and the proposed classification as conservation park. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area and no new material is raised, these submission points do not raise any matters for further consideration.

Permissions, Economic Factors and Land Use (Not Allowed)

- Submitters expressed concern that retaining the area as stewardship land exposes it to risk of activities such as mining or being swapped out of the conservation estate. It was suggested that reclassification should consider the “likely potential incursion by commercial or industrial groups”.

- One submitter suggested that “It appears to me that this recommendation is an undercover ploy to open conservation lands with notable conservation values to environmentally abusive extractive commercial activities and other inappropriate developments in the interests of private financial rewards”.
- Submitters opposed retaining the area as stewardship land and commented that the justification for retaining land in stewardship is based on the area’s adjacency to land being considered for mine remediation, with some stating that “mine remediation should occur on the land that already has been impacted by mining”. The submitters also stated that according to communication with a DOC staff member, “none of the current or probable future activity (regarding coal mining) is incompatible with the area becoming a Conservation Park” or “under Conservation park general rules there is still opportunity for recreation and commercial enterprise”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Process and Consultation (Not Allowed)

- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.
- Submissions expressed concern about “major inconsistencies and contradictions” in the reclassification process, noting that some high value conservation land has not been recommended for reclassification as national park.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submitters were concerned with ensuring that free public access, hunting and fishing can continue.

I recommend that these comments are not accepted. The submission does not identify how the potential for hunting and fishing is relevant to decision-making on classification of the area, and no new material is raised which supports reconsideration of the notified classification. It should be noted that the proposed classification does not prohibit public access for the proposed activities, or the activities themselves when appropriately authorised (for example under a hunting permit), where consistent with preservation of the conservation values present.

General (Allowed)

- Submitters advocated generally for all national parks, forest parks, scenic reserves and stewardship land to be protected from development.
- A submitter commented that “Land should be reclassified to reflect and manage natural and heritage values appropriately”.
- A submitter stated they didn’t want any land sold “for mining or any other use at Millerton above Granity north of Westport”.

I recommend that these comments are not accepted. The legislation does not provide for absolute protection from development – rather it contemplates that some activities may be acceptable and provides a mechanism for authorising such activities, through the grant of concessions. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification.

KAW_o8 – Hector - Greenfield Street – 2807759

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Hector - Greenfield Street (Forested Area)	KAW_o8_2807759t	Conservation Park	Neutral	10	18
Hector - Greenfield Street (Pasture)	KAW_o8_2807759u	Disposal	Disposal	9	25

Conservation Values Report Description

A 0.4006-ha area of mostly regenerating native forest north of Ngakawau River on the opposite side to the other areas of KAW_o8, it is near the town of Hector. Part of this area looks to be incorporated into the neighbouring properties.

Hector - Greenfield Street (Forested Area)

National Panel: Conservation park (Waimangaroa) to reflect the identified values, protecting natural and historic resources while facilitating public recreation and enjoyment of the area. The extent of this conservation park reflects the archaeological landscape associated with mining on Stockton Plateau.

Mana Whenua Panel: Neutral.

S.49(2)(d) Recommendation

- **Proceed** with the notified proposal of conservation park for the 'forested area'.

Summary of accepted submissions: Those submissions accepted as holding merit supported the notified classification, noting the ecological values of the conservation area.

Section 4 and Treaty principles: The Mana Whenua Panel did not oppose the proposed classification.

No specific Ngāi Tahu interests were raised for consideration by the Mana Whenua Panel for this stewardship area. I acknowledge statements of the Mana Whenua Panel that "there is a deep connection between Ngāi Tahu and all of the whenua in the Ngāi Tahu takiwā, and the absence of site-specific values in the preliminary analysis does not detract from that connection, nor does it confirm that site-specific values are not present."

Rationale: My conclusion is that the natural resources present (e.g. regenerating native forest) are appropriately protected under the proposed classification. The primary purpose of conservation parks includes to be managed so "that its natural and historic resources are protected" (Conservation Act 1987, s. 19(1)(a)).

Conservation Park - KAW_o8_2807759t

Support

Ecology and Landscape (Allowed)

- A submitter expressed support for the assessment area be classified as part of a larger "heritage/ecological park", noting the ecological and historic value of the area.

I recommend that these comments are accepted. The natural resources identified in these comments are consistent with those described in the CVR and my view is they are appropriately protected through classification as a conservation park. The primary purpose of conservation parks includes to be managed so "that its natural and historic resources are protected" (Conservation Act 1987, s. 19(1)(a)).

General (Allowed)

- Submissions expressed general support for the proposed classification without providing further justification, or agreed it reflected the "information in the technical reports".
- A submitter noted their preference for all stewardship land to be reclassified at the highest possible level based on its "high cultural conservation value".

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area and no new material is raised, these submission points do not raise any matters for further consideration.

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions in support of conservation park advocated for greater protection from "intrusive development" such as mining and hydro schemes, stating that "most of the Southern Alps deserves protection equivalent to that of National Park status".
- A submitter expressed "trust that Conservation Park status will provide full protection from any future mining applications in these areas".
- Submissions advocated for retaining the area in stewardship or reclassifying it as a conservation park, suggesting these provide "more than adequate legal protection".

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- A submission suggested that the implementation of the proposed classification "needs to be followed up with sufficient funding for pest eradication".

As I have recommended these comments are not allowed, I recommend they are not accepted.

Oppose

Access and Recreation (Allowed)

- A submitter who advocated for the area to remain in stewardship, suggested the proposed classification is inappropriate because "recreational values should not be enhanced in particular areas", while also suggesting that it "is not necessary to ensure the protection of recreational values because recreational values will be protected".

I recommend that these comments are not accepted. It is my view that the recreational value of the area will be appropriately protected by the proposed classification and the points raised do not warrant overturning the notified intention. The proposed conservation park will be managed "to facilitate public recreation and enjoyment", subject to the protection of the natural and historic resources present (Conservation Act 1987, s. 19(1)(b)).

Climate Change and Natural Hazards (Allowed)

- A submitter who advocated for the area to remain in stewardship, suggested that the proposed classification "may create a barrier to realising both the Governments emissions reduction targets".
- A submitter opposed the proposed classification, citing "concern that site should be reviewed for Community climate adaptation and resilience".

I recommend that these comments are not accepted. The proposed classification will support the protection of the natural resources present, and as a result support the area's climate mitigation potential. The points raised do not justify overturning the notified intention. Comments regarding adaptation do not specify what type of adaptation they mean or why this should be considered for this conservation area, so I am unable to consider them further.

Ecology and Landscape (Allowed)

- Submitters suggested that the proposed conservation park did not reflect the high ecological values of the area, which warrant a higher level of protection such as ecological area (e.g. the area may have "the last remnants of a range of insects, snails, lizards, or plant speciation that may be nationally at risk, endangered, or threatened", "a suite of rare and distinct fauna, including *Powelliphanta lignaria johnstoni* (Nationally Endangered)").
- A submitter noted that the "land parcel has ecological values that appear similar to those on other nearby land with a higher protected status".
- A submitter advocated for ecological area or an addition to the Ngakawau Scenic reserve, suggesting that the area "has ecological, scenic and recreation values that warrant higher status than Conservation Park".

- A submitter suggested the area should be “included into the local purpose river reserve and remediated with native plantings of the area”, noting the area’s **modified nature and its locations** “within the riparian margin of the Ngakawau river”.
- Concern was raised that conservation park provides “pretty much the same protection as that of Stewardship Land”.

I recommend that these comments are not accepted. My assessment is that the natural resources present (e.g. regenerating native forest) are appropriately protected under the proposed classification. The primary purpose of conservation parks includes to be managed so “that its natural and historic resources are protected” (Conservation Act 1987, s. 19(1)(a)).

- A submitter noted “factual inaccuracies” in the information provided to the Panels, suggesting that it “over-states the natural heritage significance of the area”. It was suggested that the land should remain held in stewardship “for at least the period of mining and subsequent rehabilitation”.

I recommend that these comments are not accepted. My conclusion is that the natural resources present as described in the CVR justify the proposed classification (e.g. regenerating native forest) and the points raised do not warrant overturning the notified intention. The primary purpose of conservation parks includes to be managed so “that its natural and historic resources are protected” (Conservation Act 1987, s. 19(1)(a)).

General (Allowed)

- Submissions advocated for a higher level of protection than that proposed, without providing further justification.

I recommend that these comments are not accepted. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised for further consideration.

Permissions, Economic Factors and Land Use (Not Allowed)

- Submitters noted the presence of permissions “to enable activities associated with mining” on adjoining private land (e.g. a submitter noted that the aerial ropeway passes through this assessment area and that its associated concession is not described in the CVR).
- Submitters advocated for the area to be retained in stewardship as the reclassification of these conservation areas would impact the rehabilitation of acid mine drainage through the establishment of hydro schemes. It was also identified that adjoining land is “being considered by Treasury for management solutions for historic Crown liability of acid mine drainage”.
- A submitter who expressed general concern about the low-level protection offered by conservation park (e.g. “conservation parks do not protect against the establishment of mines on conservation land), noted support for that classification for areas “potentially containing crown minerals”.
- A submitter who advocated for the area to remain in stewardship, suggested that the proposed classification “does not appropriately reflect the current or future values of the land”, and may create a barrier to realising “the economic, social and cultural benefits of the local West Coast community”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Process and Consultation (Not Allowed)

- A submitter advocated for the proposed classification to be revised, stating that “conservation values alone must determine recommended classifications, and recreation and use values are not conservation values”.
- A submitter stated that if a national park classification is “politically unpalatable, then political judgement calls must be made by accountable politicians, not by the Panel”.
- A submitter noted the “absence of any information about possible economic activities that may occur” and that they could therefore not be confident about the appropriateness of the proposed classification.
- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- One submission opposed all reclassification of stewardship land to specially protected areas unless it was purchased by the Nature Heritage Fund for the purpose of adding it to a national park.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submissions queried whether the proposed classification allows hunting, fishing and “provision for public access”.

I recommend that these comments are not accepted. The submission does not identify how the potential for hunting and fishing is relevant to decision-making on classification of the area, and no new material is raised which supports reconsideration of the notified classification. It should be noted that the proposed classification does not prohibit public access for the proposed activities, or the activities themselves when appropriately authorised (for example under a hunting permit), where consistent with preservation of the conservation values present.

General (Allowed)

- Submissions advocated generally for all national parks, forest parks, scenic reserves, and stewardship land to be protected from development.

I recommend that these comments are not accepted. The legislation does not provide for absolute protection from development – rather it contemplates that some activities may be acceptable and provides a mechanism for authorising such activities, through the grant of concessions. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification.

Other (Not Allowed)

- A submitter advocated for new conservation parks to “come with additional Government funding for better biodiversity work and more pest control”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Hector - Greenfield Street (Pasture)

National Panel: Disposal should be considered for the modified components of the conservation area.

Mana Whenua Panel: Disposal, as the conservation area is highly modified and should not form part of public conservation land.

S.49(2)(d) Recommendation

- Proceed with the notified proposal for the 'pasture' section of this stewardship area, referring the area to the Department to investigate the suitability of disposal.

Those submissions accepted as holding merit supported the proposed disposal investigation where there are no conservation values remaining. Also accepted were comments noting that this outcome is supported by the Mana Whenua Panel and reflects the perspectives of Ngāi Tahu.

Section 4 and Treaty principles: The Mana Whenua Panel supported the proposed classification, supported by submissions from Treaty partner organisations, on the grounds that the area is highly modified.

Rationale: My assessment is that the 'pasture' section of the stewardship area is of low conservation value and warrants further investigation as to the suitability of disposal. I note that any parts of the area identified to have substantive natural values are unlikely to pass the Conservation General Policy and legislative disposal tests.

Disposal - KAW_o8_2807759u

Support

Ecology and Landscape (Allowed)

- Submissions stated they support disposal of stewardship land where there are no conservation values remaining, or agreed that the land did not hold any conservation values and was therefore suitable for disposal.

I recommend that these comments are accepted. The land recommended for disposal is modified (lawn) and holds low conservation values, supporting a disposal investigation. I note that any parts of the area identified to have substantive natural values are unlikely to pass the Conservation General Policy and legislative disposal tests.

Treaty Considerations (Allowed)

- Submissions supported the recommendations of the Mana Whenua Panel on the basis that they reflect the rights and interests of mana whenua, recognise Ngāi Tahu's connection to their ancestral lands, and fulfil obligations under the Treaty of Waitangi.

I recommend that these comments are accepted. I note that the Mana Whenua Panel have supported the proposed disposal investigation. The modified nature of the pastoral components of this stewardship area justifies referring this area to the Department to investigate the suitability of disposal.

General (Allowed)

- Submissions expressed general support without providing further justification.

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area and no new material is raised, these submission points do not raise any matters for further consideration.

Other (Not Allowed)

- It was noted that disposals only form 0.01% of the stewardship land in the West Coast reclassification process.
- A submitter suggested that the area should be assessed on-site to ensure that remaining ecological and hydrological values are adequately buffered and linked, and that a land swap should be considered.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Oppose

Access and Recreation (Allowed)

- Submissions objected to disposal on the grounds that this represents a loss of public access and ability for future generations to enjoy these areas, and expressed opposition to any disposal which means a loss of recreation opportunities such as angling or hunting.
- Submitters requested that “appropriate mechanisms are used to ensure existing and future public use is maintained or improved”, or recommended classification as a local purpose reserve with purposes either river conservation, river access, or recreation access to “ensure public access is retained in perpetuity”.

I recommend that these comments are not accepted. My assessment is that the area recommended for disposal, which is small and consists of modified lawn, is unlikely to hold recreational value and does not provide practical access to public conservation land.

Climate Change and Natural Hazards (Allowed)

- A submitter opposed disposal, stating that the “site should be reviewed for community climate adaptation and resilience”.
- Submissions opposed the recommendation on the grounds that all public conservation land, even if modified/pasture, offers potential for climate change mitigation and adaption (e.g. “opportunities for flood/erosion buffering, or allowing room for natural river processes”, “areas are important for communities that they need to be kept by DOC for climate mitigation, not disposed of”).
- A submitter noted that “in almost all cases these areas have historically been part of the riverbed, and the rivers need this buffer to be able to move around without causing damage to infrastructure and farming assets. As a corollary to that, the freeholding of land adjacent to riverbeds often results in additional rock protection work which constrains the river and the natural processes at play. This often results in unintended consequences (often erosion at other sites)”.
- Submitters also argued that modified land could be retained and restored to support carbon sequestration (e.g. “Disposal will forgo future carbon sequestration and climate mitigation”).

I recommend that these comments are not accepted. The small size of the area and its modified nature limit the appropriateness and effectiveness of retaining it for ecosystem restoration and carbon sequestration. I note that any potential disposal arising from the Departmental investigation will trigger the formation of marginal strips for qualifying waterbodies, which will be retained and protected as public conservation land. Comments regarding adaptation do not specify what type of adaptation they mean or why this should be considered for this conservation area, so I am unable to consider them further.

Ecology and Landscape (Allowed)

- Submitters opposed disposal, noting that the area is adjacent to conservation land with higher protection.
- Submitters stated that the land should be added to the adjacent area and left to regenerate. One submitter noted that the area is important for “climate resilience and wetland retention”.
- Submissions expressed opposition to any disposal of stewardship land on the grounds that even modified areas are likely to contain some natural values or indigenous species (juncus, carex etc), that areas near forests could easily revert to a natural state, or that even highly modified land holds opportunities for ecosystem regeneration and restoration (e.g. “disposal will lose the opportunity for regeneration and restoration”). A “precautionary policy” was recommended to hold conservation future options open.
- A submission recommended that waterways and wetlands would be better protected if adjacent land was retained, grazing excluded, and restoration/natural succession allowed to occur.
- Submissions opposed disposal of land by rivers on the grounds that so little remains in public conservation land (e.g. “poor ecological representation in existing protected areas”).
- Submitters opposed disposal on riverbed and floodplains unless areas are “completely modified” and can be fenced off from waterways, or unless areas are small and landlocked and have no restoration potential.

I recommend that these comments are not accepted. The low conservation values of this area, which consists of modified lawn, justify referring this area to the Department to investigate the suitability of disposal. The small size of the area, its modified nature, and landscape context (bordering private land and public conservation land) limit the appropriateness and effectiveness of retaining it for restoration. It is my view that, though it shares a boundary with public conservation land, the small size of the area means retention would not materially improve the natural functioning or integrity of the adjacent natural resources. I note that any potential disposal arising from the Departmental investigation will trigger the formation of marginal strips for qualifying waterbodies, which will be retained and protected as public conservation land.

Treaty Considerations (Allowed)

- One submission stated that “no stewardship land should be made available for disposal, except to tangata whenua; and only then with the need to maintain the block’s cultural, conservation & mahika-kai values in their entirety”.

I recommend that these comments are not accepted. The proposed disposal investigation was supported by the Mana Whenua Panel, and any potential disposal of land arising from the Departmental investigation will be subject to the rights of first refusal process as set out in the Ngāi Tahu Claims Settlement Act 1998. The highly modified area is unlikely to hold substantive “conservation & mahika-kai values”.

General (Allowed)

- Submissions expressed opposition to disposal of any stewardship land in general terms, argued that public conservation land is best retained for future generations or future conservation purposes, expressed a desire for maximum environmental protection, or supported “a cautionary approach” and preference to retain land in Crown ownership.

I recommend that these comments are not accepted. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification.

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions regarding the broader KAW_08 assessment area opposed any reclassification at this time, suggesting that this might impact various activities and permissions being carried out in the assessment area. A submitter noted that access via Burma Road is required for both public access and access for various land use activities, stating that stewardship classification should be retained.
- Submissions recommended consideration of potential productivity and whether the land could be used to support future food security.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Process and Consultation (Not Allowed)

- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.
- It was noted that “proposed disposals do not give even a general indication where disposal boundaries might be”, making it difficult for submitters to comment.

It was suggested that there should be less focus on present values and more weight given to potential conservation value, as per the Conservation General Policy 6(c) and the Conservation Act requirement to safeguard options for future generations. It was recommended that the reclassification framework should include a “future conservation use” designation to hold land for future conservation requirements.

- A submitter noted that “there is no requirement” that land with low conservation values is disposed of, expressing opposition to any disposal of riverbed or pastoral land in public ownership.
- A submitter stated that “The National Panel is recommending 65 hectares for disposal, but has recommended up to an additional 1000 hectares of land may be disposed of where there is pastoral land alongside river conservation areas (subject to survey). This is not explained or justified”.
- A submitter advocated for the proposed classification to be revised, stating that “conservation values alone must determine recommended classifications, and recreation and use values are not conservation values”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- A submitter commented that “once again there has been stealth of our public lands by private people subsuming that land into theirs (...) The property owners adjacent to that site should withdraw from that site and be made to rehabilitate it”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Climate Change and Natural Hazards (Allowed)

- A submitter stated that no land should be disposed of if there is potential for restoration or carbon sequestration, and that riverbeds and adjacent land should be retained for flood retention, with no grazing permitted.

I recommend that these comments are not accepted. The small size of the area and its modified nature limit the appropriateness and effectiveness of retaining it for ecosystem restoration and carbon sequestration. I note that any potential disposal arising from the Departmental investigation will trigger the formation of marginal strips for qualifying waterbodies, which will be retained and protected as public conservation land.

General (Allowed)

- Submissions advocated generally for all national parks, forest parks, scenic reserves, and stewardship land to be protected from development.

I recommend that these comments are not accepted. The legislation does not provide for absolute protection from development – rather it contemplates that some activities may be acceptable and provides a mechanism for authorising such activities, through the grant of concessions. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification.

Other (Not Allowed)

- One submission noted that disposal of land will be subject to the Heritage New Zealand Pouhere Taonga Notification Process for Disposal of Crown-owned Land.
- One submission suggested any funds from land sold should go to the Nature Heritage Fund.

As I have recommended these comments are not allowed, I recommend they are not accepted.

KAW_o8 – Stockton – 2807781

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Stockton	KAW_o8_2807781j	Conservation Park		12	23
Stockton	KAW_o8_2807781k		Disposal	4	33

Conservation Values Report Description

A 2.0081-ha area of mostly regenerating native forest next to Burma Road near Stockton. A small part of the area is used for Burma Road.

Panel Recommendations

National Panel: Conservation park (Waimangaroa) to reflect the identified values, protecting natural and historic resources while facilitating public recreation and enjoyment of the area. The extent of this conservation park reflects the archaeological landscape associated with mining on Stockton Plateau.

Mana Whenua Panel: Disposal, as the conservation area is modified and is considered to contain no or very low conservation values, and may be suitable for providing an area for relocated housing from nearby coastal areas, under pressure from climate change impacts (sea level rise and flooding events).

S.49(2)(d) Recommendation

- Proceed with the notified proposal of conservation park.

Summary of accepted submissions: Those submissions accepted as holding merit supported the proposed classification, noting the high ecological and landscape values of the conservation area and the recreational values present.

Section 4 and Treaty principles: The Mana Whenua Panel have opposed the notified classification, supported by submissions by Treaty partner organisations, instead advocating for disposal of the area, as it is “modified and is considered to contain no or very low conservation values” and “may be suitable for providing an area for relocated housing from nearby coastal areas, under pressure from climate change impacts”. It was further recommended that consideration be given to “planning for climate resilience and responding to extreme weather events, as recommended in the He Pou a Rangi Climate Change Commission Climate Change Report: Ināia tonu nei: a low emissions future for Aotearoa”.

Although I acknowledge the Mana Whenua Panel opposition to the notified proposal, my assessment, considering those submissions accepted, is that the natural and historic resources present warrant proceeding with the notified proposal. Giving effect to Section 4 of the Act 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.

Rationale: My conclusion is the natural resources present (e.g. regenerating native forest) are appropriately protected under the proposed classification. The primary purpose of conservation parks includes to be managed so “that its natural and historic resources are protected” (Conservation Act 1987, s. 19(1)(a)).

Conservation Park - KAW_o8_2807781j

Support

Access and Recreation (Allowed)

- A submitter supported the proposed classification “as a minimum level of protection”, noting interest by the local community in “existing and new tracks in this area and securing access over the plateau as the mining operation is wound up”.

I recommend that these comments are accepted. They provide site-specific details regarding public access which add to my understanding of the recreational values present and the activities referred to can be considered under the proposed classification. The conservation park will be managed “to facilitate public recreation and enjoyment”, subject to the protection of the natural and historic resources present (Conservation Act 1987, s. 19(1)(b)).

Ecology and Landscape (Allowed)

- A submitter described that area as “highly unique” in support of the proposed classifying, noting that “biodiversity comes from the underlying geology”.
- A submitter expressed support for the assessment area be classified as part of a larger “heritage/ecological park”, noting the ecological and historic value of the area.

I recommend that these comments are accepted. They provide site specific details regarding the natural resources present which warrant consideration. My view is that the natural resources identified in these comments are consistent with those described in the CVR (e.g. regenerating native forest), and they are appropriately protected through classification as a conservation park. The primary purpose of conservation parks includes to be managed so “that its natural and historic resources are protected” (Conservation Act 1987, s. 19(1)(a)).

General (Allowed)

- Submissions expressed general support for the proposed classification without providing further justification, or agreed it reflected the “information in the technical reports”.
- A submitter noted their preference for all stewardship land to be reclassified at the highest possible level based on its “high cultural conservation value”.

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area and no new material is raised, these submission points do not raise any matters for further consideration.

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions in support of conservation park advocated for greater protection from “intrusive development” such as mining and hydro schemes, stating that “most of the Southern Alps deserves protection equivalent to that of National Park status”.
- A submitter expressed “trust that Conservation Park status will provide full protection from any future mining applications in these areas”.
- Submissions advocated for retaining the area in stewardship or reclassifying it as a conservation park, suggesting these provide “more than adequate legal protection”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- A submission suggested that the implementation of the proposed classification “needs to be followed up with sufficient funding for pest eradication”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Oppose

Access and Recreation (Allowed)

- A submitter who advocated for classification as scenic reserve or ecological area, described the area as “a botanists and geologists dream with easily visited unusual plants and landforms”. Further, “Stockton area” was noted to include “the very old mine at Ngakawau where you find the coloured sands that for a long time were a hobby for the people to collect and make sand picture bottles with”.
- A submitter who advocated for the area to remain in stewardship, suggested the proposed classification is inappropriate because “recreational values should not be enhanced in particular areas”, while also suggesting that it “is not necessary to ensure the protection of recreational values because recreational values will be protected”.

I recommend that these comments are not accepted. It is my view that the recreational values present as described in the CVR (e.g. no DOC managed tracks or facilities, used by locals and the occasional visitor) and noted by submitters, will be appropriately protected by the proposed classification, and the points raised do not warrant overturning the notified intention. The proposed conservation park will be managed “to facilitate public recreation and enjoyment”, subject to the protection of the natural and historic resources present (Conservation Act 1987, s. 19(1)(b)).

Climate Change and Natural Hazards (Allowed)

- A submitter who advocated for the area to remain in stewardship, suggested that the proposed classification “may create a barrier to realising both the Governments emissions reduction targets”.
- A submitter opposed the proposed classification, citing “concern that site should be reviewed for Community climate adaptation and resilience”.

I recommend that these comments are not accepted. The proposed classification will support the protection of the natural resources present, and as a result support the area’s climate mitigation potential. The points raised do not warrant overturning the notified intention. Comments regarding adaptation do not specify what type of adaptation they mean or why this should be considered for this conservation area, so I am unable to consider them further.

Ecology and Landscape (Allowed)

- A submitted advocated for classification as scenic reserve, citing the area’s land context (e.g. “a small outlier that is adjacent to the road near Stockton and Stockton Scenic Reserve”).
- Submitters suggested that the proposed conservation park did not reflect the high ecological values of the area (e.g. “the Panel has not properly considered the nationally important ecological values that exist in these places”), which warrant a higher level of protection such as ecological area (e.g. the area may have “the last remnants of a range of insects, snails, lizards, or plant speciation that may be nationally at risk, endangered, or threatened”, “ecological values that appear similar to those on other nearby land with a higher protected status”, “a suite of rare and distinct fauna, including *Powelliphanta lignaria johnstoni* (Nationally Endangered)” “it has a beautiful *Phormium cookianum* wetland near the road, semi-circled with forest on the slopes above”, “including the Nationally Critical *Powelliphanta augusta* and numerous other threatened species”, “the Stockton-Millerton area qualifies for high ecological significance through all the criteria of representativeness, diversity and pattern, rarity and distinctiveness, and ecological context”).
- Submitters advocated that “integrating its management with the existing Ecological Area would lead to landscape scale consistent management” (e.g. “added to the Ngakawau Ecological Area and be managed in a more coherent and ecologically robust manner than would occur in a Conservation Park”), noting “high ecological values for threatened species” and the land context of the adjoining Ngakawau Ecological Area.
- It was suggested that the proposed classification is “inconsistent with the requirement that the recommended classification should be according to the identified conservation values”, and that conservation park provides “pretty much the same protection as that of Stewardship Land”.

I recommend that these comments are not accepted. My assessment is that the natural resources present (e.g. a 2 ha area of regenerating native forest) are appropriately protected under the proposed classification. and the points raised do not warrant overturning the notified intention. The primary purpose of conservation parks includes to be managed so “that its natural and historic resources are protected” (Conservation Act 1987, s. 19(1)(a)).

- A submitter noted “factual inaccuracies” in the information provided to the Panels, suggesting that it “over-states the natural heritage significance of the area”. It was suggested that the land should remain held in stewardship “for at least the period of mining and subsequent rehabilitation”.

I recommend that these comments are not accepted. Although areas of modification may be present my assessment is that the natural resources present as described in the CVR justify the proposed classification (e.g. regenerating native forest) and the points raised do not warrant overturning the notified intention. The primary purpose of conservation parks includes to be managed so “that its natural and historic resources are protected” (Conservation Act 1987, s. 19(1)(a)).

Treaty Considerations (Allowed)

- Submissions expressed preference for the recommendation of the Mana Whenua Panel, on the basis that it “reflects the values, interests, and perspectives of the Papatipu Rūnanga in whose Takiwā the relevant land is located”.

I recommend that these comments are not accepted. Although I acknowledge the Mana Whenua Panel opposition to the notified proposal, my assessment, considering those submissions accepted, is that the natural and historic resources present (e.g. regenerating native forest) warrant proceeding with the notified proposal.

General (Allowed)

- Submissions advocated for a higher level of protection than that proposed, without providing further justification.

I recommend that these comments are not accepted. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised for further consideration.

Permissions, Economic Factors and Land Use (Not Allowed)

- Submitters noted the presence of permissions “to enable activities associated with mining” on adjoining private land (e.g. a submitter noted that the aerial ropeway passes through this assessment area and that its associated concession is not described in the CVR).
- Submitters advocated for the area to be retained in stewardship as the reclassification of these conservation areas would impact the rehabilitation of acid mine drainage through the establishment of hydro schemes. It was also identified that adjoining land is “being considered by Treasury for management solutions for historic Crown liability of acid mine drainage”.
- A submitter who expressed general concern about the low-level protection offered by conservation park (e.g. “conservation parks do not protect against the establishment of mines on conservation land), noted support for that classification for areas “potentially containing crown minerals”.
- A submitter who advocated for the area to remain in stewardship, suggested that the proposed classification “does not appropriately reflect the current or future values of the land”, and may create a barrier to realising “the economic, social and cultural benefits of the local West Coast community”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Process and Consultation (Not Allowed)

- A submitter advocated for the proposed classification to be revised, stating that “conservation values alone must determine recommended classifications, and recreation and use values are not conservation values”.
- A submitter stated that if a national park classification is “politically unpalatable, then political judgement calls must be made by accountable politicians, not by the Panel”.
- A submitter noted the “absence of any information about possible economic activities that may occur” and that they could therefore not be confident about the appropriateness of the proposed classification.
- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- One submission opposed all reclassification of stewardship land to specially protected areas unless it was purchased by the Nature Heritage Fund for the purpose of adding it to a national park.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submissions queried whether the proposed classification allows hunting, fishing and “provision for public access”.

I recommend that these comments are not accepted. The submission does not identify how the potential for hunting and fishing is relevant to decision-making on classification of the area, and no new material is raised which supports reconsideration of the notified classification. It should be noted that the proposed classification does not prohibit public access for the proposed activities, or the activities themselves when appropriately authorised (for example under a hunting permit), where consistent with preservation of the conservation values present.

General (Allowed)

- Submissions advocated generally for all national parks, forest parks, scenic reserves, and stewardship land to be protected from development.

I recommend that these comments are not accepted. The legislation does not provide for absolute protection from development – rather it contemplates that some activities may be acceptable and provides a mechanism for authorising such activities, through the grant of concessions. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification.

Other (Not Allowed)

- A submitter advocated for new conservation parks to “come with additional Government funding for better biodiversity work and more pest control”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Disposal - KAW_o8_2807781k

The comments received in relation to the Mana Whenua Panel recommendation are summarised below and have been considered in relation to the notified proposal when forming s.49 allow/accept recommendations.

Support

Ecology and Landscape (Allowed)

- Submissions stated they support disposal of stewardship land where there are no conservation values remaining, or agreed that the land did not hold any conservation values and was therefore suitable for disposal.

I recommend that these comments are not accepted. Although the stewardship area contains modified elements (e.g. a road runs through it), my assessment is that the natural resources described in the CVR (e.g. mostly regenerating native forest) represent sufficiently high conservation values to justify the notified classification of conservation park. I note this area is unlikely to pass the Conservation General Policy 6(c) test for disposal of holding “no, or very low, conservation values”.

Treaty Considerations (Allowed)

- Submissions supported the recommendations of the Mana Whenua Panel on the basis that they reflect the rights and interests of mana whenua, recognise Ngāi Tahu’s connection to their ancestral lands, and fulfil obligations under the Treaty of Waitangi.

I recommend that these comments are not accepted. I recommend that these comments are not accepted. Although I acknowledge the Mana Whenua Panel opposition to the notified proposal, my assessment, considering those submissions accepted, is that the natural and historic resources present (e.g. regenerating native forest) warrant proceeding with the notified proposal.

General (Allowed)

- Submissions expressed general support without providing further justification.

I recommend that these comments are not accepted. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification.

Other (Not Allowed)

- It was noted that disposals only form 0.01% of the stewardship land in the West Coast reclassification process.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Oppose

Access and Recreation (Allowed)

- A submitter stated opposition to disposal, commenting that “there is interest by members of the Millerton and Granity community in existing and new tracks in this area and securing access over the plateau as the mining operation is wound up”.
- Submissions objected to disposal on the grounds that this represents a loss of public access and ability for future generations to enjoy these areas, and expressed opposition to any disposal which means a loss of recreation opportunities such as angling or hunting.
- Submitters requested that “appropriate mechanisms are used to ensure existing and future public use is maintained or improved”, or recommended classification as a local purpose reserve with purposes either river conservation, river access, or recreation access to “ensure public access is retained in perpetuity”.

I recommend that these comments are accepted to the extent that retaining the land in the proposed classification of conservation park will support community use and public access. The conservation park will be managed “to facilitate public recreation and enjoyment”, subject to the protection of the natural and historic resources present (Conservation Act 1987, s. 19(1)(b)).

Climate Change and Natural Hazards (Allowed)

- Submitters in opposition to disposal argued that modified land could be retained and restored to support carbon sequestration (e.g. “Disposal will forgo future carbon sequestration and climate mitigation”).

I recommend that these comments are accepted. I agree that the protection of the existing natural resources present is of increasing importance when considering the need for climate mitigation, supported by the future-focused elements within the definition of conservation. Though the area is small, it comprises regenerating forest and contributes to the integrity of the surrounding forested area. Classification as conservation park will support this outcome.

- Submissions opposed the recommendation on the grounds that all public conservation land, even if modified/pasture, offers potential for climate change mitigation and adaption (e.g. “opportunities for flood/erosion buffering, or allowing room for natural river processes”, “areas are important for communities that they need to be kept by DOC for climate mitigation, not disposed of”).
- A submitter noted that “in almost all cases these areas have historically been part of the riverbed, and the rivers need this buffer to be able to move around without causing damage to infrastructure and farming assets. As a corollary to that, the freeholding of land adjacent to riverbeds often results in additional rock protection work which constrains the river, and the natural processes at play. This often results in unintended consequences (often erosion at other sites)”.
- A submitter opposed disposal, stating that the “site should be reviewed for community climate adaptation and resilience”.

I recommend that these comments are not accepted. The stewardship area is not adjacent to any waterbodies where it plays a role in flood or erosion buffering, so these comments do not raise relevant matters to consider. Comments regarding adaptation do not specify what type of adaptation they mean or why this should be considered for this conservation area, so I am unable to consider them further.

Ecology and Landscape (Allowed)

- Submitters in opposition stated that the land should be retained and protected based on its ecological values and landscape context, i.e. adjacent to the Ngakawau Ecological Area.
- Submitters noted that the area holds various forest avifauna and contributes to habitat continuity between surrounding coastal and high-altitude public conservation land.

- A submitter stated that “disposing of any remaining coal measure landscape at this stage is not a great idea. Simply too much of it has been lost and it is unique this area of landscape”.
- Submissions expressed opposition to any disposal of stewardship land on the grounds that even modified areas are likely to contain some natural values or indigenous species (juncus, carex etc), that areas near forests could easily revert to a natural state, or that even highly modified land holds opportunities for ecosystem regeneration and restoration (e.g. “disposal will lose the opportunity for regeneration and restoration”). A “precautionary policy” was recommended to hold conservation future options open.
- A submission recommended that waterways and wetlands would be better protected if adjacent land was retained, grazing excluded, and restoration/natural succession allowed to occur.
- Submissions opposed disposal of land by rivers on the grounds that so little remains in public conservation land (e.g. “poor ecological representation in existing protected areas”).
- Submitters opposed disposal on riverbed and floodplains unless areas are “completely modified” and can be fenced off from waterways, or unless areas are small and landlocked and have no restoration potential.

I recommend that these comments are accepted as they promote the protection of the natural resources present (e.g. regenerating forest, connected to the adjacent Ngakawau Ecological Area). Classification as conservation park will support this outcome.

Treaty Considerations (Allowed)

- One submission stated, “no stewardship land should be made available for disposal, except to tangata whenua; and only then with the need to maintain the block’s cultural, conservation & mahika-kai values in their entirety”.

I recommend this comment is accepted to the extent that it does not support a disposal outcome. Although I acknowledge the Mana Whenua Panel opposition to the notified proposal, my assessment, considering those submissions accepted, is that the natural and historic resources present (e.g. regenerating native forest) warrant proceeding with the notified proposal.

- A submitter in opposition to disposal stated, “transfer ownership to local iwi”.

I recommend this comment is not accepted. I have concluded based on comments in opposition that the natural resources present (e.g. regenerating native forest) warrant proceeding with the notified proposal.

General (Allowed)

- Submissions expressed preference for the National Panel recommendation, stated opposition to disposal of any stewardship land in general terms, argued that public conservation land is best retained for future generations or future conservation purposes, or expressed a desire for maximum environmental protection, or supported “a cautionary approach” and preference to retain land in Crown ownership.

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area and no new material is raised, these submission points do not raise any matters for further consideration.

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions regarding the broader KAW_08 assessment area opposed any reclassification at this time, suggesting that this might impact various activities and permissions being carried out in the assessment area.
- Submissions recommended consideration of potential productivity and whether the land could be used to support future food security.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Process and Consultation (Not Allowed)

- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.
- It was noted that “proposed disposals do not give even a general indication where disposal boundaries might be”, making it difficult for submitters to comment.

It was suggested that there should be less focus on present values and more weight given to potential conservation value, as per the Conservation General Policy 6(c) and the Conservation Act requirement to safeguard options for future generations. It was recommended that the reclassification framework should include a “future conservation use” designation to hold land for future conservation requirements.

- A submitter noted that “there is no requirement” that land with low conservation values is disposed of, expressing opposition to any disposal of riverbed or pastoral land in public ownership.
- A submitter stated that “The National Panel is recommending 65 hectares for disposal, but has recommended up to an additional 1000 hectares of land may be disposed of where there is pastoral land alongside river conservation areas (subject to survey). This is not explained or justified”.
- A submitter advocated for the proposed classification to be revised, stating that “conservation values alone must determine recommended classifications, and recreation and use values are not conservation values”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Climate Change and Natural Hazards (Allowed)

- A submitter stated that no land should be disposed of if there is potential for restoration or carbon sequestration, and that riverbeds and adjacent land should be retained for flood retention, with no grazing permitted.

I recommend that these comments are accepted. I agree that the protection of the existing natural resources present is of increasing importance when considering the need for climate mitigation, supported by the future-focused elements within the definition of conservation. Though the area is small, it comprises regenerating forest and contributes to the integrity of the surrounding forested area. Classification as conservation park will support this outcome.

General (Allowed)

- Submissions advocated generally for all national parks, forest parks, scenic reserves, and stewardship land to be protected from development.

I recommend that these comments are not accepted. The legislation does not provide for absolute protection from development – rather it contemplates that some activities may be acceptable and provides a mechanism for authorising such activities, through the grant of concessions. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification.

Other (Not Allowed)

- One submission noted that disposal of land will be subject to the Heritage New Zealand Pouhere Taonga Notification Process for Disposal of Crown-owned Land.
- One submission suggested any funds from land sold should go to the Nature Heritage Fund.

As I have recommended these comments are not allowed, I recommend they are not accepted.

KAW_09 – Millerton Township – 2807757

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Millerton Township	KAW_09_2807757l	Conservation Park		19	19
Millerton Township	KAW_09_2807757m		Disposal	6	34

Conservation Values Report Description

A 15.7888 area consisting of a number of small, town parcels in and around Millerton township. There are formed roads, as well as occupied and developed sites between the various areas, with regenerating native forest. DOC maintains the historic elements associated with coalmining at the Millerton Mines, which became the most extensive underground workings in the country. There are no DOC-managed tracks or facilities, but the locals maintain Millerton Bathhouse Track - the bath house is historically and architecturally significant.

Panel Recommendations

National Panel: Conservation park (Waimangaroa) to reflect the identified values, protecting natural and historic resources while facilitating public recreation and enjoyment of the area. The extent of this conservation park reflects the archaeological landscape associated with mining on Stockton Plateau.

Mana Whenua Panel: Disposal, as the conservation area is partly modified and is considered to contain no or very low conservation values. It may be suitable for providing an area for relocated housing from nearby coastal areas, under pressure from climate change impacts (sea level rise and flooding events).

S.49(2)(d) Recommendation

- Proceed with the notified proposal of conservation park.

Summary of accepted submissions: Those submissions accepted as holding merit supported the proposed classification, noting the ecological, recreational and community values of the conservation area alongside the high historic values present.

Section 4 and Treaty principles The Mana Whenua Panel have opposed the notified classification, supported by submissions by Treaty partner organisations, instead advocating for disposal of the area, as it is “partly modified and is considered to contain no or very low conservation values”, and “may be suitable for providing an area for relocated housing from nearby coastal areas, under pressure from climate change impacts,” recommending that consideration be given to “planning for climate resilience and responding to extreme weather events, as recommended in the He Pou a Rangi Climate Change Commission Climate Change Report: Ināia tonu nei: a low emissions future for Aotearoa”.

Although I acknowledge the Mana Whenua Panel opposition to the notified proposal, my assessment, considering those submissions accepted, is that the natural and historic resources present warrant proceeding with the notified proposal. Giving effect to Section 4 of the Act 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.

Rationale: My conclusion is the natural and historic resources present (e.g. regenerating native forest) are appropriately protected under the proposed classification. The primary purpose of conservation parks includes to be managed so “that its natural and historic resources are protected” (Conservation Act 1987, s. 19(1)(a)).

Conservation Park - KAW_09_2807757l

Support

Access and Recreation (Allowed)

- A submitter expressed support for the proposed classification, noting that the area includes “includes access to mining heritage and Millerton Bath House Track”.

- A submitter in support of the proposed classification described the area as “a place of exploration and discovery for the more adventurous and curious visitor”, noting a large array of tracks and recreation features.

I recommend that these comments are accepted. The comments provide site-specific details regarding public access and recreational use which reflect those described in the CVR (e.g. the Millerton Bathhouse Track). The conservation park will be managed “to facilitate public recreation and enjoyment”, subject to the protection of the natural and historic resources present (Conservation Act 1987, s. 19(1)(b)).

Community (Allowed)

- A submitter in support of the proposed classification noted that “the land adjacent to the Millerton Hall, this is currently used as parking and barbecue area, for the hall which is our Civil Defence assembly point for the lower lying regions already”.

I recommend that these comments are accepted. The activities described are consistent with the proposed classification and reflect the setting and values described in the CVR. The conservation park will be managed “to facilitate public recreation and enjoyment”, subject to the protection of the natural and historic resources present (Conservation Act 1987, s. 19(1)(b)).

Ecology and Landscape (Allowed)

- A submitter described the area as “a rare example of an historically degraded ecosystem recovering under its own steam, and the full spectrum of the regenerative succession is represented”, suggesting that “the proposed Waimangaroa Conversation Park would ensure the continuation of this situation” (e.g. the proposed classification will ensure “the protection of the regenerating forest of Millerton”).
- Submitters supported the proposed classification “based on the ecological, historical and recreational values available here”, noting that the area provides habitat and “breeding areas for the native Morepork, Kiwi, Tui, endangered Skink” (e.g. “the area has significantly regenerated into native bushland and wildlife habitat since underground coal mining stopped”, “most of the parcels have very healthy, regenerating indigenous forest well on its way to having a substantial mature canopy”).

I recommend that these comments are accepted. They provide site specific details regarding the natural resources present which warrant consideration. My view is that the natural resources identified in these comments are consistent with those described in the CVR (e.g. regenerating native forest), and they are appropriately protected through classification as a conservation park. The primary purpose of conservation parks includes to be managed so “that its natural and historic resources are protected” (Conservation Act 1987, s. 19(1)(a)).

Historic and Cultural Values (Allowed)

- Submitters in support of the proposed classification noted the “Industrial and Cultural Heritage” present (e.g. “Millerton township has a living history of human occupation and industrial heritage dating back to the late 1800s”, “one of the stewardship blocks encompasses the old town bowling green, a significant historical feature”, “the Millerton Bathhouse should remain as a tourist historic site and a memorial to the underground miners as it was the only bathhouse of its type in the Southern Hemisphere”).
- A submitter noted the high heritage values present, noting the area to be “as historically equal as Denniston is in this regard, and deserves to be preserved and protected”.

I recommend that these comments are accepted. I agree that the proposed classification of conservation park appropriately protects the high historic values present as described by the submitter and CVR (e.g. The Millerton Bathhouse, collective sites which make up the Millerton heritage area including mine sites, tope-roads, dams, bins, portions of the main incline and the township itself). The primary purpose of conservation parks includes to be managed so “that its natural and historic resources are protected” (Conservation Act 1987, s. 19(1)(a)).

General (Allowed)

- Submissions expressed general support for the proposed classification without providing further justification, or agreed it reflected the “information in the technical reports”.
- A submitter noted their preference for all stewardship land to be reclassified at the highest possible level based on its “high cultural conservation value”.

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area and no new material is raised, these submission points do not raise any matters for further consideration.

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions in support of conservation park advocated for greater protection from "intrusive development" such as mining and hydro schemes, stating that "most of the Southern Alps deserves protection equivalent to that of National Park status".
- A submitter expressed "trust that Conservation Park status will provide full protection from any future mining applications in these areas".
- Submissions advocated for retaining the area in stewardship or reclassifying it as a conservation park, suggesting these provide "more than adequate legal protection".

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- A submitter noted that a section of the area covers "the southern end of Rodney St", noting that "while this road has never been formalised, it has been here for a century or more and is an important accessway for various economic/recreational purposes". It was suggested that alongside the proposed conservation park classification, the section of Rodney Street should be reclassified as a road reserve.
- A submission suggested that the implementation of the proposed classification "needs to be followed up with sufficient funding for pest eradication".

As I have recommended these comments are not allowed, I recommend they are not accepted.

Oppose

Access and Recreation (Allowed)

- A submitter noted that "recreational access to the piece is not incompatible with the current classification", suggesting that the current classification "should remain in the medium term".
- A submitter who advocated for the area to remain in stewardship, suggested the proposed classification is inappropriate because "recreational values should not be enhanced in particular areas", while also suggesting that it "is not necessary to ensure the protection of recreational values because recreational values will be protected".

I recommend that these comments are not accepted. It is my view that the recreational values present as described in the CVR (e.g. community-maintained access track to the Millerton Bathhouse) will be appropriately protected by the proposed classification and the points raised do not warrant overturning the notified intention. The proposed conservation park will be managed "to facilitate public recreation and enjoyment", subject to the protection of the natural and historic resources present (Conservation Act 1987, s. 19(1)(b)).

Climate Change and Natural Hazards (Allowed)

- A submitter who advocated for the area to remain in stewardship, suggested that the proposed classification "may create a barrier to realising both the Governments emissions reduction targets".
- A submitter opposed the proposed classification, citing "concern that site should be reviewed for Community climate adaptation and resilience".
- Submitters advocated for the area to remain held in stewardship, noting the area "as potentially important in a staged retreat from the coastline due to rising sea levels" (e.g. "They could be leased out for some of the country's financial refugees and offered for housing relocation for those affected by climate change impacts within the region (flooding, sea level rise)", "Climate change is already adversely affecting coastal private property at Granity. Retreat to Millerton may be a preferred solution").

I recommend that these comments are not accepted. The proposed classification will support the protection of the natural resources present, and as a result support the area's climate mitigation potential. The points raised do not justify

overturning the notified intention. Comments regarding adaptation do not specify what type of adaptation they mean or why this should be considered for this conservation area, so I am unable to consider them further.

Ecology and Landscape (Allowed)

- Submitters suggested that the proposed conservation park did not reflect the high ecological values of the area (e.g. “the Panel has not properly considered the nationally important ecological values that exist in these places”), which warrant a higher level of protection such as ecological area (e.g. the area may have “the last remnants of a range of insects, snails, lizards, or plant speciation that may be nationally at risk, endangered, or threatened”, “the **Nationally Critical *Powelliphanta augusta*** and numerous other threatened species”).
- A submitter who noted that they would “prefer that these areas were left alone”, outlined the high ecological values present (e.g. “coal measure areas often support unusual vegetation communities, and flora and fauna not found elsewhere”, “there is a still unnamed *Powelliphanta lignaria* subspecies on the Millerton Plateau which was first found in 2003 by a resident of Millerton”).
- Concern was raised that conservation park provides “pretty much the same protection as that of Stewardship Land”.
- A submitter advocated that “integrating its management with the existing ecological area would lead to landscape scale consistent management” (e.g. “added to the Ngakawau Ecological Area and be managed in a more coherent and ecologically robust manner than would occur in a Conservation Park”), noting “high ecological values for threatened species” and the land context of the adjoining Ngakawau Ecological Area.

I recommend that these comments are not accepted. My assessment is that the natural resources present (e.g. parcels of regenerating native forest) are appropriately protected under the proposed classification when also considering the historic values present (e.g. The Millerton Bathhouse, collective sites which make up the Millerton heritage area including mine sites, tope-roads, dams, bins, portions of the main incline and the township itself). The primary purpose of conservation parks includes to be managed so “that its natural and historic resources are protected” (Conservation Act 1987, s. 19(1)(a)).

Treaty Considerations (Allowed)

- Submissions expressed preference for the recommendation of the Mana Whenua Panel, on the basis that it “reflects the values, interests, and perspectives of the Papatipu Rūnanga in whose Takiwā the relevant land is located”.

I recommend that these comments are not accepted. Although I acknowledge the Mana Whenua Panel opposition to the notified proposal, my assessment, considering those submissions accepted, is that the natural and historic resources present (e.g. regenerating native forest) warrant proceeding with the notified proposal.

General (Allowed)

- Submissions advocated for a higher level of protection than that proposed, without providing further justification (e.g. “Should be Historic Reserve”).

I recommend that these comments are not accepted. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised for further consideration.

Permissions, Economic Factors and Land Use (Not Allowed)

- A submitter noted that “the consented SPHS Granity Tunnel does not currently pass beneath this piece but may do so in final design”, suggesting that reclassification should be **deferred** “at least until the Crown makes decisions on the rehabilitation of Stockton Mine and how retreat from coastal erosion can be managed”.
- A submitter who expressed general concern about the low-level protection offered by conservation park (e.g. “conservation parks do not protect against the establishment of mines on conservation land), noted support for that classification for areas “potentially containing crown minerals”.
- A submitter who advocated for the area to remain in stewardship, suggested that the proposed classification “does not appropriately reflect the current or future values of the land”, and may create a barrier to realising “the economic, social and cultural benefits of the local West Coast community”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Process and Consultation (Not Allowed)

- A submitter advocated for the proposed classification to be revised, stating that “conservation values alone must determine recommended classifications, and recreation and use values are not conservation values”.
- Submitters advocated for the area to be retained in stewardship as the reclassification of these conservation areas would impact the rehabilitation of acid mine drainage through the establishment of hydro schemes.
- A submitter stated that if a national park classification is “politically unpalatable, then political judgement calls must be made by accountable politicians, not by the Panel”.
- A submitter noted the “absence of any information about possible economic activities that may occur” and that they could therefore not be confident about the appropriateness of the proposed classification.
- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- One submission opposed all reclassification of stewardship land to specially protected areas unless it was purchased by the Nature Heritage Fund for the purpose of adding it to a national park.
- A submitter raised concern about potential population increases in the area (e.g. “I don't think it is wise to increase the population of these fragile landscapes”), noting that they would “prefer that these areas were left alone”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submissions queried whether the proposed classification allows hunting, fishing and “provision for public access”.

I recommend that these comments are not accepted. The submission does not identify how the potential for hunting and fishing is relevant to decision-making on classification of the area, and no new material is raised which supports reconsideration of the notified classification. It should be noted that the proposed classification does not prohibit public access for the proposed activities, or the activities themselves when appropriately authorised (for example under a hunting permit), where consistent with preservation of the conservation values present.

Community (Allowed)

- A submitter who did not state an opinion on the proposed classification noted a range of community uses of the area associated with Millerton Hall.

I recommend that these comments are accepted to the extent the activities described are consistent with the proposed classification and community use can be considered under the proposed classification. The conservation park will be managed “to facilitate public recreation and enjoyment”, subject to the protection of the natural and historic resources present (Conservation Act 1987, s. 19(1)(b)).

Ecology and Landscape (Allowed)

- A submitter who did not state an opinion on the proposed classification, noted that the area is “becoming a young but established indigenous forest again to house the ever-increasing bird life we enjoy here”.

I recommend that these comments are accepted. I agree that there are ecological values present which warrant protection and my view is that they are appropriately protected through classification as a conservation park. The primary purpose of conservation parks includes to be managed so “that its natural and historic resources are protected” (Conservation Act 1987, s. 19(1)(a)).

Historic and Cultural Values (Allowed)

- A submitter who did not state an opinion on the proposed classification, noted the presence of “a lot of historic buildings and places within the land that is being reclassified” (e.g. “the bowling green, the 100 steps, the old bath house and the pubs urinal”).

I recommend that these comments are accepted. I agree that there are a number of high value heritage features present and my view is that classification as a conservation park appropriately will appropriately protect these values. The primary purpose of conservation parks includes to be managed so “that its natural and historic resources are protected” (Conservation Act 1987, s. 19(1)(a)).

General (Allowed)

- Submissions advocated generally for all national parks, forest parks, scenic reserves, and stewardship land to be protected from development.

I recommend that these comments are not accepted. The legislation does not provide for absolute protection from development – rather it contemplates that some activities may be acceptable and provides a mechanism for authorising such activities, through the grant of concessions. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification.

Permissions, Economic Factors and Land Use (Not Allowed)

- A submitter who did not express an opinion on the proposed classification, noted that they do not support “any sale of land for mining or any other use at Millerton above Granity north of Westport”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- A submitter advocated for new conservation parks to “come with additional Government funding for better biodiversity work and more pest control”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Disposal - KAW_09_2807757m

The comments received in relation to the Mana Whenua Panel recommendation are summarised below and have been considered in relation to the notified proposal when forming s.49 allow/accept recommendations.

Support

Ecology and Landscape (Allowed)

- Submissions stated they support disposal of stewardship land where there are no conservation values remaining, or agreed that the land did not hold any conservation values and was therefore suitable for disposal.

I recommend that these comments are not accepted. Although the stewardship area contains modified elements (e.g. formed roads), my assessment is that the natural resources described in the CVR (e.g. regenerating native forest) represent sufficiently high conservation values to justify the notified classification of conservation park. I note this area is unlikely to pass the Conservation General Policy 6(c) test for disposal of holding “no, or very low, conservation values”.

Treaty Considerations (Allowed)

- Submissions supported the recommendations of the Mana Whenua Panel on the basis that they reflect the rights and interests of mana whenua, recognise Ngāi Tahu’s connection to their ancestral lands, and fulfil obligations under the Treaty of Waitangi.

I recommend that these comments are not accepted. Although I acknowledge the Mana Whenua Panel opposition to the notified proposal, my assessment, considering those submissions accepted, is that the natural and historic resources present (e.g. regenerating native forest) warrant proceeding with the notified proposal.

General (Allowed)

- Submissions expressed general support for disposal without providing further justification.

I recommend that these comments are not accepted. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification.

Permissions, Economic Factors and Land Use (Not Allowed)

- Submitters in support commented that “although there are conservation values in the sections, we believe the mana whenua panel are correct in identifying this area as potentially important in a staged retreat from the coastline due to rising sea levels”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- It was noted that disposals only form 0.01% of the stewardship land in the West Coast reclassification process.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Oppose

Access and Recreation (Allowed)

- Submitters in opposition to disposal noted that the area is important for access, particularly to the Millerton Bath House Track (e.g. “MAPPS is concerned about losing access to the walk to the cell tower if the Stewardship Land that Rodney St crosses is disposed of. This is a very popular scenic walk among Millerton residents and visitors alike. MAPPS is concerned about losing access to the Bathhouse and Escarpment Track if the Stewardship Land that Napier St crosses is disposed of. These are very popular historic and scenic attractions among Millerton residents and visitors alike”).
- Submissions objected to disposal on the grounds that this represents a loss of public access and ability for future generations to enjoy these areas, and expressed opposition to any disposal which means a loss of recreation opportunities such as angling or hunting.
- Submitters requested that “appropriate mechanisms are used to ensure existing and future public use is maintained or improved”, or recommended classification as a local purpose reserve with purposes either river conservation, river access, or recreation access to “ensure public access is retained in perpetuity”.

I recommend that these comments are accepted. Comments provide site-specific details regarding recreation and access values associated with this stewardship area which warrant retention as public conservation land. The proposed conservation park will be managed “to facilitate public recreation and enjoyment”, subject to the protection of the natural and historic resources present (Conservation Act 1987, s. 19(1)(b)).

Climate Change and Natural Hazards (Allowed)

- A submitter noted that the regenerating bush protects the community from scrub fires.
- Submitters also argued that modified land could be retained and restored to support carbon sequestration (e.g. “Disposal will forgo future carbon sequestration and climate mitigation”).

I recommend that these comments are accepted. I agree that the protection of the existing natural resources present is of increasing importance when considering the need for climate mitigation, supported by the future-focused elements within the definition of conservation. Though these areas are small, they comprise regenerating forest and contribute to the integrity of the surrounding forested area. Classification as conservation park will support this outcome.

- Submissions opposed the recommendation on the grounds that all public conservation land, even if modified/pasture, offers potential for climate change mitigation and adaption (e.g. “opportunities for flood/erosion buffering, or allowing room for natural river processes”, “areas are important for communities that they need to be kept by DOC for climate mitigation, not disposed of”).
- A submitter noted that “in almost all cases these areas have historically been part of the riverbed, and the rivers need this buffer to be able to move around without causing damage to infrastructure and farming assets. As a corollary to that, the freeholding of land adjacent to riverbeds often results in additional rock protection work which

constrains the river, and the natural processes at play. This often results in unintended consequences (often erosion at other sites)”.

- A submitter opposed disposal, stating that the "site should be reviewed for community climate adaptation and resilience”.

I recommend that these comments are not accepted. The stewardship area is not adjacent to any waterbodies where it plays a role in flood or erosion buffering, so these comments do not raise relevant matters to consider. Comments regarding adaptation do not specify what type of adaptation they mean or why this should be considered for this conservation area, so I am unable to consider them further.

Community (Allowed)

- Submitters in opposition to disposal noted various community uses for parts of the stewardship area (e.g. “the hall would lose the land that is currently accommodating the barbeque area, septic tank, picnic table, water tank, garden shed and the 5-6 parking spots that have been developed over the years. If this land was instead added to the Halls parcel of land so future boards could plan towards using the land for such things as parking, public toilets, picnic area or information boards of history and local walks in Millerton and the surrounding plateau. This will encourage visitors to take their time here and appreciate the flora and fauna in a tranquil and serene setting”, “currently used as parking and barbecue area, for the hall which is our Civil Defense assembly point for the lower lying regions already”.

I recommend that these comments are accepted to the extent that there are various values associated with community use and recreation which should be considered. The proposed conservation park will be managed “to facilitate public recreation and enjoyment”, subject to the protection of the natural and historic resources present (Conservation Act 1987, s. 19(1)(b)).

Ecology and Landscape (Allowed)

- Submitters opposed disposal, stating that the land comprises regenerating bush, provides habitat for various native birds, and supports landscape connectivity, and emphasising the community’s involvement in supporting native restoration (e.g. “We have cared for the regenerating bush and birdlife in the adjoining blocks to our home at 37 Kane St and our kainga is now a peaceful whanau refuge visited often by our children and mokopuna”, “The qualities of the regenerating bush help to minimize fire hazard, and provide breeding areas for the native Morepork, Kiwi, Tui, endangered Skink and many specialized species due to the extreme climate and high altitude. There are current Kiwi monitoring operations in this area due to the breeding pairs present”, “the Millerton township blocks of stewardship land are a rare example of various stages of succession in a previously degraded ecology, and contain numerous habits, homes for at risk and endangered species as well as providing an important carbon store and corridors of ecological connectivity between the surrounding Ngakawau Scenic Reserve, the MAPPS Reserve and the higher Coal Measures Plateaux”).
- Submissions expressed opposition to any disposal of stewardship land on the grounds that even modified areas are likely to contain some natural values or indigenous species (juncus, carex etc), that areas near forests could easily revert to a natural state, or that even highly modified land holds opportunities for ecosystem regeneration and restoration (e.g. “disposal will lose the opportunity for regeneration and restoration”). A “precautionary policy” was recommended to hold conservation future options open.

I recommend that these comments are accepted. Comments provide site-specific details regarding the natural values of the stewardship area that warrant retention as public conservation land. My assessment is that the natural resources described in the CVR (e.g. regenerating native forest) represent sufficiently high conservation values to justify the notified classification of conservation park.

Historic and Cultural Values (Allowed)

- Submitters opposed disposal based on the heritage significance of the area and its contribution to the unique character of the town, particularly the old bath house (e.g. “We notice there is a lot of historic buildings and places within the land that is being reclassified such as the bowling green, the 100 steps, the old bath house and the pubs urinal. These places hold historical and cultural significance for our region as many started their life as New Zealanders in the region as coal miners and that history deserves to be preserved and protected for us and our

future generations to appreciate”, “They exist within an area with greater than 120 years of continuous habitation, contain a plethora of industrial archaeological sites, and present a wide range of recreational opportunities for the adventurous visitor. The presence of these stewardship blocks within the surrounding township of Millerton are integral to the unique character of the area”, “It is on the internet on many sites as area of historical interest and world wide it has followers who come and upload their visits to the websites. It is as historically equal as Denniston is in this regard, and deserves to be preserved and protected”).

I recommend that these comments are accepted. Comments provide site-specific details regarding the historic values of the stewardship area that warrant retention as public conservation land. The proposed conservation park will be so managed that its natural and historic resources are protected (Conservation Act 1987, s. 19(1)(a)).

Treaty Considerations (Allowed)

- A submitter opposed disposal and commented that “The Mana Whenua recommendation to dispose of the land for sale because they believe there is no evidence of Ngāi Tahu historic sites has not taken into account the fate of its own living and breathing iwi, who are the present guardians of this land. We invite the Mana Whenua to visit and walk around our rohe in the Millerton Township, view the land in question, speak to the residents, and review the decision to dispose of the land, and instead decide to maintain for the future the taonga which are present here”.
- One submission stated that “no stewardship land should be made available for disposal, except to tangata whenua; and only then with the need to maintain the block’s cultural, conservation & mahika-kai values in their entirety”.

I recommend these comments are accepted to the extent that they do not support a disposal outcome. Although I acknowledge the Mana Whenua Panel opposition to the notified proposal, my assessment, considering those submissions accepted, is that the natural and historic resources present (e.g. regenerating native forest) warrant proceeding with the notified proposal.

- A submitter in opposition to disposal stated, “transfer ownership to local iwi”.

I recommend this comment is not accepted. I have concluded based on comments in opposition that the natural resources present (e.g. regenerating native forest) warrant proceeding with the notified proposal.

General (Allowed)

- Submissions expressed opposition to disposal of any stewardship land in general terms, expressed preference for the National Panel recommendation, argued that public conservation land is best retained for future generations or future conservation purposes, expressed a desire for maximum environmental protection, or supported “a cautionary approach” and preference to retain land in Crown ownership.

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area and no new material is raised, these submission points do not raise any matters for further consideration.

Permissions, Economic Factors and Land Use (Not Allowed)

- Submitters who opposed disposal addressed the justification that the land could be used to support managed retreat from nearby coastal settlements, stating that it would not be suitable for this use. They cited various reasons for this, including the lack of infrastructure to support new housing (electricity, water and sewerage, roading), and the suitability of the various land parcels (i.e. steep, prone to slips or erosion).
- A submitter commented that “many of the stewardship blocks are crossed by existing public roads, driveways and access paths, as well as the old historic bowling, Bathhouse and surrounding infrastructure, which we assume would need to be excluded from the disposed sections. This would result in many of the remaining areas of stewardship land being too small for redevelopment”. It was also noted that “there is no government process currently in place to support managed retreat, meaning that there is no guarantee that land for disposal would be used for this purpose”.
- Conversely, other submitters opposed disposal but suggested that the land should be held in stewardship for potential future relocation.
- Submitters opposed any reclassification until acid mine drainage rehabilitation had been completed.

- Submissions recommended consideration of potential productivity and whether the land could be used to support future food security.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Process and Consultation (Not Allowed)

- Submitters who opposed disposal pointed out a mapping discrepancy regarding part of Rodney Street, which is within the conservation area and provides access to residences, the scenic walk to the cell tower, and mines (e.g. “To sum up, while this road has never been formalised, it has been here for a century or more and is an important accessway for various economic/recreational purposes”). They stated that any sale of the land would need to involve a survey and reclassification to legalise the road.
- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.
- It was noted that “proposed disposals do not give even a general indication where disposal boundaries might be”, making it difficult for submitters to comment.

It was suggested that there should be less focus on present values and more weight given to potential conservation value, as per the Conservation General Policy 6(c) and the Conservation Act requirement to safeguard options for future generations. It was recommended that the reclassification framework should include a “future conservation use” designation to hold land for future conservation requirements.

- A submitter noted that “there is no requirement” that land with low conservation values is disposed of, expressing opposition to any disposal of riverbed or pastoral land in public ownership.
- A submitter stated that “The National Panel is recommending 65 hectares for disposal, but has recommended up to an additional 1000 hectares of land may be disposed of where there is pastoral land alongside river conservation areas (subject to survey). This is not explained or justified”.
- A submitter advocated for the proposed classification to be revised, stating that “conservation values alone must determine recommended classifications, and recreation and use values are not conservation values”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Climate Change and Natural Hazards (Allowed)

- A submitter stated that no land should be disposed of if there is potential for restoration or carbon sequestration, and that riverbeds and adjacent land should be retained for flood retention, with no grazing permitted.

I recommend that these comments are accepted. I agree that the protection of the existing natural resources present is of increasing importance when considering the need for climate mitigation, supported by the future-focused elements within the definition of conservation. Though these areas are small, they comprise regenerating forest and contribute to the integrity of the surrounding forested area. Classification as conservation park will support this outcome.

General (Allowed)

- Submissions advocated generally for all national parks, forest parks, scenic reserves, and stewardship land to be protected from development.

I recommend that these comments are not accepted. The legislation does not provide for absolute protection from development – rather it contemplates that some activities may be acceptable and provides a mechanism for authorising such activities, through the grant of concessions. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification.

Other (Not Allowed)

- One submission noted that disposal of land will be subject to the Heritage New Zealand Pouhere Taonga Notification Process for Disposal of Crown-owned Land.
- One submission suggested any funds from land sold should go to the Nature Heritage Fund.

As I have recommended these comments are not allowed, I recommend they are not accepted.

KAW_10 – Waimangaroa - Granity – 2807805

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Waimangaroa - Granity	KAW_10_2807805n	Conservation Park		13	44
Waimangaroa - Granity	KAW_10_2807805o		Stewardship	8	38

Conservation Values Report Description

A 3764.2747-ha area which covers most of the western slopes of the Stockton Plateau and includes all or part of two Recommended Areas for Protection in the Ngakawau Ecological District, as well as part of Buller Coal Plateau Biodiversity Priority Site. It is also part of the high value Deep Stream/Waimangaroa Ecosystem Management Unit and adjacent to the Species Management Unit for *Powelliphanta augusta*. It has a long history of both coal and gold mining during the nineteenth and twentieth centuries and is used by visitors to historic mining sites as well as by hunters and trampers. DOC manages the Britannia Track and a Recreational Gold Fossicking Area in Britannia Stream. Parapenting occasionally occurs from the plateau. There are three active permissions for open cast coal mining.

Panel Recommendations

National Panel: Conservation park (Waimangaroa) to reflect the identified values, protecting natural and historic resources while facilitating public recreation and enjoyment of the area. The extent of this conservation park reflects the archaeological landscape associated with mining on Stockton Plateau.

Mana Whenua Panel: Retain as stewardship land as the area is adjacent to land being considered for mine remediation by government agencies led by the Treasury, and therefore reclassification should not occur at this time.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of conservation park.

Summary of accepted submissions: Those submissions accepted as holding merit supported the proposed classification, noting the high ecological values of the area and the heritage values and recreation present.

Section 4 and Treaty principles: The Mana Whenua Panel opposed the proposed classification, supported by submissions from Treaty partner organisations, as the area is “adjacent to land being considered for mine remediation by government agencies led by the Treasury, and therefore reclassification should not occur at this time”.

Although I acknowledge the Mana Whenua Panel opposition to the notified proposal, my assessment, considering those submissions accepted, is that the natural and historic resources present warrant proceeding with the notified proposal.

Regarding the specific concerns identified by the Mana Whenua Panel (mine rehabilitation), I note that conservation legislation contemplates that some activities may be acceptable and provides a mechanism for authorising such activities through the granting of concessions. The proposed classification may still allow for certain mine rehabilitation activities (for example) through this mechanism, which would be administered in a manner that gives effect to Treaty principles.

Rationale: My conclusion is that the natural resources present (e.g. the largest remaining relatively intact block of characteristic Stockton Plateau pavement, full altitudinal sequence of podocarp broadleaf to subalpine beech forest, habitat for *Powelliphanta* species) are appropriately protected under the proposed classification when also considering the historic resources present (e.g. sites and places that represent the long history of coal and gold mining during the nineteenth and twentieth century). The primary purpose of conservation parks includes to be managed so “that its natural and historic resources are protected” (Conservation Act 1987, s. 19(1)(a)).

Conservation Park - KAW_10_2807805n

Support

Access and Recreation (Allowed)

- A submitter supported the proposed classification “as a minimum”, noting that the area “includes Britannia Track and access to mining heritage”.

I recommend that these comments are accepted. The values described are consistent with those identified in the CVR (e.g. the Britannia Track) and my view is that they will be appropriately protected by the proposed classification. The proposed conservation park will be managed “to facilitate public recreation and enjoyment”, subject to the protection of the natural and historic resources present (Conservation Act 1987, s. 19(1)(b)).

Ecology and Landscape (Allowed)

- A submitter in support of the proposed classification outlined the high ecological value of the area (e.g. “It plays an important role providing connectivity between coastal and lowland forest to the west with inland mountainous forest of the Ngakawau Ecological Area. Many threatened and at risk flora, fauna and functioning ecosystems exist here”. The submitter qualified their support by noting that “Further protection layers need to be added including into schedule 4 of the Conservation Act to protect the unique ecosystems present here or it should be reclassified as a Scientific Reserve Area”.

I recommend that these comments are accepted to the extent that I agree the natural values described are protected by the proposed classification. My assessment is that the natural resources present (e.g. largest remaining relatively intact block of characteristic Stockton Plateau pavement, full altitudinal sequence of podocarp broadleaf to subalpine beech forest, essential role maintaining connectivity) are appropriately protected under the proposed classification when also considering the historic resources present (e.g. Britannia Track, recreational gold fossicking area, multiple historic mining sites). The primary purpose of conservation parks includes to be managed so “that its natural and historic resources are protected” (Conservation Act 1987, s. 19(1)(a)).

Historic and Cultural Values (Allowed)

- A submitter in support of the proposed classification commented that the assessment area has heritage values relating to coal and gold mining noting that “there are five archaeological sites including coal and gold mines, alluvial digs, and tramway”.

I recommend that these comments are accepted. I agree that the proposed classification of conservation park appropriately protects the historic values present as described by the submitter and identified in the CVR (e.g. Britannia Mine and track, five recorded archaeological sites). The primary purpose of conservation parks includes to be managed so “that its natural and historic resources are protected” (Conservation Act 1987, s. 19(1)(a)).

General (Allowed)

- Submissions expressed general support for the proposed classification without providing further justification, or agreed it reflected the “information in the technical reports”.
- A submitter noted their preference for all stewardship land to be reclassified at the highest possible level based on its “high cultural conservation value”.

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area and no new material is raised, these submission points do not raise any matters for further consideration.

Permissions, Economic Factors and Land Use (Not Allowed)

- A submitter noted the presence of permissions relating to mining activities, suggesting that they “would not impact on the area being classified as a conservation park”.

- Submissions in support of conservation park advocated for greater protection from "intrusive development" such as mining and hydro schemes, stating that "most of the Southern Alps deserves protection equivalent to that of National Park status".
- A submitter expressed "trust that Conservation Park status will provide full protection from any future mining applications in these areas".
- Submissions advocated for retaining the area in stewardship or reclassifying it as a conservation park, suggesting these provide "more than adequate legal protection".

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- A submission suggested that the implementation of the proposed classification "needs to be followed up with sufficient funding for pest eradication".

As I have recommended these comments are not allowed, I recommend they are not accepted.

Oppose

Access and Recreation (Allowed)

- Submitter advocated for an addition to the nearby Denniston Scenic Reserve, noting that "a number of historic sites with physical remains present that are important for tourism and recreation in the area" (e.g. "Koronui Incline and old town, Millerton Incline and the Britannia Track").
- A submitter noted that "the Waimangaroa River has been paddled by kayak and packraft and is challenging and accessible".
- A submitter who advocated for the area to remain in stewardship, suggested the proposed classification is inappropriate because "recreational values should not be enhanced in particular areas", while also suggesting that it "is not necessary to ensure the protection of recreational values because recreational values will be protected".

I recommend that these comments are not accepted. It is my view that the recreational values present as described in the CVR (e.g. Britannia Track, recreational gold fossicking area, multiple historic mining sites) and noted by submitters will be appropriately allowed for and protected by the proposed classification and the points raised do not warrant overturning the notified intention. The proposed conservation park will be managed "to facilitate public recreation and enjoyment", subject to the protection of the natural and historic resources present (Conservation Act 1987, s. 19(1)(b)).

Climate Change and Natural Hazards (Allowed)

- A submitter who advocated for the area to remain in stewardship, suggested that the proposed classification "may create a barrier to realising both the Governments emissions reduction targets".
- A submitter opposed the proposed classification, citing "concern that site should be reviewed for Community climate adaptation and resilience".
- A submitter noted opposition to the proposed classification as "it does not adequately take climate change considerations into account and does not rule out mining opportunities".
- A submitter suggested that the area "deserves protection from further mining", referencing "Climate Commission recommendation re emissions, mining and carbon".

I recommend that these comments are not accepted. The proposed classification will support the protection of the natural resources present, and as a result support the area's climate mitigation potential. Comments regarding adaptation do not specify what type of adaptation they mean or why this should be considered for this conservation area, so I am unable to consider them further.

Community (Allowed)

- A submitter who advocated for national park classification to prevent mining, raised concern about community health impacts arising from further coal mining in the area, noting that one of the Department's outcomes is "thriving communities" (e.g. Mining this area would further contaminate the Waimangaroa water supply catchment with coal dust, "our community already has the highest rate of respiratory disease in New Zealand").

I recommend that these comments are not accepted. The legislation does not provide for absolute protection from development – rather it contemplates that some activities may be acceptable and provides a mechanism for authorising such activities, through the granting of concessions and authorisations.

Ecology and Landscape (Allowed)

- Submitters suggested that the proposed conservation park does not reflect the “very high indigenous value” of the area (e.g. “The very nature of the DOC description high ecological values and overwhelmingly natural and largely intact brings into question the weak recommended classification of Conservation Park”, “does not provide appropriate protection commensurate with ecological significance, particularly for the increasingly rare coal measures and the last fragment of habitat for highly endangered species”).
- Classification as ecological area, nature reserve, scenic reserve or scientific reserve was proposed.
- Submitters advocated for addition to the Denniston Scenic Reserve to reflect the area’s natural and scenic values, noting it as the “backdrop to the SH6 coast road” (e.g. “The area contains large patches of unmodified forest. It shares similar values with the nearby Denniston Scenic Reserve”).
- Another submitter advocated for the creation of “a small National Park that would capture the unique and internationally significant ecosystems of the area”. This was suggested to also include “all other conservation land within the Ngakawau Ecological District”, and to achieve the CMS outcome that “a representative sample of viable coal measures ecosystems and landscapes on the Buller Plateaux priority site is legally protected”.
- Submitters raised concern that conservation park provides “pretty much the same protection as that of Stewardship Land”.
- Submitters referenced the high natural values present as warranting a higher level of protection (e.g. “high ecological values and is overwhelmingly natural and largely intact”, “including the last habitat fragment of the threatened large land snail *Powelliphanta augusta* (Nationally Critical)”, “The coal measures ecosystems of the Buller Plateaux are internationally significant, as they occur nowhere else in the world”).
- Several submitters recommended protection for specific areas, including Stockton Plateau sandstone pavement and the Upper Deep Stream/Whirlwind Stream areas.
- Submitters recommended scientific reserve or ecological area to reflect the area’s high natural values (e.g. “The Deep Stream part of this parcel is particularly important from an ecological perspective, because it contains largely unmodified coal measures and associated ecosystems”, “contains a suite of rare and distinct flora and fauna, including the last habitat fragment of the threatened large land snail *Powelliphanta augusta* (Nationally Critical), while also supporting the land snail *Powelliphanta patrickensis* (Nationally Endangered)”.

I recommend that these comments are not accepted. Although I acknowledge the high value nature of the natural resources present (e.g. largest remaining relatively intact block of characteristic Stockton Plateau pavement; full altitudinal sequence of podocarp broadleaf to subalpine beech forest, essential role maintaining connectivity), my assessment is that they are appropriately protected under the proposed classification when also considering the historic resources present (e.g. sites and places that represent the long history of coal and gold mining during the nineteenth and twentieth centuries). The primary purpose of conservation parks includes to be managed so “that its natural and historic resources are protected” (Conservation Act 1987, s. 19(1)(a)).

- A submitter noted “factual inaccuracies” in the information provided to the Panels, suggesting that it “over-states the natural heritage significance of the area”. It was suggested that the land should remain held in stewardship “for at least the period of mining and subsequent rehabilitation”.

I recommend that these comments are not accepted. Although areas of modification may be present (e.g. land adjacent to Stockton Mine has been damaged by rockfall and weed incursions) my conclusion is that the natural resources present as described in the CVR justify the proposed classification (e.g. the area is still overwhelmingly natural and largely intact) and the points raised do not warrant overturning the notified intention. The primary purpose of conservation parks includes to be managed so “that its natural and historic resources are protected” (Conservation Act 1987, s. 19(1)(a)).

Treaty Considerations (Allowed)

- A submitter advocated for the area to be classified as an ecological area, along with the Mount Rochfort Conservation Area (Kaw_17), stating that “extensive, sensitive and culturally aware management status and

practices [are] required for this whole area". This was supported by a narrative outlining the submitter's whakapapa connection to the area (e.g. "Rāronga is one of the cultural tupuna to the area known by us as Te Papakaueraro ō Ranginui me Te Papakauerūnga ō Papatuanuku").

- Submissions expressed preference for the recommendation of the Mana Whenua Panel, on the basis that it "reflects the values, interests, and perspectives of the Papatipu Rūnanga in whose Takiwā the relevant land is located".

I recommend that these comments are not accepted. Although I acknowledge the Mana Whenua Panel opposition to the notified proposal, my assessment, considering those submissions accepted, is that the natural resources present (e.g. the largest remaining relatively intact block of characteristic Stockton Plateau pavement, full altitudinal sequence of podocarp broadleaf to subalpine beech forest, habitat for *Powelliphanta* species) are appropriately protected under the proposed classification when also considering the historic resources present (e.g. sites and places that represent the long history of coal and gold mining during the nineteenth and twentieth century).

General (Allowed)

- Submissions advocated for a higher level of protection than that proposed, without providing further justification.

I recommend that these comments are not accepted. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised for further consideration.

Permissions, Economic Factors and Land Use (Not Allowed)

- Submitters opposed the recommendation on the grounds that it provides insufficient protection against activities such as coal mining which would cause the special ecology of the area to be "vastly degraded for centuries to come". It was suggested that "coal can be sourced from so many alternative sources of lesser ecological significance", and that classification as ecological area is more appropriate (e.g. "A conservation status that allows underground or open cast mining is completely inconsistent with the reviews purpose of assigning the appropriate protective conservation status for areas with high conservation values", "coal measures ecosystems of the Buller Plateau have been greatly reduced in extent and intactness through past and current mining activities", "Conservation and economic interests are in direct conflict in this area", "needs to be given a classification that recognises its uniqueness and protects it from future mining, such as scientific reserve").
- A submitter who advocated for the area to remain in stewardship, suggested that the proposed classification "does not appropriately reflect the current or future values of the land", and may create a barrier to realising "the economic, social and cultural benefits of the local West Coast community".
- A submitter who expressed general concern about the low-level protection offered by conservation park (e.g. "conservation parks do not protect against the establishment of mines on conservation land), noted support for that classification for areas "potentially containing crown minerals".
- A submitter advocated for national park classification to prevent the use of the area for coal mining, suggesting that "it would be of economic benefit to local people when coal mining ends".
- Submitters noted the area borders land where the Stockton Mine is located, outlining the economic value of associated exports. It was suggested that "there are a number of instances where authorisations are in place on adjacent Stewardship land to enable activities associated with mining". It was suggested that these could be impacted by the proposed classification, and that the area should be retained in stewardship "for at least the period of mining and subsequent rehabilitation".
- Submitters noted that "this land is adjacent to areas being considered by Treasury for management solutions for historic Crown liability of acid mine drainage", advocating for the area to be retained in stewardship as the reclassification of this area would impact rehabilitation activities (e.g. "reclassification at this time may further complicate or restrict options for solutions to this issue", "consideration of reclassification should be deferred until the cessation of mining and determination of the long-term management of AMD").
- A submitter suggested the proposed classification is not in the best interest of the public and "would have negative impact on the potential economic benefit derived from mineral resource extraction".
- A submitter opposed the recommendation "for the existing mining areas" stating "we would need to retain our existing access road to the mine over this land under existing use rights". They wanted clarification as soon as

possible on the land classification for business planning purposes, and queried whether there would be compensation for affected parties.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Process and Consultation (Not Allowed)

- A submitter advocated for the proposed classification to be revised, stating that “conservation values alone must determine recommended classifications, and recreation and use values are not conservation values”.
- A submitter stated that if a national park classification is “politically unpalatable, then political judgement calls must be made by accountable politicians, not by the Panel”.
- A submitter noted the “absence of any information about possible economic activities that may occur” and that they could therefore not be confident about the appropriateness of the proposed classification.
- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- One submission opposed all reclassification of stewardship land to specially protected areas unless it was purchased by the Nature Heritage Fund for the purpose of adding it to a national park.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submissions queried whether the proposed classification allows hunting, fishing and “provision for public access”.

I recommend that these comments are not accepted. The submission does not identify how the potential for hunting and fishing is relevant to decision-making on classification of the area, and no new material is raised which supports reconsideration of the notified classification. It should be noted that the proposed classification does not prohibit public access for the proposed activities, or the activities themselves when appropriately authorised (for example under a hunting permit), where consistent with preservation of the conservation values present.

General (Allowed)

- Submissions advocated generally for all national parks, forest parks, scenic reserves, and stewardship land to be protected from development.

I recommend that these comments are not accepted. The legislation does not provide for absolute protection from development – rather it contemplates that some activities may be acceptable and provides a mechanism for authorising such activities, through the grant of concessions. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification.

Other (Not Allowed)

- A submitter advocated for new conservation parks to “come with additional Government funding for better biodiversity work and more pest control”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Retain in Stewardship - KAW_10_28078050

The comments received in relation to the Mana Whenua Panel recommendation are summarised below and have been considered in relation to the notified proposal when forming s.49 allow/accept recommendations.

Support

Access and Recreation (Allowed)

- A submitter in support of the recommendation noted the area's low value for recreation, commenting, "The land is steep, slippery, and unstable and is subject to frequent rockfalls and slips; the last major slip occurring above Gravity this year. The topography is unsuited for recreation, other than for experienced climbers. The terrain is such that security fencing has not been required along the western boundary of Stockton Mine to keep the public safe from mining activities".

I recommend that these comments are not accepted. It is my view that the recreational values present as described in the CVR (e.g. Britannia Track, recreational gold fossicking area, multiple historic mining sites) will be appropriately allowed for and protected by the proposed classification and the points raised do not warrant overturning the notified intention. The proposed conservation park will be managed "to facilitate public recreation and enjoyment", subject to the protection of the natural and historic resources present (Conservation Act 1987, s. 19(1)(b)).

Ecology and Landscape (Allowed)

- A submitter in support of retaining this land in stewardship stated that the technical report contains inaccuracies or omissions regarding the landscape context and its importance for habitat connectivity, commenting that "the report should also note that the land to the West is predominantly privately owned and to the East the land is bordered by the Stockton Mine and Crown Land administered by LINZ where Bathurst has significant mining interests".

I recommend that these comments are not accepted. My assessment is that the natural resources and landscape context as described in the CVR are appropriately represented and will be protected under the proposed classification. The primary purpose of conservation parks includes to be managed so "that its natural and historic resources are protected" (Conservation Act 1987, s. 19(1)(a)).

Treaty Considerations (Allowed)

- Submitters stated that national park classification would "obstruct Ngāi Tahu from maintaining ancestral relationships with the whenua, obstruct kaitiaki rights and responsibilities, limits the meaningful involvement of Ngāi Tahu in decision-making processes, and is less enabling of customary practices that are fundamental to sustaining tribal identity and mana", and suggested that areas "must remain as stewardship land pending conservation law reform to create more appropriate forms of protected area classifications from a Ngāi Tahu perspective".

Potential changes to management or legislative frameworks are not the subject of the notified classification proposal. As such, I recommend that comments advocating for such amendments are not accepted.

- Submitters supported the position of the Mana Whenua Panel on the basis that "the recommendations of the MWP reflect the values, interests, and perspectives of the Papatipu Rūnanga in whose Takiwā the relevant land is located, and recognise Ngāi Tahu's connection to their ancestral lands" (e.g. "by adopting the recommendations of the Mana Whenua Panel the Minister will give effect to the principles of the Treaty of Waitangi", "Mana whenua, here made up of Ngāi Tahu and Poutini Ngāi Tahu, have the longest and strongest claim to this land and their interests should be upheld as per their recommendation").

I recommend that these comments are not accepted. Although I acknowledge the Mana Whenua Panel opposition to the notified proposal, my assessment, considering those submissions accepted, is that the natural resources present (e.g. the largest remaining relatively intact block of characteristic Stockton Plateau pavement, full altitudinal sequence of podocarp broadleaf to subalpine beech forest, habitat for *Powelliphanta* species) are appropriately protected under the proposed

classification when also considering the historic resources present (e.g. sites and places that represent the long history of coal and gold mining during the nineteenth and twentieth century).

General (Allowed)

- Submitters stated support for the proposed classification or agreement with the Mana Whenua Panel without providing further justification.

I recommend that these comments are not accepted. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised for further consideration.

Permissions, Economic Factors and Land Use (Not Allowed)

- Submitters supported the recommendation on the grounds that retaining land in stewardship will enable various land uses to continue, noting that mining and access authorisations are held in the assessment area, and that the land is adjacent to areas requiring acid mine drainage solutions. They recommended that the land should remain in stewardship until mining and rehabilitation activities are concluded. One submitter qualified their comment by suggesting that areas adjacent to or including active mining should be left as stewardship land “until the conclusion/expiry of their access rights” but that the “areas of escarpment and of undisturbed land could be Conservation Park. This may mean splitting this area to accommodate these differences”.
- One submitter noted that the permissions summaries in each of the technical documents are inaccurate and do not reflect the extent of use or significance of these to Bathurst’s Stockton operations.
- A submitter in support of the recommendation noted that this area contains the proposed Granity tunnel and underground Granity power station, as well the “derelict Millerton incline which could be a viable pipeline route as an alternative to the Granity tunnel”. They stated that the catchments within the piece above Granity provide potable water supplies for the community and Granity School, and that access should be restricted.
- Submissions advocated for retaining the area in stewardship or reclassifying it as a conservation park, suggesting these classifications provide “more than adequate legal protection”.
- Retaining the land in stewardship was supported on the basis that reclassification may “create a barrier to realising both the Governments emissions reduction targets and REG goals as well as the economic, social and cultural benefits of the local West Coast community”.
- Submitters stated that reclassification would impact the rehabilitation of acid mine drainage, and suggested the area be retained in stewardship until after rehabilitation has been completed.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Oppose

Access and Recreation (Allowed)

- Submitters who recommended scenic reserve or conservation park noted the area’s recreational values associated with the Britannia Track and access to heritage sites.
- Submitters who advocated for reclassification as scenic reserve or conservation park noted the mining heritage and historic sites (e.g. “contains a number of historic sites with physical remains present that are important for tourism and recreation in the area Koronui Incline and old town, Millerton Incline and the Britannia Track”.
- A submitter wanted this classification revisited and adequate protections given that are based on the conservation value of the land, noting that “The fundamental purpose should thus be the protection of the conservation value of the land and the guarantee of public access”.

I recommend that these comments are accepted to the extent that they support the proposed classification of conservation park. The values described are consistent with those identified in the CVR and my view is that they will be appropriately protected by the classification. The proposed conservation park will be managed “to facilitate public recreation and enjoyment”, subject to the protection of the natural and historic resources present (Conservation Act 1987, s. 19(1)(b)).

Climate Change and Natural Hazards (Allowed)

- A submitter stated opposition based on concern that the site “should be reviewed for Community climate adaptation and resilience”.

- Submitters suggested that the proposed classification would not assist with a reduction in emissions.

I recommend that these comments are not accepted. The proposed classification of conservation park will support the protection of the natural resources present, and as a result support the area's climate mitigation potential. Comments regarding adaptation do not specify what type of adaptation they mean or why this should be considered for this conservation area, so I am unable to consider them further.

Ecology and Landscape (Allowed)

- Submissions opposed retaining land in stewardship without providing further justification, describing it as a "meaningless recommendation".
- Some submitters expressed a preference for a different classification such as a conservation park, scenic reserve, or an ecological area.

I recommend that these comments are accepted to the extent that I agree that the area warrants a higher level of protection than that provided by stewardship. My assessment is that the natural resources present (e.g. largest remaining relatively intact block of characteristic Stockton Plateau pavement, full altitudinal sequence of podocarp broadleaf to subalpine beech forest, essential role maintaining connectivity) justify the proposed classification of conservation park when also considering the historic resources present (e.g. sites and places that represent the long history of coal and gold mining during the nineteenth and twentieth centuries).

- Submitters advocated for a higher classification on the basis that this does not reflect the ecological values, i.e. uncommon ecosystem types and various rare species, and the largely natural and intact character of the area. Specifically, the area was noted to contain tracts of unmodified forest, support various threatened flora and fauna and provide habitat for kiwi, native geckos, the threatened long-tailed bat, *Powelliphanta augusta* (Nationally Critical) and *Powelliphanta patrickensis* (Nationally Endangered), (e.g. "contains the last fragment of natural habitat of *Powelliphanta augusta*", "overwhelmingly natural and largely intact containing the last fragment of habitat for this highly endangered species", "contains extensive, internationally significant coal measures ecosystems", "the PNAP report states that there is no alternative available to represent [these] associations and stonescapes of the upper Stockton Plateau", "a priority site for biodiversity management in the West Coast Te Tai o Poutini Conservation Management Strategy"). Various suggestions were made as to appropriate alternative classifications, including ecological area, scenic reserve, national park, or scientific reserve, or some combination of those.
- The area was also noted as an example of "amazing Gondwana heritage (...) stretching back to the Paleozoic. It has taken 400-odd million years for these special ecosystems to have evolved (e.g. the endemic forked fern, *Tmesipteris*), and mining considerations based on decades and short-term profit could destroy it forthwith".
- Submitters stated that the area holds values comparable to those of the nearby Orikaka Ecological Area or the nearby Denniston Scenic Reserve and plays an important role in connectivity (e.g. "important for connectivity between the coastal and lowland forest, and the inland mountain forests of the Ngakawau Ecological Area", "surrounded by important conservation areas"). It was also noted to be "natural and scenic", a "backdrop to the SH6 coast road" and to hold "scenery and/or ecosystems, the preservation of which is in the national interest (national park quality)".
- The high ecological value of the Deep Stream/Waimangaroa Ecosystem Management Unit was emphasised, with submitters recommending this area as a scientific reserve (along with the Mount Rochfort area) and a scenic reserve for the remainder of the area.
- Submitters emphasised the plight of the *Powelliphanta augusta* snail, impacted due to previous mining activity ("the main habitat of our very endangered carnivorous snail, *Powelliphanta augusta*, was completely destroyed by the Stockton Mine operations, with rehabilitation efforts failing (...). This is an indictment on us, having let this happen to a unique taonga species in Aotearoa").

I recommend that these comments are not accepted. My assessment is that the natural resources present (e.g. largest remaining relatively intact block of characteristic Stockton Plateau pavement, full altitudinal sequence of podocarp broadleaf to subalpine beech forest, essential role maintaining connectivity) justify the proposed classification of conservation park when also considering the historic resources present (e.g. sites and places that represent the long history of coal and gold mining during the nineteenth and twentieth centuries).

Historic and Cultural Values (Allowed)

- Submitters who advocated for reclassification as scenic reserve or conservation park noted the mining heritage and historic sites (e.g. “contains a number of historic sites with physical remains present that are important for tourism and recreation in the area”, “Koronui Incline and old town, Millerton Incline and the Britannia Track”.

I recommend that these comments are accepted. I agree that the area warrants a higher level of protection than that provided by stewardship and my conclusion is that the proposed classification of conservation park appropriately protects the historic values present as described by the submitter and identified in the CVR (e.g. Britannia Mine and track, five recorded archaeological sites, the Waimangaroa River has historical significance as one of the first two West Coast gold diggings). The primary purpose of conservation parks includes to be managed so “that its natural and historic resources are protected” (Conservation Act 1987, s. 19(1)(a)).

Treaty Considerations (Allowed)

- A submitter advocated for the area to be classified as an ecological area, along with the Mount Rochfort Conservation Area (Kaw_17), stating that “extensive, sensitive and culturally aware management status and practices [are] required for this whole area”. This was supported by a narrative outlining the submitter’s whakapapa connection to the area, and the deep cultural significance of the area (e.g. “the tragedy and mana associated with this whakapapa korero to P Herengawairua is such that the tapu is still in place to these modern times. Cultural advice was given to modern-day mining operators that the waters of P Herengawairua were not to be interfered with for any reason”.

I recommend that these comments are not accepted. My assessment is that the natural resources present (e.g. largest remaining relatively intact block of characteristic Stockton Plateau pavement; full altitudinal sequence of podocarp broadleaf to subalpine beech forest, essential role maintaining connectivity) are appropriately protected under the proposed classification when also considering the historic resources present (e.g. sites and places that represent the long history of coal and gold mining during the nineteenth and twentieth centuries).

- A submission argued that “an area with high conservation values should be reclassified to reflect that value” and that the Mana Whenua Panel Recommendation “goes beyond the obligation to give effect to the Treaty of Waitangi”.
- One submission argued against retaining land as stewardship where the area had not been identified as holding site-specific values to Ngāi Tahu.

I recommend that these comments are accepted to the extent that they support a higher level of protection for the land than that provided by stewardship. My view is that the natural and historic values present will be appropriately protected by the proposed classification of conservation park. The conservation park will be managed “to facilitate public recreation and enjoyment”, subject to the protection of the natural and historic resources present (Conservation Act 1987, s. 19(1)(b)).

General (Allowed)

- Submitters expressed preference for maximum protection, or the highest possible classification based on the area’s “high cultural conservation value”.

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area and no new material is raised, these submission points do not raise any matters for further consideration.

Permissions, Economic Factors and Land Use (Not Allowed)

- Submitters in opposition to retaining the land in stewardship were concerned that this would enable mining in the conservation area, and argued that the mining value did not outweigh the natural values of the area (e.g. “though coal is necessary for steel production, it is not a scarce resource (...) The argument that the coal in this area is high-grade coking quality is of little account, given that (a) it is only partly true (not all of the coal is high-grade), and (b) you can still make steel with lower-grade coking coal. If the coal was to be exploited, this would extend mining (and the putative socio-economic benefits) for only a few decades at the most, whereas the special ecology of the area would be vastly degraded for centuries to come”).

- Submitters were concerned that mining and economic interests represented a conflict of interest (e.g. “The area probably has some mining potential and no doubt this has influenced Mana Whenua’s decision to recommend it remain as stewardship land. There is also Bathurst’s aim for a haul road along the ridge to the back of Denniston to connect with Stockton mine so that Bathurst’s mines on the Denniston Plateau can haul coal to Stocktons coal-washing facilities rather than set up a separate cleaning facility at Denniston. This would require an easement through the conservation estate. There is also land with mining potential in the vicinity owned by Ngāti Waewae. I consider the recommendation comes with an undemocratic conflict of interest”, “It appears to me that this recommendation is an undercover ploy to open conservation lands with notable conservation values to environmentally abusive extractive commercial activities and other inappropriate developments in the interests of private financial rewards”).
- Submitters were critical of the proposed classification as allowing coal mining to continue in an ecologically important area, commenting that “there can be insufficient justification for the permanent destruction of such ecologically and scenically special areas when coal can be sourced from so many alternative sources of lesser ecological significance”.
- A submitter stated that “A conservation status that allows underground or open cast mining is completely inconsistent with the review’s purpose of assigning the appropriate protective conservation status for areas with high conservation values”.
- A submitter commented that the justification for retaining land in stewardship is based on the area’s adjacency to land being considered for mine remediation, but stated that according to communication with a DOC staff member, “none of the current or probable future activity (regarding coal mining) is incompatible with the area becoming a Conservation Park”.
- A submitter stated preference for reclassification as a national park, commenting that this “would be of economic benefit to local people when coal mining ends”.
- Submitters expressed concern that retaining the area as stewardship land exposes it to risk of activities such as mining or being swapped out of the conservation estate. It was suggested that reclassification should consider the “likely potential incursion by commercial or industrial groups”.
- Submitters opposed retaining the area as stewardship land and commented that the justification for retaining land in stewardship is based on the area’s adjacency to land being considered for mine remediation, with some stating that “mine remediation should occur on the land that already has been impacted by mining”. The submitters also stated that according to communication with a DOC staff member, “none of the current or probable future activity (regarding coal mining) is incompatible with the area becoming a Conservation Park” or “under Conservation park general rules there is still opportunity for recreation and commercial enterprise”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Process and Consultation (Not Allowed)

- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.
- Submissions expressed concern about “major inconsistencies and contradictions” in the reclassification process, noting that some high value conservation land has not been recommended for reclassification as national park.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submitters were concerned with ensuring that free public access, hunting and fishing can continue.

I recommend that these comments are not accepted. The submission does not identify how the potential for hunting and fishing is relevant to decision-making on classification of the area, and no new material is raised which supports reconsideration of the notified classification. It should be noted that the proposed classification does not prohibit public access for the proposed activities, or the activities themselves when appropriately authorised (for example under a hunting permit), where consistent with preservation of the conservation values present.

General (Allowed)

- A submitter commented that “Land should be reclassified to reflect and manage natural and heritage values appropriately”.
- Submitters advocated generally for all national parks, forest parks, scenic reserves and stewardship land to be protected from development.

I recommend that these comments are not accepted. The legislation does not provide for absolute protection from development – rather it contemplates that some activities may be acceptable and provides a mechanism for authorising such activities, through the grant of concessions. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification.

KAW_11 – Plover Stream – 2807807

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Plover Stream	KAW_11_2807807p	Conservation Park		14	27
Plover Stream	KAW_11_2807807q		Stewardship	7	27

Conservation Values Report Description

This 1206.1168-ha area includes intact and modified forest and wetlands as well as active and historic mine infrastructure, including Stockton Mine Road, but has no tracks or facilities managed by the Department. The diversity of altitude, landform, soil, parent rock and aspect has created highly diverse habitats for native flora and fauna. Guided mine tours to the Stockton Mine occur. This conservation area contains heritage values and sites associated with coal mining, and has little recreational use.

Panel Recommendations

National Panel: Conservation park (Waimangaroa), to reflect the identified values, protecting natural and historic resources while facilitating public recreation and enjoyment of the area. The extent of this conservation park reflects the archaeological landscape associated with mining on Stockton Plateau.

Mana Whenua Panel: Retain as stewardship land as the area is adjacent to land being considered for mine remediation by government agencies led by the Treasury, and therefore reclassification should not occur at this time.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of conservation park.

Summary of accepted submissions: Those submissions accepted as holding merit supported the proposed classification, noting the high ecological values of the conservation area and the heritage values and recreation present.

Section 4 and Treaty principles: The Mana Whenua Panel opposed the proposed classification, supported by submissions from Treaty partner organisations, as the area is “adjacent to land being considered for mine remediation by government agencies led by the Treasury, and therefore reclassification should not occur at this time”.

Although I acknowledge the Mana Whenua Panel opposition to the notified proposal, my assessment, considering those submissions accepted, is that the natural and historic resources present warrant proceeding with the notified proposal.

Regarding the specific concerns identified by the Mana Whenua Panel (mine rehabilitation), I note that conservation legislation contemplates that some activities may be acceptable and provides a mechanism for authorising such activities through the granting of concessions. The proposed classification may still allow for certain mine rehabilitation activities (for example) through this mechanism, which would be administered in a manner that gives effect to Treaty principles.

Rationale: My conclusion is the natural resources present (e.g. coal measures, diverse vegetation associations including shrub, tussock and both tall and short forest ecosystems, pākihi and swamp, many threatened and at-risk flora and fauna) are appropriately protected under the proposed classification when also considering the historic resources present (e.g. evidence of historic coal mining on the Stockton Plateau - Coal Island mine and the Tintown settlement). The primary purpose of conservation parks includes to be managed so “that its natural and historic resources are protected” (Conservation Act 1987, s. 19(1)(a)).

Conservation Park - KAW_11_2807807p

Support

Access and Recreation (Allowed)

- A submitter supported the proposed classification “as a minimum”, noting that the land “includes areas with significant interest in public access to the north and east”.

I recommend that these comments are accepted. The values described will be appropriately protected by the proposed classification. The proposed conservation park will be managed “to facilitate public recreation and enjoyment”, subject to the protection of the natural and historic resources present (Conservation Act 1987, s. 19(1)(b)).

Ecology and Landscape (Allowed)

- Submitters in support of the proposed classification outlined the high ecological value of the area.
- A submitter qualified their support by noting that “further protection layers need to be added including into Schedule 4 of the Conservation Act to protect the unique ecosystems present here or it should be reclassified as a Scientific Reserve”.
- Another submitter suggested that the area “possibly deserves ecological area overlay”.

I recommend that these comments are accepted to the extent that they support the proposed classification as protecting the natural values present. My assessment is that the natural resources present (e.g. coal measures, diverse vegetation associations including shrub, tussock and both tall and short forest ecosystems, pākihi and swamp, many threatened and at-risk flora and fauna) are appropriately protected under the proposed classification when also considering the historic resources present (e.g. Coal Island mine and the Tintown settlement). The primary purpose of conservation parks includes to be managed so “that its natural and historic resources are protected” (Conservation Act 1987, s. 19(1)(a)). I note that submitters have recommended the addition of an ecological overlay or further protections, however, any such addition is not within the scope of what was notified for this reclassification process.

Historic and Cultural Values (Allowed)

- It was noted that the historic heritage values present relate to coal and gold mining within the area, noting “many relics remain some of which are relatively intact (Coal Island mine)” and that guided tours occur at the Stockton mine. It was suggested that these “historic industrial heritage features and recreational activity would be protected under reclassification as a Conservation Park”.

I recommend that these comments are accepted. I agree that the proposed classification of conservation park appropriately protects the historic values present as described by the submitter and identified in the CVR (e.g. Coal Island Mine, Tintown settlement). The primary purpose of conservation parks includes to be managed so “that its natural and historic resources are protected” (Conservation Act 1987, s. 19(1)(a)).

General (Allowed)

- Submissions expressed general support for the proposed classification without providing further justification, or agreed it reflected the “information in the technical reports”.
- A submitter noted their preference for all stewardship land to be reclassified at the highest possible level based on its “high cultural conservation value”.

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area and no new material is raised, these submission points do not raise any matters for further consideration.

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions in support of conservation park advocated for greater protection from “intrusive development” such as mining and hydro schemes, stating that “most of the Southern Alps deserves protection equivalent to that of National Park status”.

- A submitter expressed “trust that Conservation Park status will provide full protection from any future mining applications in these areas”.
- Submissions advocated for retaining the area in stewardship or reclassifying it as a conservation park, suggesting these provide “more than adequate legal protection”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- A submission suggested that the implementation of the proposed classification “needs to be followed up with sufficient funding for pest eradication”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Oppose

Access and Recreation (Allowed)

- A submitter noted that the area “has little recreational use”, advocating for an addition to the adjacent Ngakawau Ecological Area.
- Another submitter, who advocated for an addition to the Ngakawau Ecological Area, noted the presence of the “Repo Basin track from Stockton to Tin Town”, noting that it is “used by hunters, locals and people wanting to visit the spectacular mid Mangatini”. It was suggested that it appeared “this track was not discussed with the panel”.
- A submitter who advocated for the area to remain in stewardship, suggested the proposed classification is inappropriate because “recreational values should not be enhanced in particular areas”, while also suggesting that it “is not necessary to ensure the protection of recreational values because recreational values will be protected”.

I recommend that these comments are not accepted. It is my view that any recreational use identified by submitters is not inconsistent with the proposed classification of conservation park, and the points raised do not warrant overturning the notified intention. The proposed conservation park will be managed “to facilitate public recreation and enjoyment”, subject to the protection of the natural and historic resources present (Conservation Act 1987, s. 19(1)(b)).

Climate Change and Natural Hazards (Allowed)

- A submitter who advocated for the area to remain in stewardship, suggested that the proposed classification “may create a barrier to realising both the Governments emissions reduction targets”.

I recommend that these comments are not accepted. The proposed classification will support the protection of the natural resources present, and as a result support the area’s climate mitigation potential. The primary purpose of conservation parks includes to be managed so “that its natural and historic resources are protected” (Conservation Act 1987, s. 19(1)(a)).

Ecology and Landscape (Allowed)

- Submitters suggested that the proposed conservation park did not reflect the high ecological values of the area (e.g. “the Panel has not properly considered the nationally important ecological values that exist in these places”), which warrant a higher level of protection such as ecological area (e.g. the area may have “the last remnants of a range of insects, snails, lizards, or plant speciation that may be nationally at risk, endangered, or threatened”, “naturally uncommon ecosystems (including dunes and wetlands)”, “we have never come across an area with such an abundance of fern birds and orchids”, “it has uncommon ecosystem types and very high indigenous values. Pink, yellow, and silver pines and their ecological associations are rare”, “land parcel has ecological values that appear similar to those on other nearby land with a higher protected status”, “high conservation values and endemism”).
- Submitters noted the land context of the adjoining Ngakawau Ecological Area, suggested that classifying this area similarly would add “further value to the area’s representativeness and also buffers the area from the active coal mine” (e.g. “bounded on the north by Ngakawau ecological area and contain many of the same biodiversity values and should be classified the same to preserve landscape continuity”, “many highly threatened species and is highly representative of the Ngakawau ED”, “a valuable area to be protected as a buffer between the active coal mine and the ecological area”, “added to the Ngakawau Ecological Area and be managed in a more coherent and ecologically robust manner than would occur in a Conservation Park”). It was suggested that “Ngakawau is the only ecological

district in New Zealand defined by the presence of extensive coal measure rocks and associated landforms and vegetation” and is “a nationally outstanding landscape in its entirety”.

- Concern was raised that conservation park provides “pretty much the same protection as that of Stewardship Land”.

I recommend that these comments are not accepted. Although I acknowledge the high value nature of the natural resources present (e.g. coal measures, diverse vegetation associations including shrub, tussock and both tall and short forest ecosystems, pākihi and swamp, many threatened and at-risk flora and fauna), my assessment is that they are appropriately protected under the proposed classification when also considering the historic resources present (e.g. Coal Island mine and the Tintown settlement). The primary purpose of conservation parks includes to be managed so “that its natural and historic resources are protected” (Conservation Act 1987, s. 19(1)(a)).

- A submitter noted “factual inaccuracies” in the information provided to the Panels, suggesting that it “over-states the natural heritage significance of the area”. It was suggested that the land should remain held in stewardship “for at least the period of mining and subsequent rehabilitation”.

I recommend that these comments are not accepted. Although areas of modification may be present (e.g. the Stockton Mine road), my conclusion is that the natural resources present as described in the CVR justify the proposed classification (e.g. coal measures, diverse vegetation associations including shrub, tussock and both tall and short forest ecosystems, pākihi and swamp, many threatened and at-risk flora and fauna) and the points raised do not warrant overturning the notified intention. The primary purpose of conservation parks includes to be managed so “that its natural and historic resources are protected” (Conservation Act 1987, s. 19(1)(a)).

Historic and Cultural Values (Allowed)

- A submitter who opposed the proposed classification noted that the “site should be reviewed for Community heritage value”.

I recommend that these comments are not accepted. The comments are not specific regarding the values which are not protected, and community aspirations can be considered under the conservation park classification. The proposed conservation park will be managed “to facilitate public recreation and enjoyment”, subject to the protection of the natural and historic resources present (Conservation Act 1987, s. 19(1)(b)).

- A submitter who advocated for an addition to the Ngakawau Ecological Area, noted the presence of “the longest length and most well preserved part of the historical electric locomotive line (Historic site L28/20 Buller District Council)”, suggesting that “this observation has been omitted from the Stewardship land review”.

I recommend that these comments are not accepted. It is my view that the historic values present will be appropriately protected under a conservation park classification and the points raised do not warrant overturning the notified intention. The primary purpose of conservation parks includes to be managed so “that its natural and historic resources are protected” (Conservation Act 1987, s. 19(1)(a)).

Treaty Considerations (Allowed)

- Submissions expressed preference for the recommendation of the Mana Whenua Panel, on the basis that it “reflects the values, interests, and perspectives of the Papatipu Rūnanga in whose Takiwā the relevant land is located”.

I recommend that these comments are not accepted. Although I acknowledge the Mana Whenua Panel opposition to the notified proposal, my assessment, considering those submissions accepted, is that the natural resources present (e.g. coal measures, diverse vegetation associations including shrub, tussock and both tall and short forest ecosystems, pākihi and swamp, many threatened and at-risk flora and fauna) are appropriately protected under the proposed classification when also considering the historic resources present (e.g. evidence of historic coal mining on the Stockton Plateau - Coal Island mine and the Tintown settlement).

General (Allowed)

- Submissions advocated for a higher level of protection than that proposed, without providing further justification.

I recommend that these comments are not accepted. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised for further consideration.

Permissions, Economic Factors and Land Use (Not Allowed)

- A submitter suggested the proposed classification is not in the best interest of the public and “would have negative impact on the potential economic benefit derived from mineral resource extraction”.
- A submitter who expressed general concern about the low-level protection offered by conservation park (e.g. “conservation parks do not protect against the establishment of mines on conservation land), noted support for that classification for areas “potentially containing crown minerals”.
- Submitters noted the area borders land where the Stockton Mine is located, outlining the economic value of associated exports. It was suggested that “there are a number of instances where authorisations are in place on adjacent Stewardship land to enable activities associated with mining”. It was suggested that these could be impacted by the proposed classification, and that the area should be retained in stewardship “for at least the period of mining and subsequent rehabilitation”.
- Submitters noted that “this land is adjacent to areas being considered by Treasury for management solutions for historic Crown liability of acid mine drainage”, advocating for the area to be retained in stewardship as the reclassification of this area would impact rehabilitation activities (e.g. “reclassification at this time may further complicate or restrict options for solutions to this issue”, “Reclassification of the piece should be deferred until Treasury determines its long-term solution for rehabilitation of AMD and the consents for the SPHS lapse”).
- Submitters advocated for a classification that would prevent future mining in the area (e.g. “needs to be given a classification that recognises its uniqueness and protects it from future mining”). A scientific reserve was proposed, with a submitter suggesting that “alternatively the conservation park status should be accompanied by addition to schedule 4 of the Crown Minerals Act”.
- A submitter who advocated for the area to remain in stewardship, suggested that the proposed classification “does not appropriately reflect the current or future values of the land”, and may create a barrier to realising “the economic, social and cultural benefits of the local West Coast community”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Process and Consultation (Not Allowed)

- A submitter advocated for the proposed classification to be revised, stating that “conservation values alone must determine recommended classifications, and recreation and use values are not conservation values”.
- Submitters advocated for the area to be retained in stewardship as the reclassification of these conservation areas would impact the rehabilitation of acid mine drainage through the establishment of hydro schemes.
- A submitter stated that if a national park classification is “politically unpalatable, then political judgement calls must be made by accountable politicians, not by the Panel”.
- A submitter noted the “absence of any information about possible economic activities that may occur” and that they could therefore not be confident about the appropriateness of the proposed classification.
- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- One submission opposed all reclassification of stewardship land to specially protected areas unless it was purchased by the Nature Heritage Fund for the purpose of adding it to a national park.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submissions queried whether the proposed classification allows hunting, fishing and “provision for public access”.

I recommend that these comments are not accepted. The submission does not identify how the potential for hunting and fishing is relevant to decision-making on classification of the area, and no new material is raised which supports reconsideration of the notified classification. It should be noted that the proposed classification does not prohibit public access for the proposed activities, or the activities themselves when appropriately authorised (for example under a hunting permit), where consistent with preservation of the conservation values present.

General (Allowed)

- Submissions advocated generally for all national parks, forest parks, scenic reserves, and stewardship land to be protected from development.

I recommend that these comments are not accepted. The legislation does not provide for absolute protection from development – rather it contemplates that some activities may be acceptable and provides a mechanism for authorising such activities, through the grant of concessions. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification.

Other (Not Allowed)

- A submitter advocated for new conservation parks to “come with additional Government funding for better biodiversity work and more pest control”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Retain in Stewardship - KAW_11_2807807q

The comments received in relation to the Mana Whenua Panel recommendation are summarised below and have been considered in relation to the notified proposal when forming s.49 allow/accept recommendations.

Support

Access and Recreation (Allowed)

- A submitter supported retaining the area in stewardship noting that the recreational opportunities facilitated by Bathurst would be “impacted by imposing a higher protection classification”.

I recommend that these comments are not accepted. Public access will be maintained under the proposed classification and the points raised do not warrant overturning the notified intention. The proposed conservation park will be managed “to facilitate public recreation and enjoyment”, subject to the protection of the natural and historic resources present (Conservation Act 1987, s. 19(1)(b)).

Ecology and Landscape (Allowed)

- A submitter in support of retaining this land in stewardship stated that the technical report contains inaccuracies or omissions regarding the landscape context and its importance for habitat connectivity, commenting that “the report should also note that the land to the West is predominantly privately owned and to the East the land is bordered by the Stockton Mine and Crown Land administered by LINZ where Bathurst has significant mining interests”.

I recommend that these comments are not accepted. My assessment is that the natural resources and landscape context as described in the CVR are appropriately represented and will be protected under the proposed classification. The primary purpose of conservation parks includes to be managed so “that its natural and historic resources are protected” (Conservation Act 1987, s. 19(1)(a)).

Treaty Considerations (Allowed)

- Submitters supported the position of the Mana Whenua Panel on the basis that “the recommendations of the MWP reflect the values, interests, and perspectives of the Papatipu Rūnanga in whose Takiwā the **relevant land is located, and recognise** Ngāi Tahu’s connection to their ancestral lands” (e.g. “by adopting the recommendations of the Mana Whenua Panel the Minister will give effect to the principles of the Treaty of Waitangi”, “Mana whenua, here made up of Ngāi Tahu and Poutini Ngāi Tahu, have the longest and strongest claim to this land and their interests should be upheld as per their recommendation”).

I recommend that these comments are not accepted. Although I acknowledge the Mana Whenua Panel opposition to the notified proposal, my assessment, considering those submissions accepted, is that the natural resources present (e.g. coal measures, diverse vegetation associations including shrub, tussock and both tall and short forest ecosystems, pākihi and swamp, many threatened and at-risk flora and fauna) are appropriately protected under the proposed classification when also considering the historic resources present (e.g. evidence of historic coal mining on the Stockton Plateau - Coal Island mine and the Tintown settlement).

General (Allowed)

- Submissions stated support for the proposed classification or agreement with the Mana Whenua Panel without providing further justification.

I recommend that these comments are not accepted. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised for further consideration.

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions advocated for retaining the area in stewardship or reclassifying it as a conservation park, suggesting these classifications provide “more than adequate legal protection”.
- Retaining the land in stewardship was supported on the basis that reclassification may “create a barrier to realising both the Governments emissions reduction targets and REG goals as well as the economic, social and cultural benefits of the local West Coast community”.
- Submitters stated that reclassification would impact the rehabilitation of acid mine drainage, and suggested the area be retained in stewardship until after rehabilitation has been completed.
- Submitters supported the recommendation on the grounds that retaining land in stewardship will enable various land uses to continue, noting that mining and access authorisations are held in the assessment area, and that the land is adjacent to areas requiring acid mine drainage solutions. They recommended that the land should remain in stewardship until mining and rehabilitation activities are concluded. One submitter qualified their comment by suggesting that areas adjacent to or including active mining should be left as stewardship land “until the conclusion/expiry of their access rights” but that the “areas of escarpment and of undisturbed land could be Conservation Park. This may mean splitting this area to accommodate these differences”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Process and Consultation (Not Allowed)

- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation, including the timeframe for response when compared to the scale of information notified.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Oppose

Access and Recreation (Allowed)

- A submitter advocated for “conservation park as a minimum”, noting the area holds significant interest in public access to the Ngakawau Ecological Area “a vast area of outstanding landscape values including plateaux, basins, incised creeks and peaks”.

- A submitter wanted this classification revisited and adequate protections given that are based on the conservation value of the land, noting that "The fundamental purpose should thus be the protection of the conservation value of the land and the guarantee of public access".

I recommend that these comments are accepted. The values described are consistent with those identified in the CVR and my view is that they will be appropriately protected by the proposed classification. The proposed conservation park will be managed "to facilitate public recreation and enjoyment", subject to the protection of the natural and historic resources present (Conservation Act 1987, s. 19(1)(b)).

Ecology and Landscape (Allowed)

- Submitters opposed retaining the land as stewardship land and advocated for an ecological area classification, noting that the "ecological values are high", and the area is surrounded by ecological area that "contains many of the same values".

I recommend this comment is accepted to the extent that I agree the natural values present warrant a higher level of protection than that provided by stewardship. My assessment is that the natural resources present (e.g. coal measures, diverse vegetation associations including shrub, tussock and both tall and short forest ecosystems, pākihi and swamp, many threatened and at-risk flora and fauna) are appropriately protected under the proposed classification when also considering the historic resources present (e.g. Coal Island mine and the Tintown settlement). The primary purpose of conservation parks includes to be managed so "that its natural and historic resources are protected" (Conservation Act 1987, s. 19(1)(a)).

- Submitters advocated for a higher classification based on the ecological values present, i.e. uncommon ecosystem types and various rare species (e.g. "These sites adjoin the ecological area and are also rare coal measure landscapes and it is hard to see why they are not also classified as Ecological Area to acknowledge their distinctiveness", "naturally uncommon ecosystems (including dunes and wetlands); at risk and/or threatened species; land parcel lies adjacent to land that has a higher protected status than that proposed").
- Submitters recommended adding this area to the adjoining Ngakawau Ecological Area highlighting that the area has "many highly threatened species and is highly representative of the Ngakawau ED".
- A submitter stated that the area holds "biodiversity, landscape and recreational" values comparable to those of the nearby Orikaka Ecological Area.
- Submitters opposed the creation of the entire Waimangaroa conservation park noting their concern about the low level of protection provided and highlighting the high values present (e.g. "the Nationally Critical *Powelliphanta augusta* and numerous other threatened species-and as described in the technical assessments.... These parcels should be added to the Ngakawau Ecological Area and be managed in a more coherent and ecologically robust manner than would occur in a Conservation Park").

I recommend that these comments are not accepted. My assessment is that the natural resources present (e.g. coal measures, diverse vegetation associations including shrub, tussock and both tall and short forest ecosystems, pākihi and swamp, many threatened and at-risk flora and fauna) are appropriately protected under the proposed classification when also considering the historic resources present (e.g. Coal Island mine and the Tintown settlement). The primary purpose of conservation parks includes to be managed so "that its natural and historic resources are protected" (Conservation Act 1987, s. 19(1)(a)).

Historical and Cultural Values (Allowed)

- A submitter stated opposition based on concern that the site "should be reviewed for Community heritage value".

I recommend that these comments are not accepted. It is my view that the historic values identified will be appropriately protected under a conservation park classification and the points raised do not warrant overturning the notified intention. The primary purpose of conservation parks includes to be managed so "that its natural and historic resources are protected" (Conservation Act 1987, s. 19(1)(a)).

General (Allowed)

- Submissions opposed retaining land in stewardship without providing further justification, describing it as a "meaningless recommendation".

- Some submitters expressed a preference for a different classification such as a conservation park, scenic reserve, or an ecological area.
- A submitter noted their preference for all stewardship land to be reclassified at the highest possible level based on its “high cultural conservation value”.

I recommend that these comments are accepted to the extent that they support a higher level of protection for the land than that provided by stewardship. My view is that the natural and historic values present will be appropriately protected by the proposed classification of conservation park. The conservation park will be managed “to facilitate public recreation and enjoyment”, subject to the protection of the natural and historic resources present (Conservation Act 1987, s. 19(1)(b)).

Permissions, Economic Factors and Land Use (Not Allowed)

- Submitters expressed concern that retaining the area as stewardship land exposes it to risk of activities such as mining or being swapped out of the conservation estate. It was suggested that reclassification should consider the “likely potential incursion by commercial or industrial groups”.
- Submitters were concerned that mining and economic interests represented a conflict of interest (e.g. “The area probably has some mining potential and no doubt this has influenced Mana Whenua’s decision to recommend it remain as stewardship land. There is also Bathurst’s aim for a haul road along the ridge to the back of Denniston to connect with Stockton mine so that Bathurst’s mines on the Denniston Plateau can haul coal to Stocktons coal-washing facilities rather than set up a separate cleaning facility at Denniston. This would require an easement through the conservation estate. There is also land with mining potential in the vicinity owned by Ngāti Waewae. I consider the recommendation comes with an undemocratic conflict of interest”, “only read this as a conflict of interest with coalmining affiliations”, “It appears to me that this recommendation is an undercover ploy to open conservation lands with notable conservation values to environmentally abusive extractive commercial activities and other inappropriate developments in the interests of private financial rewards”, “mining is likely the only possible need for that block remaining in stewardship classification”.
- Submitters expressed concern that retaining the area as stewardship land exposes it to risk of activities such as mining or being swapped out of the conservation estate. It was suggested that reclassification should consider the “likely potential incursion by commercial or industrial groups”.
- Submitters opposed retaining the area as stewardship land and commented that the justification for retaining land in stewardship is based on the area’s adjacency to land being considered for mine remediation, with some stating that “mine remediation should occur on the land that already has been impacted by mining”. The submitters also stated that according to communication with a DOC staff member, “none of the current or probable future activity (regarding coal mining) is incompatible with the area becoming a Conservation Park” or “under Conservation park general rules there is still opportunity for recreation and commercial enterprise”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Process and Consultation (Not Allowed)

- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.
- Submissions expressed concern about “major inconsistencies and contradictions” in the reclassification process, noting that some high value conservation land has not been recommended for reclassification as national park.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submitters were concerned with ensuring that free public access, hunting and fishing can continue.

I recommend that these comments are not accepted. The submission does not identify how the potential for hunting and fishing is relevant to decision-making on classification of the area, and no new material is raised which supports reconsideration of the notified classification. It should be noted that the proposed classification does not prohibit public

access for the proposed activities, or the activities themselves when appropriately authorised (for example under a hunting permit), where consistent with preservation of the conservation values present.

General (Allowed)

- Submitters advocated generally for all national parks, forest parks, scenic reserves and stewardship land to be protected from development.

I recommend that these comments are not accepted. The legislation does not provide for absolute protection from development – rather it contemplates that some activities may be acceptable and provides a mechanism for authorising such activities, through the grant of concessions. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification.

KAW_11 – Isolated Hill – 2807860

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Isolated Hill	KAW_11_2807860r	Conservation Park		12	23
Isolated Hill	KAW_11_2807860s		Stewardship	6	25

Conservation Values Report Description

An 8.9792-ha area of modified forest on steep hill slopes. No tracks or facilities managed by the Department. The diversity of altitude, landform, soil, parent rock and aspect has created highly diverse habitats for native flora and fauna across the wider assessment area.

Panel Recommendations

National Panel: Conservation park (Waimangaroa), to reflect the identified values, protecting natural and historic resources while facilitating public recreation and enjoyment of the area. The extent of this conservation park reflects the archaeological landscape associated with mining on Stockton Plateau.

Mana Whenua Panel: Retain as stewardship land as the area is adjacent to land being considered for mine remediation by government agencies led by the Treasury, and therefore reclassification should not occur at this time.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of conservation park.

Summary of accepted submissions: Those submissions accepted as holding merit supported the proposed classification, noting the high ecological values of the conservation area and the heritage values and recreation present.

Section 4 and Treaty principles: The Mana Whenua Panel opposed the proposed classification, supported by submissions from Treaty partner organisations, as the area is “adjacent to land being considered for mine remediation by government agencies led by the Treasury, and therefore reclassification should not occur at this time”.

Although I acknowledge the Mana Whenua Panel opposition to the notified proposal, my assessment, considering those submissions accepted, is that the natural and historic resources present warrant proceeding with the notified proposal.

Regarding the specific concerns identified by the Mana Whenua Panel (mine rehabilitation), I note that conservation legislation contemplates that some activities may be acceptable and provides a mechanism for authorising such activities through the granting of concessions. The proposed classification may still allow for certain mine rehabilitation activities (for example) through this mechanism, which would be administered in a manner that gives effect to Treaty principles.

Rationale: My conclusion is that the natural resources present are appropriately protected under the proposed classification. The primary purpose of conservation parks includes to be managed so “that its natural and historic resources are protected” (Conservation Act 1987, s. 19(1)(a)).

Conservation Park - KAW_11_2807860r

Support

Access and Recreation (Allowed)

- A submitter supported the proposed classification “as a minimum”, noting that the land “includes areas with significant interest in public access to the north and east”.

I recommend that these comments are accepted. The values described are consistent with those identified in the CVR and my view is that they will be appropriately protected by the proposed classification. The proposed conservation park will be managed “to facilitate public recreation and enjoyment”, subject to the protection of the natural and historic resources present (Conservation Act 1987, s. 19(1)(b)).

Ecology and Landscape (Allowed)

- A submitter in support of the proposed classification outlined the high ecological value of the area, qualifying their support by noting that “further protection needs to be added to ensure these ecosystems are legally protected under schedule 4 of the Conservation Act” or that the area should be protected as a scientific reserve.

I recommend that these comments are accepted to the extent that I agree the natural values described are protected by the proposed classification. My assessment is that these values are appropriately protected through the proposed classification of conservation park. The primary purpose of conservation parks includes to be managed so “that its natural and historic resources are protected” (Conservation Act 1987, s. 19(1)(a)).

Historic and Cultural Values (Allowed)

- It was noted that the historic heritage values present relate to coal and gold mining within the area (e.g. “many relics remain some of which are relatively intact”) and that guided tours occur at the Stockton mine. It was suggested that these “historic industrial heritage features and recreational activity would be protected under reclassification as a Conservation Park”.

I recommend that these comments are accepted. I agree that any heritage features present will be protected under the proposed classification of conservation park. The primary purpose of conservation parks includes to be managed so “that its natural and historic resources are protected” (Conservation Act 1987, s. 19(1)(a)).

General (Allowed)

- Submissions expressed general support for the proposed classification without providing further justification, or agreed it reflected the “information in the technical reports”.
- A submitter noted their preference for all stewardship land to be reclassified at the highest possible level based on its “high cultural conservation value”.

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area and no new material is raised, these submission points do not raise any matters for further consideration.

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions in support of conservation park advocated for greater protection from “intrusive development” such as mining and hydro schemes, stating that “most of the Southern Alps deserves protection equivalent to that of National Park status”.
- A submitter expressed “trust that Conservation Park status will provide full protection from any future mining applications in these areas”.
- Submissions advocated for retaining the area in stewardship or reclassifying it as a conservation park, suggesting these provide “more than adequate legal protection”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- A submission suggested that the implementation of the proposed classification “needs to be followed up with sufficient funding for pest eradication”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Oppose

Access and Recreation (Allowed)

- A submitter noted that the area “has little recreational use”, advocating for an addition to the adjacent Ngakawau Ecological Area.
- Another submitter, who advocated for an addition to the Ngakawau Ecological Area, noted the presence of the “Repo Basin track from Stockton to Tin Town”, noting that it is “used by hunters, locals and people wanting to visit the spectacular mid Mangatini”. It was suggested that it appeared “this track was not discussed with the panel”.

- A submitter who advocated for the area to remain in stewardship, suggested the proposed classification is inappropriate because “recreational values should not be enhanced in particular areas”, while also suggesting that it “is not necessary to ensure the protection of recreational values because recreational values will be protected”.

I recommend that these comments are not accepted. It is my view that the recreational use identified by submitters is allowed for under the proposed classification of conservation park and the points raised do not warrant overturning the notified intention. The proposed conservation park will be managed “to facilitate public recreation and enjoyment”, subject to the protection of the natural and historic resources present (Conservation Act 1987, s. 19(1)(b)).

Climate Change and Natural Hazards (Allowed)

- A submitter who advocated for the area to remain in stewardship, suggested that the proposed classification “may create a barrier to realising both the Governments emissions reduction targets”.

I recommend that these comments are not accepted. The proposed classification will support the protection of the natural resources present, and as a result support the area’s climate mitigation potential.

Ecology and Landscape (Allowed)

- Submitters suggested that the proposed conservation park did not reflect the high ecological values of the area (“the Panel has not properly considered the nationally important ecological values that exist in these places”), which warrant a higher level of protection such as ecological area (e.g. the area may have “the last remnants of a range of insects, snails, lizards, or plant speciation that may be nationally at risk, endangered, or threatened”, “we have never come across an area with such an abundance of fern birds and orchids”, “land parcel has ecological values that appear similar to those on other nearby land with a higher protected status”, “includes two streams which do not have acid mine drainage”).
- Submitters noted that “all or part of Isolated Hill conservation area falls within Outstanding Natural Landscape ONL 51B Ngakawau river Valley” (“a nationally outstanding landscape in its entirety”), advocating for the area to be included in the Ngakawau Ecological Area. It was noted that the assessment area protects a small part of a near vertical forested hillslope to Erin stream”, and is more similar to the Ngakawau Ecological Area than the Plover Stream Conservation area (e.g. “bounded on the north by Ngakawau ecological area and contain many of the same biodiversity values and should be classified the same to preserve landscape continuity”, “many highly threatened species and is highly representative of the Ngakawau ED”, “a valuable area to be protected as a buffer between the active coal mine and the ecological area”, “added to the Ngakawau Ecological Area and be managed in a more coherent and ecologically robust manner than would occur in a Conservation Park”).
- Concern was raised that conservation park provides “pretty much the same protection as that of Stewardship Land”.

I recommend that these comments are not accepted. My assessment is that these values are appropriately protected through the proposed classification of conservation park. The primary purpose of conservation parks includes to be managed so “that its natural and historic resources are protected” (Conservation Act 1987, s. 19(1)(a)).

- A submitter noted “factual inaccuracies” in the information provided to the Panels, suggesting that it “over-states the natural heritage significance of the area”. It was suggested that the land should remain held in stewardship “for at least the period of mining and subsequent rehabilitation”.

I recommend that these comments are not accepted. Although the contains modified forest, as identified in the CVR, my conclusion is that the natural resources present as described in the CVR justify the proposed classification and the points raised do not warrant overturning the notified intention. The primary purpose of conservation parks includes to be managed so “that its natural and historic resources are protected” (Conservation Act 1987, s. 19(1)(a)).

Historic and Cultural Values (Allowed)

- A submitter who opposed the proposed classification noted that the “site should be reviewed for Community heritage value”.

I recommend that these comments are not accepted. The comments are not specific regarding the values which are not protected, and community aspirations can be considered under the conservation park classification. The proposed

conservation park will be managed “to facilitate public recreation and enjoyment”, subject to the protection of the natural and historic resources present (Conservation Act 1987, s. 19(1)(b)).

Treaty Considerations (Allowed)

- Submissions expressed preference for the recommendation of the Mana Whenua Panel, on the basis that it “reflects the values, interests, and perspectives of the Papatipu Rūnanga in whose Takiwā the relevant land is located”.

I recommend that these comments are not accepted. Although I acknowledge the Mana Whenua Panel opposition to the notified proposal, my assessment, considering those submissions accepted, is that the natural and historic resources present warrant proceeding with the notified proposal.

General (Allowed)

- Submissions advocated for a higher level of protection than that proposed, without providing further justification.

I recommend that these comments are not accepted. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised for further consideration.

Permissions, Economic Factors and Land Use (Not Allowed)

- A submitter who expressed general concern about the low-level protection offered by conservation park (e.g. “conservation parks do not protect against the establishment of mines on conservation land), noted support for that classification for areas “potentially containing crown minerals”.
- Submitters noted the area borders land where the Stockton Mine is located, outlining the economic value of associated exports. It was suggested that “there are a number of instances where authorisations are in place on adjacent Stewardship land to enable activities associated with mining”. It was suggested that these could be impacted by the proposed classification, and that the area should be retained in stewardship “for at least the period of mining and subsequent rehabilitation”.
- Submitters noted that “this land is adjacent to areas being considered by Treasury for management solutions for historic Crown liability of acid mine drainage”, advocating for the area to be retained in stewardship as the reclassification of this area would impact rehabilitation activities (e.g. “reclassification at this time may further complicate or restrict options for solutions to this issue”).
- Submitters advocated for a classification that would prevent future mining in the area (e.g. “needs to be given a classification that recognises its uniqueness and protects it from future mining”). A scientific reserve was proposed, with a submitter suggesting that “alternatively the conservation park status should be accompanied by addition to schedule 4 of the Crown Minerals Act”.
- A submitter who advocated for the area to remain in stewardship, suggested that the proposed classification “does not appropriately reflect the current or future values of the land”, and may create a barrier to realising “the economic, social and cultural benefits of the local West Coast community”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Process and Consultation (Not Allowed)

- A submitter advocated for the proposed classification to be revised, stating that “conservation values alone must determine recommended classifications, and recreation and use values are not conservation values”.
- A submitter stated that if a national park classification is “politically unpalatable, then political judgement calls must be made by accountable politicians, not by the Panel”.
- A submitter noted the “absence of any information about possible economic activities that may occur” and that they could therefore not be confident about the appropriateness of the proposed classification.
- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- One submission opposed all reclassification of stewardship land to specially protected areas unless it was purchased by the Nature Heritage Fund for the purpose of adding it to a national park.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submissions queried whether the proposed classification allows hunting, fishing and “provision for public access”.

I recommend that these comments are not accepted. The submission does not identify how the potential for hunting and fishing is relevant to decision-making on classification of the area, and no new material is raised which supports reconsideration of the notified classification. It should be noted that the proposed classification does not prohibit public access for the proposed activities, or the activities themselves when appropriately authorised (for example under a hunting permit), where consistent with preservation of the conservation values present.

General (Allowed)

- Submissions advocated generally for all national parks, forest parks, scenic reserves, and stewardship land to be protected from development.

I recommend that these comments are not accepted. The legislation does not provide for absolute protection from development – rather it contemplates that some activities may be acceptable and provides a mechanism for authorising such activities, through the grant of concessions. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification.

Other (Not Allowed)

- A submitter advocated for new conservation parks to “come with additional Government funding for better biodiversity work and more pest control”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Retain in Stewardship - KAW_11_2807860s

The comments received in relation to the Mana Whenua Panel recommendation are summarised below and have been considered in relation to the notified proposal when forming s.49 allow/accept recommendations.

Support

Access and Recreation (Allowed)

- A submitter supported retaining the area in stewardship noting that the recreational opportunities facilitated by Bathurst would be “impacted by imposing a higher protection classification”.

I recommend that these comments are not accepted. Recreational use of the land is allowed for under the proposed classification of conservation park and the points raised do not warrant overturning the notified intention. The proposed conservation park will be managed “to facilitate public recreation and enjoyment”, subject to the protection of the natural and historic resources present (Conservation Act 1987, s. 19(1)(b)).

Ecology and Landscape (Allowed)

- A submitter in support of retaining this land in stewardship stated that the technical report contains inaccuracies or omissions regarding the landscape context and its importance for habitat connectivity, commenting that “the report should also note that the land to the West is predominantly privately owned and to the East the land is bordered by the Stockton Mine and Crown Land administered by LINZ where Bathurst has significant mining interests”.

I recommend that these comments are not accepted. My assessment is that the natural resources and landscape context as described in the CVR are appropriately represented and will be protected under the proposed classification. The primary purpose of conservation parks includes to be managed so “that its natural and historic resources are protected” (Conservation Act 1987, s. 19(1)(a)). Retaining this area in stewardship when there are natural and historic resources present which warrant further protection would be inconsistent with promoting the conservation of those resources.

Treaty Considerations (Allowed)

- Submitters supported the position of the Mana Whenua Panel on the basis that “the recommendations of the MWP reflect the values, interests, and perspectives of the Papatipu Rūnanga in whose Takiwā the relevant land is located, and recognise Ngāi Tahu’s connection to their ancestral lands” (e.g. “by adopting the recommendations of the Mana Whenua Panel the Minister will give effect to the principles of the Treaty of Waitangi”, “Mana whenua, here made up of Ngāi Tahu and Poutini Ngāi Tahu, have the longest and strongest claim to this land and their interests should be upheld as per their recommendation”).

I recommend that these comments are not accepted. Although I acknowledge the Mana Whenua Panel opposition to the notified proposal, my assessment, considering those submissions accepted, is that the natural and historic resources present warrant proceeding with the notified proposal.

General (Allowed)

- Submissions stated support for the proposed classification or agreement with the Mana Whenua Panel without providing further justification.

I recommend that these comments are not accepted. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised for further consideration.

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions advocated for retaining the area in stewardship or reclassifying it as a conservation park, suggesting these classifications provide “more than adequate legal protection”.
- Retaining the land in stewardship was supported on the basis that reclassification may “create a barrier to realising both the Governments emissions reduction targets and REG goals as well as the economic, social and cultural benefits of the local West Coast community”.
- Submitters stated that reclassification would impact the rehabilitation of acid mine drainage, and suggested the area be retained in stewardship until after rehabilitation has been completed.
- Submitters supported the recommendation on the grounds that retaining land in stewardship will enable various land uses to continue, noting that mining and access authorisations are held in the assessment area, and that the land is adjacent to areas requiring acid mine drainage solutions. They recommended that the land should remain in stewardship until mining and rehabilitation activities are concluded. One submitter qualified their comment by suggesting that areas adjacent to or including active mining should be left as stewardship land “until the conclusion/expiry of their access rights” but that the “areas of escarpment and of undisturbed land could be Conservation Park. This may mean splitting this area to accommodate these differences”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Process and Consultation (Not Allowed)

- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation, including the timeframe for response when compared to the scale of information notified.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Oppose

Access and Recreation (Allowed)

- A submitter advocated for “conservation park as a minimum”, noting the area holds significant interest in public access to the Ngakawau Ecological Area “a vast area of outstanding landscape values including plateaux, basins, incised creeks and peaks”.

I recommend that these comments are accepted. The values described are consistent with those identified in the CVR and my view is that they will be appropriately protected by the proposed classification. The proposed conservation park will be managed “to facilitate public recreation and enjoyment”, subject to the protection of the natural and historic resources present (Conservation Act 1987, s. 19(1)(b)).

- A submitter wanted this classification revisited and adequate protections given that are based on the conservation value of the land, noting that “The fundamental purpose should thus be the protection of the conservation value of the land and the guarantee of public access”.

I recommend that these comments are not accepted. My assessment is that the natural resources as described in the CVR are appropriately protected under the proposed classification and the points raised do not warrant overturning the notified intention. I further note that public access is allowed under the proposed classification of conservation park. The proposed conservation park will be managed “to facilitate public recreation and enjoyment”, subject to the protection of the natural and historic resources present (Conservation Act 1987, s. 19(1)(b)).

Ecology and Landscape (Allowed)

- Submitters objected to retaining the land as stewardship land and advocated for an ecological area classification noting the high ecological values, and that the surrounding area is an ecological area and “contains many of the same values,” or stating that it would be a “more suitable classification of Ecological Area” without providing further explanation.

I recommend that these comments are accepted to the extent that I agree the natural values present warrant a higher level of protection than that provided by stewardship. My assessment is that the natural resources present (e.g. modified natural forest) are appropriately protected under the proposed classification of conservation park. The primary purpose of conservation parks includes to be managed so “that its natural and historic resources are protected” (Conservation Act 1987, s. 19(1)(a)).

- Submitters noted the presence of uncommon ecosystem types and various threatened and rare species (e.g. “naturally uncommon ecosystems (including dunes and wetlands); at risk and/or threatened species... land parcel has ecological values that appear similar to those on other nearby land with a higher protected status”).
- Submitters recommended adding this area to the adjoining Ngakawau Ecological Area on the basis that the site has important ecological values that are rare and specific to this site (e.g. “These sites adjoin the ecological area and are also rare coal measure landscapes and it is hard to see why they are not also classified as Ecological Area to acknowledge their distinctiveness”).
- A submitter recommended classification as an ecological area, noting that the area holds values comparable to those of the nearby Orikaka Ecological Area (e.g. “biodiversity, landscape and recreational values match those of adjacent/close by Orikaka Ecological Area”). The proposal for the entire Conservation park (Waimangaroa) was opposed with the submitter advocating for a higher classification due to the nationally important ecological values (e.g. “the Nationally Critical *Powelliphanta augusta* and numerous other threatened species as described in the technical assessments... These parcels should be added to the Ngakawau Ecological Area and be managed in a more coherent and ecologically robust manner than would occur in a Conservation Park”).

I recommend that these comments are not accepted. My assessment is that these values are appropriately protected through the proposed classification of conservation park. The primary purpose of conservation parks includes to be managed so “that its natural and historic resources are protected” (Conservation Act 1987, s. 19(1)(a)).

Historical and Cultural Values (Allowed)

- A submitter stated opposition based on concern that the site “should be reviewed for Community heritage value”.

I recommend that these comments are not accepted. The comments are not specific regarding the values which are not protected, and my view is any community aspirations can be considered under the conservation park classification. The proposed conservation park will be managed “to facilitate public recreation and enjoyment”, subject to the protection of the natural and historic resources present (Conservation Act 1987, s. 19(1)(b)).

General (Allowed)

- Submissions opposed retaining land in stewardship without providing further justification, describing it as a “meaningless recommendation”.
- Some submitters expressed a preference for a different classification such as a conservation park, scenic reserve, or an ecological area.
- A submitter noted their preference for all stewardship land to be reclassified at the highest possible level based on its “high cultural conservation value”.

I recommend that these comments are accepted to the extent that they support the higher level of protection provided by the conservation park classification. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area and no new material is raised, these submission points do not raise any matters for further consideration.

Permissions, Economic Factors and Land Use (Not Allowed)

- Submitters expressed concern that retaining the area as stewardship land exposes it to risk of activities such as mining or being swapped out of the conservation estate. It was suggested that reclassification should consider the “likely potential incursion by commercial or industrial groups”.
- Submitters were concerned that mining and economic interests represented a conflict of interest (e.g. “The area probably has some mining potential and no doubt this has influenced Mana Whenua’s decision to recommend it remain as stewardship land. There is also Bathurst’s aim for a haul road along the ridge to the back of Denniston to connect with Stockton mine so that Bathurst’s mines on the Denniston Plateau can haul coal to Stocktons coal-washing facilities rather than set up a separate cleaning facility at Denniston. This would require an easement through the conservation estate. There is also land with mining potential in the vicinity owned by Ngāti Waewae. I consider the recommendation comes with an undemocratic conflict of interest”, “only read this as a conflict of interest with coalmining affiliations”, “It appears to me that this recommendation is an undercover ploy to open conservation lands with notable conservation values to environmentally abusive extractive commercial activities and other inappropriate developments in the interests of private financial rewards”, “mining is likely the only possible need for that block remaining in stewardship classification”.
- Submitters expressed concern that retaining the area as stewardship land exposes it to risk of activities such as mining or being swapped out of the conservation estate. It was suggested that reclassification should consider the “likely potential incursion by commercial or industrial groups”.
- Submitters opposed retaining the area as stewardship land and commented that the justification for retaining land in stewardship is based on the area’s adjacency to land being considered for mine remediation, with some stating that “mine remediation should occur on the land that already has been impacted by mining”. The submitters also stated that according to communication with a DOC staff member, “none of the current or probable future activity (regarding coal mining) is incompatible with the area becoming a Conservation Park” or “under Conservation park general rules there is still opportunity for recreation and commercial enterprise”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Process and Consultation (Not Allowed)

- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.
- Submissions expressed concern about “major inconsistencies and contradictions” in the reclassification process, noting that some high value conservation land has not been recommended for reclassification as national park.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submitters were concerned with ensuring that free public access, hunting and fishing can continue.

I recommend that these comments are not accepted. The submission does not identify how the potential for hunting and fishing is relevant to decision-making on classification of the area, and no new material is raised which supports reconsideration of the notified classification. It should be noted that the proposed classification does not prohibit public access for the proposed activities, or the activities themselves when appropriately authorised (for example under a hunting permit), where consistent with preservation of the conservation values present.

General (Allowed)

- Submitters advocated generally for all national parks, forest parks, scenic reserves and stewardship land to be protected from development.

I recommend that these comments are not accepted. The legislation does not provide for absolute protection from development – rather it contemplates that some activities may be acceptable and provides a mechanism for authorising such activities, through the grant of concessions. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification.

KAW_12 – Birchfield – 2807806

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Birchfield	KAW_12_2807806t	Wildlife Management Area	Neutral	10	6

Conservation Values Report Description

A 133.8975-ha low altitude area on the western slopes of Mount Frederick, on the coastal plain below and adjacent to Stockton Plateau. Located in the Foulwind Ecological District, it contains a wide variety of habitats from wetland and freshwater vegetation associations through to forest shrub, riparian, dune and rough pasture. Included are the Buller Coal Plateau biodiversity priority sites, with natural heritage values. There are no DOC-managed tracks or facilities but it is proposed to develop a walking track. There are maimai for duckhunters.

Panel Recommendations

National Panel: Wildlife management area, to appropriately reflect the identified values and to provide landscape continuity with the proximal wildlife management reserve.

Mana Whenua Panel: Neutral.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of wildlife management area.

Summary of accepted submissions: Those submissions accepted as holding merit supported the proposed classification as appropriately reflecting the natural resources present.

Section 4 and Treaty principles: The Mana Whenua Panel did not oppose the proposed classification.

No specific Ngāi Tahu interests were raised for consideration by the Mana Whenua Panel for this stewardship area. I acknowledge statements of the Mana Whenua Panel that “there is a deep connection between Ngāi Tahu and all of the whenua in the Ngāi Tahu takiwā, and the absence of site-specific values in the preliminary analysis does not detract from that connection, nor does it confirm that site-specific values are not present.”

Rationale: My conclusion is that the proposed classification will promote the conservation of the natural and historic resources present (e.g. variety of habitats from wetland and freshwater vegetation associations through to forest shrub, riparian, dune and rough pasture) while providing for their appreciation and recreational enjoyment by the public, and being managed so that the area’s “indigenous natural resources and its historic resources are protected” (Conservation Act 1987, s. 23B(1)(b)).

Wildlife Management Area - KAW_12_2807806t

Support

Ecology and Landscape (Allowed)

- A submitter supported the recommendation on the grounds it would “protect freshwater habitats”.
- A submitter supported the proposed classification, stating these areas are “prime examples” of wetlands and that it is important to protect them.

I recommend that these comments are accepted. They provide site-specific details regarding the natural resources present which warrant consideration. I agree that the natural resources present are appropriately protected and preserved by the proposed classification.

General (Allowed)

- Submissions expressed general support for the proposed classification, referencing the “information in the technical reports”, or without providing further justification.

- The recommendation was supported as it “reflects the use of the land and adequately protects against degradation of the land”.
- A submitter noted their preference for all stewardship land to be reclassified at the highest possible level based on its “high cultural conservation value”.

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area and no new material is raised, these submission points do not raise any matters for further consideration.

Oppose

Climate Change and Natural Hazards (Allowed)

- A submitter opposed the proposed classification, stating they wanted the site reviewed for its “climate adaptation and resilience”.

I recommend that these comments are not accepted. The proposed classification will support the protection of the natural resources present, and as a result, the area’s climate mitigation potential. The points raised do not justify overturning the notified intention. Wildlife management areas are managed to protect wildlife and wildlife habitat values, including so “that its indigenous natural resources and its historic resources are protected” (Conservation Act 1987, s. 23B(1)(b)).

General (Allowed)

- A submitter opposed the proposed classification and suggested the area was added to the Mount Rochfort conservation area.

I recommend that these comments are not accepted. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised for further consideration.

Process and Consultation (Not Allowed)

- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- A submission opposed all reclassification of stewardship land to specially protected areas unless it was purchased by the Nature Heritage Fund for the purpose of adding it to a national park.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submissions were concerned whether the proposed classification allows for hunting, fishing and “provision for public access”, and stated that any classification should explicitly provide for these activities.

I recommend that these comments are not accepted. Insufficient information is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification. The proposed classification does not prohibit public access for the activities, if authorised (for example in a hunting permit). Authorisation of such activities involves a separate decision-making process, the outcome of which would depend on effects on the conservation values present rather than the proposed land classification.

KAW_12 – Birchfield East Wetland – 2831189

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Birchfield East Wetland	KAW_12_2831189u	Wildlife Management Area	Neutral	10	5

Conservation Values Report Description

A 21.1572-ha low altitude area on the western slopes of Mount Frederick, on the coastal plain below and adjacent to Stockton Plateau. Located in the Foulwind Ecological District, it contains a wide variety of habitats from wetland and freshwater vegetation associations through to forest shrub, riparian, dune and rough pasture. Included is the Buller Coal Plateau biodiversity priority sites, with natural heritage values. There are no DOC-managed tracks or facilities but it is proposed to develop a walking track. There are maimai for duckhunters.

Panel Recommendations

National Panel: Wildlife management area, to appropriately reflect the identified values and to provide landscape continuity with the proximal wildlife management reserve.

Mana Whenua Panel: Neutral.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of wildlife management area.

Summary of accepted submissions: Those submissions accepted as holding merit supported the proposed classification as appropriately reflecting the natural resources present.

Section 4 and Treaty principles: The Mana Whenua Panel did not oppose the proposed classification.

No specific Ngāi Tahu interests were raised for consideration by the Mana Whenua Panel for this stewardship area. I acknowledge statements of the Mana Whenua Panel that “there is a deep connection between Ngāi Tahu and all of the whenua in the Ngāi Tahu takiwā, and the absence of site-specific values in the preliminary analysis does not detract from that connection, nor does it confirm that site-specific values are not present.”

Rationale: My conclusion is that the proposed classification will promote the conservation of the natural and historic resources present (e.g. wide variety of habitats from wetland and freshwater vegetation associations through to forest shrub, riparian, dune and rough pasture) while providing for their appreciation and recreational enjoyment by the public, and being managed so that the area’s “indigenous natural resources and its historic resources are protected” (Conservation Act 1987, s. 23B(1)(b)).

Wildlife Management Area - KAW_12_2831189u

Support

Ecology and Landscape (Allowed)

- A submitter supported the recommendation on the grounds it would “protect freshwater habitats”.
- A submitter supported the proposed classification stating these areas are “prime examples” of wetlands and that it is important to protect them.

I recommend that these comments are accepted. They provide site-specific details regarding the natural resources present which warrant consideration. I agree that the natural resources present are appropriately protected and preserved by the proposed classification.

General (Allowed)

- Submissions expressed general support for the proposed classification, referencing the “information in the technical reports”, or without providing further justification.

- The recommendation was supported as it “reflects the use of the land and adequately protects against degradation of the land”.
- A submitter noted their preference for all stewardship land to be reclassified at the highest possible level based on its “high cultural conservation value”.

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area and no new material is raised, these submission points do not raise any matters for further consideration.

Oppose

Climate Change and Natural Hazards (Allowed)

- A submitter opposed the proposed classification, stating they wanted the site reviewed for its “climate adaptation and resilience”.

I recommend that these comments are not accepted. The proposed classification will support the protection of the natural resources present, and as a result the area’s climate mitigation potential. The points raised do not justify overturning the notified intention. Wildlife management areas are managed to protect wildlife and wildlife habitat values, including so “that its indigenous natural resources and its historic resources are protected” (Conservation Act 1987, s. 23B(1)(b)).

Process and Consultation (Not Allowed)

- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- A submission opposed all reclassification of stewardship land to specially protected areas unless it was purchased by the Nature Heritage Fund for the purpose of adding it to a national park.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submissions were concerned whether the proposed classification allows for hunting, fishing and “provision for public access”, and stated that any classification should explicitly provide for these activities.

I recommend that these comments are not accepted. Insufficient information is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification. The proposed classification does not prohibit public access for the activities, if authorised (for example in a hunting permit). Authorisation of such activities involves a separate decision-making process, the outcome of which would depend on effects on the conservation values present rather than the proposed land classification.

KAW_12 – Granity Wetland – 2929503

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Granity Wetland	KAW_12_2929503v	Wildlife Management Area	Neutral	11	6

Conservation Values Report Description

A 51.6982-ha low altitude area which includes parts of the Granity Wetland complex on the western slopes of Mount Frederick, on the coastal plain below and adjacent to Stockton Plateau. Located in the Foulwind Ecological District, it contains a wide variety of habitats from wetland and freshwater vegetation associations through to forest shrub, riparian, dune and rough pasture. Included are Buller Coal Plateau biodiversity priority sites, with natural heritage values. There are no DOC-managed tracks or facilities but it is proposed to develop a walking track. There are maimai for duckhunters.

Panel Recommendations

National Panel: Wildlife management area, to appropriately reflect the identified values and to provide landscape continuity with the proximal wildlife management reserve.

Mana Whenua Panel: Neutral.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of wildlife management area.

Summary of accepted submissions: Those submissions accepted as holding merit supported the proposed classification as appropriately reflecting the natural resources present.

Section 4 and Treaty principles: The Mana Whenua Panel did not oppose the proposed classification.

No specific Ngāi Tahu interests were raised for consideration by the Mana Whenua Panel for this stewardship area. I acknowledge statements of the Mana Whenua Panel that “there is a deep connection between Ngāi Tahu and all of the whenua in the Ngāi Tahu takiwā, and the absence of site-specific values in the preliminary analysis does not detract from that connection, nor does it confirm that site-specific values are not present.”

Rationale: My conclusion is that the proposed classification will promote the conservation of the natural and historic resources present (e.g. variety of habitats from wetland and freshwater vegetation associations through to forest shrub, riparian, dune and rough pasture) while providing for their appreciation and recreational enjoyment by the public, and being managed so that the area’s “indigenous natural resources and its historic resources are protected” (Conservation Act 1987, s. 23B(1)(b)).

Wildlife Management Area - KAW_12_2929503v

Support

Ecology and Landscape (Allowed)

- A submitter supported the recommendation on the grounds it would “protect freshwater habitats”.
- A submitter supported the proposed classification stating these areas are “prime examples” of wetlands and that it is important to protect them.

I recommend that these comments are accepted. They provide site-specific details regarding the natural resources present which warrant consideration. I agree that the natural resources present are appropriately protected and preserved by the proposed classification.

General (Allowed)

- Submissions expressed general support for the proposed classification, referencing the “information in the technical reports”, or without providing further justification.

- The recommendation was supported as it “reflects the use of the land and adequately protects against degradation of the land”.
- A submitter noted their preference for all stewardship land to be reclassified at the highest possible level based on its “high cultural conservation value”.

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area and no new material is raised, these submission points do not raise any matters for further consideration.

Oppose

Access and Recreation (Allowed)

- A submitter was opposed to any reclassification with concerns that it “will result in loss of gamebird hunting access to this public area”.

I recommend that these comments are not accepted. The points raised do not justify overturning the proposed classification. The proposed classification supports the public appreciation of wildlife, where consistent with other management objectives.

Climate Change and Natural Hazards (Allowed)

- A submitter opposed the proposed classification, stating they wanted the site reviewed for its “climate adaptation and resilience”.

I recommend that these comments are not accepted. The proposed classification will support the protection of the natural resources present, and as a result the area’s climate mitigation potential. The points raised do not justify overturning the notified intention. Wildlife management areas are managed to protect wildlife and wildlife habitat values, including so “that its indigenous natural resources and its historic resources are protected” (Conservation Act 1987, s. 23B(1)(b)).

Process and Consultation (Not Allowed)

- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- A submission opposed all reclassification of stewardship land to specially protected areas unless it was purchased by the Nature Heritage Fund for the purpose of adding it to a national park.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submissions were concerned whether the proposed classification allows for hunting, fishing and “provision for public access”, and stated that any classification should explicitly provide for these activities.

I recommend that these comments are not accepted. Insufficient information is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification. The proposed classification does not prohibit public access for the activities, if authorised (for example in a hunting permit). Authorisation of such activities involves a separate decision-making process, the outcome of which would depend on effects on the conservation values present rather than the proposed land classification.

KAW_13 – Jones Creek – 2808241

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Jones Creek	KAW_13_2808241w	Recreation Reserve	Neutral	7	7

Conservation Values Report Description

A 3.2483-ha area of active beach and pebble beach ridge. Severe erosion in the southern parcel means most of the area is now well below the high tide mark. It is part of Granity Wetland Complex Biodiversity Priority Site and borders Birchfield Ecological Management Unit. The area is used by people accessing and using the beach, including for mahinga kai.

Panel Recommendations

National Panel: Recreation reserve, to appropriately protect the identified ecological values while providing for recreational use of the area.

Mana Whenua Panel: Neutral.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of recreation reserve.

Summary of accepted submissions: Those submissions accepted as holding merit supported the notified classification as offering sufficient protection in the context of climate change.

Section 4 and Treaty principles: The Mana Whenua Panel did not oppose the proposed classification.

No specific Ngāi Tahu interests were raised for consideration by the Mana Whenua Panel for this stewardship area. I acknowledge statements of the Mana Whenua Panel that “there is a deep connection between Ngāi Tahu and all of the whenua in the Ngāi Tahu takiwā, and the absence of site-specific values in the preliminary analysis does not detract from that connection, nor does it confirm that site-specific values are not present.”

Rationale: My conclusion is that the natural resources present (e.g. a mixture of dune, coastal terrace and coastal rock outcrops, with modified native vegetation, pasture and buildings) are appropriately protected by the proposed classification, while also reflecting the public access and recreational features present.

Recreation Reserve - KAW_13_2808241w

Support

Climate Change and Natural Hazards (Allowed)

- A submitter supported the proposed classification as offering a high level of protection “in light of the impacts of climate change”.

I recommend that these comments are accepted. I agree that the protection of the existing natural resources present is of increasing importance when considering the need for climate mitigation. Classification as recreation reserve will support this outcome, to the extent compatible with the identified primary purpose. The relevance of this factor for reclassification decisions is evident when the future-focused elements in the definition of conservation are considered, including, “safeguarding the options of future generations” in relation to ‘natural resources’, “the air, water and soil in or on which any plant or animal lives or may live”, and in relation to ‘protection’ of a resource, “restoration to some former state and its augmentation, enhancement, or expansion” (Conservation Act 1987, s. 2).

Ecology and Landscape

- A submitter supported the proposed recommendation to help preserve the “wildlife along the coastline, especially that of penguins”.

I recommend that these comments are accepted. My view is that the natural resources present are appropriately protected by the proposed classification, while also reflecting the public access and recreational features present.

General (Allowed)

- Submissions expressed general support for the proposed classification, referencing the "information in the technical reports", or without providing further justification.
- A submitter noted their preference for all stewardship land to be reclassified at the highest possible level based on its "high cultural conservation value".

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area and no new material is raised, these submission points do not raise any matters for further consideration.

Oppose

Climate Change and Natural Hazards (Allowed)

- A submitter opposed the proposed classification, stating they wanted the site reviewed for its "climate adaptation and resilience".
- A submitter opposed the recommendation and advocated for a government purpose reserve classification, noting that the area holds "opportunities for ecosystem restoration in response to flood events or coastal erosion", "opportunities for carbon sequestration", and "opportunities for restoration of depleted indigenous ecosystem".

I recommend that these comments are not accepted. The proposed classification will support the protection of the natural resources present to the extent compatible with the principal or primary purpose of the reserve, and as a result support the area's climate mitigation potential. The points raised do not justify overturning the notified intention. The fact that the area is affected by sea level rise and coastal erosion does not preclude the use of the area for recreation. Under the proposed classification, "where scenic, historic, archaeological, biological, geological, or other scientific features or indigenous flora or fauna or wildlife are present on the reserve, those features or that flora or fauna or wildlife shall be managed and protected to the extent compatible with the principal or primary purpose of the reserve" (Reserves Act 1977, s. 17(2)(b)).

Ecology and Landscape (Allowed)

- A submitter opposed the classification and advocated for a government purpose reserve classification noting the area contains naturally uncommon ecosystems "including dunes and wetlands" and "at risk and/or threatened species".

I recommend that these comments are not accepted. My view is that the natural resources present are appropriately protected by the proposed classification (e.g. an area of pebble beach ridge and old dunes on coastal plains), while also reflecting the public access and recreational features present. The points raised do not warrant overturning the notified classification.

Process and Consultation (Not Allowed)

- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.
- A submitter advocated for the proposed classification to be revised, stating that "conservation values alone must determine recommended classifications, and recreation and use values are not conservation values", also stating that if a national park classification is "politically unpalatable, then political judgement calls must be made by accountable politicians, not by the Panel".

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- A submission opposed all reclassification of stewardship land to specially protected areas unless it was purchased by the Nature Heritage Fund for the purpose of adding it to a national park.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submissions were concerned whether the proposed classification allows for hunting, fishing and “provision for public access”, and stated that any classification should explicitly provide for these activities.

I recommend that these comments are not accepted. Insufficient information is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification. The proposed classification does not prohibit public access for the activities, if authorised (for example in a hunting permit). Authorisation of such activities involves a separate decision-making process, the outcome of which would depend on effects on the conservation values present rather than the proposed land classification.

KAW_14 – Waimangaroa River Mouth – 2808242

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Waimangaroa River Mouth (Pasture)	KAW_14_2808242r	Wildlife Management Area		13	6
Waimangaroa River Mouth (Pasture)	KAW_14_2808242s		Disposal	4	22
Waimangaroa River Mouth (Foreshore)	KAW_14_2808242t	Wildlife Management Area	Neutral	13	5

Conservation Values Report Description

A 7.8866-ha area that contains a channelised creek that runs parallel to the coast into the river, it supports a diversity of freshwater and terrestrial habitats on the North side of Waimangaroa River mouth. The area is used by people accessing and using the beach. There is a grazing concession and unofficial beehives.

Waimangaroa River Mouth (Pasture)

Panel Recommendations

National Panel: Wildlife management area, to appropriately protect the identified ecological values and enable enhancement of the recognised inanga spawning site, while accommodating the identified recreational values.

Mana Whenua Panel: Disposal, as the pastoral components of the conservation area are highly modified and should not form part of public conservation land.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of wildlife management area for the 'pasture' component of the stewardship area.

Summary of accepted submissions: Those submissions accepted as holding merit supported the notified classification as appropriately reflecting the natural values of the area, enabling ongoing public recreational access and offering sufficient protection in the context of climate change.

Section 4 and Treaty principles: The Mana Whenua Panel opposed the proposed classification, supported by submissions from Treaty partner organisations, on the grounds that the pastoral components of the conservation area are highly modified and should not form part of public conservation land.

The Mana Whenua Panel have signalled Ngāi Tahu interests associated with this stewardship area, particularly that "the area is used for mahinga kai".

Although I acknowledge the Mana Whenua Panel opposition to the notified proposal, my assessment, considering those submissions accepted, is that the natural and historic resources present warrant proceeding with the notified proposal.

Rationale: My conclusion is that the proposed classification will promote the conservation of the natural and historic resources present (e.g. a diversity of freshwater and terrestrial habitats, important spawning sites and migration pathways for various fish species), while providing for their appreciation and recreational enjoyment by the public, and being managed so that the area's "indigenous natural resources and its historic resources are protected" (Conservation Act 1987, s. 23B(1)(b)).

Wildlife Management Area - KAW_14_2808242r

Support

Access and Recreation (Allowed)

- A submission supported the recommendation on the provision that access was maintained, suggesting that otherwise a different classification should be used that allows for the management and protection of conservation values (e.g. “recreational access and use, ecological and cultural values”). The submitter also noted that they oppose any disposal of coastal areas that would preserve public access as the river mouth moves or coastal area erodes, stating that “disposal puts public access at risk. Riparian access via new Marginal Strips is not guaranteed”.

I recommend that these comments are accepted. They provide site-specific details regarding access and recreation values (e.g. access to the beach) which warrant consideration. My view is that these values are appropriately protected by the proposed classification, which supports the public appreciation of wildlife where consistent with other management objectives.

Ecology and Landscape (Allowed)

- A submitter supported the proposed classification noting the area has “coastal, riparian and freshwater fish values”, and advocated for the modified parts of the area to be restored.
- A submitter in support cited the conservation reports as mentioning potential kororā and stated they “confirm the presence of penguins at the mouth of the Waimangaroa River”.

I recommend that these comments are accepted. They provide site-specific details regarding the natural resources present which warrant consideration. My view is that, although areas of modification are present, the natural resources identified in these comments are consistent with those described in the CVR (e.g. a diversity of freshwater and terrestrial habitats, important spawning sites and migration pathways for various fish species) and they are appropriately protected and preserved by the proposed classification.

General (Allowed)

- Submissions expressed general support for the proposed classification, referencing the “information in the technical reports”, or without providing further justification.
- The recommendation was supported as reflecting the use of the land and adequately protecting against degradation of the land.
- A submitter noted their preference for all stewardship land to be reclassified at the highest possible level based on its “high cultural conservation value”.

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area and no new material is raised, these submission points do not raise any matters for further consideration.

Oppose

Treaty Considerations (Allowed)

- Submissions stated their preference for the recommendation of the Mana Whenua Panel for disposal on the basis that it reflects “the values, interests, and perspectives of the Papatipu Rūnanga in whose Takiwā the relevant land is located”.

I recommend that these comments are not accepted. Although I acknowledge the Mana Whenua Panel opposition to the notified proposal, my assessment, considering those submissions accepted, is that the natural and historic resources present (e.g. a diversity of freshwater and terrestrial habitats, important spawning sites and migration pathways for various fish species) warrant proceeding with the notified proposal.

Permissions, Economic Factors and Land Use (Not Allowed)

- A submitter opposed the classification and was concerned that a “change in status or disposal will affect the existing dairy farm grazing concession”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Process and Consultation (Not Allowed)

- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- A submission opposed all reclassification of stewardship land to specially protected areas unless it was purchased by the Nature Heritage Fund for the purpose of adding it to a national park.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submissions were concerned whether the proposed classification allows for hunting, fishing and “provision for public access”, and stated that any classification should explicitly provide for these activities.

I recommend that these comments are not accepted. Insufficient information is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification. The proposed classification does not prohibit public access for the activities, if authorised (for example in a hunting permit). Authorisation of such activities involves a separate decision-making process, the outcome of which would depend on effects on the conservation values present rather than the proposed land classification.

Disposal - KAW_14_2808242s

The comments received in relation to the Mana Whenua Panel recommendation are summarised below and have been considered in relation to the notified proposal when forming s.49 allow/accept recommendations.

Support

Ecology and Landscape (Allowed)

- Submissions stated they support disposal of stewardship land where there are no conservation values remaining, or agreed that the land did not hold any conservation values and was therefore suitable for disposal.

I recommend that these comments are not accepted. Although areas of modification may be present (grazed pasture), the natural resources described in the CVR (e.g. a diversity of freshwater and terrestrial habitats, important spawning sites and migration pathways for various fish species) warrant retaining the area as public conservation land.

Treaty Considerations (Allowed)

- Submissions supported the recommendations of the Mana Whenua Panel on the basis that they reflect the rights and interests of mana whenua, recognise Ngāi Tahu’s connection to their ancestral lands, and fulfil obligations under the Treaty of Waitangi.

I recommend that these comments are not accepted. Although I acknowledge the Mana Whenua Panel opposition to the notified proposal, my assessment, considering those submissions accepted, is that the natural and historic resources present (e.g. remnant native vegetation, a diversity of freshwater and terrestrial habitats) warrant proceeding with the notified proposal.

General (Allowed)

- Submissions expressed general support without providing further justification.

I recommend that these comments are not accepted. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised for further consideration.

Other (Not Allowed)

- It was noted that disposals only form 0.01% of the stewardship land in the West Coast reclassification process.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Oppose

Access and Recreation (Allowed)

- Submitters objected to disposal on the grounds that this represents a loss of public access and ability for future generations to enjoy these areas, and expressed opposition to any disposal which means a loss of recreation opportunities such as angling or hunting.
- Submitters requested that “appropriate mechanisms are used to ensure existing and future public use is maintained or improved”, or recommended classification as a local purpose reserve with purposes either river conservation, river access, or recreation access to “ensure public access is retained in perpetuity”.
- A submitter noted that access via new marginal strips is not guaranteed.

I recommend that these comments are accepted. I agree that disposal would affect access and recreation values (e.g. access to the beach). My view is that access and recreation values of the stewardship area are appropriately protected by the notified classification of wildlife management area, which supports the public appreciation of wildlife where consistent with other management objectives.

Climate Change and Natural Hazards (Allowed)

- Submissions opposed the recommendation on the grounds that all public conservation land, even if modified/pasture, offers potential for climate change mitigation and adaption (e.g. “opportunities for flood/erosion buffering, or allowing room for natural river processes”, “areas are important for communities that they need to be kept by DOC for climate mitigation, not disposed of”).
- A submitter noted that “in almost all cases these areas have historically been part of the riverbed, and the rivers need this buffer to be able to move around without causing damage to infrastructure and farming assets. As a corollary to that, the freeholding of land adjacent to riverbeds often results in additional rock protection work which constrains the river, and the natural processes at play. This often results in unintended consequences (often erosion at other sites)”.
- Submitters also argued that modified land could be retained and restored to support carbon sequestration (e.g. “Disposal will forgo future carbon sequestration and climate mitigation”).
- A submitter commented that disposal would not assist with a reduction in emissions from agriculture.

I recommend that these comments are accepted. I agree that the protection of the existing natural resources present is of increasing importance when considering the need for climate mitigation, supported by the future-focused elements within the definition of conservation. Classification as wildlife management area will support protection of existing natural values and enable restoration. I also agree that this area, which comprises foreshore and coastal plain and is adjacent to the Waimangaroa River, may contribute to flood/erosion buffering. Classification as wildlife management area will support this outcome.

Ecology and Landscape (Allowed)

- Submissions regarding this specific conservation area expressed opposition to disposal, stating that there is “Insufficient justification” or that disposal would mean “even less protection for the forest patch, which resides partly in this land parcel and in the adjacent road reserve”.
- Submissions expressed opposition to any disposal of stewardship land on the grounds that even modified areas are likely to contain some natural values or indigenous species (juncus, carex etc), that areas near forests could easily revert to a natural state, or that even highly modified land holds opportunities for ecosystem regeneration and restoration (e.g. “disposal will lose the opportunity for regeneration and restoration”). A “precautionary policy” was recommended to hold conservation future options open.
- A submission recommended that waterways and wetlands would be better protected if adjacent land was retained, grazing excluded, and restoration/natural succession allowed to occur.

- Submissions opposed disposal of land by rivers on the grounds that so little remains in public conservation land (e.g. “poor ecological representation in existing protected areas”).
- Submitters opposed disposal on riverbed and floodplains unless areas are “completely modified” and can be fenced off from waterways, or unless areas are small and landlocked and have no restoration potential.

I recommend that these comments are accepted. Though areas of modification are present (grazed pasture), the natural resources described in the CVR (e.g. remnant native vegetation, a diversity of freshwater and terrestrial habitats) warrant retaining the area as public conservation land. I agree that classification as wildlife management area will support protection of existing natural values and enable restoration.

Treaty Considerations (Allowed)

- One submission stated, “no stewardship land should be made available for disposal, except to tangata whenua; and only then with the need to maintain the block’s cultural, conservation & mahika-kai values in their entirety”.

I recommend that these comments are not accepted. Although I acknowledge the Mana Whenua Panel opposition to the notified proposal, my assessment, considering those submissions accepted, is that the natural and historic resources present (e.g. remnant native vegetation, a diversity of freshwater and terrestrial habitats) warrant proceeding with the notified proposal.

General (Allowed)

- Submissions expressed opposition to disposal of any stewardship land in general terms, argued that public conservation land is best retained for future generations or future conservation purposes, expressed a desire for maximum environmental protection, or supported “a cautionary approach” and preference to retain land in Crown ownership.
- Submissions expressed preference for classification as a wildlife management area.

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area and no new material is raised, these submission points do not raise any matters for further consideration.

Permissions, Economic Factors and Land Use (Not Allowed)

- A submitter opposed disposal based on concern that change in status or disposal would affect the existing dairy farm grazing concession.
- Submissions recommended consideration of potential productivity and whether the land could be used to support future food security.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Process and Consultation (Not Allowed)

- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.
- It was noted that “proposed disposals do not give even a general indication where disposal boundaries might be”, making it difficult for submitters to comment.

It was suggested that there should be less focus on present values and more weight given to potential conservation value, as per the Conservation General Policy 6(c) and the Conservation Act requirement to safeguard options for future generations. It was recommended that the reclassification framework should include a “future conservation use” designation to hold land for future conservation requirements.

- A submitter noted that “there is no requirement” that land with low conservation values is disposed of, expressing opposition to any disposal of riverbed or pastoral land in public ownership.
- A submitter stated that “The National Panel is recommending 65 hectares for disposal, but has recommended up to an additional 1000 hectares of land may be disposed of where there is pastoral land alongside river conservation areas (subject to survey). This is not explained or justified”.

- A submitter advocated for the proposed classification to be revised, stating that “conservation values alone must determine recommended classifications, and recreation and use values are not conservation values”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Climate Change and Natural Hazards (Allowed)

- A submitter stated that no land should be disposed of if there is potential for restoration or carbon sequestration, and that riverbeds and adjacent land should be retained for flood retention, with no grazing permitted.

I recommend this comment is accepted to the extent that it does not support disposal as appropriate, as I have concluded that the stewardship area holds sufficient conservation values (e.g. wetland and restoration potential) to warrant retention as public conservation land. The proposed classification will promote the conservation of the natural and historic resources present, while providing for their appreciation and recreational enjoyment by the public, and being managed so that the area’s “indigenous natural resources and its historic resources are protected” (Conservation Act 1987, s. 23B(1)(b)).

General (Allowed)

- Submissions advocated generally for all national parks, forest parks, scenic reserves, and stewardship land to be protected from development.

I recommend that these comments are not accepted. The legislation does not provide for absolute protection from development – rather it contemplates that some activities may be acceptable and provides a mechanism for authorising such activities, through the grant of concessions. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification.

Other (Not Allowed)

- One submission noted that disposal of land will be subject to the Heritage New Zealand Pouhere Taonga Notification Process for Disposal of Crown-owned Land.
- One submission suggested any funds from land sold should go to the Nature Heritage Fund.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Waimangaroa River Mouth (Foreshore)

Panel Recommendations

National Panel: Wildlife management area, to appropriately protect the identified ecological values and enable enhancement of the recognised īnanga spawning site, while accommodating the identified recreational values.

Mana Whenua Panel: Neutral.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of wildlife management area for the 'foreshore' component of the stewardship area.

Summary of accepted submissions: Those submissions accepted as holding merit supported the proposed classification as appropriately reflecting the natural resources present, and to ensure ongoing public recreational access.

Section 4 and Treaty principles: The Mana Whenua Panel have not opposed the proposed classification.

The Mana Whenua Panel have signalled specific Ngāi Tahu interests associated with this stewardship area, particularly that "the area is used for mahinga kai".

Given the Mana Whenua Panel have not opposed the notified classification, I consider the classification is not inconsistent with the identified interests.

Rationale: My conclusion is that the proposed classification will promote the conservation of the natural and historic resources present (e.g. a diversity of freshwater and terrestrial habitats, īnanga spawning site) while providing for their appreciation and recreational enjoyment by the public, and being managed so that the area's "indigenous natural resources and its historic resources are protected" (Conservation Act 1987, s. 23B(1)(b)).

Wildlife Management Area - KAW_14_2808242t

Support

Access and Recreation (Allowed)

- A submission supported the recommendation on the provision that access was maintained, suggesting that otherwise a different classification should be used that allows for the management and protection of multiple conservation values (e.g. "recreational access and use, ecological and cultural values").

I recommend that these comments are accepted. My view is that access and recreation values of the stewardship area are appropriately protected by the notified classification of wildlife management area, which supports the public appreciation of wildlife where consistent with other management objectives.

Ecology and Landscape (Allowed)

- A submitter supported the proposed classification noting the area has "coastal, riparian and freshwater fish values" and advocated for the modified parts of the area to be restored.
- A submitter supported the classification citing the conservation reports mentioning potential kororā and stating they "confirm the presence of penguins at the mouth of the Waimangaroa River".

I recommend that these comments are accepted. They provide site-specific details regarding the natural values of the coastal area which are consistent with the CVR (e.g. a diversity of freshwater and terrestrial habitats, īnanga spawning site) or add to the information in the CVR (e.g. confirming the presence of kororā around this area). I agree that the natural resources present are appropriately protected and preserved by the proposed classification.

General (Allowed)

- Submissions expressed general support for the proposed classification, referencing the "information in the technical reports", or without providing further justification.

- The recommendation was supported as it “reflects the use of the land and adequately protects against degradation of the land”.
- A submitter noted their preference for all stewardship land to be reclassified at the highest possible level based on its “high cultural conservation value”.

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area and no new material is raised, these submission points do not raise any matters for further consideration.

Oppose

Permissions, Economic Factors and Land Use (Not Allowed)

- A submitter opposed the classification and was concerned that a “change in status or disposal will affect the existing dairy farm grazing concession”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Process and Consultation (Not Allowed)

- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- A submission opposed all reclassification of stewardship land to specially protected areas unless it was purchased by the Nature Heritage Fund for the purpose of adding it to a national park.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submissions were concerned whether the proposed classification allows for hunting, fishing and “provision for public access”, and stated that any classification should explicitly provide for these activities.

I recommend that these comments are not accepted. Insufficient information is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification. The proposed classification does not prohibit public access for the activities, if authorised (for example in a hunting permit). Authorisation of such activities involves a separate decision-making process, the outcome of which would depend on effects on the conservation values present rather than the proposed land classification.

KAW_15 – Denniston – 2808236

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Denniston	KAW_15_2808236x	Historic Reserve	Historic Reserve	15	8

Conservation Values Report Description

A 30.1527-ha area which includes the historic Denniston coal mine infrastructure and underneath the historic Denniston Incline. The area includes elevated plateau, steep hillside and low altitude river flats historically mined for gold, providing connections up an altitudinal gradient from 20-600 m above sea level. There is an easement for access to a private house. Denniston holds a major place in the history of the coal mining industry in New Zealand, and is a Tohu Whenua site, a DOC Heritage Icon, and a Heritage New Zealand Category 1 historic place. Visitors enjoy walks and learning opportunities at the area's many archaeological sites and heritage places.

Panel Recommendations

National Panel: Historic reserve, to protect and illustrate the significance of the identified historic and archaeological features, while preserving the indigenous flora and fauna present and providing for the existing recreational use of the area.

Mana Whenua Panel: Supports the Western South Island National Panel's recommendation.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of historic reserve.

Summary of accepted submissions: Those submissions accepted as holding merit supported the notified classification as appropriate for the ecological values present while recognising the historic values. Also accepted were comments noting that this outcome is supported by the Mana Whenua Panel and reflects the perspectives of Ngāi Tahu.

Section 4 and Treaty principles: The Mana Whenua Panel did not oppose the proposed classification.

No specific Ngāi Tahu interests were raised for consideration by the Mana Whenua Panel for this stewardship area, though they noted that the Denniston area is a Tohu Whenua site. I acknowledge statements of the Mana Whenua Panel that "there is a deep connection between Ngāi Tahu and all of the whenua in the Ngāi Tahu takiwā, and the absence of site-specific values in the preliminary analysis does not detract from that connection, nor does it confirm that site-specific values are not present."

Given the Mana Whenua Panel support for the notified classification, I consider the classification is not inconsistent with the Tohu Whenua status.

Rationale: My conclusion is that the natural resources present are appropriately protected under the proposed classification, when also considering the historic resources present and importance of the site for the coal mining history of New Zealand (e.g. Tohu Whenua site, DOC Heritage Icon, and Heritage New Zealand Category 1 historic place).

Historic Reserve - KAW_15_2808236x

Support

Ecology and Landscape (Allowed)

- A submitter supported the classification and stated that "the area plays an important role in maintaining the ecological integrity of the lower Waimangaroa Gorge, and also provides ecosystem linkage between the coast and upper altitudes".

I recommend that these comments are accepted. I agree that the proposed reserve status recognises the ecological values of the area while reflecting the important historic resources and archaeological sites present. Under a historic reserve the

natural resources present “shall be managed and protected to the extent compatible with the principal or primary purpose of the reserve” (Reserves Act 1977, s. 18(2)(c)).

Historic and Cultural Values (Allowed)

- A submitter supported the proposed classification because of its historical values which are similar to surrounding areas, including Denniston Historic Reserve, and stating that “the area is visited by 16,000 people annually to see this industrial heritage site”.

I recommend that these comments are accepted. I agree that the proposed reserve status recognises the numerous historic resources present in the area. Across the Denniston area, the CVR records the presence of 14 archeological sites and five actively conserved heritage places, and notes that Denniston is a Heritage New Zealand Category 1 historic place, Tohu Whenua site, and DOC Heritage Icon.

Treaty Considerations (Allowed)

- A submitter supported the recommendation of the Mana Whenua Panel on the basis that it reflects “the values, interests, and perspectives of the Papatipu Rūnanga in whose Takiwā the relevant land is located”, and that adopting the recommendations of the Mana Whenua Panel would give effect to the principles of the Treaty.

I recommend that these comments are accepted. The Mana Whenua Panel highlighted that the area is a Tohu Whenua site. I note that the Mana Whenua Panel have supported the proposed classification and therefore I consider that the proposed status is not inconsistent with the Tohu Whenua status.

- A submitter supported the Mana Whenua Panel and the proposed classification noting that the sites are important “as they recognise sites of significance to Ngāi Tahu and ensure Ngāi Tahu values and interests are at the forefront of the classification alongside conservation values”. They also stated that they wanted to see that “the detail of the classification is developed in a manner that recognises and provides for the rangatiratanga of Ngāi Tahu”.

I recommend that these comments are not accepted. Although I agree that the proposed historic reserve can recognise “sites of significance to Ngāi Tahu” and promote the protection and preservation of these sites, the purpose of the proposed reserve is set and established as per Section 18 of the Reserves Act 1977. Potential changes to management or legislative frameworks are not the subject of the public notice.

General (Allowed)

- Submissions expressed general support for the proposed classification without providing further justification, referencing the technical reports, or agreeing it reflected the “information in the technical reports”.
- A submitter noted their preference for all stewardship land to be reclassified at the highest possible level based on its “high cultural conservation value”.
- The recommendation was supported as it “reflects the use of the land and adequately protects against degradation of the land”.

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area and no new material is raised, these submission points do not raise any matters for further consideration.

Other (Not Allowed)

- A submitter supported the proposed classification “so long as the department prioritises environmental protection of the area in its ongoing management and plans”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Oppose

Access and Recreation (Allowed)

- Submitters opposed the recommendation based on concern that historic reserve does not adequately reflect recreation values or guarantee public access (e.g. “Environmental protection, public access, the hut, bridge and

track systems, and other recreational facilities are not recognised or guaranteed under this category, and they need to be”, “this classification appears to provide relatively weak protection to both conservation and public access”).

I recommend that these comments are not accepted. My assessment is that the public recreational access to the area is appropriately provided for under the proposed classification when also considering the historic resources present across the Denniston area (e.g. 14 archaeological sites and five actively conserved heritage places). Under a historic reserve “the public shall have freedom of entry and access to the reserve, subject to (...) such conditions and restrictions as the administering body considers to be necessary for the protection and general well-being of the reserve and for the protection and control of the public using it” (Reserves Act 1977, s. 18(2)(b)).

Ecology and Landscape (Allowed)

- A submitter expressed concern that the classification allows for activities such as hydro and mining and that these are “not appropriate for the management and protection of ecological and recreation values, nor do they, in my opinion, suitably honour the historic interests of mana whenua and their strong connection to the land”.
- Submitters expressed concern that historic reserve would not provide protection for natural values (e.g. “I do not believe the ecological and biodiversity values of these areas are adequately recognised, protected and managed”, “recognises historic and cultural values but does not provide strong enough legal protection for native plants, wildlife and landscapes”).
- A submitter opposed the classification stating they would want it to be a scientific reserve “with its unique flora and fauna”, noting the area has “high conservation values with unique sandstone formations and unique wetlands”.

I recommend that these comments are not accepted. My assessment is that the natural resources present (e.g. beech/podocarp/hardwood forest, recovering seral vegetation, Recommended Area for Protection to increase representation of lower Denniston Plateau communities in the ecological district) are appropriately protected under the proposed classification, when also considering the historic resources identified in the CVR (e.g. 14 archaeological sites and five actively conserved heritage places across the Denniston area, Heritage New Zealand Category 1 historic place, Tohu Whenua site and DOC Heritage Icon). Under a historic reserve the natural resources present “shall be managed and protected to the extent compatible with the principal or primary purpose of the reserve” (Reserves Act 1977, s. 18(2)(c)).

Historic and Cultural Values (Allowed)

- A submitter stated their opposition to the use of historic reserve classification “except for small-scale, discrete and recognised archaeological and historical sites and buildings”.

I recommend that these comments are not accepted. My assessment is that the proposed reserve status appropriately reflects the significance of the historic resources and heritage features present. The CVR highlights the importance of Denniston for the history of coal mining in New Zealand; it is a Heritage New Zealand Category 1 historic place, a DOC Heritage Icon, and a Tohu Whenua site.

Treaty Considerations (Allowed)

- It was stated that the proposed classification does “not adequately encompass both nature protection and mana whenua aspirations” or their “their strong connection to the land”.

I recommend that these comments are not accepted. No specific Ngāi Tahu interests have been identified for further consideration and I note that the Mana Whenua Panel have supported the proposed classification. The points raised do not justify overturning the notified intention.

Process and Consultation (Not Allowed)

- Submitters queried the extent of land proposed for historic reserve classification, suggesting that the large-scale historic reserve recommendations by the Panels “suggests a failure to search out and find the correct reserve classification for each one”.
- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.
- A submitter opposed the recommendation as being too restrictive for mining and associated economic opportunities. It was suggested that historic reserve classification would add “a great deal of cost in both time and

money relative to any extra protection given” and that a conservation park classification or retaining the land in stewardship would provide “more than adequate legal protection” and allow commercial uses to be considered on a case-by-case basis.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- One submission opposed all reclassification of stewardship land to specially protected areas unless it was purchased by the Nature Heritage Fund for the purpose of adding it to a national park.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submissions were concerned whether the proposed classification allows for hunting, fishing and “provision for public access”, and stated that any classification should explicitly provide for these activities.

I recommend that these comments are not accepted. Insufficient information is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification. The proposed classification does not prohibit public access for the activities, if authorised (for example in a hunting permit). Authorisation of such activities involves a separate decision-making process, the outcome of which would depend on effects on the conservation values present rather than the proposed land classification.

Treaty Considerations (Allowed)

- It was stated that the proposed classification does “not adequately encompass both nature protection and mana whenua aspirations” or their “their strong connection to the land”.

I recommend that these comments are not accepted. No specific Ngāi Tahu interests have been identified for further consideration and I note that the Mana Whenua Panel have supported the proposed classification. The points raised do not justify overturning the notified intention.

General (Allowed)

- One submitter advocated generally for all national parks, forest parks, scenic reserves and stewardship land to be protected from development.

I recommend that these comments are not accepted. The legislation does not provide for absolute protection from development – rather it contemplates that some activities may be acceptable and provides a mechanism for authorising such activities, through the grant of concessions. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification.

Permissions, Economic Factors and Land Use (Not Allowed)

- A submitter stated that the proposed classification does not provide strong protection for natural values as it “will allow for commercial activities and leases that national park or scenic reserve status would not allow”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

KAW_15 – Waimangaroa River / Denniston – 2808237

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Waimangaroa River / Denniston	KAW_15_2808237y	Historic Reserve	Historic Reserve	15	7

Conservation Values Report Description

An 8.6853-ha area of primarily low altitude river flats historically mined for gold. The area is contiguous with multiple other conservation areas and includes part of the historic Denniston Incline. There is an easement for access to a private house. Denniston holds a major place in the history of the coal mining industry in New Zealand, and is a Tohu Whenua site, a DOC Heritage Icon, and a Heritage New Zealand Category 1 historic place. Visitors enjoy walks and learning opportunities at the area's many archaeological sites and heritage places.

Panel Recommendations

National Panel: Historic reserve, to protect and illustrate the significance of the identified historic and archaeological features, while preserving the indigenous flora and fauna present and providing for the existing recreational use of the area.

Mana Whenua Panel: Supports the Western South Island National Panel's recommendation.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of historic reserve.

Summary of accepted submissions: Those submissions accepted as holding merit supported the notified classification as appropriate for the ecological values present while recognising the historic values. Also accepted were comments noting that this outcome is supported by the Mana Whenua Panel and reflects the perspectives of Ngāi Tahu.

Section 4 and Treaty principles: The Mana Whenua Panel did not oppose the proposed classification.

No specific Ngāi Tahu interests were raised for consideration by the Mana Whenua Panel for this stewardship area, though they noted that the Denniston area is a Tohu Whenua site. I acknowledge statements of the Mana Whenua Panel that "there is a deep connection between Ngāi Tahu and all of the whenua in the Ngāi Tahu takiwā, and the absence of site-specific values in the preliminary analysis does not detract from that connection, nor does it confirm that site-specific values are not present."

Given the Mana Whenua Panel support for the notified classification, I consider the classification is not inconsistent with the Tohu Whenua status.

Rationale: My conclusion is that the natural resources present are appropriately protected under the proposed classification, when also considering the historic resources present and importance of the site for the coal mining history of New Zealand (e.g. Tohu Whenua site, DOC Heritage Icon, and Heritage New Zealand Category 1 historic place).

Historic Reserve - KAW_15_2808237y

Support

Ecology and Landscape (Allowed)

- A submitter supported the classification and stated that "the area plays an important role in maintaining the ecological integrity of the lower Waimangaroa Gorge, and also provides ecosystem linkage between the coast and upper altitudes".

I recommend that these comments are accepted. I agree that the proposed reserve status recognises the ecological values of the area while reflecting the important historic resources and archaeological sites present. Under a historic reserve the

natural resources present “shall be managed and protected to the extent compatible with the principal or primary purpose of the reserve” (Reserves Act 1977, s. 18(2)(c)).

Historical and Cultural Values (Allowed)

- A submitter supported the proposed classification because of its historical values which are similar to surrounding areas, including Denniston Historic Reserve, and stating that “the area is visited by 16,000 people annually to see this industrial heritage site”.

I recommend that these comments are accepted. I agree that the proposed reserve status recognises the numerous historic resources present in the area. Across the Denniston area, the CVR records the presence of 14 archeological sites and five actively conserved heritage places, and notes that Denniston is a Heritage New Zealand Category 1 historic place, a Tohu Whenua site, and a DOC Heritage Icon.

Treaty Considerations (Allowed)

- A submitter supported the recommendation of the Mana Whenua Panel on the basis that it reflects “the values, interests, and perspectives of the Papatipu Rūnanga in whose Takiwā the relevant land is located”, and that adopting the recommendations of the Mana Whenua Panel would give effect to the principles of the Treaty.

I recommend that these comments are accepted. The Mana Whenua Panel highlighted that the area is a Tohu Whenua site. I note that the Mana Whenua Panel have supported the proposed classification and therefore I consider that the proposed status is not inconsistent with the Tohu Whenua status.

- A submitter supported the Mana Whenua Panel and the proposed classification noting that the sites are important “as they recognise sites of significance to Ngāi Tahu and ensure Ngāi Tahu values and interests are at the forefront of the classification alongside conservation values”. They also stated that they wanted to see that “the detail of the classification is developed in a manner that recognises and provides for the rangatiratanga of Ngāi Tahu”.

I recommend that these comments are not accepted. Although I agree that the proposed historic reserve can recognise “sites of significance to Ngāi Tahu” and promote the protection and preservation of these sites, the purpose of the proposed reserve is set and established as per Section 18 of the Reserves Act 1977. Potential changes to management or legislative frameworks are not the subject of the public notice.

General (Allowed)

- Submissions expressed general support for the proposed classification without providing further justification, referencing the technical reports, or agreeing it reflected the “information in the technical reports”.
- A submitter noted their preference for all stewardship land to be reclassified at the highest possible level based on its “high cultural conservation value”.
- The recommendation was supported as it “reflects the use of the land and adequately protects against degradation of the land”.

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area and no new material is raised, these submission points do not raise any matters for further consideration.

Other (Not Allowed)

- A submitter supported the proposed classification “so long as the department prioritises environmental protection of the area in its ongoing management and plans”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Oppose

Access and Recreation (Allowed)

- Submitters opposed the recommendation based on concern that historic reserve does not adequately reflect recreation values or guarantee public access (e.g. “Environmental protection, public access, the hut, bridge and

track systems, and other recreational facilities are not recognised or guaranteed under this category, and they need to be”, “this classification appears to provide relatively weak protection to both conservation and public access”).

I recommend that these comments are not accepted. My assessment is that the public recreational access to the area is appropriately provided for under the proposed classification when also considering the historic resources present across the Denniston area (e.g. 14 archaeological sites and five actively conserved heritage places). Under a historic reserve, “the public shall have freedom of entry and access to the reserve, subject to (...) such conditions and restrictions as the administering body considers to be necessary for the protection and general well-being of the reserve and for the protection and control of the public using it” (Reserves Act 1977, s. 18(2)(b)).

Ecology and Landscape (Allowed)

- A submitter expressed concern that the classification allows for activities such as hydro and mining and that these are “not appropriate for the management and protection of ecological and recreation values, nor do they, in my opinion, suitably honour the historic interests of mana whenua and their strong connection to the land”.
- Submitters expressed concern that historic reserve would not provide protection for natural values (e.g. “I do not believe the ecological and biodiversity values of these areas are adequately recognised, protected and managed”, “recognises historic and cultural values but does not provide strong enough legal protection for native plants, wildlife and landscapes”).

I recommend that these comments are not accepted. My assessment is that the natural resources present (e.g. beech/podocarp/hardwood forest, recovering seral vegetation, Recommended Area for Protection to increase representation of lower Denniston Plateau communities in the ecological district) are appropriately protected under the proposed classification when also considering the historic resources identified in the CVR (e.g. 14 archeological sites and five actively conserved heritage places across the Denniston area; Heritage New Zealand Category 1 historic place, Tohu Whenua site and DOC Heritage Icon). Under a historic reserve, the natural resources present “shall be managed and protected to the extent compatible with the principal or primary purpose of the reserve” (Reserves Act 1977, s. 18(2)(c)).

Historic and Cultural Values (Allowed)

- A submitter stated their opposition to the use of historic reserve classification “except for small-scale, discrete and recognised archaeological and historical sites and buildings”.

I recommend that these comments are not accepted. My assessment is that the proposed reserve status appropriately reflects the significance of the historic resources and heritage features present. The CVR highlights the importance of Denniston for the history of coal mining in New Zealand; it is a Heritage New Zealand Category 1 historic place, a DOC Heritage Icon, and a Tohu Whenua site.

Treaty Considerations (Allowed)

- It was stated that the proposed classification does “not adequately encompass both nature protection and mana whenua aspirations” or their “their strong connection to the land”.

I recommend that these comments are not accepted. No specific Ngāi Tahu interests have been identified for further consideration and I note that the Mana Whenua Panel have supported the proposed classification. The points raised do not justify overturning the notified intention.

Process and Consultation (Not Allowed)

- Submitters queried the extent of land proposed for historic reserve classification, suggesting that the large-scale historic reserve recommendations by the Panels “suggests a failure to search out and find the correct reserve classification for each one”.
- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.
- A submitter opposed the recommendation as being too restrictive for mining and associated economic opportunities. It was suggested that historic reserve classification would add “a great deal of cost in both time and money relative to any extra protection given” and that a conservation park classification or retaining the land in

stewardship would provide “more than adequate legal protection” and allow commercial uses to be considered on a case-by-case basis.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- One submission opposed all reclassification of stewardship land to specially protected areas unless it was purchased by the Nature Heritage Fund for the purpose of adding it to a national park.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submissions were concerned whether the proposed classification allows for hunting, fishing and “provision for public access”, and stated that any classification should explicitly provide for these activities.

I recommend that these comments are not accepted. Insufficient information is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification. The proposed classification does not prohibit public access for the activities, if authorised (for example in a hunting permit). Authorisation of such activities involves a separate decision-making process, the outcome of which would depend on effects on the conservation values present rather than the proposed land classification.

Treaty Considerations (Allowed)

- It was stated that the proposed classification does “not adequately encompass both nature protection and mana whenua aspirations” or their “their strong connection to the land”.

I recommend that these comments are not accepted. No specific Ngāi Tahu interests have been identified for further consideration and I note that the Mana Whenua Panel have supported the proposed classification. The points raised do not justify overturning the notified intention.

General (Allowed)

- One submitter advocated generally for all national parks, forest parks, scenic reserves and stewardship land to be protected from development.

I recommend that these comments are not accepted. The legislation does not provide for absolute protection from development – rather it contemplates that some activities may be acceptable and provides a mechanism for authorising such activities, through the grant of concessions. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification.

Permissions, Economic Factors and Land Use (Not Allowed)

- A submitter stated that the proposed classification does not provide strong protection for natural values as it “will allow for commercial activities and leases that national park or scenic reserve status would not allow”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

KAW_15 – Denniston - Boswell Street – 2808240

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Denniston - Boswell Street	KAW_15_2808240a	Historic Reserve	Historic Reserve	15	7

Conservation Values Report Description

A 0.1406-ha area with that contains a building and some vegetation. Visitors enjoy nearby walks and learning opportunities at the surrounding area's many archaeological sites and heritage places. The area is nearby multiple other conservation areas. There is an easement for access to a private house. Denniston holds a major place in the history of the coal mining industry in New Zealand, and is a Tohu Whenua site, a DOC Heritage Icon, and a Heritage New Zealand Category 1 historic place.

Panel Recommendations

National Panel: Historic reserve, to protect and illustrate the significance of the identified historic and archaeological features, while preserving the indigenous flora and fauna present and providing for the existing recreational use of the area.

Mana Whenua Panel: Supports the Western South Island National Panel's recommendation.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of historic reserve.

Summary of accepted submissions: Those submissions accepted as holding merit supported the notified classification as appropriate for the ecological values present while recognising the historic values. Also accepted were comments noting that this outcome is supported by the Mana Whenua Panel and reflects the perspectives of Ngāi Tahu.

Section 4 and Treaty principles: The Mana Whenua Panel did not oppose the proposed classification.

No specific Ngāi Tahu interests were raised for consideration by the Mana Whenua Panel for this stewardship area, though they noted that the Denniston area is a Tohu Whenua site. I acknowledge statements of the Mana Whenua Panel that "there is a deep connection between Ngāi Tahu and all of the whenua in the Ngāi Tahu takiwā, and the absence of site-specific values in the preliminary analysis does not detract from that connection, nor does it confirm that site-specific values are not present."

Given the Mana Whenua Panel support for the notified classification, I consider the classification is not inconsistent with the Tohu Whenua status.

Rationale: My conclusion is that the natural resources present are appropriately protected under the proposed classification, when also considering the historic resources present and importance of the wider site for the coal mining history of New Zealand (e.g. Tohu Whenua site, DOC Heritage Icon and Heritage New Zealand Category 1 historic place).

Historic Reserve - KAW_15_2808240a

Support

Ecology and Landscape (Allowed)

- A submitter supported the classification and stated that "the area plays an important role in maintaining the ecological integrity of the lower Waimangaroa Gorge, and also provides ecosystem linkage between the coast and upper altitudes".

I recommend that these comments are accepted. I agree that the proposed reserve status recognises the ecological values of the area while reflecting the important historic resources and archaeological sites present. Under a historic reserve the

natural resources present “shall be managed and protected to the extent compatible with the principal or primary purpose of the reserve” (Reserves Act 1977, s. 18(2)(c)).

Historic and Cultural Values (Allowed)

- A submitter supported the proposed classification because of its historical values which are similar to surrounding areas, including Denniston Historic Reserve, and stating that “the area is visited by 16,000 people annually to see this industrial heritage site”.

I recommend that these comments are accepted. I agree that the proposed reserve status recognises the historic resources present across the wider area. Although this area is small (0.1406 ha), it is part of the Denniston locality and adds to the landscape of sites representing the historic values of the Denniston area. The CVR notes that Denniston is a Heritage New Zealand Category 1 historic place, Tohu Whenua site and DOC Heritage Icon.

Treaty Considerations (Allowed)

- A submitter supported the recommendation of the Mana Whenua Panel on the basis that it reflects “the values, interests, and perspectives of the Papatipu Rūnanga in whose Takiwā the relevant land is located”, and that adopting the recommendations of the Mana Whenua Panel would give effect to the principles of the Treaty.

I recommend that these comments are accepted. The Mana Whenua Panel highlighted that the area is a Tohu Whenua site. I note that the Mana Whenua Panel have supported the proposed classification and therefore consider that it is not inconsistent with the Tohu Whenua status.

- A submitter supported the Mana Whenua Panel and the proposed classification noting that the sites are important “as they recognise sites of significance to Ngāi Tahu and ensure Ngāi Tahu values and interests are at the forefront of the classification alongside conservation values”. They also stated that they wanted to see that “the detail of the classification is developed in a manner that recognises and provides for the rangatiratanga of Ngāi Tahu”.

I recommend that these comments are not accepted. Although I agree that the proposed historic reserve can recognise “sites of significance to Ngāi Tahu” and promote the protection and preservation of these sites, the purpose of the proposed reserve is set and established as per Section 18 of the Reserves Act 1977. Potential changes to management or legislative frameworks are not the subject of the public notice.

General (Allowed)

- Submissions expressed general support for the proposed classification without providing further justification, referencing the technical reports, or agreeing it reflected the “information in the technical reports”.
- A submitter noted their preference for all stewardship land to be reclassified at the highest possible level based on its “high cultural conservation value”.
- The recommendation was supported as it “reflects the use of the land and adequately protects against degradation of the land”.

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area and no new material is raised, these submission points do not raise any matters for further consideration.

Other (Not Allowed)

- A submitter supported the proposed classification “so long as the department prioritises environmental protection of the area in its ongoing management and plans”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Oppose

Access and Recreation (Allowed)

- Submitters opposed the recommendation based on concern that historic reserve does not adequately reflect recreation values or guarantee public access (e.g. “Environmental protection, public access, the hut, bridge and track systems, and other recreational facilities are not recognised or guaranteed under this category, and they need to be”, “this classification appears to provide relatively weak protection to both conservation and public access”).

I recommend that these comments are not accepted. My assessment is that the public recreational access to the area is appropriately provided for under the proposed classification when also considering the historic resources present across the wider Denniston area. Under a historic reserve “the public shall have freedom of entry and access to the reserve, subject to (...) such conditions and restrictions as the administering body considers to be necessary for the protection and general well-being of the reserve and for the protection and control of the public using it” (Reserves Act 1977, s. 18(2)(b)).

Ecology and Landscape (Allowed)

- A submitter expressed concern that the classification allows for activities such as hydro and mining and that these are “not appropriate for the management and protection of ecological and recreation values, nor do they, in my opinion, suitably honour the historic interests of mana whenua and their strong connection to the land”.
- Submitters expressed concern that historic reserve would not provide protection for natural values (e.g. “I do not believe the ecological and biodiversity values of these areas are adequately recognised, protected and managed”, “recognises historic and cultural values but does not provide strong enough legal protection for native plants, wildlife and landscapes”).

I recommend that these comments are not accepted. My assessment is that the natural resources present are appropriately protected under the proposed classification, when also considering the historic resources identified in the CVR. Under a historic reserve the natural resources present “shall be managed and protected to the extent compatible with the principal or primary purpose of the reserve” (Reserves Act 1977, s. 18(2)(c))

Historic and Cultural Values (Allowed)

- A submitter stated their opposition to the use of historic reserve classification “except for small-scale, discrete and recognised archaeological and historical sites and buildings”.

I recommend that these comments are not accepted. My assessment is that the proposed reserve status appropriately reflects the historic resources present. The CVR highlights the importance of the Denniston area for the history of coal mining in New Zealand; it is a Heritage New Zealand Category 1 historic place, a DOC Heritage Icon and a Tohu Whenua site.

Treaty Considerations (Allowed)

- It was stated that the proposed classification does “not adequately encompass both nature protection and mana whenua aspirations” or their “their strong connection to the land”.

I recommend that these comments are not accepted. No specific Ngāi Tahu interests have been identified for further consideration and I note that the Mana Whenua Panel have supported the proposed classification. The points raised do not justify overturning the notified intention.

Process and Consultation (Not Allowed)

- Submitters queried the extent of land proposed for historic reserve classification, suggesting that the large-scale historic reserve recommendations by the Panels “suggests a failure to search out and find the correct reserve classification for each one”.
- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.
- A submitter opposed the recommendation as being too restrictive for mining and associated economic opportunities. It was suggested that historic reserve classification would add “a great deal of cost in both time and money relative to any extra protection given” and that a conservation park classification or retaining the land in

stewardship would provide “more than adequate legal protection” and allow commercial uses to be considered on a case-by-case basis.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- One submission opposed all reclassification of stewardship land to specially protected areas unless it was purchased by the Nature Heritage Fund for the purpose of adding it to a national park.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submissions were concerned whether the proposed classification allows for hunting, fishing and “provision for public access”, and stated that any classification should explicitly provide for these activities.

I recommend that these comments are not accepted. Insufficient information is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification. The proposed classification does not prohibit public access for the activities, if authorised (for example in a hunting permit). Authorisation of such activities involves a separate decision-making process, the outcome of which would depend on effects on the conservation values present rather than the proposed land classification.

Treaty Considerations (Allowed)

- It was stated that the proposed classification does “not adequately encompass both nature protection and mana whenua aspirations” or their “their strong connection to the land”.

I recommend that these comments are not accepted. No specific Ngāi Tahu interests have been identified for further consideration and I note that the Mana Whenua Panel have supported the proposed classification. The points raised do not justify overturning the notified intention.

General (Allowed)

- One submitter advocated generally for all national parks, forest parks, scenic reserves and stewardship land to be protected from development.

I recommend that these comments are not accepted. The legislation does not provide for absolute protection from development – rather it contemplates that some activities may be acceptable and provides a mechanism for authorising such activities, through the grant of concessions. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification.

Permissions, Economic Factors and Land Use (Not Allowed)

- A submitter stated that the proposed classification does not provide strong protection for natural values as it “will allow for commercial activities and leases that national park or scenic reserve status would not allow”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

KAW_16 – Waimangaroa - Beaton Street – 2808238

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Waimangaroa - Beaton Street	KAW_16_2808238b	Scenic Reserve (a)	Scenic Reserve (a)	16	4

Conservation Values Report Description

A 0.8187-ha area of primarily forest at the eastern edge of Waimangaroa township, below Denniston Road. It is one of multiple small areas in the vicinity.

Panel Recommendations

National Panel: Scenic reserve (a), to preserve the identified ecological values, protect any identified historic/archaeological features and provide for the existing recreational use of the area.

Mana Whenua Panel: Supports the Western South Island National Panel's recommendation.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of scenic reserve.

Summary of accepted submissions: Those submissions accepted as holding merit supported the notified classification as offering sufficient protection in the context of climate change, and reflecting the natural resources present. Also accepted were comments noting that this outcome is supported by the Mana Whenua Panel and reflects the perspectives of Ngāi Tahu.

Section 4 and Treaty principles: The Mana Whenua Panel supported the proposed classification, supported by submissions from Treaty partner organisations.

No specific Ngāi Tahu interests were raised for consideration by the Mana Whenua Panel for this stewardship area. I acknowledge statements of the Mana Whenua Panel that "there is a deep connection between Ngāi Tahu and all of the whenua in the Ngāi Tahu takiwā, and the absence of site-specific values in the preliminary analysis does not detract from that connection, nor does it confirm that site-specific values are not present."

Rationale: My conclusion is that the natural and historic resources present are appropriately protected under the proposed classification (e.g. part of a continuous sequence of native vegetation from the floodplains to the coal plateau).

Scenic Reserve (a) - KAW_16_2808238b

Support

Climate Change and Natural Hazards (Allowed)

- A submitter supported the proposed classification as offering a high level of protection "in light of the impacts of climate change".

I recommend that these comments are accepted. I agree that the protection of the existing natural resources present is of increasing importance when considering the need for climate mitigation. Classification as scenic reserve will support this outcome. The relevance of this factor for reclassification decisions is evident when the future-focused elements in the definition of conservation are considered, including, "safeguarding the options of future generations" in relation to 'natural resources', "the air, water and soil in or on which any plant or animal lives or may live", and in relation to 'protection' of a resource, "restoration to some former state and its augmentation, enhancement, or expansion" (Conservation Act 1987, s. 2).

Ecology and Landscape (Allowed)

- A submitter supported the proposed recommendation, stating the area has "nationally significant ecological systems and scenic natural areas".
- A submitter supported the notified classification based on the ecological report that stated, "the whole area supports regenerating native forest".

- A submitter supported the proposed classification based on the high values present and the commonality of them with the nearby Denniston Scenic Reserve (e.g. "high landscape and ecological values forming part of a continuity in the wider landscape with the Scenic Reserve from the floodplains to the coal plateau" and "similar podocarp broadleaf forest cover").

I recommend that these comments are accepted. I agree that the natural resources identified in these comments are appropriately protected and preserved by the proposed classification. Under a scenic reserve classification "indigenous flora and fauna, ecological associations, and natural environment and beauty shall as far as possible be preserved" (Reserves Act 1977, s. 19(2)(a)).

Treaty Considerations (Allowed)

- The recommendation of the Mana Whenua Panel was supported on the basis that it reflects "the values, interests, and perspectives of the Papatipu Rūnanga in whose Takiwā the relevant land is located", and that **adopting the recommendations of the Mana Whenua Panel would give effect to the principles of the Treaty.**

I recommend that these comments are accepted. I note that the Mana Whenua Panel have supported the proposed scenic reserve. I agree that natural resources present are appropriately protected by the proposed classification.

General (Allowed)

- Submissions expressed general support for the proposed classification, referencing the "information in the technical reports", or without providing further justification.
- A submitter noted their preference for all stewardship land to be reclassified at the highest possible level based on its "high cultural conservation value".

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area and no new material is raised, these submission points do not raise any matters for further consideration.

Oppose

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions opposed reclassification as scenic reserve, noting that though it does not prohibit mining, it adds extra restrictions with consequent negative economic benefits, suggesting that retaining the land in stewardship or reclassifying it as a conservation park provides adequate legal protection while allowing commercial activities to be considered on a case-by-case basis.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Process and Consultation (Not Allowed)

- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- A submission opposed all reclassification of stewardship land to specially protected areas unless it was purchased by the Nature Heritage Fund for the purpose of adding it to a national park.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submissions were concerned whether the proposed classification allows for hunting, fishing and "provision for public access", and stated that any classification should explicitly provide for these activities.

I recommend that these comments are not accepted. Insufficient information is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification. The proposed classification does not prohibit public access for the activities, if authorised (for example in a hunting permit). Authorisation of such activities involves a separate decision-making process, the outcome of which would depend on effects on the conservation values present rather than the proposed land classification.

General (Allowed)

- Submissions advocated generally for all national parks, forest parks, scenic reserves, and stewardship land to be protected from development.

I recommend that these comments are not accepted. The legislation does not provide for absolute protection from development – rather it contemplates that some activities may be acceptable and provides a mechanism for authorising such activities, through the grant of concessions. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification.

KAW_16 – Waimangaroa - Hamilton Street – 2808239

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Waimangaroa - Hamilton Street (Urban Section)	KAW_16_2808239p	Disposal	Disposal	12	17
Waimangaroa - Hamilton Street (Forested Area)	KAW_16_2808239q	Scenic Reserve (a)	Neutral	14	4

Conservation Values Report Description

A 2.2505-ha area of primarily forest at the eastern edge of Waimangaroa township, below Denniston Road. It consists of two of the small areas in the vicinity. Part of one of the parcels has been incorporated into domestic use. One concession is held for a tunnel house.

Waimangaroa - Hamilton Street (Urban Section)

Panel Recommendations

National Panel: Disposal should be considered as the area is noted to be of very low conservation value and does not warrant inclusion in the proposed scenic reserve.

Mana Whenua Panel: Disposal, as the pastoral components of the conservation area are highly modified and should not form part of public conservation land.

S.49(2)(d) Recommendation

- Proceed with the notified proposal for the 'urban section' of this stewardship area, referring the area to the Department to investigate the suitability of disposal.

Summary of accepted submissions: Those submissions accepted as holding merit supported the proposed disposal investigation where there are no conservation values remaining. Also accepted were comments noting that this outcome is supported by the Mana Whenua Panel and reflects the perspectives of Ngāi Tahu.

Section 4 and Treaty principles: The Mana Whenua Panel supported the proposed disposal investigation, supported by submissions from Treaty partner organisations, on the grounds that the pastoral components of the area are highly modified.

Rationale: My conclusion is that the stewardship area is of low conservation value, being modified with an easement for a tunnel house, and warrants further investigation as to the suitability of disposal.

Disposal - KAW_16_2808239p

Support

Ecology and Landscape (Allowed)

- Submissions stated they support disposal of stewardship land where there are no conservation values remaining, or agreed that the land did not hold any conservation values and was therefore suitable for disposal.

I recommend that these comments are accepted. The land recommended for disposal is modified and holds low conservation values, supporting a disposal investigation. I note that any parts of the area identified to have substantive natural values are unlikely to pass the Conservation General Policy and legislative disposal tests.

Treaty Considerations (Allowed)

- Submissions supported the recommendations of the Mana Whenua Panel on the basis that they reflect the rights and interests of mana whenua, recognise Ngāi Tahu's connection to their ancestral lands, and fulfil obligations under the Treaty of Waitangi.

I recommend that these comments are accepted. I note that the Mana Whenua Panel have supported the proposed disposal investigation. The modified nature of the pastoral components of this stewardship area justifies referring this area to the Department to investigate the suitability of disposal.

General (Allowed)

- Submissions expressed general support without providing further justification.

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area and no new material is raised, these submission points do not raise any matters.

Permissions, Economic Factors and Land Use (Not Allowed)

- A submitter stated support but expressed concern that change in status or disposal will affect the existing concession, noting a concession held for a tunnel house over approximately 0.03 ha.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- It was noted that disposals only form 0.01% of the stewardship land in the West Coast reclassification process.
- A submitter suggested that a land swap would be preferable to disposal.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Oppose

Access and Recreation (Allowed)

- Submitters objected to disposal on the grounds that this represents a loss of public access and ability for future generations to enjoy these areas, and expressed opposition to any disposal which means a loss of recreation opportunities such as angling or hunting.
- Submitters requested that “appropriate mechanisms are used to ensure existing and future public use is maintained or improved”, or recommended classification as a local purpose reserve with purposes either river conservation, river access, or recreation access to “ensure public access is retained in perpetuity”.

I recommend that these comments are not accepted. My assessment is that the area recommended for disposal, which is small and modified (containing an easement for a tunnel house), does not currently hold recreational values which justify retention as public conservation land, and does not provide practical access to public conservation land. The low conservation values justify referring this area to the Department to investigate the suitability of disposal.

Climate Change and Natural Hazards (Allowed)

- Submissions opposed the recommendation on the grounds that all public conservation land, even if modified/pasture, offers potential for climate change mitigation and adaption (e.g. “opportunities for flood/erosion buffering, or allowing room for natural river processes”, “areas are important for communities that they need to be kept by DOC for climate mitigation, not disposed of”).
- A submitter noted that “in almost all cases these areas have historically been part of the riverbed, and the rivers need this buffer to be able to move around without causing damage to infrastructure and farming assets. As a corollary to that, the freeholding of land adjacent to riverbeds often results in additional rock protection work which constrains the river, and the natural processes at play. This often results in unintended consequences (often erosion at other sites)”.
- Submitters also argued that modified land could be retained and restored to support carbon sequestration (e.g. “Disposal will forgo future carbon sequestration and climate mitigation”).

I recommend that these comments are not accepted. The small size of the area, its modified nature and landscape context (in an urban setting, bordering private land) limit the appropriateness and effectiveness of retaining it for ecosystem restoration and carbon sequestration. I note that any potential disposal arising from the Departmental investigation will

trigger the formation of marginal strips for qualifying waterbodies, which will be retained and protected as public conservation land.

Ecology and Landscape (Allowed)

- A submitter stated opposition, suggesting that “if the land is no longer required as a lease all dwellings and buildings should be removed, and the land remediated with native species and returned to conservation land”.
- Submissions expressed opposition to any disposal of stewardship land on the grounds that even modified areas are likely to contain some natural values or indigenous species (juncus, carex etc), that areas near forests could easily revert to a natural state, or that even highly modified land holds opportunities for ecosystem regeneration and restoration (e.g. “disposal will lose the opportunity for regeneration and restoration”). A “precautionary policy” was recommended to hold conservation future options open.
- A submission recommended that waterways and wetlands would be better protected if adjacent land was retained, grazing excluded, and restoration/natural succession allowed to occur.
- Submissions opposed disposal of land by rivers on the grounds that so little remains in public conservation land (e.g. “poor ecological representation in existing protected areas”).
- Submitters opposed disposal on riverbed and floodplains unless areas are “completely modified” and can be fenced off from waterways, or unless areas are small and landlocked and have no restoration potential.

I recommend that these comments are not accepted. The low conservation values of this area (incorporated into domestic use, easement for a tunnel house) justify referring this area to the Department to investigate the suitability of disposal. The small size of the area, its modified nature and landscape context (in an urban setting, bordering private land) limit the appropriateness and effectiveness of retaining it for restoration. I note that any potential disposal arising from the Departmental investigation will trigger the formation of marginal strips for qualifying waterbodies, which will be retained and protected as public conservation land.

Treaty Considerations (Allowed)

- One submission stated that “no stewardship land should be made available for disposal, except to tangata whenua; and only then with the need to maintain the block’s cultural, conservation & mahika-kai values in their entirety”.

I recommend that these comments are not accepted. The proposed disposal investigation was supported by the Mana Whenua Panel, and any potential disposal of land arising from the Departmental investigation will be subject to the rights of first refusal process as set out in the Ngāi Tahu Claims Settlement Act 1998. The highly modified area is unlikely to hold substantive “conservation & mahika-kai values”.

General (Allowed)

- Submissions expressed opposition to disposal of any stewardship land in general terms, argued that public conservation land is best retained for future generations or future conservation purposes, expressed a desire for maximum environmental protection, or supported “a cautionary approach” and preference to retain land in Crown ownership.

I recommend that these comments are not accepted. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification.

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions recommended consideration of potential productivity and whether the land could be used to support future food security.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Process and Consultation (Not Allowed)

- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.

- It was noted that “proposed disposals do not give even a general indication where disposal boundaries might be”, making it difficult for submitters to comment.

It was suggested that there should be less focus on present values and more weight given to potential conservation value, as per the Conservation General Policy 6(c) and the Conservation Act requirement to safeguard options for future generations. It was recommended that the reclassification framework should include a “future conservation use” designation to hold land for future conservation requirements.

- A submitter noted that “there is no requirement” that land with low conservation values is disposed of, expressing opposition to any disposal of riverbed or pastoral land in public ownership.
- A submitter stated that “The National Panel is recommending 65 hectares for disposal, but has recommended up to an additional 1000 hectares of land may be disposed of where there is pastoral land alongside river conservation areas (subject to survey). This is not explained or justified”.
- A submitter advocated for the proposed classification to be revised, stating that “conservation values alone must determine recommended classifications, and recreation and use values are not conservation values”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Climate Change and Natural Hazards (Allowed)

- A submitter stated that no land should be disposed of if there is potential for restoration or carbon sequestration, and that riverbeds and adjacent land should be retained for flood retention, with no grazing permitted.

I recommend that these comments are not accepted. The small size of the area and its modified nature limit the appropriateness and effectiveness of retaining it for ecosystem restoration and carbon sequestration. I note that any potential disposal arising from the Departmental investigation will trigger the formation of marginal strips for qualifying waterbodies, which will be retained and protected as public conservation land.

General (Allowed)

- Submissions advocated generally for all national parks, forest parks, scenic reserves, and stewardship land to be protected from development.

I recommend that these comments are not accepted. The legislation does not provide for absolute protection from development – rather it contemplates that some activities may be acceptable and provides a mechanism for authorising such activities, through the grant of concessions. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification.

Other (Not Allowed)

- One submission noted that disposal of land will be subject to the Heritage New Zealand Pouhere Taonga Notification Process for Disposal of Crown-owned Land.
- One submission suggested any funds from land sold should go to the Nature Heritage Fund.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Waimangaroa - Hamilton Street (Forested Area)

Panel Recommendations

National Panel: Scenic reserve (a), to preserve the identified ecological values, protect any identified historic/archaeological features and provide for the existing recreational use of the area.

Mana Whenua Panel: Neutral.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of scenic reserve for the 'forested area'.

Summary of accepted submissions: Those submissions accepted as holding merit supported the notified classification as offering sufficient protection in the context of climate change, and reflecting the notable natural resources present. Also accepted were comments noting that the recommendations of the Mana Whenua Panel reflect the perspectives of Ngāi Tahu.

Section 4 and Treaty principles: The Mana Whenua Panel did not oppose the proposed classification.

No specific Ngāi Tahu interests were raised for consideration by the Mana Whenua Panel for this stewardship area. I acknowledge statements of the Mana Whenua Panel that "there is a deep connection between Ngāi Tahu and all of the whenua in the Ngāi Tahu takiwā, and the absence of site-specific values in the preliminary analysis does not detract from that connection, nor does it confirm that site-specific values are not present."

Rationale: My conclusion is that the proposed classification will appropriately promote the conservation of the natural and historic resources present (e.g. regenerating indigenous forest).

Scenic Reserve (a) - KAW_16_2808239q

Support

Climate Change and Natural Hazards (Allowed)

- A submitter supported the proposed classification as offering a high level of protection "in light of the impacts of climate change".

I recommend that these comments are accepted. I agree that the protection of the existing natural resources present is of increasing importance when considering the need for climate mitigation. Classification as scenic reserve will support this outcome. The relevance of this factor for reclassification decisions is evident when the future-focused elements in the definition of conservation are considered, including, "safeguarding the options of future generations" in relation to 'natural resources', "the air, water and soil in or on which any plant or animal lives or may live", and in relation to 'protection' of a resource, "restoration to some former state and its augmentation, enhancement, or expansion" (Conservation Act 1987, s. 2).

Ecology and Landscape (Allowed)

- A submitter supported the proposed recommendation, stating the area has "nationally significant ecological systems and scenic natural areas".
- A submitter supported the notified classification based on the ecological report that stated, "the whole area supports regenerating native forest".

I recommend that these comments are accepted. I agree that the natural resources identified in these comments are appropriately protected and preserved by the proposed classification. Under a scenic reserve classification "indigenous flora and fauna, ecological associations, and natural environment and beauty shall as far as possible be preserved" (Reserves Act 1977, s. 19(2)(a)).

General (Allowed)

- Submissions expressed general support for the proposed classification, referencing the "information in the technical reports", or without providing further justification.

- A submitter noted their preference for all stewardship land to be reclassified at the highest possible level based on its “high cultural conservation value”.

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area and no new material is raised, these submission points do not raise any matters for further consideration.

Oppose

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions opposed reclassification as scenic reserve, noting that though it does not prohibit mining, it adds extra restrictions with consequent negative economic benefits, suggesting that retaining the land in stewardship or reclassifying it as a conservation park provides adequate legal protection while allowing commercial activities to be considered on a case-by-case basis.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Process and Consultation (Not Allowed)

- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- A submission opposed all reclassification of stewardship land to specially protected areas unless it was purchased by the Nature Heritage Fund for the purpose of adding it to a national park.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submissions were concerned whether the proposed classification allows for hunting, fishing and “provision for public access”, and stated that any classification should explicitly provide for these activities.

I recommend that these comments are not accepted. Insufficient information is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification. The proposed classification does not prohibit public access for the activities, if authorised (for example in a hunting permit). Authorisation of such activities involves a separate decision-making process, the outcome of which would depend on effects on the conservation values present rather than the proposed land classification.

General (Allowed)

- Submissions advocated generally for all national parks, forest parks, scenic reserves, and stewardship land to be protected from development.

I recommend that these comments are not accepted. The legislation does not provide for absolute protection from development – rather it contemplates that some activities may be acceptable and provides a mechanism for authorising such activities, through the grant of concessions. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification.

KAW_16 – Waimangaroa-Denniston Road – 2808243

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Waimangaroa-Denniston Road	KAW_16_2808243c	Scenic Reserve (a)	Neutral	13	4

Conservation Values Report Description

A 17.5505-ha area of primarily forest and small parts of Denniston Road at the eastern edge of Waimangaroa township. The area covers the altitudinal gradient from river floodplain to the top of a low coastal hill.

Panel Recommendations

National Panel: Scenic reserve (a), to preserve the identified ecological values, protect any identified historic/ archaeological features and provide for the existing recreational use of the area.

Mana Whenua Panel: Neutral.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of scenic reserve.

Summary of accepted submissions: Those submissions accepted as holding merit supported the notified classification as providing for ongoing recreational access, offering sufficient protection in the context of climate change, and reflecting the natural resources present.

Section 4 and Treaty principles: The Mana Whenua Panel did not oppose the proposed classification.

No specific Ngāi Tahu interests were raised for consideration by the Mana Whenua Panel for this stewardship area. I acknowledge statements of the Mana Whenua Panel that “there is a deep connection between Ngāi Tahu and all of the whenua in the Ngāi Tahu takiwā, and the absence of site-specific values in the preliminary analysis does not detract from that connection, nor does it confirm that site-specific values are not present.”

Rationale: My conclusion is that the proposed classification will appropriately promote the conservation of the natural resources present (part of a continuous sequence of native vegetation from the floodplains to the coal plateau).

Scenic Reserve (a) - KAW_16_2808243c

Support

Climate Change and Natural Hazards (Allowed)

- A submitter supported the proposed classification as offering a high level of protection “in light of the impacts of climate change”.

I recommend that these comments are accepted. I agree that the protection of the existing natural resources present is of increasing importance when considering the need for climate mitigation. Classification as scenic reserve will support this outcome. The relevance of this factor for reclassification decisions is evident when the future-focused elements in the definition of conservation are considered, including, “safeguarding the options of future generations” in relation to ‘natural resources’, “the air, water and soil in or on which any plant or animal lives or may live”, and in relation to ‘protection’ of a resource, “restoration to some former state and its augmentation, enhancement, or expansion” (Conservation Act 1987, s. 2).

Ecology and Landscape (Allowed)

- A submitter supported the proposed recommendation, stating the area has “nationally significant ecological systems and scenic natural areas”.
- A submitter supported the notified classification based on the ecological report that stated, “the whole area supports regenerating native forest”.
- A submitter supported the proposed classification based on the high values present and the commonality of them with the nearby Denniston Scenic Reserve (e.g. “high landscape and ecological values forming part of a continuity

in the wider landscape with the Scenic Reserve from the floodplains to the coal plateau" and "similar podocarp broadleaf forest cover").

I recommend that these comments are accepted. I agree that the natural resources identified in these comments are appropriately protected and preserved by the proposed classification. Under a scenic reserve classification "indigenous flora and fauna, ecological associations, and natural environment and beauty shall as far as possible be preserved" (Reserves Act 1977, s. 19(2)(a)).

General (Allowed)

- Submissions expressed general support for the proposed classification, referencing the "information in the technical reports", or without providing further justification.
- A submitter noted their preference for all stewardship land to be reclassified at the highest possible level based on its "high cultural conservation value".

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area and no new material is raised, these submission points do not raise any matters for further consideration.

Oppose

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions opposed reclassification as scenic reserve, noting that though it does not prohibit mining, it adds extra restrictions with consequent negative economic benefits, suggesting that retaining the land in stewardship or reclassifying it as a conservation park provides adequate legal protection while allowing commercial activities to be considered on a case-by-case basis.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Process and Consultation (Not Allowed)

- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- A submission opposed all reclassification of stewardship land to specially protected areas unless it was purchased by the Nature Heritage Fund for the purpose of adding it to a national park.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submissions were concerned whether the proposed classification allows for hunting, fishing and "provision for public access", and stated that any classification should explicitly provide for these activities.

I recommend that these comments are not accepted. Insufficient information is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification. The proposed classification does not prohibit public access for the activities, if authorised (for example in a hunting permit). Authorisation of such activities involves a separate decision-making process, the outcome of which would depend on effects on the conservation values present rather than the proposed land classification.

General (Allowed)

- Submissions advocated generally for all national parks, forest parks, scenic reserves, and stewardship land to be protected from development.

I recommend that these comments are not accepted. The legislation does not provide for absolute protection from development – rather it contemplates that some activities may be acceptable and provides a mechanism for authorising such activities, through the grant of concessions. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification.

KAW_17 – Old Denniston School Site – 2807866

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Old Denniston School Site	KAW_17_2807866d	Conservation Park (Whareatea)	Neutral	7	34

Conservation Values Report Description

A 0.5688-ha area of primarily cleared land next to the Denniston Township walk. Denniston holds a major place in the history of the coal mining industry in New Zealand through the sustained quality and quantity of its output and the special features associated with its operation.

Panel Recommendations

National Panel: Conservation park (Whareatea), to reflect the identified values, protecting natural and historic resources while facilitating public recreation and enjoyment of the area.

Mana Whenua Panel: Neutral.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of conservation park.

Summary of accepted submissions: Excepting those expressing general support for the proposal, no submissions were accepted as holding substantial merit with regard to classifying the area as a conservation park.

Section 4 and Treaty principles: The Mana Whenua Panel did not oppose the proposed classification.

The Mana Whenua Panel have signalled Ngāi Tahu interests for this stewardship area, particularly that “Ngāi Tahu may have future aspirations for this land (such as from an economic well-being and development perspective) and so these considerations must be considered and provided for as well”.

I note that the Mana Whenua Panel have not opposed the notified classification, and I am not otherwise aware of any inconsistency between the proposed status and the identified interests.

Rationale: My conclusion is that the natural resources present are appropriately protected under the proposed classification when also considering the historic resources present (e.g. likely archaeological remains, part of the historic coalmining landscape with all periods of mining represented). The primary purpose of conservation parks includes to be managed so “that its natural and historic resources are protected” (Conservation Act 1987, s. 19(1)(a)).

Conservation Park - KAW_17_2807866d

Support

General (Allowed)

- Submissions expressed general support for the proposed classification without providing further justification, or agreed it reflected the “information in the technical reports”.
- A submitter noted their preference for all stewardship land to be reclassified at the highest possible level based on its “high cultural conservation value”.

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area and no new material is raised, these submission points do not raise any matters for further consideration.

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions in support of conservation park advocated for greater protection from "intrusive development" such as mining and hydro schemes, stating that "most of the Southern Alps deserves protection equivalent to that of National Park status".
- A submitter expressed "trust that Conservation Park status will provide full protection from any future mining applications in these areas".
- Submissions advocated for retaining the area in stewardship or reclassifying it as a conservation park, suggesting these provide "more than adequate legal protection".

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- A submission suggested that the implementation of the proposed classification "needs to be followed up with sufficient funding for pest eradication".

As I have recommended these comments are not allowed, I recommend they are not accepted.

Oppose

Access and Recreation (Allowed)

- A submitter who advocated for the area to remain in stewardship suggested that actual recreational use of the area is lower than that described by the National Panel, referencing an "independent visitor intercept survey" and noting that "the majority of visitors do not go beyond the Denniston brakehead, which is outside the area of land under review".

I recommend that these comments are not accepted. It is my view that the recreational values present are accurately represented in the CVR and will be appropriately protected by the proposed classification. The points raised do not warrant overturning the notified intention. The proposed conservation park will be managed "to facilitate public recreation and enjoyment", subject to the protection of the natural and historic resources present (Conservation Act 1987, s. 19(1)(b)).

Climate Change and Natural Hazards (Allowed)

- A submitter noted opposition to the proposed classification as "it does not adequately take climate change considerations into account and does not rule out mining opportunities".

I recommend that these comments are not accepted. The proposed classification will support the protection of the natural resources present, and as a result support the area's climate mitigation potential.

Community (Allowed)

- A submitter who advocated for national park classification to prevent mining raised concern about community health impacts arising from further coal mining in the area, noting that one of the Department's outcomes is "thriving communities" (e.g. "Mining this area would further contaminate the Waimangaroa water supply catchment with coal dust", "our community already has the highest rate of respiratory disease in New Zealand").

I recommend that these comments are not accepted. The legislation does not provide for absolute protection from development – rather it contemplates that some activities may be acceptable and provides a mechanism for authorising such activities, through the granting of concessions and authorisations. The points raised do not warrant overturning the notified intention.

Ecology and Landscape (Allowed)

- Submitters suggested that the proposed conservation park did not reflect the high ecological values of the area, which warrant a higher level of protection, such as ecological area or scientific reserve "where indicated by the special nature of the sandstone pavement terrain" (e.g. "high ecological values and is overwhelmingly natural and largely intact"; the area may have "the last remnants of a range of insects, snails, lizards, or plant speciation that may be nationally at risk, endangered, or threatened").

- Concern was raised that conservation park provides “pretty much the same protection as that of Stewardship Land”.
- A submitter who advocated for the area to remain in stewardship, expressed concern with the “accuracy and quality” of the technical content regarding ecological values which was considered by the Panels. It was noted that the discussion of landscape values provides “no reference to any technical documents”, and that ONL49 (Orikaka River Valley) which is referenced by the National Panel covers only a small part of the assessment area.

I recommend that these comments are not accepted. My assessment is that there are limited natural resources present and these are appropriately protected under the proposed classification when also considering the historic resources present (e.g. “the school building is no longer there but there are likely to be archaeological remains”). The primary purpose of conservation parks includes to be managed so “that its natural and historic resources are protected” (Conservation Act 1987, s. 19(1)(a))

Historic and Cultural Values (Allowed)

- Submitters advocated for classification as historic reserve, noting that “the historic remains at Denniston are more complete than any other coal mining area in NZ and represent a fascinating glimpse of a previous time”. It was suggested the area should be “managed with other historic reserves in the vicinity as part of the cultural heritage landscape of Denniston” (e.g. “area has a wonderful history and should be considered an important Historic Reserve”).

I recommend that these comments are not accepted. My assessment is that the proposed conservation park appropriately protects the historic resources present as identified in the CVR and noted by the submitter (e.g. likely archaeological remains, historic coalmining landscape with all periods of mining represented, more complete than any other in New Zealand). The primary purpose of conservation parks includes to be managed so “that its natural and historic resources are protected” (Conservation Act 1987, s. 19(1)(a)).

General (Allowed)

- Submissions advocated for a higher level of protection than that proposed, without providing further justification (e.g. “Historic Reserve is the appropriate designation for the Old School site”).

I recommend that these comments are not accepted. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised for further consideration.

Permissions, Economic Factors and Land Use (Not Allowed)

- A submitter advocated for national park classification to prevent the use of the area for coal mining, suggesting that “it would be of economic benefit to local people when coal mining ends”.
- A submitter who expressed general concern about the low-level protection offered by conservation park (e.g. “conservation parks do not protect against the establishment of mines on conservation land”), noted support for that classification for areas “potentially containing crown minerals”.
- Submitters opposed the recommendation on the grounds that it provides insufficient protection against further coal mining which would cause the special ecology of the area to be “vastly degraded for centuries to come”. It was suggested that “coal can be sourced from so many alternative sources of lesser ecological significance”, and that classification as ecological area is more appropriate.
- A submitter suggested that reclassification should not occur until existing permissions are concluded, and rehabilitation completed. The financial value of “coal resources across the Denniston Plateau” was outlined, suggesting that the impact of reclassification on permissions has not been adequately considered by the Panels. It was suggested that additional permissions are present than those described in the Departmental technical report.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Process and Consultation (Not Allowed)

- A submitter advocated for the proposed classification to be revised, stating that “conservation values alone must determine recommended classifications, and recreation and use values are not conservation values”.

- A submitter stated that if a national park classification is “politically unpalatable, then political judgement calls must be made by accountable politicians, not by the Panel”.
- A submitter noted the “absence of any information about possible economic activities that may occur” and that they could therefore not be confident about the appropriateness of the proposed classification.
- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- One submission opposed all reclassification of stewardship land to specially protected areas unless it was purchased by the Nature Heritage Fund for the purpose of adding it to a national park.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submissions queried whether the proposed classification allows hunting, fishing and “provision for public access”.

I recommend that these comments are not accepted. The submission does not identify how the potential for hunting and fishing is relevant to decision-making on classification of the area, and no new material is raised which supports reconsideration of the notified classification. It should be noted that the proposed classification does not prohibit public access for the proposed activities, or the activities themselves when appropriately authorised (for example under a hunting permit), where consistent with preservation of the conservation values present.

General (Allowed)

- Submissions advocated generally for all national parks, forest parks, scenic reserves, and stewardship land to be protected from development.

I recommend that these comments are not accepted. The legislation does not provide for absolute protection from development – rather it contemplates that some activities may be acceptable and provides a mechanism for authorising such activities, through the grant of concessions. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification.

Other (Not Allowed)

- A submitter advocated for new conservation parks to “come with additional Government funding for better biodiversity work and more pest control”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

KAW_17 – Mount Rochfort – 2808235

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Mount Rochfort	KAW_17_2808235e	Conservation Park		14	65
Mount Rochfort	KAW_17_2808235f		Stewardship	7	61

Conservation Values Report Description

A 7539.1696-ha area comprising high elevation coal measure ecosystems and a large, forested valley system to the east. The assessment area is congruent with the Denniston Ecological Management Unit and sits on the boundary of Buller and Ngakawau Ecological Districts. A large area of high sandstone plateau with high ecological and historic value, Denniston Plateau, with its relatively low predator and browser numbers, has a unique assemblage of lizards, including two species not found elsewhere. Denniston holds a major place in the history of the coal mining industry in New Zealand through the sustained quality and quantity of its output and the special features associated with its operation. The multiple recreation opportunities include visiting heritage and archaeological sites, historic walks, tramping, cycling and 4WD. Some activities are managed by DOC and others by local clubs and concessionaires. There are two access arrangements.

Panel Recommendations

National Panel: Conservation park (Whareatea), to reflect the identified values, protecting natural and historic resources while facilitating public recreation and enjoyment of the area.

Mana Whenua Panel: Retain as stewardship land as the area is adjacent to land being considered for mine remediation by government agencies led by the Treasury, and therefore reclassification should not occur at this time.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of conservation park.

Summary of accepted submissions: Those submissions accepted as holding merit supported the proposed classification, noting the high ecological values of the conservation area, as well as the heritage and recreation values present.

Section 4 and Treaty principles: The Mana Whenua Panel have opposed the proposed classification, supported by submissions by Treaty partner organisations, as the area is “adjacent to land being considered for mine remediation by government agencies led by the Treasury, and therefore reclassification should not occur at this time”.

The Mana Whenua Panel have signalled Ngāi Tahu interests for this stewardship area, particularly that “Ngāi Tahu may have future aspirations for this land (such as from an economic well-being and development perspective) and so these considerations must be considered and provided for as well”.

Although I acknowledge the Mana Whenua Panel opposition to the notified proposal, my assessment, considering those submissions accepted, is that the natural and historic resources present warrant proceeding with the notified proposal.

Regarding the specific concerns identified by the Mana Whenua Panel (mine rehabilitation), I note that conservation legislation contemplates that some activities may be acceptable and provides a mechanism for authorising such activities through the granting of concessions. The proposed classification may still allow for certain mine rehabilitation activities (for example) through this mechanism, which would be administered in a manner that gives effect to Treaty principles.

Rationale: My conclusion is that the natural resources present (e.g. three distinct landforms, diversity of habitat supporting threatened and at-risk flora and fauna such as the *Powelliphanta patrickensis* (Nationally Endangered)) are appropriately protected under the proposed classification when also considering the historic resources present (e.g. numerous recorded archaeological sites and actively conserved places, one of New Zealand’s most important industrial archaeological landscapes). The primary purpose of conservation parks includes to be managed so “that its natural and historic resources are protected” (Conservation Act 1987, s. 19(1)(a)).

Conservation Park - KAW_17_2808235e

Support

Access and Recreation (Allowed)

- A submitter supported reclassification as a conservation park “at a minimum” noting that the area includes Myras Track, Coalbrookdale Walk and “outstanding landscape values”.

I recommend that these comments are accepted. The values described are consistent with those identified in the CVR and my view is that they will be appropriately protected by the proposed classification. The proposed conservation park will be managed “to facilitate public recreation and enjoyment”, subject to the protection of the natural and historic resources present (Conservation Act 1987, s. 19(1)(b)).

Ecology and Landscape (Allowed)

- Submitters in support suggested the area is worthy of high protection from a “biodiversity/botanical/landform perspective” and that it is “a unique and special area with many endemic species that deserves the strongest level of protection”.
- One submitter described the recommendation as the “most politically acceptable option at this time” but noted that the area is an “outstanding natural landscape with high conservation, historic, recreation, geodiversity, and biodiversity values”, suggesting that in the longer term ecological area or scientific reserve status would be more appropriate for parts of the plateau.
- One submitter supported the recommendation as reflecting and managing the natural values appropriately.

I recommend that these comments are accepted. The values described are consistent with those identified in the CVR (e.g. high ecological value with three distinct, large and relatively intact landforms, diversity of habitats including two Naturally Uncommon Ecosystems and three Threatened Ecosystems) and my view is that they will be appropriately protected by the proposed classification. The primary purpose of conservation parks includes to be managed so “that its natural and historic resources are protected” (Conservation Act 1987, s. 19(1)(a)).

Historical and Cultural Values (Allowed)

- Submitters described the area as deserving high protection from a historical perspective or supported the classification as reflecting and managing the historical values appropriately.

I recommend that these comments are accepted. I agree that the area contains high historic values as identified in the CVR (e.g. Denniston is without peer and is one of New Zealand’s most important industrial archaeological landscapes, a Heritage New Zealand Category 1 historic place, 29 recorded archaeological sites) and these will be appropriately protected under the proposed classification of conservation park. The primary purpose of conservation parks includes to be managed so “that its natural and historic resources are protected” (Conservation Act 1987, s. 19(1)(a)).

General (Allowed)

- Submissions expressed general support for the proposed classification without providing further justification, or agreed it reflected the “information in the technical reports”.
- A submitter noted their preference for all stewardship land to be reclassified at the highest possible level based on its “high cultural conservation value”.

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area and no new material is raised, these submission points do not raise any matters for further consideration.

Permissions, Economic Factors and Land Use (Not Allowed)

- A submitter stated that the conservation park recommendation is “probably the most politically acceptable option at this time” given the area’s “past exploitation for open-cast coal mining” and “considerable land use controversy”, and suggested that in the future “more appropriate” classifications (scientific reserve or ecological area) could be given to parts of the plateau.

- Submissions in support of conservation park advocated for greater protection from "intrusive development" such as mining and hydro schemes, stating that "most of the Southern Alps deserves protection equivalent to that of National Park status".
- A submitter stated that they are opposed to coal mining and expressed "trust that Conservation Park status will provide full protection from any future mining applications in these areas".
- Submissions advocated for retaining the area in stewardship or reclassifying it as a conservation park, suggesting these provide "more than adequate legal protection".

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- A submission suggested that the implementation of the proposed classification "needs to be followed up with sufficient funding for pest eradication".

As I have recommended these comments are not allowed, I recommend they are not accepted.

Oppose

Access and Recreation (Allowed)

- A submitter noted the area as "a unique landscape important to the Buller area's identity, which is reflected in the fact it receives 16,000 visitors per year", advocating that the plateau be classified as a scientific reserve and the remainder as an ecological area. It was suggested that "protection of the plateau is in the national interest".
- A submitter who advocated for the area to remain in stewardship suggested that actual recreational use of the area is lower than that described by the National Panel, referencing an "independent visitor intercept survey" and noting that "the majority of visitors do not go beyond the Denniston brakehead, which is outside the area of land under review".
- A submitter sought a higher level of protection and recommended confining recreational activities to areas already modified by mining, limiting mountain bikes to existing roads and banning 4WD vehicles. Classification as a scientific area or national park with the historic elements given their own classification were suggested.

I recommend that these comments are not accepted. It is my view that the recreational values present as noted by submitters and described in the CVR (e.g. historic Denniston Town Walk, Coalbrookdale Walk, Myra's Track, network of bike trails managed and maintained by Buller Cycling Club) will be appropriately protected through the proposed classification of conservation park. The points raised do not warrant overturning the notified intention. The proposed conservation park will be managed "to facilitate public recreation and enjoyment", subject to the protection of the natural and historic resources present (Conservation Act 1987, s. 19(1)(b)).

Climate Change and Natural Hazards (Allowed)

- Submitters recommended "climate change considerations should be taken into account" noting New Zealand's climate change commitments (e.g. "it is essential to forbid this in order for Aotearoa to abide by our commitment to the Paris Accords to reduce carbon emissions", "The panels must take climate change considerations into account here and protect this precious wetland and biodiversity to retain their carbon sink, along with protecting it from coal mining, which would drive emissions up").
- Submissions suggested scientific reserve or ecological areas as more appropriate.

I recommend that these comments are not accepted. The proposed classification will support the protection of the natural resources present, and as a result support the area's climate mitigation potential.

Ecology and Landscape (Allowed)

- Submitters objected to the conservation park classification as "inadequate" and providing a "low level of protection compared with other potential classifications" with some submitters expressing concern that it does not represent the values noted by the National Panel. (e.g. "Conservation Park is a misnomer and does not offer the protection that the site deserves for all the reasons outlined in the panels own report", "The proposed status of Conservation Park is totally inadequate and offering little better protection than the current classification").

- Submitters advocated for classification as ecological area and scientific reserve, or a combination of both.
- Submitters also suggested wildlife management area, scenic reserve, recreation reserve or nature reserve as appropriate.
- A submitter suggested national park including “all other conservation land within the Ngakawau Ecological District”.
- A submitter who advocated for the area to remain in stewardship, expressed concern with the “accuracy and quality” of the technical content regarding ecological values which was considered by the Panels. It was noted that the discussion of landscape values provides “no reference to any technical documents”, and that ONL49 (Orikaka River Valley) which is referenced by the National Panel covers only a small part of the assessment area.
- Submitters sought a higher level of protection based on the nationally and internationally significant conservation values present, describing the area as “an important site of scientific interest”. Various features were described as worthy of higher protection, including the area’s unique ecosystems and threatened/at risk species, noting the presence of endangered land snails, kiwi and a range of other rare species present such as the Avatar moth and Denniston skink (e.g. “The area has six naturally uncommon ecosystems pākihi wetlands and tarns; ephemeral wetlands, seepages and flushes, sandstone erosion pavement; boulder fields of acidic rock; and, quartzose cliffs”, “This area includes all or part of two Recommended Areas for Protection in the Ngakawau Ecological District, as well as part of the Buller Coal Plateau Biodiversity Priority Site”, “number of rare and uniquely adapted species (...) an important site of scientific interest”, “some *Powelliphanta* snail populations and the communities containing the endemic coal measure tussock *Chionochloa juncea* are confined to these plateaux and are internationally unique”, “this ecosystem is a naturally rare ecosystem which has been much reduced through past and ongoing mining activity”).
- Submitters frequently specified that the area’s ecological values should be protected from the effects of coalmining, with ecological area and scientific reserve most often recommended as appropriate.
- Submitters noted that surrounding areas with similar values have a higher level of protection, advocating for an equal level of protection for the Mount Rochfort area (e.g. “The parcel is also congruent with surrounding conservation lands which have been placed into categories of strong protection”, “Mount Rochfort and the Denniston Plateau area borders the Orikaka Ecological area. Similarly, it holds many of the same values”).
- The Denniston Plateau was the focus of a number of submitters who highlighted its “outstanding value”, unique habitat and diverse species as warranting a higher level of protection than that provided by conservation park status (e.g. “ranks as both nationally and internationally significant when assessed against the criteria of both the World Heritage Convention and the Ramsar Wetland Convention”, “We must remember that the Stockton plateau has already been decimated by mining, making the Denniston plateau even more important”, “The Denniston Plateau wetlands are largely the reason why these endangered species have been able to survive, because their usual predators such as rats and other mammals do not like these very wet habitats”).
- Several submitters recommended scientific reserve for the Denniston Plateau and ecological area for the surrounds (e.g. “Scientific Reserves were indicated by the special nature of the sandstone pavement terrain and the presence of rare and distinct species”, “Denniston Plateau itself be classified as a scientific reserve, and the remainder of the area be classified as an ecological area”).

I recommend that these comments are not accepted. Although I acknowledge the high value nature of the natural resources present (e.g. three distinct landforms, diversity of habitat supporting threatened and at-risk flora and fauna such as the *Powelliphanta patrickensis* (Nationally Endangered)), my assessment is that they are appropriately protected under the proposed classification when also considering the historic resources present (e.g. numerous recorded archaeological sites and actively conserved places, one of New Zealand’s most important industrial archaeological landscapes). The primary purpose of conservation parks includes to be managed so “that its natural and historic resources are protected” (Conservation Act 1987, s. 19(1)(a)).

Historic and Cultural Values (Allowed)

- Submitters highlighted the historic features of the area (e.g. “significant historic structures can be seen from walkways”), recommending a higher level of protection.

I recommend that these comments are not accepted. My assessment is that the proposed conservation park appropriately protects the historic resources present. The primary purpose of conservation parks includes to be managed so “that its natural and historic resources are protected” (Conservation Act 1987, s. 19(1)(a)).

Treaty Considerations (Allowed)

- A submitter noted that, regarding Mount Rochfort, “the name of that place is dedicated to our ancestor Rongonui and as such is extremely sensitive to us in his memory and our whakapapa connections to this ancestor”. It was suggested that the area is “Historically/Culturally/Environmentally exclusive” and that it should either be added to the Orikaka Ecological Area or receive “some high status protection”.
- Submissions supported the position of the Mana Whenua Panel on the basis that their recommendations “reflect the values, interests, and perspectives of the Papatipu Rūnanga in whose Takiwā the relevant land is located”.

I recommend that these comments are not accepted. Although I acknowledge the Mana Whenua Panel opposition to the notified proposal, my assessment, considering those submissions accepted, is that the natural resources present (e.g. three distinct landforms, diversity of habitat supporting threatened and at-risk flora and fauna such as the *Powelliphanta patrickensis* (Nationally Endangered) are appropriately protected under the proposed classification when also considering the historic resources present (e.g. numerous recorded archaeological sites and actively conserved places, one of New Zealand’s most important industrial archaeological landscapes).

General (Allowed)

- Submissions advocated for a higher level of protection than that proposed, without providing further justification.

I recommend that these comments are not accepted. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised for further consideration.

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions were frequently concerned conservation park status offered inadequate protection from mining and advocated for a classification which would provide better protection from future mining activities, with a substantial number suggesting ecological area or scientific reserve as appropriate (e.g. “The greatest threat to Denniston is from opencast coal mining”, “The level of protection afforded must give protection against any further coal mining”, “there can be insufficient justification for the permanent destruction of such ecologically and scenically special areas when coal can be sourced from so many alternative sources of lesser ecological significance”, “A conservation status that allows open cast mining is completely inconsistent with the reviews purpose of assigning the appropriate conservation status for these areas”, “The area should then be added to Schedule 4 of the Crown Minerals Act to provide effective legal protection”).
- Conversely, a submitter opposed the classification as it would have a “negative impact” on the economic benefit from potential mineral extraction.
- A submitter suggested that reclassification should not occur until existing permissions are concluded, and rehabilitation completed. The financial value of “coal resources across the Denniston Plateau” was outlined, suggesting that the impact of reclassification on permissions has not been adequately considered by the Panels. It was suggested that additional permissions are present than those described in the Departmental technical report.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Process and Consultation (Not Allowed)

- A submitter advocated for the proposed classification to be revised, stating that “conservation values alone must determine recommended classifications, and recreation and use values are not conservation values”.
- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation, including the timeframe for response when compared to the scale of information notified.
- Submitters raised concerns about potential conflicts of commercial interest regarding mining interests resulting in a lower level of protection than the area warrants (e.g. “It is hard to ignore the presence of coal on Denniston when reading over the Panel’s recommendations. The mana whenua panel chair is a paid director of Bathurst Resources

and chief executive of the iwi-owned company, Arahura Holdings which owns land in the middle of the Mount Rochfort Conservation area”, “Good process has not been upheld regarding the lack of declaration and management of real or perceived conflicts of interest from members of the mana whenua panel”).

- Submitters questioned the “integrity” of the process and whether the National Panel had fulfilled their Terms of Reference or met “the requirement that the recommended classification should be according to the identified conservation values”.
- A submitter stated that if a national park classification is “politically unpalatable, then political judgement calls must be made by accountable politicians, not by the Panel”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- One submission opposed all reclassification of stewardship land to specially protected areas unless it was purchased by the Nature Heritage Fund for the purpose of adding it to a national park.
- A submitter suggested Conservation Park status should be added to schedule 4 of the Crown Minerals Act.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submissions queried whether the proposed classification allows hunting, fishing and “provision for public access”.

I recommend that these comments are not accepted. The submission does not identify how the potential for hunting and fishing is relevant to decision-making on classification of the area, and no new material is raised which supports reconsideration of the notified classification. It should be noted that the proposed classification does not prohibit public access for the proposed activities, or the activities themselves when appropriately authorised (for example under a hunting permit), where consistent with preservation of the conservation values present.

General (Allowed)

- Submissions advocated generally for all national parks, forest parks, scenic reserves, and stewardship land to be protected from development.

I recommend that these comments are not accepted. The legislation does not provide for absolute protection from development – rather it contemplates that some activities may be acceptable and provides a mechanism for authorising such activities, through the grant of concessions. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification.

Other (Not Allowed)

- A submitter advocated for new conservation parks to “come with additional Government funding for better biodiversity work and more pest control”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Retain in Stewardship - KAW_17_2808235f

The comments received in relation to the Mana Whenua Panel recommendation are summarised below and have been considered in relation to the notified proposal when forming s.49 allow/accept recommendations.

Support

Access and Recreation (Allowed)

- A submitter who advocated for retaining the area in stewardship until existing permissions are concluded and rehabilitation completed, suggested that the actual recreational use of the area is lower than that described by the

National Panel. They referenced an “independent visitor intercept survey” noting that “the majority of visitors do not go beyond the Denniston brakehead, which is outside the area of land under review”.

I recommend that these comments are not accepted. It is my view that the recreational values present as noted by submitters and described in the CVR (e.g. historic Denniston Town Walk, Coalbrookdale Walk, Myra’s Track, network of bike trails managed and maintained by Buller Cycling Club) will be appropriately protected through the proposed classification of conservation park. The proposed conservation park will be managed “to facilitate public recreation and enjoyment”, subject to the protection of the natural and historic resources present (Conservation Act 1987, s. 19(1)(b)).

Ecology and Landscape (Allowed)

- A submitter who advocated for retaining the area in stewardship until existing permissions are concluded and rehabilitation completed, expressed concern with the “accuracy and quality” of the technical content regarding ecological values which was considered by the Panels. It was noted that the discussion of landscape values provides “no reference to any technical documents”, and that ONL49 (Orikaka River Valley) which is referenced by the National Panel covers only a small part of the assessment area.

I recommend that these comments are not accepted. My assessment is that the natural values present (e.g. three distinct, large and relatively intact landforms, two Naturally Uncommon Ecosystems, three Threatened Ecosystems and the Denniston subspecies of *Powelliphanta patrickensis* (Nationally Endangered)) are appropriately protected under the proposed classification of conservation park and the points raised do not warrant overturning the notified classification. The primary purpose of conservation parks includes to be managed so “that its natural and historic resources are protected” (Conservation Act 1987, s. 19(1)(a)).

Treaty Considerations (Allowed)

- Submitters supported the position of the Mana Whenua Panel on the basis that “the recommendations of the MWP reflect the values, interests, and perspectives of the Papatipu Rūnanga in whose Takiwā the relevant land is located, and recognise Ngāi Tahu’s connection to their ancestral lands” (e.g. “by adopting the recommendations of the Mana Whenua Panel the Minister will give effect to the principles of the Treaty of Waitangi”, “Mana whenua, here made up of Ngāi Tahu and Poutini Ngāi Tahu, have the longest and strongest claim to this land and their interests should be upheld as per their recommendation”).

I recommend that these comments are not accepted. Although I acknowledge the Mana Whenua Panel opposition to the notified proposal, my assessment, considering those submissions accepted, is that the natural resources present (e.g. three distinct landforms, diversity of habitat supporting threatened and at-risk flora and fauna such as the *Powelliphanta patrickensis* (Nationally Endangered)) are appropriately protected under the proposed classification when also considering the historic resources present (e.g. numerous recorded archaeological sites and actively conserved places, one of New Zealand’s most important industrial archaeological landscapes).

General (Allowed)

- Submissions stated support for the proposed classification or agreement with the Mana Whenua Panel without providing further justification.

I recommend that these comments are not accepted. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised for further consideration.

Permissions, Economic Factors and Land Use (Not Allowed)

- A submitter suggested that reclassification should not occur until existing permissions are concluded, and rehabilitation completed. The financial value of “coal resources across the Denniston Plateau” was outlined, suggesting that the impact of reclassification on permissions has not been adequately considered by the Panels. It was suggested that additional permissions are present than those described in the Departmental technical report.
- A submission advocated for retaining the area in stewardship or reclassifying it as a conservation park, suggesting these classifications provide “more than adequate legal protection”.
- Submitters supported the recommendation on the grounds that retaining land in stewardship will enable various land uses to continue, noting that mining and access authorisations are held in the assessment area, and that the

land is adjacent to areas requiring acid mine drainage solutions. They recommended that the land should remain in stewardship until mining and rehabilitation activities are concluded. One submitter qualified their comment by suggesting that areas adjacent to or including active mining should be left as stewardship land “until the conclusion/expiry of their access rights” but that the “areas of escarpment and of undisturbed land could be Conservation Park. This may mean splitting this area to accommodate these differences”.

- One submitter noted that the permissions summaries in each of the technical documents are inaccurate and do not reflect the extent of use or significance of these to Bathurst’s Stockton operations.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Oppose

Access and Recreation (Allowed)

- A submitter noted the area as “a unique landscape important to the Buller area’s identity, which is reflected in the fact it receives 16,000 visitors per year”, advocating that the plateau be classified as a scientific reserve and the remainder as an ecological area. It was suggested that “protection of the plateau is in the national interest”.
- A submitter supported reclassification as a conservation park “as a minimum” noting that the area includes Myras Track, Coalbrookdale Walk and “outstanding landscape values”.
- It was suggested that the proposed classification would enable mining which may impact on potential recreational use of the area.
- Submitters advocated for a higher protective classification, suggesting that the “fundamental purpose should thus be the protection of the conservation value of the land and the guarantee of public access”.

I recommend that these comments are accepted to the extent that they support the proposed classification of conservation park. The values described are consistent with those identified in the CVR (e.g. historic Denniston Town Walk, Coalbrookdale Walk, Myra’s Track, network of bike trails managed and maintained by Buller Cycling Club), and my view is that they will be appropriately protected by the classification. The proposed conservation park will be managed “to facilitate public recreation and enjoyment”, subject to the protection of the natural and historic resources present (Conservation Act 1987, s. 19(1)(b)).

Climate Change and Natural Hazards (Allowed)

- Submitters were concerned that the recommendation did not sufficiently take climate change considerations into account and failed to acknowledge the value of the Denniston wetlands as a carbon sink (e.g. argued that it provides insufficient protection with regard to “Climate/emissions/coal mining” or that it is “entirely inappropriate” given the “urgent need to cut GHG emissions”, and “given the impending threat of climate change, and the global goal to phase out the use of coal resources”). It was suggested that a mixture of scientific reserve and ecological area is more appropriate.

I recommend that these comments are not accepted. The proposed classification of conservation park will support the protection of the natural resources present, and as a result support the area’s climate mitigation potential.

- A submitter opposed retaining this area as stewardship land and noted that “climate change considerations should be taken into account for this conservation area”.

I recommend that these comments are accepted. I agree that the protection of the existing natural resources present is of increasing importance when considering the need for climate mitigation. Classification as a conservation park will support this outcome. The relevance of this factor for reclassification decisions is evident when the future-focused elements in the definition of conservation are considered, including, “safeguarding the options of future generations” in relation to ‘natural resources’, “the air, water and soil in or on which any plant or animal lives or may live”, and in relation to ‘protection’ of a resource, “restoration to some former state and its augmentation, enhancement, or expansion” (Conservation Act 1987, s. 2).

Community (Allowed)

- A submitter who advocated for national park classification to prevent mining, raised concern about community health impacts arising from further coal mining in the area, noting that one of the Department’s outcomes is

“thriving communities” (e.g. Mining this area would further contaminate the Waimangaroa water supply catchment with coal dust”, “our community already has the highest rate of respiratory disease in New Zealand”).

I recommend that these comments are not accepted. The legislation does not provide for absolute protection from development – rather it contemplates that some activities may be acceptable and provides a mechanism for authorising such activities, through the granting of concessions and authorisations. The points raised do not warrant overturning the notified intention. My assessment is that the natural resources present (e.g. high ecological value with three distinct, large and relatively intact landforms, diversity of habitats including two Naturally Uncommon Ecosystems and three Threatened Ecosystems) are appropriately protected under the proposed classification when also considering the historic resources present (e.g. Heritage New Zealand Category 1 historic place, 29 recorded archaeological sites).

Ecology and Landscape (Allowed)

- Submissions objected to retaining the land as stewardship land on the grounds that it did not reflect or adequately protect the high ecological values present with one stating it is “inconsistent with the requirement that the **recommended classification should be according to the identified conservation values**”, and others noting it is “entirely inappropriate given the natural values present” **and that higher-level protection was necessary**.
- A submitter suggested that “conservation park status is probably the most politically acceptable option at this time”, while describing the area as “an outstanding natural landscape with high conservation, historic, recreation, **geodiversity, and biodiversity values**”. It was suggested that a subsequent, more detailed study, “could result in a more appropriate scientific reserve or ecological area status”.

I recommend that these comments are accepted to the extent that they support a higher level of protection for the land than that provided by stewardship. My assessment is that the natural values present (e.g. three large, distinct and relatively intact landforms, example of unmodified Buller Coal measure ecosystem, two Naturally Uncommon Ecosystems and three Threatened Ecosystems, populations of threatened or at-risk lizard species) will be appropriately protected by the proposed classification of conservation park when also considering the historic values present (e.g. Heritage New Zealand Category 1 historic place, 29 recorded archaeological sites). The conservation park will be managed “to facilitate public recreation and enjoyment”, subject to the protection of the natural and historic resources present (Conservation Act 1987, s. 19(1)(b)).

- Submitters advocated for a higher classification than recommended on the basis that it does not reflect the ecological values present, i.e. uncommon ecosystem types and various rare species, and the largely natural and intact character of the area. Specifically, the area was noted to contain tracts of unmodified forest, upland plateau tussock ecosystem, pākihi wetlands of national significance. The area was noted to provide habitat for various threatened flora and fauna i.e. kiwi, native geckos, the threatened long-tailed bat, moths and endemic snails (e.g. “giant land snail, the recently described Avatar moth, green gecko, kiwi, freshwater crayfish”, “an unusual sandstone plateau and contains unique flora, fauna and fauna including species that exist only on the plateau”, “some *Powelliphanta* snail populations and the communities containing the endemic coal measure tussock *Chionochloa juncea* are confined to these plateaux and are internationally unique”, “one of only two south island locations” at this altitude of the forest ringlet *Dodonidia helmsii* butterfly with this area being “critical to the understanding of the ecology and declining survival of this species”).
- Submitters advocated for a mix of ecological area, scenic reserve or scientific reserve classification noting the reasons e.g. (“where their ecological values are high”, “very high ecological values”, “more suitable classification of Ecological Area”) or without providing an explanation.
- Submitters emphasised the significance of the area for the *Powelliphanta augusta* snail, impacted due to previous mining activity (“the main habitat of our very endangered carnivorous snail, *Powelliphanta augusta*, was completely destroyed by the Stockton Mine operations, with rehabilitation efforts failing (...) This is an indictment on us, having let this happen to a unique taonga species in Aotearoa”, “including the last habitat fragment of the threatened large land snail *Powelliphanta augusta* (Nationally Critical)”, “overwhelmingly natural and largely intact containing the last fragment of habitat for this highly endangered species”).
- Submitters elaborated on the ecosystems and landscapes of the area with particular emphasis on the Denniston plateau (e.g. “contains extensive, internationally significant coal measures ecosystems”, “The coal measures ecosystems of the Buller Plateaux are internationally significant, as they occur nowhere else in the world”, “the PNAP report states that there is no alternative available to represent [these] associations and stonescapes of the

upper Stockton Plateau”, “a priority site for biodiversity management in the West Coast Te Tai o Poutini Conservation Management Strategy”, “Denniston has the largest contiguous areas of intact representative Buller Coal Measure ecosystems”, “ranks as both nationally and internationally significant when assessed against the criteria of both the World Heritage Convention and the Ramsar Wetland Convention”). Various suggestions were made as to appropriate alternative classifications, including ecological area, scenic reserve, national park, scientific reserve, or some combination of those.

- A submitter opposed retaining the area in stewardship and advocated for a small National Park “that captures the unique and internationally significant ecosystems of the area” and “more strongly recognise the high ecological values”. They noted that the coal measures ecosystems of the Buller Plateaux are internationally significant and occur nowhere else in the world, and “it is home to a range of Threatened and At Risk species” and “presents a natural refuge from predators which ensures persistence of biota that are otherwise rare”.

I recommend that these comments are not accepted. My assessment is that the natural resources present (e.g. three distinct landforms, diversity of habitat supporting threatened and at-risk flora and fauna such as the *Powelliphanta patrickensis* (Nationally Endangered)) are appropriately protected under the proposed classification when also considering the historic resources present (e.g. numerous recorded archaeological sites and actively conserved places, one of New Zealand’s most important industrial archaeological landscapes). The primary purpose of conservation parks includes to be managed so “that its natural and historic resources are protected” (Conservation Act 1987, s. 19(1)(a)).

Treaty Considerations (Allowed)

- A submitter who opposed the proposed classification suggested that the recommendation to retain the area in stewardship was influenced by coalmining affiliations and that this “would not benefit heritage Māori values at all but would rather detract from them”.
- A submitter suggested the proposed classification is contrary to the partnership principle, defining it as “genuine reciprocity of the Crowns kawanatanga and the rangatiratanga of mana whenua for the mutual benefit of all people of New Zealand /Aotearoa and enduring protection of public conservation land”. They advocated for a mixture of scientific reserve and ecological area as more accurately reflecting the natural values present.

I recommend that these comments are not accepted. Although I acknowledge the Mana Whenua Panel opposition to the notified proposal, my assessment, considering those submissions accepted, is that the natural resources present (e.g. three distinct landforms, diversity of habitat supporting threatened and at-risk flora and fauna such as the *Powelliphanta patrickensis* (Nationally Endangered)) are appropriately protected under the proposed classification when also considering the historic resources present (e.g. numerous recorded archaeological sites and actively conserved places, one of New Zealand’s most important industrial archaeological landscapes).

General (Allowed)

- Submissions opposed retaining land in stewardship without providing further justification, describing it as a “meaningless recommendation”.
- Some submitters expressed a preference for a different classification such as a conservation park, scenic reserve, or an ecological area.
- Submitters recommended the land should become a scientific reserve, with one commenting that stewardship offers low protection. One submitter suggested scientific reserve “apart from the area’s already damaged from coal mining”.
- Submissions expressed preference for higher-level protection, or for the “highest possible classification” based on the land’s “high cultural conservation value”.

I recommend that these comments are accepted to the extent that they support a higher level of protection for the area than that provided by stewardship. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area and no new material is raised, these submission points do not raise any matters for further consideration.

Permissions, Economic Factors and Land Use (Not Allowed)

- Submitters opposed the recommendation on the grounds that retaining in stewardship would allow mining, advocating that scientific reserve or ecological area were more appropriate (e.g. “It is critical to note that the proposed new classification would provide little if any additional protection from mining”, “it is abundantly clear that large scale mining is poised to invade the entire Denniston Plateau coal reserves which if unchecked, will totally destroy the ecosystems which are present”, “the special ecology of the area would be vastly degraded for centuries to come”).
- Submitters argued against allowing coal mining, reasoning that the greatest threat to the area is mining which would destroy the sandstone and coal measure ecosystems and the associated flora and fauna that inhabit them. The submitters reasoned that “there can be insufficient justification for the permanent destruction of such ecologically and scenically special areas when coal can be sourced from so many alternative sources of lesser ecological significance” and that “A conservation status that allows open cast mining is completely inconsistent with the reviews purpose of assigning the appropriate conservation status for these areas”.
- A submitter advocated for national park classification to prevent the use of the area for coal mining, suggesting that “it would be of economic benefit to local people when coal mining ends”.
- A submitter suggested that “adjacent planned remediation, cited by the panel as reason to retain the current stewardship land status, has no bearing on the high value of the conservation area”, suggesting that this reasoning “emphasises its high value and the need for effective protection”. Classification as national park or ecological area was suggested as appropriate.
- Submitters opposed retaining the area in stewardship and for the “highest level of protection against future degradation by mining”.
- Submitters opposed retaining the area as stewardship land and commented that the justification for retaining land in stewardship is based on the area’s adjacency to land being considered for mine remediation, with some stating that “mine remediation should occur on the land that already has been impacted by mining”. The submitters also stated that according to communication with a DOC staff member, “none of the current or probable future activity (regarding coal mining) is incompatible with the area becoming a Conservation Park” or “under Conservation park general rules there is still opportunity for recreation and commercial enterprise”.
- One submitter suggested that “It appears to me that this recommendation is an undercover ploy to open conservation lands with notable conservation values to environmentally abusive extractive commercial activities and other inappropriate developments in the interests of private financial rewards”.
- Submitters expressed concern that retaining the area as stewardship land exposes it to risk of activities such as mining or being swapped out of the conservation estate. It was suggested that reclassification should consider the “likely potential incursion by commercial or industrial groups”.
- A submitter opposed the classification and stated the whenua needs protection from “climate/emissions/coal mining”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Process and Consultation (Not Allowed)

- Submitters raised concerns about potential conflicts of interest regarding coal mining affiliations, suggesting that the recommendation is influenced by “monetary profit for some, or possibly only a few, where Mana Whenua should be rather representing the views of all the peoples inclusively of Ngāi Tahu” (e.g. “To be guided by commercial aspirations in this important task would be unconscionable”). It was suggested that the Mana Whenua Panel Chair “should have recused himself”.
- Submitters were concerned that mining and economic interests represented a conflict of interest (e.g. “The area probably has some mining potential and no doubt this has influenced Mana Whenua’s decision to recommend it remain as stewardship land. There is also Bathurst’s aim for a haul road along the ridge to the back of Denniston to connect with Stockton mine so that Bathurst’s mines on the Denniston Plateau can haul coal to Stocktons coal-washing facilities rather than set up a separate cleaning facility at Denniston. This would require an easement through the conservation estate. There is also land with mining potential in the vicinity owned by Ngāti Waewae. I consider the recommendation comes with an undemocratic conflict of interest”, “only read this as a conflict of

interest with coalmining affiliations”, “It appears to me that this recommendation is an undercover ploy to open conservation lands with notable conservation values to environmentally abusive extractive commercial activities and other inappropriate developments in the interests of private financial rewards”, “mining is likely the only possible need for that block remaining in stewardship classification”.

- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation, including the timeframe for response when compared to the scale of information notified.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submitters were concerned with ensuring that free public access, hunting and fishing can continue.

I recommend that these comments are not accepted. The submission does not identify how the potential for hunting and fishing is relevant to decision-making on classification of the area, and no new material is raised which supports reconsideration of the notified classification. It should be noted that the proposed classification does not prohibit public access for the proposed activities, or the activities themselves when appropriately authorised (for example under a hunting permit), where consistent with preservation of the conservation values present.

Ecology and Landscape (Allowed)

- A submitter noted the “special biodiversity” in the area identified during a BioBlitz event, advocating generally for a “higher level of protection”.

I recommend that these comments are accepted to the extent that they support a higher level of protection than that provided by stewardship. The values described are consistent with those identified in the CVR and my view is that they will be appropriately protected by classification as a conservation park. The proposed conservation park will be managed “to facilitate public recreation and enjoyment”, subject to the protection of the natural and historic resources present (Conservation Act 1987, s. 19(1)(b)).

Historic and Cultural Values (Allowed)

- A submitter advocated that “land should be reclassified to reflect and manage natural and heritage values appropriately”.

I recommend that these comments are accepted to the extent that they support a higher level of protection than that provided by stewardship. The values described are consistent with those identified in the CVR and my view is that they will be appropriately protected by classification as a conservation park. The proposed conservation park will be managed “to facilitate public recreation and enjoyment”, subject to the protection of the natural and historic resources present (Conservation Act 1987, s. 19(1)(b)).

General (Allowed)

- One submitter advocated generally for all national parks, forest parks, scenic reserves and stewardship land to be protected from development.

I recommend that these comments are not accepted. The legislation does not provide for absolute protection from development – rather it contemplates that some activities may be acceptable and provides a mechanism for authorising such activities, through the grant of concessions. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification.

KAW_18 – Fairdown – 2808245

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Fairdown	KAW_18_2808245g	Wildlife Management Area	Wildlife Management Area	14	4

Conservation Values Report Description

A 22.4295-ha area of lowland wetlands on coastal plains, a rare example on public conservation land. The vegetation is dominated by indigenous wetland species. This area plays an important role in maintaining habitat connectivity across the landscape. No easy public access, tracks and facilities, recorded heritage sites, or recreational use.

Panel Recommendations

National Panel: Wildlife management area, to protect the identified wetland ecosystems and their flora and fauna associations, ensuring that wildlife and wildlife habitat values are protected (Conservation Act 1987, s. 23B).

Mana Whenua Panel: Supports the Western South Island National Panel's recommendation.

S.49(2)(d) Recommendations

- Proceed with the notified proposal of wildlife management area.

Summary of accepted submissions: Those submissions accepted as holding merit supported the proposed classification as appropriately reflecting the natural resources present. Also accepted were comments noting that this outcome is supported by the Mana Whenua Panel and reflects the perspectives of Ngāi Tahu.

Section 4 and Treaty principles: The Mana Whenua Panel supported the proposed classification, supported by submissions from Treaty partner organisations.

No specific Ngāi Tahu interests were raised for consideration by the Mana Whenua Panel for this stewardship area. I acknowledge statements of the Mana Whenua Panel that "there is a deep connection between Ngāi Tahu and all of the whenua in the Ngāi Tahu takiwā, and the absence of site-specific values in the preliminary analysis does not detract from that connection, nor does it confirm that site-specific values are not present."

Rationale: My conclusion is that the proposed classification will promote the conservation of the natural and historic resources present (e.g. lowland wetlands on coastal plains), while providing for their appreciation and recreational enjoyment by the public, and being managed so that the area's "indigenous natural resources and its historic resources are protected" (Conservation Act 1987, s. 23B(1)(b)).

Wildlife Management Area - KAW_18_2808245g

Support

Ecology and Landscape (Allowed)

- A submitter supported the recommendation on the grounds it would "protect freshwater habitats".

I recommend that these comments are accepted. They provide site-specific details regarding the natural resources present which warrant consideration. I agree that the natural resources present are appropriately protected and preserved by the proposed classification.

Treaty Considerations (Allowed)

- The recommendation of the Mana Whenua Panel was supported on the basis that it reflects "the values, interests, and perspectives of the Papatipu Rūnanga in whose Takiwā the relevant land is located", and that adopting the recommendations of the Mana Whenua Panel would give effect to the principles of the Treaty.
- Submissions supported the recommendations of the Mana Whenua Panel on the basis that they reflect the rights and interests of mana whenua, recognise Ngāi Tahu's connection to their ancestral lands, and fulfil obligations under the Treaty of Waitangi.

I recommend that these comments are accepted. I note that the Mana Whenua Panel have supported the proposed wildlife management area. I agree that natural resources present are appropriately protected by the proposed classification.

General (Allowed)

- Submissions expressed general support for the proposed classification, referencing the "information in the technical reports", or without providing further justification.
- The recommendation was supported as it "reflects the use of the land and adequately protects against degradation of the land".
- A submitter noted their preference for all stewardship land to be reclassified at the highest possible level based on its "high cultural conservation value".
- A submitter supported the classification noting that "Retention of this reasonably intact land parcel as wetland is so important in relation to ameliorating the debilitating effects" of wetland loss in the local area.

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area and no new material is raised, these submission points do not raise any matters for further consideration.

Oppose

Process and Consultation (Not Allowed)

- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- A submission opposed all reclassification of stewardship land to specially protected areas unless it was purchased by the Nature Heritage Fund for the purpose of adding it to a national park.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submissions were concerned whether the proposed classification allows for hunting, fishing and "provision for public access", and stated that any classification should explicitly provide for these activities.

I recommend that these comments are not accepted. Insufficient information is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification. The proposed classification does not prohibit public access for the activities, if authorised (for example in a hunting permit). Authorisation of such activities involves a separate decision-making process, the outcome of which would depend on effects on the conservation values present rather than the proposed land classification.

KAW_19 – Lyell Range - Radiant Range (South) – 2807731

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Lyell Range - Radiant Range (South)	KAW_19_2807731r	National Park (Kahurangi)		6039*	17
Lyell Range - Radiant Range (South)	KAW_19_2807731s		Stewardship	13	43

Conservation Values Report Description

A 15836.5587-ha area dominated by steep forested terrain and a diversity of substrates. Composed of steep inland mountains with granite tops either side of the Lyell Range and flat-topped mountains in the east. It adjoins the Mōkihinui addition to Kahurangi National Park and includes part of Old Ghost Road, a very popular mountain bike and tramping track, which together with the Lyell Walkway provides access to heritage and archaeological sites associated with the Māori and European history of gold mining. Old Ghost Road is managed by a local trust, and guided mountain biking, helicopter landings and sporting events happen there.

Panel Recommendations

National Panel: National Park (Kahurangi), to reflect the identified values, rationalise the boundary of the Kahurangi National Park, and improve landscape continuity.

Mana Whenua Panel: Retain as stewardship land pending further policy work or legal reform, based on the tribal position that the addition of land to national parks will not give effect to the principles of the Treaty of Waitangi as it alienates Ngāi Tahu from their ancestral lands.

S.49(2)(d) Recommendation

- **Proceed** with the notified proposal, by referring this area to the NZCA for its consideration on the suitability of a national park classification in accordance with the relevant policy and procedures, including Policy 6 of the General Policy for National Parks and Section 4 of the Conservation Act 1987.

Summary of accepted submissions: The submissions accepted as holding merit supported the proposed national park addition to protect the area's natural values, improve climate change mitigation, and ensure ongoing public recreational access. Submitters referenced specific natural resources which were noted to be of high value and similar in nature to the adjoining national park.

Section 4 and Treaty principles: The Mana Whenua Panel opposed the proposed national park referrals, supported by submissions from Treaty partner organisations. Te Rūnanga o Ngāi Tahu oppose all additions to national parks within the Ngāi Tahu takiwā as “the addition of land to national parks will not give effect to the principles of the Treaty of Waitangi (as required by section 4 of the Conservation Act 1987) as it alienates Ngāi Tahu from our ancestral lands”. The Mana Whenua Panel have also signalled specific Ngāi Tahu interests associated with this stewardship area, particularly that “a Māori goldfield was in the vicinity of the conservation area”.

I note that my s.49 recommendations and your decision on whether to refer this area to the NZCA for their consideration must give effect to Treaty principles independently of the NZCA's section 4 obligations.

Although I acknowledge the Mana Whenua Panel opposition to the notified proposal, my assessment, considering those submissions accepted, is that the natural and historic resources present are of a similar nature to the adjacent national park, and warrant proceeding with a referral to the NZCA. Giving effect to Section 4 of the Act 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.

* This figure includes 5,976 submissions made using a Forest and Bird template.

Referring this area to the NZCA for their consideration provides an opportunity for the NZCA to further assess the natural and historic resources present, and explore specific Ngāi Tahu interests and aspirations, including their consideration as to what giving effect to Treaty principles may require.

Rationale: My conclusion, considering those submissions accepted, is that the natural and historic resources present warrant referral to the NZCA for their consideration as per the process set out in Chapter 3 of the introduction to this Summary of Submissions Report.

National Park (Kahurangi) - KAW_19_2807731r

Support

Access and Recreation (Allowed)

- Submitters supported the classification on recreational grounds, highlighting their experiences on the Old Ghost Road, describing it as "an iconic walking and mountain biking track" and noting that the area it runs through contains "outstanding landscapes plus threatened birdlife highly valued by trampers and mountain bikers using this trail".
- Submitters stated that "it is important that the area surrounding the track is given a highly protective classification to protect the conservation and recreation values present and the wild and scenic experience people enjoy on the track" (e.g. "Old Ghost Road is a popular tramping and mountain bike trail").
- A submitter supported the proposed classification to guarantee access to the Wangapeka Track and noted access has "often been compromised in the past".
- A submitter supported the proposed classification as reasonable and stated that there is a historic track that could "make an excellent side route from the Old Ghost Road".

I recommend that these comments are accepted. These comments hold merit under the Conservation Act as they support promotion of recreation that is not inconsistent with the preservation of the natural and historic resources present. Under a national park classification "the public shall have freedom of entry and access" subject to restrictions "necessary for the preservation of the native plants and animals or for the welfare in general of the parks" (National Parks Act 1980, s. 4(2)(e)).

Climate Change and Natural Hazards (Allowed)

- Submitters stated their support for the highest level of protection "in light of the impacts of climate change" (e.g. "for ecosystem services, for climate stability", "given the biodiversity and climate crisis we are facing").

I recommend that these comments are accepted. I agree that the protection of the existing natural resources present is of increasing importance when considering the need for climate mitigation. Classification as national park will support this outcome. The relevance of this factor for reclassification decisions is evident when the future-focused elements in the definition of conservation are considered, including, "safeguarding the options of future generations" in relation to 'natural resources', "the air, water and soil in or on which any plant or animal lives or may live", and in relation to 'protection' of a resource, "restoration to some former state and its augmentation, enhancement, or expansion" (Conservation Act 1987, s. 2).

Ecology and Landscape (Allowed)

- There was support for adding close or adjoining conservation areas to the Kahurangi National Park on the grounds that these areas hold similar ecological, geographical and landscape values and would rationalise the Kahurangi National Parks boundaries or enhance connectivity or buffer the existing National Park (e.g. "based on ecological and scenic values that are similar to adjoining national parks", "shares complimentary high conservation and scientific values", "the addition of this to Kahurangi National Park would enhance the landscape connectivity and continuity", "provide additional habitat for rare and threatened species to move through the landscape". The current land classification delineations were described as "historic and arbitrary" and "not informed by ecological and landscape principles".
- Submitters supported additions to national parks and stated that "National Parks represent the pinnacle of conservation land protection and guarantee access rights for the public, protection of indigenous fauna and flora and protect against environmentally degrading activities such as mining and clearing the land for further agriculture" (e.g. "greater protect stewardship land that retains high natural values").

- Submissions supported the proposed classification as a "valuable addition to the Park" and noted the area is important or provides "valuable habitat" for multiple species e.g. ("*Powelliphanta lignaria lusca*, long-tailed bat, rorua, kea and SI robin, which are all present" and "two endemic insects, the "Butler's ringlet (*Erebiola butleri*) butterfly population" and "Janita's tussock ringlet (*Argyrophenga janitae*)").
- A submitter supported the proposed classification for the "outstanding very high value parcels", noting the area is "completely surrounded by conservation land", and the flora, fauna and geology the area includes (e.g. "lower mixed beech podocarp forest to montane beech forest and alpine tussock and scrubland", "supports a suite of common and threatened and at risk species plants, birds and freshwater wildlife", "Naturally Uncommon landform of cliffs of quartzose rock", "a suite of common and threatened and at risk species plants, birds and freshwater wildlife").
- A submitter supported the recommendation that this area is added to the Kahurangi National Park based on the technical assessment and how important the area is for "rorua, great spotted kiwi", noting that "Kahurangi National Park is the stronghold for this species. Inclusion of these areas in the adjoining National Park, would support the continuity of distribution of this threatened species".

I recommend that these comments are accepted. They provide site-specific details regarding the natural resources present which warrant consideration. The natural resources identified by submitters are consistent with those described in the CVR (e.g. dominated by steep forested terrain and a diversity of substrates, highly natural, suite of threatened, at-risk and common bird species). The contiguous boundary with Kahurangi National Park further supports your notified intention to refer this area to the NZCA for its recommendation as to the suitability of a national park addition.

Treaty Considerations (Allowed)

- Submissions in support of national parks acknowledged mana whenua opposition to them and noted a desire to "see the concerns of mana whenua addressed". However, they viewed maximum protection of the natural values as paramount and suggested that changes to management or legislative frameworks should occur to reflect Treaty principles and to ensure free access and use of national parks for cultural, traditional, historical, and customary purposes, while ensuring that natural values are preserved and protected.
- Submissions supported additions to adjacent national parks where mana whenua had not identified site-specific cultural values for the land.

I recommend that these comments are accepted to the extent that they agree the natural and historic resources present warrant referral to the NZCA for their consideration. However, while the possibility of future changes to management or legislative frameworks is identified by submitters as a potential means of reconciling that purpose with Treaty partner interests, such changes are not being considered within this reclassification exercise. The notified proposal includes referral of the area to the NZCA for its consideration on the suitability of a national park classification, which provides a further opportunity to explore specific Ngāi Tahu interests and aspirations, including the NZCA's consideration as to what giving effect to Treaty principles may require.

General (Allowed)

- Submissions expressed general support for the proposed classification, referencing the "information in the technical reports", "based on the values assessment", or without providing further justification.
- A submitter noted their preference for all stewardship land to be reclassified at the highest possible level based on its "high cultural conservation value".
- Submissions expressed general support for all additions to national parks for maximum protection across all stewardship land to "give the land the highest protection status".

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is identified, these submission points do not raise any matters for further consideration.

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions noted that national parks support a nature economy, and that this is in line with the Te Whanaketanga Tai Poutini West Coast Economic Strategy 2050.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Process and Consultation (Not Allowed)

- Submissions expressed concern about “major inconsistencies and contradictions” in the reclassification process, noting that some high value conservation land has not been recommended for reclassification as national park (e.g. “much of the land under review is on par with the values of existing National Parks, if not higher”).
- A submitter queried the lack of “terms of reference for Mana Whenua and its method of decision-making” raising concern “that commercial concerns could take precedence over protecting the natural values”. They suggested that “Mana Whenua concerns regarding national parks should have been resolved prior to the reclassification project”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- A submission suggested that the implementation of the proposed classification “needs to be followed up with sufficient funding for pest eradication”.
- A submitter advocated for all national parks and proposed that “public conservation land should be rehabilitated to help deal with native reforestation, enhance ecological buffer zones and maintain ecological diversity”.
- A submitter supported the recommendation, stating “we support the protection of the surrounding area of the historic Lyell dray road, as well as the historic Mōkihinui pack track”, but noted they had concerns regarding mountain biking in the area and the activities taken to build the associated mountain biking amenities.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Oppose

Access and Recreation (Allowed)

- Submissions expressed concern about loss of recreation opportunities and access, suggesting that other classifications, such as conservation park, recreation reserve, or scenic reserve, may provide a better balance between recreational enjoyment and protection of natural values. Restrictions on dog walking were raised specifically by a West Coast resident.
- Submissions stated opposition to any reclassification unless it provides explicitly for access, including helicopter landings, sports fishing and gamebird hunting, or stated opposition as National Park status “excludes hunting for native species which are classified as gamebirds under the Wildlife Act, and which are managed as gamebirds (such as Pukeko and Paradise Shelduck)”.
- A submitter opposed reclassifying the land, stating these areas “are for the people to enjoy and use for recreation purposes and to get outdoors”.

I recommend that these comments are not accepted. The methods of appreciation and recreational enjoyment proposed (e.g. dog access, hunting of indigenous avifauna) are potentially incompatible with protecting and preserving the natural resources described in the CVR, and the points raised do not justify overturning the notified intention. Although under a national park classification “the public shall have freedom of entry and access”, this is subject to restrictions “necessary for the preservation of the native plants and animals or for the welfare in general of the parks” (National Parks Act 1980, s. 4(2)(e)).

Ecology and Landscape (Allowed)

- Submissions opposed all recommended reclassification as a national park, describing the land as “not so unique or scientifically important to meet the standard set by the National Parks Act”. They recommended reclassification as a conservation park, or suggested a scenic reserve or recreation reserve, to ensure sufficient protection in areas where there is potential risk of damaging activities such as mining.

I recommend that these comments are not accepted. Although areas of modification may be present, the natural resources described in the CVR (e.g. dominated by steep forested terrain and a diversity of substrates, highly natural, suite of threatened, at-risk and common bird species) justify referring this area to the NZCA for its recommendation as to the suitability of a national park addition. This is further supported by the land context of the adjoining Kahurangi National Park.

Treaty Considerations (Allowed)

- Several submissions opposed the proposed national park investigation whilst supporting the proposal to retain the area in stewardship, pending conservation law reform to create more appropriate forms of protected area classifications from a Ngāi Tahu perspective. This follows a Ngāi Tahu tribal position that a national park classification “obstructs Ngāi Tahu from maintaining ancestral relationships with the whenua, obstruct kaitiaki rights and responsibilities, limits the meaningful involvement of Ngāi Tahu in decision-making processes, and is less enabling of customary practices that are fundamental to sustaining tribal identity and mana”.
- Submissions opposed reclassifying this area as national park with concerns it goes against Treaty obligations, stating that “to not recognise the Mana Whenua Panel Recommendations is to ignore Te Tiriti o Waitangi, the Treaty of Waitangi” and that “National Park land does not recognise Māori, particularly here Ngāi Tahu, as holding a special and unique interest in the land”.
- A submitter also stated, “National Park land does not allow for mana whenua of the area to be involved in its care in the same way that Stewardship land does”.

Potential changes to management or legislative frameworks are not the subject of the notified proposal. As such, I recommend that comments advocating for such amendments are not accepted. The notified proposal includes referral of the area to the NZCA for its consideration on the suitability of a national park classification, which provides a further opportunity to explore specific Ngāi Tahu interests and aspirations, including the NZCA’s consideration as to what giving effect to Treaty principles may require.

General (Allowed)

- Submissions stated general opposition to national park classification, stated support for leaving the land in stewardship, or expressed support for the recommendations made by the Mana Whenua Panel or without providing further justification.
- A submitter stated they wanted this area added to the Orikaka Ecological area to the south.

I recommend that these comments are not accepted. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised for further consideration.

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions expressed opposition to the proposed national park classification as being “too restrictive” (e.g. “tying even more land up in restrictive legislation”), or negatively affecting potential economic benefits derived from mineral resource extraction. They argued that this would not be in the best interests of the public.
- A submitter opposed the classification, noting that they hold a “mineral permit for this conservation area”.
- A submitter opposed the proposed classification noting the gold reserves present in the area and the conservation work undertaken whilst conducting mineral exploration while suggesting a lower protective classification should be selected than national park, as the mining techniques used are not contrary to conservation management.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Process and Consultation (Not Allowed)

- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.
- A submitter opposed the proposed classification with concerns that the process being followed would “outpace statutory mechanisms” leading to “accentuating significant uncertainty and risk for the legitimacy of The Old Ghost Road” (specifically relating to mountain biking). The submitter “considers this to be imprudent sequencing and recommends the underlying statutory matters be resolved first”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- A submitter opposed all reclassification of stewardship land to specially protected areas unless it was purchased by the Nature Heritage Fund for the purpose of adding it to a national park.

- Submissions expressed the view that national park classification does not equate to effective protection from introduced pests or predators (e.g. “national parks are badly run and full of cats, rats, stoats, possums, goats and deer so no protection there”).

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Access and Recreation (Allowed)

- A submitter stated they wanted to see consideration given to the impacts “multiple National Park additions will have on the options for local dog owners and the unforeseen impacts this may have on shorebirds, as more people are driven to beaches and coastal areas”.

I recommend that these comments are not accepted. The methods of appreciation and recreational enjoyment proposed (e.g. dog access) are potentially incompatible with protecting and preserving the natural resources described in the CVR, and the points raised do not justify overturning the notified intention. Although under a national park classification “the public shall have freedom of entry and access”, this is subject to restrictions “necessary for the preservation of the native plants and animals or for the welfare in general of the parks” (National Parks Act 1980, s. 4(2)(e)).

General (Allowed)

- One submitter advocated generally for all national parks, forest parks, scenic reserves and stewardship land to be protected from development.

I recommend that these comments are not accepted. The legislation does not provide for absolute protection from development – rather it contemplates that some activities may be acceptable and provides a mechanism for authorising such activities, through the grant of concessions. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification.

Retain in Stewardship - KAW_19_2807731s

The comments received in relation to the Mana Whenua Panel recommendation are summarised below and have been considered in relation to the notified proposal when forming s.49 allow/accept recommendations.

Support

Access and Recreation (Allowed)

- A submitter advocated for no reclassification based on concern that a change in status could restrict or prevent public access.

I recommend that these comments are not accepted. The concerns raised are addressed by the proposed classification. Under a national park classification “the public shall have freedom of entry and access” subject to restrictions “necessary for the preservation of the native plants and animals or for the welfare in general of the parks” (National Parks Act 1980, s. 4(2)(e)).

Treaty Considerations (Allowed)

- Submitters supported the position of the Mana Whenua Panel on the basis that their recommendations reflect the rights and interests of mana whenua, and recognise Ngāi Tahu’s connection to their ancestral lands” (e.g. “by adopting the recommendations of the Mana Whenua Panel the Minister will give effect to the principles of the Treaty of Waitangi”).
- Submitters stated that national park classification would “obstruct Ngāi Tahu from maintaining ancestral relationships with the whenua, obstruct kaitiaki rights and responsibilities, limits the meaningful involvement of Ngāi Tahu in decision-making processes, and is less enabling of customary practices that are fundamental to sustaining tribal identity and mana”, and suggested that areas “must remain as stewardship land pending conservation law reform to create more appropriate forms of protected area classifications from a Ngāi Tahu perspective”.

Potential changes to management or legislative frameworks are not the subject of the notified proposal. As such, I recommend that comments advocating for such amendments are not accepted. The notified proposal includes referral of the area to the NZCA for its consideration on the suitability of a national park classification, which provides a further opportunity to explore specific Ngāi Tahu interests and aspirations, including the NZCA's consideration as to what giving effect to Treaty principles may require.

General (Allowed)

- Submitters stated support for the proposed classification or agreement with the Mana Whenua Panel without providing further justification.

I recommend that these comments are not accepted. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised for further consideration.

Permissions, Economic Factors and Land Use (Not Allowed)

- Submitters supported retaining land in stewardship as various mineral permits are held for the conservation area. One submitter stated that reclassification as a national park would prevent mineral exploration, nullifying their prospecting investments to date. They elaborated that any potential mining operation would include replanting and that any mining operation “may have a net positive benefit to biodiversity and water quality”.
- Submitters stated that reclassifying land as national park, or other classifications which fall under Schedule 4, could have economic consequences by excluding mineral extraction and other activities on that land. The potential loss of opportunities resulting from these restrictions was seen as damaging, particularly in terms of mineral extraction and site rehabilitation. It was argued that the assessment should consider “minerals prospectivity and other economic, social, and cultural considerations”.
- Submissions advocated for retaining the area in stewardship or reclassifying it as a conservation park, suggesting these classifications provide “more than adequate legal protection”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Oppose

Access and Recreation (Allowed)

- Submitters stated preference for national park classification on recreational grounds (e.g. “Includes Old Ghost Road and outstanding landscapes plus threatened birdlife highly valued by trampers and mountain bikers using this trail”, “Old Ghost Road is a popular tramping and mountain bike trail from the historic settlement of Lyell to Seddonville and passes through Mōkihinui river valley in Kahurangi National Park. Lyell Walkway provides access to historic Lyell cemetery and Croesus stamper battery”).
- One submitter who advocated for national park classification stated support for “protection of the surrounding area of the historic Lyell dray road (as well as the historic Mōkihinui pack track)” though noting concern about any further development of mountain biking trails and suggesting recreation values should only be fostered insofar as they are consistent with the preservation of natural and historic resources.

I recommend that these comments are accepted. These comments hold merit under the Conservation Act as they support promotion of recreation that is not inconsistent with the preservation of the natural and historic resources present. Under a national park classification “the public shall have freedom of entry and access” subject to restrictions “necessary for the preservation of the native plants and animals or for the welfare in general of the parks” (National Parks Act 1980, s. 4(2)(e)).

Ecology and Landscape (Allowed)

- Submitters advocated for reclassification as a national park based on the area's landscape values and its connection and similarity to the existing national park (i.e. “considered an Outstanding Natural Landscape”, “very high natural character”, “completely surrounded by conservation land”, “connected by continuous indigenous forest cover to Kahurangi National Park to the south and east”, “Its inclusion would rationalise the boundaries of Kahurangi National Park and improve landscape continuity”). The conservation area was also noted to include examples of the Naturally Uncommon landform of cliffs of quartzose rock, and to adjoin other protected wetlands and species management units.

- Submitters also cited the area's high ecological values as justification for inclusion in Kahurangi National Park (e.g. "nationally significant ecological systems", "The presence of Nationally Vulnerable and threatened species and its high species diversity make this a high value ecological area").
- Submitters specifically noted the altitudinal sequences of vegetation present, wetlands and pākihi on lower alluvial terraces in the south, a suite of common and threatened and at-risk species plants, birds and freshwater wildlife, particularly the population of rooroa (great spotted kiwi), and that Lyell Range is important as the northernmost locality of the Butler's ringlet butterfly and the northwesternmost known locality of the Janita's tussock ringlet.

I recommend that these comments are accepted. They provide site-specific details regarding the natural resources present which warrant consideration. The natural resources identified by submitters are consistent with those described in the CVR (e.g. dominated by steep forested terrain and a diversity of substrates, highly natural, suite of threatened, at-risk and common bird species). The contiguous boundary with Kahurangi National Park further supports your notified intention to refer this area to the NZCA for its recommendation as to the suitability of a national park addition.

Historic and Cultural Values (Allowed)

- A submitter who advocated for national park classification noted the area's heritage values regarding gold mining (e.g. "There are 38 archaeological sites within the area and three are actively conserved. The individual sites and features are largely typical of gold mining sites on the West Coast and offer a reasonably intact and comprehensive archaeological landscape of mining workings, settlements and transport networks. Recreational gold fossicking still occurs in the Lyell Creek").

I recommend that these comments are accepted. I agree that the historic resources identified are appropriately protected under a national park classification, where "sites and objects of archaeological and historical interest shall as far as possible be preserved" (National Parks Act 1980, s. 4(2)(c)), supporting your notified intention to refer this area to the NZCA for its recommendation as to the suitability of a national park addition.

Treaty Considerations (Allowed)

- Submitters in opposition to retaining land in stewardship noted that the justification is based on Ngāi Tahu future aspirations for the land (such as forestry), stating that these economic aspirations "are often in direct contrast to the conservation values the land was supposed to be assessed on" or that they are concerned about the weight given to forestry aspirations in area "that clearly has National Park values to protect".
- Submissions expressed a preference for national park reclassification, but advocated for Mana Whenua to have free access and use of national parks for cultural, traditional, historical, and customary purposes, describing this as aligning with Section 4 of the National Parks Act, and for conservation principles to be carried out in an "established collegial co-governance manner". One submitter stated that "National Park status does not as it stands, prevent customary relationship of an iwi with the whenua which the current review of GP reflects (...) Statutory acknowledgements and nohoanga sites can be excluded from National Park status but should not remain as stewardship".
- A submission argued that "an area with high conservation values should be reclassified to reflect that value" and that the Mana Whenua Panel Recommendation "goes beyond the obligation to give effect to the Treaty of Waitangi".
- One submission argued against retaining land as stewardship where the area had not been identified as holding site-specific values to Ngāi Tahu.

I recommend that these comments are accepted to the extent that they agree the natural and historic resources present warrant referral to the NZCA for their consideration. However, while the possibility of future changes to management or legislative frameworks is identified by submitters as a potential means of reconciling that purpose with Treaty partner interests, such changes are not being considered within this reclassification exercise. The notified proposal includes referral of the area to the NZCA for its consideration on the suitability of a national park classification, which provides a further opportunity to explore specific Ngāi Tahu interests and aspirations, including the NZCA's consideration as to what giving effect to Treaty principles may require.

General (Allowed)

- Submissions expressed preference for reclassification as a national park and for “maximum protection” without providing further justification, or due to the land’s “high cultural conservation value”.

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is identified, these submission points do not raise any matters for further consideration.

- Submissions opposed retaining land in stewardship, describing it as a “meaningless recommendation”. One submission suggested reclassification as either scenic reserve or conservation park is preferable to retaining the land in stewardship.
- A submitter stated they wanted this area added to the Orikaka Ecological area to the south.

I recommend that these comments are not accepted. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised for further consideration.

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions noted that national parks support a nature economy, and that this is in line with the Te Whanaketanga Tai Poutini West Coast Economic Strategy 2050.
- Submitters expressed concern that retaining the area as stewardship land exposes it to risk of activities such as mining or being swapped out of the conservation estate (e.g. “without rigorous protection from the environmental impacts of those industries”).
- A submitter stated that some areas that “have no adequate protections awarded to are in key mineral mining areas. They include access to the West Coast coal and gold deposits and are already subject to prospecting permits”.
- It was suggested that the land instead be “disposed of or become incorporated into one of the park categories”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Process and Consultation (Not Allowed)

- A submitter commented that the recommendation lacks a “credible explanation as to how stewardship status could be in the public interest”.
- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.
- Submissions expressed concern about “major inconsistencies and contradictions” in the reclassification process, noting that some high value conservation land has not been recommended for reclassification as national park.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- A submitter recommended that the grazed portion be disposed of and “a premium should be sought from the neighbouring landowner illegally grazing it”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion

Access and Recreation (Allowed)

- Submitters were concerned with ensuring that free public access, hunting and fishing can continue.

I recommend that these comments are not accepted. The submission does not identify how the potential for hunting and fishing is relevant to decision-making on classification of the area, and no new material is raised which supports reconsideration of the notified classification. It should be noted that the proposed classification does not prohibit public access for the proposed activities, or the activities themselves when appropriately authorised (for example under a hunting permit), where consistent with preservation of the conservation values present.

Treaty Considerations (Allowed)

- Submitters recommended that potential amendments to the National Parks Act be resolved as a priority "so that there is no need for a recommendation of Stewardship Area in the meantime".

Potential changes to management or legislative frameworks are not the subject of the notified proposal. As such, I recommend that comments advocating for such amendments are not accepted. The notified proposal includes referral of the area to the NZCA for its consideration on the suitability of a national park classification, which provides a further opportunity to explore specific Ngāi Tahu interests and aspirations, including the NZCA's consideration as to what giving effect to Treaty principles may require.

General (Allowed)

- One submission advocated generally for all national parks, forest parks, scenic reserves and stewardship land to be protected from development.

I recommend that these comments are not accepted. The legislation does not provide for absolute protection from development – rather it contemplates that some activities may be acceptable and provides a mechanism for authorising such activities, through the grant of concessions. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification.

KAW_19 – Newton River – 2807808

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Newton River	KAW_19_2807808h	National Park (Kahurangi)		6038*	17
Newton River	KAW_19_2807808i		Stewardship	14	42

Conservation Values Report Description

A 6459.9012-ha area dominated by steep forested terrain and a diversity of substrates. Composed of steep inland mountains with granite tops on one side of the Lyell Range and flat-topped mountains in the east. It adjoins the Mōkihinui addition to Kahurangi National Park and includes part of Old Ghost Road, a very popular mountain bike and tramping track, which together with the Lyell Walkway provides access to heritage and archaeological sites associated with the Māori and European history of gold mining. Old Ghost Road is managed by a local trust, and guided mountain biking, helicopter landings and sporting events happen there.

Panel Recommendations

National Panel: National Park (Kahurangi), to reflect the identified values, rationalise the boundary of the Kahurangi National Park and improve landscape continuity.

Mana Whenua Panel: Retain as stewardship land pending further policy work or legal reform, based on the tribal position that the addition of land to national parks will not give effect to the principles of the Treaty of Waitangi as it alienates Ngāi Tahu from their ancestral lands.

S.49(2)(d) Recommendation

- Proceed with the notified proposal, by referring this area to the NZCA for its consideration on the suitability of a national park classification in accordance with the relevant policy and procedures, including Policy 6 of the General Policy for National Parks and Section 4 of the Conservation Act 1987.

Summary of accepted submissions: The submissions accepted as holding merit supported the proposed national park addition to protect the area's natural values, improve climate change mitigation, and ensure ongoing public recreational access. Submitters referenced specific natural resources which were noted to be of high value and similar in nature to the adjoining national park.

Section 4 and Treaty principles: The Mana Whenua Panel opposed the proposed national park referrals, supported by submissions from Treaty partner organisations. Te Rūnanga o Ngāi Tahu oppose all additions to national parks within the Ngāi Tahu takiwā as "the addition of land to national parks will not give effect to the principles of the Treaty of Waitangi (as required by section 4 of the Conservation Act 1987) as it alienates Ngāi Tahu from our ancestral lands". The Mana Whenua Panel have also signalled specific Ngāi Tahu interests associated with this stewardship area, particularly that "a Māori goldfield was in the vicinity of the conservation area".

I note that my s.49 recommendations and your decision on whether to refer this area to the NZCA for their consideration must give effect to Treaty principles independently of the NZCA's section 4 obligations.

Although I acknowledge the Mana Whenua Panel opposition to the notified proposal, my assessment, considering those submissions accepted, is that the natural and historic resources present are of a similar nature to the adjacent national park, and warrant proceeding with a referral to the NZCA. Giving effect to Section 4 of the Act 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.

* This figure includes 5,976 submissions made using a Forest and Bird template.

Referring this area to the NZCA for their consideration provides an opportunity for the NZCA to further assess the natural and historic resources present, and explore specific Ngāi Tahu interests and aspirations, including their consideration as to what giving effect to Treaty principles may require.

Rationale: My conclusion, considering those submissions accepted, is that the natural and historic resources present warrant referral to the NZCA for their consideration as per the process set out in Chapter 3 of the introduction to this Summary of Submissions Report.

National Park (Kahurangi) - KAW_19_2807808h

Support

Access and Recreation (Allowed)

- Submitters supported the classification on recreational grounds, highlighting their experiences on the Old Ghost Road and stating it is "an iconic walking and mountain biking track", noting that the area it runs through contains "outstanding landscapes plus threatened birdlife highly valued by trampers and mountain bikers using this trail", with some stating that "it is important that the area surrounding the track is given a highly protective classification to protect the conservation and recreation values present and the wild and scenic experience people enjoy on the track".
- A submitter supported the recommendation noting the Old Ghost Road has "become an iconic walking and mountain biking track important to the Buller economy and as a recreational asset for all New Zealanders and visitors".
- A submitter supported adding this area to the Kahurangi National Park for recreational reasons, noting that the "Old Ghost Road is a popular tramping and mountain bike trail" that leads to some historic sites.

I recommend that these comments are accepted. These comments hold merit under the Conservation Act as they support promotion of recreation that is not inconsistent with the preservation of the natural and historic resources present. Under a national park classification "the public shall have freedom of entry and access" subject to restrictions "necessary for the preservation of the native plants and animals or for the welfare in general of the parks" (National Parks Act 1980, s. 4(2)(e)).

Climate Change and Natural Hazards (Allowed)

- Submitters stated their support for the highest level of protection "in light of the impacts of climate change" (e.g. "for ecosystem services, for climate stability", "given the biodiversity and climate crisis we are facing").
- A submitter supported the proposed classification noting the area deserves the "highest level of environmental protection" and stated that "the enlarged forest in the National Park can help NZ reach zero carbon emissions".

I recommend that these comments are accepted. I agree that the protection of the existing natural resources present is of increasing importance when considering the need for climate mitigation. Classification as national park will support this outcome. The relevance of this factor for reclassification decisions is evident when the future-focused elements in the definition of conservation are considered, including, "safeguarding the options of future generations" in relation to 'natural resources', "the air, water and soil in or on which any plant or animal lives or may live", and in relation to 'protection' of a resource, "restoration to some former state and its augmentation, enhancement, or expansion" (Conservation Act 1987, s. 2).

Ecology and Landscape (Allowed)

- There was support for adding close or adjoining conservation areas to the Kahurangi National Park on the grounds that these areas hold similar ecological, geographical and landscape values and would rationalise the Kahurangi National Parks boundaries or enhance connectivity or buffer the existing National Park (e.g. "based on ecological and scenic values that are similar to adjoining national parks", "shares complimentary high conservation and scientific values", "consistent with, if not superior, to the adjacent national park", "provide additional habitat for rare and threatened species to move through the landscape", "The current land classification delineations were described as "historic and arbitrary" and "not informed by ecological and landscape principles").
- Submitters supported additions to national parks and stated that "National Parks represent the pinnacle of conservation land protection and guarantee access rights for the public, protection of indigenous fauna and flora

and protect against environmentally degrading activities such as mining and clearing the land for further agriculture” (e.g. “give the land the highest protection status”).

- A submitter supported the proposed classification for the "outstanding very high value parcels", noting the area is "completely surrounded by conservation land", and citing the flora, fauna and geology the area includes (e.g. "lower mixed beech podocarp forest to montane beech forest and alpine tussock and scrubland", "supports a suite of common and threatened and at risk species plants, birds and freshwater wildlife", "Naturally Uncommon landform of cliffs of quartzose rock", "a suite of common and threatened and at risk species plants, birds and freshwater wildlife").
- Submissions supported the proposed classification as a "valuable addition to the Park" and noted the area is important or provides "valuable habitat" for multiple species (e.g. "*Powelliphanta lignaria lusca*, long-tailed bat, roroa, kea and SI robin, which are all present" and "two endemic insects, the "Butler's ringlet (*Erebiola butleri*) butterfly population" and "Janita's tussock ringlet (*Argyrophenga janitae*)").
- A submitter supported the recommendation that this area is added to the Kahurangi National Park based on the technical assessment and how important the area is for "roroa, great spotted kiwi", noting that "Kahurangi National Park is the stronghold for this species. Inclusion of these areas in the adjoining National Park, would support the continuity of distribution of this threatened species".

I recommend that these comments are accepted. They provide site-specific details regarding the natural resources present which warrant consideration. The natural resources identified by submitters are consistent with those described in the CVR (e.g. dominated by steep forested terrain and a diversity of substrates, highly natural, suite of threatened, at-risk and common bird species). The contiguous boundary with Kahurangi National Park further supports your notified intention to refer this area to the NZCA for its recommendation as to the suitability of a national park addition.

Treaty Considerations (Allowed)

- Submissions in support of national parks acknowledged mana whenua opposition to them and noted a desire to “see the concerns of mana whenua addressed”. However, they viewed maximum protection of the natural values as paramount and suggested that changes to management or legislative frameworks should occur to reflect Treaty principles and to ensure free access and use of national parks for cultural, traditional, historical, and customary purposes, while ensuring that natural values are preserved and protected.
- Submissions supported additions to adjacent national parks where mana whenua had not identified site-specific cultural values for the land.

I recommend that these comments are accepted to the extent that they agree the natural and historic resources present warrant referral to the NZCA for their consideration. However, while the possibility of future changes to management or legislative frameworks is identified by submitters as a potential means of reconciling that purpose with Treaty partner interests, such changes are not being considered within this reclassification exercise. The notified proposal includes referral of the area to the NZCA for its consideration on the suitability of a national park classification, which provides a further opportunity to explore specific Ngāi Tahu interests and aspirations, including the NZCA's consideration as to what giving effect to Treaty principles may require.

General (Allowed)

- Submissions expressed general support for the proposed classification, referencing the "information in the technical reports", "based on the values assessment", or without providing further justification.
- A submitter noted their preference for all stewardship land to be reclassified at the highest possible level based on its "high cultural conservation value".

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is identified, these submission points do not raise any matters for further consideration.

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions noted that national parks support a nature economy, and that this is in line with the Te Whanaketanga Tai Poutini West Coast Economic Strategy 2050.

- A submitter supported the classification highlighting the economic benefits the Old Ghost Road has brought "to the surrounding region".

As I have recommended these comments are not allowed, I recommend they are not accepted.

Process and Consultation (Not Allowed)

- Submissions expressed concern about "major inconsistencies and contradictions" in the reclassification process, noting that some high value conservation land has not been recommended for reclassification as national park (e.g. "much of the land under review is on par with the values of existing National Parks, if not higher").
- A submitter queried the lack of "terms of reference for Mana Whenua and its method of decision-making" raising concern "that commercial concerns could take precedence over protecting the natural values". They suggested that "Mana Whenua concerns regarding national parks should have been resolved prior to the reclassification project".

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- A submission suggested that the implementation of the proposed classification "needs to be followed up with sufficient funding for pest eradication".
- A submitter advocated for all national parks and proposed that "public conservation land should be rehabilitated to help deal with native reforestation, enhance ecological buffer zones and maintain ecological diversity".
- A submitter supported the recommendation, stating "we support the protection of the surrounding area of the historic Lyell dray road, as well as the historic Mōkihinui pack track", but noted they had concerns regarding mountain biking in the area and the activities taken to build the associated mountain biking amenities.
- A submitter stated they wanted this area added to the Orikaka Ecological area to the south.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Oppose

Access and Recreation (Allowed)

- Submissions expressed concern about loss of recreation opportunities and access, suggesting that other classifications, such as conservation park, recreation reserve, or scenic reserve, may provide a better balance between recreational enjoyment and protection of natural values. Restrictions on dog walking were raised specifically by a West Coast resident.
- Submissions stated opposition to any reclassification unless it provides explicitly for access, including helicopter landings, sports fishing and gamebird hunting, or stated opposition as National Park status "excludes hunting for native species which are classified as gamebirds under the Wildlife Act, and which are managed as gamebirds (such as Pukeko and Paradise Shelduck)".

I recommend that these comments are not accepted. The methods of appreciation and recreational enjoyment proposed (e.g. dog access, hunting of indigenous avifauna) are potentially incompatible with protecting and preserving the natural resources described in the CVR, and the points raised do not justify overturning the notified intention. Although under a national park classification "the public shall have freedom of entry and access", this is subject to restrictions "necessary for the preservation of the native plants and animals or for the welfare in general of the parks" (National Parks Act 1980, s. 4(2)(e)).

Ecology and Landscape (Allowed)

- Submissions opposed all recommended reclassification as a national park, describing the land as "not so unique or scientifically important to meet the standard set by the National Parks Act". They recommended reclassification as a conservation park, or suggested a scenic reserve or recreation reserve, to ensure sufficient protection in areas where there is potential risk of damaging activities such as mining.

I recommend that these comments are not accepted. Although areas of modification may be present, the natural resources described in the CVR (e.g. dominated by steep forested terrain and a diversity of substrates, highly natural, suite of threatened, at-risk and common bird species) justify referring this area to the NZCA for its recommendation as to the

suitability of a national park addition. This is further supported by the land context of the adjoining Kahurangi National Park.

Treaty Considerations (Allowed)

- Several submissions opposed the proposed national park investigation whilst supporting the proposal to retain the area in stewardship, pending conservation law reform to create more appropriate forms of protected area classifications from a Ngāi Tahu perspective. This follows a Ngāi Tahu tribal position that a national park classification “obstructs Ngāi Tahu from maintaining ancestral relationships with the whenua, obstruct kaitiaki rights and responsibilities, limits the meaningful involvement of Ngāi Tahu in decision-making processes, and is less enabling of customary practices that are fundamental to sustaining tribal identity and mana”.
- Submissions opposed reclassifying this area as national park with concerns it goes against crown obligations under Te Tiriti o Waitangi, the Treaty of Waitangi stating that “to not recognise the Mana Whenua Panel Recommendations is to ignore Te Tiriti o Waitangi, the Treaty of Waitangi” and that “National Park land does not recognise Māori, particularly here Ngāi Tahu, as holding a special and unique interest in the land”.
- A submitter also stated, “National Park land does not allow for mana whenua of the area to be involved in its care in the same way that Stewardship land does”.

Potential changes to management or legislative frameworks are not the subject of the notified proposal. As such, I recommend that comments advocating for such amendments are not accepted. The notified proposal includes referral of the area to the NZCA for its consideration on the suitability of a national park classification, which provides a further opportunity to explore specific Ngāi Tahu interests and aspirations, including the NZCA’s consideration as to what giving effect to Treaty principles may require.

General (Allowed)

- Submissions stated general opposition to national park classification, stated support for leaving the land in stewardship, or expressed support for the recommendations made by the Mana Whenua Panel or without providing further justification.

I recommend that these comments are not accepted. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised for further consideration.

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions expressed opposition to the proposed national park classification as being “too restrictive” (e.g. “tying even more land up in restrictive legislation”), or negatively affecting potential economic benefits derived from mineral resource extraction. They argued that this would not be in the best interests of the public.
- A submitter opposed the classification, noting that they hold a “mineral permit for this conservation area”.
- A submitter opposed the proposed classification noting the gold reserves present in the area and the conservation work undertaken whilst conducting mineral exploration while suggesting a lower protective classification should be selected than national park, as the mining techniques used are not contrary to conservation management.
- A submitter opposed the proposed national park classification and the resultant loss of mining opportunities in this area. They outlined the consequences for them as “Nullification of \$400,000 investment to date”, “foregoing budgeted \$815,000 for 2022 to meet statutory work programme requirements”, and “no potential for a new access arrangement or variations to existing access arrangements for prospecting, exploration or mining”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Process and Consultation (Not Allowed)

- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.
- A submitter opposed the proposed classification with concerns that the process being followed would “outpace statutory mechanisms” leading to “accentuating significant uncertainty and risk for the legitimacy of The Old Ghost Road” (specifically relating to mountain biking). The submitter “considers this to be imprudent sequencing and recommends the underlying statutory matters be resolved first”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- A submitter opposed all reclassification of stewardship land to specially protected areas unless it was purchased by the Nature Heritage Fund for the purpose of adding it to a national park.
- Submissions expressed the view that national park classification does not equate to effective protection from introduced pests or predators (e.g. “national parks are badly run and full of cats, rats, stoats, possums, goats and deer so no protection there”).

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

General (Allowed)

- One submitter advocated generally for all national parks, forest parks, scenic reserves and stewardship land to be protected from development.

I recommend that these comments are not accepted. The legislation does not provide for absolute protection from development – rather it contemplates that some activities may be acceptable and provides a mechanism for authorising such activities, through the grant of concessions. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification.

Retain in Stewardship - KAW_19_2807808i

The comments received in relation to the Mana Whenua Panel recommendation are summarised below and have been considered in relation to the notified proposal when forming s.49 allow/accept recommendations.

Support

Treaty Considerations (Allowed)

- Submitters supported the position of the Mana Whenua Panel on the basis that their recommendations reflect the rights and interests of mana whenua, and recognise Ngāi Tahu’s connection to their ancestral lands” (e.g. “by adopting the recommendations of the Mana Whenua Panel the Minister will give effect to the principles of the Treaty of Waitangi”).
- Submitters stated that national park classification would “obstruct Ngāi Tahu from maintaining ancestral relationships with the whenua, obstruct kaitiaki rights and responsibilities, limits the meaningful involvement of Ngāi Tahu in decision-making processes, and is less enabling of customary practices that are fundamental to sustaining tribal identity and mana”, and suggested that areas “must remain as stewardship land pending conservation law reform to create more appropriate forms of protected area classifications from a Ngāi Tahu perspective”.

Potential changes to management or legislative frameworks are not the subject of the notified proposal. As such, I recommend that comments advocating for such amendments are not accepted. The notified proposal includes referral of the area to the NZCA for its consideration on the suitability of a national park classification, which provides a further opportunity to explore specific Ngāi Tahu interests and aspirations, including the NZCA’s consideration as to what giving effect to Treaty principles may require.

General (Allowed)

- Submitters stated support for the proposed classification or agreement with the Mana Whenua Panel without providing further justification.

I recommend that these comments are not accepted. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised for further consideration.

Permissions, Economic Factors and Land Use (Not Allowed)

- Submitters supported retaining land in stewardship as various mineral permits are held for the conservation area, noting that reclassification as a national park would prevent mineral exploration and nullify prospecting investments to date.
- A submitter commented that any potential mining operation would include replanting and that any mining operation “may have a net positive benefit to biodiversity and water quality”.
- Submitters stated that reclassifying land as national park, or other classifications which fall under Schedule 4, could have economic consequences by excluding mineral extraction and other activities on that land. The potential loss of opportunities resulting from these restrictions was seen as damaging, particularly in terms of mineral extraction and site rehabilitation. It was argued that the assessment should consider “minerals prospectivity and other economic, social, and cultural considerations”.
- Submissions advocated for retaining the area in stewardship or reclassifying it as a conservation park, suggesting these classifications provide “more than adequate legal protection”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Oppose

Access and Recreation (Allowed)

- Submitters stated preference for national park classification on recreational grounds (e.g. “The Old Ghost Road has become an iconic walking and mountain biking track important to the Buller economy and as a recreational asset for all New Zealanders and visitors. It’s important that the area surrounding the track is give a high classification to protect the conservation and recreation values present and the wild and scenic experience people enjoy on the track”, “Includes Old Ghost Road and outstanding landscapes plus threatened birdlife highly valued by trampers and mountain bikers using this trail”, “Lyell Walkway provides access to historic Lyell cemetery and Croesus stamper battery”).
- One submitter who advocated for national park classification stated support for “protection of the surrounding area of the historic Lyell dray road (as well as the historic Mōkihinui pack track)”, though noting concern about any further development of mountain biking trails and suggesting recreation values should only be fostered insofar as they are consistent with the preservation of natural and historic resources.

I recommend that these comments are accepted. These comments hold merit under the Conservation Act as they support promotion of recreation that is not inconsistent with the preservation of the natural and historic resources present. Under a national park classification “the public shall have freedom of entry and access” subject to restrictions “necessary for the preservation of the native plants and animals or for the welfare in general of the parks” (National Parks Act 1980, s. 4(2)(e)).

Ecology and Landscape (Allowed)

- Submitters advocated for reclassification as a national park based on the area’s landscape values and its connection and similarity to the existing national park (i.e. “this addition is a key piece of the jigsaw linking the national park to the Buller Gorge scenic reserve and the Orikaka and Ngakawau ecological areas”, “considered an Outstanding Natural Landscape”, “very high natural character”, “connected by continuous indigenous forest cover to Kahurangi National Park to the south and east”, “Its inclusion would rationalise the boundaries of Kahurangi National Park and improve landscape continuity”). The conservation area was also noted to include examples of the “Naturally Uncommon landform of cliffs of quartzose rock”, and to adjoin other protected wetlands and species management units.
- Submitters also cited the area’s high ecological values as justification for inclusion in Kahurangi National Park (e.g. “nationally significant ecological systems”, “The presence of Nationally Vulnerable and threatened species and its high species diversity make this a high value ecological area”).
- Submitters specifically noted the altitudinal sequences of vegetation present, wetlands and pākihi on lower alluvial terraces in the south, a suite of common and threatened and at-risk species plants, birds and freshwater wildlife, particularly the population of roroa (great spotted kiwi), and that Lyell Range is important as the northernmost locality of the Butler’s ringlet butterfly and the northwesternmost known locality of the Janita’s tussock ringlet.

I recommend that these comments are accepted. They provide site-specific details regarding the natural resources present which warrant consideration. The natural resources identified by submitters are consistent with those described in the CVR (e.g. dominated by steep forested terrain and a diversity of substrates, highly natural, suite of threatened, at-risk and common bird species). The contiguous boundary with Kahurangi National Park further supports your notified intention to refer this area to the NZCA for its recommendation as to the suitability of a national park addition.

Historic and Cultural Values (Allowed)

- A submitter who advocated for national park classification noted the Lyall Range's heritage values regarding gold mining (e.g. "There are 38 archaeological sites within the area and three are actively conserved. The individual sites and features are largely typical of gold mining sites on the West Coast and offer a reasonably intact and comprehensive archaeological landscape of mining workings, settlements and transport networks. Recreational gold fossicking still occurs in the Lyell Creek").

I recommend that these comments are accepted. I agree that the historic resources identified are appropriately protected under a national park classification, where "sites and objects of archaeological and historical interest shall as far as possible be preserved" (National Parks Act 1980, s. 4(2)(c)), supporting your notified intention to refer this area to the NZCA for its recommendation as to the suitability of a national park addition.

Treaty Considerations (Allowed)

- Submitters argued against retaining land as stewardship where the area had not been identified as holding site-specific values to Ngāi Tahu.
- Submissions expressed a preference for national park reclassification, but advocated for Mana Whenua to have free access and use of national parks for cultural, traditional, historical, and customary purposes, describing this as aligning with Section 4 of the National Parks Act, and for conservation principles to be carried out in an "established collegial co-governance manner".
- A submission argued that "an area with high conservation values should be reclassified to reflect that value" and that the Mana Whenua Panel Recommendation "goes beyond the obligation to give effect to the Treaty of Waitangi".
- A submitter raised concerns that the Mana Whenua Panel justification appears to be based on minerals or forestry potential, commenting that "I'm not sure that this supports traditional Māori interests, but it appears to me to be instead supporting the mining industry and ensuring that the area does not get protection under Schedule 4 of the Crown Minerals Act".

I recommend that these comments are accepted to the extent that they agree the natural and historic resources present warrant referral to the NZCA for their consideration. However, while the possibility of future changes to management or legislative frameworks is identified by submitters as a potential means of reconciling that purpose with Treaty partner interests, such changes are not being considered within this reclassification exercise. The notified proposal includes referral of the area to the NZCA for its consideration on the suitability of a national park classification, which provides a further opportunity to explore specific Ngāi Tahu interests and aspirations, including the NZCA's consideration as to what giving effect to Treaty principles may require.

General (Allowed)

- Submissions expressed preference for reclassification as a national park and for "maximum protection" without providing further justification, or due to the land's "high cultural conservation value".

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is identified, these submission points do not raise any matters for further consideration.

- Submissions opposed retaining land in stewardship, describing it as a "meaningless recommendation".
- A submitter stated they wanted this area added to the Orikaka Ecological area to the south.

I recommend that these comments are not accepted. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised for further consideration.

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions noted that national parks support a nature economy, and that this is in line with the Te Whanaketanga Tai Poutini West Coast Economic Strategy 2050.
- Submitters expressed concern that retaining the area as stewardship land exposes it to risk of activities such as mining or being swapped out of the conservation estate (e.g. “without rigorous protection from the environmental impacts of those industries”).
- A submitter stated that some areas that “have no adequate protections awarded to [them] are in key mineral mining areas. They include access to the West Coast coal and gold deposits and are already subject to prospecting permits”.
- It was suggested that the land instead be “disposed of or become incorporated into one of the park categories”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Process and Consultation (Not Allowed)

- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.
- Submissions expressed concern about “major inconsistencies and contradictions” in the reclassification process, noting that some high value conservation land has not been recommended for reclassification as national park.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submitters were concerned with ensuring that free public access, hunting and fishing can continue.

I recommend that these comments are not accepted. The submission does not identify how the potential for hunting and fishing is relevant to decision-making on classification of the area, and no new material is raised which supports reconsideration of the notified classification. It should be noted that the proposed classification does not prohibit public access for the proposed activities, or the activities themselves when appropriately authorised (for example under a hunting permit), where consistent with preservation of the conservation values present.

Treaty Considerations (Allowed)

- Submitters recommended that potential amendments to the National Parks Act be resolved as a priority “so that there is no need for a recommendation of Stewardship Area in the meantime”.

Potential changes to management or legislative frameworks are not the subject of the notified proposal. As such, I recommend that comments advocating for such amendments are not accepted. The notified proposal includes referral of the area to the NZCA for its consideration on the suitability of a national park classification, which provides a further opportunity to explore specific Ngāi Tahu interests and aspirations, including the NZCA’s consideration as to what giving effect to Treaty principles may require.

General (Allowed)

- One submission advocated generally for all national parks, forest parks, scenic reserves and stewardship land to be protected from development.

I recommend that these comments are not accepted. The legislation does not provide for absolute protection from development – rather it contemplates that some activities may be acceptable and provides a mechanism for authorising such activities, through the grant of concessions. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification.

KAW_20 – New Creek Island – 2807809

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
New Creek Island (Riverbed)	KAW_20_2807809v	Local Purpose (River Conservation) Reserve	Neutral	10	11
New Creek Island (Pasture)	KAW_20_2807809w	Disposal	Disposal	7	23

Conservation Values Report Description

A 2.8469-ha area with grazed pasture, riverbed and remnant indigenous tall forest stands which are biologically important and connect with the Orikaka Ecological Area. It is located on the true right margin of New Creek near its confluence with Buller River. It is surrounded by private land.

New Creek Island (Riverbed)

Panel Recommendations

National Panel: Local purpose (river conservation) reserve, to appropriately reflect the identified values.

Mana Whenua Panel: Neutral.

S.49(2)(d) Recommendation

- Do not proceed with the notified proposal of local purpose (river conservation) reserve for the 'riverbed' portion of the stewardship area.

Summary of accepted submissions: Those submissions accepted as holding merit expressed opposition to the notified classification on the basis that the purpose of the reserve is not clearly defined, leaving it uncertain how the natural resources present will be protected.

Section 4 and Treaty principles: The Mana Whenua Panel did not oppose the proposed classification.

No specific Ngāi Tahu interests were raised for consideration by the Mana Whenua Panel for this stewardship area. I acknowledge statements of the Mana Whenua Panel that "there is a deep connection between Ngāi Tahu and all of the whenua in the Ngāi Tahu takiwā, and the absence of site-specific values in the preliminary analysis does not detract from that connection, nor does it confirm that site-specific values are not present."

Rationale: Further policy work by the Department is required to describe the purpose of the proposed reserve and to identify any potential management implications. This process will provide clarity as to whether the proposed local purpose reserve reflects the natural and historic resources present, or if another classification is more appropriate.

Local Purpose (River Conservation) Reserve - KAW_20_2807809v

Support

Access and Recreation (Allowed)

- One submitter supported the recommendation as allowing river access, noting that they opposed any disposal of former or current riverbed that protects actual or potential public access as the river moves. They recommended reclassification of the whole as local purpose reserve for river conservation, river access or recreation access.

I recommend that these comments are not accepted. I have concluded based on comments in opposition that the purpose of the notified classification provides insufficient detail to comment on whether it appropriately protects the natural resources described, or if another classification may be more appropriate. Any limits on public access will be determined as part of any future policy work.

General (Allowed)

- Submitters stated their agreement in general terms, without providing further justification, or expressed their preference for stewardship land to be reclassified at the highest possible level.

I recommend that these comments are not accepted. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised for further consideration.

Oppose

Climate Change and Natural Hazards (Allowed)

- Submitters suggested that other classifications would be more appropriate to support revegetation for carbon sequestration or flood buffering from climate change effects. It was suggested that river margins that are subject to flooding from climate change effects should be “incorporated into a special class” to ensure they are retained in public ownership and revegetated to contribute to emissions reduction, rather than classified as local purpose reserves where “they can have their status changed without notification”.
- A submitter noted the area holds “opportunities for ecosystem restoration in response to flood events or coastal erosion; opportunities for carbon sequestration” and recommended government purpose (river floodplain) reserve.

I recommend that these comments are accepted to the extent that I have concluded based on comments in opposition that the purpose of the notified classification provides insufficient detail to comment on whether it appropriately protects the natural resources described, or if another classification may be more appropriate.

Ecology and Landscape (Allowed)

- Submissions opposed the recommendation on the basis that the purpose of the reserve is not clearly defined, leaving it uncertain how freshwater values, natural values and the natural processes of the river will be protected.
- Submissions raised concerns that the recommended classification would maintain the status quo or “business as usual” and allow activities such as grazing or modification to occur.
- It was stated that other examples of local purpose reserves held for river conservation (e.g. in the Rangitata River in Canterbury) have demonstrated that the classification does not ensure river margins/corridors or freshwater values will be protected from inappropriate use or development.
- Submissions suggested a review of all local purpose (river conservation) reserves to reclassify the land in a way which would prioritise natural and freshwater values and the natural processes of the river, and support strategic management of riverine areas on a catchment or ecosystem scale.

I recommend that these comments are accepted. I agree that the purpose of the notified classification provides insufficient detail to comment on whether it appropriately promotes the conservation of the natural resources present.

- Submitters opposed the classification, with one recommended adding it to Orikaka Ecological Reserve instead, noting that the area “includes part of a creek bed and has forest and ecological values on low altitude terraces which are poorly represented in PCL”. Another submitter noted “retention of good opportunities for restoration of depleted indigenous ecosystems”.
- Submitters commented that the whole of the assessment area should be “retained for river protection” and that any grazed area should be allowed to regenerate. One submitter commented that the area should become a “Local Purpose (river conservation for ecological reasons)” reserve.
- Various classifications were suggested as more appropriate to ensure that protection of the natural values and processes takes primacy, and that only compatible uses are allowed. These included government purpose (Te Mana o te Wai) reserve, scenic reserve, ecological area (to recognise the role of water in connecting ecosystems and delivering nutrients), or wildlife management area or reserve.

I recommend that these comments are accepted to the extent that I have concluded based on comments in opposition that the purpose of the notified classification provides insufficient detail to comment on whether it appropriately protects the natural resources described, or if another classification may be more appropriate.

General (Allowed)

- A submitter described the recommendation as "not appropriate, as it gives no greater protection than the current Stewardship status".

I recommend that these comments are accepted to the extent that I have concluded based on comments in opposition that the purpose of the notified classification provides insufficient detail to comment on whether it appropriately protects the natural resources described, or if another classification may be more appropriate.

Process and Consultation (Not Allowed)

- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.
- A submitter opposed the recommendation on the basis that no reclassifications should proceed without a full socioeconomic assessment undertaken by the Department in partnership with the local/regional councils.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- Concerns were raised that the area may be vested to an authority which would not effectively manage the area to protect the natural values or that would not have conservation as its core focus, leading to "local interpretations of river conservation" and allowing inappropriate use.
- Submissions suggested that government agencies are not adequately managing and protecting riverbeds and their margins, and that this process "creates an opportunity for more responsible management".

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submitters were concerned with ensuring that any reclassification provides explicitly for access, sports fishing and gamebird hunting.

I recommend that these comments are not accepted. I have concluded based on comments in opposition that the purpose of the notified classification provides insufficient detail to comment on whether it appropriately protects the natural resources described, or if another classification may be more appropriate. Any limits on public access will be determined as part of any future policy work.

New Creek Island (Pasture)

Panel Recommendations

National Panel: Disposal should be considered of the stable areas of developed pasture within the conservation area.

Mana Whenua Panel: Disposal, as the pastoral components of the conservation area are highly modified and should not form part of public conservation land.

S.49(2)(d) Recommendation

- Proceed with the notified proposal for the 'pasture' section of this stewardship area, referring the area to the Department to investigate the suitability of disposal.

Summary of accepted submissions: Those submissions accepted as holding merit supported the proposed disposal investigation where there are no conservation values remaining. Also accepted were comments noting that this outcome is supported by the Mana Whenua Panel and reflects the perspectives of Ngāi Tahu.

Section 4 and Treaty principles: The Mana Whenua Panel supported the proposed disposal investigation, supported by submissions from Treaty partner organisations, on the grounds that the pastoral components are highly modified.

Rationale: My conclusion is that the 'pasture' section stewardship area is of low conservation value and warrants further investigation as to the suitability of disposal. I note that any parts of the area identified to have substantive natural values are unlikely to pass the Conservation General Policy and legislative disposal tests.

Disposal - KAW_20_2807809w

Support

Ecology and Landscape (Allowed)

- Submissions stated they support disposal of stewardship land where there are no conservation values remaining, or agreed that the land did not hold any conservation values and was therefore suitable for disposal.

I recommend that these comments are accepted. The land recommended for disposal is modified (grazed pasture) and holds low conservation values, supporting a disposal investigation. I note that any parts of the area identified to have substantive natural values are unlikely to pass the Conservation General Policy and legislative disposal tests.

Treaty Considerations (Allowed)

- Submissions supported the recommendations of the Mana Whenua Panel on the basis that they reflect the rights and interests of mana whenua, recognise Ngāi Tahu's connection to their ancestral lands, and fulfil obligations under the Treaty of Waitangi.

I recommend that these comments are accepted. I note that the Mana Whenua Panel have supported the proposed disposal investigation. The modified nature of the pastoral components of this stewardship area justifies referring this area to the Department to investigate the suitability of disposal.

General (Allowed)

- Submissions expressed general support without providing further justification.

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area and no new material is raised, these submission points do not raise any matters for further consideration.

Other (Not Allowed)

- It was noted that disposals only form 0.01% of the stewardship land in the West Coast reclassification process.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Oppose

Access and Recreation (Allowed)

- Submitters objected to disposal on the grounds that this represents a loss of public access and ability for future generations to enjoy these areas, and expressed opposition to any disposal which means a loss of recreation opportunities such as angling or hunting.
- Submitters requested that “appropriate mechanisms are used to ensure existing and future public use is maintained or improved”, or recommended classification as a local purpose reserve with purposes either river conservation, river access, or recreation access to “ensure public access is retained in perpetuity”.
- One submitter noted that “riparian access via new marginal strips is not guaranteed”.

I recommend that these comments are not accepted. My assessment is that the area recommended for disposal, which consists of grazed pasture and which the CVR states does not have easy access, tracks or facilities, does not currently hold recreational or access values which justify retention as public conservation land. The low conservation values justify referring the area to the Department to investigate the suitability of disposal.

Climate Change and Natural Hazards (Allowed)

- Submissions opposed the recommendation on the grounds that all public conservation land, even if modified/pasture, offers potential for climate change mitigation and adaption (e.g. “opportunities for flood/erosion buffering, or allowing room for natural river processes”, “the whole of KAW 20 should be retained for river protection”).
- A submitter noted that “in almost all cases these areas have historically been part of the riverbed, and the rivers need this buffer to be able to move around without causing damage to infrastructure and farming assets. As a corollary to that, the freeholding of land adjacent to riverbeds often results in additional rock protection work which constrains the river, and the natural processes at play. This often results in unintended consequences (often erosion at other sites)”.
- Submitters suggested government purpose reserve (river floodplain) or local purpose (river conservation for ecological reasons) reserve as alternative classifications.
- Submitters also argued that modified land could be retained and restored to support carbon sequestration (e.g. “Disposal will forgo future carbon sequestration and climate mitigation”).
- A submitter commented that disposal would not “assist with a reduction in emissions”.

I recommend that these comments are not accepted. The small size of the area, its modified nature (grazed pasture) and landscape context (not connected to other public conservation land) limit the appropriateness and effectiveness of retaining it for ecosystem restoration and carbon sequestration. I note that any potential disposal arising from the Departmental investigation will trigger the formation of marginal strips for qualifying waterbodies, which will be retained and protected as public conservation land.

Ecology and Landscape (Allowed)

- A submitter recommended adding to Orikaka Ecological Reserve as the area “is capable of restoration”.
- Submitters stated the whole of KAW_20 should be retained for river protection and allowed to regenerate, recommending local purpose (river conservation for ecological reasons) reserve.
- Submissions expressed opposition to any disposal of stewardship land on the grounds that even modified areas are likely to contain some natural values or indigenous species (juncus, carex etc), that areas near forests could easily revert to a natural state, or that even highly modified land holds opportunities for ecosystem regeneration and restoration (e.g. “disposal will lose the opportunity for regeneration and restoration”). A “precautionary policy” was recommended to hold conservation future options open.
- A submission recommended that waterways and wetlands would be better protected if adjacent land was retained, grazing excluded, and restoration/natural succession allowed to occur.
- Submissions opposed disposal of land by rivers on the grounds that so little remains in public conservation land (e.g. “poor ecological representation in existing protected areas”).

- Submitters opposed disposal on riverbed and floodplains unless areas are “completely modified” and can be fenced off from waterways, or unless areas are small and landlocked and have no restoration potential.

I recommend that these comments are not accepted. The small size of the area, its modified nature (grazed pasture) and landscape context (not connected to other public conservation land), limit the appropriateness and effectiveness of retaining it for restoration. Though the Orikaka Ecological Area is nearby, it is not connected to this stewardship area. I note that any potential disposal arising from the Departmental investigation will trigger the formation of marginal strips for qualifying waterbodies, which will be retained and protected as public conservation land.

Treaty Considerations (Allowed)

- One submission stated that “no stewardship land should be made available for disposal, except to tangata whenua; and only then with the need to maintain the block’s cultural, conservation & mahika-kai values in their entirety”.

I recommend that these comments are not accepted. The low conservation values justify referring the area to the Department to investigate the suitability of disposal. The proposed disposal investigation was supported by the Mana Whenua Panel, and any potential disposal of land arising from the Departmental investigation will be subject to the rights of first refusal process as set out in the Ngāi Tahu Claims Settlement Act 1998. I note that the highly modified area is unlikely to hold substantive “conservation & mahika-kai values”.

General (Allowed)

- Submissions expressed opposition to disposal of any stewardship land in general terms, argued that public conservation land is best retained for future generations or future conservation purposes, expressed a desire for maximum environmental protection, or supported “a cautionary approach” and preference to retain land in Crown ownership.

I recommend that these comments are not accepted. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification.

Permissions, Economic Factors and Land Use (Not Allowed)

- A submitter commented that the area was highly modified “with no permissions to do so”, suggesting that instead of disposal the whole conservation area should be designated a local purpose (river conservation reserve) “and the perpetrator of the land conversion made to rehabilitate that land”.
- It was noted that the subdivision cost of disposal (as the land is currently only one title) would mean a cost to the public.
- Submissions recommended consideration of potential productivity and whether the land could be used to support future food security.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Process and Consultation (Not Allowed)

- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.
- It was noted that “proposed disposals do not give even a general indication where disposal boundaries might be”, making it difficult for submitters to comment.

It was suggested that there should be less focus on present values and more weight given to potential conservation value, as per the Conservation General Policy 6(c) and the Conservation Act requirement to safeguard options for future generations. It was recommended that the reclassification framework should include a “future conservation use” designation to hold land for future conservation requirements.

- A submitter noted that “there is no requirement” that land with low conservation values is disposed of, expressing opposition to any disposal of riverbed or pastoral land in public ownership.

- A submitter stated that “The National Panel is recommending 65 hectares for disposal, but has recommended up to an additional 1000 hectares of land may be disposed of where there is pastoral land alongside river conservation areas (subject to survey). This is not explained or justified”.
- A submitter advocated for the proposed classification to be revised, stating that “conservation values alone must determine recommended classifications, and recreation and use values are not conservation values”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Climate Change and Natural Hazards (Allowed)

- A submitter stated that no land should be disposed of if there is potential for restoration or carbon sequestration, and that riverbeds and adjacent land should be retained for flood retention, with no grazing permitted.

I recommend that these comments are not accepted. The small size of the area, its modified nature (grazed pasture) and landscape context (not connected to other public conservation land) limit the appropriateness and effectiveness of retaining it for ecosystem restoration and carbon sequestration. I note that any potential disposal arising from the Departmental investigation will trigger the formation of marginal strips for qualifying waterbodies, which will be retained and protected as public conservation land.

General (Allowed)

- Submissions advocated generally for all national parks, forest parks, scenic reserves, and stewardship land to be protected from development.

I recommend that these comments are not accepted. The legislation does not provide for absolute protection from development – rather it contemplates that some activities may be acceptable and provides a mechanism for authorising such activities, through the grant of concessions. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification.

Other (Not Allowed)

- One submission noted that disposal of land will be subject to the Heritage New Zealand Pouhere Taonga Notification Process for Disposal of Crown-owned Land.
- One submission suggested any funds from land sold should go to the Nature Heritage Fund.

As I have recommended these comments are not allowed, I recommend they are not accepted.

KAW_21 – School Creek – 2807813

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
School Creek	KAW_21_2807813x	Scenic Reserve (a)	Neutral	12	4
School Creek (Quarry)	KAW_21_2807813y	Local Purpose (Quarry) Reserve	Local Purpose (Quarry) Reserve	13	5

Conservation Values Report Description

A 1.3254-ha area is on the lower slopes of a flat-topped limestone ridge between Newton River and Brown Creek. Part of the indigenous forest and shrub cover is disturbed by the infrastructure of a limestone quarry in the south-eastern corner of the site. There is one access arrangement over the site held for a limestone quarry. Flooding and earthquakes have allowed seral species to compete with more stable forest associations, adding to the diversity of the area.

School Creek

Panel Recommendations

National Panel: Scenic reserve (a), to preserve the identified ecological values and protect any identified historic or archaeological features, while providing for the potential recreational use of the area.

Mana Whenua Panel: Neutral.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of scenic reserve for the forested section of this stewardship area.

Summary of accepted submissions: Those submissions accepted as holding merit supported the notified classification as providing for ongoing recreational access, offering sufficient protection in the context of climate change, and reflecting the notable natural resources present.

Section 4 and Treaty principles: The Mana Whenua Panel did not oppose the proposed classification.

No specific Ngāi Tahu interests were raised for consideration by the Mana Whenua Panel for this stewardship area. I acknowledge statements of the Mana Whenua Panel that “there is a deep connection between Ngāi Tahu and all of the whenua in the Ngāi Tahu takiwā, and the absence of site-specific values in the preliminary analysis does not detract from that connection, nor does it confirm that site-specific values are not present.”

Rationale: My conclusion is that the proposed classification will appropriately promote the conservation of the natural resources present (e.g. mature beech forest, mix of native and exotic shrub species).

Scenic Reserve (a) - KAW_21_2807813x

Support

Climate Change and Natural Hazards (Allowed)

- A submitter supported the proposed classification as offering a high level of protection “in light of the impacts of climate change”.

I recommend that these comments are accepted. I agree that the protection of the existing natural resources present is of increasing importance when considering the need for climate mitigation. Classification as scenic reserve will support this outcome. The relevance of this factor for reclassification decisions is evident when the future-focused elements in the definition of conservation are considered, including, “safeguarding the options of future generations” in relation to ‘natural resources’, “the air, water and soil in or on which any plant or animal lives or may live”, and in relation to ‘protection’ of a resource, “restoration to some former state and its augmentation, enhancement, or expansion” (Conservation Act 1987, s. 2).

Ecology and Landscape (Allowed)

- A submitter supported the proposed recommendation, stating the area has “nationally significant ecological systems and scenic natural areas”.

I recommend that these comments are accepted. I agree that the natural resources identified in these comments are appropriately protected and preserved by the proposed classification. Under a scenic reserve classification “indigenous flora and fauna, ecological associations, and natural environment and beauty shall as far as possible be preserved” (Reserves Act 1977, s. 19(2)(a)).

General (Allowed)

- Submissions expressed general support for the proposed classification, referencing the “information in the technical reports”, or without providing further justification.
- A submitter noted their preference for all stewardship land to be reclassified at the highest possible level based on its “high cultural conservation value”.

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area and no new material is raised, these submission points do not raise any matters for further consideration.

Other (Not Allowed)

- A submitter agreed with the proposed classification but stated they wanted the area “rehabilitated at the expense of the adjacent landowners who have partially degraded this land parcel”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Oppose

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions opposed reclassification as scenic reserve, noting that though it does not prohibit mining, it adds extra restrictions with consequent negative economic benefits, suggesting that retaining the land in stewardship or reclassifying it as a conservation park provides adequate legal protection while allowing commercial activities to be considered on a case-by-case basis.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Process and Consultation (Not Allowed)

- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- A submission opposed all reclassification of stewardship land to specially protected areas unless it was purchased by the Nature Heritage Fund for the purpose of adding it to a national park.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submissions were concerned whether the proposed classification allows for hunting, fishing and “provision for public access”, and stated that any classification should explicitly provide for these activities.

I recommend that these comments are not accepted. Insufficient information is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification. The proposed classification does not prohibit public access for the activities, if authorised (for example in a

hunting permit). Authorisation of such activities involves a separate decision-making process, the outcome of which would depend on effects on the conservation values present rather than the proposed land classification.

General (Allowed)

- Submissions advocated generally for all national parks, forest parks, scenic reserves, and stewardship land to be protected from development.

I recommend that these comments are not accepted. The legislation does not provide for absolute protection from development – rather it contemplates that some activities may be acceptable and provides a mechanism for authorising such activities, through the grant of concessions. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification.

School Creek (Quarry)

Panel Recommendations

National Panel: Local purpose (quarry) reserve, to allow for quarrying to continue.

Mana Whenua Panel: Local purpose (quarry) reserve. Quarrying activities are important to the West Coast economy and community resilience, and their continuation should be supported through the creation of a local purpose reserve for quarrying purposes.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of local purpose (quarry) reserve for the 'area of the quarry operation' within this stewardship area.

Summary of accepted submissions: Those submissions accepted as holding merit expressed support for the proposed classification while noting that the area does not hold high conservation values, and that this outcome is supported by the Mana Whenua Panel and reflects the perspectives of Ngāi Tahu.

Section 4 and Treaty principles: The Mana Whenua Panel supported the proposed classification, supported by submissions from Treaty partner organisations.

No specific Ngāi Tahu interests were raised for consideration by the Mana Whenua Panel for this stewardship area. I acknowledge statements of the Mana Whenua Panel that "there is a deep connection between Ngāi Tahu and all of the whenua in the Ngāi Tahu takiwā, and the absence of site-specific values in the preliminary analysis does not detract from that connection, nor does it confirm that site-specific values are not present."

Rationale: My conclusion is that the proposed classification will support the ongoing use of the existing quarry operation, while appropriately reflecting the modified nature of the natural resources present (e.g. part of the indigenous forest and shrub cover is disturbed by the infrastructure of a limestone quarry).

Local Purpose (Quarry) Reserve - KAW_21_2807813y

Support

Ecology and Landscape (Allowed)

- A submitter in support of the recommendation noted that the quarry area does not hold high conservation values.

I recommend that these comments are accepted. I agree that the proposed classification reflects the modified nature of the natural resources described in the CVR (e.g. part of the indigenous forest and shrub cover is disturbed by the infrastructure of a limestone quarry).

Treaty Considerations (Allowed)

- Submissions supported the recommendations of the Mana Whenua Panel on the basis that they reflect the rights and interests of mana whenua, recognise Ngāi Tahu's connection to their ancestral lands, and fulfil obligations under the Treaty of Waitangi.

I recommend that these comments are accepted. I note that the Mana Whenua Panel have supported the proposed classification. I agree that the proposed classification reflects the modified nature of the natural resources described in the CVR (e.g. part of the indigenous forest and shrub cover is disturbed by the infrastructure of a limestone quarry).

General (Allowed)

- Submissions stated their agreement in general terms, without providing further justification, or expressed their preference for stewardship land to be reclassified at the highest possible level.

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area and no new material is raised, these submission points do not raise any matters for further consideration.

Oppose

Process and Consultation (Not Allowed)

- A submitter noted “failure to provide any details about the primary purpose of the local purpose reserve” querying whether the proposed classification “will protect the land’s ecological values”.
- Submitters opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submitters were concerned with ensuring that any reclassification provides explicitly for access, sports fishing and gamebird hunting.

I recommend that these comments are not accepted. Insufficient information is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification. The proposed classification does not prohibit public access for the activities, if authorised (for example in a hunting permit). Authorisation of such activities involves a separate decision-making process, the outcome of which would depend on effects on the conservation values present rather than the proposed land classification.

KAW_22 – Orikaka River – 2807841

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Orikaka River	KAW_22_2807841j	Ecological Area	Neutral	11	5

Conservation Values Report Description

A 3.3352-ha area of indigenous forest surrounded by the Orikaka Ecological Area. It is typical of forest on these landforms in the ecological district and has high naturalness value. It is an old mahinga kai site. The area is remote and difficult to access, with no tracks, facilities or recreational use.

Panel Recommendations

National Panel: Ecological area, to reflect the identified values and to rationalise the boundary of the existing Orikaka Ecological Area, and to improve landscape continuity.

Mana Whenua Panel: Neutral.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of ecological area.

Summary of accepted submissions: Those submissions accepted as holding merit supported the notified classification, suggesting it offers sufficient protection in the context of climate change and reflects the high ecological values present.

Section 4 and Treaty principles: The Mana Whenua Panel did not oppose the proposed classification.

The Mana Whenua Panel have signalled specific Ngāi Tahu interests associated with this stewardship area, particularly that the area is “an old mahinga kai site”.

Given the Mana Whenua Panel have not opposed the notified classification, I consider the classification is not inconsistent with the identified interests.

Rationale: My conclusion is that the proposed classification will appropriately protect the conservation of the natural and historic resources present (e.g. indigenous forest with high naturalness value).

Ecological Area - KAW_22_2807841j

Support

Climate Change and Natural Hazards (Allowed)

- A submitter supported the proposed classification as offering a high level of protection “in light of the impacts of climate change”.
- Submissions expressed strong support, stating that classifications that provide strong environmental protection are particularly important in light of the impacts of climate change, referencing recent flooding in the West Coast and Nelson regions.

I recommend that these comments are accepted. I agree that the protection of the existing natural resources present is of increasing importance when considering the need for climate mitigation. Classification as an ecological area will support this outcome. The relevance of this factor for reclassification decisions is evident when the future-focused elements in the definition of conservation are considered, including, “safeguarding the options of future generations” in relation to ‘natural resources’, “the air, water and soil in or on which any plant or animal lives or may live”, and in relation to ‘protection’ of a resource, “restoration to some former state and its augmentation, enhancement, or expansion” (Conservation Act 1987, s. 2).

Ecology and Landscape (Allowed)

- A submission supported the proposed classification stating that the area is “a rich piece of intact indigenous biodiversity surrounded by same”.

I recommend that these comments are accepted. They reflect the natural resources present as described in the CVR and my view is that the proposed classification will appropriately promote their protection and preservation.

General (Allowed)

- Submissions expressed general support for the proposed classification, referencing the "information in the technical reports", or without providing further justification.
- A submitter noted their preference for all stewardship land to be reclassified at the highest possible level based on its "high cultural conservation value".

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area and no new material is raised, these submission points do not raise any matters for further consideration.

Oppose

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions opposed reclassification as an ecological area, noting that though it does not prohibit mining, it adds extra restrictions with consequent negative economic benefits, suggesting that retaining the land in stewardship or reclassifying it as a conservation park provides adequate legal protection while allowing commercial activities such as mining to be considered on a case-by-case basis.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Process and Consultation (Not Allowed)

- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- One submission opposed any reclassification of stewardship land to specially protected areas unless the land was specifically purchased by the Nature Heritage Fund for the purpose of adding it to a national park.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submitters queried or were concerned with ensuring that any reclassification provides explicitly for access, sports fishing and gamebird hunting.

I recommend that these comments are not accepted. The submission does not identify how the potential for hunting and fishing is relevant to decision-making on classification of the area, and no new material is raised which supports reconsideration of the notified classification. It should be noted that the proposed classification does not prohibit public access for the proposed activities, or the activities themselves when appropriately authorised (for example under a hunting permit), where consistent with preservation of the conservation values present.

KAW_23 – Utopia Road – 2808246

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Utopia Road (Estuary)	KAW_23_2808246u	Local Purpose (Esplanade) Reserve	Neutral	11	7
Utopia Road (Pasture)	KAW_23_2808246v	Disposal	Disposal	7	25

Conservation Values Report Description

A 7.7721-ha area of coastal dunes adjacent to Orowaiti Lagoon and the Orowaiti Lagoon Ecological Management Unit. The landforms are unmodified, and the assessment area is important in protecting a representative suite of ecosystems in the Foulwind Ecological District. The area is prone to serious flooding and is predicted to be impacted by sea level rise. Orowaiti Lagoon provides excellent whitebait habitat and is the largest tidal wetland in the Buller Bay. Camping, boating, surfing and whitebaiting happen in the area. Mountain bike trails are managed by a local club.

Utopia Road (Estuary)

Panel Recommendations

National Panel: Local purpose (esplanade) reserve should be considered for the estuarine and riparian sections of this conservation area.

Mana Whenua Panel: Neutral.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of local purpose (esplanade) reserve for the 'estuary' section of the stewardship area.

Summary of accepted submissions: Those submissions accepted as holding merit supported the notified classification as ensuring ongoing public recreational access and appropriately reflecting the natural resources. Also accepted were comments noting that this outcome is supported by the Mana Whenua Panel and reflects the perspectives of Ngāi Tahu.

Section 4 and Treaty principles: The Mana Whenua Panel did not oppose the proposed classification.

No specific Ngāi Tahu interests were raised for consideration by the Mana Whenua Panel for this stewardship area. I acknowledge statements of the Mana Whenua Panel that "there is a deep connection between Ngāi Tahu and all of the whenua in the Ngāi Tahu takiwā, and the absence of site-specific values in the preliminary analysis does not detract from that connection, nor does it confirm that site-specific values are not present."

Rationale: My conclusion is that the natural resources present are appropriately protected by the proposed classification (e.g. coastal dunes and a suite of ecosystems), while also reflecting the public access and recreational features present.

Local Purpose (Esplanade) Reserve - KAW_23_2808246u

Support

Access and Recreation (Allowed)

- A submitter stated support for local purpose (esplanade) reserve as protecting public access.

I recommend that these comments are accepted. I agree that the proposed local purpose (esplanade) reserve will support ongoing public recreational access to the area.

Ecology and Landscape (Allowed)

- A submitter in support noted that there are "some good conservation values here relating to coastal processes".

I recommend that these comments are accepted. They provide site-specific details that are consistent with the natural resources as described in the CVR (coastal dunes adjacent to Orowaiti Lagoon). I agree that the natural resources present

are appropriately protected by the proposed classification when also considering the public access and recreational features present.

General (Allowed)

- Submissions stated their agreement in general terms, without providing further justification, or expressed their preference for stewardship land to be reclassified at the highest possible level.

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area and no new material is raised, these submission points do not raise any matters for further consideration.

Oppose

Climate Change and Natural Hazards (Allowed)

- A submitter noted opposition based on “concern that site should be reviewed for community climate adaptation and resilience”.

I recommend that these comments are not accepted. Comments regarding adaptation do not specify what type of adaptation they mean or why this should be considered for this conservation area, so I am unable to give them further consideration.

Ecology and Landscape (Allowed)

- A submitter generally opposed the “numerous” recommendations for local purpose reserves based on lack of clarity regarding the primary purpose and concern that ecological values would not be sufficiently protected.

I recommend that these comments are not accepted. It is my view that the natural resources present are appropriately protected by the proposed classification when also considering the public access and recreational features present. Natural features shall be managed and protected to the extent compatible with the principal or primary purpose of the reserve (Reserves Act 1977, s. 23(2)(a)).

Process and Consultation (Not Allowed)

- Submitters opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.
- A submitter opposed the recommendation on the basis that no reclassifications should proceed without a full socioeconomic assessment undertaken by the Department in partnership with the local/regional councils.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submitters were concerned with ensuring that any reclassification provides explicitly for access, sports fishing and gamebird hunting.

I recommend that these comments are not accepted. Insufficient information is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification. The proposed classification does not prohibit public access for the activities, if authorised (for example in a hunting permit). Authorisation of such activities involves a separate decision-making process, the outcome of which would depend on effects on the conservation values present rather than the proposed land classification.

Utopia Road (Pasture)

Panel Recommendations

National Panel: Disposal should be considered for this area as the identified ecological values are very low and not considered sufficient to warrant ongoing management of this area as a whole by the Department.

Mana Whenua Panel: Disposal, as the pastoral components of the conservation area are highly modified and should not form part of public conservation land.

S.49(2)(d) Recommendation

- Proceed with the notified proposal for the 'pasture' section of this stewardship area, referring the area to the Department to investigate the suitability of disposal.

Summary of accepted submissions: Those submissions accepted as holding merit supported the proposed disposal investigation where there are no conservation values remaining. Also accepted were comments noting that this outcome is supported by the Mana Whenua Panel and reflects the perspectives of Ngāi Tahu.

Section 4 and Treaty principles: The Mana Whenua Panel supported the proposed disposal investigation, supported by submissions from Treaty partner organisations, on the grounds that the pastoral components are highly modified.

Rationale: My conclusion is that the pastoral components hold little conservation value and warrant further consideration as to the suitability of disposal.

Disposal - KAW_23_2808246v

Support

Ecology and Landscape (Allowed)

- Submissions stated they support disposal of stewardship land where there are no conservation values remaining, or agreed that the land did not hold any conservation values and was therefore suitable for disposal.

I recommend that these comments are accepted. The land recommended for disposal is modified (grazed pasture) and holds low conservation values, supporting a disposal investigation. I note that any parts of the area identified to have substantive natural values are unlikely to pass the Conservation General Policy and legislative disposal tests.

Treaty Considerations (Allowed)

- Submissions supported the recommendations of the Mana Whenua Panel on the basis that they reflect the rights and interests of mana whenua, recognise Ngāi Tahu's connection to their ancestral lands, and fulfil obligations under the Treaty of Waitangi.

I recommend that these comments are accepted. I note that the Mana Whenua Panel have supported the proposed disposal investigation. The modified nature of the pastoral components of this stewardship area justifies referring this area to the Department to investigate the suitability of disposal.

General (Allowed)

- Submissions expressed general support without providing further justification.

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area and no new material is raised, these submission points do not raise any matters.

Other (Not Allowed)

- It was noted that disposals only form 0.01% of the stewardship land in the West Coast reclassification process.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Oppose

Access and Recreation (Allowed)

- Submitters opposed disposal, expressing preference for a classification which balances recreational and wildlife values.
- A submitter noted that the river mouth and coast will move, stating they oppose “any disposal of former or current riverbed or coastal area that provides or protects actual or potential public access as the river mouth moves or coastal area erodes”.
- Submissions objected to disposal on the grounds that this represents a loss of public access and ability for future generations to enjoy these areas, and expressed opposition to any disposal which means a loss of recreation opportunities such as angling or hunting.
- Submitters requested that “appropriate mechanisms are used to ensure existing and future public use is maintained or improved”, or recommended classification as a local purpose reserve with purposes either river conservation, river access, or recreation access to “ensure public access is retained in perpetuity”.

I recommend that these comments are not accepted. While parts of the wider stewardship area (otherwise notified as local purpose (esplanade) reserve) may hold recreation values associated with the Orowaiti Lagoon, the area recommended for disposal, which is modified pasture, is bordered by private farmland and does not provide practical access to the lagoon. My assessment is that the submissions do not identify any new recreation or access values in the area recommended for disposal which would justify retention as public conservation land. The low conservation values of the modified pasture justify referring the area to the Department to investigate the suitability of disposal. I note that any potential disposal arising from the Departmental investigation will trigger the formation of marginal strips which will secure ongoing public access along the riparian corridor of the river and enable any recreational angling to continue.

Climate Change and Natural Hazards (Allowed)

- Submitters in opposition to disposal noted that the area is vulnerable to flooding and erosion and river/coastal processes, and that there are “opportunities for ecosystem restoration in response to flood events or coastal erosion”.
- A submitter opposed disposal, stating that the “site should be reviewed for community climate adaptation and resilience”.
- A submitter stated that disposal “will not assist with a reduction in emissions from agriculture”.
- Submissions opposed the recommendation on the grounds that all public conservation land, even if modified/pasture, offers potential for climate change mitigation and adaption (e.g. “opportunities for flood/erosion buffering, or allowing room for natural river processes”, “areas are important for communities that they need to be kept by DOC for climate mitigation, not disposed of”).
- A submitter noted that “in almost all cases these areas have historically been part of the riverbed, and the rivers need this buffer to be able to move around without causing damage to infrastructure and farming assets. As a corollary to that, the freeholding of land adjacent to riverbeds often results in additional rock protection work which constrains the river, and the natural processes at play. This often results in unintended consequences (often erosion at other sites)”.
- Submitters also argued that modified land could be retained and restored to support carbon sequestration (e.g. “Disposal will forgo future carbon sequestration and climate mitigation”).

I recommend that these comments are not accepted. The area’s highly modified nature (grazed pasture) and landscape context (within private farmland) limit the appropriateness and effectiveness of retaining it for ecosystem restoration and carbon sequestration. The low conservation values of the pastoral areas warrant investigation for disposal. Comments regarding adaptation do not specify what type of adaptation they mean or why this should be considered for this conservation area, so I am unable to give them further consideration.

Ecology and Landscape (Allowed)

- Disposal was opposed based on the presence of ecological values, with submitters noting valuable coastal, estuary and wetland areas (e.g. “it is adjacent to and partly in the lagoon”, “good conservation values here relating to

coastal processes”) and likely nesting habitat for kororā (e.g. “nest sites are presumed with at least five records of kororā being found dead here”). The area was also noted to be adjacent to land that has a higher protected status.

- Submissions expressed opposition to any disposal of stewardship land on the grounds that even modified areas are likely to contain some natural values or indigenous species (juncus, carex etc), that areas near forests could easily revert to a natural state, or that even highly modified land holds opportunities for ecosystem regeneration and restoration (e.g. “disposal will lose the opportunity for regeneration and restoration”). A “precautionary policy” was recommended to hold conservation future options open.
- A submission recommended that waterways and wetlands would be better protected if adjacent land was retained, grazing excluded, and restoration/natural succession allowed to occur.
- Submissions opposed disposal of land by rivers on the grounds that so little remains in public conservation land (e.g. “poor ecological representation in existing protected areas”).
- Submitters opposed disposal on riverbed and floodplains unless areas are “completely modified” and can be fenced off from waterways, or unless areas are small and landlocked and have no restoration potential.

I recommend that these comments are not accepted. The area’s highly modified nature (grazed pasture), and landscape context (within private farmland) limit the appropriateness and effectiveness of retaining it for restoration. While parts of the wider stewardship area (otherwise notified as local purpose (esplanade) reserve) hold natural values associated with the Orowaiti Lagoon, my assessment is that the area recommended for disposal, which is modified pasture situated between the estuary and private farmland, is likely to hold low conservation value which warrants investigation for disposal. I note that any parts of the area identified to have substantive natural values are unlikely to pass the Conservation General Policy and legislative disposal tests.

Treaty Considerations (Allowed)

- One submission stated that “no stewardship land should be made available for disposal, except to tangata whenua; and only then with the need to maintain the block’s cultural, conservation & mahika-kai values in their entirety”.

I recommend that these comments are not accepted. The low conservation values of the pastoral components of the stewardship area justify referring it to the Department for disposal investigation. The proposed disposal investigation was supported by the Mana Whenua Panel, and any potential disposal of land arising from the Departmental investigation will be subject to the rights of first refusal process as set out in the Ngāi Tahu Claims Settlement Act 1998. The highly modified area is unlikely to hold substantive “conservation & mahika-kai values”.

General (Allowed)

- Submissions expressed opposition to disposal of any stewardship land in general terms, argued that public conservation land is best retained for future generations or future conservation purposes, expressed a desire for maximum environmental protection, or supported “a cautionary approach” and preference to retain land in Crown ownership.

I recommend that these comments are not accepted. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification.

Permissions, Economic Factors and Land Use (Not Allowed)

- A submitter stated opposition due to the costs of subdivision.
- Submissions recommended consideration of potential productivity and whether the land could be used to support future food security.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Process and Consultation (Not Allowed)

- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.
- It was noted that “proposed disposals do not give even a general indication where disposal boundaries might be”, making it difficult for submitters to comment.

It was suggested that there should be less focus on present values and more weight given to potential conservation value, as per the Conservation General Policy 6(c) and the Conservation Act requirement to safeguard options for future generations. It was recommended that the reclassification framework should include a “future conservation use” designation to hold land for future conservation requirements.

- A submitter noted that “there is no requirement” that land with low conservation values is disposed of, expressing opposition to any disposal of riverbed or pastoral land in public ownership.
- A submitter stated that “The National Panel is recommending 65 hectares for disposal, but has recommended up to an additional 1000 hectares of land may be disposed of where there is pastoral land alongside river conservation areas (subject to survey). This is not explained or justified”.
- A submitter advocated for the proposed classification to be revised, stating that “conservation values alone must determine recommended classifications, and recreation and use values are not conservation values”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Climate Change and Natural Hazards (Allowed)

- A submitter stated that no land should be disposed of if there is potential for restoration or carbon sequestration, and that riverbeds and adjacent land should be retained for flood retention, with no grazing permitted.

I recommend that these comments are not accepted. The area’s highly modified nature (grazed pasture), and landscape context (adjacent to private farmland) limit the appropriateness and effectiveness of retaining it for ecosystem restoration and carbon sequestration. The low conservation values of the pastoral areas warrant investigation for disposal.

General (Allowed)

- Submissions advocated generally for all national parks, forest parks, scenic reserves, and stewardship land to be protected from development.

I recommend that these comments are not accepted. The legislation does not provide for absolute protection from development – rather it contemplates that some activities may be acceptable and provides a mechanism for authorising such activities, through the grant of concessions. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification.

Other (Not Allowed)

- One submission noted that disposal of land will be subject to the Heritage New Zealand Pouhere Taonga Notification Process for Disposal of Crown-owned Land.
- One submission suggested any funds from land sold should go to the Nature Heritage Fund.

As I have recommended these comments are not allowed, I recommend they are not accepted.

KAW_23 – Orowaiti River Mouth – 2808248

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Orowaiti River Mouth (Pasture)	KAW_23_2808248a	Recreation Reserve		10	11
Orowaiti River Mouth (Pasture)	KAW_23_2808248b		Disposal	4	25
Orowaiti River Mouth (Foreshore)	KAW_23_2808248c	Recreation Reserve	Neutral	12	8

Conservation Values Report Description

A 135.3617-ha area of coastal dunes adjacent to Orowaiti Lagoon and the Orowaiti Lagoon Ecological Management Unit. The landforms are unmodified, and the assessment area is important in protecting a representative suite of ecosystems in the Foulwind Ecological District. The area is prone to serious flooding and is predicted to be impacted by sea level rise. Orowaiti Lagoon provides excellent whitebait habitat and is the largest tidal wetland in the Buller Bay. Camping, boating, surfing and whitebaiting happen in the area. Mountain bike trails are managed by a local club. There are grazing concessions in place.

Orowaiti River Mouth (Pasture)

Panel Recommendations

National Panel: Recreation reserve, to appropriately protect the identified ecological values while providing for the established recreational uses of the area.

Mana Whenua Panel: Disposal, as the pastoral components of the conservation area are highly modified and should not form part of public conservation land.

S.49(2)(d) Recommendation

- Proceed with the notified proposal recreation reserve for the 'pasture' component of the stewardship area.

Summary of accepted submissions: Those submissions accepted as holding merit supported the notified classification as ensuring ongoing public recreational access and offering sufficient protection in the context of climate change.

Section 4 and Treaty principles: The Mana Whenua Panel have opposed the proposed classification, supported by submissions from Treaty partner organisations, on the grounds that the pastoral components of the area are highly modified.

Although I acknowledge the Mana Whenua Panel opposition to the notified proposal, my assessment, considering those submissions accepted, is that the natural and historic resources present warrant proceeding with the notified proposal while also reflecting the public access and recreational features present.

Rationale: My conclusion is that the natural resources present are appropriately protected by the proposed classification (e.g. supports rough pasture and regenerating native forest/shrubland but is dominated by weedy species), while also reflecting the public access and recreational features present. Recreation reserves are held "for the purpose of providing areas for the recreation and sporting activities and the physical welfare and enjoyment of the public" (Reserves Act 1977, s. 17(1)).

Recreation Reserve - KAW_23_2808248a

Support

Access and Recreation (Allowed)

- A submission supported the recommendation on the grounds that it would preserve public access as the river mouth moves or coastal area erodes, and noting that “Disposal puts public access at risk. Riparian access via new Marginal Strips is not guaranteed”.

I recommend that these comments are accepted. I agree that the proposed recreation reserve will support ongoing public recreational access to the area. These comments hold merit under the Conservation Act as they support promotion of recreation that is not inconsistent with the preservation of the natural and historic resources present. Recreation reserves are held “for the purpose of providing areas for the recreation and sporting activities and the physical welfare and enjoyment of the public, and for the protection of the natural environment and beauty of the countryside” (Reserves Act 1977, s. 17(1)).

Climate Change and Natural Hazards (Allowed)

- A submitter supported the proposed classification as offering a high level of protection “in light of the impacts of climate change”.

I recommend that these comments are accepted. I agree that the protection of the existing natural resources present is of increasing importance when considering the need for climate mitigation. Classification as recreation reserve will support this outcome, to the extent compatible with the identified primary purpose. The relevance of this factor for reclassification decisions is evident when the future-focused elements in the definition of conservation are considered, including, “safeguarding the options of future generations” in relation to ‘natural resources’, “the air, water and soil in or on which any plant or animal lives or may live”, and in relation to ‘protection’ of a resource, “restoration to some former state and its augmentation, enhancement, or expansion” (Conservation Act 1987, s. 2).

General (Allowed)

- Submissions expressed general support for the proposed classification, referencing the “information in the technical reports”, or without providing further justification.
- A submitter noted their preference for all stewardship land to be reclassified at the highest possible level based on its “high cultural conservation value”.

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area and no new material is raised, these submission points do not raise any matters for further consideration.

Oppose

Climate Change and Natural Hazards (Allowed)

- A submitter opposed the proposed classification, stating they wanted the site reviewed for its “climate adaption and resilience”.
- A submitter opposed the recommendation and advocated for a government purpose reserve classification, noting that the area holds “opportunities for ecosystem restoration in response to flood events or coastal erosion”, “opportunities for carbon sequestration”, and “opportunities for restoration of depleted indigenous ecosystem”.
- A submitter opposed the proposed classification and advocated for the area to remain as stewardship land without grazing stating the area is “too close to flood prone and erosion area”.

I recommend that these comments are not accepted. The proposed classification will support the protection of the natural resources present to the extent compatible with the principal or primary purpose of the reserve, and as a result support the area’s climate mitigation potential. The points raised do not justify overturning the notified intention. The fact that the area is affected by sea level rise and coastal erosion does not preclude the use of the area for recreation. Under the proposed classification, “where scenic, historic, archaeological, biological, geological, or other scientific features or indigenous flora or

fauna or wildlife are present on the reserve, those features or that flora or fauna or wildlife shall be managed and protected to the extent compatible with the principal or primary purpose of the reserve” (Reserves Act 1977, s. 17(2)(b)).

Ecology and Landscape (Allowed)

- A submitter opposed the proposed classification citing the conservation report that states the area could be a kororā nesting site. They proposed the area be classified as a "Local Purpose Esplanade Reserve, Wildlife Management Area or Government Purpose Reserve for Wildlife Management to give wildlife and recreational values equal priority".
- A submitter opposed the classification and advocated for a government purpose reserve classification noting the area contains naturally uncommon ecosystems “including dunes and wetlands”.

I recommend that these comments are not accepted. My view is that the natural resources present are appropriately protected by the proposed classification (e.g. supports rough pasture and regenerating native forest/shrubland but is dominated by weedy species), while also reflecting the public access and recreational features present. The points raised do not warrant overturning the notified classification. Under the proposed classification, “where scenic, historic, archaeological, biological, geological, or other scientific features or indigenous flora or fauna or wildlife are present on the reserve, those features or that flora or fauna or wildlife shall be managed and protected to the extent compatible with the principal or primary purpose of the reserve” (Reserves Act 1977, s. 17(2)(b)).

Historic and Cultural Values (Allowed)

- A submitter opposed the proposed classification and suggested the area was classified a conservation area, noting that “thought and expertise must be given to these huge areas that fall not in any cultural/conservation/historical associations and need tight preservation enablements to secure their uniqueness and futures” and that they need “a classification that suits the uniqueness/cultural and historical histories of the areas”.

I recommend that these comments are not accepted. Although the CVR notes that the lagoon is a risk area for potential occupation evidence, no heritage values or archaeological sites are recorded, as suggested by the submitter. The points raised do not warrant overturning the notified classification. Under the proposed classification, “where scenic, historic, archaeological, biological, geological, or other scientific features or indigenous flora or fauna or wildlife are present on the reserve, those features or that flora or fauna or wildlife shall be managed and protected to the extent compatible with the principal or primary purpose of the reserve” (Reserves Act 1977, s. 17(2)(b)).

Treaty Considerations (Allowed)

- Submissions opposed the recommendation of the National Panel, supporting the Mana Whenua Panel’s recommendation of disposal instead on the basis that it reflects “the values, interests, and perspectives of the Papatipu Rūnanga in whose Takiwā the relevant land is located”.

I recommend that these comments are not accepted. Although I acknowledge the Mana Whenua Panel opposition to the notified proposal, my assessment, considering those submissions accepted, is that the natural and historic resources present warrant proceeding with the notified proposal while also reflecting the public access and recreational features present.

Process and Consultation (Not Allowed)

- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.
- A submitter advocated for the proposed classification to be revised, stating that “conservation values alone must determine recommended classifications, and recreation and use values are not conservation values”, also stating that if a national park classification is “politically unpalatable, then political judgement calls must be made by accountable politicians, not by the Panel”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- A submission opposed all reclassification of stewardship land to specially protected areas unless it was purchased by the Nature Heritage Fund for the purpose of adding it to a national park.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submissions were concerned whether the proposed classification allows for hunting, fishing and “provision for public access”, and stated that any classification should explicitly provide for these activities.

I recommend that these comments are not accepted. Insufficient information is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification. The proposed classification does not prohibit public access for the activities, if authorised (for example in a hunting permit). Authorisation of such activities involves a separate decision-making process, the outcome of which would depend on effects on the conservation values present rather than the proposed land classification.

Other (Not Allowed)

- A submitter proposed to buy this area of land or continue leasing while supporting DOC’s recreational plans.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Disposal - KAW_23_2808248b

The comments received in relation to the Mana Whenua Panel recommendation are summarised below and have been considered in relation to the notified proposal when forming s.49 allow/accept recommendations.

Support

Ecology and Landscape (Allowed)

- Submissions stated they support disposal of stewardship land where there are no conservation values remaining, or agreed that the land did not hold any conservation values and was therefore suitable for disposal.

I recommend that these comments are not accepted. Though there are areas of modification (rough pasture and weedy species), the presence of regenerating native forest/shrubland means there are conservation values which warrant retention as public conservation land. It is my view that the natural resources present are appropriately protected by the proposed recreation reserve classification, while also reflecting the public access and recreational features present. The points raised do not warrant overturning the notified classification.

Treaty Considerations (Allowed)

- Submissions supported the recommendations of the Mana Whenua Panel on the basis that they reflect the rights and interests of mana whenua, recognise Ngāi Tahu’s connection to their ancestral lands, and fulfil obligations under the Treaty of Waitangi.

I recommend that these comments are not accepted. The public access and recreational features present warrant retaining this area as public conservation land, being held as a recreation reserve “for the purpose of providing areas for the recreation and sporting activities and the physical welfare and enjoyment of the public” (Reserves Act 1977, s.17(1)). No specific Ngāi Tahu interests have been identified for further consideration.

General (Allowed)

- Submissions expressed general support without providing further justification.

I recommend that these comments are not accepted. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised for further consideration.

Other (Not Allowed)

- It was noted that disposals only form 0.01% of the stewardship land in the West Coast reclassification process.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Oppose

Access and Recreation (Allowed)

- Submitters objected to disposal on the grounds that the area holds recreational value, particularly noting that the NZMCA has a licence to operate a campsite in the conservation area which receives high recreational use.
- A submitter noted that the river mouth and coast will move, stating they oppose “any disposal of former or current riverbed or coastal area that provides or protects actual or potential public access as the river mouth moves or coastal area erodes”.
- Submissions objected to disposal on the grounds that this represents a loss of public access and ability for future generations to enjoy these areas, and expressed opposition to any disposal which means a loss of recreation opportunities such as angling or hunting.
- Submitters requested that “appropriate mechanisms are used to ensure existing and future public use is maintained or improved”, or recommended classification as a local purpose reserve with purposes either river conservation, river access, or recreation access to “ensure public access is retained in perpetuity”.

I recommend that these comments are accepted to the extent that I agree classification as recreation reserve will support ongoing public recreational access to the area. These comments hold merit under the Conservation Act as they support promotion of recreation that is not inconsistent with the preservation of the natural and historic resources present.

Recreation reserves are held “for the purpose of providing areas for the recreation and sporting activities and the physical welfare and enjoyment of the public, and for the protection of the natural environment and beauty of the countryside” (Reserves Act 1977, s. 17(1)).

Climate Change and Natural Hazards (Allowed)

- Submitters in opposition to disposal noted that the area is vulnerable to flooding and erosion and river/coastal processes, and that there are “opportunities for ecosystem restoration in response to flood events or coastal erosion”.
- A submitter stated that there are opportunities for carbon sequestration and that disposal “will not assist with a reduction in emissions from agriculture”.
- Submissions opposed the recommendation on the grounds that all public conservation land, even if modified/pasture, offers potential for climate change mitigation and adaption (e.g. “opportunities for flood/erosion buffering, or allowing room for natural river processes”, “areas are important for communities that they need to be kept by DOC for climate mitigation, not disposed of”).
- A submitter noted that “in almost all cases these areas have historically been part of the riverbed, and the rivers need this buffer to be able to move around without causing damage to infrastructure and farming assets. As a corollary to that, the freeholding of land adjacent to riverbeds often results in additional rock protection work which constrains the river, and the natural processes at play. This often results in unintended consequences (often erosion at other sites)”.
- Submitters also argued that modified land could be retained and restored to support carbon sequestration (e.g. “Disposal will forgo future carbon sequestration and climate mitigation”).

I recommend that these comments are accepted to the extent that I agree the protection of the existing natural resources present is of increasing importance when considering the need for climate mitigation. Classification as recreation reserve will support this outcome, to the extent compatible with the identified primary purpose. The relevance of this factor for reclassification decisions is evident when the future-focused elements in the definition of conservation are considered, including, “safeguarding the options of future generations” in relation to ‘natural resources’, “the air, water and soil in or on which any plant or animal lives or may live”, and in relation to ‘protection’ of a resource, “restoration to some former state and its augmentation, enhancement, or expansion” (Conservation Act 1987, s. 2).

- A submitter opposed disposal, stating that the “site should be reviewed for community climate adaptation and resilience”.

I recommend that these comments are not accepted. Comments regarding adaptation do not specify what type of adaptation they mean or why this should be considered for this conservation area, so I am unable to consider them further.

Ecology and Landscape (Allowed)

- Submitters opposed disposal based on the natural values of the estuary, dune and wetland areas and wildlife, noting “naturally uncommon ecosystems (including dunes and wetlands)” and “retention of good opportunities for restoration of depleted indigenous ecosystems”.
- Submissions expressed opposition to any disposal of stewardship land on the grounds that even modified areas are likely to contain some natural values or indigenous species (juncus, carex etc), that areas near forests could easily revert to a natural state, or that even highly modified land holds opportunities for ecosystem regeneration and restoration (e.g. “disposal will lose the opportunity for regeneration and restoration”). A “precautionary policy” was recommended to hold conservation future options open.
- A submission recommended that waterways and wetlands would be better protected if adjacent land was retained, grazing excluded, and restoration/natural succession allowed to occur.
- Submissions opposed disposal of land by rivers on the grounds that so little remains in public conservation land (e.g. “poor ecological representation in existing protected areas”).
- Submitters opposed disposal on riverbed and floodplains unless areas are “completely modified” and can be fenced off from waterways, or unless areas are small and landlocked and have no restoration potential.

I recommend that these comments are accepted to the extent that I agree the natural resources present in this area (e.g. supports rough pasture and regenerating native forest/shrubland but is dominated by weedy species) are appropriately protected and preserved by the proposed recreation reserve classification. Under the proposed classification, “where scenic, historic, archaeological, biological, geological, or other scientific features or indigenous flora or fauna or wildlife are present on the reserve, those features or that flora or fauna or wildlife shall be managed and protected to the extent compatible with the principal or primary purpose of the reserve” (Reserves Act 1977, s. 17(2)(b)).

Treaty Considerations (Allowed)

- One submission stated that “no stewardship land should be made available for disposal, except to tangata whenua; and only then with the need to maintain the block’s cultural, conservation & mahika-kai values in their entirety”.

I recommend that these comments are accepted to the extent that I agree that the area holds conservation values which warrant retention as public conservation land. Although I acknowledge the Mana Whenua Panel opposition to the notified proposal, my assessment, considering those submissions accepted, is that the natural and historic resources present warrant proceeding with the notified proposal while also reflecting the public access and recreational features present.

General (Allowed)

- Submissions expressed opposition to disposal of any stewardship land in general terms, argued that public conservation land is best retained for future generations or future conservation purposes, expressed a desire for maximum environmental protection, or supported “a cautionary approach” and preference to retain land in Crown ownership.

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area and no new material is raised, these submission points do not raise any matters for further consideration.

Permissions, Economic Factors and Land Use (Not Allowed)

- A submitter (who selected opposition to the disposal recommendation) stated that they would like the opportunity to purchase the land, commenting that they have leased the land for the past 35 years. They noted that if they are able to purchase or continue leasing the land they would be happy to support recreational use.
- A submitter stated opposition due to the costs of subdivision, stating, “the public should not pay for subdivision”.
- Submissions recommended consideration of potential productivity and whether the land could be used to support future food security.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Process and Consultation (Not Allowed)

- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.
- It was noted that “proposed disposals do not give even a general indication where disposal boundaries might be”, making it difficult for submitters to comment.

It was suggested that there should be less focus on present values and more weight given to potential conservation value, as per the Conservation General Policy 6(c) and the Conservation Act requirement to safeguard options for future generations. It was recommended that the reclassification framework should include a “future conservation use” designation to hold land for future conservation requirements.

- A submitter noted that “there is no requirement” that land with low conservation values is disposed of, expressing opposition to any disposal of riverbed or pastoral land in public ownership.
- A submitter stated that “The National Panel is recommending 65 hectares for disposal, but has recommended up to an additional 1000 hectares of land may be disposed of where there is pastoral land alongside river conservation areas (subject to survey). This is not explained or justified”.
- A submitter advocated for the proposed classification to be revised, stating that “conservation values alone must determine recommended classifications, and recreation and use values are not conservation values”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Climate Change and Natural Hazards (Allowed)

- A submitter stated that no land should be disposed of if there is potential for restoration or carbon sequestration, and that riverbeds and adjacent land should be retained for flood retention, with no grazing permitted.

I recommend that these comments are accepted to the extent that I agree the protection of the existing natural resources present is of increasing importance when considering the need for climate mitigation. Classification as recreation reserve will support this outcome, to the extent compatible with the identified primary purpose. The relevance of this factor for reclassification decisions is evident when the future-focused elements in the definition of conservation are considered, including, “safeguarding the options of future generations” in relation to ‘natural resources’, “the air, water and soil in or on which any plant or animal lives or may live”, and in relation to ‘protection’ of a resource, “restoration to some former state and its augmentation, enhancement, or expansion” (Conservation Act 1987, s. 2).

General (Allowed)

- Submissions advocated generally for all national parks, forest parks, scenic reserves, and stewardship land to be protected from development.

I recommend that these comments are not accepted. The legislation does not provide for absolute protection from development – rather it contemplates that some activities may be acceptable and provides a mechanism for authorising such activities, through the grant of concessions. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification.

Process and Consultation (Not Allowed)

- A submitter recommended consultation with the area residents.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- One submission noted that disposal of land will be subject to the Heritage New Zealand Pouhere Taonga Notification Process for Disposal of Crown-owned Land.
- One submission suggested any funds from land sold should go to the Nature Heritage Fund.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Orowaiti River Mouth (Foreshore)

Panel Recommendations

National Panel: Recreation reserve, to appropriately protect the identified ecological values while providing for the established recreational uses of the area.

Mana Whenua Panel: Neutral.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of recreation reserve for the 'foreshore' component of the stewardship area.

Summary of accepted submissions: Those submissions accepted as holding merit supported the notified classification as ensuring ongoing public recreational access and offering sufficient protection in the context of climate change.

Section 4 and Treaty principles: The Mana Whenua Panel did not oppose the proposed classification.

No specific Ngāi Tahu interests were raised for consideration by the Mana Whenua Panel for this stewardship area. I acknowledge statements of the Mana Whenua Panel that "there is a deep connection between Ngāi Tahu and all of the whenua in the Ngāi Tahu takiwā, and the absence of site-specific values in the preliminary analysis does not detract from that connection, nor does it confirm that site-specific values are not present."

Rationale: My conclusion is that the natural resources present (e.g. a mixture of dune, coastal terrace and coastal rock outcrops, with modified native vegetation, pasture and buildings) are appropriately protected by the proposed classification, while also reflecting the public access and recreational features present.

Recreation Reserve - KAW_23_2808248c

Support

Access and Recreation (Allowed)

- A submission supported the recommendation on the grounds that it would preserve public access as the river mouth moves or coastal area erodes, and noting that "Disposal puts public access at risk. Riparian access via new Marginal Strips is not guaranteed".

I recommend that these comments are accepted. I agree that the proposed recreation reserve will support ongoing public recreational access to the area. These comments hold merit under the Conservation Act as they support promotion of recreation that is not inconsistent with the preservation of the natural and historic resources present. Recreation reserves are held "for the purpose of providing areas for the recreation and sporting activities and the physical welfare and enjoyment of the public, and for the protection of the natural environment and beauty of the countryside" (Reserves Act 1977, s. 17(1)).

Climate Change and Natural Hazards (Allowed)

- A submitter supported the proposed classification as offering a high level of protection "in light of the impacts of climate change".

I recommend that these comments are accepted. I agree that the protection of the existing natural resources present is of increasing importance when considering the need for climate mitigation. Classification as recreation reserve will support this outcome, to the extent compatible with the identified primary purpose. The relevance of this factor for reclassification decisions is evident when the future-focused elements in the definition of conservation are considered, including, "safeguarding the options of future generations" in relation to 'natural resources', "the air, water and soil in or on which any plant or animal lives or may live", and in relation to 'protection' of a resource, "restoration to some former state and its augmentation, enhancement, or expansion" (Conservation Act 1987, s. 2).

General (Allowed)

- Submissions expressed general support for the proposed classification, referencing the "information in the technical reports", or without providing further justification.
- A submitter noted their preference for all stewardship land to be reclassified at the highest possible level based on its "high cultural conservation value".

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area and no new material is raised, these submission points do not raise any matters for further consideration.

Oppose

Climate Change and Natural Hazards (Allowed)

- A submitter opposed the recommendation and advocated for a government purpose reserve classification, noting that the area holds "opportunities for ecosystem restoration in response to flood events or coastal erosion", "opportunities for carbon sequestration", and "opportunities for restoration of depleted indigenous ecosystem".

I recommend that these comments are not accepted. The proposed classification will support the protection of the natural resources present to the extent compatible with the principal or primary purpose of the reserve, and as a result support the area's climate mitigation potential. The points raised do not justify overturning the notified intention. The fact that the area is affected by sea level rise and coastal erosion does not preclude the use of the area for recreation. Under the proposed classification, "where scenic, historic, archaeological, biological, geological, or other scientific features or indigenous flora or fauna or wildlife are present on the reserve, those features or that flora or fauna or wildlife shall be managed and protected to the extent compatible with the principal or primary purpose of the reserve" (Reserves Act 1977, s. 17(2)(b)).

Ecology and Landscape (Allowed)

- A submitter opposed the proposed classification citing the conservation report that states the area could be a kororā nesting site. They proposed the area be classified as a "Local Purpose Esplanade Reserve, Wildlife Management Area or Government Purpose Reserve for Wildlife Management to give wildlife and recreational values equal priority".
- A submitter opposed the classification and advocated for a government purpose reserve classification noting the area contains naturally uncommon ecosystems "including dunes and wetlands".

I recommend that these comments are not accepted. My view is that the natural resources present are appropriately protected by the proposed classification (e.g. supports rough pasture and regenerating native forest/shrubland but is dominated by weedy species), while also reflecting the public access and recreational features present. The points raised do not warrant overturning the notified classification. Under the proposed classification, "where scenic, historic, archaeological, biological, geological, or other scientific features or indigenous flora or fauna or wildlife are present on the reserve, those features or that flora or fauna or wildlife shall be managed and protected to the extent compatible with the principal or primary purpose of the reserve" (Reserves Act 1977, s. 17(2)(b)).

Historic and Cultural Values (Allowed)

- A submitter opposed the proposed classification and suggested the area was classified a conservation area, noting that "thought and expertise must be given to these huge areas that fall not in any cultural/conservation/historical associations and need tight preservation enablements to secure their uniqueness and futures" and that they need "a classification that suits the uniqueness/cultural and historical histories of the areas".

I recommend that these comments are not accepted. Although the CVR notes that the lagoon is a risk area for potential occupation evidence, no heritage values or archaeological sites are recorded, as suggested by the submitter. The points raised do not warrant overturning the notified classification. Under the proposed classification, "where scenic, historic, archaeological, biological, geological, or other scientific features or indigenous flora or fauna or wildlife are present on the reserve, those features or that flora or fauna or wildlife shall be managed and protected to the extent compatible with the principal or primary purpose of the reserve" (Reserves Act 1977, s. 17(2)(b)).

Process and Consultation (Not Allowed)

- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.
- A submitter advocated for the proposed classification to be revised, stating that “conservation values alone must **determine recommended classifications, and recreation and** use values are not conservation values”, also stating that if a national park classification is “politically unpalatable, then political judgement calls must be made by accountable politicians, not by the Panel”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- A submission opposed all reclassification of stewardship land to specially protected areas unless it was purchased by the Nature Heritage Fund for the purpose of adding it to a national park.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submissions were concerned whether the proposed classification allows for hunting, fishing and “provision for public access”, and stated that any classification should explicitly provide for these activities.

I recommend that these comments are not accepted. Insufficient information is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification. The proposed classification does not prohibit public access for the activities, if authorised (for example in a hunting permit). Authorisation of such activities involves a separate decision-making process, the outcome of which would depend on effects on the conservation values present rather than the proposed land classification.

KAW_23 – Buller River Mouth – 2808250

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Buller River Mouth	KAW_23_2808250k	Recreation Reserve	Neutral	11	8

Conservation Values Report Description

A 61.3819-ha area of coastal dunes adjacent to the Buller River mouth and the Orowaiti Lagoon Ecological Management Unit. The landforms are unmodified, and the area is important in protecting a representative suite of ecosystems in the Foulwind Ecological District. The area is prone to serious flooding and is predicted to be impacted by sea level rise. Camping, boating, surfing and whitebaiting happen in the area. Mountain bike trails are managed by a local club. There are grazing concessions in place.

Panel Recommendations

National Panel: Recreation reserve, to appropriately protect the identified ecological values while providing for the established recreational uses of the area.

Mana Whenua Panel: Neutral.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of recreation reserve.

Summary of accepted submissions: Those submissions accepted as holding merit supported the notified classification as ensuring ongoing public recreational access and offering sufficient protection in the context of climate change.

Section 4 and Treaty principles: The Mana Whenua Panel did not oppose the proposed classification.

No specific Ngāi Tahu interests were raised for consideration by the Mana Whenua Panel for this stewardship area. I acknowledge statements of the Mana Whenua Panel that “there is a deep connection between Ngāi Tahu and all of the whenua in the Ngāi Tahu takiwā, and the absence of site-specific values in the preliminary analysis does not detract from that connection, nor does it confirm that site-specific values are not present.”

Rationale: My conclusion is that the natural resources present (e.g. a mixture of dune, coastal terrace and coastal rock outcrops, with modified native vegetation, pasture and buildings) are appropriately protected by the proposed classification, while also reflecting the public access and recreational features present.

Recreation Reserve - KAW_23_2808250k

Support

Access and Recreation (Allowed)

- A submission supported the recommendation on the grounds that it would preserve public access as the river mouth moves or coastal area erodes, and noting that “Disposal puts public access at risk. Riparian access via new Marginal Strips is not guaranteed”.
- A submitter supported the proposed classification “provided camping remains a permitted activity” within the area currently managed for this use.

I recommend that these comments are accepted. I agree that the proposed recreation reserve will support ongoing public recreational access to the area. These comments hold merit under the Conservation Act as they support promotion of recreation that is not inconsistent with the preservation of the natural and historic resources present. Recreation reserves are held “for the purpose of providing areas for the recreation and sporting activities and the physical welfare and enjoyment of the public, and for the protection of the natural environment and beauty of the countryside” (Reserves Act 1977, s. 17(1)).

Climate Change and Natural Hazards (Allowed)

- A submitter supported the proposed classification as offering a high level of protection "in light of the impacts of climate change".

I recommend that these comments are accepted. I agree that the protection of the existing natural resources present is of increasing importance when considering the need for climate mitigation. Classification as recreation reserve will support this outcome, to the extent compatible with the identified primary purpose. The relevance of this factor for reclassification decisions is evident when the future-focused elements in the definition of conservation are considered, including, "safeguarding the options of future generations" in relation to 'natural resources', "the air, water and soil in or on which any plant or animal lives or may live", and in relation to 'protection' of a resource, "restoration to some former state and its augmentation, enhancement, or expansion" (Conservation Act 1987, s. 2).

General (Allowed)

- Submissions expressed general support for the proposed classification, referencing the "information in the technical reports", or without providing further justification.
- A submitter noted their preference for all stewardship land to be reclassified at the highest possible level based on its "high cultural conservation value".

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area and no new material is raised, these submission points do not raise any matters for further consideration.

Oppose

Climate Change and Natural Hazards (Allowed)

- A submitter opposed the proposed classification, stating they wanted the site reviewed for its "climate adaptation and resilience".
- A submitter opposed the recommendation and advocated for a government purpose reserve or wildlife management area classification noting the area holds "opportunities for ecosystem restoration in response to flood events or coastal erosion", "opportunities for carbon sequestration", and "opportunities for restoration of depleted indigenous ecosystem".

I recommend that these comments are not accepted. The proposed classification will support the protection of the natural resources present to the extent compatible with the principal or primary purpose of the reserve, and as a result support the area's climate mitigation potential. The points raised do not justify overturning the notified intention. The fact that the area is affected by sea level rise and coastal erosion does not preclude the use of the area for recreation. Under the proposed classification, "where scenic, historic, archaeological, biological, geological, or other scientific features or indigenous flora or fauna or wildlife are present on the reserve, those features or that flora or fauna or wildlife shall be managed and protected to the extent compatible with the principal or primary purpose of the reserve" (Reserves Act 1977, s. 17(2)(b)).

Ecology and Landscape (Allowed)

- A submitter opposed the proposed classification citing the conservation report that states the area could be a kororā nesting site. They proposed the area be classified as a "Local Purpose Esplanade Reserve, Wildlife Management Area or Government Purpose Reserve for Wildlife Management to give wildlife and recreational values equal priority".
- A submitter opposed the classification and advocated for a government purpose reserve or wildlife management area classification noting the area contains naturally uncommon ecosystems "including dunes and wetlands" and "at risk and/or threatened species".

I recommend that these comments are not accepted. My view is that the natural resources present are appropriately protected by the proposed classification (e.g. supports rough pasture and regenerating native forest/shrubland but is dominated by weedy species), while also reflecting the public access and recreational features present. The points raised do not warrant overturning the notified classification. Under the proposed classification, "where scenic, historic, archaeological, biological, geological, or other scientific features or indigenous flora or fauna or wildlife are present on the reserve, those

features or that flora or fauna or wildlife shall be managed and protected to the extent compatible with the principal or primary purpose of the reserve” (Reserves Act 1977, s. 17(2)(b)).

Historic and Cultural Values (Allowed)

- A submitter opposed the proposed classification and suggested the area was classified a conservation area, noting that “thought and expertise must be given to these huge areas that fall not in any cultural/conservation/historical associations and need tight preservation enablements to secure their uniqueness and futures” and that they need “a classification that suits the uniqueness/cultural and historical histories of the areas”.

I recommend that these comments are not accepted. Although the CVR notes that the lagoon is a risk area for potential occupation evidence, no heritage values or archaeological sites are recorded, as suggested by the submitter. The points raised do not warrant overturning the notified classification. Under the proposed classification, “where scenic, historic, archaeological, biological, geological, or other scientific features or indigenous flora or fauna or wildlife are present on the reserve, those features or that flora or fauna or wildlife shall be managed and protected to the extent compatible with the principal or primary purpose of the reserve” (Reserves Act 1977, s. 17(2)(b)).

Process and Consultation (Not Allowed)

- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.
- A submitter advocated for the proposed classification to be revised, stating that “conservation values alone must determine recommended classifications, and recreation and use values are not conservation values”, also stating that if a national park classification is “politically unpalatable, then political judgement calls must be made by accountable politicians, not by the Panel”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- A submission opposed all reclassification of stewardship land to specially protected areas unless it was purchased by the Nature Heritage Fund for the purpose of adding it to a national park.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submissions were concerned whether the proposed classification allows for hunting, fishing and “provision for public access”, and stated that any classification should explicitly provide for these activities.
- A submitter noted that access should be maintained or improved and because many of the rivers are accessed by helicopters that current landing permissions should remain available.

I recommend that these comments are not accepted. Insufficient information is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification. The proposed classification does not prohibit public access for the activities, if authorised (for example in a hunting permit). Authorisation of such activities involves a separate decision-making process, the outcome of which would depend on effects on the conservation values present rather than the proposed land classification.

Permissions, Economic Factors and Land Use (Not Allowed)

- A submitter stated they want the rivers free flowing and unmodified, and that the “conservation classification does not allow for dams or flow diversions”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

KAW_24 – Westport - Orowaiti Road – 2808249

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Westport - Orowaiti Road	KAW_24_2808249I	Local Purpose (Esplanade) Reserve	Neutral	7	6

Conservation Values Report Description

A 0.179-ha narrow strip of land behind a manufactured rock wall, incorporated into local backyards. While it can be accessed, this is unappealing. It is potential habitat but, on the whole, has low naturalness value.

Panel Recommendations

National Panel: Local purpose (esplanade), reserve to appropriately reflect the identified values and ensure public access along the foreshore.

The conservation General Policy 6(d)(vii) is considered to preclude the disposal of this area, noting that "land disposal should not be undertaken where the land in question (...) secures practical walking access to public conservation lands and waters, rivers, lakes or the coast".

Mana Whenua Panel: Neutral.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of local purpose (esplanade) reserve.

Summary of accepted submissions: Those submissions accepted as holding merit stated general support for the notified classification.

Section 4 and Treaty principles: The Mana Whenua Panel did not oppose the proposed classification.

No specific Ngāi Tahu interests were raised for consideration by the Mana Whenua Panel for this stewardship area. I acknowledge statements of the Mana Whenua Panel that "there is a deep connection between Ngāi Tahu and all of the whenua in the Ngāi Tahu takiwā, and the absence of site-specific values in the preliminary analysis does not detract from that connection, nor does it confirm that site-specific values are not present."

Rationale: My conclusion is that the natural resources present are appropriately protected by the proposed classification (e.g. low naturalness value), while also reflecting the public access and recreational features present.

Local Purpose (Esplanade) Reserve - KAW_24_2808249I

Support

General (Allowed)

- Submissions stated their agreement in general terms, without providing further justification, or expressed their preference for stewardship land to be reclassified at the highest possible level.

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area and no new material is raised, these submission points do not raise any matters for further consideration.

Oppose

Climate Change and Natural Hazards (Allowed)

- A submitter noted opposition based on "concern that site should be reviewed for community climate adaptation and resilience".

I recommend that these comments are not accepted. Comments regarding adaptation do not specify what type of adaptation they mean or why this should be considered for this conservation area, so I am unable to give them further consideration.

Ecology and Landscape (Allowed)

- A submitter generally opposed the “numerous” recommendations for local purpose reserves based on lack of clarity regarding the primary purpose and concern that ecological values would not be sufficiently protected.

I recommend that these comments are not accepted. It is my view that the natural resources of the area, noted in the CVR to hold low naturalness value, are appropriately protected by the proposed classification when also considering the public access and recreational features present. Natural features shall be managed and protected to the extent compatible with the principal or primary purpose of the reserve (Reserves Act 1977, s. 23(2)(a)).

Process and Consultation (Not Allowed)

- Submitters opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.
- A submitter opposed the recommendation on the basis that no reclassifications should proceed without a full socioeconomic assessment undertaken by the Department in partnership with the local/regional councils.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submitters were concerned with ensuring that any reclassification provides explicitly for access, sports fishing and gamebird hunting.

I recommend that these comments are not accepted. Insufficient information is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification. The proposed classification does not prohibit public access for the activities, if authorised (for example in a hunting permit). Authorisation of such activities involves a separate decision-making process, the outcome of which would depend on effects on the conservation values present rather than the proposed land classification.

KAW_25 – German Gully – 2808335

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
German Gully	KAW_25_2808335m	Local Purpose (Water Supply) Reserve	Local Purpose (Water Supply) Reserve	13	7

Conservation Values Report Description

A 1.8031-ha area is a small section of gully and river flat covered in a mix of native trees, native and exotic shrubs and pasture, it is isolated and is unlikely to be used recreationally. It is an isolated stretch of German Gully and an unnamed tributary of the Orowaiti River. There is some mining history but no recorded archaeological sites. One longterm access easement is held for a water supply pipeline.

Panel Recommendations

National Panel: Local purpose (water supply) reserve, to accommodate the identified ecological and heritage values to the extent compatible with the primary purpose of the reserve (water supply management).

Mana Whenua Panel: Supports the Western South Island National Panel's recommendation.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of local purpose (water supply) reserve.

Summary of accepted submissions: Those submissions accepted as holding merit expressed supported the notified classification as appropriately reflecting the natural values, while noting that this was outcome is supported by the Mana Whenua Panel and reflects the perspectives of Ngāi Tahu.

Section 4 and Treaty principles: The Mana Whenua Panel supported the proposed classification, supported by submissions from Treaty partner organisations.

No specific Ngāi Tahu interests were raised for consideration by the Mana Whenua Panel for this stewardship area. I acknowledge statements of the Mana Whenua Panel that "there is a deep connection between Ngāi Tahu and all of the whenua in the Ngāi Tahu takiwā, and the absence of site-specific values in the preliminary analysis does not detract from that connection, nor does it confirm that site-specific values are not present."

Rationale: My conclusion is that the proposed classification will accommodate this existing land use relating to a water supply pipeline. Conservation values will be protected to the extent compatible with the primary purpose of the reserve.

Local Purpose (Water Supply) Reserve - KAW_25_2808335m

Support

Ecology and Landscape (Allowed)

- A submitter agreed that the recommendation is suitable for this "small block with natural values".

I recommend this comment is accepted. My assessment is the natural resources present (a mix of native trees, native and exotic shrubs and pasture) are appropriately protected under the proposed classification. Conservation values will be protected to the extent compatible with the primary purpose of the reserve (water supply).

Treaty Considerations (Allowed)

- Submissions supported the recommendations of the Mana Whenua Panel on the basis that they reflect the rights and interests of mana whenua, recognise Ngāi Tahu's connection to their ancestral lands, and fulfil obligations under the Treaty of Waitangi.

I recommend that these comments are accepted. I note that the Mana Whenua Panel have supported the proposed classification.

General (Allowed)

- Submissions stated their agreement in general terms, without providing further justification, or expressed their preference for stewardship land to be reclassified at the highest possible level.

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area and no new material is raised, these submission points do not raise any matters for further consideration.

Oppose

Climate Change and Natural Hazards (Allowed)

- A submitter stated opposition based on “concern that site should be reviewed for community climate adaptation and resilience”.

I recommend that these comments are not accepted. Comments regarding adaptation do not specify what type of adaptation they mean or why this should be considered for this conservation area, so I am unable to consider them further.

Ecology and Landscape (Allowed)

- A submitter stated that no water pipes run through this conservation area and that it is not part of the water catchment, and that the area is highly modified, currently grazed, and therefore should be disposed of (e.g. “The area is downstream from both Westport Water supply intakes and more than 500 m below the pipeline to the main reservoirs and has no influence on the catchment supplying water to Westport”). They stated that “this Stewardship land I believe was gazetted in error and should have been part of Section 60, just like the neighbouring Section 61”.
- A submitter generally opposed the “numerous” recommendations for local purpose reserves based on lack of clarity regarding the primary purpose and concern that ecological values would not be sufficiently protected.

I recommend that these comments are not accepted. As the area is situated between a local purpose (water conservation) reserve and the waterway, and the easement for the pipe (held by the Buller District Council) is within the stewardship area, my view is that the recommended water supply purpose for the reserve is appropriate. Further, while there are modified elements, the area contains native vegetation and an unnamed tributary of the Orowaiti River, so holds natural values that would make it unsuitable for the submitter’s recommendation for disposal. My assessment is the natural resources present (a mix of native trees, native and exotic shrubs and pasture) are appropriately protected under the proposed classification. Conservation values will be protected to the extent compatible with the primary purpose of the reserve (water supply).

General (Allowed)

- A submitter recommended adding the area to Shamrock Creek Amenity Area without providing further justification.

I recommend that these comments are not accepted. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised for further consideration.

Process and Consultation (Not Allowed)

- Submitters opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.
- A submitter opposed the recommendation on the basis that no reclassifications should proceed without a full socioeconomic assessment undertaken by the Department in partnership with the local/regional councils.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submitters were concerned with ensuring that any reclassification provides explicitly for access, sports fishing and gamebird hunting.

I recommend that these comments are not accepted. No new material is raised which supports reconsideration of the notified classification. The proposed classification does not prohibit public access for the activities, if authorised (for example in a hunting permit). Authorisation of such activities involves a separate decision-making process, the outcome of which would depend on effects on the conservation values present rather than the proposed land classification.

KAW_26 – Ballarat – 2808247

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Ballarat (Southern Land Unit)	KAW_26_2808247w	Conservation Park (Whareatea)		9	48
Ballarat (Southern Land Unit)	KAW_26_2808247x		Stewardship	6	44
Ballarat (Central & Northern Land Units)	KAW_26_2808247y	Conservation Park (Whareatea)	Neutral	10	45

Conservation Values Report Description

A 903.3081-ha area, known locally as "German Terrace" or sometimes "Coal Creek". A large wetland on an elevated terrace close to Westport, used by locals for walking and possibly also for hunting. There is an access track but no DOC-managed tracks or facilities. There is a very high freshwater species diversity within this parcel. The pākihi vegetation is important for wildlife, supporting many threatened and at-risk species, including the wide-ranging, highly mobile bittern. There is some mining history.

Ballarat (Southern Land Unit)

Panel Recommendations

National Panel: Conservation park (Whareatea), to reflect the identified values, protecting natural and historic resources while facilitating public recreation and enjoyment of the area.

Mana Whenua Panel: Retain as stewardship land to enable further assessment of the values and opportunities of this land for Ngāi Tahu.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of conservation park for the 'southern land unit' of the stewardship area.

Summary of accepted submissions: Those submissions accepted as holding merit supported the notified classification, noting the recreational use of the land.

Section 4 and Treaty principles: The Mana Whenua Panel opposed the proposed conservation park, supported by submissions by Treaty partner organisations, instead recommending that to "appropriately protect the interests of Ngāi Tahu, reclassification should not occur at this time". The Mana Whenua Panel have signalled Ngāi Tahu interests associated with this stewardship area, particularly that "Ngāi Tahu may have future aspirations for this land and so those aspirations must be assessed, recognised, considered and provided for".

Although I acknowledge the Mana Whenua Panel opposition to the notified proposal, my assessment, considering those submissions accepted, is that the natural and historic resources present warrant proceeding with the notified proposal.

Regarding the specific concerns identified by the Mana Whenua Panel (future aspirations), I note that conservation legislation contemplates that some activities may be acceptable and provides a mechanism for authorising such activities through the granting of concessions. The proposed classification may still allow for certain development and economic opportunities (for example) through this mechanism, which would be administered in a manner that gives effect to Treaty principles.

Rationale: My conclusion is that the natural resources (e.g. large wetland, pākihi vegetation, important site for whitebait diversity, very high freshwater species diversity) and historic resources present (e.g. mining history) are appropriately protected under the proposed classification. The primary purpose of conservation parks includes to be managed so "that its natural and historic resources are protected" (Conservation Act 1987, s. 19(1)(a)).

Conservation Park - KAW_26_2808247w

Support

Access and Recreation (Allowed)

- A submitter who supported the proposed classification noted the presence of walking tracks which are “popular with the local community due to its proximity to Westport”.

I recommend that these comments are accepted. The recreational values identified are consistent with those described in the CVR and I agree they will be protected through the notified classification. The proposed conservation park will be managed “to facilitate public recreation and enjoyment”, subject to the protection of the natural and historic resources present (Conservation Act 1987, s. 19(1)(b)).

General (Allowed)

- Submissions expressed general support for the proposed classification without providing further justification, or agreed it reflected the “information in the technical reports”.
- A submitter noted their preference for all stewardship land to be reclassified at the highest possible level based on its “high cultural conservation value”.

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area and no new material is raised, these submission points do not raise any matters for further consideration.

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions in support of conservation park advocated for greater protection from “intrusive development” such as mining and hydro schemes, stating that “most of the Southern Alps deserves protection equivalent to that of National Park status”.
- A submitter expressed “trust that Conservation Park status will provide full protection from any future mining applications in these areas”.
- Submissions advocated for retaining the area in stewardship or reclassifying it as a conservation park, suggesting these provide “more than adequate legal protection”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- A submission suggested that the implementation of the proposed classification “needs to be followed up with sufficient funding for pest eradication”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Oppose

Access and Recreation (Allowed)

- A submitter advocated for classification as ecological area, noting “little significance for recreation”.
- A submitter advocated for addition to the adjacent Lower Buller Gorge Scenic Reserve, suggesting this “would be appropriate for the local recreational use”.
- A submitter who advocated for the area to remain in stewardship suggested that actual recreational use of the area is lower than that described by the National Panel, referencing an “independent visitor intercept survey” and noting that “the majority of visitors do not go beyond the Denniston brakehead, which is outside the area of land under review”.

I recommend that these comments are not accepted. It is my view that the recreational values present as described in the CVR (e.g. local recreational use) will be appropriately protected by the proposed classification and the points raised do not warrant overturning the notified intention. The proposed conservation park will be managed “to facilitate public recreation and enjoyment”, subject to the protection of the natural and historic resources present (Conservation Act 1987, s. 19(1)(b)).

Climate Change and Natural Hazards (Allowed)

- A submitter opposed the proposed classification, citing “concern that site should be reviewed for Community climate adaptation and resilience”.
- A submitter highlighted the presence of coal reserves within the area, suggesting that “coal mining produces a large amount of carbon emissions and Aotearoa has committed to reducing our emissions”. **Classification as “scientific or ecological protection reserve”** was proposed, to prevent future mining in the area.
- A submitter noted **opposition to the proposed** classification as “it does not adequately take climate change considerations into account and does not rule out mining opportunities”.

I recommend that these comments are not accepted. The proposed classification will support the protection of the natural resources present, and as a result support the area’s climate mitigation potential. Comments regarding adaptation do not specify what type of adaptation they mean or why this should be considered for this conservation area, so I am unable to consider them further.

Community (Allowed)

- A submitter who advocated for national park classification to prevent mining, raised concern about community health impacts arising from further coal mining in the area, noting that one of the Department’s outcomes is “thriving communities” (e.g. “Mining this area would further contaminate the Waimangaroa water supply catchment with coal dust”, “our community already has the highest rate of respiratory disease in New Zealand”).

I recommend that these comments are not accepted. The legislation does not provide for absolute protection from development – rather it contemplates that some activities may be acceptable and provides a mechanism for authorising such activities, through the granting of concessions and authorisations.

Ecology and Landscape (Allowed)

- A large number of submitters suggested that the proposed conservation park did not reflect the “high landscape and ecological value” of the area, which **warrant a higher level of protection such as ecological area** (e.g. “a large elevated wetland with a high diversity of freshwater species and the Nationally Critical Australasian bittern lives here”, “in both national and global terms it is a treasure with swamps, marshes, pākihi and fen wetlands providing a high level of naturalness and habitat diversity, and pristine water quality”, the area may have “the last remnants of a range of insects, snails, lizards, or plant speciation that may be nationally at risk, endangered, or threatened”, “nationally uncommon ecosystem type with only 0.5% occurring”).
- A submitter advocated for the area to be classified as either as a wildlife refuge, scenic reserve, scientific reserve or ecological area, “due to the rarity of the ecosystem in protected lands within New Zealand and the existence of **many threatened and at risk species present**”. The area was noted to be “very poorly drained and supports a diverse array of wetlands from swamps, marshes, pākihi to fen wetland”, and to contain naturally uncommon ecosystems and “a range of rare and distinct species” (e.g. “I have walked through this area and was impressed with the conservation values therein”).
- A submitter noted the “special biodiversity” in the area identified during a BioBlitz event, advocating generally for a “higher level of protection”.
- Concern was raised that conservation park provides “pretty much the same protection as that of Stewardship Land” (e.g. “we find it odd there is such a **low-level classification recommended here, given the high landscape and ecological value supporting rare and distinct species**”).
- Submitters expressed preference for classification as ecological area.
- A submitter who advocated for the area to remain in stewardship, expressed concern with the “accuracy and quality” of the technical content regarding ecological values which was considered by the Panels. **It was noted that** the discussion of landscape values provides “no reference to any technical documents”, and that ONL49 (Orikaka River Valley), which is referenced by the National Panel, covers only a small part of the assessment area.

I recommend that these comments are not accepted. My assessment is that the natural resources present (e.g. large wetland, pākihi vegetation, important site for whitebait diversity) are appropriately protected under the proposed classification and the points raised do not warrant overturning the notified intention. The primary purpose of conservation parks includes to be managed so “that its natural and historic resources are protected” (Conservation Act 1987, s. 19(1)(a)).

Treaty Considerations (Allowed)

- A submitter noted the area to be “culturally linked” to the Mount Rochfort conservation area, noting “that the name of that place is dedicated to our ancestor Rongonui and as such is extremely sensitive to us in his memory and our whakapapa connections to this ancestor”. It was suggested that the area is Historically/Culturally/Environmentally exclusive” and that it should either added to the Orikaka Ecological Area or receive “some high status protection”.
- Submissions expressed preference for the recommendation of the Mana Whenua Panel, on the basis that it “reflects the values, interests, and perspectives of the Papatipu Rūnanga in whose Takiwā the relevant land is located”.

I recommend that these comments are not accepted. Although I acknowledge the Mana Whenua Panel opposition to the notified proposal, my assessment, considering those submissions accepted, is that the natural resources present (e.g. large wetland, important site for whitebait diversity, high freshwater species diversity) are appropriately protected under the proposed classification when also considering the historic resources present (e.g. mining history). The primary purpose of conservation parks includes to be managed so “that its natural and historic resources are protected” (Conservation Act 1987, s. 19(1)(a)).

General (Allowed)

- Submissions advocated for a higher level of protection than that proposed, without providing further justification (e.g. “Ecological Area preferred”).

I recommend that these comments are not accepted. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised for further consideration.

Permissions, Economic Factors and Land Use (Not Allowed)

- A submitter advocated for national park classification to prevent the use of the area for coal mining, suggesting that “it would be of economic benefit to local people when coal mining ends”.
- Submitters advocated for a classification that would prevent future mining in the area (e.g. “to protect from extractive industry destroying a rare ecosystem”). It was noted that the area “is of strategic importance because it provides for Te Kuha access”.
- A submitter who expressed general concern about the low-level protection offered by conservation park (e.g. “conservation parks do not protect against the establishment of mines on conservation land), noted support for that classification for areas “potentially containing crown minerals”.
- Submitters noted that “Ballarat conservation area has been the subject of a specific proposal for mining for many years”, that the proposed classification is not in the best interest of the public, and that it “would have negative impact on the potential economic benefit derived from mineral resource extraction”. A mineral permit over the area was identified, with “serious legal implications if reclassified”. It was suggested that reclassification should not occur “until all consenting/approval processes have been completed”.
- A submitter suggested that reclassification should not occur until existing permissions are concluded, and rehabilitation completed. The financial value of “coal resources across the Denniston Plateau” was outlined, suggesting that the impact of reclassification on permissions has not been adequately considered by the Panels. It was suggested that additional permissions are present than those described in the Departmental technical report.
- A submitter suggested the proposed classification is not in the best interest of the public and “would have negative impact on the potential economic benefit derived from mineral resource extraction”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Process and Consultation (Not Allowed)

- A submitter advocated for the proposed classification to be revised, stating that “conservation values alone must determine recommended classifications, and recreation and use values are not conservation values”.
- A submitter stated that if a national park classification is “politically unpalatable, then political judgement calls must be made by accountable politicians, not by the Panel”.
- A submitter noted the “absence of any information about possible economic activities that may occur” and that they could therefore not be confident about the appropriateness of the proposed classification.

- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation (e.g. “The process has failed to take into account wider cultural, social and economic values of this specific area of land”).

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- One submission opposed all reclassification of stewardship land to specially protected areas unless it was purchased by the Nature Heritage Fund for the purpose of adding it to a national park.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submissions queried whether the proposed classification allows hunting, fishing and “provision for public access”.

I recommend that these comments are not accepted. Insufficient information is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification. The proposed classification does not prohibit public access for the activities, if authorised (for example in a hunting permit). Authorisation of such activities involves a separate decision-making process, the outcome of which would depend on effects on the conservation values present rather than the proposed land classification.

Ecology and Landscape (Allowed)

- Submitters who did not express a clear position on the proposed classification noted the high ecological value of the area (e.g. “contains a large, elevated wetland, valued for very high freshwater species diversity”, “an ecological transition from the Denniston plateau and Mount Rochfort to lower elevation forests and pākihi wetlands, with high conservation values”). The area was suggested to be of “strategic importance because it provides for Te Kuha access”, and that the area “should feature the same levels of protection from extractive industries as Mount Rochfort”.

I recommend that these comments are not accepted. My assessment is that the natural resources present (e.g. large wetland, pākihi vegetation, important site for whitebait diversity) are appropriately protected under the proposed classification and the points raised do not warrant overturning the notified intention. The primary purpose of conservation parks includes to be managed so “that its natural and historic resources are protected” (Conservation Act 1987, s. 19(1)(a)).

General (Allowed)

- Submissions advocated generally for all national parks, forest parks, scenic reserves, and stewardship land to be protected from development.

I recommend that these comments are not accepted. The legislation does not provide for absolute protection from development – rather it contemplates that some activities may be acceptable and provides a mechanism for authorising such activities, through the grant of concessions. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification.

Other (Not Allowed)

- A submitter advocated for new conservation parks to “come with additional Government funding for better biodiversity work and more pest control”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Retain in Stewardship - KAW_26_2808247x

The comments received in relation to the Mana Whenua Panel recommendation are summarised below and have been considered in relation to the notified proposal when forming s.49 allow/accept recommendations.

Support

Treaty Considerations (Allowed)

- Submitters supported the position of the Mana Whenua Panel on the basis that “the recommendations of the MWP reflect the values, interests, and perspectives of the Papatipu Rūnanga in whose Takiwā the relevant land is located”), and recognise Ngāi Tahu’s connection to their ancestral lands” (e.g. “by adopting the recommendations of the Mana Whenua Panel the Minister will give effect to the principles of the Treaty of Waitangi”, “Mana whenua, here made up of Ngāi Tahu and Poutini Ngāi Tahu, have the longest and strongest claim to this land and their interests should be upheld as per their recommendation”).

I recommend that these comments are not accepted. Although I acknowledge the Mana Whenua Panel opposition to the notified proposal, my assessment, considering those submissions accepted, is that the natural resources present (e.g. large wetland, important site for whitebait diversity, high freshwater species diversity) are appropriately protected under the proposed classification when also considering the historic resources present (e.g. mining history). The primary purpose of conservation parks includes to be managed so “that its natural and historic resources are protected” (Conservation Act 1987, s. 19(1)(a)).

General (Allowed)

- Submissions stated support for the proposed classification or agreement with the Mana Whenua Panel without providing further justification.

I recommend that these comments are not accepted. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised for further consideration.

Permissions, Economic Factors and Land Use (Not Allowed)

- A submission advocated for retaining the area in stewardship or reclassifying it as a conservation park, suggesting these classifications provide “more than adequate legal protection”.
- Submitters supported the recommendation on the grounds that retaining land in stewardship will enable various land uses to continue, noting that mining and access authorisations are held in the assessment area. They recommended that “this land remain as Stewardship for at least the period of mining and rehabilitation” or “until all consenting/approval processes have been completed”.
- One submitter noted that the permissions summaries in each of the technical documents are inaccurate and do not reflect the extent of use or significance of these to Bathurst’s Stockton operations.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Process and Consultation (Not Allowed)

- Submissions supported the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation, including the timeframe for response when compared to the scale of information notified.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Oppose

Access and Recreation (Allowed)

- A submitter opposed retaining as stewardship agreeing with the National Panel’s recommendation due to its recreational values specifically walking tracks that are “popular with the local community due to its proximity to Westport”.

I recommend that these comments are accepted. The recreational values identified are consistent with those described in the CVR and I agree they will be protected through the notified classification. The proposed conservation park will be managed “to facilitate public recreation and enjoyment”, subject to the protection of the natural and historic resources present (Conservation Act 1987, s. 19(1)(b)).

- A submitter recommended a scenic reserve, stating that it “would be appropriate for the local recreational use”.
- A submitter recommended an ecological area noting that it contains an elevated wetland that it is of “strategic importance because it provides for Te Kuha access”.
- A submitter wanted this classification revisited and adequate protections given that are based on the conservation value of the land, noting that “The fundamental purpose should thus be the protection of the conservation value of the land and the guarantee of public access”.

I recommend that these comments are accepted to the extent that they support a higher protective classification than that offered by stewardship. My view is that any recreational values present will be appropriately protected by the notified classification. The proposed conservation park will be managed “to facilitate public recreation and enjoyment”, subject to the protection of the natural and historic resources present (Conservation Act 1987, s. 19(1)(b)).

Climate Change and Natural Hazards (Allowed)

- A submitter stated opposition based on concern that the site “should be reviewed for Community climate adaptation and resilience”.

I recommend that these comments are not accepted. The proposed classification of conservation park will support the protection of the natural resources present, and as a result support the area’s climate mitigation potential. Comments regarding adaptation do not specify what type of adaptation they mean or why this should be considered for this conservation area, so I am unable to consider them further.

Ecology and Landscape (Allowed)

- A submitter noted the “special biodiversity” in the area identified during a BioBlitz event, advocating generally for a “higher level of protection”.
- A submitter opposed retaining the area as stewardship land and recommended an ecological area where the area’s “ecological values are high”.
- Submitters advocated for a variety of alternative classifications, including ecological area and scenic reserve.
- Submitters argued that the area, “a large wetland with high freshwater species diversity” represents a naturally uncommon ecosystem type. They noted the area has a “high level of habitat biodiversity and naturalness” and contains “nationally important values” that include distinct and rare species (i.e. bittern, long fin eel and brown mudfish, whitebait species, fernbird, forest gecko, long tailed bat).

I recommend that these comments are accepted to the extent that I agree that the area warrants a higher level of protection than that provided by stewardship. My assessment is that the natural resources present (e.g. large wetland, important site for whitebait diversity, high freshwater species diversity) will be appropriately protected by the proposed classification of conservation park and the points raised do not warrant overturning the notified intention. The primary purpose of conservation parks includes to be managed so “that its natural and historic resources are protected” (Conservation Act 1987, s. 19(1)(a)).

Treaty Considerations (Allowed)

- A submitter opposed retaining the land in stewardship and noted that “reclassification of stewardship land would allow for legal protection of identified conservation values”. The submitter disagreed that there needed to be a “full assessment of the values and opportunities of this land for Ngāi Tahu as Ngāi Tahu may have future aspirations” stating that this goes beyond the brief for the reclassification of stewardship land.
- A submitter stated that mana whenua should be “transparent if their intentions are to mine this land”, explaining that any short term financial gain “would bring disastrous long-term climate disaster through coal mining”, and that coal mining conflicts with “mana whenua and Te Ao Māori values”.
- A submitter advocated for a higher classification for this area “Add to Orikaka Ecological Area; or some high status protection”, noting many historical grievances relating to the area and those nearby (“the paepae of our marae, were

ripped apart”). They also stated their desire to see the original name used going forward (“We ask that some penance is shown us by the Crown by ensuring that Rongomai is respected and honoured by having his name replaced in references to Mount Rochfort”).

I recommend that these comments are accepted to the extent that they support a higher level of protection for the land than that provided by stewardship. Although I acknowledge the Mana Whenua Panel opposition to the notified proposal, my assessment, considering those submissions accepted, is that the natural resources present (e.g. large wetland, important site for whitebait diversity, high freshwater species diversity) are appropriately protected under the proposed classification when also considering the historic resources present (e.g. mining history). The primary purpose of conservation parks includes to be managed so “that its natural and historic resources are protected” (Conservation Act 1987, s. 19(1)(a)).

General (Allowed)

- Submissions opposed retaining land in stewardship without providing further justification, describing it as a “meaningless recommendation”.
- Some submitters expressed a preference for a different classification such as a conservation park, scenic reserve, or an ecological area.
- Submissions expressed preference for higher-level protection, or for the “highest possible classification”, based on the land’s “high cultural conservation value”.
- Submissions opposed retaining land in stewardship noting “Its conservation values appear to be no less than that contained in the other titles of this land parcel”
- Submitters were opposed arguing that the recommendation “does not offer sufficient protection”.

I recommend that these comments are accepted to the extent that they support a higher level of protection for the land than that provided by stewardship. My view is that the natural and historic values present will be appropriately protected by the proposed classification of conservation park. The primary purpose of conservation parks includes to be managed so “that its natural and historic resources are protected” (Conservation Act 1987, s. 19(1)(a)).

Permissions, Economic Factors and Land Use (Not Allowed)

- A submitter stated preference for reclassification as a national park, commenting that this “would be of economic benefit to local people when coal mining ends”.
- It was suggested that the recommendation “is an undercover ploy to open conservation lands with notable conservation values to environmentally abusive extractive commercial activities and other inappropriate developments in the interests of private financial rewards”. They stated the area needed to be disposed of or reclassified based on its “its scientific, ecological, biodiversity, landscape, historical, cultural, spiritual, mahinga kai and recreational values.
- Submitters expressed concern that retaining the area as stewardship land exposes it to risk of activities such as mining or being swapped out of the conservation estate. It was suggested that reclassification should consider the “likely potential incursion by commercial or industrial groups”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Process and Consultation (Not Allowed)

- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation, including the timeframe for response when compared to the scale of information notified.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submitters were concerned with ensuring that free public access, hunting and fishing can continue.

I recommend that these comments are not accepted. The submission does not identify how the potential for hunting and fishing is relevant to decision-making on classification of the area, and no new material is raised which supports

reconsideration of the notified classification. It should be noted that the proposed classification does not prohibit public access for the proposed activities, or the activities themselves when appropriately authorised (for example under a hunting permit), where consistent with preservation of the conservation values present.

General (Allowed)

- One submitter advocated generally for all national parks, forest parks, scenic reserves and stewardship land to be protected from development.

I recommend that these comments are not accepted. The legislation does not provide for absolute protection from development – rather it contemplates that some activities may be acceptable and provides a mechanism for authorising such activities, through the grant of concessions. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification.

Ballarat (Central & Northern Land Units)

Panel Recommendations

National Panel: Conservation park (Whareatea), to reflect the identified values, protecting natural and historic resources while facilitating public recreation and enjoyment of the area.

Mana Whenua Panel: Neutral.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of conservation park for the 'Central & Northern Land Units' of the stewardship area.

Summary of accepted submissions: The submissions accepted as holding merit expressed general support for the classification.

Section 4 and Treaty principles: The Mana Whenua Panel did not oppose the proposed classification.

No specific Ngāi Tahu interests were raised for consideration by the Mana Whenua Panel for this stewardship area. I acknowledge statements of the Mana Whenua Panel that "there is a deep connection between Ngāi Tahu and all of the whenua in the Ngāi Tahu takiwā, and the absence of site-specific values in the preliminary analysis does not detract from that connection, nor does it confirm that site-specific values are not present."

Rationale: My conclusion is that the natural resources present (e.g. large wetland, pākihi vegetation, important site for whitebait diversity, very high freshwater species diversity) are appropriately protected under the proposed classification.

The primary purpose of conservation parks includes to be managed so "that its natural and historic resources are protected" (Conservation Act 1987, s. 19(1)(a)).

Conservation Park - KAW_26_2808247y

Support

General (Allowed)

- A submitter in support of the proposed classification noted that "protection akin to that of Orowaiti River Reserve is appropriate".
- Submissions expressed general support for the proposed classification without providing further justification, or agreed it reflected the "information in the technical reports".
- A submitter noted their preference for all stewardship land to be reclassified at the highest possible level based on its "high cultural conservation value".

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area and no new material is raised, these submission points do not raise any matters for further consideration.

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions in support of conservation park advocated for greater protection from "intrusive development" such as mining and hydro schemes, stating that "most of the Southern Alps deserves protection equivalent to that of National Park status".
- A submitter expressed "trust that Conservation Park status will provide full protection from any future mining applications in these areas".
- Submissions advocated for retaining the area in stewardship or reclassifying it as a conservation park, suggesting these provide "more than adequate legal protection".
- A submitter suggested that reclassification should not occur until existing permissions are concluded, and rehabilitation completed. The financial value of "coal resources across the Denniston Plateau" was outlined,

suggesting that the impact of reclassification on permissions has not been adequately considered by the Panels. It was suggested that additional permissions are present than those described in the Departmental technical report.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- A submission suggested that the implementation of the proposed classification “needs to be followed up with sufficient funding for pest eradication”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Oppose

Access and Recreation (Allowed)

- A submitter advocated for addition to the adjacent Lower Buller Gorge Scenic Reserve, suggesting this “would be appropriate for the local recreational use”.
- A submitter who advocated for the area to remain in stewardship suggested that actual recreational use of the area is lower than that described by the National Panel, referencing an “independent visitor intercept survey” and noting that “the majority of visitors do not go beyond the Denniston brakehead, which is outside the area of land under review”.
- A submitter advocated for classification as ecological area, noting “little significance for recreation”.

I recommend that these comments are not accepted. It is my assessment that the recreational values present as described in the CVR (e.g. local recreational use, no DOC maintained tracks or facilities) will be appropriately protected by the proposed classification and the points raised do not warrant overturning the notified intention. The proposed conservation park will be managed “to facilitate public recreation and enjoyment”, subject to the protection of the natural and historic resources present (Conservation Act 1987, s. 19(1)(b)).

Climate Change and Natural Hazards (Allowed)

- A submitter opposed the proposed classification, citing “concern that site should be reviewed for Community climate adaptation and resilience”.
- A submitter noted opposition to the proposed classification as “it does not adequately take climate change considerations into account and does not rule out mining opportunities”.

I recommend that these comments are not accepted. The proposed classification will support the protection of the natural resources present, and as a result support the area’s climate mitigation potential. Comments regarding adaptation do not specify what type of adaptation they mean or why this should be considered for this conservation area, so I am unable to consider them further.

Community (Allowed)

- A submitter who advocated for national park classification to prevent mining, raised concern about community health impacts arising from further coal mining in the area, noting that one of the Department’s outcomes is “thriving communities” (e.g. Mining this area would further contaminate the Waimangaroa water supply catchment with coal dust”, “our community already has the highest rate of respiratory disease in New Zealand”).

I recommend that these comments are not accepted. The legislation does not provide for absolute protection from development – rather it contemplates that some activities may be acceptable and provides a mechanism for authorising such activities, through the granting of concessions and authorisations. The points raised do not warrant overturning the notified intention

Ecology and Landscape (Allowed)

- Submitters suggested that the proposed conservation park did not reflect the “high landscape and ecological value” of the area, which warrant a higher level of protection such as ecological area (e.g. the area may have “the last remnants of a range of insects, snails, lizards, or plant speciation that may be nationally at risk, endangered, or

threatened”, “nationally uncommon ecosystem type with only 0.5% occurring”, “a number of nationally important freshwater species”).

- Concern was raised that conservation park provides “pretty much the same protection as that of Stewardship Land” (e.g. “I find it surprising there is such a low-level classification recommended here, given the high landscape and ecological value supporting rare and distinct species”, “Conservation Park does not provide for ongoing protection”).
- A submitter advocated for the area to be classified as either as a wildlife refuge, scenic reserve, scientific reserve or ecological area, “due to the rarity of the ecosystem in protected lands within New Zealand and the existence of many threatened and at risk species present”. The area was noted to be “very poorly drained and supports a diverse array of wetlands from swamps, marshes, pākihi to fen wetland”, and to contain naturally uncommon ecosystems and “a range of rare and distinct species”.
- A submitter noted the “special biodiversity” in the area identified during a BioBlitz event, advocating generally for a “higher level of protection”.
- A submitter who advocated for the area to remain in stewardship, expressed concern with the “accuracy and quality” of the technical content regarding ecological values which was considered by the Panels. It was noted that the discussion of landscape values provides “no reference to any technical documents”, and that ONL49 (Orikaka River Valley) which is referenced by the National Panel covers only a small part of the assessment area.

I recommend that these comments are not accepted. My assessment is that the natural resources present (e.g. swamp, marsh, pākihi and fen wetlands with high level of naturalness, high freshwater species diversity) are appropriately protected under the proposed classification. The points raised do not warrant overturning the notified classification. The primary purpose of conservation parks includes to be managed so “that its natural and historic resources are protected” (Conservation Act 1987, s. 19(1)(a)).

Treaty Considerations (Allowed)

- A submitter noted the area to be “culturally linked” to the Mount Rochfort conservation area, noting “that the name of that place is dedicated to our ancestor Rongonui and as such is extremely sensitive to us in his memory and our whakapapa connections to this ancestor”. It was suggested that the area is “Historically/Culturally/Environmentally exclusive” and that it should either added to the Orikaka Ecological Area or receive “some high status protection”.

While recognising the significance of whakapapa connections and the significance of the area to tangata whenua, I recommend that these comments are noted but not accepted. My conclusion is that the natural and historic resources present as described in the CVR justify the proposed classification and the points raised do not warrant overturning the notified intention. The primary purpose of conservation parks includes to be managed so “that its natural and historic resources are protected” (Conservation Act 1987, s. 19(1)(a)).

- Submissions expressed preference for the recommendation of the Mana Whenua Panel, on the basis that it “reflects the values, interests, and perspectives of the Papatipu Rūnanga in whose Takiwā the relevant land is located”.

I recommend that these comments are accepted. I note that the Mana Whenua Panel have not opposed the proposed classification. My assessment is that the natural resources present (e.g. swamp, marsh, pākihi and fen wetlands with high level of naturalness, high freshwater species diversity) are appropriately protected under the proposed classification. The primary purpose of conservation parks includes to be managed so “that its natural and historic resources are protected” (Conservation Act 1987, s. 19(1)(a)).

General (Allowed)

- Submissions advocated for a higher level of protection than that proposed, without providing further justification.

I recommend that these comments are not accepted. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised for further consideration.

Permissions, Economic Factors and Land Use (Not Allowed)

- A submitter advocated for national park classification to prevent the use of the area for coal mining, suggesting that “it would be of economic benefit to local people when coal mining ends”.
- A submitter suggested the proposed classification is not in the best interest of the public and “would have negative impact on the potential economic benefit derived from mineral resource extraction”. A mineral permit over the area was identified, with “serious legal implications if reclassified”.
- Submitters advocated for classification as ecological area, noting that the area “is of strategic importance because it provides for Te Kuha access”.
- A submitter who expressed general concern about the low-level protection offered by conservation park (e.g. “conservation parks do not protect against the establishment of mines on conservation land), noted support for that classification for areas “potentially containing crown minerals”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Process and Consultation (Not Allowed)

- A submitter advocated for the proposed classification to be revised, stating that “conservation values alone must determine recommended classifications, and recreation and use values are not conservation values”.
- A submitter stated that if a national park classification is “politically unpalatable, then political judgement calls must be made by accountable politicians, not by the Panel”.
- A submitter noted the “absence of any information about possible economic activities that may occur” and that they could therefore not be confident about the appropriateness of the proposed classification.
- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- One submission opposed all reclassification of stewardship land to specially protected areas unless it was purchased by the Nature Heritage Fund for the purpose of adding it to a national park.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submissions queried whether the proposed classification allows hunting, fishing and “provision for public access”.

I recommend that these comments are not accepted. The submission does not identify how the potential for hunting and fishing is relevant to decision-making on classification of the area, and no new material is raised which supports reconsideration of the notified classification. It should be noted that the proposed classification does not prohibit public access for the proposed activities, or the activities themselves when appropriately authorised (for example under a hunting permit), where consistent with preservation of the conservation values present.

Ecology and Landscape (Allowed)

- Submitters who did not express a clear position on the proposed classification noted the high ecological value of the area (e.g. “contains a large, elevated wetland, valued for very high freshwater species diversity”, “an ecological transition from the Denniston plateau and Mount Rochfort to lower elevation forests and pākihi wetlands, with high conservation values”). The area was suggested to be of “strategic importance because it provides for Te Kuha access”, and that the area “should feature the same levels of protection from extractive industries as Mount Rochfort”.

I recommend that these comments are not accepted. My assessment is that the natural resources present (e.g. swamp, marsh, pākihi and fen wetlands with high level of naturalness, high freshwater species diversity) are appropriately protected

under the proposed classification. The primary purpose of conservation parks includes to be managed so “that its natural and historic resources are protected” (Conservation Act 1987, s. 19(1)(a)).

General (Allowed)

- Submissions advocated generally for all national parks, forest parks, scenic reserves, and stewardship land to be protected from development.

I recommend that these comments are not accepted. The legislation does not provide for absolute protection from development – rather it contemplates that some activities may be acceptable and provides a mechanism for authorising such activities, through the grant of concessions. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification.

Other (Not Allowed)

- A submitter advocated for new conservation parks to “come with additional Government funding for better biodiversity work and more pest control”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

KAW_27 – Carters Beach – 2808251

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Carters Beach	KAW_27_2808251n	Recreation Reserve	Recreation Reserve	10	8

Conservation Values Report Description

A 9.3832-ha of modified coastal dunes with disturbed vegetation. It is used by the local golf club, with a concession lease. Parts of the Kawatiri Coastal Trail (cycling and walking) also cut through the vegetation. It is a potential nesting site for kororā and habitat for Newman's speckled skink.

Panel Recommendations

National Panel: Recreation reserve, to appropriately protect the identified ecological values while providing for the existing recreational uses of the area.

Mana Whenua Panel: Supports the Western South Island National Panel's recommendation.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of recreation reserve.

Summary of accepted submissions: Those submissions accepted as holding merit supported the notified classification as offering sufficient protection in the context of climate change. Also accepted were comments noting that this outcome is supported by the Mana Whenua Panel and reflects the perspectives of Ngāi Tahu.

Section 4 and Treaty principles: The Mana Whenua Panel supported the proposed classification, supported by submissions from Treaty partner organisations.

No specific Ngāi Tahu interests were raised for consideration by the Mana Whenua Panel for this stewardship area. I acknowledge statements of the Mana Whenua Panel that "there is a deep connection between Ngāi Tahu and all of the whenua in the Ngāi Tahu takiwā, and the absence of site-specific values in the preliminary analysis does not detract from that connection, nor does it confirm that site-specific values are not present."

Rationale: My conclusion is that the natural resources present are appropriately protected by the proposed classification (e.g. modified coastal dunes with disturbed vegetation; used by local golf club), while also reflecting the public access and recreational features present.

Recreation Reserve - KAW_27_2808251n

Support

Climate Change and Natural Hazards (Allowed)

- A submitter supported the proposed classification as offering a high level of protection "in light of the impacts of climate change".

I recommend that these comments are accepted. I agree that the protection of the existing natural resources present is of increasing importance when considering the need for climate mitigation. Classification as recreation reserve will support this outcome, to the extent compatible with the identified primary purpose. The relevance of this factor for reclassification decisions is evident when the future-focused elements in the definition of conservation are considered, including, "safeguarding the options of future generations" in relation to 'natural resources', "the air, water and soil in or on which any plant or animal lives or may live", and in relation to 'protection' of a resource, "restoration to some former state and its augmentation, enhancement, or expansion" (Conservation Act 1987, s. 2).

Treaty Considerations (Allowed)

- The recommendation of the Mana Whenua Panel was supported on the basis that it reflects “the values, interests, and perspectives of the Papatipu Rūnanga in whose Takiwā the relevant land is located”, and that adopting the recommendations of the Mana Whenua Panel would give effect to the principles of the Treaty.
- Submissions supported the recommendations of the Mana Whenua Panel on the basis that they reflect the rights and interests of mana whenua, recognise Ngāi Tahu’s connection to their ancestral lands, and fulfil obligations under the Treaty of Waitangi.

I recommend that these comments are accepted. I note that the Mana Whenua Panel have supported the proposed recreation reserve. I agree that natural resources present are appropriately protected by the proposed classification when also considering the public access and recreational features present.

General (Allowed)

- Submissions expressed general support for the proposed classification, referencing the “information in the technical reports”, or without providing further justification.
- A submitter noted their preference for all stewardship land to be reclassified at the highest possible level based on its “high cultural conservation value”.

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area and no new material is raised, these submission points do not raise any matters for further consideration.

Oppose

Climate Change and Natural Hazards (Allowed)

- A submitter opposed the proposed classification, stating they wanted the site reviewed for its “climate adaptation and resilience”.

I recommend that these comments are not accepted. The proposed classification will support the protection of the natural resources present to the extent compatible with the principal or primary purpose of the reserve, and as a result support the area’s climate mitigation potential. The points raised do not justify overturning the notified intention. The fact that the area is affected by sea level rise and coastal erosion does not preclude the use of the area for recreation. Under the proposed classification, “where scenic, historic, archaeological, biological, geological, or other scientific features or indigenous flora or fauna or wildlife are present on the reserve, those features or that flora or fauna or wildlife shall be managed and protected to the extent compatible with the principal or primary purpose of the reserve” (Reserves Act 1977, s. 17(2)(b)).

Ecology and Landscape (Allowed)

- A submitter opposed the proposed classification noting the conservation report states it could be a kororā nesting site, and confirming this. The submitter proposed the area be classified as a “Local Purpose Esplanade Reserve, Wildlife Management Area or Government Purpose Reserve for Wildlife Management to give wildlife and recreational values equal priority”.
- A submitter opposed the classification and advocated for a scenic reserve classification for part of the area, noting it contains naturally uncommon ecosystems, “including dunes and wetlands”.

I recommend that these comments are not accepted. My view is that the natural resources present are appropriately protected by the proposed classification (e.g. modified coastal dunes with disturbed vegetation; used by local golf club), while also reflecting the public access and recreational features present. The points raised do not warrant overturning the notified classification.

Process and Consultation (Not Allowed)

- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.
- A submitter opposed the proposed classification, stating they wanted the site reviewed for its “existing recreational concessions”.

- A submitter advocated for the proposed classification to be revised, stating that “conservation values alone must **determine recommended classifications, and recreation and** use values are not conservation values”, also stating that if a national park classification is “politically unpalatable, then political judgement calls must be made by accountable politicians, not by the Panel”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- A submission opposed all reclassification of stewardship land to specially protected areas unless it was purchased by the Nature Heritage Fund for the purpose of adding it to a national park.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submissions were concerned whether the proposed classification allows for hunting, fishing and “provision for public access”, and stated that any classification should explicitly provide for these activities.

I recommend that these comments are not accepted. Insufficient information is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification. The proposed classification does not prohibit public access for the activities, if authorised (for example in a hunting permit). Authorisation of such activities involves a separate decision-making process, the outcome of which would depend on effects on the conservation values present rather than the proposed land classification.

KAW_28 – Bradshaw Creek – 2808252

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Bradshaw Creek	KAW_28_2808252o	Scenic Reserve (a)	Neutral	11	4

Conservation Values Report Description

A 5.8804-ha area comprising a narrow strip on the edge of the raised marine terraces of Cape Foulwind. It has high landscape value with the terrace backdrop. The area includes the creek, an important whitebait spawning site, and is traversed by an accessway to a local dwelling. The threatened long-tailed bat is highly likely to use this patch as a flyway corridor and/or for roosting. The area is partly developed by adjoining landowners.

Panel Recommendations

National Panel: Scenic reserve (a), to preserve the identified ecological values while providing for potential recreational use of the area.

Mana Whenua Panel: Neutral.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of scenic reserve.

Summary of accepted submissions: Those submissions accepted as holding merit supported the notified classification as offering sufficient protection in the context of climate change, and reflecting the notable natural resources present.

Section 4 and Treaty principles: The Mana Whenua Panel did not oppose the proposed classification.

No specific Ngāi Tahu interests were raised for consideration by the Mana Whenua Panel for this stewardship area. I acknowledge statements of the Mana Whenua Panel that “there is a deep connection between Ngāi Tahu and all of the whenua in the Ngāi Tahu takiwā, and the absence of site-specific values in the preliminary analysis does not detract from that connection, nor does it confirm that site-specific values are not present.”

Rationale: My conclusion is that the proposed classification will appropriately promote the conservation of the natural resources present (e.g. lowland beech/podocarp forest).

Scenic Reserve (a) - KAW_28_2808252

Support

Climate Change and Natural Hazards (Allowed)

- A submitter supported the proposed classification as offering a high level of protection “in light of the impacts of climate change”.

I recommend that these comments are accepted. I agree that the protection of the existing natural resources present is of increasing importance when considering the need for climate mitigation. Classification as scenic reserve will support this outcome. The relevance of this factor for reclassification decisions is evident when the future-focused elements in the definition of conservation are considered, including, “safeguarding the options of future generations” in relation to ‘natural resources’, “the air, water and soil in or on which any plant or animal lives or may live”, and in relation to ‘protection’ of a resource, “restoration to some former state and its augmentation, enhancement, or expansion” (Conservation Act 1987, s. 2).

Ecology and Landscape (Allowed)

- A submitter supported the proposed recommendation, stating the area has “nationally significant ecological systems and scenic natural areas”.

I recommend that these comments are accepted. I agree that the natural resources identified in these comments are appropriately protected and preserved by the proposed classification. Under a scenic reserve classification “indigenous

flora and fauna, ecological associations, and natural environment and beauty shall as far as possible be preserved” (Reserves Act 1977, s. 19(2)(a)).

General (Allowed)

- Submissions expressed general support for the proposed classification, referencing the “information in the technical reports”, or without providing further justification.
- A submitter noted their preference for all stewardship land to be reclassified at the highest possible level based on its “high cultural conservation value”.

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area and no new material is raised, these submission points do not raise any matters for further consideration.

Oppose

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions opposed reclassification as scenic reserve, noting that though it does not prohibit mining, it adds extra restrictions with consequent negative economic benefits, suggesting that retaining the land in stewardship or reclassifying it as a conservation park provides adequate legal protection while allowing commercial activities to be considered on a case-by-case basis.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Process and Consultation (Not Allowed)

- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- A submission opposed all reclassification of stewardship land to specially protected areas unless it was purchased by the Nature Heritage Fund for the purpose of adding it to a national park.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submissions were concerned whether the proposed classification allows for hunting, fishing and “provision for public access”, and stated that any classification should explicitly provide for these activities.

I recommend that these comments are not accepted. Insufficient information is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification. The proposed classification does not prohibit public access for the activities, if authorised (for example in a hunting permit). Authorisation of such activities involves a separate decision-making process, the outcome of which would depend on effects on the conservation values present rather than the proposed land classification.

General (Allowed)

- Submissions advocated generally for all national parks, forest parks, scenic reserves, and stewardship land to be protected from development.

I recommend that these comments are not accepted. The legislation does not provide for absolute protection from development – rather it contemplates that some activities may be acceptable and provides a mechanism for authorising such activities, through the grant of concessions. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification.

KAW_29 – Pākihi Road – 2808256

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Pākihi Road	KAW_29_2808256p	Local Purpose (Rifle Range) Reserve	Local Purpose (Rifle Range) Reserve	13	5

Conservation Values Report Description

A 55.091-ha area with highly modified vegetation, pākihi and regenerating forest on old alluvial deposits. The diversity of plant species within the area is unknown. The area is used by a local farm and the rifle range. The rifle range represents that period of New Zealand history where military organisation was organised at a local level by local volunteers. There are two concession easements for overhead power lines and one grazing concession.

Panel Recommendations

National Panel: Local purpose (rifle range) reserve, to preserve the landscape, historic, archaeological, biological, or natural features to the extent compatible with the principal or primary purpose of the reserve.

Mana Whenua Panel: Supports the Western South Island National Panel's recommendation.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of local purpose (rifle range) reserve.

Summary of accepted submissions: Those submissions accepted as holding merit expressed supported the notified classification while noting that this was outcome is supported by the Mana Whenua Panel and reflects the perspectives of Ngāi Tahu.

Section 4 and Treaty principles: The Mana Whenua Panel supported the proposed classification, supported by submissions by Treaty partner organisations.

The Mana Whenua Panel have noted that “this conservation area may be suitable for responding to climate change impacts (such as sea level rise and flooding events) and providing an area for emergency/relocated housing for the Westport communities”.

Given the Mana Whenua Panel support for the notified classification, I consider the classification is not inconsistent with the identified interests.

Rationale: My conclusion is that, while I recognise the matters raised by the Mana Whenua Panel, on balance the natural and historic resources present are appropriately protected under the proposed classification. The proposed classification will support the ongoing use of the existing rifle range.

Local Purpose (Rifle Range) Reserve - KAW_29_2808256p

Support

Treaty Considerations (Allowed)

- Submissions supported the recommendations of the Mana Whenua Panel on the basis that they reflect the rights and interests of mana whenua, recognise Ngāi Tahu's connection to their ancestral lands, and fulfil obligations under the Treaty of Waitangi.

I recommend that these comments are accepted. I note that the Mana Whenua Panel have supported the proposed classification, and therefore consider that this outcome is not inconsistent with the identified interests.

General (Allowed)

- Submissions stated their agreement in general terms, without providing further justification, or expressed their preference for stewardship land to be reclassified at the highest possible level.

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area and no new material is raised, these submission points do not raise any matters for further consideration.

Permissions, Economic Factors and Land Use (Not Allowed)

- A submitter expressed support for the recommendation as it will allow for continued grazing of the area to maintain it in a cleared state for the rifle range.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Oppose

Climate Change and Natural Hazards (Allowed)

- A submitter recommended a classification such as scenic reserve or wildlife management area for “at least” part of the parcel, noting opportunities for carbon sequestration.

I recommend that these comments are not accepted. My assessment is the natural resources present (highly modified vegetation, pākihi and regenerating forest) are appropriately protected under the proposed classification, which reflects the recreational use of the area. Conservation values will be protected to the extent compatible with the primary purpose of the reserve.

Ecology and Landscape (Allowed)

- A submitter generally opposed the “numerous” recommendations for local purpose reserves based on lack of clarity regarding the primary purpose and concern that ecological values would not be sufficiently protected.
- A submitter recommended a classification such as scenic reserve or wildlife management area for “at least” part of the parcel based on the presence of naturally uncommon ecosystems, at risk and/or threatened species, and retention of opportunities for restoration of depleted indigenous ecosystems.

I recommend that these comments are not accepted. My assessment is the natural resources present (highly modified vegetation, pākihi and regenerating forest) are appropriately protected under the proposed classification, which reflects the recreational use of the area. Conservation values will be protected to the extent compatible with the primary purpose of the reserve.

Process and Consultation (Not Allowed)

- Submitters opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submitters were concerned with ensuring that any reclassification provides explicitly for access, sports fishing, and gamebird hunting.

I recommend that these comments are not accepted. No new material is raised which supports reconsideration of the notified classification. The proposed classification does not prohibit public access for the activities, if authorised (for example in a hunting permit). Authorisation of such activities involves a separate decision-making process, the outcome of which would depend on effects on the conservation values present rather than the proposed land classification.

KAW_30 – Cape Foulwind Farm – 2808261

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Cape Foulwind Farm	KAW_30_2808261q	Scenic Reserve (a)	Scenic Reserve (a)	22	4

Conservation Values Report Description

A 71.8422-ha area on Addisons Flat in the Foulwind Ecological District. The area is congruent with the Ōkari Ecological Management Unit, a species management unit for brown mudfish, and adjoins a large network of QEII covenants on the Pamu/Landcorp farm. Despite the modification, there is a high level of naturalness in this area. While there are currently no tracks or facilities, there is desire for sections of the Kawatiri Coastal Trail to be constructed through some of the KAW_30 areas. There is goldmining history in the area.

Panel Recommendations

National Panel: Scenic reserve (a), to preserve the identified ecological values and protect the identified historic/archaeological features, while providing for the potential recreational use of the area.

Mana Whenua Panel: Supports the Western South Island National Panel's recommendation.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of scenic reserve.

Summary of accepted submissions: Those submissions accepted as holding merit supported the notified classification as providing for ongoing recreational access, offering sufficient protection in the context of climate change, and reflecting the notable natural resources present. Also accepted were comments noting that this outcome is supported by the Mana Whenua Panel and reflects the perspectives of Ngāi Tahu.

Section 4 and Treaty principles: The Mana Whenua Panel have stated support for the notified classification, supported by submissions by Treaty partner organisations.

The Mana Whenua Panel have signalled specific Ngāi Tahu interests associated with this stewardship area, particularly that "the historic Ōkari kāinga site is in the vicinity".

Given the Mana Whenua Panel support for the notified classification, I consider the classification is not inconsistent with the identified interests.

Rationale: My conclusion is that, while recognising the significance of the area to Ngāi Tahu, on balance the natural and historic resources present are appropriately protected under the proposed classification.

Scenic Reserve (a) - KAW_30_2808261q

Support

Access and Recreation (Allowed)

- Submissions supported the proposed classification on recreational grounds noting that the proposed Kawatiri Coastal Trail would go through the area, creating "new opportunities for mountain biking and walking between Westport and Charleston", and the proposed classification would "secure public access".

I recommend that these comments are accepted. They hold merit under the Conservation Act as they support promotion of recreation that is not inconsistent with the preservation of the natural and historic resources present. The notified scenic reserve classification provides for the public to have freedom of entry and access to the reserve, subject to conditions necessary for the protection and well-being of the reserve and the public themselves, as per Section 19(2)(b) of the Reserves Act 1977.

Climate Change and Natural Hazards (Allowed)

- A submitter supported the proposed classification as offering a high level of protection "in light of the impacts of climate change".

I recommend that these comments are accepted. I agree that the protection of the existing natural resources present is of increasing importance when considering the need for climate mitigation. Classification as scenic reserve will support this outcome. The relevance of this factor for reclassification decisions is evident when the future-focused elements in the definition of conservation are considered, including, "safeguarding the options of future generations" in relation to 'natural resources', "the air, water and soil in or on which any plant or animal lives or may live", and in relation to 'protection' of a resource, "restoration to some former state and its augmentation, enhancement, or expansion" (Conservation Act 1987, s. 2).

Ecology and Landscape (Allowed)

- A submitter supported the proposed recommendation, stating the area has "nationally significant ecological systems and scenic natural areas".
- Submissions noted that the recommendation would protect the area's "high ecological and landscape values".
- A submitter supported the classification while noting the area contains native birds including kiwi and that it is an "important ecological corridor for this sand dune environment".

I recommend that these comments are accepted. I agree that the natural resources identified in these comments are appropriately protected and preserved by the proposed classification. Under a scenic reserve classification "indigenous flora and fauna, ecological associations, and natural environment and beauty shall as far as possible be preserved" (Reserves Act 1977, s. 19(2)(a)).

Treaty Considerations (Allowed)

- Submissions supported the recommendations of the Mana Whenua Panel on the basis that they reflect the rights and interests of mana whenua, recognise Ngāi Tahu's connection to their ancestral lands, and fulfil obligations under the Treaty of Waitangi.
- The recommendation of the Mana Whenua Panel was supported on the basis that it reflects "the values, interests, and perspectives of the Papatipu Rūnanga in whose Takiwā the relevant land is located", and that adopting the recommendations of the Mana Whenua Panel would give effect to the principles of the Treaty.

I recommend that these comments are accepted. I agree that the proposed classification will allow for active protection of the identified interests (e.g. further recognition or additional protection measures for specific sites) where consistent with the conservation of the natural and historic resources present. I note that the Mana Whenua Panel have supported the notified classification, and therefore I consider that the proposed status is not inconsistent with the identified interests.

General (Allowed)

- Submissions expressed general support for the proposed classification, referencing the "information in the technical reports", or without providing further justification.
- A submitter noted their preference for all stewardship land to be reclassified at the highest possible level based on its "high cultural conservation value".

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area and no new material is raised, these submission points do not raise any matters for further consideration.

Oppose

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions opposed reclassification as scenic reserve, noting that though it does not prohibit mining, it adds extra restrictions with consequent negative economic benefits, suggesting that retaining the land in stewardship or reclassifying it as a conservation park provides adequate legal protection while allowing commercial activities to be considered on a case-by-case basis.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Process and Consultation (Not Allowed)

- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- A submission opposed all reclassification of stewardship land to specially protected areas unless it was purchased by the Nature Heritage Fund for the purpose of adding it to a national park.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submissions were concerned whether the proposed classification allows for hunting, fishing and “provision for public access”, and stated that any classification should explicitly provide for these activities.

I recommend that these comments are not accepted. Insufficient information is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification. The proposed classification does not prohibit public access for the activities, if authorised (for example in a hunting permit). Authorisation of such activities involves a separate decision-making process, the outcome of which would depend on effects on the conservation values present rather than the proposed land classification.

General (Allowed)

- Submissions advocated generally for all national parks, forest parks, scenic reserves, and stewardship land to be protected from development.

I recommend that these comments are not accepted. The legislation does not provide for absolute protection from development – rather it contemplates that some activities may be acceptable and provides a mechanism for authorising such activities, through the grant of concessions. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification.

KAW_30 – Cape Foulwind Farm – 2808262

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Cape Foulwind Farm	KAW_30_2808262r	Scenic Reserve (a)	Scenic Reserve (a)	23	4

Conservation Values Report Description

A 134.884-ha area on Addisons Flat in the Foulwind Ecological District. The area is congruent with the Ōkari Ecological Management Unit, a species management unit for brown mudfish, and adjoins a large network of QEII covenants on the Pamu/Landcorp farm. Despite the modification, there is a high level of naturalness in this area. While currently no tracks or facilities, there is desire for sections of the Kawatiri Coastal Trail to be constructed through some of the KAW_30 areas. There is goldmining history in the area.

Panel Recommendations

National Panel: Scenic reserve (a), to preserve the identified ecological values and protect the identified historic/archaeological features, while providing for the potential recreational use of the area.

Mana Whenua Panel: Supports the Western South Island National Panel's recommendation.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of scenic reserve.

Summary of accepted submissions: Those submissions accepted as holding merit supported the notified classification as providing for ongoing recreational access, offering sufficient protection in the context of climate change, and reflecting the notable natural resources present. Also accepted were comments noting that this outcome is supported by the Mana Whenua Panel and reflects the perspectives of Ngāi Tahu.

Section 4 and Treaty principles: The Mana Whenua Panel have stated support for the notified classification, supported by submissions by Treaty partner organisations.

The Mana Whenua Panel have signalled specific Ngāi Tahu interests associated with this stewardship area, particularly that "the historic Ōkari kāinga site is in the vicinity".

Given the Mana Whenua Panel support for the notified classification, I consider the classification is not inconsistent with the identified interests.

Rationale: My conclusion is that, while recognising the significance of the area to Ngāi Tahu, on balance the natural and historic resources present are appropriately protected under the proposed classification.

Scenic Reserve (a) - KAW_30_2808262r

Support

Access and Recreation (Allowed)

- Submissions supported the proposed classification on recreational grounds noting that the proposed Kawatiri Coastal Trail would go through the area, creating "new opportunities for mountain biking and walking between Westport and Charleston", and the proposed classification would "secure public access".

I recommend that these comments are accepted. They hold merit under the Conservation Act as they support promotion of recreation that is not inconsistent with the preservation of the natural and historic resources present. The notified scenic reserve classification provides for the public to have freedom of entry and access to the reserve, subject to conditions necessary for the protection and well-being of the reserve and the public themselves, as per Section 19(2)(b) of the Reserves Act 1977.

Climate Change and Natural Hazards (Allowed)

- A submitter supported the proposed classification as offering a high level of protection "in light of the impacts of climate change".

I recommend that these comments are accepted. I agree that the protection of the existing natural resources present is of increasing importance when considering the need for climate mitigation. Classification as scenic reserve will support this outcome. The relevance of this factor for reclassification decisions is evident when the future-focused elements in the definition of conservation are considered, including, "safeguarding the options of future generations" in relation to 'natural resources', "the air, water and soil in or on which any plant or animal lives or may live", and in relation to 'protection' of a resource, "restoration to some former state and its augmentation, enhancement, or expansion" (Conservation Act 1987, s. 2).

Ecology and Landscape (Allowed)

- A submitter supported the proposed recommendation, stating the area has "nationally significant ecological systems and scenic natural areas".
- Submissions noted that the recommendation would protect the area's "high ecological and landscape values".

I recommend that these comments are accepted. I agree that the natural resources identified in these comments are appropriately protected and preserved by the proposed classification. Under a scenic reserve classification "indigenous flora and fauna, ecological associations, and natural environment and beauty shall as far as possible be preserved" (Reserves Act 1977, s. 19(2)(a)).

Treaty Considerations (Allowed)

- Submissions supported the recommendations of the Mana Whenua Panel on the basis that they reflect the rights and interests of mana whenua, recognise Ngāi Tahu's connection to their ancestral lands, and fulfil obligations under the Treaty of Waitangi.
- The recommendation of the Mana Whenua Panel was supported on the basis that it reflects "the values, interests, and perspectives of the Papatipu Rūnanga in whose Takiwā the relevant land is located", and that adopting the recommendations of the Mana Whenua Panel would give effect to the principles of the Treaty.

I recommend that these comments are accepted. I agree that the proposed classification will allow for active protection of the identified interests (e.g. further recognition or additional protection measures for specific sites) where consistent with the conservation of the natural and historic resources present. I note that the Mana Whenua Panel have supported the notified classification, and therefore I consider that the proposed status is not inconsistent with the identified interests.

General (Allowed)

- Submissions expressed general support for the proposed classification, referencing the "information in the technical reports", or without providing further justification.
- A submitter noted their preference for all stewardship land to be reclassified at the highest possible level based on its "high cultural conservation value".

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area and no new material is raised, these submission points do not raise any matters for further consideration.

Oppose

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions opposed reclassification as scenic reserve, noting that though it does not prohibit mining, it adds extra restrictions with consequent negative economic benefits, suggesting that retaining the land in stewardship or reclassifying it as a conservation park provides adequate legal protection while allowing commercial activities to be considered on a case-by-case basis.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Process and Consultation (Not Allowed)

- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- A submission opposed all reclassification of stewardship land to specially protected areas unless it was purchased by the Nature Heritage Fund for the purpose of adding it to a national park.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submissions were concerned whether the proposed classification allows for hunting, fishing and “provision for public access”, and stated that any classification should explicitly provide for these activities.

I recommend that these comments are not accepted. Insufficient information is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification. The proposed classification does not prohibit public access for the activities, if authorised (for example in a hunting permit). Authorisation of such activities involves a separate decision-making process, the outcome of which would depend on effects on the conservation values present rather than the proposed land classification.

General (Allowed)

- Submissions advocated generally for all national parks, forest parks, scenic reserves, and stewardship land to be protected from development.

I recommend that these comments are not accepted. The legislation does not provide for absolute protection from development – rather it contemplates that some activities may be acceptable and provides a mechanism for authorising such activities, through the grant of concessions. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification.

KAW_30 – Cape Foulwind Farm – 2808264

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Cape Foulwind Farm	KAW_30_2808264s	Scenic Reserve (a)	Scenic Reserve (a)	23	4

Conservation Values Report Description

A 321.3823-ha area made up of multiple parcels on Addisons Flat in the Foulwind Ecological District. The area is congruent with the Ōkari Ecological Management Unit, a species management unit for brown mudfish, and adjoins a large network of QEII covenants on the Pamu/Landcorp farm. Despite the modification, there is a high level of naturalness in this area. While currently no tracks or facilities, there is desire for sections of the Kawatiri Coastal Trail to be constructed through some of the KAW_30 areas. There is goldmining history in the area.

Panel Recommendations

National Panel: Scenic reserve (a), to preserve the identified ecological values and protect the identified historic/archaeological features, while providing for the potential recreational use of the area.

Mana Whenua Panel: Supports the Western South Island National Panel's recommendation.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of scenic reserve.

Summary of accepted submissions: Those submissions accepted as holding merit supported the notified classification as providing for ongoing recreational access, offering sufficient protection in the context of climate change, and reflecting the notable natural resources present. Also accepted were comments noting that this outcome is supported by the Mana Whenua Panel and reflects the perspectives of Ngāi Tahu.

Section 4 and Treaty principles: The Mana Whenua Panel have stated support for the notified classification, supported by submissions by Treaty partner organisations.

The Mana Whenua Panel have signalled specific Ngāi Tahu interests associated with this stewardship area, particularly that "the historic Ōkari kāinga site is in the vicinity".

Given the Mana Whenua Panel support for the notified classification, I consider the classification is not inconsistent with the identified interests.

Rationale: My conclusion is that, while recognising the significance of the area to Ngāi Tahu, on balance the natural and historic resources present are appropriately protected under the proposed classification.

Scenic Reserve (a) - KAW_30_2808264s

Support

Access and Recreation (Allowed)

- Submissions supported the proposed classification on recreational grounds noting that the proposed Kawatiri Coastal Trail would go through the area, creating "new opportunities for mountain biking and walking between Westport and Charleston", and the proposed classification would "secure public access".
- One submitter also stated they supported the classification if it included a provision for the trail.

I recommend that these comments are accepted. They hold merit under the Conservation Act as they support promotion of recreation that is not inconsistent with the preservation of the natural and historic resources present. The notified scenic reserve classification provides for the public to have freedom of entry and access to the reserve, subject to conditions necessary for the protection and well-being of the reserve and the public themselves, as per Section 19(2)(b) of the Reserves Act 1977.

Climate Change and Natural Hazards (Allowed)

- A submitter supported the proposed classification as offering a high level of protection "in light of the impacts of climate change".

I recommend that these comments are accepted. I agree that the protection of the existing natural resources present is of increasing importance when considering the need for climate mitigation. Classification as scenic reserve will support this outcome. The relevance of this factor for reclassification decisions is evident when the future-focused elements in the definition of conservation are considered, including, "safeguarding the options of future generations" in relation to 'natural resources', "the air, water and soil in or on which any plant or animal lives or may live", and in relation to 'protection' of a resource, "restoration to some former state and its augmentation, enhancement, or expansion" (Conservation Act 1987, s. 2).

Ecology and Landscape (Allowed)

- A submitter supported the proposed recommendation, stating the area has "nationally significant ecological systems and scenic natural areas".
- Submissions noted that the recommendation would protect the area's "high ecological and landscape values".

I recommend that these comments are accepted. I agree that the natural resources identified in these comments are appropriately protected and preserved by the proposed classification. Under a scenic reserve classification "indigenous flora and fauna, ecological associations, and natural environment and beauty shall as far as possible be preserved" (Reserves Act 1977, s. 19(2)(a)).

Treaty Considerations (Allowed)

- Submissions supported the recommendations of the Mana Whenua Panel on the basis that they reflect the rights and interests of mana whenua, recognise Ngāi Tahu's connection to their ancestral lands, and fulfil obligations under the Treaty of Waitangi.
- The recommendation of the Mana Whenua Panel was supported on the basis that it reflects "the values, interests, and perspectives of the Papatipu Rūnanga in whose Takiwā the relevant land is located", and that adopting the recommendations of the Mana Whenua Panel would give effect to the principles of the Treaty.

I recommend that these comments are accepted. I agree that the proposed classification will allow for active protection of the identified interests (e.g. further recognition or additional protection measures for specific sites) where consistent with the conservation of the natural and historic resources present. I note that the Mana Whenua Panel have supported the notified classification, and therefore I consider that the proposed status is not inconsistent with the identified interests.

General (Allowed)

- Submissions expressed general support for the proposed classification, referencing the "information in the technical reports", or without providing further justification.
- A submitter noted their preference for all stewardship land to be reclassified at the highest possible level based on its "high cultural conservation value".

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area and no new material is raised, these submission points do not raise any matters for further consideration.

Oppose

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions opposed reclassification as scenic reserve, noting that though it does not prohibit mining, it adds extra restrictions with consequent negative economic benefits, suggesting that retaining the land in stewardship or reclassifying it as a conservation park provides adequate legal protection while allowing commercial activities to be considered on a case-by-case basis.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Process and Consultation (Not Allowed)

- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- A submission opposed all reclassification of stewardship land to specially protected areas unless it was purchased by the Nature Heritage Fund for the purpose of adding it to a national park.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submissions were concerned whether the proposed classification allows for hunting, fishing and “provision for public access”, and stated that any classification should explicitly provide for these activities.

I recommend that these comments are not accepted. Insufficient information is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification. The proposed classification does not prohibit public access for the activities, if authorised (for example in a hunting permit). Authorisation of such activities involves a separate decision-making process, the outcome of which would depend on effects on the conservation values present rather than the proposed land classification.

General (Allowed)

- Submissions advocated generally for all national parks, forest parks, scenic reserves, and stewardship land to be protected from development.

I recommend that these comments are not accepted. The legislation does not provide for absolute protection from development – rather it contemplates that some activities may be acceptable and provides a mechanism for authorising such activities, through the grant of concessions. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification.

KAW_30 – Cape Foulwind Farm – 2808266

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Cape Foulwind Farm	KAW_30_2808266t	Scenic Reserve (a)	Scenic Reserve (a)	22	4

Conservation Values Report Description

A 48.7945-ha area on Addisons Flat in the Foulwind Ecological District. The area is congruent with the Ōkari Ecological Management Unit, a species management unit for brown mudfish, and adjoins a large network of QEII covenants on the Pamu/Landcorp farm. Despite the modification, there is a high level of naturalness in this area. While currently no tracks or facilities, there is desire for sections of the Kawatiri Coastal Trail to be constructed through some of the KAW_30 areas. There is goldmining history in the area.

Panel Recommendations

National Panel: Scenic reserve (a), to preserve the identified ecological values and protect the identified historic/archaeological features, while providing for the potential recreational use of the area.

Mana Whenua Panel: Supports the Western South Island National Panel's recommendation.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of scenic reserve.

Summary of accepted submissions: Those submissions accepted as holding merit supported the notified classification as providing for ongoing recreational access, offering sufficient protection in the context of climate change, and reflecting the notable natural resources present. Also accepted were comments noting that this outcome is supported by the Mana Whenua Panel and reflects the perspectives of Ngāi Tahu.

Section 4 and Treaty principles: The Mana Whenua Panel have stated support for the notified classification, supported by submissions by Treaty partner organisations.

The Mana Whenua Panel have signalled specific Ngāi Tahu interests associated with this stewardship area, particularly that "the historic Ōkari kāinga site is in the vicinity".

Given the Mana Whenua Panel support for the notified classification, I consider the classification is not inconsistent with the identified interests.

Rationale: My conclusion is that, while recognising the significance of the area to Ngāi Tahu, on balance the natural and historic resources present are appropriately protected under the proposed classification.

Scenic Reserve (a) - KAW_30_2808266t

Support

Access and Recreation (Allowed)

- Submissions supported the proposed classification on recreational grounds noting that the proposed Kawatiri Coastal Trail would go through the area, creating "new opportunities for mountain biking and walking between Westport and Charleston", and the proposed classification would "secure public access".

I recommend that these comments are accepted. They hold merit under the Conservation Act as they support promotion of recreation that is not inconsistent with the preservation of the natural and historic resources present. The notified scenic reserve classification provides for the public to have freedom of entry and access to the reserve, subject to conditions necessary for the protection and well-being of the reserve and the public themselves, as per Section 19(2)(b) of the Reserves Act 1977.

Climate Change and Natural Hazards (Allowed)

- A submitter supported the proposed classification as offering a high level of protection "in light of the impacts of climate change".

I recommend that these comments are accepted. I agree that the protection of the existing natural resources present is of increasing importance when considering the need for climate mitigation. Classification as scenic reserve will support this outcome. The relevance of this factor for reclassification decisions is evident when the future-focused elements in the definition of conservation are considered, including, "safeguarding the options of future generations" in relation to 'natural resources', "the air, water and soil in or on which any plant or animal lives or may live", and in relation to 'protection' of a resource, "restoration to some former state and its augmentation, enhancement, or expansion" (Conservation Act 1987, s. 2).

Ecology and Landscape (Allowed)

- A submitter supported the proposed recommendation, stating the area has "nationally significant ecological systems and scenic natural areas".
- Submissions noted that the recommendation would protect the area's "high ecological and landscape values".

I recommend that these comments are accepted. I agree that the natural resources identified in these comments are appropriately protected and preserved by the proposed classification. Under a scenic reserve classification "indigenous flora and fauna, ecological associations, and natural environment and beauty shall as far as possible be preserved" (Reserves Act 1977, s. 19(2)(a)).

Treaty Considerations (Allowed)

- Submissions supported the recommendations of the Mana Whenua Panel on the basis that they reflect the rights and interests of mana whenua, recognise Ngāi Tahu's connection to their ancestral lands, and fulfil obligations under the Treaty of Waitangi.
- The recommendation of the Mana Whenua Panel was supported on the basis that it reflects "the values, interests, and perspectives of the Papatipu Rūnanga in whose Takiwā the relevant land is located", and that adopting the recommendations of the Mana Whenua Panel would give effect to the principles of the Treaty.

I recommend that these comments are accepted. I agree that the proposed classification will allow for active protection of the identified interests (e.g. further recognition or additional protection measures for specific sites) where consistent with the conservation of the natural and historic resources present. I note that the Mana Whenua Panel have supported the notified classification, and therefore I consider that the proposed status is not inconsistent with the identified interests.

General (Allowed)

- Submissions expressed general support for the proposed classification, referencing the "information in the technical reports", or without providing further justification.
- A submitter noted their preference for all stewardship land to be reclassified at the highest possible level based on its "high cultural conservation value".

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area and no new material is raised, these submission points do not raise any matters for further consideration.

Oppose

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions opposed reclassification as scenic reserve, noting that though it does not prohibit mining, it adds extra restrictions with consequent negative economic benefits, suggesting that retaining the land in stewardship or reclassifying it as a conservation park provides adequate legal protection while allowing commercial activities to be considered on a case-by-case basis.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Process and Consultation (Not Allowed)

- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- A submission opposed all reclassification of stewardship land to specially protected areas unless it was purchased by the Nature Heritage Fund for the purpose of adding it to a national park.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submissions were concerned whether the proposed classification allows for hunting, fishing and “provision for public access”, and stated that any classification should explicitly provide for these activities.

I recommend that these comments are not accepted. Insufficient information is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification. The proposed classification does not prohibit public access for the activities, if authorised (for example in a hunting permit). Authorisation of such activities involves a separate decision-making process, the outcome of which would depend on effects on the conservation values present rather than the proposed land classification.

General (Allowed)

- Submissions advocated generally for all national parks, forest parks, scenic reserves, and stewardship land to be protected from development.

I recommend that these comments are not accepted. The legislation does not provide for absolute protection from development – rather it contemplates that some activities may be acceptable and provides a mechanism for authorising such activities, through the grant of concessions. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification.

KAW_31 – Addisons Flat – 2808267

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Addisons Flat	KAW_31_2808267u	Scenic Reserve (a)	Neutral	12	4

Conservation Values Report Description

A 213.2261-ha area in two adjacent parcels. An area of pākihi and regenerating forest on flat and rolling marine terrace, congruent with the Addisons Flat Ecological Management Unit. This area has likely been cutover in the past and looks to have some historic drainage ditches in areas, but is now fully covered in native vegetation. There is goldmining history. There is access, but no tracks or facilities or recreational use.

Panel Recommendations

National Panel: Scenic reserve(a), to preserve the identified ecological values and protect the identified historic/ archaeological features, while providing for the potential recreational use of the area.

Mana Whenua Panel: Neutral.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of scenic reserve.

Summary of accepted submissions: Those submissions accepted as holding merit supported the notified classification as offering sufficient protection in the context of climate change and reflecting the notable natural resources present.

Section 4 and Treaty principles: The Mana Whenua Panel did not oppose the proposed classification.

No specific Ngāi Tahu interests were raised for consideration by the Mana Whenua Panel for this stewardship area. I acknowledge statements of the Mana Whenua Panel that “there is a deep connection between Ngāi Tahu and all of the whenua in the Ngāi Tahu takiwā, and the absence of site-specific values in the preliminary analysis does not detract from that connection, nor does it confirm that site-specific values are not present.”

Rationale: My conclusion is that the proposed classification will appropriately promote the conservation of the natural resources present (e.g. pākihi and regenerating forest).

Scenic Reserve (a) - KAW_31_2808267u

Support

Climate Change and Natural Hazards (Allowed)

- A submitter supported the proposed classification as offering a high level of protection “in light of the impacts of climate change”.

I recommend that these comments are accepted. I agree that the protection of the existing natural resources present is of increasing importance when considering the need for climate mitigation. Classification as scenic reserve will support this outcome. The relevance of this factor for reclassification decisions is evident when the future-focused elements in the definition of conservation are considered, including, “safeguarding the options of future generations” in relation to ‘natural resources’, “the air, water and soil in or on which any plant or animal lives or may live”, and in relation to ‘protection’ of a resource, “restoration to some former state and its augmentation, enhancement, or expansion” (Conservation Act 1987, s. 2).

Ecology and Landscape (Allowed)

- A submitter supported the proposed recommendation, stating the area has “nationally significant ecological systems and scenic natural areas”.

I recommend that these comments are accepted. I agree that the natural resources identified in these comments are appropriately protected and preserved by the proposed classification. Under a scenic reserve classification “indigenous

flora and fauna, ecological associations, and natural environment and beauty shall as far as possible be preserved” (Reserves Act 1977, s. 19(2)(a)).

General (Allowed)

- Submissions expressed general support for the proposed classification, referencing the “information in the technical reports”, or without providing further justification.
- A submitter noted their preference for all stewardship land to be reclassified at the highest possible level based on its “high cultural conservation value”.

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area and no new material is raised, these submission points do not raise any matters for further consideration.

Oppose

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions opposed reclassification as scenic reserve, noting that though it does not prohibit mining, it adds extra restrictions with consequent negative economic benefits, suggesting that retaining the land in stewardship or reclassifying it as a conservation park provides adequate legal protection while allowing commercial activities to be considered on a case-by-case basis.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Process and Consultation (Not Allowed)

- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- A submission opposed all reclassification of stewardship land to specially protected areas unless it was purchased by the Nature Heritage Fund for the purpose of adding it to a national park.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submissions were concerned whether the proposed classification allows for hunting, fishing and “provision for public access”, and stated that any classification should explicitly provide for these activities.

I recommend that these comments are not accepted. Insufficient information is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification. The proposed classification does not prohibit public access for the activities, if authorised (for example in a hunting permit). Authorisation of such activities involves a separate decision-making process, the outcome of which would depend on effects on the conservation values present rather than the proposed land classification.

General (Allowed)

- Submissions advocated generally for all national parks, forest parks, scenic reserves, and stewardship land to be protected from development.

I recommend that these comments are not accepted. The legislation does not provide for absolute protection from development – rather it contemplates that some activities may be acceptable and provides a mechanism for authorising such activities, through the grant of concessions. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification.

KAW_32 – Omau Beach – 2808258

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Omau Beach	KAW_32_2808258v	Scenic Reserve (a)	Neutral	17	5

Conservation Values Report Description

An 8.095-ha area along the coast that includes active beach, old stabilised dune and parts of a 40 m limestone cliff. It is congruent with the Cape Foulwind Biodiversity Priority site and the Tauranga Bay Ecosystem Management Unit, and is connected at one end to the Cape Foulwind Recreation Reserve. This area supports breeding colonies of fur seals, blue penguins and sooty shearwaters. The Cape Foulwind Walkway is nearby. Much of the surrounding area is privately owned and developed for agriculture and mining. Archaeological sites along this section of the coast have the potential to provide valuable information about pre-European use and settlement of the area.

Panel Recommendations

National Panel: Scenic reserve (a), to protect the identified ecological values and preserve the historic/archaeological features, while providing for the existing recreational use of the area.

Mana Whenua Panel: Neutral.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of scenic reserve.

Summary of accepted submissions: Those submissions accepted as holding merit supported the notified classification as ensuring ongoing public recreational access, reflecting the natural resources present and offering sufficient protection in the context of climate change.

Section 4 and Treaty principles: The Mana Whenua Panel did not oppose the proposed classification.

The Mana Whenua Panel have signalled specific Ngāi Tahu interests associated with this stewardship area, particularly that “mahinga kai sites and a historic kāinga site are in the vicinity”.

Given the Mana Whenua Panel have not opposed the notified classification, I consider the classification is not inconsistent with the identified interests.

Rationale: My conclusion is that, while recognising the significance of the area to Ngāi Tahu, on balance the natural resources present are appropriately protected under the proposed classification.

Scenic Reserve (a) - KAW_32_2808258v

Support

Access and Recreation (Allowed)

- Submitters supported the recommendation stating it has “high recreational value” and noting it will secure public access to the coast, which includes the clifftops and other parts of the Cape Foulwind Recreation Reserve.

I recommend that these comments are accepted. They hold merit under the Conservation Act as they support promotion of recreation that is not inconsistent with the preservation of the natural and historic resources present. The notified scenic reserve classification provides for the public to have freedom of entry and access to the reserve, subject to conditions necessary for the protection and well-being of the reserve and the public themselves, as per Section 19(2)(b) of the Reserves Act 1977.

Climate Change and Natural Hazards (Allowed)

- A submitter supported the proposed classification as offering a high level of protection “in light of the impacts of climate change”.

I recommend that these comments are accepted. I agree that the protection of the existing natural resources present is of increasing importance when considering the need for climate mitigation. Classification as scenic reserve will support this outcome. The relevance of this factor for reclassification decisions is evident when the future-focused elements in the definition of conservation are considered, including, “safeguarding the options of future generations” in relation to ‘natural resources’, “the air, water and soil in or on which any plant or animal lives or may live”, and in relation to ‘protection’ of a resource, “restoration to some former state and its augmentation, enhancement, or expansion” (Conservation Act 1987, s. 2).

Ecology and Landscape (Allowed)

- A submitter supported the proposed recommendation, stating the area has “nationally significant ecological systems and scenic natural areas”.
- A submitter supported the notified classification based on the high values present (e.g. “very important areas ecologically, historically and recreationally, but particularly the indigenous biodiversity ecosystems along this coast”).
- Submitters supported the proposed classification, noting the birds in the area (e.g. kororā and nesting sooty shearwater).

I recommend that these comments are accepted. I agree that the natural resources identified in these comments are appropriately protected and preserved by the proposed classification. Under a scenic reserve classification “indigenous flora and fauna, ecological associations, and natural environment and beauty shall as far as possible be preserved” (Reserves Act 1977, s. 19(2)(a)).

General (Allowed)

- Submissions expressed general support for the proposed classification, referencing the “information in the technical reports”, or without providing further justification.
- A submitter noted their preference for all stewardship land to be reclassified at the highest possible level based on its “high cultural conservation value”.

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area and no new material is raised, these submission points do not raise any matters for further consideration.

Oppose

Access and Recreation (Allowed)

- A submitter opposed the proposed classification, stating they wanted the site reviewed for its “existing recreational use”.

I recommend that these comments are not accepted. The points raised do not justify overturning the proposed classification. The notified scenic reserve classification provides for the public to have freedom of entry and access to the reserve, subject to conditions necessary for the protection and well-being of the reserve and the public themselves (Reserves Act 1977, s. 19(2)(b)).

Climate Change and Natural Hazards (Allowed)

- A submitter opposed the proposed classification, stating they wanted the site reviewed for its “climate adaptation and resilience value”.

I recommend that these comments are not accepted. The proposed classification will support the protection of the natural resources present, and as a result the area’s climate mitigation potential. The points raised do not justify overturning the notified intention. Under a scenic reserve classification “indigenous flora and fauna, ecological associations, and natural environment and beauty shall as far as possible be preserved” (Reserves Act 1977, s. 19(2)(a)).

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions opposed reclassification as scenic reserve, noting that though it does not prohibit mining, it adds extra restrictions with consequent negative economic benefits, suggesting that retaining the land in stewardship or

reclassifying it as a conservation park provides adequate legal protection while allowing commercial activities to be considered on a case-by-case basis.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Process and Consultation (Not Allowed)

- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- A submission opposed all reclassification of stewardship land to specially protected areas unless it was purchased by the Nature Heritage Fund for the purpose of adding it to a national park.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submissions were concerned whether the proposed classification allows for hunting, fishing and “provision for public access”, and stated that any classification should explicitly provide for these activities.

I recommend that these comments are not accepted. Insufficient information is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification. The proposed classification does not prohibit public access for the activities, if authorised (for example in a hunting permit). Authorisation of such activities involves a separate decision-making process, the outcome of which would depend on effects on the conservation values present rather than the proposed land classification.

General (Allowed)

- Submissions advocated generally for all national parks, forest parks, scenic reserves, and stewardship land to be protected from development.

I recommend that these comments are not accepted. The legislation does not provide for absolute protection from development – rather it contemplates that some activities may be acceptable and provides a mechanism for authorising such activities, through the grant of concessions. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification.

KAW_32 – Cape Foulwind beach – 2808259

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Cape Foulwind beach	KAW_32_2808259w	Scenic Reserve (a)	Neutral	18	5

Conservation Values Report Description

A 10.6574-ha area along the coast that includes active beach, old stabilised dune and parts of a 40 m limestone cliff. It is congruent with the Cape Foulwind Biodiversity Priority site and the Tauranga Bay Ecosystem Management Unit. This area supports breeding colonies of fur seals, blue penguins and sooty shearwaters. The Cape Foulwind Walkway runs through this area; it is promoted as an Icon Visitor site and one of DOC's best short walks. Much of the surrounding area is privately owned and developed for agriculture and mining. Archaeological sites along this section of the coast have the potential to provide valuable information about pre-European use and settlement of the area.

Panel Recommendations

National Panel: Scenic reserve (a), to protect the identified ecological values and preserve the historic/archaeological features, while providing for the existing recreational use of the area.

Mana Whenua Panel: Neutral.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of scenic reserve.

Summary of accepted submissions: Those submissions accepted as holding merit supported the notified classification as ensuring ongoing public recreational access, reflecting the natural resources present and offering sufficient protection in the context of climate change.

Section 4 and Treaty principles: The Mana Whenua Panel did not oppose the proposed classification.

The Mana Whenua Panel have signalled specific Ngāi Tahu interests associated with this stewardship area, particularly that "mahinga kai sites and a historic kāinga site are in the vicinity".

Given the Mana Whenua Panel have not opposed the notified classification, I consider the classification is not inconsistent with the identified interests.

Rationale: My conclusion is that, while recognising the significance of the area to Ngāi Tahu, on balance the natural and resources present are appropriately protected under the proposed classification.

Scenic Reserve (a) - KAW_32_2808259w

Support

Access and Recreation (Allowed)

- Submitters supported the recommendation, stating that the area has "high recreational value" as it contains parts of the Foulwind Walkway, and noting it will secure public access to the coast, which includes the "cliff tops, the lighthouse views of the Cape Foulwind seal 14 colony, and the beach at Tauranga Bay".

I recommend that these comments are accepted. They hold merit under the Conservation Act as they support promotion of recreation that is not inconsistent with the preservation of the natural and historic resources present. The notified scenic reserve classification provides for the public to have freedom of entry and access to the reserve, subject to conditions necessary for the protection and well-being of the reserve and the public themselves (Reserves Act 1977, s. 19(2)(b)).

Climate Change and Natural Hazards (Allowed)

- A submitter supported the proposed classification as offering a high level of protection "in light of the impacts of climate change".

I recommend that these comments are accepted. I agree that the protection of the existing natural resources present is of increasing importance when considering the need for climate mitigation. Classification as scenic reserve will support this outcome. The relevance of this factor for reclassification decisions is evident when the future-focused elements in the definition of conservation are considered, including, “safeguarding the options of future generations” in relation to ‘natural resources’, “the air, water and soil in or on which any plant or animal lives or may live”, and in relation to ‘protection’ of a resource, “restoration to some former state and its augmentation, enhancement, or expansion” (Conservation Act 1987, s. 2).

Ecology and Landscape (Allowed)

- A submitter supported the proposed recommendation, stating the area has “nationally significant ecological systems and scenic natural areas”.
- A submitter supported the notified classification based on the high values present (e.g. “very important areas ecologically, historically and recreationally, but particularly the indigenous biodiversity ecosystems along this coast”).

I recommend that these comments are accepted. I agree that the natural resources identified in these comments are appropriately protected and preserved by the proposed classification. Under a scenic reserve classification “indigenous flora and fauna, ecological associations, and natural environment and beauty shall as far as possible be preserved” (Reserves Act 1977, s. 19(2)(a)).

General (Allowed)

- Submissions expressed general support for the proposed classification, referencing the “information in the technical reports”, or without providing further justification.
- A submitter noted their preference for all stewardship land to be reclassified at the highest possible level based on its “high cultural conservation value”.

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area and no new material is raised, these submission points do not raise any matters for further consideration.

Oppose

Access and Recreation (Allowed)

- A submitter opposed the proposed classification, stating they wanted the site reviewed for its “existing recreational use”.

I recommend that these comments are not accepted. The points raised do not justify overturning the proposed classification. The notified scenic reserve classification provides for the public to have freedom of entry and access to the reserve, subject to conditions necessary for the protection and well-being of the reserve and the public themselves (Reserves Act 1977, s. 19(2)(b)).

Climate Change and Natural Hazards (Allowed)

- A submitter opposed the proposed classification, stating they wanted the site reviewed for its “climate adaptation and resilience value”.

I recommend that these comments are not accepted. The proposed classification will support the protection of the natural resources present, and as a result the area’s climate mitigation potential. The points raised do not justify overturning the notified intention. Under a scenic reserve classification “indigenous flora and fauna, ecological associations, and natural environment and beauty shall as far as possible be preserved” (Reserves Act 1977, s. 19(2)(a)).

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions opposed reclassification as scenic reserve, noting that though it does not prohibit mining, it adds extra restrictions with consequent negative economic benefits, suggesting that retaining the land in stewardship or reclassifying it as a conservation park provides adequate legal protection while allowing commercial activities to be considered on a case-by-case basis.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Process and Consultation (Not Allowed)

- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- A submission opposed all reclassification of stewardship land to specially protected areas unless it was purchased by the Nature Heritage Fund for the purpose of adding it to a national park.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submissions were concerned whether the proposed classification allows for hunting, fishing and “provision for public access”, and stated that any classification should explicitly provide for these activities.

I recommend that these comments are not accepted. Insufficient information is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification. The proposed classification does not prohibit public access for the activities, if authorised (for example in a hunting permit). Authorisation of such activities involves a separate decision-making process, the outcome of which would depend on effects on the conservation values present rather than the proposed land classification.

General (Allowed)

- Submissions advocated generally for all national parks, forest parks, scenic reserves, and stewardship land to be protected from development.

I recommend that these comments are not accepted. The legislation does not provide for absolute protection from development – rather it contemplates that some activities may be acceptable and provides a mechanism for authorising such activities, through the grant of concessions. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification.

KAW_32 – Tauranga Bay Accretion – 2808260

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Tauranga Bay Accretion	KAW_32_2808260x	Recreation Reserve	Neutral	13	8

Conservation Values Report Description

A 1.0719-ha area along the coast that includes active beach and old stabilised dune. It is congruent with the Cape Foulwind Biodiversity Priority site and Tauranga Bay Ecosystem Management Unit. This area supports breeding colonies of fur seals, blue penguins and sooty shearwaters. Much of the surrounding area is privately owned and developed for agriculture and mining. Archaeological sites along this section of the coast have the potential to provide valuable information about pre-European use and settlement of the area.

Panel Recommendations

National Panel: Recreation reserve, to provide for the established recreational uses of the area while protecting the identified ecological values and preserving the recorded historic/archaeological features.

Mana Whenua Panel: Neutral.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of recreation reserve.

Summary of accepted submissions: Those submissions accepted as holding merit supported the notified classification as ensuring ongoing public recreational access, reflecting the natural resources present and offering sufficient protection in the context of climate change.

Section 4 and Treaty principles: The Mana Whenua Panel did not oppose the proposed classification.

The Mana Whenua Panel have signalled specific Ngāi Tahu interests associated with this stewardship area, particularly that “mahinga kai sites and a historic kāinga site are in the vicinity”.

Given the Mana Whenua Panel have not opposed the notified classification, I consider the classification is not inconsistent with the identified interests.

Rationale: My conclusion is that, while recognising the significance of the area to Ngāi Tahu, on balance the natural resources (e.g. active beach and old stabilised dune) and historic resources present are appropriately protected under the proposed classification, while also reflecting the public access and recreational features present.

Recreation Reserve - KAW_32_2808260x

Support

Access and Recreation (Allowed)

- Submitters supported the recommendation, stating it has “high recreational value” and noting it will secure public access to the coast which includes the clifftops and other parts of the Cape Foulwind Recreation Reserve.

I recommend that these comments are accepted. I agree that the proposed recreation reserve will support ongoing public recreational access to the area. These comments hold merit under the Conservation Act as they support promotion of recreation that is not inconsistent with the preservation of the natural and historic resources present. Recreation reserves are held “for the purpose of providing areas for the recreation and sporting activities and the physical welfare and enjoyment of the public, and for the protection of the natural environment and beauty of the countryside” (Reserves Act 1977, s. 17(1)).

Climate Change and Natural Hazards (Allowed)

- A submitter supported the proposed classification as offering a high level of protection "in light of the impacts of climate change".

I recommend that these comments are accepted. I agree that the protection of the existing natural resources present is of increasing importance when considering the need for climate mitigation. Classification as recreation reserve will support this outcome, to the extent compatible with the identified primary purpose. The relevance of this factor for reclassification decisions is evident when the future-focused elements in the definition of conservation are considered, including, "safeguarding the options of future generations" in relation to 'natural resources', "the air, water and soil in or on which any plant or animal lives or may live", and in relation to 'protection' of a resource, "restoration to some former state and its augmentation, enhancement, or expansion" (Conservation Act 1987, s. 2).

Ecology and Landscape (Allowed)

- A submitter supported the notified classification based on the high values present (e.g. "very important areas ecologically, historically and recreationally, but particularly the indigenous biodiversity ecosystems along this coast").

I recommend that these comments are accepted. My view is that the natural resources identified in these comments are consistent with those described in the CVR (e.g. active beach and old stabilised dune), and they are appropriately protected and preserved by the proposed classification. Under the proposed classification, "where scenic, historic, archaeological, biological, geological, or other scientific features or indigenous flora or fauna or wildlife are present on the reserve, those features or that flora or fauna or wildlife shall be managed and protected to the extent compatible with the principal or primary purpose of the reserve" (Reserves Act 1977, s. 17(2)(b)).

General (Allowed)

- Submissions expressed general support for the proposed classification, referencing the "information in the technical reports", or without providing further justification.
- A submitter noted their preference for all stewardship land to be reclassified at the highest possible level based on its "high cultural conservation value".

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area and no new material is raised, these submission points do not raise any matters for further consideration.

Oppose

Climate Change and Natural Hazards (Allowed)

- A submitter opposed the proposed classification, stating they wanted the site reviewed for its "climate adaptation and resilience".

I recommend that these comments are not accepted. The proposed classification will support the protection of the natural resources present to the extent compatible with the principal or primary purpose of the reserve, and as a result support the area's climate mitigation potential. The points raised do not justify overturning the notified intention. The fact that the area is affected by sea level rise and coastal erosion does not preclude the use of the area for recreation. Under the proposed classification, "where scenic, historic, archaeological, biological, geological, or other scientific features or indigenous flora or fauna or wildlife are present on the reserve, those features or that flora or fauna or wildlife shall be managed and protected to the extent compatible with the principal or primary purpose of the reserve" (Reserves Act 1977, s. 17(2)(b)).

Ecology and Landscape (Allowed)

- A submitter opposed the proposed classification referring to "at risk and/or threatened species" and recommending it is classified as a scenic reserve instead.
- A submitter opposed the proposed classification, noting it is a hot spot for kororā and other seabirds. The submitter proposed the area be classified as a local purpose esplanade reserve "to give wildlife and recreational values equal priority".

I recommend that these comments are not accepted. My view is that the natural resources present are appropriately protected by the proposed classification (e.g. active beach and old stabilised dune), while also reflecting the public access and recreational features present. The points raised do not warrant overturning the notified classification.

Process and Consultation (Not Allowed)

- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.
- A submitter opposed the proposed classification, stating they wanted the site reviewed for its "existing recreational concessions".
- A submitter advocated for the proposed classification to be revised, stating that "conservation values alone must determine recommended classifications, and recreation and use values are not conservation values", also stating that if a national park classification is "politically unpalatable, then political judgement calls must be made by accountable politicians, not by the Panel".

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- A submission opposed all reclassification of stewardship land to specially protected areas unless it was purchased by the Nature Heritage Fund for the purpose of adding it to a national park.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submissions were concerned whether the proposed classification allows for hunting, fishing and "provision for public access", and stated that any classification should explicitly provide for these activities.

I recommend that these comments are not accepted. Insufficient information is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification. The proposed classification does not prohibit public access for the activities, if authorised (for example in a hunting permit). Authorisation of such activities involves a separate decision-making process, the outcome of which would depend on effects on the conservation values present rather than the proposed land classification.

KAW_33 – Ōkari Lagoon – 2808268

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Ōkari Lagoon	KAW_33_2808268y	Wildlife Management Area	Neutral	12	5

Conservation Values Report Description

A 40.9514-ha area which includes part of the sandspit that encloses Ōkari Lagoon. It provides an important buffer for Ōkari Lagoon - both for habitat and erosion control. The lagoon is recognised as a site of outstanding wildlife value. Ōkari Lagoon is subject to a Deed of Recognition and Statutory Acknowledgement in Schedule 47 of the Ngāi Tahu Claims Settlement Act 1998. The landform is unmodified and is likely to be mobile in response to river and ocean impacts. There is no easy access to the area and no DOC-managed tracks or facilities, but a 4WD track passes through and is used by those accessing the coast and lagoon.

Panel Recommendations

National Panel: Wildlife management area, to protect the identified wildlife and wildlife habitat values, and ensure that the value of the historic kainga sites are upheld, with the site being managed so that its historic resources are protected.

Mana Whenua Panel: Neutral.

S.49(2)(d) Recommendations

- Proceed with the notified proposal of wildlife management area.

Summary of accepted submissions: Those submissions accepted as holding merit supported the proposed classification as appropriately reflecting the natural resources present.

Section 4 and Treaty principles: The Mana Whenua Panel did not oppose the proposed classification.

The Mana Whenua Panel have signalled specific Ngāi Tahu interests associated with this stewardship area, particularly that “mahinga kai sites and a historic kāinga site are in the vicinity”, “Ōkari Lagoon is a cultural redress site (both a Statutory Acknowledgement and Deed of Recognition area) and is managed in accordance with the Ngāi Tahu Claims Settlement Act 1998”.

Given the Mana Whenua Panel support for the notified classification, I consider the classification is not inconsistent with the identified interests.

Rationale: My conclusion is that, while recognising the significance of the area to Ngāi Tahu, on balance the natural and historic resources present are appropriately protected under the proposed classification, being managed so that the area’s “indigenous natural resources and its historic resources are protected” (Conservation Act 1987, s. 23B(1)(b)).

Wildlife Management Area - KAW_33_2808268y

Support

Ecology and Landscape (Allowed)

- A submitter supported the recommendation on the grounds it would “protect freshwater habitats”.

I recommend that these comments are accepted. They provide site-specific details regarding the natural resources present which warrant consideration. I agree that the natural resources present are appropriately protected and preserved by the proposed classification.

General (Allowed)

- Submissions expressed general support for the proposed classification, referencing the “information in the technical reports”, or without providing further justification.

- The recommendation was supported as it “reflects the use of the land and adequately protects against degradation of the land”.
- A submitter noted their preference for all stewardship land to be reclassified at the highest possible level based on its “high cultural conservation value”.

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area and no new material is raised, these submission points do not raise any matters for further consideration.

Oppose

Access and Recreation (Allowed)

- Submitters opposed the classification as they were concerned that reclassification would “result in loss of game bird hunting in this area”.

I recommend that these comments are not accepted. The points raised do not justify overturning the proposed classification. The proposed classification supports the public appreciation of wildlife, where consistent with other management objectives.

Process and Consultation (Not Allowed)

- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- A submission opposed all reclassification of stewardship land to specially protected areas unless it was purchased by the Nature Heritage Fund for the purpose of adding it to a national park.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submissions were concerned and wanted to ensure that any reclassification provides explicitly for “provision for public access” sports fishing and gamebird hunting.

I recommend that these comments are not accepted. Insufficient information is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification. The proposed classification does not prohibit public access for the activities, if authorised (for example in a hunting permit). Authorisation of such activities involves a separate decision-making process, the outcome of which would depend on effects on the conservation values present rather than the proposed land classification.

Permissions, Economic Factors and Land Use (Not Allowed)

- Submitters were concerned that a change in status or disposal of the area would affect current permissions and “existing right of way access”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

KAW_33 – Ōkari Lagoon – 2808269

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Ōkari Lagoon	KAW_33_2808269a	Wildlife Management Area	Neutral	11	5

Conservation Values Report Description

An 8.6626-ha area including land either side of the Totara River mouth. It provides an important buffer for Ōkari Lagoon - both for habitat and erosion control. The lagoon is recognised as a site of outstanding wildlife value. Ōkari Lagoon is subject to a Deed of Recognition and Statutory Acknowledgement in Schedule 47 of the Ngāi Tahu Claims Settlement Act 1998. The landform is unmodified and is likely to be mobile in response to river and ocean impacts.

Panel Recommendations

National Panel: Wildlife management area, to protect the identified wildlife and wildlife habitat values and ensure that the value of the historic kainga sites are upheld, with the site being managed so that its historic resources are protected.

Mana Whenua Panel: Neutral.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of wildlife management area.

Summary of accepted submissions: Those submissions accepted as holding merit supported the proposed classification as appropriately reflecting the natural resources present.

Section 4 and Treaty principles: The Mana Whenua Panel did not oppose the proposed classification.

The Mana Whenua Panel have signalled specific Ngāi Tahu interests associated with this stewardship area, particularly that “mahinga kai sites and a historic kāinga site are in the vicinity”, “Ōkari Lagoon is a cultural redress site (both a Statutory Acknowledgement and Deed of Recognition area) and is managed in accordance with the Ngāi Tahu Claims Settlement Act 1998”.

Given the Mana Whenua Panel support for the notified classification, I consider the classification is not inconsistent with the identified interests.

Rationale: My conclusion is that, while recognising the significance of the area to Ngāi Tahu, on balance the natural and historic resources present are appropriately protected under the proposed classification, being managed so that the area’s “indigenous natural resources and its historic resources are protected” (Conservation Act 1987, s. 23B(1)(b)).

Wildlife Management Area - KAW_33_2808269a

Support

Ecology and Landscape (Allowed)

- A submitter supported the recommendation on the grounds it would “protect freshwater habitats”.

I recommend that these comments are accepted. They provide site-specific details regarding the natural resources present which warrant consideration. I agree that the natural resources present are appropriately protected and preserved by the proposed classification.

General (Allowed)

- Submissions expressed general support for the proposed classification, referencing the “information in the technical reports”, or without providing further justification.
- The recommendation was supported as it “reflects the use of the land and adequately protects against degradation of the land”.

- A submitter noted their preference for all stewardship land to be reclassified at the highest possible level based on its “high cultural conservation value”.

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area and no new material is raised, these submission points do not raise any matters for further consideration.

Oppose

Access and Recreation (Allowed)

- Submitters opposed the classification as they were concerned that reclassification would “result in loss of game bird hunting in this area”.

I recommend that these comments are not accepted. The points raised do not justify overturning the proposed classification. The proposed classification supports the public appreciation of wildlife, where consistent with other management objectives.

Process and Consultation (Not Allowed)

- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- A submission opposed all reclassification of stewardship land to specially protected areas unless it was purchased by the Nature Heritage Fund for the purpose of adding it to a national park.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submissions were concerned that a change in status or disposal would affect current permissions and wanted to ensure that any reclassification provides explicitly for “provision for public access” sports fishing and gamebird hunting.

I recommend that these comments are not accepted. Insufficient information is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification. The proposed classification does not prohibit public access for the activities, if authorised (for example in a hunting permit). Authorisation of such activities involves a separate decision-making process, the outcome of which would depend on effects on the conservation values present rather than the proposed land classification.

Permissions, Economic Factors and Land Use (Not Allowed)

- Submitters were concerned that a change in status or disposal of the area would affect current permissions and “existing right of way access”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

KAW_34 – Costello Hill – 2808275

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Costello Hill	KAW_34_2808275b	Scenic Reserve (a)	Neutral	13	6

Conservation Values Report Description

A 261.6317-ha area on a low terrace of river deposits with regenerating native forest and pākihi vegetation. The area is congruent with parts of the Virgin Flat Species Management Unit for brown mudfish. This area is the only known location of hornwort on the West Coast and is the site of a distinctive historical goldfield. There is access but no tracks or facilities, and little recreational use. There is a concession access easement held for right of way appurtenant vehicle access to freehold land near the Little Totara River.

Panel Recommendations

National Panel: Scenic reserve (a), to preserve the identified ecological values and protect any identified historic or archaeological features, while providing for the potential recreational use of the area.

Mana Whenua Panel: Neutral.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of scenic reserve.

Summary of accepted submissions: Those submissions accepted as holding merit supported the notified classification as offering sufficient protection in the context of climate change, and reflecting the notable natural resources present.

Section 4 and Treaty principles: The Mana Whenua Panel did not oppose the proposed classification.

No specific Ngāi Tahu interests were raised for consideration by the Mana Whenua Panel for this stewardship area. I acknowledge statements of the Mana Whenua Panel that “there is a deep connection between Ngāi Tahu and all of the whenua in the Ngāi Tahu takiwā, and the absence of site-specific values in the preliminary analysis does not detract from that connection, nor does it confirm that site-specific values are not present.”

Rationale: My conclusion is that, while recognising the significance of the area to Ngāi Tahu, on balance the natural and historic resources present are appropriately protected under the proposed classification.

Scenic Reserve (a) - KAW_34_2808275b

Support

Climate Change and Natural Hazards (Allowed)

- A submitter supported the proposed classification as offering a high level of protection “in light of the impacts of climate change”.

I recommend that these comments are accepted. I agree that the protection of the existing natural resources present is of increasing importance when considering the need for climate mitigation. Classification as scenic reserve will support this outcome. The relevance of this factor for reclassification decisions is evident when the future-focused elements in the definition of conservation are considered, including, “safeguarding the options of future generations” in relation to ‘natural resources’, “the air, water and soil in or on which any plant or animal lives or may live”, and in relation to ‘protection’ of a resource, “restoration to some former state and its augmentation, enhancement, or expansion” (Conservation Act 1987, s. 2).

Ecology and Landscape (Allowed)

- A submitter supported the proposed recommendation, stating the area has “nationally significant ecological systems and scenic natural areas”.
- A submitter supported the proposed classification stating that the area is “an important linkage area to the Paparoa National Park and other conservation lands”.

I recommend that these comments are accepted. I agree that the natural resources identified in these comments are appropriately protected and preserved by the proposed classification. Under a scenic reserve classification “indigenous flora and fauna, ecological associations, and natural environment and beauty shall as far as possible be preserved” (Reserves Act 1977, s. 19(2)(a)).

General (Allowed)

- Submissions expressed general support for the proposed classification, referencing the “information in the technical reports”, or without providing further justification.
- A submitter noted their preference for all stewardship land to be reclassified at the highest possible level based on its “high cultural conservation value”.

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area and no new material is raised, these submission points do not raise any matters for further consideration.

Oppose

Access and Recreation (Allowed)

- A submitter opposed the reclassification to scenic reserve with concerns that classification as a scenic reserve would “eliminate any access for hunting in the area”.

I recommend that these comments are not accepted. The proposed classification does not prohibit public access for the activities, if authorised (for example in a hunting permit). Authorisation of such activities involves a separate decision-making process, the outcome of which would depend on effects on the conservation values present rather than the proposed land classification.

General (Allowed)

- A submitter opposed the classification and stated they wanted this area added to the Paparoa National Park.

I recommend that these comments are not accepted. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised for further consideration.

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions opposed reclassification as scenic reserve, noting that though it does not prohibit mining, it adds extra restrictions with consequent negative economic benefits, suggesting that retaining the land in stewardship or reclassifying it as a conservation park provides adequate legal protection while allowing commercial activities to be considered on a case-by-case basis.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Process and Consultation (Not Allowed)

- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- A submission opposed all reclassification of stewardship land to specially protected areas unless it was purchased by the Nature Heritage Fund for the purpose of adding it to a national park.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submissions were concerned whether the proposed classification allows for hunting, fishing and “provision for public access”, and stated that any classification should explicitly provide for these activities.

I recommend that these comments are not accepted. Insufficient information is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification. The proposed classification does not prohibit public access for the activities, if authorised (for example in a hunting permit). Authorisation of such activities involves a separate decision-making process, the outcome of which would depend on effects on the conservation values present rather than the proposed land classification.

General (Allowed)

- Submissions advocated generally for all national parks, forest parks, scenic reserves, and stewardship land to be protected from development.

I recommend that these comments are not accepted. The legislation does not provide for absolute protection from development – rather it contemplates that some activities may be acceptable and provides a mechanism for authorising such activities, through the grant of concessions. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification.

Permissions, Economic Factors and Land Use (Not Allowed)

- Submitters were concerned that a change in status or disposal of the area would affect current permissions and “existing right of way access”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

KAW_35 – Rahui - Beach Road – 2808270

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Rahui - Beach Road	KAW_35_2808270c	Wildlife Management Area	Neutral	14	6

Conservation Values Report Description

A 0.1961-ha discrete conservation area with a mix of native and exotic vegetation cover in between grazing land and regenerating scrub. There has been very little archaeological research in this area, but pounamu and argillite adzes have been found in the vicinity, and there is goldmining history. Kawatiri Coastal Trail may pass through the area, and is popular for walking and cycling.

Panel Recommendations

National Panel: Wildlife management area, to protect the identified wildlife and wildlife habitat values and ensure that the value of the historic occupation site noted by Ngāi Tahu and any other historic/archaeological features are upheld, with the site being managed so that its historic resources are protected.

Mana Whenua Panel: Neutral.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of wildlife management area.

Summary of accepted submissions: Those submissions accepted as holding merit supported the proposed classification as appropriately reflecting the natural resources present, and to ensure ongoing public recreational access, referencing the proposed development of the Kawatiri Coastal Trail.

Section 4 and Treaty principles: The Mana Whenua Panel did not oppose the proposed classification.

The Mana Whenua Panel have signalled specific Ngāi Tahu interests associated with this stewardship area, particularly that “a historic occupation site is in the vicinity”.

Given the Mana Whenua Panel support for the notified classification, I consider the classification is not inconsistent with the identified interests.

Rationale: My conclusion is that, while recognising the significance of the area to Ngāi Tahu, on balance the natural and historic resources present are appropriately protected under the proposed classification, being managed so that the area’s “indigenous natural resources and its historic resources are protected” (Conservation Act 1987, s. 23B(1)(b)).

Wildlife Management Area - KAW_35_2808270c

Support

Access and Recreation (Allowed)

- Submissions supported the proposed classification on recreational grounds noting that the proposed Kawatiri Coastal Trail would go through the area, creating “new opportunities for mountain biking and walking between Westport and Charleston”, and the proposed classification would “secure public access”.
- A submission supported the recommendation on the provision that access was maintained, otherwise a different classification should be used that allows for the management and protection of conservation values (e.g. “recreational access and use, ecological and cultural values”).

I recommend that these comments are accepted. These comments provide site-specific details regarding the public access and recreational features present which are not inconsistent with the preservation of the natural and historic resources of the area. The proposed classification supports the public appreciation of wildlife, where consistent with other management objectives.

Ecology and Landscape (Allowed)

- A submitter supported the recommendation on the grounds it would “protect freshwater habitats”.
- Submitters supported the proposed classification, noting it is “appropriate for penguin protection and public enjoyment of beaches close to Charleston”, or referencing the conservation report which notes “potential for nesting habitat for kororā”, and confirming the presence of kororā in the area.

I recommend that these comments are accepted. They provide site-specific details regarding the natural resources present which warrant consideration. My view is that the natural resources identified in these comments are consistent with those described in the CVR (e.g. includes areas of pasture, regenerating native forest, flaxland, gorse and broom; common passerines and other native avifauna), and they are appropriately protected and preserved by the proposed classification.

General (Allowed)

- Submissions expressed general support for the proposed classification, referencing the “information in the technical reports”, or without providing further justification.
- The recommendation was supported as it “reflects the use of the land and adequately protects against degradation of the land”.
- A submitter noted their preference for all stewardship land to be reclassified at the highest possible level based on its “high cultural conservation value”.

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area and no new material is raised, these submission points do not raise any matters for further consideration.

Oppose

Access and Recreation (Allowed)

- A submitter opposed the proposed classification, stating they wanted the site reviewed for its “existing recreational use”.

I recommend that these comments are not accepted. The points raised do not justify overturning the proposed classification for the three western parcels which hold natural values. The proposed classification supports the public appreciation of wildlife, where consistent with other management objectives.

Climate Change and Natural Hazards (Allowed)

- A submitter opposed the proposed classification, stating they wanted the site reviewed for its “climate adaptation and resilience”.

I recommend that these comments are not accepted. The proposed classification will support the protection of the natural resources present, and as a result the area’s climate mitigation potential. The points raised do not justify overturning the notified intention. Wildlife management areas are managed to protect wildlife and wildlife habitat values, including so “that its indigenous natural resources and its historic resources are protected” (Conservation Act 1987, s. 23B(1)(b)).

Ecology and Landscape (Allowed)

- A submitter opposed the classification noting the area’s low values stating that it “has been heavily grazed, is currently supporting gorse and scrubby grass and the only inhabitants are rats, stoats (which we undertake to trap) and hares” and that the only birdlife in the area is pukeko.

I recommend that these comments are not accepted. My assessment of the natural resources present is that they are appropriately protected and preserved by the proposed classification (e.g. includes areas of pasture, regenerating native forest, flaxland, gorse and broom; common passerines and other native avifauna). The points raised do not justify overturning the notified intention. Wildlife management areas are managed to protect wildlife and wildlife habitat values, including so “that its indigenous natural resources and its historic resources are protected” (Conservation Act 1987, s. 23B(1)(b)).

Process and Consultation (Not Allowed)

- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- A submission opposed all reclassification of stewardship land to specially protected areas unless it was purchased by the Nature Heritage Fund for the purpose of adding it to a national park.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submissions were concerned whether the proposed classification allows for hunting, fishing and “provision for public access”, and stated that any classification should explicitly provide for these activities.

I recommend that these comments are not accepted. Insufficient information is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification. The proposed classification does not prohibit public access for the activities, if authorised (for example in a hunting permit). Authorisation of such activities involves a separate decision-making process, the outcome of which would depend on effects on the conservation values present rather than the proposed land classification.

KAW_35 – Rahui - Beach Road – 2808271

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Rahui - Beach Road	KAW_35_2808271d	Wildlife Management Area	Neutral	14	5

Conservation Values Report Description

A 2.7992-ha area is made up multiple blocks of land with a mix of native and exotic vegetation cover almost completely enclosed by grazing land, although some strips run through larger pockets of regenerating scrub. There has been very little archaeological research in this area, but pounamu and argillite adzes have been found in the vicinity and there is goldmining history. The unusual shape of this area reflects the old mining water races on which these conservation areas were based. Kawatiri Coastal Trail may pass through some of the areas, and it is popular for walking and cycling. Some parts of the area support fernbird habitat, and there is also potential for other wetland and shorebird species and nesting habitat for kororā. Newman's speckled skink is potentially present.

Panel Recommendations

National Panel: Wildlife management area, to protect the identified wildlife and wildlife habitat values and ensure that the value of the historic occupation site noted by Ngāi Tahu and any other historic/archaeological features are upheld, with the site being managed so that its historic resources are protected.

Mana Whenua Panel: Neutral.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of wildlife management area.

Summary of accepted submissions: The submissions accepted as holding merit supported the proposed classification as supporting public access, and appropriately protecting the natural resources present.

Section 4 and Treaty principles: The Mana Whenua Panel did not oppose the proposed classification.

The Mana Whenua Panel have signalled specific Ngāi Tahu interests associated with this stewardship area, particularly that "a historic occupation site is in the vicinity".

Given the Mana Whenua Panel have not opposed the notified classification, I consider the classification is not inconsistent with the identified interests.

Rationale: My conclusion is that, while recognising the significance of the area to Ngāi Tahu, on balance the natural and historic resources present are appropriately protected under the proposed classification, being managed so that the area's "indigenous natural resources and its historic resources are protected" (Conservation Act 1987, s. 23B(1)(b)).

Wildlife Management Area - KAW_35_2808271d

Support

Access and Recreation (Allowed)

- Submissions supported the proposed classification on recreational grounds noting that the proposed Kawatiri Coastal Trail would go through the area, creating "new opportunities for mountain biking and walking between Westport and Charleston", and the proposed classification would "secure public access".
- A submission supported the recommendation on the provision that access was maintained, otherwise a different classification should be used that allows for the management and protection of conservation values (e.g. "recreational access and use, ecological and cultural values").

I recommend that these comments are accepted. These comments provide site-specific details regarding the public access and recreational features present which are not inconsistent with the preservation of the natural and historic resources of

the area. The proposed classification supports the public appreciation of wildlife, where consistent with other management objectives.

Ecology and Landscape (Allowed)

- A submitter supported the recommendation on the grounds it would “protect freshwater habitats”.
- Submitters supported the proposed classification, noting it is “appropriate for penguin protection and public enjoyment of beaches close to Charleston”, or referencing the conservation report which notes “potential for nesting habitat for kororā”, and confirming the presence of kororā in the area.

I recommend that these comments are accepted. They provide site-specific details regarding the natural resources present which are consistent with the CVR. I agree that the natural resources present in the area are appropriately protected and preserved by the proposed classification.

General (Allowed)

- Submissions expressed general support for the proposed classification, referencing the “information in the technical reports”, or without providing further justification.
- The recommendation was supported as it “reflects the use of the land and adequately protects against degradation of the land”.
- A submitter noted their preference for all stewardship land to be reclassified at the highest possible level based on its “high cultural conservation value”.

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area and no new material is raised, these submission points do not raise any matters for further consideration.

Oppose

Access and Recreation (Allowed)

- A submitter opposed the proposed classification, stating they wanted the site reviewed for its “existing recreational use”.

I recommend that these comments are not accepted. The submission does not clarify what recreational use they refer to or why wildlife management area is inappropriate for recreational use. The points raised do not justify overturning the notified intention. The proposed classification supports the public appreciation of wildlife, where consistent with other management objectives.

Climate Change and Natural Hazards (Allowed)

- A submitter opposed the proposed classification, stating they wanted the site reviewed for its “climate adaptation and resilience”.

I recommend that these comments are not accepted. The proposed classification will support the protection of the natural resources present, and as a result the area’s climate mitigation potential. The points raised do not justify overturning the notified intention. Wildlife management areas are managed to protect wildlife and wildlife habitat values, including so “that its indigenous natural resources and its historic resources are protected” (Conservation Act 1987, s. 23B(1)(b)).

Process and Consultation (Not Allowed)

- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- A submission opposed all reclassification of stewardship land to specially protected areas unless it was purchased by the Nature Heritage Fund for the purpose of adding it to a national park.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submissions were concerned whether the proposed classification allows for hunting, fishing and “provision for public access”, and stated that any classification should explicitly provide for these activities.

I recommend that these comments are not accepted. Insufficient information is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification. The proposed classification does not prohibit public access for the activities, if authorised (for example in a hunting permit). Authorisation of such activities involves a separate decision-making process, the outcome of which would depend on effects on the conservation values present rather than the proposed land classification.

KAW_35 – Little Tōtara River - Water Race – 2808273

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Little Tōtara River - Water Race	KAW_35_2808273e	Disposal	Disposal	12	21

Conservation Values Report Description

A 2.1026-ha area. The broader assessment area is made up multiple blocks of land with a mix of native and exotic vegetation cover almost completely enclosed by grazing land, although some strips run through larger pockets of regenerating scrub. There has been very little archaeological research in this area, but pounamu and argillite adzes have been found in the vicinity and there is goldmining history. The unusual shape of this area reflects the old mining water races on which these conservation areas were based.

Panel Recommendations

National Panel: Disposal should be considered as this area is predominantly dominated by pasture and has very low conservation value. It is noted that the Department needs to give consideration to the presence of some areas of regenerating flora, which may trigger a partial disposal of these sites.

Mana Whenua Panel: Disposal, as the area is modified and should not form part of the public conservation land.

S.49(2)(d) Recommendation

- Proceed with the notified proposal, referring this area to the Department to investigate the suitability of disposal.

Summary of accepted submissions: Those submissions accepted as holding merit supported the proposed disposal investigation where there are no conservation values remaining. Also accepted were comments noting that this outcome is supported by the Mana Whenua Panel and reflects the perspectives of Ngāi Tahu.

Section 4 and Treaty principles: The Mana Whenua Panel supported the proposed disposal investigation, supported by submissions from Treaty partner organisations, on the grounds that the area is modified.

The Mana Whenua Panel have signalled specific Ngāi Tahu interests associated with this stewardship area, particularly that “a historic occupation site is in the vicinity”.

Given the Mana Whenua Panel have supported the proposed disposal investigation, I consider the notified intention is not inconsistent with the identified interests.

Rationale: My conclusion is that the stewardship area is of low conservation value and warrants further investigation as to the suitability of disposal. I note that any parts of the area identified to have substantive natural values are unlikely to pass the Conservation General Policy and legislative disposal tests.

Disposal - KAW_35_2808273e

Support

Ecology and Landscape (Allowed)

- Submissions stated they support disposal of stewardship land where there are no conservation values remaining, or agreed that the land did not hold any conservation values and was therefore suitable for disposal.
- Submitters stated support for the recommendation, while noting the presence of kororā on the coastward side of parcels within the whole KAW_35 assessment area.

I recommend that these comments are accepted. I agree that the land recommended for disposal is modified (grazed pasture) and holds low conservation values, supporting a disposal investigation. I note that any parts of the area identified to have substantive natural values are unlikely to pass the Conservation General Policy and legislative disposal tests.

Treaty Considerations (Allowed)

- Submissions supported the recommendations of the Mana Whenua Panel on the basis that they reflect the rights and interests of mana whenua, recognise Ngāi Tahu's connection to their ancestral lands, and fulfil obligations under the Treaty of Waitangi.

I recommend that these comments are accepted. I note that the Mana Whenua Panel have supported the proposed disposal investigation. The modified nature of the pastoral components of this stewardship area justifies referring this area to the Department to investigate the suitability of disposal.

General (Allowed)

- Submissions expressed general support without providing further justification.

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area and no new material is raised, these submission points do not raise any matters.

Other (Not Allowed)

- It was noted that disposals only form 0.01% of the stewardship land in the West Coast reclassification process.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Oppose

Access and Recreation (Allowed)

- Submitters objected to disposal on the grounds that this represents a loss of public access and ability for future generations to enjoy these areas, and expressed opposition to any disposal which means a loss of recreation opportunities such as angling or hunting.
- Submitters requested that "appropriate mechanisms are used to ensure existing and future public use is maintained or improved", or recommended classification as a local purpose reserve with purposes either river conservation, river access, or recreation access to "ensure public access is retained in perpetuity".
- A submitter opposed based on concern that the site should be "reviewed for existing recreational use".

I recommend that these comments are not accepted. The comments do not provide site-specific recreational uses or new material which would warrant overturning the notified intention. The area runs through private farmland and is unlikely to hold recreational values which justify retention as public conservation land. The low conservation values (modified pasture) justify referring this area to the Department to investigate the suitability of disposal.

Climate Change and Natural Hazards (Allowed)

- Submissions opposed the recommendation on the grounds that all public conservation land, even if modified/pasture, offers potential for climate change mitigation and adaption (e.g. "opportunities for flood/erosion buffering, or allowing room for natural river processes", "areas are important for communities that they need to be kept by DOC for climate mitigation, not disposed of").
- A submitter noted that "in almost all cases these areas have historically been part of the riverbed, and the rivers need this buffer to be able to move around without causing damage to infrastructure and farming assets. As a corollary to that, the freeholding of land adjacent to riverbeds often results in additional rock protection work which constrains the river, and the natural processes at play. This often results in unintended consequences (often erosion at other sites)".
- Submitters also argued that modified land could be retained and restored to support carbon sequestration (e.g. "Disposal will forgo future carbon sequestration and climate mitigation").
- A submitter opposed based on concern that the site should be reviewed for "community climate adaptation and resilience".

I recommend that these comments are not accepted. The small size of the area, its highly modified nature (grazed pasture), and landscape context (within private farmland) limit the appropriateness and effectiveness of retaining it for ecosystem

restoration and carbon sequestration. Comments regarding adaptation do not specify what type of adaptation they mean or why this should be considered for this conservation area, so I am unable to consider them further. The low conservation values of the pastoral areas justify referring this area to the Department for disposal investigation.

Ecology and Landscape (Allowed)

- Submissions expressed opposition to any disposal of stewardship land on the grounds that even modified areas are likely to contain some natural values or indigenous species (juncus, carex etc), that areas near forests could easily revert to a natural state, or that even highly modified land holds opportunities for ecosystem regeneration and restoration (e.g. “disposal will lose the opportunity for regeneration and restoration”). A “precautionary policy” was recommended to hold conservation future options open.
- A submission recommended that waterways and wetlands would be better protected if adjacent land was retained, grazing excluded, and restoration/natural succession allowed to occur.
- Submissions opposed disposal of land by rivers on the grounds that so little remains in public conservation land (e.g. “poor ecological representation in existing protected areas”).
- Submitters opposed disposal on riverbed and floodplains unless areas are “completely modified” and can be fenced off from waterways, or unless areas are small and landlocked and have no restoration potential.

I recommend that these comments are not accepted. The small size of the area, its highly modified nature (grazed pasture), and landscape context (within private farmland) limit the appropriateness and effectiveness of retaining it for ecosystem restoration and carbon sequestration. The low conservation values of the pastoral areas justify referring this area to the Department for disposal investigation. I note that any parts of the area identified to have substantive natural values are unlikely to pass the Conservation General Policy and legislative disposal tests.

Historic and Cultural Values (Allowed)

- Disposal was opposed based on the historic value of the water race.
- Submitters also suggested that “it is very important that as the new Kawatiri Cycle Trail approaches Charleston that local history is preserved for future generations not to mention local interests”.

I recommend that these comments are not accepted. Though there may be some historic values associated with the water race, the CVR notes that much of the water races are in pastoral land and have been infilled or ploughed out, though intact sections may exist in the bush gullies. The low conservation values justify referring this area to the Department for investigation for disposal.

Treaty Considerations (Allowed)

- One submission stated that “no stewardship land should be made available for disposal, except to tangata whenua; and only then with the need to maintain the block’s cultural, conservation & mahika-kai values in their entirety”.
- Another submitter stated, “transfer ownership to local iwi”.

I recommend that these comments are not accepted. The proposed disposal investigation was supported by the Mana Whenua Panel, and any potential disposal of land arising from the Departmental investigation will be subject to the rights of first refusal process as set out in the Ngāi Tahu Claims Settlement Act 1998. The highly modified area is unlikely to hold substantive “conservation & mahika-kai values”.

General (Allowed)

- Submissions expressed opposition to disposal of any stewardship land in general terms, argued that public conservation land is best retained for future generations or future conservation purposes, expressed a desire for maximum environmental protection, or supported “a cautionary approach” and preference to retain land in Crown ownership.

I recommend that these comments are not accepted. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification.

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions recommended consideration of potential productivity and whether the land could be used to support future food security.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Process and Consultation (Not Allowed)

- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.
- It was noted that “proposed disposals do not give even a general indication where disposal boundaries might be”, making it difficult for submitters to comment.

It was suggested that there should be less focus on present values and more weight given to potential conservation value, as per the Conservation General Policy 6(c) and the Conservation Act requirement to safeguard options for future generations. It was recommended that the reclassification framework should include a “future conservation use” designation to hold land for future conservation requirements.

- A submitter noted that “there is no requirement” that land with low conservation values is disposed of, expressing opposition to any disposal of riverbed or pastoral land in public ownership.
- A submitter stated that “The National Panel is recommending 65 hectares for disposal, but has recommended up to an additional 1000 hectares of land may be disposed of where there is pastoral land alongside river conservation areas (subject to survey). This is not explained or justified”.
- A submitter advocated for the proposed classification to be revised, stating that “conservation values alone must determine recommended classifications, and recreation and use values are not conservation values”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- A submitter stated that any land decided for disposal must be on the condition that any waterways and wetlands within/bordering the parcel are protected by a setback.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Access and Recreation (Allowed)

- A submitter stated they are “neutral on disposal of water races as they have no connecting value for public access”.

I recommend that these comments are accepted. The area runs through private farmland and is unlikely to hold recreational values which justify retention as public conservation land. The low conservation values (modified pasture) justify referring this area to the Department to investigate the suitability of disposal.

Climate Change and Natural Hazards (Allowed)

- A submitter stated that no land should be disposed of if there is potential for restoration or carbon sequestration, and that riverbeds and adjacent land should be retained for flood retention, with no grazing permitted.

I recommend that these comments are not accepted. The small size of the area, its highly modified nature (grazed pasture), and landscape context (within private farmland) limit the appropriateness and effectiveness of retaining it for ecosystem restoration and carbon sequestration. The low conservation values of the pastoral areas justify referring this area to the Department for disposal investigation.

General (Allowed)

- Submissions advocated generally for all national parks, forest parks, scenic reserves, and stewardship land to be protected from development.

I recommend that these comments are not accepted. The legislation does not provide for absolute protection from development – rather it contemplates that some activities may be acceptable and provides a mechanism for authorising such activities, through the grant of concessions. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification.

Other (Not Allowed)

- One submission noted that disposal of land will be subject to the Heritage New Zealand Pouhere Taonga Notification Process for Disposal of Crown-owned Land.
- One submission suggested any funds from land sold should go to the Nature Heritage Fund.

As I have recommended these comments are not allowed, I recommend they are not accepted.

KAW_35 – Rahui-Beach Road – 2808277

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Rahui-Beach Road	KAW_35_2808277f	Wildlife Management Area	Neutral	14	5

Conservation Values Report Description

A 1.5622-ha area, made up of three separate blocks of land with a mix of native and exotic vegetation cover almost completely enclosed by grazing land. There has been very little archaeological research in this area, but pounamu and argillite adzes have been found in the vicinity and there is goldmining history. The unusual shape of this area reflects the old mining water races on which these conservation areas were based. The areas that provide access to the beach are used by locals. Kawatiri Coastal Trail may pass through some of the areas, and is popular for walking and cycling.

Panel Recommendations

National Panel: Wildlife management area, to protect the identified wildlife and wildlife habitat values and ensure that the value of the historic occupation site noted by Ngāi Tahu and any other historic/archaeological features are upheld, with the site being managed so that its historic resources are protected.

Mana Whenua Panel: Neutral.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of wildlife management area.

Summary of accepted submissions: Those submissions accepted as holding merit supported the proposed classification as appropriately reflecting the natural resources present, and to ensure ongoing public recreational access, referencing the proposed development of the Kawatiri Coastal Trail.

Section 4 and Treaty principles: The Mana Whenua Panel did not oppose the proposed classification.

The Mana Whenua Panel have signalled specific Ngāi Tahu interests associated with this stewardship area, particularly that “a historic occupation site is in the vicinity”.

Given the Mana Whenua Panel have not opposed the notified classification, I consider the classification is not inconsistent with the identified interests.

Rationale: My conclusion is that, while recognising the significance of the area to Ngāi Tahu, on balance the natural and historic resources present are appropriately protected under the proposed classification, being managed so that the area’s “indigenous natural resources and its historic resources are protected” (Conservation Act 1987, s. 23B(1)(b)).

Wildlife Management Area - KAW_35_2808277f

Support

Access and Recreation (Allowed)

- Submissions supported the proposed classification on recreational grounds noting that the proposed Kawatiri Coastal Trail would go through the area, creating “new opportunities for mountain biking and walking between Westport and Charleston”, and the proposed classification would “secure public access”.
- A submission supported the recommendation on the provision that access was maintained, otherwise a different classification should be used that allows for the management and protection of conservation values (e.g. “recreational access and use, ecological and cultural values”).

I recommend that these comments are accepted. These comments provide site-specific details regarding the public access and recreational features present which are not inconsistent with the preservation of the natural and historic resources of the area. The proposed classification supports the public appreciation of wildlife, where consistent with other management objectives. Regarding

Ecology and Landscape (Allowed)

- A submitter supported the recommendation on the grounds it would “protect freshwater habitats”.
- Submitters supported the proposed classification, noting it is “appropriate for penguin protection and public enjoyment of beaches close to Charleston”, or referencing the conservation report which notes “potential for nesting habitat for kororā” and confirming the presence of kororā in the area.

I recommend that these comments are accepted. They provide site-specific details regarding the natural resources present which warrant consideration. My view is that the natural resources identified in these comments are consistent with those described in the CVR (e.g. includes areas of pasture, regenerating native forest, flaxland, gorse and broom; common passerines and other native avifauna), and they are appropriately protected and preserved by the proposed classification.

General (Allowed)

- Submissions expressed general support for the proposed classification, referencing the “information in the technical reports”, or without providing further justification.
- The recommendation was supported as it “reflects the use of the land and adequately protects against degradation of the land”.
- A submitter noted their preference for all stewardship land to be reclassified at the highest possible level based on its “high cultural conservation value”.

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area and no new material is raised, these submission points do not raise any matters for further consideration.

Oppose

Access and Recreation (Allowed)

- A submitter opposed the proposed classification, stating they wanted the site reviewed for its “existing recreational use”.

I recommend that these comments are not accepted. The points raised do not justify overturning the proposed classification for the three western parcels which hold natural values. The proposed classification supports the public appreciation of wildlife, where consistent with other management objectives.

Climate Change and Natural Hazards (Allowed)

- A submitter opposed the proposed classification, stating they wanted the site reviewed for its “climate adaptation and resilience”.

I recommend that these comments are not accepted. The proposed classification will support the protection of the natural resources present, and as a result the area’s climate mitigation potential. The points raised do not justify overturning the notified intention. Wildlife management areas are managed to protect wildlife and wildlife habitat values, including so “that its indigenous natural resources and its historic resources are protected” (Conservation Act 1987, s. 23B(1)(b)).

Process and Consultation (Not Allowed)

- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- A submission opposed all reclassification of stewardship land to specially protected areas unless it was purchased by the Nature Heritage Fund for the purpose of adding it to a national park.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submissions were concerned whether the proposed classification allows for hunting, fishing and “provision for public access”, and stated that any classification should explicitly provide for these activities.

I recommend that these comments are not accepted. Insufficient information is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification. The proposed classification does not prohibit public access for the activities, if authorised (for example in a hunting permit). Authorisation of such activities involves a separate decision-making process, the outcome of which would depend on effects on the conservation values present rather than the proposed land classification.

KAW_35 – Little Tōtara River - Water Race – 2808278

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Little Tōtara River - Water Race	KAW_35_2808278g	Disposal	Disposal	12	22

Conservation Values Report Description

A 1.3077-ha area. The wider assessment area holds with a mix of native and exotic vegetation cover almost completely enclosed by grazing land, although some strips run through larger pockets of regenerating scrub. There has been very little archaeological research in this area, but pounamu and argillite adzes have been found in the vicinity and there is goldmining history. The unusual shape of this area reflects the old mining water races on which these conservation areas were based.

Panel Recommendations

National Panel: Disposal should be considered as this area is predominantly dominated by pasture and has very low conservation value.

It is noted that the Department needs to give consideration to the presence of some areas of regenerating flora, which may trigger a partial disposal of these sites.

Mana Whenua Panel: Disposal, as the area is modified and should not form part of the public conservation land.

S.49(2)(d) Recommendation

- Proceed with the notified proposal, referring this area to the Department to investigate the suitability of disposal.

Summary of accepted submissions: Those submissions accepted as holding merit supported the proposed disposal investigation where there are no conservation values remaining. Also accepted were comments noting that this outcome is supported by the Mana Whenua Panel and reflects the perspectives of Ngāi Tahu.

Section 4 and Treaty principles: The Mana Whenua Panel supported the proposed disposal investigation, supported by submissions from Treaty partner organisations, on the grounds that the area is modified.

The Mana Whenua Panel have signalled specific Ngāi Tahu interests associated with this stewardship area, particularly that “a historic occupation site is in the vicinity”.

Given the Mana Whenua Panel have supported the proposed disposal investigation, I consider the notified intention is not inconsistent with the identified interests.

Rationale: My conclusion is that the stewardship area is of low conservation value and warrants further investigation as to the suitability of disposal. I note that any parts of the area identified to have substantive natural values are unlikely to pass the Conservation General Policy and legislative disposal tests.

Disposal - KAW_35_2808278g

Support

Ecology and Landscape (Allowed)

- Submissions stated they support disposal of stewardship land where there are no conservation values remaining, or agreed that the land did not hold any conservation values and was therefore suitable for disposal.
- Submitters stated support for the recommendation, while noting the presence of kororā on the coastward side of parcels within the whole KAW_35 assessment area.

I recommend that these comments are accepted. The land recommended for disposal is modified (grazed pasture) and holds low conservation values, supporting a disposal investigation. I note that any parts of the area identified to have substantive natural values are unlikely to pass the Conservation General Policy and legislative disposal tests.

Treaty Considerations (Allowed)

- Submissions supported the recommendations of the Mana Whenua Panel on the basis that they reflect the rights and interests of mana whenua, recognise Ngāi Tahu's connection to their ancestral lands, and fulfil obligations under the Treaty of Waitangi.

I recommend that these comments are accepted. I note that the Mana Whenua Panel have supported the proposed disposal investigation. The modified nature of the pastoral components of this stewardship area justifies referring this area to the Department to investigate the suitability of disposal.

General (Allowed)

- Submissions expressed general support without providing further justification.

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area and no new material is raised, these submission points do not raise any matters.

Other (Not Allowed)

- It was noted that disposals only form 0.01% of the stewardship land in the West Coast reclassification process.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Oppose

Access and Recreation (Allowed)

- Submitters objected to disposal on the grounds that this represents a loss of public access and ability for future generations to enjoy these areas, and expressed opposition to any disposal which means a loss of recreation opportunities such as angling or hunting.
- Submitters requested that "appropriate mechanisms are used to ensure existing and future public use is maintained or improved", or recommended classification as a local purpose reserve with purposes either river conservation, river access, or recreation access to "ensure public access is retained in perpetuity".
- A submitter opposed based on concern that the site should be "reviewed for existing recreational use".

I recommend that these comments are not accepted. The comments do not provide site-specific recreational uses or new material which would warrant overturning the notified intention. The area runs through private farmland and is unlikely to hold recreational values which justify retention as public conservation land. The low conservation values (modified pasture) justify referring this area to the Department to investigate the suitability of disposal.

Climate Change and Natural Hazards (Allowed)

- Submissions opposed the recommendation on the grounds that all public conservation land, even if modified/pasture, offers potential for climate change mitigation and adaption (e.g. "opportunities for flood/erosion buffering, or allowing room for natural river processes", "areas are important for communities that they need to be kept by DOC for climate mitigation, not disposed of").
- A submitter noted that "in almost all cases these areas have historically been part of the riverbed, and the rivers need this buffer to be able to move around without causing damage to infrastructure and farming assets. As a corollary to that, the freeholding of land adjacent to riverbeds often results in additional rock protection work which constrains the river, and the natural processes at play. This often results in unintended consequences (often erosion at other sites)".
- Submitters also argued that modified land could be retained and restored to support carbon sequestration (e.g. "Disposal will forgo future carbon sequestration and climate mitigation").
- A submitter opposed based on concern that the site should be reviewed for "community climate adaptation and resilience".

I recommend that these comments are not accepted. The small size of the area, its highly modified nature (grazed pasture), and landscape context (within private farmland) limit the appropriateness and effectiveness of retaining it for ecosystem

restoration and carbon sequestration. Comments regarding adaptation do not specify what type of adaptation they mean or why this should be considered for this conservation area, so do not warrant overturning the notified intention. The low conservation values of the pastoral areas justify referring this area to the Department for disposal investigation.

Ecology and Landscape (Allowed)

- Submissions expressed opposition to any disposal of stewardship land on the grounds that even modified areas are likely to contain some natural values or indigenous species (juncus, carex etc), that areas near forests could easily revert to a natural state, or that even highly modified land holds opportunities for ecosystem regeneration and restoration (e.g. “disposal will lose the opportunity for regeneration and restoration”). A “precautionary policy” was recommended to hold conservation future options open.
- A submission recommended that waterways and wetlands would be better protected if adjacent land was retained, grazing excluded, and restoration/natural succession allowed to occur.
- Submissions opposed disposal of land by rivers on the grounds that so little remains in public conservation land (e.g. “poor ecological representation in existing protected areas”).
- Submitters opposed disposal on riverbed and floodplains unless areas are “completely modified” and can be fenced off from waterways, or unless areas are small and landlocked and have no restoration potential.

I recommend that these comments are not accepted. The small size of the area, its highly modified nature (grazed pasture), and landscape context (within private farmland) limit the appropriateness and effectiveness of retaining it for ecosystem restoration and carbon sequestration. The low conservation values of the pastoral areas justify referring this area to the Department for disposal investigation. I note that any parts of the area identified to have substantive natural values are unlikely to pass the Conservation General Policy and legislative disposal tests.

Historic and Cultural Values (Allowed)

- Disposal was opposed based on the historic value of the water race.
- Submitters also suggested that “it is very important that as the new Kawatiri Cycle Trail approaches Charleston that local history is preserved for future generations not to mention local interests”.

I recommend that these comments are not accepted. Though there may be some historic values associated with the water race, the CVR notes that much of the water races are in pastoral land and have been infilled or ploughed out, though intact sections may exist in the bush gullies. The low conservation values justify referring this area to the Department for investigation for disposal.

Treaty Considerations (Allowed)

- One submission stated that “no stewardship land should be made available for disposal, except to tangata whenua; and only then with the need to maintain the block’s cultural, conservation & mahika-kai values in their entirety”.
- Another submitter stated, “transfer ownership to local iwi”.

I recommend that these comments are not accepted. The proposed disposal investigation was supported by the Mana Whenua Panel, and any potential disposal of land arising from the Departmental investigation will be subject to the rights of first refusal process as set out in the Ngāi Tahu Claims Settlement Act 1998. The highly modified area is unlikely to hold substantive “conservation & mahika-kai values”.

General (Allowed)

- Submissions expressed opposition to disposal of any stewardship land in general terms, argued that public conservation land is best retained for future generations or future conservation purposes, expressed a desire for maximum environmental protection, or supported “a cautionary approach” and preference to retain land in Crown ownership.

I recommend that these comments are not accepted. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification.

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions recommended consideration of potential productivity and whether the land could be used to support future food security.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Process and Consultation (Not Allowed)

- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.
- It was noted that “proposed disposals do not give even a general indication where disposal boundaries might be”, making it difficult for submitters to comment.
- It was suggested that there should be less focus on present values and more weight given to potential conservation value, as per the Conservation General Policy 6(c) and the Conservation Act requirement to safeguard options for future generations. It was recommended that the reclassification framework should include a “future conservation use” designation to hold land for future conservation requirements.
- A submitter noted that “there is no requirement” that land with low conservation values is disposed of, expressing opposition to any disposal of riverbed or pastoral land in public ownership.
- A submitter stated that “The National Panel is recommending 65 hectares for disposal, but has recommended up to an additional 1000 hectares of land may be disposed of where there is pastoral land alongside river conservation areas (subject to survey). This is not explained or justified”.
- A submitter advocated for the proposed classification to be revised, stating that “conservation values alone must determine recommended classifications, and recreation and use values are not conservation values”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- A submitter stated that any land decided for disposal must be on the condition that any waterways and wetlands within/bordering the parcel are protected by a setback.
- One submitter suggested that if the land is disposed of there should be a caveat that the forested areas are in protected in some way, such as a QEII covenant.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Access and Recreation (Allowed)

- A submitter stated they are “neutral on disposal of water races as they have no connecting value for public access”.

I recommend that these comments are accepted. The area runs through private farmland and is unlikely to hold recreational values which justify retention as public conservation land. The low conservation values (modified pasture) justify referring this area to the Department to investigate the suitability of disposal.

Climate Change and Natural Hazards (Allowed)

- A submitter stated that no land should be disposed of if there is potential for restoration or carbon sequestration, and that riverbeds and adjacent land should be retained for flood retention, with no grazing permitted.

I recommend that these comments are not accepted. The small size of the area, its highly modified nature (grazed pasture), and landscape context (within private farmland) limit the appropriateness and effectiveness of retaining it for ecosystem restoration and carbon sequestration. Comments regarding adaptation do not specify what type of adaptation they mean or why this should be considered for this conservation area, so do not warrant overturning the notified intention. The low conservation values of the pastoral areas justify referring this area to the Department for disposal investigation.

General (Allowed)

- Submissions advocated generally for all national parks, forest parks, scenic reserves, and stewardship land to be protected from development.

I recommend that these comments are not accepted. The legislation does not provide for absolute protection from development – rather it contemplates that some activities may be acceptable and provides a mechanism for authorising such activities, through the grant of concessions. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification.

Other (Not Allowed)

- One submission noted that disposal of land will be subject to the Heritage New Zealand Pouhere Taonga Notification Process for Disposal of Crown-owned Land.
- One submission suggested any funds from land sold should go to the Nature Heritage Fund.

As I have recommended these comments are not allowed, I recommend they are not accepted.

KAW_35 – Rahui – 2808279

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Rahui	KAW_35_2808279h	Wildlife Management Area	Neutral	13	9

Conservation Values Report Description

A 0.8957-ha area made up of four blocks of land with a mix of native and exotic vegetation cover almost completely enclosed by grazing land. There has been very little archaeological research in this area, but pounamu and argillite adzes have been found in the vicinity and there is goldmining history. The areas that provide access to the beach are used by locals. Kawatiri Coastal Trail may pass through some of the area.

Panel Recommendations

National Panel: Wildlife management area, to protect the identified wildlife and wildlife habitat values and ensure that the value of the historic occupation site noted by Ngāi Tahu and any other historic/archaeological features are upheld, with the site being managed so that its historic resources are protected.

Mana Whenua Panel: Neutral.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of wildlife management area for three of the four parcels, and to not proceed with the notified proposal for the north-eastern parcel (part section 8).

Summary of accepted submissions: Those submissions accepted as holding merit supported the proposed classification as appropriately reflecting the natural resources present, and to ensure ongoing public recreational access, referencing the proposed development of the Kawatiri Coastal Trail. Also accepted was a comment noting that the north-eastern Parcel (part Section 8) is highly modified, and the proposed wildlife management area is not appropriate for this parcel.

Section 4 and Treaty principles: The Mana Whenua Panel did not oppose the proposed classification.

The Mana Whenua Panel have signalled specific Ngāi Tahu interests associated with this stewardship area, particularly that “a historic occupation site is in the vicinity”.

Given the Mana Whenua Panel have not opposed the notified classification, I consider the classification is not inconsistent with the identified interests.

Rationale: With regard to the three western parcels that hold natural values, my conclusion is that, while recognising the significance of the area to Ngāi Tahu, on balance the natural and historic resources present are appropriately protected under the proposed classification, being managed so that the area’s “indigenous natural resources and its historic resources are protected” (Conservation Act 1987, s. 23B(1)(b)).

Regarding the inland north-eastern parcel (part section 8), my conclusion, considering submissions accepted, is that insufficient natural and historic resources are present to warrant the notified classification of wildlife management area, and it should remain held in stewardship at this time.

Wildlife Management Area - KAW_35_2808279h

Support

Access and Recreation (Allowed)

- A submitter supported the recommendation on the provision that access was maintained, otherwise a different classification should be used that allows for the management and protection of conservation values (e.g. “recreational access and use, ecological and cultural values”). The submitter also noted they supported the development of the Kawatiri Coastal Trail, and that this area is “the best remaining site to preserve a key area where Shetlanders gold mining community lived”.

I recommend that these comments are accepted to the extent that they provide site-specific details regarding the public access and recreational features present which are not inconsistent with the preservation of the natural and historic resources of the area. The proposed classification supports the public appreciation of wildlife, where consistent with other management objectives. Regarding the inland north-eastern parcel (part Section 8), I have concluded based on comments in opposition that the values present are insufficient to warrant the notified classification of wildlife management area.

Ecology and Landscape (Allowed)

- A submitter supported the proposed wildlife management area for “two parcels Part Section 7 and Part Section 8 that exist between Beach Road and Nine-mile beach”. These areas were noted to contain coastal natural values (e.g. “half this section is eroded to beach”, “has some coastal vegetation”, “foreshore side of beach”).
- A submitter supported the recommendation on the grounds it would “protect freshwater habitats”.
- Submitters supported the proposed classification, noting it is “appropriate for penguin protection and public enjoyment of beaches close to Charleston”, or referencing the conservation report which notes “potential for nesting habitat for kororā”, and confirming the presence of kororā in the area.

I recommend that these comments are accepted to the extent that they provide site-specific details regarding the natural resources present which warrant consideration. My view is that the natural resources identified in these comments are consistent with those described in the CVR (e.g. includes areas of pasture, regenerating native forest, flaxland, gorse and broom; common passerines and other native avifauna), and they are appropriately protected and preserved by the proposed classification. Regarding the inland north-eastern parcel (part Section 8), I have concluded based on comments in opposition that the natural resources are not of sufficient value to warrant the notified classification of wildlife management area.

General (Allowed)

- Submissions expressed general support for the proposed classification, referencing the “information in the technical reports”, or without providing further justification.
- The recommendation was supported as it “reflects the use of the land and adequately protects against degradation of the land”.
- A submitter noted their preference for all stewardship land to be reclassified at the highest possible level based on its “high cultural conservation value”.

I recommend that these comments are accepted to the extent that I agree the notified classification is appropriate for the three western parcels which hold natural values. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area and no new material is raised, these submission points do not raise any matters for further consideration. Regarding the inland north-eastern parcel (part Section 8), I have concluded based on comments in opposition that insufficient natural and historic resources are present to warrant the notified classification of wildlife management area.

Oppose

Access and Recreation (Allowed)

- A submitter opposed the classification stating that the national panel overweighs the penguin values and “does not recognise the recreational and public use of the area” when determining the classification.
- A submitter opposed the proposed classification, stating they wanted the site reviewed for its “existing recreational use”.
- Submissions opposed the recommendation and advocated for a historic reserve classification, but noted that the proposed Kawatiri Coastal Trail would go through the area, creating “new opportunities for mountain biking and walking between Westport and Charleston”, and that any classification should include a provision for this trail.

I recommend that these comments are not accepted. The points raised do not justify overturning the proposed classification for the three western parcels which hold natural values. The proposed classification supports the public appreciation of wildlife, where consistent with other management objectives. I do not agree, based on my assessment of the CVR, that the inland north-eastern parcel (part Section 8) holds any substantive recreational value. I have concluded based on comments in opposition that the values present are insufficient to warrant the notified classification of wildlife management area.

Climate Change and Natural Hazards (Allowed)

- A submitter opposed the proposed classification, stating they wanted the site reviewed for its "climate adaptation and resilience".

I recommend that these comments are not accepted. The proposed classification will support the protection of the natural resources present, and as a result the area's climate mitigation potential. The points raised do not justify overturning the notified intention. Wildlife management areas are managed to protect wildlife and wildlife habitat values, including so "that its indigenous natural resources and its historic resources are protected" (Conservation Act 1987, s. 23B(1)(b)). Regarding the inland north-eastern parcel (part Section 8), my conclusion based on comments in opposition is that insufficient natural resources are present to warrant the notified classification of wildlife management area.

Ecology and Landscape (Allowed)

- A submitter opposed the proposed wildlife management area for "the north-eastern Parcel (part Section 8)", advocating that the area should be disposed of. The parcel was described as "located inland of beach road" and to be a "grassed/grazed area with farm structure" (e.g. "Farm cattle yards exist and have done for many years (approx. 100 years)").

I recommend that these comments are accepted. I agree that the natural resources present in the parcel described are highly modified, and it does not warrant the notified classification of wildlife management area. The points raised justify overturning the notified intention for the inland north-eastern parcel (part Section 8).

- A submitter opposed the proposed wildlife management area for "Part section 7 SE Parcel east of beach Road", advocating that a land swap is more appropriate. It was noted that this area "contains a small wetland formed from the goldmining activity", and that "a larger more significant wet land area in our private ownership".
- A submitter opposed the classification, noting that the vegetation fits in with the surrounding area well.

I recommend that these comments are not accepted. My assessment is that the proposed classification will appropriately promote the conservation of the natural resources present. The points raised do not justify overturning the notified intention. Wildlife management areas are managed to protect wildlife and wildlife habitat values, including so "that its indigenous natural resources and its historic resources are protected" (Conservation Act 1987, s. 23B(1)(b)).

Historic and Cultural Values (Allowed)

- A submitter opposed the recommendation and advocated for a historic reserve classification, stating that "the heritage values are significantly more important than the ecological values at this site", these heritage values are associated with the "Shetlanders gold mining community", and the area being "on the ancient pounamu trading trail along the Poutini coast".

I recommend that these comments are not accepted. My assessment is that the proposed classification will appropriately promote the conservation of any historic resources present, and the points raised do not justify overturning the notified intention. Wildlife management areas are managed so that "its indigenous natural resources and its historic resources are protected" (Conservation Act 1987, s. 23B(1)(b)).

Process and Consultation (Not Allowed)

- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- A submission opposed all reclassification of stewardship land to specially protected areas unless it was purchased by the Nature Heritage Fund for the purpose of adding it to a national park.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submissions were concerned whether the proposed classification allows for hunting, fishing and “provision for public access”, and stated that any classification should explicitly provide for these activities.

I recommend that these comments are not accepted. Insufficient information is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification. The proposed classification does not prohibit public access for the activities, if authorised (for example in a hunting permit). Authorisation of such activities involves a separate decision-making process, the outcome of which would depend on effects on the conservation values present rather than the proposed land classification.

KAW_35 – Little Tōtara River - Water Race – 2808280

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Little Tōtara River - Water Race	KAW_35_2808280i	Disposal	Disposal	13	22

Conservation Values Report Description

A 2.3692-ha discrete conservation area with a mix of native and exotic vegetation cover almost completely enclosed by grazing land, although some strips run through larger pockets of regenerating scrub. There has been very little archaeological research in this area, but pounamu and argillite adzes have been found in the vicinity and there is goldmining history. The unusual shape of this area reflects the old mining water races on which these conservation areas were based.

Panel Recommendations

National Panel: Disposal should be considered as this area is predominantly dominated by pasture and has very low conservation value.

It is noted that the Department needs to give consideration to the presence of some areas of regenerating flora, which may trigger a partial disposal of these sites.

Mana Whenua Panel: Disposal, as the area is modified and should not form part of the public conservation land.

S.49(2)(d) Recommendation

- Proceed with the notified proposal, referring this area to the Department to investigate the suitability of disposal.

Summary of accepted submissions: Those submissions accepted as holding merit supported the proposed disposal investigation where there are no conservation values remaining. Also accepted were comments noting that this outcome is supported by the Mana Whenua Panel and reflects the perspectives of Ngāi Tahu.

Section 4 and Treaty principles: The Mana Whenua Panel supported the proposed disposal investigation, supported by submissions from Treaty partner organisations, on the grounds that the area is modified.

The Mana Whenua Panel have signalled specific Ngāi Tahu interests associated with this stewardship area, particularly that “a historic occupation site is in the vicinity”.

Given the Mana Whenua Panel have supported the proposed disposal investigation, I consider the notified intention is not inconsistent with the identified interests.

Rationale: My assessment is that the stewardship area is of low conservation value and warrants further investigation as to the suitability of disposal. I note that any parts of the area identified to have substantive natural values are unlikely to pass the Conservation General Policy and legislative disposal tests.

Disposal - KAW_35_2808280i

Support

Ecology and Landscape (Allowed)

- Submissions stated they support disposal of stewardship land where there are no conservation values remaining, or agreed that the land did not hold any conservation values and was therefore suitable for disposal.
- Submitters stated support for the recommendation, while noting the presence of kororā on the coastward side of parcels within the whole KAW_35 assessment area.

I recommend that these comments are accepted. The land recommended for disposal is modified (grazed pasture) and holds low conservation values, supporting a disposal investigation. I note that any parts of the area identified to have substantive natural values are unlikely to pass the Conservation General Policy and legislative disposal tests.

Historic and Cultural Values (Allowed)

- Submitters stated support for disposal as “the water races on stewardship land are mostly filled in or modified”. They elaborated that “a dam erected by the previous owner provides a small pond used to provide stock water for the farm. This was believed to be the site of a dam that feed the water races (so became Stewardship land) It was dismantled in times past as a mosquito breeding ground. Its rebuild and continued protection as a wetland area is guaranteed in its need for stock water supply”.

I recommend that these comments are accepted. Though there may be some historic values associated with the water race, the CVR notes that much of the water races are in pastoral land and have been infilled or ploughed out, though intact sections may exist in the bush gullies. The low conservation values justify referring this area to the Department for investigation for disposal.

Treaty Considerations (Allowed)

- Submissions supported the recommendations of the Mana Whenua Panel on the basis that they reflect the rights and interests of mana whenua, recognise Ngāi Tahu’s connection to their ancestral lands, and fulfil obligations under the Treaty of Waitangi.

I recommend that these comments are accepted. I note that the Mana Whenua Panel have supported the proposed disposal investigation. The modified nature of the pastoral components of this stewardship area justifies referring this area to the Department to investigate the suitability of disposal.

General (Allowed)

- Submissions expressed general support without providing further justification.

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area and no new material is raised, these submission points do not raise any matters.

Other (Not Allowed)

- It was noted that disposals only form 0.01% of the stewardship land in the West Coast reclassification process.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Oppose

Access and Recreation (Allowed)

- Submitters objected to disposal on the grounds that this represents a loss of public access and ability for future generations to enjoy these areas, and expressed opposition to any disposal which means a loss of recreation opportunities such as angling or hunting.
- Submitters requested that “appropriate mechanisms are used to ensure existing and future public use is maintained or improved”, or recommended classification as a local purpose reserve with purposes either river conservation, river access, or recreation access to “ensure public access is retained in perpetuity”.
- A submitter opposed based on concern that the site should be “reviewed for existing recreational use”.

I recommend that these comments are not accepted. The comments do not provide site-specific recreational uses or new material which would warrant overturning the notified intention. The area runs through private farmland and is unlikely to hold recreational values which justify retention as public conservation land. The low conservation values (modified pasture) justify referring this area to the Department to investigate the suitability of disposal.

Climate Change and Natural Hazards (Allowed)

- Submissions opposed the recommendation on the grounds that all public conservation land, even if modified/pasture, offers potential for climate change mitigation and adaption (e.g. “opportunities for flood/erosion buffering, or allowing room for natural river processes”, “areas are important for communities that they need to be kept by DOC for climate mitigation, not disposed of”).

- A submitter noted that "in almost all cases these areas have historically been part of the riverbed, and the rivers need this buffer to be able to move around without causing damage to infrastructure and farming assets. As a corollary to that, the freeholding of land adjacent to riverbeds often results in additional rock protection work which constrains the river, and the natural processes at play. This often results in unintended consequences (often erosion at other sites)".
- Submitters also argued that modified land could be retained and restored to support carbon sequestration (e.g. "Disposal will forgo future carbon sequestration and climate mitigation").
- A submitter opposed based on concern that the site should be reviewed for "community climate adaptation and resilience".

I recommend that these comments are not accepted. The small size of the area (2.3 ha), its highly modified nature (grazed pasture), and landscape context (within private farmland) limit the appropriateness and effectiveness of retaining it for ecosystem restoration and carbon sequestration. Comments regarding adaptation do not specify what type of adaptation they mean or why this should be considered for this conservation area, so do not warrant overturning the notified intention. The low conservation values of the pastoral areas justify referring this area to the Department for disposal investigation.

Ecology and Landscape (Allowed)

- Submissions expressed opposition to any disposal of stewardship land on the grounds that even modified areas are likely to contain some natural values or indigenous species (juncus, carex etc), that areas near forests could easily revert to a natural state, or that even highly modified land holds opportunities for ecosystem regeneration and restoration (e.g. "disposal will lose the opportunity for regeneration and restoration"). A "precautionary policy" was recommended to hold conservation future options open.
- A submission recommended that waterways and wetlands would be better protected if adjacent land was retained, grazing excluded, and restoration/natural succession allowed to occur.
- Submissions opposed disposal of land by rivers on the grounds that so little remains in public conservation land (e.g. "poor ecological representation in existing protected areas").
- Submitters opposed disposal on riverbed and floodplains unless areas are "completely modified" and can be fenced off from waterways, or unless areas are small and landlocked and have no restoration potential.

I recommend that these comments are not accepted. The small size of the area (2.3 ha), its highly modified nature (grazed pasture), and landscape context (within private farmland) limit the appropriateness and effectiveness of retaining it for ecosystem restoration and carbon sequestration. The low conservation values of the pastoral areas justify referring this area to the Department for disposal investigation. I note that any parts of the area identified to have substantive natural values are unlikely to pass the Conservation General Policy and legislative disposal tests.

Historic and Cultural Values (Allowed)

- Disposal was opposed based on the historic value of the water race.
- Submitters also suggested that "it is very important that as the new Kawatiri Cycle Trail approaches Charleston that local history is preserved for future generations not to mention local interests".

I recommend that these comments are not accepted. Though there may be some historic values associated with the water race, the CVR notes that much of the water races are in pastoral land and have been infilled or ploughed out, though intact sections may exist in the bush gullies. The low conservation values justify referring this area to the Department for investigation for disposal.

Treaty Considerations (Allowed)

- One submission stated that "no stewardship land should be made available for disposal, except to tangata whenua; and only then with the need to maintain the block's cultural, conservation & mahika-kai values in their entirety".
- Another submitter stated, "transfer ownership to local iwi".

I recommend that these comments are not accepted. The proposed disposal investigation was supported by the Mana Whenua Panel, and any potential disposal of land arising from the Departmental investigation will be subject to the rights of first refusal process as set out in the Ngāi Tahu Claims Settlement Act 1998. The highly modified area is unlikely to hold substantive "conservation & mahika-kai values".

General (Allowed)

- Submissions expressed opposition to disposal of any stewardship land in general terms, argued that public conservation land is best retained for future generations or future conservation purposes, expressed a desire for maximum environmental protection, or supported “a cautionary approach” and preference to retain land in Crown ownership.

I recommend that these comments are not accepted. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification.

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions recommended consideration of potential productivity and whether the land could be used to support future food security.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Process and Consultation (Not Allowed)

- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.
- It was noted that “proposed disposals do not give even a general indication where disposal boundaries might be”, making it difficult for submitters to comment.
- It was suggested that there should be less focus on present values and more weight given to potential conservation value, as per the Conservation General Policy 6(c) and the Conservation Act requirement to safeguard options for future generations. It was recommended that the reclassification framework should include a “future conservation use” designation to hold land for future conservation requirements.
- A submitter noted that “there is no requirement” that land with low conservation values is disposed of, expressing opposition to any disposal of riverbed or pastoral land in public ownership.
- A submitter stated that “The National Panel is recommending 65 hectares for disposal, but has recommended up to an additional 1000 hectares of land may be disposed of where there is pastoral land alongside river conservation areas (subject to survey). This is not explained or justified”.
- A submitter advocated for the proposed classification to be revised, stating that “conservation values alone must determine recommended classifications, and recreation and use values are not conservation values”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- A submitter stated that any land decided for disposal must be on the condition that any waterways and wetlands within/bordering the parcel are protected by a setback.
- One submitter suggested that if the land is disposed of there should be a caveat that the forested areas are in protected in some way, such as a QEII covenant.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Access and Recreation (Allowed)

- A submitter stated they are “neutral on disposal of water races as they have no connecting value for public access”.

I recommend that these comments are accepted. The area runs through private farmland and is unlikely to hold recreational values which justify retention as public conservation land. The low conservation values (modified pasture) justify referring this area to the Department to investigate the suitability of disposal.

Climate Change and Natural Hazards (Allowed)

- A submitter stated that no land should be disposed of if there is potential for restoration or carbon sequestration, and that riverbeds and adjacent land should be retained for flood retention, with no grazing permitted.

I recommend that these comments are not accepted. The small size of the area (2.3 ha), its highly modified nature (grazed pasture), and landscape context (within private farmland) limit the appropriateness and effectiveness of retaining it for ecosystem restoration and carbon sequestration. Comments regarding adaptation do not specify what type of adaptation they mean or why this should be considered for this conservation area, so do not warrant overturning the notified intention. The low conservation values of the pastoral areas justify referring this area to the Department for disposal investigation.

General (Allowed)

- Submissions advocated generally for all national parks, forest parks, scenic reserves, and stewardship land to be protected from development.

I recommend that these comments are not accepted. The legislation does not provide for absolute protection from development – rather it contemplates that some activities may be acceptable and provides a mechanism for authorising such activities, through the grant of concessions. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification.

Other (Not Allowed)

- One submission noted that disposal of land will be subject to the Heritage New Zealand Pouhere Taonga Notification Process for Disposal of Crown-owned Land.
- One submission suggested any funds from land sold should go to the Nature Heritage Fund.

As I have recommended these comments are not allowed, I recommend they are not accepted.

KAW_35 – Little Beach – 2808284

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Little Beach	KAW_35_2808284j	Scenic Reserve (a)	Neutral	14	6

Conservation Values Report Description

A 0.342-ha area which consists of regenerating natives planted by the local community. There has been very little archaeological research in this area, but pounamu and argillite adzes have been found in the vicinity and there is goldmining history. The areas of Kaw_35 that provide access to the beach are used by locals. Kawatiri Coastal Trail may pass through the area, and is popular for walking and cycling.

Panel Recommendations

National Panel: Scenic reserve (a), to protect the identified ecological values, uphold the value of the historic occupation site noted by Ngāi Tahu and preserve any potential historic/archaeological features while providing for the existing recreational use of the area.

Mana Whenua Panel: Neutral.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of scenic reserve.

Summary of accepted submissions: Those submissions accepted as holding merit supported the notified classification as ensuring ongoing public recreational access, reflecting the natural resources present and offering sufficient protection in the context of climate change.

Section 4 and Treaty principles: The Mana Whenua Panel did not oppose the proposed classification.

The Mana Whenua Panel have signalled specific Ngāi Tahu interests associated with this stewardship area, particularly that “mahinga kai sites and a historic kāinga site are in the vicinity”.

Given the Mana Whenua Panel support for the notified classification, I consider the classification is not inconsistent with the identified interests.

Rationale: My conclusion is that, while recognising the significance of the area to Ngāi Tahu, on balance the natural and historic resources present are appropriately protected under the proposed classification.

Scenic Reserve (a) - KAW_35_2808284j

Support

Access and Recreation (Allowed)

- A submitter supported the recommendation to protect “beach access”.
- Submissions supported the proposed classification on recreational grounds noting that the proposed Kawatiri Coastal Trail would go through the area, creating “new opportunities for mountain biking and walking between Westport and Charleston”, and the proposed classification would “secure public access”.

I recommend that these comments are accepted. They hold merit under the Conservation Act as they support promotion of recreation that is not inconsistent with the preservation of the natural and historic resources present. The notified scenic reserve classification provides for the public to have freedom of entry and access to the reserve, subject to conditions necessary for the protection and well-being of the reserve and the public themselves, as per Section 19(2)(b) of the Reserves Act 1977.

Climate Change and Natural Hazards (Allowed)

- A submitter supported the proposed classification as offering a high level of protection "in light of the impacts of climate change".

I recommend that these comments are accepted. I agree that the protection of the existing natural resources present is of increasing importance when considering the need for climate mitigation. Classification as scenic reserve will support this outcome. The relevance of this factor for reclassification decisions is evident when the future-focused elements in the definition of conservation are considered, including, "safeguarding the options of future generations" in relation to 'natural resources', "the air, water and soil in or on which any plant or animal lives or may live", and in relation to 'protection' of a resource, "restoration to some former state and its augmentation, enhancement, or expansion" (Conservation Act 1987, s. 2).

Ecology and Landscape (Allowed)

- A submitter supported the proposed recommendation, stating the area has "nationally significant ecological systems and scenic natural areas".
- Submitters supported the proposed classification, noting it is "appropriate for penguin protection and public enjoyment of beaches close to Charleston", or referencing the conservation report which notes "potential for nesting habitat for kororā", and confirming the presence of kororā in the area.

I recommend that these comments are accepted. I agree that the natural resources identified in these comments are appropriately protected and preserved by the proposed classification. Under a scenic reserve classification "indigenous flora and fauna, ecological associations, and natural environment and beauty shall as far as possible be preserved" (Reserves Act 1977, s. 19(2)(a)).

General (Allowed)

- Submissions expressed general support for the proposed classification, referencing the "information in the technical reports", or without providing further justification.
- A submitter noted their preference for all stewardship land to be reclassified at the highest possible level based on its "high cultural conservation value".

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area and no new material is raised, these submission points do not raise any matters for further consideration.

Oppose

Access and Recreation (Allowed)

- A submitter opposed the proposed classification, stating they wanted the site reviewed for its "existing recreational use".

I recommend that these comments are not accepted. The points raised do not justify overturning the proposed classification. The notified scenic reserve classification provides for the public to have freedom of entry and access to the reserve, subject to conditions necessary for the protection and well-being of the reserve and the public themselves (Reserves Act 1977, s. 19(2)(b)).

Climate Change and Natural Hazards (Allowed)

- A submitter opposed the proposed classification, stating they wanted the site reviewed for its "climate adaptation and resilience value".

I recommend that these comments are not accepted. The proposed classification will support the protection of the natural resources present, and as a result the area's climate mitigation potential. The points raised do not justify overturning the notified intention. Under a scenic reserve classification "indigenous flora and fauna, ecological associations, and natural environment and beauty shall as far as possible be preserved" (Reserves Act 1977, s. 19(2)(a)).

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions opposed reclassification as scenic reserve, noting that though it does not prohibit mining, it adds extra restrictions with consequent negative economic benefits, suggesting that retaining the land in stewardship or reclassifying it as a conservation park provides adequate legal protection while allowing commercial activities to be considered on a case-by-case basis.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Process and Consultation (Not Allowed)

- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- A submission opposed all reclassification of stewardship land to specially protected areas unless it was purchased by the Nature Heritage Fund for the purpose of adding it to a national park.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submissions were concerned whether the proposed classification allows for hunting, fishing and “provision for public access”, and stated that any classification should explicitly provide for these activities.

I recommend that these comments are not accepted. Insufficient information is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification. The proposed classification does not prohibit public access for the activities, if authorised (for example in a hunting permit). Authorisation of such activities involves a separate decision-making process, the outcome of which would depend on effects on the conservation values present rather than the proposed land classification.

General (Allowed)

- Submissions advocated generally for all national parks, forest parks, scenic reserves, and stewardship land to be protected from development.

I recommend that these comments are not accepted. The legislation does not provide for absolute protection from development – rather it contemplates that some activities may be acceptable and provides a mechanism for authorising such activities, through the grant of concessions. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification.

KAW_36 – Madmans Creek – 2808282

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Madmans Creek	KAW_36_2808282k	Disposal	Disposal	8	24

Conservation Values Report Description

A 0.4042-ha area of regenerating native vegetation and gorse, which is likely habitat for a few At Risk: Declining species. Some clearance by the neighbour has occurred, but the area has now begun to recover. There is access, but no tracks, facilities or recreational activity. The area is adjacent to SH6 and surrounded by private land.

Panel Recommendations

National Panel: Disposal should be considered as the conservation values identified are very low.

Mana Whenua Panel: Disposal, as the area is modified and should not form part of the public conservation land.

S.49(2)(d) Recommendation

- Proceed with the notified proposal, referring this area to the Department to investigate the suitability of disposal.

Summary of accepted submissions: Those submissions accepted as holding merit supported the proposed disposal investigation where there are no conservation values remaining. Also accepted were comments noting that this was outcome is supported by the Mana Whenua Panel and reflects the perspectives of Ngāi Tahu.

Section 4 and Treaty principles: The Mana Whenua Panel have supported the proposed disposal investigation, supported by submissions from Treaty partner organisations, on the grounds that the area is modified.

Rationale: My conclusion is that the stewardship area is of low conservation value and warrants further investigation as to the suitability of disposal. I note that any parts of the area identified to have substantive natural values are unlikely to pass the Conservation General Policy and legislative disposal tests.

Disposal - KAW_36_2808282k

Support

Ecology and Landscape (Allowed)

- Submissions stated they support disposal of stewardship land where there are no conservation values remaining, or agreed that the land did not hold any conservation values and was therefore suitable for disposal.

I recommend that these comments are accepted. The stewardship area is modified and holds low conservation values, supporting a disposal investigation. I note that any parts of the area identified to have substantive natural values are unlikely to pass the Conservation General Policy and legislative disposal tests.

Treaty Considerations (Allowed)

- Submissions supported the recommendations of the Mana Whenua Panel on the basis that they reflect the rights and interests of mana whenua, recognise Ngāi Tahu's connection to their ancestral lands, and fulfil obligations under the Treaty of Waitangi.

I recommend that these comments are accepted. I note that that the Mana Whenua Panel have supported the proposed disposal investigation. The modified nature of the pastoral components of this stewardship area justifies referring this area to the Department to investigate the suitability of disposal.

General (Allowed)

- Submissions expressed general support without providing further justification.

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area and no new material is raised, these submission points do not raise any matters.

Other (Not Allowed)

- It was noted that disposals only form 0.01% of the stewardship land in the West Coast reclassification process.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Oppose

Access and Recreation (Allowed)

- A submitter stated that the site appears to have recreational and camping value and should not be disposed of, suggesting it should instead be classified as a recreation reserve suitable for camping.
- Submitters objected to disposal on the grounds that this represents a loss of public access and ability for future generations to enjoy these areas, and expressed opposition to any disposal which means a loss of recreation opportunities such as angling or hunting.
- Submitters requested that “appropriate mechanisms are used to ensure existing and future public use is maintained or improved”, or recommended classification as a local purpose reserve with purposes either river conservation, river access, or recreation access to “ensure public access is retained in perpetuity”.

I recommend that these comments are not accepted. The CVR notes that the area is immediately adjacent to SH6 with no tracks or facilities managed by the Department, and is surrounded by private land. The points raised regarding potential future recreational use do not warrant overturning the notified recommendation.

Climate Change and Natural Hazards (Allowed)

- Submissions opposed the recommendation on the grounds that all public conservation land, even if modified/pasture, offers potential for climate change mitigation and adaption (e.g. “opportunities for flood/erosion buffering, or allowing room for natural river processes”, “areas are important for communities that they need to be kept by DOC for climate mitigation, not disposed of”).
- A submitter noted that “in almost all cases these areas have historically been part of the riverbed, and the rivers need this buffer to be able to move around without causing damage to infrastructure and farming assets. As a corollary to that, the freeholding of land adjacent to riverbeds often results in additional rock protection work which constrains the river, and the natural processes at play. This often results in unintended consequences (often erosion at other sites)”.
- Submitters also argued that modified land could be retained and restored to support carbon sequestration (e.g. “Disposal will forgo future carbon sequestration and climate mitigation”).

I recommend that these comments are not accepted. The small size of the area, its modified nature, and its landscape context (not connected to other public conservation land) limit the appropriateness and effectiveness of retaining it for ecosystem restoration and carbon sequestration.

Ecology and Landscape (Allowed)

- A submitter stated that the land should be retained as a conservation park, noting that “the report states it probably contains habitat for a few at Risk Declining species”.
- Submissions expressed opposition to any disposal of stewardship land on the grounds that even modified areas are likely to contain some natural values or indigenous species (juncus, carex etc), that areas near forests could easily revert to a natural state, or that even highly modified land holds opportunities for ecosystem regeneration and restoration (e.g. “disposal will lose the opportunity for regeneration and restoration”). A “precautionary policy” was recommended to hold conservation future options open.

I recommend that these comments are not accepted. Though there is some regenerating forest and potential habitat, the modified nature of the stewardship area justifies referring this area to the Department to investigate the suitability of disposal. The area’s small size and landscape context (not connected to other public conservation land) limit the

appropriateness of restoration. I note that any parts of the area identified to have substantive natural values are unlikely to pass the Conservation General Policy and legislative disposal tests.

Treaty Considerations (Allowed)

- One submission stated that “no stewardship land should be made available for disposal, except to tangata whenua; and only then with the need to maintain the block’s cultural, conservation & mahika-kai values in their entirety”.
- A submitter in opposition stated, “transfer ownership to local iwi”.

I recommend that these comments are not accepted. The proposed disposal investigation was supported by the Mana Whenua Panel, and any potential disposal of land arising from the Departmental investigation will be subject to the rights of first refusal process as set out in the Ngāi Tahu Claims Settlement Act 1998. The highly modified area is unlikely to hold substantive “conservation & mahika-kai values”.

General (Allowed)

- Submissions expressed opposition to disposal of any stewardship land in general terms, argued that public conservation land is best retained for future generations or future conservation purposes, expressed a desire for maximum environmental protection, or supported “a cautionary approach” and preference to retain land in Crown ownership.

I recommend that these comments are not accepted. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification.

Permissions, Economic Factors and Land Use (Not Allowed)

- Submitters stated that the degradation of the conservation area was likely due to the goldmine on adjacent conservation land. They opposed disposal and suggested that those responsible for its degradation should be made to rehabilitate it (e.g. “There is no permission yet it is very obvious that the property next door has used this as access for quite some time and it is likely that property that has degraded that land (...) the person/ responsible for that degradation should be held to account and made to rehabilitate”).
- A submitter opposed disposal based on concern that the site should be reviewed for existing access and use.
- Submissions recommended consideration of potential productivity and whether the land could be used to support future food security.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Process and Consultation (Not Allowed)

- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.
- It was noted that “proposed disposals do not give even a general indication where disposal boundaries might be”, making it difficult for submitters to comment.

It was suggested that there should be less focus on present values and more weight given to potential conservation value, as per the Conservation General Policy 6(c) and the Conservation Act requirement to safeguard options for future generations. It was recommended that the reclassification framework should include a “future conservation use” designation to hold land for future conservation requirements.

- A submitter noted that “there is no requirement” that land with low conservation values is disposed of, expressing opposition to any disposal of riverbed or pastoral land in public ownership.
- A submitter stated that “The National Panel is recommending 65 hectares for disposal, but has recommended up to an additional 1000 hectares of land may be disposed of where there is pastoral land alongside river conservation areas (subject to survey). This is not explained or justified”.
- A submitter advocated for the proposed classification to be revised, stating that “conservation values alone must determine recommended classifications, and recreation and use values are not conservation values”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- A submitter stated that “any land decided for disposal must be on the condition that any waterways and wetlands within/bordering the parcel are protected in perpetuity by a five-metre setback that is fenced and planted with appropriate native plants”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Climate Change and Natural Hazards (Allowed)

- A submitter stated that no land should be disposed of if there is potential for restoration or carbon sequestration, and that riverbeds and adjacent land should be retained for flood retention, with no grazing permitted.

I recommend that these comments are not accepted. The small size of the area (0.4 ha), its modified nature, and its landscape context (not connected to other public conservation land) limit the appropriateness and effectiveness of retaining it for ecosystem restoration and carbon sequestration.

General (Allowed)

- Submissions advocated generally for all national parks, forest parks, scenic reserves, and stewardship land to be protected from development.

I recommend that these comments are not accepted. The legislation does not provide for absolute protection from development – rather it contemplates that some activities may be acceptable and provides a mechanism for authorising such activities, through the grant of concessions. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification.

Other (Not Allowed)

- One submission noted that disposal of land will be subject to the Heritage New Zealand Pouhere Taonga Notification Process for Disposal of Crown-owned Land.
- One submission suggested any funds from land sold should go to the Nature Heritage Fund.

As I have recommended these comments are not allowed, I recommend they are not accepted.

KAW_37 – Charleston Cemetery Road – 2808287

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Charleston Cemetery Road	KAW_37_2808287l	Scenic Reserve (a)		15	6
Charleston Cemetery Road	KAW_37_2808287m		Disposal	4	23

Conservation Values Report Description

A 0.356-ha area of indigenous forest that was previously cleared for goldmining and/or farming but has returned to full native cover of regenerating coastal forest. There is some goldmining history and archaeological features on adjoining private land, and stone ridges, tunnels, tail and head races, may extend into this conservation area. There is access, but no tracks, facilities or likely recreation.

Panel Recommendations

National Panel: Scenic reserve (a), to preserve the identified ecological values and protect any identified historic or archaeological features, while providing for the potential recreational use of the area.

Mana Whenua Panel: Disposal, as the area is modified and will not improve or enhance conservation values.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of scenic reserve.

Summary of accepted submissions: Those submissions accepted as holding merit supported the notified classification as ensuring ongoing public recreational access, reflecting the natural resources present and offering sufficient protection in the context of climate change.

Section 4 and Treaty principles: The Mana Whenua Panel have opposed the proposed classification, supported by submissions from Treaty partner organisations, on the grounds that the area is modified.

Although I acknowledge the Mana Whenua Panel opposition to the notified proposal, my assessment, considering those submissions accepted, is that the natural and historic resources present warrant proceeding with the notified proposal.

Rationale: My conclusion is that the natural resources present are appropriately protected by the proposed classification (e.g. full native cover of regenerating coastal forest).

Scenic Reserve (a) - KAW_37_2808287l

Support

Access and Recreation (Allowed)

- A submitter supported the recommendation to protect public access and stated that they oppose disposal of the area.

I recommend that these comments are accepted. They hold merit under the Conservation Act as they support promotion of recreation that is not inconsistent with the preservation of the natural and historic resources present. The notified scenic reserve classification provides for the public to have freedom of entry and access to the reserve, subject to conditions necessary for the protection and well-being of the reserve and the public themselves, as per Section 19(2)(b) of the Reserves Act 1977.

Climate Change and Natural Hazards (Allowed)

- A submitter supported the proposed classification as offering a high level of protection "in light of the impacts of climate change".

I recommend that these comments are accepted. I agree that the protection of the existing natural resources present is of increasing importance when considering the need for climate mitigation, supported by the future-focused elements within

the definition of conservation. Though these areas are small, they comprise regenerating forest and contribute to the integrity of the surrounding forested area. Classification as scenic reserve will support this outcome.

Ecology and Landscape (Allowed)

- Submitters supported the proposed recommendation, stating the area has “nationally significant ecological systems and scenic natural areas”, or that the area “is regenerating cut over forest and provides for a natural experience for this increasingly popular area”.

I recommend that these comments are accepted. I agree that the natural resources identified in these comments are appropriately protected and preserved by the proposed classification. Under a scenic reserve classification “indigenous flora and fauna, ecological associations, and natural environment and beauty shall as far as possible be preserved” (Reserves Act 1977, s. 19(2)(a)).

General (Allowed)

- Submissions expressed general support for the proposed classification, referencing the “information in the technical reports”, or without providing further justification.
- A submitter noted their preference for all stewardship land to be reclassified at the highest possible level based on its “high cultural conservation value”.

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area and no new material is raised, these submission points do not raise any matters for further consideration.

Oppose

Climate Change and Natural Hazards (Allowed)

- A submitter opposed the proposed classification, stating they wanted the site reviewed for its “climate adaptation and resilience value”.

I recommend that these comments are not accepted. The proposed classification will support the protection of the natural resources present, and as a result the area’s climate mitigation potential. The points raised do not justify overturning the notified intention. Under a scenic reserve classification “indigenous flora and fauna, ecological associations, and natural environment and beauty shall as far as possible be preserved” (Reserves Act 1977, s. 19(2)(a)).

Treaty Considerations (Allowed)

- Submissions opposed the recommendation of the National Panel, supporting the Mana Whenua Panel’s recommendation of disposal instead on the basis that it reflects “the values, interests, and perspectives of the Papatipu Rūnanga in whose Takiwā the relevant land is located”.

I recommend that these comments are not accepted. Although I acknowledge the Mana Whenua Panel opposition to the notified proposal, my assessment, considering those submissions accepted, is that the natural and historic resources present (e.g. full native cover of regenerating coastal forest) warrant proceeding with the notified proposal.

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions opposed reclassification as scenic reserve, noting that though it does not prohibit mining, it adds extra restrictions with consequent negative economic benefits, suggesting that retaining the land in stewardship or reclassifying it as a conservation park provides adequate legal protection while allowing commercial activities to be considered on a case-by-case basis.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Process and Consultation (Not Allowed)

- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- A submission opposed all reclassification of stewardship land to specially protected areas unless it was purchased by the Nature Heritage Fund for the purpose of adding it to a national park.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submissions were concerned whether the proposed classification allows for hunting, fishing and “provision for public access”, and stated that any classification should explicitly provide for these activities.

I recommend that these comments are not accepted. Insufficient information is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification. The proposed classification does not prohibit public access for the activities, if authorised (for example in a hunting permit). Authorisation of such activities involves a separate decision-making process, the outcome of which would depend on effects on the conservation values present rather than the proposed land classification.

General (Allowed)

- Submissions advocated generally for all national parks, forest parks, scenic reserves, and stewardship land to be protected from development.

I recommend that these comments are not accepted. The legislation does not provide for absolute protection from development – rather it contemplates that some activities may be acceptable and provides a mechanism for authorising such activities, through the grant of concessions. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification.

Disposal - KAW_37_2808287m

The comments received in relation to the Mana Whenua Panel recommendation are summarised below and have been considered in relation to the notified proposal when forming s.49 allow/accept recommendations.

Support

Ecology and Landscape (Allowed)

- Submissions stated they support disposal of stewardship land where there are no conservation values remaining, or agreed that the land did not hold any conservation values and was therefore suitable for disposal.

I recommend that these comments are not accepted. Although the assessment area may contain areas of modification (previously cleared for goldmining and/or farming), my assessment is that the natural resources described in the CVR (e.g. full native cover of regenerating coastal forest) represent sufficiently high conservation values to justify the notified classification of scenic reserve. I note this area is unlikely to pass the Conservation General Policy 6(c) test for disposal of holding “no, or very low, conservation values”.

Treaty Considerations (Allowed)

- Submissions supported the recommendations of the Mana Whenua Panel on the basis that they reflect the rights and interests of mana whenua, recognise Ngāi Tahu’s connection to their ancestral lands, and fulfil obligations under the Treaty of Waitangi.

I recommend that these comments are not accepted. Although I acknowledge the Mana Whenua Panel opposition to the notified proposal, my assessment, considering those submissions accepted, is that the natural and historic resources present (e.g. full native cover of regenerating coastal forest) warrant proceeding with the notified proposal.

General (Allowed)

- Submissions expressed general support without providing further justification.

I recommend that these comments are not accepted. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification.

Other (Not Allowed)

- It was noted that disposals only form 0.01% of the stewardship land in the West Coast reclassification process.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Oppose

Access and Recreation (Allowed)

- Submitters opposed disposal, expressing preference for the scenic reserve recommendation, to protect public access. It was noted that it “provides for a natural experience for this increasingly popular area - the Kawatiri Cycle Trail crosses over Cemetery Road”.
- Submissions objected to disposal on the grounds that this represents a loss of public access and ability for future generations to enjoy these areas, and expressed opposition to any disposal which means a loss of recreation opportunities such as angling or hunting.
- Submitters requested that “appropriate mechanisms are used to ensure existing and future public use is maintained or improved”, or recommended classification as a local purpose reserve with purposes either river conservation, river access, or recreation access to “ensure public access is retained in perpetuity”.

I recommend that these comments are accepted to the extent that there may be potential recreation and access values in this assessment area which merit consideration. The notified scenic reserve classification provides for the public to have freedom of entry and access to the reserve, subject to conditions necessary for the protection and well-being of the reserve and the public themselves, as per Section 19(2)(b) of the Reserves Act 1977.

Climate Change and Natural Hazards (Allowed)

- Submissions opposed the recommendation on the grounds that all public conservation land, even if modified/pasture, offers potential for climate change mitigation and adaption (e.g. protection and restoration to support carbon sequestration (e.g. “Disposal will forgo future carbon sequestration and climate mitigation”).
- A submitter commented that disposal “will not assist with a reduction in emissions from agriculture”.

I recommend that these comments are accepted. I agree that the protection of the existing natural resources present is of increasing importance when considering the need for climate mitigation, supported by the future-focused elements within the definition of conservation. Though these areas are small, they comprise regenerating forest and contribute to the integrity of the surrounding forested area. Classification as scenic reserve will support this outcome.

- Submissions opposed disposal for all land by rivers, suggesting all land holds opportunities for flood/erosion buffering, or allowing room for natural river processes (e.g. “areas are so important for communities that they need to be kept by DOC for climate mitigation, not disposed of”).
- A submitter noted that “in almost all cases these areas have historically been part of the riverbed, and the rivers need this buffer to be able to move around without causing damage to infrastructure and farming assets. As a corollary to that, the freeholding of land adjacent to riverbeds often results in additional rock protection work which constrains the river, and the natural processes at play. This often results in unintended consequences (often erosion at other sites)”.
- A submitter opposed disposal, stating that the “site should be reviewed for community climate adaptation and resilience”.

I recommend that these comments are not accepted. The conservation area is not adjacent to any waterbodies where it plays a role in flood or erosion buffering, so these comments do not raise relevant matters to consider. Comments regarding adaptation do not specify what type of adaptation they mean or why this should be considered for this conservation area.

Ecology and Landscape (Allowed)

- Submitters opposed disposal based on the presence of regenerating forest and scenic natural areas, noting that coastal forests are rare and should be protected. It was also noted that the area is largely surrounded by original cover or regenerating forest, and this area would “complement that land cover in providing resilience of indigenous ecosystems there”.
- Submissions expressed opposition to any disposal of stewardship land on the grounds that even modified areas are likely to contain some natural values or indigenous species (juncus, carex etc), that areas near forests could easily revert to a natural state, or that even highly modified land holds opportunities for ecosystem regeneration and restoration (e.g. “disposal will lose the opportunity for regeneration and restoration”). A “precautionary policy” was recommended to hold conservation future options open.
- A submission recommended that waterways and wetlands would be better protected if adjacent land was retained, grazing excluded, and restoration/natural succession allowed to occur.
- Submissions opposed disposal of land by rivers on the grounds that so little remains in public conservation land (e.g. “poor ecological representation in existing protected areas”).
- Submitters opposed disposal on riverbed and floodplains unless areas are “completely modified” and can be fenced off from waterways, or unless areas are small and landlocked and have no restoration potential.

I recommend that these comments are accepted. I agree that disposal of this area would be inconsistent with promoting the conservation of the natural resources present. The natural resources described in the CVR (e.g. full native cover of regenerating coastal forest) warrant retaining the area as public conservation land. Further investigation is required to determine an appropriate land classification.

Treaty Considerations (Allowed)

- One submission stated that “no stewardship land should be made available for disposal, except to tangata whenua; and only then with the need to maintain the block’s cultural, conservation & mahika-kai values in their entirety”.

I recommend that these comments are not accepted. Although I acknowledge the Mana Whenua Panel opposition to the notified proposal, my assessment, considering those submissions accepted, is that the natural and historic resources present (e.g. full native cover of regenerating coastal forest) warrant proceeding with the notified proposal.

General (Allowed)

- Submissions expressed opposition to disposal of any stewardship land in general terms, argued that public conservation land is best retained for future generations or future conservation purposes, expressed a desire for maximum environmental protection, or supported “a cautionary approach” and preference to retain land in Crown ownership.

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area and no new material is raised, these submission points do not raise any matters for further consideration.

Permissions, Economic Factors and Land Use (Not Allowed)

- A submitter opposed disposal as the land is “unusable (as ocean or river) and should remain in Crown ownership”.
- Submissions recommended consideration of potential productivity and whether the land could be used to support future food security.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Process and Consultation (Not Allowed)

- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.
- It was noted that “proposed disposals do not give even a general indication where disposal boundaries might be”, making it difficult for submitters to comment.

It was suggested that there should be less focus on present values and more weight given to potential conservation value, as per the Conservation General Policy 6(c) and the Conservation Act requirement to safeguard options for future generations. It was recommended that the reclassification framework should include a “future conservation use” designation to hold land for future conservation requirements.

- A submitter noted that “there is no requirement” that land with low conservation values is disposed of, expressing opposition to any disposal of riverbed or pastoral land in public ownership.
- A submitter stated that “The National Panel is recommending 65 hectares for disposal, but has recommended up to an additional 1000 hectares of land may be disposed of where there is pastoral land alongside river conservation areas (subject to survey). This is not explained or justified”.
- A submitter advocated for the proposed classification to be revised, stating that “conservation values alone must determine recommended classifications, and recreation and use values are not conservation values”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- A submitter recommended on-site assessment to ensure protection of remaining ecological and hydrological values in case of disposal, and suggested a land swap would be preferable.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Climate Change and Natural Hazards (Allowed)

- A submitter stated that no land should be disposed of if there is potential for restoration or carbon sequestration, and that riverbeds and adjacent land should be retained for flood retention, with no grazing permitted.

I recommend that these comments are accepted. I agree that the protection of the existing natural resources present is of increasing importance when considering the need for climate mitigation, supported by the future-focused elements within the definition of conservation. Though these areas are small, they comprise regenerating forest and contribute to the integrity of the surrounding forested area. Classification as scenic reserve will support this outcome.

General (Allowed)

- Submissions advocated generally for all national parks, forest parks, scenic reserves, and stewardship land to be protected from development.

I recommend that these comments are not accepted. The legislation does not provide for absolute protection from development – rather it contemplates that some activities may be acceptable and provides a mechanism for authorising such activities, through the grant of concessions. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification.

Other (Not Allowed)

- One submission noted that disposal of land will be subject to the Heritage New Zealand Pouhere Taonga Notification Process for Disposal of Crown-owned Land.
- One submission suggested any funds from land sold should go to the Nature Heritage Fund.

As I have recommended these comments are not allowed, I recommend they are not accepted.

KAW_37 – Charleston - Cemetery Road – 2808297

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Charleston - Cemetery Road	KAW_37_2808297n	Scenic Reserve (a)		15	6
Charleston - Cemetery Road	KAW_37_2808297o		Disposal	4	23

Conservation Values Report Description

A 0.186-ha area of indigenous forest that was previously cleared for goldmining and/or farming but has returned to full native cover of regenerating coastal forest. A section of Cemetery Road runs through the corner of the area. There is some goldmining history, and archaeological features on adjoining private land, and stone ridges, tunnels, tail and head races, may extend into this conservation area. There is access, but no tracks, facilities or likely recreation.

Panel Recommendations

National Panel: Scenic reserve (a), to preserve the identified ecological values and protect any identified historic or archaeological features, while providing for the potential recreational use of the area.

It is noted that a section of road passes through this conservation area, and that this conservation area would require surveying to remove this section of road, adding it to the adjacent road reserve.

Mana Whenua Panel: Disposal, as the area is modified and will not improve or enhance conservation values in adjacent conservation areas. It also includes a formed road. The area is considered to contain no or very low conservation values.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of scenic reserve.

Summary of accepted submissions: Those submissions accepted as holding merit supported the notified classification as ensuring ongoing public recreational access, reflecting the natural resources present and offering sufficient protection in the context of climate change.

Section 4 and Treaty principles: The Mana Whenua Panel have opposed the proposed classification as the area “is modified”, “also includes a formed road” and “is considered to contain no or very low conservation values”. This was supported by submissions from Treaty partner organisations.

Although I acknowledge the Mana Whenua Panel opposition to the notified proposal, my assessment, considering those submissions accepted, is that the natural and historic resources present warrant proceeding with the notified proposal.

Rationale: My conclusion is that the natural resources present are appropriately protected by the proposed classification (e.g. full native cover of regenerating coastal forest).

Scenic Reserve (a) - KAW_37_2808297n

Support

Access and Recreation (Allowed)

- A submitter supported the recommendation to protect public access and stated that they oppose disposal of the area.

I recommend that these comments are accepted. They hold merit under the Conservation Act as they support promotion of recreation that is not inconsistent with the preservation of the natural and historic resources present. The notified scenic reserve classification provides for the public to have freedom of entry and access to the reserve, subject to conditions necessary for the protection and well-being of the reserve and the public themselves, as per Section 19(2)(b) of the Reserves Act 1977.

Climate Change and Natural Hazards (Allowed)

- A submitter supported the proposed classification as offering a high level of protection "in light of the impacts of climate change".

I recommend that these comments are accepted. I agree that the protection of the existing natural resources present is of increasing importance when considering the need for climate mitigation. Classification as scenic reserve will support this outcome. The relevance of this factor for reclassification decisions is evident when the future-focused elements in the definition of conservation are considered, including, "safeguarding the options of future generations" in relation to 'natural resources', "the air, water and soil in or on which any plant or animal lives or may live", and in relation to 'protection' of a resource, "restoration to some former state and its augmentation, enhancement, or expansion" (Conservation Act 1987, s. 2).

Ecology and Landscape (Allowed)

- Submitters supported the proposed recommendation, stating the area has "nationally significant ecological systems and scenic natural areas", or that the area "is regenerating cut over forest and provides for a natural experience for this increasingly popular area".

I recommend that these comments are accepted. I agree that the natural resources identified in these comments are appropriately protected and preserved by the proposed classification. Under a scenic reserve classification "indigenous flora and fauna, ecological associations, and natural environment and beauty shall as far as possible be preserved" (Reserves Act 1977, s. 19(2)(a)).

General (Allowed)

- Submissions expressed general support for the proposed classification, referencing the "information in the technical reports", or without providing further justification.
- A submitter noted their preference for all stewardship land to be reclassified at the highest possible level based on its "high cultural conservation value".

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area and no new material is raised, these submission points do not raise any matters for further consideration.

Oppose

Climate Change and Natural Hazards (Allowed)

- A submitter opposed the proposed classification, stating they wanted the site reviewed for its "climate adaptation and resilience value".

I recommend that these comments are not accepted. The proposed classification will support the protection of the natural resources present, and as a result the area's climate mitigation potential. The points raised do not justify overturning the notified intention. Under a scenic reserve classification "indigenous flora and fauna, ecological associations, and natural environment and beauty shall as far as possible be preserved" (Reserves Act 1977, s. 19(2)(a)).

Treaty Considerations (Allowed)

- Submissions opposed the recommendation of the National Panel, supporting the Mana Whenua Panel's recommendation of disposal instead on the basis that it reflects "the values, interests, and perspectives of the Papatipu Rūnanga in whose Takiwā the relevant land is located".

I recommend that these comments are not accepted. Although I acknowledge the Mana Whenua Panel opposition to the notified proposal, my assessment, considering those submissions accepted, is that the natural and historic resources present (e.g. full native cover of regenerating coastal forest) warrant proceeding with the notified proposal.

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions opposed reclassification as scenic reserve, noting that though it does not prohibit mining, it adds extra restrictions with consequent negative economic benefits, suggesting that retaining the land in stewardship or

reclassifying it as a conservation park provides adequate legal protection while allowing commercial activities to be considered on a case-by-case basis.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Process and Consultation (Not Allowed)

- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- A submission opposed all reclassification of stewardship land to specially protected areas unless it was purchased by the Nature Heritage Fund for the purpose of adding it to a national park.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submissions were concerned whether the proposed classification allows for hunting, fishing and “provision for public access”, and stated that any classification should explicitly provide for these activities.

I recommend that these comments are not accepted. Insufficient information is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification. The proposed classification does not prohibit public access for the activities, if authorised (for example in a hunting permit). Authorisation of such activities involves a separate decision-making process, the outcome of which would depend on effects on the conservation values present rather than the proposed land classification.

General (Allowed)

- Submissions advocated generally for all national parks, forest parks, scenic reserves, and stewardship land to be protected from development.

I recommend that these comments are not accepted. The legislation does not provide for absolute protection from development – rather it contemplates that some activities may be acceptable and provides a mechanism for authorising such activities, through the grant of concessions. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification.

Disposal - KAW_37_28082970

The comments received in relation to the Mana Whenua Panel recommendation are summarised below and have been considered in relation to the notified proposal when forming s.49 allow/accept recommendations.

Support

Ecology and Landscape (Allowed)

- Submissions stated they support disposal of stewardship land where there are no conservation values remaining, or agreed that the land did not hold any conservation values and was therefore suitable for disposal.

I recommend that these comments are not accepted. Although the assessment area may contain areas of modification (road, previously cleared for goldmining and/or farming), my assessment is that the natural resources described in the CVR (e.g. full native cover of regenerating coastal forest) represent sufficiently high conservation values to justify the notified classification of scenic reserve. I note this area is unlikely to pass the Conservation General Policy 6(c) test for disposal of holding “no, or very low, conservation values”.

Treaty Considerations (Allowed)

- Submissions supported the recommendations of the Mana Whenua Panel on the basis that they reflect the rights and interests of mana whenua, recognise Ngāi Tahu's connection to their ancestral lands, and fulfil obligations under the Treaty of Waitangi.

I recommend that these comments are not accepted. Although I acknowledge the Mana Whenua Panel opposition to the notified proposal, my assessment, considering those submissions accepted, is that the natural and historic resources present (e.g. full native cover of regenerating coastal forest) warrant proceeding with the notified proposal.

General (Allowed)

- Submissions expressed general support without providing further justification.

I recommend that these comments are not accepted. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification.

Other (Not Allowed)

- It was noted that disposals only form 0.01% of the stewardship land in the West Coast reclassification process.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Oppose

Access and Recreation (Allowed)

- Submitters opposed disposal, expressing preference for the scenic reserve recommendation to protect public access. It was noted that it “provides for a natural experience for this increasingly popular area - the Kawatiri Cycle Trail crosses over Cemetery Road”.
- Submissions objected to disposal on the grounds that this represents a loss of public access and ability for future generations to enjoy these areas, and expressed opposition to any disposal which means a loss of recreation opportunities such as angling or hunting.
- Submitters requested that “appropriate mechanisms are used to ensure existing and future public use is maintained or improved”, or recommended classification as a local purpose reserve with purposes either river conservation, river access, or recreation access to “ensure public access is retained in perpetuity”.

I recommend that these comments are accepted to the extent that there may be potential recreation and access values in this assessment area which merit consideration. The notified scenic reserve classification provides for the public to have freedom of entry and access to the reserve, subject to conditions necessary for the protection and well-being of the reserve and the public themselves, as per Section 19(2)(b) of the Reserves Act 1977.

Climate Change and Natural Hazards (Allowed)

- Submissions opposed the recommendation on the grounds that all public conservation land, even if modified/pasture, offers potential for climate change mitigation and adaption (e.g. protection and restoration to support carbon sequestration (e.g. “Disposal will forgo future carbon sequestration and climate mitigation”).
- A submitter commented that disposal “will not assist with a reduction in emissions from agriculture”.

I recommend that these comments are accepted. I agree that the protection of the existing natural resources present is of increasing importance when considering the need for climate mitigation, supported by the future-focused elements within the definition of conservation. Though these areas are small, they comprise regenerating forest and contribute to the integrity of the surrounding forested area. Classification as scenic reserve will support this outcome.

- A submitter opposed disposal, stating that the “site should be reviewed for community climate adaptation and resilience”.
- Submissions opposed disposal for all land by rivers, suggesting all land holds opportunities for flood/erosion buffering, or allowing room for natural river processes (e.g. “areas are so important for communities that they need to be kept by DOC for climate mitigation, not disposed of”).

- A submitter noted that "in almost all cases these areas have historically been part of the riverbed, and the rivers need this buffer to be able to move around without causing damage to infrastructure and farming assets. As a corollary to that, the freeholding of land adjacent to riverbeds often results in additional rock protection work which constrains the river, and the natural processes at play. This often results in unintended consequences (often erosion at other sites)".

I recommend that these comments are not accepted. The conservation area is not adjacent to any waterbodies where it plays a role in flood or erosion buffering, so these comments do not raise relevant matters to consider. Comments regarding adaptation do not specify what type of adaptation they mean or why this should be considered for this conservation area, so I am unable to consider them further.

Ecology and Landscape (Allowed)

- Submitters opposed disposal based on the presence of regenerating forest and scenic natural areas, noting that coastal forests are rare and should be protected. It was also noted that the area is largely surrounded by original cover or regenerating forest, and this area would "complement that land cover in providing resilience of indigenous ecosystems there".
- Submissions expressed opposition to any disposal of stewardship land on the grounds that even modified areas are likely to contain some natural values or indigenous species (juncus, carex etc), that areas near forests could easily revert to a natural state, or that even highly modified land holds opportunities for ecosystem regeneration and restoration (e.g. "disposal will lose the opportunity for regeneration and restoration"). A "precautionary policy" was recommended to hold conservation future options open.
- A submission recommended that waterways and wetlands would be better protected if adjacent land was retained, grazing excluded, and restoration/natural succession allowed to occur.
- Submissions opposed disposal of land by rivers on the grounds that so little remains in public conservation land (e.g. "poor ecological representation in existing protected areas").
- Submitters opposed disposal on riverbed and floodplains unless areas are "completely modified" and can be fenced off from waterways, or unless areas are small and landlocked and have no restoration potential.

I recommend that these comments are accepted. I agree that disposal of this area would be inconsistent with promoting the conservation of the natural resources present. The natural resources described in the CVR (e.g. full native cover of regenerating coastal forest) warrant retaining the area as public conservation land. Further investigation is required to determine an appropriate land classification.

Treaty Considerations (Allowed)

- One submission stated that "no stewardship land should be made available for disposal, except to tangata whenua; and only then with the need to maintain the block's cultural, conservation & mahika-kai values in their entirety".

I recommend that these comments are not accepted. Although I acknowledge the Mana Whenua Panel opposition to the notified proposal, my assessment, considering those submissions accepted, is that the natural and historic resources present (e.g. full native cover of regenerating coastal forest) warrant proceeding with the notified proposal.

General (Allowed)

- Submissions expressed opposition to disposal of any stewardship land in general terms, argued that public conservation land is best retained for future generations or future conservation purposes, expressed a desire for maximum environmental protection, or supported "a cautionary approach" and preference to retain land in Crown ownership.

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area and no new material is raised, these submission points do not raise any matters for further consideration.

Permissions, Economic Factors and Land Use (Not Allowed)

- A submitter opposed disposal as the land is “unusable (as ocean or river) and should remain in Crown ownership.
- Submissions recommended consideration of potential productivity and whether the land could be used to support future food security.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Process and Consultation (Not Allowed)

- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.
- It was noted that “proposed disposals do not give even a general indication where disposal boundaries might be”, making it difficult for submitters to comment.

It was suggested that there should be less focus on present values and more weight given to potential conservation value, as per the Conservation General Policy 6(c) and the Conservation Act requirement to safeguard options for future generations. It was recommended that the reclassification framework should include a “future conservation use” designation to hold land for future conservation requirements.

- A submitter noted that “there is no requirement” that land with low conservation values is disposed of, expressing opposition to any disposal of riverbed or pastoral land in public ownership.
- A submitter stated that “The National Panel is recommending 65 hectares for disposal, but has recommended up to an additional 1000 hectares of land may be disposed of where there is pastoral land alongside river conservation areas (subject to survey). This is not explained or justified”.
- A submitter advocated for the proposed classification to be revised, stating that “conservation values alone must determine recommended classifications, and recreation and use values are not conservation values”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- A submitter recommended on-site assessment to ensure protection of remaining ecological and hydrological values in case of disposal, and suggested a land swap would be preferable.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Climate Change and Natural Hazards (Allowed)

- A submitter stated that no land should be disposed of if there is potential for restoration or carbon sequestration, and that riverbeds and adjacent land should be retained for flood retention, with no grazing permitted.

I recommend that these comments are accepted. I agree that the protection of the existing natural resources present is of increasing importance when considering the need for climate mitigation, supported by the future-focused elements within the definition of conservation. Though these areas are small, they comprise regenerating forest and contribute to the integrity of the surrounding forested area. Classification as scenic reserve will support this outcome.

General (Allowed)

- Submissions advocated generally for all national parks, forest parks, scenic reserves, and stewardship land to be protected from development.

I recommend that these comments are not accepted. The legislation does not provide for absolute protection from development – rather it contemplates that some activities may be acceptable and provides a mechanism for authorising such activities, through the grant of concessions. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification.

Other (Not Allowed)

- One submission noted that disposal of land will be subject to the Heritage New Zealand Pouhere Taonga Notification Process for Disposal of Crown-owned Land.
- One submission suggested any funds from land sold should go to the Nature Heritage Fund.

As I have recommended these comments are not allowed, I recommend they are not accepted.

KAW_38 – Buller River – 2807812

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Buller River	KAW_38_2807812p	Local Purpose (River Conservation) Reserve	Neutral	8	11

Conservation Values Report Description

A 1.9843-ha area of river terrace with native vegetation cover that was previously cleared for human use and now supports a cover of regenerating indigenous hardwoods. Regular pest control on nearby dairy farms keeps possums at bay. There is no easy access. The adjoining landowner may use the area, and fishers or river users may use the river bank.

Panel Recommendations

National Panel: Local purpose (river conservation) reserve, to appropriately reflect the identified values. It is noted that consideration should be given to the potential disposal of stable areas of developed pasture within the assessment area.

Mana Whenua Panel: Neutral.

S.49(2)(d) Recommendation

- Do not proceed with the notified proposal of local purpose (river conservation) reserve.

Summary of accepted submissions: Those submissions accepted as holding merit expressed opposition to the notified classification on the basis that the purpose of the reserve is not clearly defined, leaving it uncertain how the natural resources present will be protected.

Section 4 and Treaty principles: The Mana Whenua Panel did not oppose the proposed classification.

No specific Ngāi Tahu interests were raised for consideration by the Mana Whenua Panel for this stewardship area. I acknowledge statements of the Mana Whenua Panel that “there is a deep connection between Ngāi Tahu and all of the whenua in the Ngāi Tahu takiwā, and the absence of site-specific values in the preliminary analysis does not detract from that connection, nor does it confirm that site-specific values are not present.”

Rationale: Further policy work by the Department is required to describe the purpose of the proposed reserve and to identify any potential management implications. This process will provide clarity as to whether the proposed local purpose reserve reflects the natural and historic resources present, or if another classification is more appropriate.

Local Purpose (River Conservation) Reserve - KAW_38_2807812p

Support

Access and Recreation (Allowed)

- One submitter supported the recommendation as allowing river access, noting that they opposed any disposal of former or current riverbed that protects actual or potential public access as the river moves. They recommended reclassification of the whole as local purpose reserve for river conservation, river access or recreation access.

I recommend that these comments are not accepted. I have concluded based on comments in opposition that the purpose of the notified classification provides insufficient detail to comment on whether it appropriately protects the natural resources described, or if another classification may be more appropriate. Any limits on public access will be determined as part of any future policy work.

General (Allowed)

- Submitters stated their agreement in general terms, without providing further justification, or expressed their preference for stewardship land to be reclassified at the highest possible level.

I recommend that these comments are not accepted. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised for further consideration.

Oppose

Climate Change and Natural Hazards (Allowed)

- Submitters suggested that other classifications would be more appropriate to support revegetation for carbon sequestration or flood buffering from climate change effects. It was suggested that river margins that are subject to flooding from climate change effects should be “incorporated into a special class” to ensure they are retained in public ownership and revegetated to contribute to emissions reduction, rather than classified as local purpose reserves where “they can have their status changed without notification”.
- A submitter noted the area holds “opportunities for ecosystem restoration in response to flood events or coastal erosion; opportunities for carbon sequestration” and recommended **government purpose (river floodplain) reserve**.

I recommend that these comments are accepted to the extent that I have concluded based on comments in opposition that the purpose of the notified classification provides insufficient detail to comment on whether it appropriately protects the natural resources described, or if another classification may be more appropriate.

Ecology and Landscape (Allowed)

- Submissions opposed the recommendation on the basis that the purpose of the reserve is not clearly defined, leaving it uncertain how freshwater values, natural values and the natural processes of the river will be protected.
- Submissions raised concerns that the recommended classification would maintain the status quo or “business as usual” and allow activities such as grazing or modification to occur.
- It was stated that other examples of local purpose reserves held for river conservation (e.g. in the Rangitata River in Canterbury) have demonstrated that the classification does not ensure river margins/corridors or freshwater values will be protected from inappropriate use or development.
- Submissions suggested a review of all local purpose reserves (river conservation) to reclassify the land in a way which would prioritise natural and freshwater values and the natural processes of the river, and support strategic management of riverine areas on a catchment or ecosystem scale.

I recommend that these comments are accepted. I agree that the purpose of the notified classification provides insufficient detail to comment on whether it appropriately promotes the conservation of the natural resources present.

- A submitter opposed the recommendation and stated a preference for adding the area to Mount Courtney Scenic Reserve based on “conservation values associated with regenerating indigenous hardwoods and is part of a continuously vegetated riparian corridor”.
- Various classifications were suggested as more appropriate to ensure that protection of the natural values and processes takes primacy, and that only compatible uses are allowed. These included government purpose (Te Mana o te Wai) reserve, scenic reserve, ecological area (to recognise the role of water in connecting ecosystems and delivering nutrients), or wildlife management area or reserve.

I recommend that these comments are accepted to the extent that I have concluded based on comments in opposition that the purpose of the notified classification provides insufficient detail to comment on whether it appropriately protects the natural resources described, or if another classification may be more appropriate.

General (Allowed)

- A submitter described the recommendation as “not appropriate, as it gives no greater protection than the current Stewardship status”.

I recommend that these comments are accepted to the extent that I have concluded based on comments in opposition that the purpose of the notified classification provides insufficient detail to comment on whether it appropriately protects the natural resources described, or if another classification may be more appropriate.

Process and Consultation (Not Allowed)

- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.
- A submitter opposed the recommendation on the basis that no reclassifications should proceed without a full socioeconomic assessment undertaken by the Department in partnership with the local/regional councils.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- Concerns were raised that the area may be vested to an authority which would not effectively manage the area to protect the natural values or that would not have conservation as its core focus, leading to “local interpretations of river conservation” and allowing inappropriate use.
- Submissions suggested that government agencies are not adequately managing and protecting riverbeds and their margins, and that this process “creates an opportunity for more responsible management”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submitters were concerned with ensuring that any reclassification provides explicitly for access, sports fishing and gamebird hunting.

I recommend that these comments are not accepted. I have concluded based on comments in opposition that the purpose of the notified classification provides insufficient detail to comment on whether it appropriately protects the natural resources described, or if another classification may be more appropriate. Any limits on public access will be determined as part of any future policy work.

Climate Change and Natural Hazards (Allowed)

- A submitter noted “concern that site should be reviewed for community climate adaptation and resilience value”.

I recommend that these comments are not accepted. Comments regarding adaptation do not specify what type of adaptation they mean or why this should be considered for this conservation area, so I am unable to consider them further.

KAW_39 – Inangahua Junction - Buller River – 2807818

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Inangahua Junction - Buller River	KAW_39_2807818q	Disposal	Disposal	11	21

Conservation Values Report Description

A 0.0867-ha area that spans the rail tracks and adjacent beech forest. There is diverse avifauna, but no known records of threatened or at-risk flora or fauna.

Panel Recommendations

National Panel: Disposal should be considered as the area has very low identified conservation values.

The Panel notes the first step in the disposal process is to determine if the land is needed for any other public works.

Mana Whenua Panel: Disposal should be considered as the area contains national rail infrastructure and should be transferred to the appropriate government agency for administration.

S.49(2)(d) Recommendation

- Proceed with the notified proposal, referring this area to the Department to investigate the suitability of disposal.

Summary of accepted submissions: Those submissions accepted as holding merit supported the proposed disposal investigation where there are no conservation values remaining. Also accepted were comments noting that this outcome is supported by the Mana Whenua Panel and reflects the perspectives of Ngāi Tahu.

Section 4 and Treaty principles: The Mana Whenua Panel have supported the proposed disposal investigation, supported by submissions from Treaty partner organisations, as the area contains rail infrastructure and should be transferred to the appropriate government agency for administration.

Rationale: My conclusion is that the part of this stewardship area occupied by rail lines, is of low conservation value, and warrants further investigation as to the suitability of disposal. I note that the first step in the disposal process is to determine if the land is needed for any other public works.

Disposal - KAW_39_2807818q

Support

Climate Change and Natural Hazards (Allowed)

- A submitter expressed support but stated “concern that site should be reviewed for community climate adaptation and resilience value”.

I recommend that these comments are not accepted. Comments regarding adaptation do not specify what type of adaptation they mean or why this should be considered for this conservation area, so I am unable to consider them further.

Ecology and Landscape (Allowed)

- Submissions stated they support disposal of stewardship land where there are no conservation values remaining, or agreed that the land did not hold any conservation values and was therefore suitable for disposal.

I recommend that these comments are accepted. The land is modified with rail tracks and holds low conservation values, supporting a disposal investigation. I note that any parts of the area identified to have substantive natural values are unlikely to pass the Conservation General Policy and legislative disposal tests.

Treaty Considerations (Allowed)

- Submissions supported the recommendations of the Mana Whenua Panel on the basis that they reflect the rights and interests of mana whenua, recognise Ngāi Tahu's connection to their ancestral lands, and fulfil obligations under the Treaty of Waitangi.

I recommend that these comments are accepted. I note that the Mana Whenua Panel have supported the proposed disposal investigation. The modified nature of the of this stewardship area (containing rail infrastructure) justifies referring this area to the Department to investigate the suitability of disposal.

General (Allowed)

- Submissions expressed general support for disposal or agreement with the recommendation without providing further justification.

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area and no new material is raised, these submission points do not raise any matters for further consideration.

Other (Not Allowed)

- It was noted that disposals only form 0.01% of the stewardship land in the West Coast reclassification process.
- It was recommended that assessment should occur to ensure any adjacent natural values were protected, and a land swap was considered to be preferable to disposal.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Oppose

Access and Recreation (Allowed)

- Submitters noted that the conservation area provides a connection between legal roads and is important for public access to the Buller River, and that it therefore should not be disposed of (e.g. "Public access has clearly not been considered at this site and the presence of legal road parcels adjoining this parcel has been missed. Provides connection between sections of legal road ensuring public access to and along the Buller River").
- Submitters objected to disposal on the grounds that this represents a loss of public access and ability for future generations to enjoy these areas, and expressed opposition to any disposal which means a loss of recreation opportunities such as angling or hunting.
- Submitters requested that "appropriate mechanisms are used to ensure existing and future public use is maintained or improved", or recommended classification as a local purpose reserve with purposes either river conservation, river access, or recreation access to "ensure public access is retained in perpetuity".

I recommend that these comments are not accepted. Though the area joins sections of legal road, the road is unformed and the stewardship area crosses railway tracks, so it does not secure practical walking access to the Buller River. I note that as the stewardship area contains rail infrastructure and is otherwise connected to the railway land parcel, the first step in the disposal process is to determine if the land is needed for any other public works.

Climate Change and Natural Hazards (Allowed)

- Submissions opposed the recommendation on the grounds that all public conservation land, even if modified/pasture, offers potential for climate change mitigation and adaption (e.g. "opportunities for flood/erosion buffering, or allowing room for natural river processes", "areas are important for communities that they need to be kept by DOC for climate mitigation, not disposed of").
- A submitter noted that "in almost all cases these areas have historically been part of the riverbed, and the rivers need this buffer to be able to move around without causing damage to infrastructure and farming assets. As a corollary to that, the freeholding of land adjacent to riverbeds often results in additional rock protection work which constrains the river, and the natural processes at play. This often results in unintended consequences (often erosion at other sites)".

- Submitters also argued that modified land could be retained and restored to support carbon sequestration (e.g. “Disposal will forgo future carbon sequestration and climate mitigation”).

I recommend that these comments are not accepted. The small size of the area and its modified nature (containing rail infrastructure) limit the appropriateness and effectiveness of retaining it for ecosystem restoration and carbon sequestration. The low conservation values of the pastoral areas justify referring this area to the Department for disposal investigation.

Ecology and Landscape (Allowed)

- Submissions expressed opposition to any disposal of stewardship land on the grounds that even modified areas are likely to contain some natural values or indigenous species (juncus, carex etc), that areas near forests could easily revert to a natural state, or that even highly modified land holds opportunities for ecosystem regeneration and restoration (e.g. “disposal will lose the opportunity for regeneration and restoration”). A “precautionary policy” was recommended to hold conservation future options open.
- A submission recommended that waterways and wetlands would be better protected if adjacent land was retained, grazing excluded, and restoration/natural succession allowed to occur.
- Submissions opposed disposal of land by rivers on the grounds that so little remains in public conservation land (e.g. “poor ecological representation in existing protected areas”).
- Submitters opposed disposal on riverbed and floodplains unless areas are “completely modified” and can be fenced off from waterways, or unless areas are small and landlocked and have no restoration potential.

I recommend that these comments are not accepted. The small size of the area and its modified nature (containing rail infrastructure) limit the appropriateness and effectiveness of retaining it for restoration. The low conservation values of the pastoral areas justify referring this area to the Department for disposal investigation.

Treaty Considerations (Allowed)

- One submission stated that “no stewardship land should be made available for disposal, except to tangata whenua; and only then with the need to maintain the block’s cultural, conservation & mahika-kai values in their entirety”.
- Another submitter stated, “transfer ownership to local iwi”.

I recommend that these comments are not accepted. The proposed disposal investigation was supported by the Mana Whenua Panel, and any potential disposal of land arising from the Departmental investigation will be subject to the rights of first refusal process as set out in the Ngāi Tahu Claims Settlement Act 1998. The highly modified area is unlikely to hold substantive “conservation & mahika-kai values”.

General (Allowed)

- Submissions expressed opposition to disposal of any stewardship land in general terms, argued that public conservation land is best retained for future generations or future conservation purposes, expressed a desire for maximum environmental protection, or supported “a cautionary approach” and preference to retain land in Crown ownership.

I recommend that these comments are not accepted. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification.

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions recommended consideration of potential productivity and whether the land could be used to support future food security.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Process and Consultation (Not Allowed)

- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.

- It was noted that “proposed disposals do not give even a general indication where disposal boundaries might be”, making it difficult for submitters to comment.

It was suggested that there should be less focus on present values and more weight given to potential conservation value, as per the Conservation General Policy 6(c) and the Conservation Act requirement to safeguard options for future generations. It was recommended that the reclassification framework should include a “future conservation use” designation to hold land for future conservation requirements.

- A submitter noted that “there is no requirement” that land with low conservation values is disposed of, expressing opposition to any disposal of riverbed or pastoral land in public ownership.
- A submitter stated that “The National Panel is recommending 65 hectares for disposal, but has recommended up to an additional 1000 hectares of land may be disposed of where there is pastoral land alongside river conservation areas (subject to survey). This is not explained or justified”.
- A submitter advocated for the proposed classification to be revised, stating that “conservation values alone must determine recommended classifications, and recreation and use values are not conservation values”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- A submitter stated that any disposal must be on the condition that any waterways and wetlands within/bordering the parcel are protected in perpetuity by a five-metre setback.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Climate Change and Natural Hazards (Allowed)

- A submitter stated that no land should be disposed of if there is potential for restoration or carbon sequestration, and that riverbeds and adjacent land should be retained for flood retention, with no grazing permitted.

I recommend that these comments are not accepted. The small size of the area and its modified nature (containing rail infrastructure) limit the appropriateness and effectiveness of retaining it for ecosystem restoration and carbon sequestration. The low conservation values of the pastoral areas justify referring this area to the Department for disposal investigation.

General (Allowed)

- Submissions advocated generally for all national parks, forest parks, scenic reserves, and stewardship land to be protected from development.

I recommend that these comments are not accepted. The legislation does not provide for absolute protection from development – rather it contemplates that some activities may be acceptable and provides a mechanism for authorising such activities, through the grant of concessions. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification.

Other (Not Allowed)

- One submission noted that disposal of land will be subject to the Heritage New Zealand Pouhere Taonga Notification Process for Disposal of Crown-owned Land.
- One submission suggested any funds from land sold should go to the Nature Heritage Fund.

As I have recommended these comments are not allowed, I recommend they are not accepted.

KAW_40 – Joyce Bay – 2808296

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Joyce Bay	KAW_40_2808296r	Scenic Reserve (a)	Neutral	13	5

Conservation Values Report Description

A 0.2196-ha area on the edge of Flagstaff Hill (headland between Joyce Bay and Constant Bay, Charleston). The sandy beach and rocky headland is connected to the fragments of Charleston Scenic Reserve which, when considered in combination, represents a large part of this unique foreshore area. Threatened and at-risk species here include coastal cress, kororā and particular geckos. This area is an old mahinga kai site. There is an informal track, sometimes used for walking to the headland.

Panel Recommendations

National Panel: Scenic reserve (a), to preserve the identified ecological values and protect any identified historic or archaeological features, while providing for the existing recreational use of the area.

Mana Whenua Panel: Neutral.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of scenic reserve.

Summary of accepted submissions: Those submissions accepted as holding merit supported the notified classification as offering sufficient protection in the context of climate change, and reflecting the notable natural resources present.

Section 4 and Treaty principles: The Mana Whenua Panel did not oppose the proposed classification.

No specific Ngāi Tahu interests were raised for consideration by the Mana Whenua Panel for this stewardship area. I acknowledge statements of the Mana Whenua Panel that “there is a deep connection between Ngāi Tahu and all of the whenua in the Ngāi Tahu takiwā, and the absence of site-specific values in the preliminary analysis does not detract from that connection, nor does it confirm that site-specific values are not present.”

Rationale: My conclusion is that the proposed classification will appropriately promote the conservation of the natural and historic resources present (e.g. a rocky granite headland, coastal turf and shrubs; threatened and at-risk species).

Scenic Reserve (a) - KAW_40_2808296r

Support

Climate Change and Natural Hazards (Allowed)

- A submitter supported the proposed classification as offering a high level of protection “in light of the impacts of climate change”.

I recommend that these comments are accepted. I agree that the protection of the existing natural resources present is of increasing importance when considering the need for climate mitigation. Classification as scenic reserve will support this outcome. The relevance of this factor for reclassification decisions is evident when the future-focused elements in the definition of conservation are considered, including, “safeguarding the options of future generations” in relation to ‘natural resources’, “the air, water and soil in or on which any plant or animal lives or may live”, and in relation to ‘protection’ of a resource, “restoration to some former state and its augmentation, enhancement, or expansion” (Conservation Act 1987, s. 2).

Ecology and Landscape (Allowed)

- Submitters supported the proposed recommendation, stating the area has “nationally significant ecological systems and scenic natural areas” noting the kororā penguin colonies here and “outstanding coastal scenery”.

I recommend that these comments are accepted. I agree that the natural resources identified in these comments are appropriately protected and preserved by the proposed classification. Under a scenic reserve classification “indigenous flora and fauna, ecological associations, and natural environment and beauty shall as far as possible be preserved” (Reserves Act 1977, s. 19(2)(a)).

General (Allowed)

- Submissions expressed general support for the proposed classification, referencing the “information in the technical reports”, or without providing further justification.
- A submitter noted their preference for all stewardship land to be reclassified at the highest possible level based on its “high cultural conservation value”.

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area and no new material is raised, these submission points do not raise any matters for further consideration.

Oppose

Access and Recreation (Allowed)

- A submitter opposed the proposed classification, stating they wanted the site reviewed for its “existing recreational use”.

I recommend that these comments are not accepted. The points raised do not justify overturning the proposed classification. The notified scenic reserve classification provides for the public to have freedom of entry and access to the reserve, subject to conditions necessary for the protection and well-being of the reserve and the public themselves (Reserves Act 1977, s. 19(2)(b)).

Climate Change and Natural Hazards (Allowed)

- A submitter opposed the proposed classification, stating they wanted the site reviewed for its “climate adaptation and resilience value”.

I recommend that these comments are not accepted. The proposed classification will support the protection of the natural resources present, and as a result the area’s climate mitigation potential. The points raised do not justify overturning the notified intention. Under a scenic reserve classification “indigenous flora and fauna, ecological associations, and natural environment and beauty shall as far as possible be preserved” (Reserves Act 1977, s. 19(2)(a)).

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions opposed reclassification as scenic reserve, noting that though it does not prohibit mining, it adds extra restrictions with consequent negative economic benefits, suggesting that retaining the land in stewardship or reclassifying it as a conservation park provides adequate legal protection while allowing commercial activities to be considered on a case-by-case basis.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Process and Consultation (Not Allowed)

- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- A submission opposed all reclassification of stewardship land to specially protected areas unless it was purchased by the Nature Heritage Fund for the purpose of adding it to a national park.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submissions were concerned whether the proposed classification allows for hunting, fishing and “provision for public access”, and stated that any classification should explicitly provide for these activities.

I recommend that these comments are not accepted. Insufficient information is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification. The proposed classification does not prohibit public access for the activities, if authorised (for example in a hunting permit). Authorisation of such activities involves a separate decision-making process, the outcome of which would depend on effects on the conservation values present rather than the proposed land classification.

General (Allowed)

- Submissions advocated generally for all national parks, forest parks, scenic reserves, and stewardship land to be protected from development.

I recommend that these comments are not accepted. The legislation does not provide for absolute protection from development – rather it contemplates that some activities may be acceptable and provides a mechanism for authorising such activities, through the grant of concessions. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification.

KAW_41 – Granity – 2807756

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Granity	KAW_41_2807756s	Wildlife Management Area	Neutral	10	5

Conservation Values Report Description

A 0.0338-ha area of back dune surrounded by a legal road and backing onto a private residence. It appears to have been integrated into the adjacent occupied area. It is within the Granity Species Management Unit for, and the original location of, the cobble skink (Nationally Critical). People can access the area from the beach, but otherwise there are no tracks, facilities or likelihood of recreational use.

Panel Recommendations

National Panel: Wildlife management area, to appropriately protect the identified ecological values, while accommodating the identified recreational values.

Mana Whenua Panel: Neutral.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of wildlife management area.

Summary of accepted submissions: The submissions accepted as holding merit noted general support for the proposed classification.

Section 4 and Treaty principles: The Mana Whenua Panel did not oppose the proposed classification.

No specific Ngāi Tahu interests were raised for consideration by the Mana Whenua Panel for this stewardship area. I acknowledge statements of the Mana Whenua Panel that “there is a deep connection between Ngāi Tahu and all of the whenua in the Ngāi Tahu takiwā, and the absence of site-specific values in the preliminary analysis does not detract from that connection, nor does it confirm that site-specific values are not present.”

Rationale: My conclusion is that the proposed classification will promote the conservation of the natural resources present (e.g. cobble skink (Nationally Critical)) while providing for their appreciation and recreational enjoyment by the public.

Wildlife Management Area - KAW_41_2807756s

Support

General (Allowed)

- Submissions expressed general support for the proposed classification, referencing the “information in the technical reports”, or without providing further justification.
- The recommendation was supported as it “reflects the use of the land and adequately protects against degradation of the land”.
- A submitter noted their preference for all stewardship land to be reclassified at the highest possible level based on its “high cultural conservation value”.

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area and no new material is raised, these submission points do not raise any matters for further consideration.

Oppose

Process and Consultation (Not Allowed)

- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- A submission opposed all reclassification of stewardship land to specially protected areas unless it was purchased by the Nature Heritage Fund for the purpose of adding it to a national park.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submissions were concerned whether the proposed classification allows for hunting, fishing and “provision for public access”, and stated that any classification should explicitly provide for these activities.

I recommend that these comments are not accepted. Insufficient information is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification. The proposed classification does not prohibit public access for the activities, if authorised (for example in a hunting permit). Authorisation of such activities involves a separate decision-making process, the outcome of which would depend on effects on the conservation values present rather than the proposed land classification.

- One submitter recommended the area be reviewed for its current recreational uses.

I recommend that these comments are not accepted. The submission does not specify any recreational uses that have not previously been considered. The CVR notes that people can access the area from the beach, but otherwise there are no tracks, facilities or likelihood of recreational use. It should be noted that the proposed classification does not prohibit public access.

Climate Change and Natural Hazards (Allowed)

- A submitter stated that the area should be reviewed for “community climate adaptation and resilience”.

I recommend this comment is not accepted. Comments regarding adaptation do not specify what type of adaptation they mean or why this should be considered for this conservation area, so I am unable to consider them further.

KAW_42 – Granity Creek – 2807758

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Granity Creek	KAW_42_2807758t	Scenic Reserve (a)		14	7
Granity Creek	KAW_42_2807758u		Disposal	5	23

Conservation Values Report Description

A 0.3446-ha area consisting of three parcels that support a mix of native and exotic vegetation, adjacent to Ngakawau Scenic Reserve as well as adjacent to a private, occupied holding. There are no known threatened or at-risk flora or fauna in or near this assessment area.

Panel Recommendations

National Panel: Scenic reserve (a), to preserve the identified ecological and landscape values while providing for the potential recreational use of the area.

Mana Whenua Panel: Disposal should be considered as the area is modified and will not improve or enhance conservation values in adjacent conservation areas. The area is considered to contain no or very low conservation values.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of scenic reserve.

Summary of accepted submissions: Those submissions accepted as holding merit supported the notified classification as ensuring ongoing public recreational access, reflecting the natural resources present and offering sufficient protection in the context of climate change.

Section 4 and Treaty principles: The Mana Whenua Panel have opposed the proposed classification, supported by submissions from Treaty partner organisations, on the grounds that the area is modified.

Although I acknowledge the Mana Whenua Panel opposition to the notified proposal, my assessment, considering those submissions accepted, is that the natural and historic resources present warrant proceeding with the notified proposal.

Rationale: My conclusion is that the natural resources present (e.g. low hillside forest with a mix of exotic conifers, native tree ferns and broadleaved species) are appropriately protected by the proposed classification.

Scenic Reserve (a) - KAW_42_2807758t

Support

Access and Recreation (Allowed)

- Submitters supported the recommendation as it will provide for recreational use of the area.

I recommend that these comments are accepted. They hold merit under the Conservation Act as they support promotion of recreation that is not inconsistent with the preservation of the natural and historic resources present. The notified scenic reserve classification provides for the public to have freedom of entry and access to the reserve, subject to conditions necessary for the protection and well-being of the reserve and the public themselves, as per Section 19(2)(b) of the Reserves Act 1977.

Climate Change and Natural Hazards (Allowed)

- A submitter supported the proposed classification as offering a high level of protection "in light of the impacts of climate change".

I recommend that these comments are accepted. I agree that the protection of the existing natural resources present is of increasing importance when considering the need for climate mitigation. Classification as scenic reserve will support this outcome. The relevance of this factor for reclassification decisions is evident when the future-focused elements in the

definition of conservation are considered, including, “safeguarding the options of future generations” in relation to ‘natural resources’, “the air, water and soil in or on which any plant or animal lives or may live”, and in relation to ‘protection’ of a resource, “restoration to some former state and its augmentation, enhancement, or expansion” (Conservation Act 1987, s. 2).

Ecology and Landscape (Allowed)

- Submitters supported the proposed recommendation, stating the area has “nationally significant ecological systems and scenic natural areas” or is adjacent to other scenic reserves.

I recommend that these comments are accepted. I agree that the natural resources identified in these comments are appropriately protected and preserved by the proposed classification. Under a scenic reserve classification “indigenous flora and fauna, ecological associations, and natural environment and beauty shall as far as possible be preserved” (Reserves Act 1977, s. 19(2)(a)).

General (Allowed)

- Submissions expressed general support for the proposed classification, referencing the “information in the technical reports”, or without providing further justification.
- A submitter noted their preference for all stewardship land to be reclassified at the highest possible level based on its “high cultural conservation value”.

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area and no new material is raised, these submission points do not raise any matters for further consideration.

Oppose

Access and Recreation (Allowed)

- A submitter opposed the proposed classification, stating they wanted the site reviewed for its “existing recreational use”.

I recommend that these comments are not accepted. The points raised do not justify overturning the proposed classification. The notified scenic reserve classification provides for the public to have freedom of entry and access to the reserve, subject to conditions necessary for the protection and well-being of the reserve and the public themselves (Reserves Act 1977, s. 19(2)(b)).

Treaty Considerations (Allowed)

- Submissions opposed the recommendation of the National Panel, supporting the Mana Whenua Panel’s recommendation of disposal instead on the basis that it reflects “the values, interests, and perspectives of the Papatipu Rūnanga in whose Takiwā the relevant land is located”.

I recommend that these comments are not accepted. Although I acknowledge the Mana Whenua Panel opposition to the notified proposal, my assessment, considering those submissions accepted, is that the natural and historic resources present (e.g. low hillside forest with exotic conifers, native tree ferns and broadleaved species, adjacent to the Ngakawau Scenic Reserve) warrant proceeding with the notified proposal.

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions opposed reclassification as scenic reserve, noting that though it does not prohibit mining, it adds extra restrictions with consequent negative economic benefits, suggesting that retaining the land in stewardship or reclassifying it as a conservation park provides adequate legal protection while allowing commercial activities to be considered on a case-by-case basis.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Process and Consultation (Not Allowed)

- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- A submission opposed all reclassification of stewardship land to specially protected areas unless it was purchased by the Nature Heritage Fund for the purpose of adding it to a national park.
- A submitter advocated for selling the area to local iwi.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submissions were concerned whether the proposed classification allows for hunting, fishing and “provision for public access”, and stated that any classification should explicitly provide for these activities.

I recommend that these comments are not accepted. Insufficient information is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification. The proposed classification does not prohibit public access for the activities, if authorised (for example in a hunting permit). Authorisation of such activities involves a separate decision-making process, the outcome of which would depend on effects on the conservation values present rather than the proposed land classification.

General (Allowed)

- Submissions advocated generally for all national parks, forest parks, scenic reserves, and stewardship land to be protected from development.

I recommend that these comments are not accepted. The legislation does not provide for absolute protection from development – rather it contemplates that some activities may be acceptable and provides a mechanism for authorising such activities, through the grant of concessions. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification.

Disposal - KAW_42_2807758u

The comments received in relation to the Mana Whenua Panel recommendation are summarised below and have been considered in relation to the notified proposal when forming s.49 allow/accept recommendations.

Support

Access and Recreation (Allowed)

- A submitter stated support for disposal but suggested that the site should be reviewed for “existing recreational use”.

I recommend that these comments are not accepted. The natural resources described in the CVR (e.g. low hillside forest with exotic conifers, native tree ferns and broadleaved species) warrant retaining the area as public conservation land. The notified scenic reserve classification provides for the public to have freedom of entry and access to the reserve, subject to conditions necessary for the protection and well-being of the reserve and the public themselves, as per Section 19(2)(b) of the Reserves Act 1977.

Climate Change and Natural Hazards (Allowed)

- A submitter stated support for disposal but suggested that the site should be reviewed for “community climate adaptation and resilience”.

I recommend that these comments are not accepted. The natural resources described in the CVR (e.g. low hillside forest with exotic conifers, native tree ferns and broadleaved species) warrant retaining the area as public conservation land. Comments regarding adaptation do not specify what type of adaptation they mean or why this should be considered for this conservation area, so I am unable to consider them further.

Ecology and Landscape (Allowed)

- Submissions stated they support disposal of stewardship land where there are no conservation values remaining, or agreed that the land did not hold any conservation values and was therefore suitable for disposal.

I recommend that these comments are not accepted. My assessment is that the natural resources described in the CVR (e.g. low hillside forest with exotic conifers, native tree ferns and broadleaved species) represent sufficiently high conservation values to justify the notified classification of scenic reserve. I note this area is unlikely to pass the Conservation General Policy 6(c) test for disposal of holding “no, or very low, conservation values”.

Treaty Considerations (Allowed)

- Submissions supported the recommendations of the Mana Whenua Panel on the basis that they reflect the rights and interests of mana whenua, recognise Ngāi Tahu’s connection to their ancestral lands, and fulfil obligations under the Treaty of Waitangi.

I recommend that these comments are not accepted. Although I acknowledge the Mana Whenua Panel opposition to the notified proposal, my assessment, considering those submissions accepted, is that the natural and historic resources present (e.g. low hillside forest with exotic conifers, native tree ferns and broadleaved species, adjacent to the Ngakawau Scenic Reserve) warrant proceeding with the notified proposal.

General (Allowed)

- Submissions expressed general support without providing further justification.

I recommend that these comments are not accepted. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification.

Other (Not Allowed)

- It was noted that disposals only form 0.01% of the stewardship land in the West Coast reclassification process.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Oppose

Access and Recreation (Allowed)

- A submitter opposed disposal and stated preference for scenic reserve as this “provides for recreational use of the area”. They noted that the conservation area is adjacent to a scenic reserve and land owned by the Northern Buller Museum Granity Charitable Trust, and noted that the Trust is “actively opening up the area for walks to discover the mining heritage and landscape that is the backdrop to and history of their community”.
- Submissions objected to disposal on the grounds that this represents a loss of public access and ability for future generations to enjoy these areas, and expressed opposition to any disposal which means a loss of recreation opportunities such as angling or hunting.
- Submitters requested that “appropriate mechanisms are used to ensure existing and future public use is maintained or improved”, or recommended classification as a local purpose reserve with purposes either river conservation, river access, or recreation access to “ensure public access is retained in perpetuity”.

I recommend that these comments are accepted to the extent that there may be potential recreation and access values in this assessment area which merit consideration. The notified scenic reserve classification provides for the public to have freedom of entry and access to the reserve, subject to conditions necessary for the protection and well-being of the reserve and the public themselves, as per Section 19(2)(b) of the Reserves Act 1977.

Climate Change and Natural Hazards (Allowed)

- A submitter noted that the conservation area contains riparian margin with a “deep steep slope into the creek” and stated that disposal should not occur as potential development would heighten the risk of erosion (e.g. “anyone buying this parcel would most likely want to develop it, with clearances, driveways and infrastructure, all likely to create serious creek erosion”).

- Submissions opposed the recommendation on the grounds that all public conservation land, even if modified/pasture, offers potential for climate change mitigation and adaption (e.g. “opportunities for flood/erosion buffering, or allowing room for natural river processes”, “areas are important for communities that they need to be kept by DOC for climate mitigation, not disposed of”).
- A submitter noted that “in almost all cases these areas have historically been part of the riverbed, and the rivers need this buffer to be able to move around without causing damage to infrastructure and farming assets. As a corollary to that, the freeholding of land adjacent to riverbeds often results in additional rock protection work which constrains the river, and the natural processes at play. This often results in unintended consequences (often erosion at other sites)”.
- Submitters also argued that modified land could be retained and restored to support carbon sequestration (e.g. “Disposal will forgo future carbon sequestration and climate mitigation”).

I recommend that these comments are accepted. I agree that the protection of the existing natural resources present is of increasing importance when considering the need for climate mitigation, supported by the future-focused elements within the definition of conservation. Though these areas are small, they comprise regenerating forest and contribute to the integrity of the surrounding forested area. Classification as scenic reserve will support this outcome.

Ecology and Landscape (Allowed)

- Submitters opposed disposal based on the site’s ecological and scenic values (e.g. “Backdrop to Granity community, part of steep forested slopes below plateau”; disposal would “destroy the integrity of the cloaked hillslopes there and degrade the landscape values of the Granity area”, “This parcel obviously has some conservation values, including common native avifauna”).
- The site’s landscape context adjacent to other public conservation land was also cited as making it inappropriate for disposal (e.g. “It is also adjacent to the Ngakawau Scenic Reserve so Conservation Act s26(2b) prohibits the sale of at least some of this parcel”, “Adjacent to scenic reserve and areas owned by the Northern Buller Museum Granity Charitable Trust”).
- Submissions expressed opposition to any disposal of stewardship land on the grounds that even modified areas are likely to contain some natural values or indigenous species (juncus, carex etc), that areas near forests could easily revert to a natural state, or that even highly modified land holds opportunities for ecosystem regeneration and restoration (e.g. “disposal will lose the opportunity for regeneration and restoration”). A “precautionary policy” was recommended to hold conservation future options open.
- A submission recommended that waterways and wetlands would be better protected if adjacent land was retained, grazing excluded, and restoration/natural succession allowed to occur.
- Submissions opposed disposal of land by rivers on the grounds that so little remains in public conservation land (e.g. “poor ecological representation in existing protected areas”).
- Submitters opposed disposal on riverbed and floodplains unless areas are “completely modified” and can be fenced off from waterways, or unless areas are small and landlocked and have no restoration potential.

I recommend that these comments are accepted as they promote the protection of the natural resources present (e.g. low hillside forest with exotic conifers, native tree ferns and broadleaved species, adjacent to the Ngakawau Scenic Reserve). Classification as a scenic reserve will support this outcome.

Treaty Considerations (Allowed)

- One submission stated that “no stewardship land should be made available for disposal, except to tangata whenua; and only then with the need to maintain the block’s cultural, conservation & mahika-kai values in their entirety”.
- A submitter in opposition to disposal stated, “transfer ownership to local iwi”.

I recommend these comments are not accepted to the extent that they do not support a disposal outcome. Although I acknowledge the Mana Whenua Panel opposition to the notified proposal, my assessment, considering those submissions accepted, is that the natural and historic resources present (e.g. low hillside forest with exotic conifers, native tree ferns and broadleaved species, adjacent to the Ngakawau Scenic Reserve) warrant proceeding with the notified proposal.

General (Allowed)

- Submissions expressed opposition to disposal of any stewardship land in general terms, argued that public conservation land is best retained for future generations or future conservation purposes, expressed a desire for maximum environmental protection, or supported “a cautionary approach” and preference to retain land in Crown ownership.

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area and no new material is raised, these submission points do not raise any matters for further consideration.

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions recommended consideration of potential productivity and whether the land could be used to support future food security.
- As submitter commented that disposal “is inappropriate because the land is unusable (as ocean or river) and should remain in Crown ownership”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Process and Consultation (Not Allowed)

- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.
- It was noted that “proposed disposals do not give even a general indication where disposal boundaries might be”, making it difficult for submitters to comment.

It was suggested that there should be less focus on present values and more weight given to potential conservation value, as per the Conservation General Policy 6(c) and the Conservation Act requirement to safeguard options for future generations. It was recommended that the reclassification framework should include a “future conservation use” designation to hold land for future conservation requirements.

- A submitter noted that “there is no requirement” that land with low conservation values is disposed of, expressing opposition to any disposal of riverbed or pastoral land in public ownership.
- A submitter stated that “The National Panel is recommending 65 hectares for disposal, but has recommended up to an additional 1000 hectares of land may be disposed of where there is pastoral land alongside river conservation areas (subject to survey). This is not explained or justified”.
- A submitter advocated for the proposed classification to be revised, stating that “conservation values alone must determine recommended classifications, and recreation and use values are not conservation values”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other

- A submitter commented that as the conservation area is in three parcels, them being disposed of separately “would cause stress and angst for the property-owner in the middle of that parcel and reduce the quality of their lifestyle there”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Climate Change and Natural Hazards (Allowed)

- A submitter stated that no land should be disposed of if there is potential for restoration or carbon sequestration, and that riverbeds and adjacent land should be retained for flood retention, with no grazing permitted.

I recommend that these comments are accepted. I agree that the protection of the existing natural resources present is of increasing importance when considering the need for climate mitigation, supported by the future-focused elements within the definition of conservation. Though these areas are small, they comprise regenerating forest and contribute to the integrity of the surrounding forested area. Classification as scenic reserve will support this outcome.

General (Allowed)

- Submissions advocated generally for all national parks, forest parks, scenic reserves, and stewardship land to be protected from development.

I recommend that these comments are not accepted. The legislation does not provide for absolute protection from development – rather it contemplates that some activities may be acceptable and provides a mechanism for authorising such activities, through the grant of concessions. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification.

Other (Not Allowed)

- One submission noted that disposal of land will be subject to the Heritage New Zealand Pouhere Taonga Notification Process for Disposal of Crown-owned Land.
- One submission suggested any funds from land sold should go to the Nature Heritage Fund.

As I have recommended these comments are not allowed, I recommend they are not accepted.

KAW_43 – Buller River Estuary – 2808255

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Buller River Estuary	KAW_43_2808255v	Disposal	Disposal	7	27

Conservation Values Report Description

A 2.2312-ha area of pasture on the peninsula adjacent to the Buller River Mouth Wildlife Refuge (LINZ), which is also a Scheduled Wetland (West Coast Regional Council) and ecosystem management unit. It is important in maintaining the structure of the adjacent tidal mudflats. This area is an old mahinga kai site. There is a grazing concession for cattle on land adjacent to Buller (Kawatiri) River mouth. It currently has a moderately low naturalness value but would recover native vegetation cover quickly if retired from grazing. There is access, used by people going to the Buller (Kawatiri) River estuary and by whitebaiters during the season - the area is part of a closed whitebaiting site.

Panel Recommendations

National Panel: Disposal should be considered as the identified ecological values are not considered sufficient to warrant ongoing management of this area as a whole by the Department, with it deemed appropriate that this area is considered for disposal.

It is noted that consideration should be given to the retainment of the estuarine border of this conservation area in the disposal process.

Mana Whenua Panel: Disposal should be considered as the conservation area contains pastoral land and should not form part of public conservation land.

S.49(2)(d) Recommendation

- **Do not proceed** with the notified proposal, retaining the area in stewardship at this time.

Summary of accepted submissions: The submissions accepted as holding merit opposed the proposed disposal investigation based on the area's ecological values and suitability for restoration (e.g. estuarine area/wetland, adjacent to the Buller River Wildlife Refuge, with habitat values, various wetland bird species recorded nearby such as grey duck, red-billed gull, white-fronted tern, West Coast weka, Pukeko, and Marsh crake). Also accepted were comments noting that the area could provide flood protection as a water retention zone, and that there are access and recreation values associated with the area.

Section 4 and Treaty principles: The Mana Whenua Panel have supported notified disposal investigation, supported by submissions by Treaty partner organisations, on the grounds that the area contains pastoral land.

The Mana Whenua Panel have signalled specific Ngāi Tahu interests associated with this stewardship area, particularly that "this area is an old mahinga kai site".

My conclusion, in accordance with submissions received in opposition to the notified proposal, is that the area holds natural resources which warrant retention as public conservation land. Investigating the area for disposal, when there are natural resources present which warrant further protection, would be inconsistent with promoting the conservation of those resources. I note that any further work to determine an appropriate classification for this area will be undertaken in a manner consistent with Treaty principles.

Rationale: My conclusion is that the ecological values and potential for restoration raised by submitters justify retaining the stewardship area as public conservation land. The Conservation General Policy (6(d)(iii)) states that land should not be disposed of where it has the potential to be restored to improve the representation of habitats or ecosystems that are under-represented in public conservation lands. As the stewardship area is bordered by public conservation land and estuary (the LINZ-managed Buller River Wildlife Refuge), the area may be suitable for restoration.

Disposal - KAW_43_2808255v

Support

Ecology and Landscape (Allowed)

- Submissions stated they support disposal of stewardship land where there are no conservation values remaining, or agreed that the land did not hold any conservation values and was therefore suitable for disposal.

I recommend that these comments are not accepted. I have concluded based on comments in opposition that, although areas of modification may be present (grazed pasture), the natural values of the stewardship area (estuarine/wetland, bird habitat, potential for restoration) warrant retention as public conservation land.

Treaty Considerations (Allowed)

- Submissions supported the recommendations of the Mana Whenua Panel on the basis that they reflect the rights and interests of mana whenua, recognise Ngāi Tahu's connection to their ancestral lands, and fulfil obligations under the Treaty of Waitangi.

I recommend that these comments are not accepted. I have concluded based on comments in opposition to the notified intention to dispose that, although areas of modification may be present (grazed pasture), the natural values of the stewardship area (estuarine/wetland, bird habitat, potential for restoration) warrant retention as public conservation land. Any further work to determine an appropriate classification for this area will be undertaken in a manner consistent with Treaty principles. and will consider the identified Ngāi Tahu interests.

General (Allowed)

- Submissions expressed general support without providing further justification.

I recommend that these comments are not accepted. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised for further consideration.

Other (Not Allowed)

- It was noted that disposals only form 0.01% of the stewardship land in the West Coast reclassification process.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Oppose

Access and Recreation (Allowed)

- A submitter commented that the river mouth and coast will move, stating they oppose “any disposal of former or current riverbed or coastal area that provides or protects actual or potential public access as the river mouth moves or coastal area erodes”. They noted that the area is valued for recreation.
- Submissions objected to disposal on the grounds that this represents a loss of public access and ability for future generations to enjoy these areas, and expressed opposition to any disposal which means a loss of recreation opportunities such as angling or hunting.
- Submitters requested that “appropriate mechanisms are used to ensure existing and future public use is maintained or improved”, or recommended classification as a local purpose reserve with purposes either river conservation, river access, or recreation access to “ensure public access is retained in perpetuity”.

I recommend that these comments are accepted. I agree the area holds access and recreation values associated with the estuary and whitebaiting which, when considered alongside the natural values present and the landscape context, warrant retaining the stewardship area as public conservation land.

Climate Change and Natural Hazards (Allowed)

- Submitters in opposition to disposal noted that the area is “vulnerable to flooding and erosion and river/coastal processes”.

- Submitters suggested retaining the area as “the tip of this peninsula is important for ameliorating tidal influences and providing climate resilience” and “the “area could also serve as a floodwater retention zone”.
- Submissions opposed the recommendation on the grounds that all public conservation land, even if modified/pasture, offers potential for climate change mitigation and adaption (e.g. “opportunities for flood/erosion buffering, or allowing room for natural river processes”, “areas are important for communities that they need to be kept by DOC for climate mitigation, not disposed of”).
- A submitter noted that “in almost all cases these areas have historically been part of the riverbed, and the rivers need this buffer to be able to move around without causing damage to infrastructure and farming assets. As a corollary to that, the freeholding of land adjacent to riverbeds often results in additional rock protection work which constrains the river, and the natural processes at play. This often results in unintended consequences (often erosion at other sites)”.
- It was stated that disposal “will not assist with a reduction in emissions from agriculture”.
- Submitters also argued that modified land could be retained and restored to support carbon sequestration (e.g. “Disposal will forgo future carbon sequestration and climate mitigation”).

I recommend that these comments are accepted. I have concluded based on comments in opposition that the natural resources present and landscape context do not support a recommendation for a disposal investigation. I agree that the estuarine/wetland area may hold potential benefits for flood buffering, and that the area may be suitable for restoration (the CVR states that it has moderately low naturalness value but would recover native vegetation cover quickly if retired from grazing), particularly as it is adjacent to other public conservation land.

- A submitter opposed disposal, stating that the “site should be reviewed for community climate adaptation and resilience”.

I recommend that these comments are not accepted. Comments regarding adaptation do not specify what type of adaptation they mean or why this should be considered for this conservation area, so I am unable to consider them further.

Ecology and Landscape (Allowed)

- Submitters opposed disposal, describing the land as a “sensitive estuarine area” a “scheduled wetland” adjacent to the Buller River Wildlife Refuge, holding potential to revert to an indigenous state, and highlighting its “capacity to support estuarine and terrestrial fauna”. It was noted that species recorded nearby include grey duck, red-billed gull, white-fronted tern, West Coast weka, Pukeko, and Marsh crake (e.g. “these species could benefit from such a reserve being established in this area, especially with the possibility of loss of habitat from urbanisation and pollution”). Wildlife management area was frequently recommended as a suitable alternative classification.
- Submissions expressed opposition to any disposal of stewardship land on the grounds that even modified areas are likely to contain some natural values or indigenous species (juncus, carex etc), that areas near forests could easily revert to a natural state, or that even highly modified land holds opportunities for ecosystem regeneration and restoration (e.g. “disposal will lose the opportunity for regeneration and restoration”). A “precautionary policy” was recommended to hold conservation future options open.
- A submission recommended that waterways and wetlands would be better protected if adjacent land was retained, grazing excluded, and restoration/natural succession allowed to occur.
- Submissions opposed disposal of land by rivers on the grounds that so little remains in public conservation land (e.g. “poor ecological representation in existing protected areas”).
- Submitters opposed disposal on riverbed and floodplains unless areas are “completely modified” and can be fenced off from waterways, or unless areas are small and landlocked and have no restoration potential.

I recommend that these comments are accepted. I agree that the natural resources raised in submitters’ comments (e.g. estuarine/wetland area, with various wetland bird species recorded nearby) and landscape context (adjacent to Buller River Wildlife Refuge, connected to other public conservation land) do not support a disposal investigation. I agree with submitters’ comments that, though areas of modification are present, the area may be suitable for restoration (the CVR states that it has moderately low naturalness value but would recover native vegetation cover quickly if retired from grazing). I note that the Conservation General Policy (6(d)(iii) states that land should not be disposed of where it has the

potential to be restored to improve the representation of habitats or ecosystems that are under-represented in public conservation lands.

Treaty Considerations (Allowed)

- One submission stated, “no stewardship land should be made available for disposal, except to tangata whenua; and only then with the need to maintain the block’s cultural, conservation & mahika-kai values in their entirety”.

I recommend this comment is accepted to the extent that it does not support a disposal outcome, as I have concluded that the stewardship area holds sufficient conservation values (e.g. wetland and restoration potential) to warrant retention as public conservation land.

- A submitter in opposition to disposal stated, “transfer ownership to local iwi”.

I recommend this comment is not accepted. I have concluded based on comments in opposition that the natural resources present, and landscape context do not support a recommendation for a disposal investigation.

General (Allowed)

- Submissions expressed opposition to disposal of any stewardship land in general terms, argued that public conservation land is best retained for future generations or future conservation purposes, expressed a desire for maximum environmental protection, or supported “a cautionary approach” and preference to retain land in Crown ownership.

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area and no new material is raised, these submission points do not raise any matters for further consideration.

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions recommended consideration of potential productivity and whether the land could be used to support future food security.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Process and Consultation (Not Allowed)

- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.
- It was noted that “proposed disposals do not give even a general indication where disposal boundaries might be”, making it difficult for submitters to comment.

It was suggested that there should be less focus on present values and more weight given to potential conservation value, as per the Conservation General Policy 6(c) and the Conservation Act requirement to safeguard options for future generations. It was recommended that the reclassification framework should include a “future conservation use” designation to hold land for future conservation requirements.

- A submitter noted that “there is no requirement” that land with low conservation values is disposed of, expressing opposition to any disposal of riverbed or pastoral land in public ownership.
- A submitter stated that “The National Panel is recommending 65 hectares for disposal, but has recommended up to an additional 1000 hectares of land may be disposed of where there is pastoral land alongside river conservation areas (subject to survey). This is not explained or justified”.
- A submitter advocated for the proposed classification to be revised, stating that “conservation values alone must determine recommended classifications, and recreation and use values are not conservation values”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- It was stated that the area “no doubt would have had more conservation values when first put into the conservation estate, so someone has cleared this area illegally and needs to be made accountable to rehabilitate it”.

- A submitter recommended that any land decided for disposal must be on the condition that any waterways and wetlands are protected by a setback.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Climate Change and Natural Hazards (Allowed)

- A submitter stated that no land should be disposed of if there is potential for restoration or carbon sequestration, and that riverbeds and adjacent land should be retained for flood retention, with no grazing permitted.

I recommend that these comments are accepted. I have concluded based on comments in opposition that the natural resources present, and landscape context do not support a recommendation for a disposal investigation. I agree that the estuarine/wetland area may hold potential benefits for flood buffering, and that the area is suitable for restoration (the CVR states that it has moderately low naturalness value but would recover native vegetation cover quickly if retired from grazing), particularly as it is adjacent to other public conservation land.

General (Allowed)

- Submissions advocated generally for all national parks, forest parks, scenic reserves, and stewardship land to be protected from development.

I recommend that these comments are not accepted. The legislation does not provide for absolute protection from development – rather it contemplates that some activities may be acceptable and provides a mechanism for authorising such activities, through the grant of concessions. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification.

Other (Not Allowed)

- One submission noted that disposal of land will be subject to the Heritage New Zealand Pouhere Taonga Notification Process for Disposal of Crown-owned Land.
One submission suggested any funds from land sold should go to the Nature Heritage Fund.

As I have recommended these comments are not allowed, I recommend they are not accepted.