

Stewardship Land Reclassification

Summary of Submissions Report

Appendix 5: Māwhera



Department of
Conservation
Te Papa Atawhai

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MAW_01 – Mt Marshall – 2808378

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Mt Marshall	MAW_01_2808378w	Ecological Area	Neutral	14	12

DOC Conservation Values Report (CVR) Description

A 2169.7452-ha forested hillside of beech/podocarp and broadleaved forests in the eastern Paparoa Ranges. It makes a significant contribution to the vast area of virgin forest on steep country in the ecological district. It is used by hunters and anglers who access the area either by helicopter or foot. DOC has been trying to acquire the piece of LINZ land between Mt Marshall and Otututu/Rough River valley for as long as the Department has been in existence.

Panel Recommendations

National Panel: Ecological area, to reflect the identified values, rationalise the boundary of the existing Saxton Ecological Area and 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.

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. beech/podocarp and broadleaved forests) and provide consistency with the surrounding Saxton Ecological Area.

Ecological Area - MAW_01_2808378w

Support

Climate Change and Natural Hazards (Allowed)

- 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).

General (Allowed)

- Submissions expressed overall support for the recommendation without providing specific justifications.
- Submissions agreed that the recommendation reflects the information provided in the technical reports.

- Submissions expressed a general preference for stewardship land to be reclassified at the highest possible classification, 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)

- Submissions advocating for national park classification noted that the area has high recreational tramping values (e.g. “options for off-track tramping trips to Mts Johnston and Marshall, with opportunities to camp and enjoy tussock tops and basins”).

I recommend that these comments are not accepted. The proposed classification does not prohibit public access for the proposed activities, where consistent with preservation of the conservation values present. The points raised do not justify reconsideration of the notified classification.

Ecology and Landscape (Allowed)

- Submissions in opposition all advocated for adding the area to the Paparoa National Park, based on its landscape connection to the national park and its similar values.
- Submissions noted that it is “naturally a part of Paparoa National Park landscape”, that the “parcel lies adjacent to land that has a higher protected status than that proposed”, the “land parcel has ecological values that appear similar to those on other nearby land with a higher protected status”, and that “it would make a logical addition to the park to enhance landscape connectivity and continuity”. It was also highlighted as being adjacent to the Paparoa Wilderness Area and “would act as a buffer”. The area was noted to be “classified as an Outstanding Natural Landscape with high natural character. It is a large piece of stewardship land contiguous with other surrounding high value PCL. All share high natural landscape character and are indistinguishable from each other both visually and in terms of integrated ecological processes”.
- Submitters also noted high ecological, landscape, wildlife and geological values (e.g. the area contains “at risk and/or threatened species; scenery and/or ecosystems, the preservation of which is in the national interest (national park quality)”, that addition to the national park would “include more of the complex geology and landforms of the Paparoa Range and its adjoining lowlands than is currently in the park”, that “vegetation patterns and diversity in these areas would similarly add to the continuity and representativeness of the national park”, and that it “significantly contributes to the vast area of virgin forests on the steep dissected eastern facing slopes of the Paparoa Range. Complete vegetation sequences are present from lower mixed podocarp beech forests slopes to montane beech forest, and subalpine tussock grassland screes and cushion bogs”.

I recommend that these comments are not accepted. My conclusion is that the natural resources present are appropriately protected under the proposed ecological area classification (e.g. indigenous forested area, high level of predicted naturalness, numerous small streams across a range of altitudes and alpine tarns above 1200 m above sea level), and the points raised do not justify overturning the notified intention. This recommendation is further supported by the contiguous boundary with both the Saxton and Otututu Ecological Areas.

General (Allowed)

- A submitter recommended adding the area to Paparoa National Park 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)

- One submission opposed reclassification as an ecological area on the grounds that, though it does not prohibit mining, it adds extra restrictions with consequent negative economic impacts, 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 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 (e.g. 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.

MAW_02 – Big River – 2806569

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Big River	MAW_02_2806569x	National Park		6036*	22
Big River	MAW_02_2806569y		Stewardship	12	34

DOC Conservation Values Report Description

A 0.2936-ha area of indigenous forest adjacent to one end of the Pike Stream Conservation Area and close to the Saxton/Otututu Ecological Management Unit.

Panel Recommendations

National Panel: National Park, to reflect the identified values. This recommendation has been made in conjunction with the Pike River Families Group Committee.

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 investigation to protect the area's natural values and improve climate change mitigation. 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".

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.

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.

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

National Park - MAW_02_2806569x

Support

Climate Change and Natural Hazards (Allowed)

- Submissions suggested that suitable stewardship land should be incorporated into adjacent areas to support climate change mitigation, and that the protection of the area was especially important in the context of climate change (“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 Paparoa National Park on the grounds that these areas hold similar ecological, geographical and landscape values, and would enhance connectivity or buffer the existing national park (e.g. “This will provide a continuous corridor for niche colonisation of fauna”, “They include more of the complex geology and landforms of the Paparoa Range and its adjoining lowlands than is currently in the park, and have high wildlife values. Vegetation patterns and diversity in these areas would similarly add to the continuity and representativeness of the national park”, “based on ecological and scenic values that are similar to adjoining national parks”, “provide additional habitat for rare and threatened species to move through the landscape”, “Paparoa National Park has unique flora and fauna and should be extended to preserve this valuable area”).
- Submitters, who supported the proposed national park investigation, cited that the current land classification delineations are “historic and arbitrary” and “not informed by ecological and landscape principles”.

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. a moderate example of regenerating podocarp/beech forest; lowland indigenous forest, part of a much larger forest ecosystem). The proximity of the Paparoa 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 park 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)

- 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)

- A submitter expressed support for all extensions to Paparoa National Park, commenting that “The expansion of the Paparoa National Park in general will be of great value to the tourism industry in this area. With the Paparoa Great Walk open and the Coast Road Highway having international status as a tourism draw card many of the residents in the area have invested their time and money developing tourist related industry and occupations”.
- 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 approved of national park classification as presenting a high bar to economic development, and were concerned with ensuring that mining or other potentially damaging activities were not allowed in areas with high natural values.

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”.

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)

- One submitter recommended ecological area classification, describing the area as isolated from the national park and of “only moderate value”.
- Submissions opposed all recommended reclassification as 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, my assessment is that the natural resources described in the CVR (e.g. a moderate example of regenerating podocarp/beech forest; lowland indigenous forest, part of a much larger forest ecosystem) 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 proximity of the Paparoa 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, obstructs 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”.

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.

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 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 - MAW_o2_2806569y

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)

- 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”).
- Submissions 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)

- 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)

- 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

Ecology and Landscape (Allowed)

- A submitter stated that “the ecological significance of this area is too valuable to be left to Stewardship governance”.
- A submitter recommended that all conservation areas should be given a classification consistent with adjoining conservation land, suggesting that even if areas do not have national park values, this approach would buffer and protect the natural and freshwater values of the existing park, support restoration, and streamline management.
- A submission advocated for national park reclassification “based upon ecological and scenic values that are similar to adjoining national parks”.

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. a moderate example of regenerating podocarp/beech forest; lowland indigenous forest, part of a much larger forest ecosystem). The proximity of the Paparoa 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.

- Ecological area was recommended, with the submitter noting that the conservation area is isolated from the national park and of “only moderate value”.

I recommend that these comments are not accepted. Although areas of modification may be present, my assessment is that the natural resources described in the CVR (e.g. a moderate example of regenerating podocarp/beech forest; lowland indigenous forest, part of a much larger forest ecosystem) 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 proximity of the Paparoa National Park.

Treaty Considerations (Allowed)

- 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 national park and for “maximum protection across all stewardship land”, 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 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 (e.g. under a hunting permit) where consistent with preservation of the conservation values present.

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.

MAW_02 – Pike Stream – 3446390

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Pike Stream	MAW_02_3446390a	National Park		6040*	23
Pike Stream	MAW_02_3446390b		Stewardship	14	37

DOC Conservation Values Report Description

A 70.2209-ha river terrace including parts of Logburn Road and indigenous forest. It is adjacent to the Saxton/Otututu Ecological Management Unit and a moderate example of regenerating podocarp/beech forest on terraces in the Maimai Ecological District. There is currently little facility or recreation other than hunting, but the Pike Stream Conservation Area will provide public access to the Pike River Mine memorial site and Pike29 Memorial Track once the redevelopment is complete. Once open, the road will also provide good access to Pike River for whitewater kayakers. This land, including the main access road into Pike Valley, was surrendered to the Department via Solid Energy as part of the access arrangement agreement that they inherited from the failed Pike River Coal Company. Some small parts of this roadway form part of this parcel, and power infrastructure remains close to the road.

Panel Recommendations

National Panel: National Park, to reflect the identified values. This recommendation has been made in conjunction with the Pike River Families Group Committee.

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 investigation 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".

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 - MAW_o2_3446390a

Support

Access and Recreation (Allowed)

- A submitter who described themselves as a whitewater paddler stated that “road access to this stream makes this block worthy of addition to the Paparoa National Park. I first paddled this streamway back in 1975”.

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)

- Submissions suggested that suitable stewardship land should be incorporated into adjacent areas to support climate change mitigation, and that the protection of the area was especially important in the context of climate change (“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)

- A submitter stated that adding the river terrace of Pike River and Big River to the Paparoa National Park will provide for the regeneration of podocarp/beech forest and greater protection for the area.
- There was support for adding close or adjoining conservation areas to the Paparoa National Park on the grounds that these areas hold similar ecological, geographical and landscape values, and would enhance connectivity or buffer the existing national park (e.g. “They include more of the complex geology and landforms of the Paparoa Range and its adjoining lowlands than is currently in the park, and have high wildlife values. Vegetation patterns and diversity in these areas would similarly add to the continuity and representativeness of the national park”, “based on ecological and scenic values that are similar to adjoining national parks”, “provide additional habitat for rare and threatened species to move through the landscape”, “Paparoa National Park has unique flora and fauna and should be extended to preserve this valuable area”).
- Submitters, who supported the proposed national park investigation, cited that the current land classification delineations are “historic and arbitrary” and “not informed by ecological and landscape principles”.
- A submitter stated that with its access, biodiversity and historic/cultural values associated with the Pike River disaster, the area should become national park. They noted that this classification is supported by the Pike River families.

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. a moderate example of regenerating podocarp/beech forest; lowland indigenous forest, part of a much larger forest ecosystem). The proximity of the Paparoa 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 park 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)

- 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)

- A submitter expressed support for all extensions to Paparoa National Park, commenting that “The expansion of the Paparoa National Park in general will be of great value to the tourism industry in this area. With the Paparoa Great Walk open and the Coast Road Highway having international status as a tourism draw card many of the residents in the area have invested their time and money developing tourist related industry and occupations”.
- 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 approved of national park classification as presenting a high bar to economic development, and were concerned with ensuring that mining or other potentially damaging activities were not allowed in areas with high natural values.

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”.

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)

- One submitter recommended ecological area classification, describing the area as isolated from the national park and of “only moderate value”.
- Submissions opposed all recommended reclassification as 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, my assessment is that the natural resources described in the CVR (e.g. a moderate example of regenerating podocarp/beech forest; lowland indigenous forest, part of a much larger forest ecosystem) 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 proximity of the Paparoa 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, obstructs 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”.

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.

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

Process and Consultation (Not Allowed)

- A submitter suggested that due to the restrictive nature of national park status, reclassification should only occur after “extensive consultation and agreement with the local iwi, stakeholders, concessionaires, interested groups and local residents in consideration in addition to not only the environmental and ecological assets, but to such things as tracking, huts, air space and landings, noise and rating”.
- 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 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 is 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 - MAW_02_3446390b

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)

- 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”).
- Submissions 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)

- 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)

- 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

Ecology and Landscape (Allowed)

- A submitter recommended that all conservation areas should be given a classification consistent with adjoining conservation land, suggesting that even if areas do not have national park values, this approach would buffer and protect the natural and freshwater values of the existing park, support restoration, and streamline management.
- A submission advocated for national park reclassification “based upon ecological and scenic values that are similar to adjoining national parks”.

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. a moderate example of regenerating podocarp/beech forest; lowland indigenous forest, part of a much larger forest ecosystem). The proximity of the Paparoa 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.

- Ecological area was recommended, with the submitter noting that the conservation area is isolated from the national park and of “only moderate value”.

I recommend that these comments are not accepted. Although areas of modification may be present, my assessment is that the natural resources described in the CVR (e.g. a moderate example of regenerating podocarp/beech forest; lowland indigenous forest, part of a much larger forest ecosystem) 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 proximity of the Paparoa National Park.

Treaty Considerations (Allowed)

- 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 national park and for “maximum protection across all stewardship land”, 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 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, or objecting to the “blanket ban” on additions to national parks.

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 (e.g. under a hunting permit) where consistent with preservation of the conservation values present.

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.

MAW_03 – Big River – 2806779

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Big River	MAW_03_2806779c	Local Purpose (River Conservation) Reserve	Neutral	7	12

DOC Conservation Values Report Description

A 15791-ha area of pasture or grazing with some trees close to another Big River Conservation Area. Multiple grazing concessions are in place for the MAW_03 assessment area.

Panel Recommendations

National Panel: Local purpose (river conservation) reserve, to 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.

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 - MAW_03_2806779c

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 classification, based on its “cultural conservation value”.

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)

- One submission noted that they assumed there would be no grazing concessions permitted in the local purpose reserve.

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

Oppose

Climate Change and Natural Hazards (Allowed)

- Submissions opposed the classification on the basis that it does not consider climate change impacts and mitigation opportunities, including carbon sequestration and floodplain buffering, suggesting other classifications would be more appropriate (e.g. “these recommendations do not give consideration (active or not) nor effect to the very high and nationally important natural conservation values of the rivers, which include the rivers themselves, and the unfolding of nationally outstanding natural ecological processes and dynamics under climate change, nor nationally important conservation outcomes that could be achieved in the future”).
- Submissions proposed government purpose (climate mitigation) reserve or government purpose (river floodplain) reserve as possible classifications.
- Submissions recommended an ecosystem or catchment based approach to the classification of riverbeds, to build resilience for habitats and climate mitigation (e.g. “These values and outcomes are realised principally in allowing the land to move and evolve without obstruction or modification, and in allowing natural vegetation regeneration, and also better realised if rivers and coasts are administered as whole systems”).

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 (e.g. “Forest & Bird opposes the reclassification of land parcels that Include riverbeds or river margins held as stewardship land to LPR (River Conservation) recommendations unless the purpose can clearly set out how the freshwater values will be protected. It is entirely unclear if such a reserve would properly protect the natural values”, “I cannot support most of the local purpose reserves without greater clarity of purpose”).
- 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) reserve recommendations, 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.
- A submission opposed the classification as not representing or allowing for important river conservation values, including natural river processes and ecological values (“I submit that these recommendations do not give consideration (active or not) nor effect to the very high and nationally important natural conservation values of the rivers, which include the rivers themselves, and the unfolding of nationally outstanding natural ecological processes”).
- A submission also noted that there are restoration opportunities for the site (“retention of good opportunities for restoration of depleted indigenous ecosystem”).

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.

- 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 a status consistent with adjacent or nearby public conservation land, government purpose (Te Mana o Te Wai) reserve, scenic reserve, ecological area (to recognise the role of water in connecting ecosystems and delivering nutrients), government purpose (river floodplain) reserve, 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)

- Submissions opposed the recommendation as “inappropriate”, stating that it gives no greater protection than 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.

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions recommended ending all grazing licences within river margins.
- A submission opposed the classification due to concern it would affect existing permissions and river activities.

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 submission 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 Not Stated

Access and Recreation (Allowed)

- Submissions 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.

MAW_03 – Big River – 2806780

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Big River	MAW_03_2806780d	Local Purpose (River Conservation) Reserve	Neutral	7	12

DOC Conservation Values Report Description

A 45.243-ha area of partly active riverbed and partly forested low river terraces adjacent to Big River. The assessment area is part of a dynamic river system including active riverbed and indigenous forest. Multiple grazing concessions are in place for this assessment area. Occasional hunting and fishing.

Panel Recommendations

National Panel: Local purpose (river conservation) reserve, to 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.

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 - MAW_03_2806780d

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 classification, based on its “cultural conservation value”.

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)

- One submission noted that they assumed there would be no grazing concessions permitted in the local purpose reserve.

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

Oppose

Climate Change and Natural Hazards (Allowed)

- Submissions opposed the classification on the basis that it does not consider climate change impacts and mitigation opportunities, including carbon sequestration and floodplain buffering, suggesting other classifications would be more appropriate (e.g. “these recommendations do not give consideration (active or not) nor effect to the very high and nationally important natural conservation values of the rivers, which include the rivers themselves, and the unfolding of nationally outstanding natural ecological processes and dynamics under climate change, nor nationally important conservation outcomes that could be achieved in the future”).
- Submissions proposed government purpose (climate mitigation) reserve or government purpose (river floodplain) reserve as possible classifications.
- Submissions recommended an ecosystem or catchment based approach to the classification of riverbeds, to build resilience for habitats and climate mitigation (e.g. “These values and outcomes are realised principally in allowing the land to move and evolve without obstruction or modification, and in allowing natural vegetation regeneration, and also better realised if rivers and coasts are administered as whole systems”).

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 (e.g. “Forest & Bird opposes the reclassification of land parcels that include riverbeds or river margins held as stewardship land to LPR (River Conservation) recommendations unless the purpose can clearly set out how the freshwater values will be protected. It is entirely unclear if such a reserve would properly protect the natural values”, “I cannot support most of the local purpose reserves without greater clarity of purpose”).
- 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) reserve recommendations, 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.
- A submission opposed the classification as not representing or allowing for important river conservation values, including natural river processes and ecological values (“I submit that these recommendations do not give consideration (active or not) nor effect to the very high and nationally important natural conservation values of the rivers, which include the rivers themselves, and the unfolding of nationally outstanding natural ecological processes”).
- A submission also noted that there are restoration opportunities for the site (“retention of good opportunities for restoration of depleted indigenous ecosystem”).

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.

- 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 a status consistent with adjacent or nearby public conservation land, government purpose (Te Mana o Te Wai) reserve, Scenic reserve, ecological area (to recognise the role of water in connecting ecosystems and delivering nutrients), government purpose (river floodplain) reserve, 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)

- Submissions opposed the recommendation as “inappropriate”, stating that it gives no greater protection than 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.

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions recommended ending all grazing licences within river margins.
- A submission opposed the classification due to concern it would affect existing permissions and river activities.

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 submission 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 Not Stated

Access and Recreation (Allowed)

- Submissions 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.

MAW_03 – Big River – 2806785

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Big River	MAW_03_2806785e	National Park		6042*	21
Big River	MAW_03_2806785f		Stewardship	13	40

DOC Conservation Values Report Description

A 23,4406-ha area of partly active riverbed and partly forested low river terraces adjacent to Big River. It is adjacent to the Saxton/Otututu Ecological Management Unit with a section of Logburn Road passing through which will provide access to the Pike River Amenity Area and the Pike29 Memorial Track/Paparoa Track. The area is part of a dynamic river system including active riverbed and indigenous forest. Multiple grazing concessions are in place for this assessment area. Occasional hunting and fishing.

Panel Recommendations

National Panel: National Park, to rationalise the boundary of Paparoa National Park and improve landscape continuity. This area is contiguous with Paparoa National Park and shares complementary conservation values.

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 investigation to protect the area's natural values and improve climate change mitigation. 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".

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.

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.

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

National Park - MAW_03_2806785e

Support

Climate Change and Natural Hazards (Allowed)

- Submissions suggested that suitable stewardship land should be incorporated into adjacent areas to support climate change mitigation, and that the protection of the area was especially important in the context of climate change (“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 Paparoa National Park on the grounds that these areas hold similar ecological, geographical and landscape values, and would enhance connectivity or buffer the existing national park (e.g. “The inclusion of this riparian habitat into the N Park will ensure ecological connectivity from the Grey River/Māwheranui into the national park”, “They include more of the complex geology and landforms of the Paparoa Range and its adjoining lowlands than is currently in the park, and have high wildlife values. Vegetation patterns and diversity in these areas would similarly add to the continuity and representativeness of the national park”, “based on ecological and scenic values that are similar to adjoining national parks”, “provide additional habitat for rare and threatened species to move through the landscape”, “Paparoa National Park has unique flora and fauna and should be extended to preserve this valuable area”).
- A submitter supported national park based on the “rarity of forested islands in the riverbed”, and recommended that the grazing licences should not be renewed when they expire to allow for restoration.
- Submitters, who supported the proposed national park investigation, cited that the current land classification delineations are “historic and arbitrary” and “not informed by ecological and landscape principles”.

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. part of a dynamic river system including active riverbed and indigenous forest). The proximity of the Paparoa 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 park 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)

- 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)

- A submitter expressed support for all extensions to Paparoa National Park, commenting that “The expansion of the Paparoa National Park in general will be of great value to the tourism industry in this area. With the Paparoa Great Walk open and the Coast Road Highway having international status as a tourism draw card many of the residents in the area have invested their time and money developing tourist related industry and occupations”.
- 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 approved of national park classification as presenting a high bar to economic development, and were concerned with ensuring that mining or other potentially damaging activities were not allowed in areas with high natural values.

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”.

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 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, my assessment is that the natural resources described in the CVR (e.g. part of a dynamic river system including active riverbed and indigenous forest) 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 proximity of the Paparoa 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, obstructs 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”.

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)

- A submitter opposed the change in status based on concerns this would affect existing concessions, noting various grazing licences in the area.
- 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.

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 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 - MAW_o3_2806785f

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)

- 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”).
- Submissions 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)

- 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 in support expressed concern that change in status would affect permissions, noting the existence of various grazing concessions.
- 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

Ecology and Landscape (Allowed)

- Submissions expressed preference for national park classification, based on similar values (e.g. “Big River has similar geological, flora and fauna as the adjacent Paparoa National Park and should also be included as a National Park”).
- A submitter recommended that all conservation areas should be given a classification consistent with adjoining conservation land, suggesting that even if areas do not have national park values, this approach would buffer and protect the natural and freshwater values of the existing park, support restoration, and streamline management.

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. part of a dynamic river system including active riverbed and indigenous forest). The proximity of the Paparoa 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 expressed a preference for national park reclassification to protect the natural values, but suggested that this classification could still allow for customary use and relationships (e.g. “I am confident that appropriate and respectful consideration can also be given to iwi views and customs pertaining to this area; whilst also being able to be afforded the valuable protection of National Park status for the benefit of all species”).
- One submitter 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”. Another stated, “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. It was suggested that “the issue of Mana Whenua kaitiaki rights and responsibilities needs to be addressed separately during the impending conservation law reform, at a higher level”.

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 national park and for “maximum protection across all stewardship land”, 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 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 (e.g. under a hunting permit) where consistent with preservation of the conservation values present.

Treaty Considerations (Allowed)

- A submitter recommended resolving potential amendments to the National Parks Act as a priority so there is “no need to retain land in stewardship 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.

MAW_04 – Grey River/Māwheranui and Rough River – 2806491

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Grey River/ Māwheranui and Rough River	MAW_04_2806491g	Local Purpose (River Conservation) Reserve	Neutral	7	11

DOC Conservation Values Report Description

A 9.1119-ha area of primarily forested land surrounded by farmland and grazing in the Grey River/Māwheranui valley. Game bird hunting may occur.

Panel Recommendations

National Panel: Local purpose (river conservation) reserve, to 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).

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 - MAW_04_2806491g

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 classification, based on its “cultural conservation value”.

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)

- One submission noted that they assumed there would be no grazing concessions permitted in the local purpose reserve.
- One submission supported the classification but noted that it “should not affect any existing permissions”.

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

Oppose

Climate Change and Natural Hazards (Allowed)

- Submissions opposed the classification on the basis that it does not consider climate change impacts and mitigation opportunities, including carbon sequestration and floodplain buffering, suggesting other classifications would be more appropriate (e.g. “these recommendations do not give consideration (active or not) nor effect to the very high and nationally important natural conservation values of the rivers, which include the rivers themselves, and the unfolding of nationally outstanding natural ecological processes and dynamics under climate change, nor nationally important conservation outcomes that could be achieved in the future”).
- A submission proposed government purpose (climate mitigation) reserve as a possible classification.
- Submissions recommended an ecosystem or catchment based approach to the classification of riverbeds, to build resilience for habitats and climate mitigation (e.g. “These values and outcomes are realised principally in allowing the land to move and evolve without obstruction or modification, and in allowing natural vegetation regeneration, and also better realised if rivers and coasts are administered as whole systems”).

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 (e.g. “Forest & Bird opposes the reclassification of land parcels that include riverbeds or river margins held as stewardship land to LPR (River Conservation) recommendations unless the purpose can clearly set out how the freshwater values will be protected. It is entirely unclear if such a reserve would properly protect the natural values”, “I cannot support most of the local purpose reserves without greater clarity of purpose”).
- 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) reserve recommendations, 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.
- Submissions opposed the classification as not representing or allowing for important river conservation values, including natural river processes and ecological values (“depleted ecosystems in relatively good condition”, “I submit that these recommendations do not give consideration (active or not) nor effect to the very high and nationally important natural conservation values of the rivers, which include the rivers themselves, and the unfolding of nationally outstanding natural ecological processes”).

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.

- 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 a status consistent with adjacent or nearby public conservation land, 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)

- Submissions opposed the recommendation as “inappropriate”, stating that it gives no greater protection than 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.

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions recommended ending or rationalising grazing licences within river margins.
- A submission opposed the classification due to concern it would affect existing permissions and river activities.

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 submission 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 Not Stated

Access and Recreation (Allowed)

- Submissions were concerned with ensuring that any reclassification provides explicitly for access, sports fishing and gamebird hunting.
- A submitter wanted to ensure that access to the rivers is maintained or improved, including by helicopter.

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.

Ecology and Landscape (Allowed)

- A submitter wanted to ensure that “rivers are maintained in a free-flowing unmodified state, and in particular that the conservation classification does not allow for dams or flow diversions”.

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.

Permissions, Economic Factors and Land Use (Not Allowed)

- A submitter wanted the current concession system to continue being used.

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

MAW_04 – Grey River/Māwheranui – 2806787

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Grey River/ Māwheranui	MAW_04_2806787h	Local Purpose (River Conservation) Reserve	Neutral	8	11

DOC Conservation Values Report Description

A 47.6376-ha area of land covering active riverbeds and adjacent terraces in the Grey River/Māwheranui valley. The area provides different types of important habitat for native invertebrate and fish species. Concessions exist for easements and grazing licences, while jetboating, trout and game bird hunting may occur.

Panel Recommendations

National Panel: Local purpose (river conservation) reserve, to 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).

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 - MAW_04_2806787h

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 classification, based on its “cultural conservation value”.

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)

- One submission noted that they assumed there would be no grazing concessions permitted in the local purpose reserve.
- One submission supported the classification but noted that it “should not affect any existing permissions”.

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

Oppose

Climate Change and Natural Hazards (Allowed)

- Submissions opposed the classification on the basis that it does not consider climate change impacts and mitigation opportunities, including carbon sequestration and floodplain buffering, suggesting other classifications would be more appropriate (e.g. “these recommendations do not give consideration (active or not) nor effect to the very high and nationally important natural conservation values of the rivers, which include the rivers themselves, and the unfolding of nationally outstanding natural ecological processes and dynamics under climate change, nor nationally important conservation outcomes that could be achieved in the future”).
- Submissions proposed government purpose (climate mitigation) reserve or government purpose (river floodplain) reserve as possible classifications.
- Submissions recommended an ecosystem or catchment based approach to the classification of riverbeds, to build resilience for habitats and climate mitigation (e.g. “These values and outcomes are realised principally in allowing the land to move and evolve without obstruction or modification, and in allowing natural vegetation regeneration, and also better realised if rivers and coasts are administered as whole systems”).

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 (e.g. “Forest & Bird opposes the reclassification of land parcels that include riverbeds or river margins held as stewardship land to LPR (River Conservation) recommendations unless the purpose can clearly set out how the freshwater values will be protected. It is entirely unclear if such a reserve would properly protect the natural values”, “I cannot support most of the local purpose reserves without greater clarity of purpose”).
- 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) reserve recommendations, 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.
- Submissions opposed the classification as not representing or allowing for important river conservation values, including natural river processes, highlighting the ecological values present and opportunities for restoration (e.g. “naturally uncommon ecosystems - including dunes and wetlands”, “I submit that these recommendations do not give consideration (active or not) nor effect to the very high and nationally important natural conservation values of the rivers, which include the rivers themselves, and the unfolding of nationally outstanding natural ecological processes”).

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.

- 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 a status consistent with adjacent or nearby public conservation land, 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)

- Submissions opposed the recommendation as “inappropriate”, stating that it gives no greater protection than 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.

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions recommended ending or rationalising grazing licences within river margins.
- A submission opposed the classification due to concern it would affect existing permissions and river activities.

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 submission 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 Not Stated

Access and Recreation (Allowed)

- Submissions were concerned with ensuring that any reclassification provides explicitly for access, sports fishing and gamebird hunting.
- A submitter wanted to ensure that access to the rivers is maintained or improved, including by helicopter.

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.

Ecology and Landscape (Allowed)

- A submitter wanted to ensure that “rivers are maintained in a free-flowing unmodified state, and in particular that the conservation classification does not allow for dams or flow diversions”.

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.

Permissions, Economic Factors and Land Use (Not Allowed)

- A submitter wanted the current concession system to continue being used.

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

MAW_04 – Grey River/Māwheranui – 2806788

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Grey River/ Māwheranui	MAW_04_2806788i	Local Purpose (River Conservation) Reserve	Neutral	8	11

DOC Conservation Values Report Description

A 49.1336-ha area of land covering active riverbeds and adjacent terraces in the Grey River/Māwheranui valley. The area provides different types of important habitat for native invertebrate and fish species. Concessions exist for easements and grazing licences, while jetboating, trout and game bird hunting may occur.

Panel Recommendations

National Panel: Local purpose (river conservation) reserve, to 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).

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 - MAW_04_2806788i

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 classification, based on its “cultural conservation value”.

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)

- One submission noted that they assumed there would be no grazing concessions permitted in the local purpose reserve.
- One submission supported the classification but noted that it “should not affect any existing permissions”.

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

Oppose

Climate Change and Natural Hazards (Allowed)

- Submissions opposed the classification on the basis that it does not consider climate change impacts and mitigation opportunities, including carbon sequestration and floodplain buffering, suggesting other classifications would be more appropriate (e.g. “these recommendations do not give consideration (active or not) nor effect to the very high and nationally important natural conservation values of the rivers, which include the rivers themselves, and the unfolding of nationally outstanding natural ecological processes and dynamics under climate change, nor nationally important conservation outcomes that could be achieved in the future”).
- Submissions proposed government purpose (climate mitigation) reserve or government purpose (river floodplain) reserve as possible classifications.
- Submissions recommended an ecosystem or catchment based approach to the classification of riverbeds, to build resilience for habitats and climate mitigation (e.g. “These values and outcomes are realised principally in allowing the land to move and evolve without obstruction or modification, and in allowing natural vegetation regeneration, and also better realised if rivers and coasts are administered as whole systems”).

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 (e.g. “Forest & Bird opposes the reclassification of land parcels that include riverbeds or river margins held as stewardship land to LPR (River Conservation) recommendations unless the purpose can clearly set out how the freshwater values will be protected. It is entirely unclear if such a reserve would properly protect the natural values”, “I cannot support most of the local purpose reserves without greater clarity of purpose”).
- 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) reserve recommendations, 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.
- Submissions opposed the classification as not representing or allowing for important river conservation values, including natural river processes, highlighting the ecological values present and opportunities for restoration (e.g. “naturally uncommon ecosystems including dunes and wetlands”, “I submit that these recommendations do not give consideration (active or not) nor effect to the very high and nationally important natural conservation values of the rivers, which include the rivers themselves, and the unfolding of nationally outstanding natural ecological processes”).

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.

- 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 a status consistent with adjacent or nearby public conservation land, government purpose (Te Mana o Te Wai) reserve, government purpose (river floodplain) 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)

- Submissions opposed the recommendation as “inappropriate”, stating that it gives no greater protection than 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.

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions recommended ending or rationalising grazing licences within river margins.
- A submission opposed the classification due to concern it would affect existing permissions and river activities.

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 submission 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 Not Stated

Access and Recreation (Allowed)

- Submissions were concerned with ensuring that any reclassification provides explicitly for access, sports fishing and gamebird hunting.
- A submitter wanted to ensure that access to the rivers is maintained or improved, including by helicopter.

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.

Ecology and Landscape (Allowed)

- A submitter wanted to ensure that “rivers are maintained in a free-flowing unmodified state, and in particular that the conservation classification does not allow for dams or flow diversions”.

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.

Permissions, Economic Factors and Land Use (Not Allowed)

- A submitter wanted the current concession system to continue being used.

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

MAW_04 – Grey River/Māwheranui – 2806811

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Grey River/ Māwheranui	MAW_04_2806811j	Local Purpose (River Conservation) Reserve	Neutral	8	11

DOC Conservation Values Report Description

An 11.3599-ha area of land covering active riverbeds and adjacent terraces in the Grey River/Māwheranui valley with some parts having been integrated into neighbouring farms. The area provides different types of important habitat for native invertebrate and fish species. Concessions exist for easements and grazing licences, while jetboating, trout and game bird hunting may occur.

Panel Recommendations

National Panel: Local purpose (river conservation) reserve, to 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).

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 - MAW_04_2806811j

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 classification, based on its “cultural conservation value”.

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)

- One submission noted that they assumed there would be no grazing concessions permitted in the local purpose reserve.
- One submission supported the classification but noted that it “should not affect any existing permissions”.

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

Oppose

Climate Change and Natural Hazards (Allowed)

- Submissions opposed the classification on the basis that it does not consider climate change impacts and mitigation opportunities, including carbon sequestration and floodplain buffering, suggesting other classifications would be more appropriate (e.g. “these recommendations do not give consideration (active or not) nor effect to the very high and nationally important natural conservation values of the rivers, which include the rivers themselves, and the unfolding of nationally outstanding natural ecological processes and dynamics under climate change, nor nationally important conservation outcomes that could be achieved in the future”).
- Submissions proposed government purpose (climate mitigation) reserve or government purpose (river floodplain) reserve as possible classifications.
- Submissions recommended an ecosystem or catchment based approach to the classification of riverbeds, to build resilience for habitats and climate mitigation (e.g. “These values and outcomes are realised principally in allowing the land to move and evolve without obstruction or modification, and in allowing natural vegetation regeneration, and also better realised if rivers and coasts are administered as whole systems”).

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 (e.g. “Forest & Bird opposes the reclassification of land parcels that include riverbeds or river margins held as stewardship land to LPR (River Conservation) recommendations unless the purpose can clearly set out how the freshwater values will be protected. It is entirely unclear if such a reserve would properly protect the natural values”, “I cannot support most of the local purpose reserves without greater clarity of purpose”).
- 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) reserve recommendations, 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.
- Submissions opposed the classification as not representing or allowing for important river conservation values, including natural river processes, highlighting the ecological values present and opportunities for restoration (e.g. “naturally uncommon ecosystems including dunes and wetlands”, “I submit that these recommendations do not give consideration (active or not) nor effect to the very high and nationally important natural conservation values of the rivers, which include the rivers themselves, and the unfolding of nationally outstanding natural ecological processes”).

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.

- 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 a status consistent with adjacent or nearby public conservation land, government purpose (Te Mana o Te Wai) reserve, government purpose (river floodplain) 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)

- Submissions opposed the recommendation as “inappropriate”, stating that it gives no greater protection than 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.

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions recommended ending or rationalising grazing licences within river margins.
- A submission opposed the classification due to concern it would affect existing permissions and river activities.

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 submission 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 Not Stated

Access and Recreation (Allowed)

- Submissions were concerned with ensuring that any reclassification provides explicitly for access, sports fishing and gamebird hunting.
- A submitter wanted to ensure that access to the rivers is maintained or improved, including by helicopter.

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)

- A submitter wanted to ensure that “rivers are maintained in a free-flowing unmodified state, and in particular that the conservation classification does not allow for dams or flow diversions”.

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.

Permissions, Economic Factors and Land Use (Not Allowed)

- A submitter wanted the current concession system to continue being used.

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

MAW_04 – Grey River/Māwheranui – 2806812

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Grey River/ Māwheranui	MAW_04_2806812k	Local Purpose (River Conservation) Reserve	Neutral	8	11

DOC Conservation Values Report Description

A 75.228-ha area of land covering active riverbeds and adjacent terraces in the Grey River/Māwheranui valley with some parts having been integrated into neighbouring farms. The area provides different types of important habitat for native invertebrate and fish species. Concessions exist for easements and grazing licences, while jetboating, trout and game bird hunting may occur.

Panel Recommendations

National Panel: Local purpose (river conservation) reserve, to 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).

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 - MAW_04_2806812k

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 classification, based on its “cultural conservation value”.

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)

- One submission noted that they assumed there would be no grazing concessions permitted in the local purpose reserve.
- One submission supported the classification but noted that it “should not affect any existing permissions”.

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

Oppose

Climate Change and Natural Hazards (Allowed)

- Submissions opposed the classification on the basis that it does not consider climate change impacts and mitigation opportunities, including carbon sequestration and floodplain buffering, suggesting other classifications would be more appropriate (e.g. “these recommendations do not give consideration (active or not) nor effect to the very high and nationally important natural conservation values of the rivers, which include the rivers themselves, and the unfolding of nationally outstanding natural ecological processes and dynamics under climate change, nor nationally important conservation outcomes that could be achieved in the future”).
- Submissions proposed government purpose (climate mitigation) reserve or government purpose (river floodplain) reserve as possible classifications.
- Submissions recommended an ecosystem or catchment based approach to the classification of riverbeds, to build resilience for habitats and climate mitigation (e.g. “These values and outcomes are realised principally in allowing the land to move and evolve without obstruction or modification, and in allowing natural vegetation regeneration, and also better realised if rivers and coasts are administered as whole systems”).

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 (e.g. “Forest & Bird opposes the reclassification of land parcels that include riverbeds or river margins held as stewardship land to LPR (River Conservation) recommendations unless the purpose can clearly set out how the freshwater values will be protected. It is entirely unclear if such a reserve would properly protect the natural values”, “I cannot support most of the local purpose reserves without greater clarity of purpose”).
- 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) reserve recommendations, 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.
- Submissions opposed the classification as not representing or allowing for important river conservation values, including natural river processes, highlighting the ecological values present and opportunities for restoration (e.g. “naturally uncommon ecosystems including dunes and wetlands”, “I submit that these recommendations do not give consideration (active or not) nor effect to the very high and nationally important natural conservation values of the rivers, which include the rivers themselves, and the unfolding of nationally outstanding natural ecological processes”).

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.

- 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 a status consistent with adjacent or nearby public conservation land, government purpose (Te Mana o Te Wai) reserve, government purpose (river floodplain) 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)

- Submissions opposed the recommendation as “inappropriate”, stating that it gives no greater protection than 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.

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions recommended ending or rationalising grazing licences within river margins.
- A submission opposed the classification due to concern it would affect existing permissions and river activities.

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 submission 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 Not Stated

Access and Recreation (Allowed)

- Submissions were concerned with ensuring that any reclassification provides explicitly for access, sports fishing and gamebird hunting.
- A submitter wanted to ensure that access to the rivers is maintained or improved, including by helicopter.

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.

Ecology and Landscape (Allowed)

- A submitter wanted to ensure that “rivers are maintained in a free-flowing unmodified state, and in particular that the conservation classification does not allow for dams or flow diversions”.

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.

Permissions, Economic Factors and Land Use (Not Allowed)

- A submitter wanted the current concession system to continue being used.

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

MAW_o4 – Rough River – 2806820

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Rough River	MAW_o4_2806820I	Local Purpose (River Conservation) Reserve	Neutral	7	11

DOC Conservation Values Report Description

An 11.3599-ha area of land covering active riverbeds and adjacent terraces in the Grey River/Māwheranui valley with some parts having been integrated into neighbouring farms. The area provides different types of important habitat for native invertebrate and fish species. Concessions exist for easements, alluvial goldmining and grazing licences while jetboating, trout and game bird hunting may occur.

Panel Recommendations

National Panel: Local purpose (river conservation) reserve, to 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).

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 - MAW_o4_2806820I

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 classification, based on its “cultural conservation value”.

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)

- One submission noted that they assumed there would be no grazing concessions permitted in the local purpose reserve.
- One submission supported the classification but noted that it “should not affect any existing permissions”.

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

Oppose

Climate Change and Natural Hazards (Allowed)

- Submissions opposed the classification on the basis that it does not consider climate change impacts and mitigation opportunities, including carbon sequestration and floodplain buffering, suggesting other classifications would be more appropriate (e.g. “these recommendations do not give consideration (active or not) nor effect to the very high and nationally important natural conservation values of the rivers, which include the rivers themselves, and the unfolding of nationally outstanding natural ecological processes and dynamics under climate change, nor nationally important conservation outcomes that could be achieved in the future”).
- Submissions proposed government purpose (climate mitigation) reserve or government purpose (river floodplain) reserve as possible classifications.
- Submissions recommended an ecosystem or catchment based approach to the classification of riverbeds, to build resilience for habitats and climate mitigation (e.g. “These values and outcomes are realised principally in allowing the land to move and evolve without obstruction or modification, and in allowing natural vegetation regeneration, and also better realised if rivers and coasts are administered as whole systems”).

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 (e.g. “Forest & Bird opposes the reclassification of land parcels that include riverbeds or river margins held as stewardship land to LPR (River Conservation) recommendations unless the purpose can clearly set out how the freshwater values will be protected. It is entirely unclear if such a reserve would properly protect the natural values”, “I cannot support most of the local purpose reserves without greater clarity of purpose”).
- 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) reserve recommendations, 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.
- Submissions opposed the classification as not representing or allowing for important river conservation values, including natural river processes, highlighting the ecological values present and opportunities for restoration (e.g. “naturally uncommon ecosystems including dunes and wetlands”, “I submit that these recommendations do not give consideration (active or not) nor effect to the very high and nationally important natural conservation values of the rivers, which include the rivers themselves, and the unfolding of nationally outstanding natural ecological processes”).

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.

- 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 a status consistent with adjacent or nearby public conservation land, government purpose (Te Mana o Te Wai) reserve, government purpose (river floodplain) 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)

- Submissions opposed the recommendation as “inappropriate”, stating that it gives no greater protection than 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.

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions recommended ending or rationalising grazing licences within river margins.
- A submission opposed the classification due to concern it would affect existing permissions and river activities.

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 submission 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 Not Stated

Access and Recreation (Allowed)

- Submissions were concerned with ensuring that any reclassification provides explicitly for access, sports fishing and gamebird hunting.
- A submitter wanted to ensure that access to the rivers is maintained or improved, including by helicopter.

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.

Ecology and Landscape (Allowed)

- A submitter wanted to ensure that “rivers are maintained in a free-flowing unmodified state, and in particular that the conservation classification does not allow for dams or flow diversions”.

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.

Permissions, Economic Factors and Land Use (Not Allowed)

- A submitter wanted the current concession system to continue being used.

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

MAW_05 – Paparoa Forest – 2806786

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Paparoa Forest	MAW_05_2806786m	Ecological Area	Neutral	22	6

DOC Conservation Values Report Description

A 99.2944-ha area made up of two parcels with a high level of representativeness, which includes intact indigenous forest and wetlands. The northeastern end of the parcel is a listed current wetland that is approximately 38 ha in extent, whereas historically, wetland covered over half this parcel. It is an important part of the wider indigenous forest matrix and a buffer between the ecological area and developed farmland. Concessions include grazing and an easement, and occasional hunting is the only other likely use.

Panel Recommendations

National Panel: Ecological area, to reflect the identified values, rationalise the boundary of the existing Otututu Ecological Area and 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.

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. intact indigenous forest and wetlands) and provide consistency with the Otututu Ecological Area.

Ecological Area - MAW_05_2806786m

Support

Climate Change and Natural Hazards (Allowed)

- 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)

- Submitters supported the addition to Otututu Ecological Area on the grounds that it will “provide for landscape continuity, and it is noted in the technical assessment the values are indistinguishable from the Otututu”. Another referenced the “very high ecological values very similar to the existing national parks” that “deserve protection”.

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

General (Allowed)

- Submissions expressed overall support for the recommendation without providing specific justifications.
- Submissions agreed that the recommendation reflects the information provided in the technical reports.
- Submissions expressed a general preference for stewardship land to be reclassified at the highest possible classification, 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)

- One submitter commented “Grazing on riverbed?”

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

Oppose

Permissions, Economic Factors and Land Use (Not Allowed)

- A submitter opposed the recommendation due to concern that change in status or disposal will affect the existing concessions, noting a right of way easement over 125 ha and a grazing licence over 39.52 ha of Otututu/Rough River.
- One submission opposed reclassification as an ecological area on the grounds that, though it does not prohibit mining, it adds extra restrictions with consequent negative economic impacts, 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 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 (e.g. under a hunting permit) where consistent with preservation of the conservation values present.

MAW_o6 – Waipuna Clarke River – 2806492

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Waipuna Clarke River	MAW_o6_2806492n	Scenic Reserve (a)	Neutral	11	4

DOC Conservation Values Report Description

A 62.9963-ha remnant of beech/podocarp forest on terraces surrounded by private land on the true left of the Grey/Māwheranui River, divided by a farm track and with no evident freshwater values. It is accessible but has no tracks or facilities and is unlikely to receive much recreational use other than hunting.

Panel Recommendations

National Panel: Scenic reserve (a), to preserve the identified ecological values 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 (a).

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. remnant beech/podocarp forest).

Scenic Reserve (a) - MAW_o6_2806492n

Support

Climate Change and Natural Hazards (Allowed)

- 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 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 expressed support for the recommendation, stating that the area has “an important role providing connectivity and is a land type that has been substantially depleted within 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 overall support for the recommendation without providing specific justifications.
- Submissions agreed that the recommendation reflects the information provided in the technical reports.
- Submissions expressed a general preference for stewardship land to be reclassified at the highest possible classification, 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)

- One submission opposed reclassification as scenic reserve on the grounds that, though it does not prohibit mining, it adds extra restrictions with consequent negative economic impacts, 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)

- Submissions 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 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 (e.g. 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)

- 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.

MAW_o7 – Orwell Creek – 2806798

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Orwell Creek	MAW_o7_2806798o	Disposal	Disposal	8	30

DOC Conservation Values Report Description

A 0.8332-ha isolated triangular piece of Orwell Riverbed. This parcel is very small, and although it covers a reach of Orwell Creek, the surrounding land is highly modified farmland. There is about 1 km of fixed marginal strip just upstream of this parcel, but the native riparian vegetation is lacking and does not provide a good buffer to the creek. It is difficult to access and has no tracks or facilities. An easement concession exists. No heritage values are known.

Panel Recommendations

National Panel: Disposal, as this area consists almost entirely of developed pasture and exotic riparian vegetation and is of very low conservation value.

Mana Whenua Panel: The Mana Whenua Panel supports the recommendation of the Western South Island National Panel.

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 has supported the proposed disposal investigation, supported by submissions from Treaty partner organisations.

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 assessment is that the stewardship area is of low conservation value, and warrants further investigation as to the suitability of disposal.

Disposal - MAW_o7_2806798o

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 consists primarily of modified pasture (e.g. rough pasture and riparian willow vegetation) 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 these recommendations 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. The modified nature of the stewardship area (e.g. rough pasture and riparian willow vegetation) justifies referring this area to the Department to investigate the suitability of disposal. I note that the Mana Whenua Panel have supported the proposed disposal investigation.

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 recommended that the site should be assessed to ensure any remaining ecological and hydrological values are adequately buffered and linked, and that opportunities for land exchange should be investigated.

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.
- One submitter noted that the movement of the river could affect access, and that riparian access via marginal strips is not guaranteed.
- 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 these comments are not accepted. The area does not provide practical access to the river from road or public conservation land (e.g. the CVR states that it is difficult to access as it is surrounded by freehold land) and there are no reported recreational uses. Any potential disposal arising from the Departmental investigation will trigger the formation of marginal strips for qualifying waterbodies, which will secure ongoing public access along the riparian corridor.

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 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 on these lands”).
- Submitters who wanted the land retained for climate change mitigation or adaptation mostly did not recommend a specific classification, while one recommended scenic reserve or ecological reserve.

I recommend that these comments are not accepted. The small size of the area, its highly modified nature (rough pasture and willow), and its landscape context (surrounded by modified farmland) limit the effectiveness of restoration for 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)

- Submitters opposed disposal, noting that this land “covers an area of creek, and should be retained for its ability to be a riparian strip in this highly modified environment”. They recommended 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.
- Submissions also recommended “Local purpose (river conservation for ecological reasons) reserve” as an alternative.
- 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 areas are small and landlocked and have no restoration potential.
- A submitter referenced the “very high ecological values very similar to the existing national parks” that “deserve protection”.

I recommend that these comments are not accepted. The area’s small size and landscape context (surrounded by modified farmland) limit the effectiveness of retaining the area for restoration. The highly modified nature of the area (rough pasture and riparian willow) justifies referring this 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 for qualifying waterbodies, which will be retained and protected as public conservation land.

Treaty Considerations (Allowed)

- One submission stated no stewardship land should be disposed of, except to tangata whenua “and only then with the need to maintain the block’s cultural, conservation & mahika-kai values”.
- 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 relevant 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 for further consideration.

Permissions, Economic Factors and Land Use (Not Allowed)

- A submitter opposed disposal due to concern that change in status or disposal will affect the existing concessions, noting an easement held for the Reefton to Dobson line.
- 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, including the scale of research required for the quantity of land notified.
- 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 stipulated that any disposal should be on the condition that any waterways are protected by a setback which is fenced and planted.

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 highly modified nature (rough pasture and willow), and its landscape context (surrounded by modified farmland) limit the effectiveness of restoration for 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. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised.

Other (Not Allowed)

- One submission noted that disposal of land will be subject to Heritage New Zealand Pouhere Taonga’s 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.

MAW_o8 – Conservation area, located off Ahaura Kopara Road, Ahaura – Grey – 3289810

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Conservation area, located off Ahaura Kopara Road, Ahaura - Grey	MAW_o8_3289810p	Ecological Area	Neutral	12	5

DOC Conservation Values Report Description

A 9.9074-ha forested section of glacial outwash adjoining and contiguous with the Granville Ecological Area, with a tributary of Orwell Creek passing the base of the hill to the south. There is intensive farmland on two sides of the area. It is accessible, with hunting the only likely recreational use.

Panel Recommendations

National Panel: Ecological area, to reflect the identified values, rationalise the boundary of the existing Granville Ecological Area and 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.

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. mixed/podocarp forest, high levels of representativeness and naturalness) and provide consistency with the Granville Ecological Area.

Ecological Area - MAW_o8_3289810p

Support

Climate Change and Natural Hazards (Allowed)

- A submitter supported the recommendation, noting that it will “aid in building resilience acting as a buffer to the farmland that surrounds these areas”.
- 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 expressed support as the area has similar values to the Granville Ecological Area.

I recommend this comment is accepted. I agree that the natural values present will be appropriately protected under the proposed classification and it will provide continuity with the adjacent Granville Ecological Area.

General (Allowed)

- Submissions expressed overall support for the recommendation without providing specific justifications.
- Submissions agreed that the recommendation reflects the information provided in the technical reports.
- Submissions expressed a general preference for stewardship land to be reclassified at the highest possible classification, 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)

- One submission opposed reclassification as an ecological area on the grounds that, though it does not prohibit mining, it adds extra restrictions with consequent negative economic impacts, 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 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 (e.g. under a hunting permit) where consistent with preservation of the conservation values present.

MAW_09 – Granville Forest – 2807465

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Granville Forest	MAW_09_2807465q	Tarahanga e Toru Historic Reserve	Tarahanga e Toru Historic Reserve	18	108

DOC Conservation Values Report Description

A 19153.6968-ha area of forested land on the western side of the Southern Alps. There is a wide range of avifauna including whio, roroa/great spotted kiwi, South Island kākā, kea and rock wren. This area is very significant to Poutini Ngāi Tahu for a number of reasons, including ara tawhito (traditional travel routes).

Panel Recommendations

National Panel: Historic reserve (Tarahanga e Toru), to reflect the values identified, protecting natural, cultural, landscape and historic resources, while facilitating public recreation and enjoyment of the area.

Mana Whenua Panel: Historic reserve (Tarahanga e Toru) appropriately acknowledges the mana of Ngāi Tahu and the immense cultural significance of the area to Poutini Ngāi Tahu.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of Historic Reserve (Tarahanga e Toru).

Summary of accepted submissions: Those submissions ‘accepted’ as holding merit expressed general support for the Tarahanga e Toru Historic Reserve, supported the classification as reflecting the cultural significance of the area or noted that the proposed historic reserve is supported by the Mana Whenua Panel, and reflects the perspectives of Ngāi Tahu. Also accepted were comments in support which noted the recreational and ecological values present.

Section 4 and Treaty principles: The Mana Whenua Panel have supported the proposed historic reserve, supported by submissions from Treaty partner organisations, and have signalled Ngāi Tahu interests associated with this stewardship area, including ara tawhito that were trading routes for pounamu and kai. This trail is the alpine route up the Ahaura River and over Amuri Pass for a direct route to Kaiapoi Pā, and was favoured by war parties, including Tuhuru. This route was marked by another tohu whenua, Mt Whakarewa.

The Mana Whenua Panel indicated that this central region of the West Coast is the heart of Poutini Ngāi Tahu legends, customs and traditions centred around pounamu; the “historical and contemporary associations with pounamu are integral to Poutini Ngāi Tahu identity” and the “immense historical, spiritual and cultural significance of this area cannot be understated.” This stewardship area is part of a network of ara tawhito; “the mountains are criss-crossed by pounamu trails connecting the pā of Arahura, Taramakau and Māwhera with the great Ngāi Tahu trading centre of Kaiapoi Pā. Three passes in particular were lifelines for Ngāi Tahu as trading routes for pounamu and kai in times of war and peace” and “the varied and plentiful mahinga kai resources in this area supported pā and kāinga nohoanga (temporary settlements) throughout the region, and were critical to the success of the pounamu pathways.”

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 those submissions accepted, is that the proposed classification provides appropriate protection for the scale and nature of the identified Ngāi Tahu interests, including the identified historic resources and places, objects and natural features, and such things thereon or therein contained that are of cultural interest (e.g. ara tawhito, mahinga kai and pounamu). I note that the Mana Whenua Panel have supported the notified classification, and I am not otherwise aware of any inconsistency between the proposed classification and the identified Ngāi Tahu interests.

Rationale: Historic reserves are held for the purpose of “protecting and preserving in perpetuity such places, objects, and natural features, and such things thereon or therein contained as are of historic, archaeological, cultural, educational, and

other special interest” (Reserves Act 1977, s.18(1)). The notified proposal was underpinned by the cultural interest of the places, natural features, and historic resources, as described by the Mana Whenua Panel (e.g. “immense historical, spiritual and cultural significance”) and can be described as an example of a substantive outcome for Ngāi Tahu consistent with Section 4 of the Act and Treaty principles.

I acknowledge the large number of submissions opposing the notified proposal as not adequately reflecting the natural resources present, which are significant and wide ranging, and hold great value for recreational users. However, I do not accept that these concerns warrant overturning the notified proposal, particularly given that in this instance the places themselves and the natural features present that are of historic, archaeological, cultural, educational, or other special interest, are protected under the primary reserve purpose. Further, the scenic, archaeological, geological, biological, and other scientific features, indigenous flora and fauna, and wildlife are all required to be protected “to the extent compatible with the principal or primary purpose of the reserve” (Section 18(2)(c)) of the Reserves Act 1977). The Reserves Act also provides that “the public shall have freedom of entry and access to the reserve” subject to restrictions which are not unique to the proposed classification, i.e. those “necessary for the protection and general well-being of the reserve and for the protection and control of the public using it” (Section 18(2)(b)) Reserves Act 1977).

My conclusion is that on balance the natural resources are appropriately protected, and public recreational access adequately provided for, under the proposed classification when considering the historic resources present and the nature of the historical and cultural interests and significance of the area to Ngāi Tahu.

Tarahanga e Toru Historic Reserve - MAW_09_2807465q

Support

Access and Recreation (Allowed)

- Submitters in support of historic reserve for the whole area recommended as Tarahanga e Toru, referenced the importance of recreational values in the area and their desire for these to be protected (e.g. “Many outdoor types, alpinists, trampers, kayakers and hunters would regard the area in which the parcels are located as the backcountry adventure capital of New Zealand. Retaining it as such becomes ever more urgent as pressure and crowding from tourism and recreation grows on other more popular areas of the public conservation estate”, “these catchments contain one of the most significant clusters of wild rivers with outstanding recreational values for Whitewater kayakers and pack rafters, worldwide”).

I recommend that these comments are accepted to the extent that I agree the larger area recommended as Tarahanga e Toru holds high value for recreation use. My assessment is that public recreational access is adequately provided for, when considering the historic resources present and the cultural significance of the area to Ngāi Tahu. I note that the public shall have freedom of entry and access to the reserve” subject to restrictions “necessary for the protection and general well-being of the reserve and for the protection and control of the public using it” (Section 18(2)(b)) Reserves Act 1977).

Ecology and Landscape (Allowed)

- A submitter expressed general support for the Tarahanga e Toru historic reserve, though characterising it as covering too large an area and advocating that a mixture of other classifications should also be used to recognise areas of high ecological value.
- A submitter in support noted the ecological values of the area (e.g. “hosting a range of nationally significant avifauna and includes the Tai Poutini Mt Te Kinga Predator Free Project”).

I recommend that these comments are accepted to the extent that I agree there are high ecological values present, as described in the CVR (e.g. highly natural catchments with very high water quality; altitudinal sequence of lowland conifer-beech to montane beech forest and subalpine grasslands on granite). My assessment is that on balance the natural resources present are appropriately protected under the proposed classification when considering the historic resources present and the cultural significance of the area to Ngāi Tahu. Under a historic reserve classification, “where scenic, archaeological, geological, biological, 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. 18(2)(c)).

Treaty Considerations (Allowed)

- Submissions stated they support the position of the Mana Whenua Panel on the basis that these 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", "Support retention as historic reserve and renaming to reflect the cultural significance of the area").
- Submitters noted that the proposed historic reserves recognise "sites of significance to Ngāi Tahu and ensure Ngāi Tahu values, alongside conservation values, are at the forefront of the classification". They noted the values and interests present, e.g. "pounamu traditions, the trails and passes (particularly Rakimaurikura, Te Tarahanga o Kaniere and Amuri Pass) that were trading routes for pounamu and kai in times of war and peace, connecting Tai Poutini with the east coast". It was advocated that "the proposed reserves must acknowledge the mana and rangatiratanga of Ngāi Tahu, and provide for Ngāi Tahu wellbeing, kaitiakitanga and mahinga kai".

I recommend that these comments are accepted. I acknowledge that that the Tarahanga e Toru Historic Reserve area is of historical and cultural significance to Ngāi Tahu identity. My assessment is that the proposed classification appropriately reflects the significance of the historic resources, and the historical and cultural interests present within the area, and provides appropriate protection for the identified Ngāi Tahu interests.

General (Allowed)

- Submissions expressed support for the proposed classification or the recommendations of the Mana Whenua Panel, 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".
- A submitter stated that the proposed classification reflects the use of the land and adequately protects against its degradation.

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 objected to historic reserve classification for the whole area recommended as Tarahanga e Toru on the grounds that the classification does not appropriately protect the extremely high recreational values of the area and may curtail public access, noting that historic reserve classification would only protect recreation values to the extent compatible with the historic values identified (e.g. "public access, the hut, bridge and track systems, and other recreational facilities are not recognised or guaranteed under this category", "historical reserves do not guarantee freedom of access, and impose restrictions on camping"). Concerns were raised that the recommendation classification could allow activities which would diminish recreation values (e.g. "another area of concern (...) is potential for hydroelectric development in this area of pristine unmodified rivers important for recreation and biodiversity").
- The extensive recreation values of the whole area were described, both in terms of established recreational infrastructure and wild areas for trampers and hunters (e.g. "a long established history of multi-day backcountry tramping, mountaineering and hunting trips", "a massive network of huts and tracks, many of which are community maintained", "with over 60 backcountry huts the proposed area is also highly valued by the tramping and hunting communities").
- Submissions made in relation to the whole area recommended as Tarahanga e Toru raised concerns that both the DOC conservation values reports and the Panels' recommendation reports lacked full consideration of the recreation values present, notably the importance of the rivers for a range of paddle sports and canyoning. There was concern that historic reserve classification may affect access to these rivers, with submitters most frequently recommending ecological area as their preferred alternative.

- Submitters noted that historic reserve classification does not guarantee free public access (e.g. “historic reserves may be leased by an administering body potentially privatising the area”, “experience with management of the Waitaiki Historic Reserve is that access is denied for spurious reasons”, “fees may be charged for access and use”, “the widespread use of s58(c) to charge for admission should be ruled out”).
- To ensure public access and protect recreation values, submitters advocated variously for ecological area, scenic reserve, conservation park or national park, or joint historic/recreation reserve.
- Submitters frequently advocated for national park classification for the whole area recommended as Tarahanga e Toru Historic Reserve, to protect the high recreation values (e.g. “a classification under the National Parks Act or alternatively, Part 4 of Conservation Act would provide more balanced and appropriate management of ecological, recreational and mana whenua values. It will better protect recreation, conservation and the highly valued ecological and whitewater values in this area, requiring public consultation for any concessions, works or changes to access arrangements or future reclassifications”).
- Submitters otherwise suggested that access be explicitly guaranteed under the Reserves Act (e.g. “either the classification be under the Conservation Act, or mechanisms to ensure practical enduring access and conservation of other natural values are expressly provided for in any classification under the Reserves Act”).

I recommend that these comments are not accepted. While I agree the wider area recommended as the Tarahanga e Toru Historic Reserve, and in particular this conservation area, holds high value for recreation use, my assessment is that on balance public recreational access is adequately provided for, when considering the historic resources present and the cultural interest and significance of the area to Ngāi Tahu. The public “shall have freedom of entry and access to the reserve”, subject to restrictions “necessary for the protection and general well-being of the reserve and for the protection and control of the public using it” (Section 18(2(b)) Reserves Act 1977). I acknowledge submitters concerns a historic reserve classification can limit access, however I do not accept that this concern warrants overturning the notified proposal. Such potential access restrictions are not unique to the proposed classification and exist elsewhere within the legislation, for example under the Reserves Act 1977 and s.4(2)(e) of the National Parks Act 1980. I note that comments predominantly reference recreation values of the wider area notified as Tarahanga e Toru Historic Reserve, which may not be directly relevant to the recreational features of this specific stewardship area

Climate Change and Natural Hazards (Allowed)

- Submitters who opposed historic reserve classification for the whole area recommended as Tarahanga e Toru, noted that protection of the natural resources was important given that the area is large enough to contribute to climate change mitigation (e.g. “large enough areas necessary for carbon sinks to help New Zealand meet international agreements on climate change”, “a significant part of our potential carbon sinks, biodiversity bases, and natural fresh water sources”).

I recommend these comments are not accepted. While I acknowledge submitters’ comments that the stewardship area contains unmodified and high value natural resources (e.g. highly natural catchments with very high water quality; altitudinal sequence of lowland conifer-beech to montane beech forest and subalpine grasslands on granite), my assessment is that on balance the natural resources present are appropriately protected under the proposed classification when considering the historic resources present and the cultural significance of the area to Ngāi Tahu.

Ecology and Landscape (Allowed)

- Submitters objected to historic reserve classification for the whole area recommended as Tarahanga e Toru, arguing that a historic reserve classification does not offer adequate protection for the unmodified natural resources present (e.g. “this classification appears to provide relatively weak protection to both conservation and public access”, “historic reserve classification could allow for management and development that is inconsistent with the recreational and biodiversity values present”, “the highly valuable qualities of these areas are their wild, scenic, rugged, unmodified nature and free access (...) These qualities are not protected at all by the recommendation of a historic reserve, in fact this level of protection doesn’t come close to covering it”, “The effects of mining may very well change the entire face of the landscape removing stretches of forest, polluting our water ways and disrupting our native ecosystems”).
- Submitters stated that the lack of clearly defined purpose meant the public were unable to understand how the natural values would be protected in relation to this primary purpose (“This is because the primary purpose of the

reserve takes priority over the protection of scenic, archaeological, geological, biological, or other scientific features, and indigenous flora or fauna on the reserve”).

- Submitters advocating for higher protection emphasised that the area recommended as Tarahanga e Toru is largely remote and intact, with notable freshwater and biodiversity values (e.g. “unmodified headwaters, uninterrupted mountains to sea, threatened ecosystems and species such as rare braided riverbed, indigenous fish un-dammed pathways, sand spit, bird breeding areas and public access”, “the vast landscape remains almost as it was before humans arrived”, “a stronghold for taonga species including kea and whio”, “untouched kingdoms of scientific biodiversity”, “contains roughly 60 kilometres of the Southern Alps. Within this area are numerous small glaciers and many significant peaks, the headwaters of some of the West Coast’s major rivers”, “There are over 300 km of river in this area, all of it is pristine and the majority of it is remote”, “For the fauna especially, the remote backcountry of the area provides a natural habitat suitable for recovering populations. The Kea and Whio populations especially benefit from the remoteness”, “outstanding and nationally significant ecological, landscape and recreational values within this area that warrant the highest level of protection”).
- Submitters noted that the Grey/Māwhera River and the Ahaura River, and their headwaters and tributaries, are subject to a Water Conservation Order (WCO), commenting that the “technical reports are silent on this matter and the historic reserve recommendation would offer a level of conservation significantly weaker than the Water Conservation Order and its land management obligations”.
- Submitters often suggested that historic reserve is inappropriate for such an extensive area (e.g. “The area is very large and some parts of it may be better suited to scenic reserve, national park, ecological area or scientific reserve classification”, “Along with many other sections of legislation that are inappropriate for such a large pristine bit of land...”, “The recommendation that vast landscapes, such as the proposed Tarahanga e Toru Historic Reserve area, may be acceptable only if it offers robust protection to the extraordinary ecological, geological, palaeontological, cultural, landscape, recreational and spiritual values of that area”). The Tarahanga e Toru grouping was identified as more than four times the size of Paparoa National Park and two and a half times the size of Aoraki-Mt Cook National Park.
- Submitters advocated variously for ecological area, scenic reserve, conservation park or national park, or suggested a combination of these classifications. Some submitters recommended ecological area “gazetted with 2 or more purposes” as this protects “recreation and ecological values and simultaneously protects mana whenua interests should historical values be established as principles”. A national park classification was frequently proposed, with submitters noting that the area recommended for Tarahanga e Toru Historic Reserve shares many of the same natural values as the Arthur’s Pass National Park. Several submitters advocated for the entire Tarahanga e Toru grouping to form a new national park to reflect the “cultural, ecological, landscape and recreational values” (e.g. “a new Tarahanga e Toru/ 3 Passes National Park”). It was recommended that this “grouping be extended south to include the entire Waitaha catchment”.
- Submitters suggested that some parts of this area would meet the criteria for wilderness area (e.g. “majority of Tarahanga e Toru is further away from civilization and more remote than that of the Paparoa or Arthurs Park National Parks”, “Parts of the area even have values on par with the small number of wilderness areas on the West Coast”).

I recommend that these comments are not accepted. Although I agree there are high ecological values present, as described in the CVR (e.g. highly natural catchments with very high water quality, altitudinal sequence of lowland conifer/beechn montane beech forest, and subalpine grasslands on granite), my assessment is that on balance the natural resources present are appropriately protected under the proposed classification when considering the historic resources present and the cultural interest and significance of the area to Ngāi Tahu. Under a historic reserve classification, “where scenic, archaeological, geological, biological, 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. 18(2)(c)).

Historical and Cultural Values (Allowed)

- Submitters opposed historic reserve for the whole area recommended as Tarahanga e Toru, commenting that the recommendation is inappropriate as this classification is not intended for large landscapes, but “for small-scale, discrete and recognised archaeological and historical sites and buildings”. Concern was expressed regarding a lack of clarity as to “the place, object, and natural feature or other thing that is to be preserved and protected” or that the

historical resources are “cultural and non-physical in nature, making management of these values, over and above secondary objectives and values (e.g. recreation and ecological), highly subjective and open to interpretation” (e.g. “a misuse of the Historic Reserve category as the primary purpose of a Historic Reserve relates to the preservation of structures and objects. The proposed Historic Reserve covers a vast area of great cultural, ecological and recreational importance within which historical structures and objects are almost entirely post colonisation (old benched tracks etc) and cover a vanishingly small percentage of the area”, “the area proposed for historic reserve status appears far more extensive than required to provide for the protection of historic sites and cultural values”, “While Amuri Pass and the Tass-Nancy Saddle may have been historic travelling routes for Māori, there is virtually no built historic heritage in this vast wild area”).

- Submitters frequently advocated for classification as national park over the whole area to “acknowledge the area’s human history and allow the people of today and tomorrow to transcend time, to experience the landscape as early people did”, noting that the National Parks Act 1980 requires that “sites and objects of archaeological and historical interest shall as far as possible be preserved”. Conservation park was also suggested.
- Some submitters who broadly opposed the recommended Tarahanga e Toru grouping supported the proposed historic reserve for the pounamu trails themselves “that contain physical evidence of the history” and the Taramakau River (e.g. the Taramakau river mouth should be “excluded due to its proven historical value”, “we would be supportive of a classification of Historic Reserve for the sections of the Taramakau River covered by Schedule 56 of the Ngāi Tahu Claims Settlement Act (...) subject to the right of public access at no cost being guaranteed in the reclassification process and relevant management plans”).

I recommend that these comments are not accepted. My assessment is that on balance the proposed classification appropriately reflects the historic resources present within the area (e.g. ara tawhito, mahinga kai and pounamu) and the nature of the historical and cultural interests and significance of the area to Ngāi Tahu (“Poutini Ngāi Tahu ancestors and their stories are literally embedded in this landscape”).

Treaty Considerations (Allowed)

- Submitters acknowledged the significance of the entire area to Ngāi Tahu, but suggested that given the long list of wider conservation values present, the extent of the proposed reserve should be revisited or that other classifications would be more suitable (e.g. “we acknowledge that there is an immense significance and rich history within this area of Pounamu trails, settlements and Pā, mahinga kai gathering, and its general importance to Poutini Ngāi Tahu. We feel that this only adds to the reasons for which it should be more strongly protected, and we believe that its ecological value should be prioritized above all else”).
- Submitters suggested that the proposed classification does “not adequately encompass both nature protection and mana whenua aspirations”.
- Submitters advocated for a national park classification “where proper recognition of Ngāi Tahu’s presence past and present, can be achieved alongside appropriate protection for natural and recreational values”. Various examples were referenced where Ngāi Tahu have a “major role” in management and planning of national parks (e.g. “National parks do not preclude additional mechanisms for protecting cultural values, such as the topuni which recognises the tapu associated with Aoraki”, “the Treaty principle of partnership can be upheld through shared governance and management practices as is the case for Paparoa National Park”, “any outstanding cultural issues can be managed through some form of shared governance and management (...) Kaitiakitanga of this hugely valued and much used area should rest with the nation as a whole albeit with acknowledgment of, and provision for, the ability for Ngāi Tahu whānui to reconnect to their ancestral lands, provide for the mana and rangatiratanga of Ngāi Tahu and to exercise kaitiakitanga and mahinga kai. Such arrangements would be provided for through an enlightened National Park Management Plan”).

I recommend that these comments are not accepted. It is my conclusion that the proposed classification appropriately protects the natural and historic resources present within the area, and reflects the nature of the historical and cultural interests and significance of the area to Ngāi Tahu, providing appropriate protection for the identified Treaty partner interests (“Poutini Ngāi Tahu ancestors and their stories are literally embedded in this landscape”).

General (Allowed)

- Submissions expressed general opposition to the proposed classification without providing further justification (e.g. “values more suited to Conservation Park”, “request that the area be given national park status”).
- Submitters raised concerns that “historic reserve status can be altered and allow for other purposes”.

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 classification for the whole area recommended as Tarahanga e Toru on the grounds that historic reserve may not prevent mining, hydro schemes or other development in the area, and that the public may not be able to have a say in any proposed activities (particularly if the reserve is vested).
- Submitters opposed the classification 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 for commercial uses such as mining to be considered on a case-by-case basis.
- A submitter noted various applications in progress and suggested retaining the relevant areas as stewardship or reclassification as a conservation park.

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

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”.
- Submitters were critical of the lack of clearly defined purpose for the reserve, stating that this is a “prerequisite for proper consultation” and that they therefore “simply do not know what we are commenting on”.
- One submitter noted that as well as clarification of purpose, as details of management are unknown, a further public consultation process will be required.
- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land, limitations of the consultation, and potential conflicts of interest.

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

Other (Not Allowed)

- Submitters raised concern about potential vesting of the proposed reserve, suggesting that this may impact on public access (e.g. “if this were to take place there are no guarantees that public access is preserved, nor regarding the preservation of the landscape”).
- Submitters who opposed the classification suggested that they might come to support the proposed reserve if public access and participation in future management planning processes could be ensured, or if there is a mechanism to ensure DOC has ongoing input into decision-making (e.g. “I support mana whenua stewardship but want assurances about public voice in river conservation”, “There is a high level of public interest in this very large area and the ongoing involvement of DOC provides greater certainty that this public interest can be reflected in management”).
- A submitter advocated that due to the scale of the proposed reserve, it “should be included as a separate Place in the CMS so the public can have input into how it is managed”.
- 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 suggested the proposed Tarahanga e Toru Historic Reserve is an unusual use of the designation in terms of size and scale (e.g. “I am uncomfortable with the massive extension of the concept of a Historic Reserve covering such a vast landscape”).
- A submitter queried “how historic reserve status protects biodiversity and public access”, suggesting that the area may be worthy of ecological area status

I recommend that these comments are not accepted. While I agree there are high ecological values present, as described in the CVR (e.g. highly natural catchments with very high water quality, altitudinal sequence of lowland conifer/beech to montane beech forest) my assessment is that on balance the natural resources present are appropriately protected under the proposed classification and that historic reserve is appropriate when considering the historic resources present and the cultural interest and significance of the area to Ngāi Tahu.

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”.
- A submitter suggested that the justification for the recommendation implies the “mountains and rivers might provide economically”, advocating for separation between decision makers and permission applicants.

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

MAW_09 – Grey River/Māwheranui – 2807468

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Grey River/ Māwheranui	MAW_09_2807468r	Tarahanga e Toru Historic Reserve	Tarahanga e Toru Historic Reserve	18	109

DOC Conservation Values Report Description

A 1033.4252-ha area of primarily forested land with some sections of active riverbed and river margins on the western side of the Southern Alps either side of a portion of the Upper Grey River. There is a wide range of avifauna including whio, rooroa/great spotted kiwi, South Island kākā, kea and rock wren. This area is very significant to Poutini Ngāi Tahu for a number of reasons, including ara tawhito (traditional travel routes).

Panel Recommendations

National Panel: Historic reserve (Tarahanga e Toru), to reflect the values identified, protecting natural, cultural, landscape and historic resources, while facilitating public recreation and enjoyment of the area.

Mana Whenua Panel: Historic reserve (Tarahanga e Toru) appropriately acknowledges the mana of Ngāi Tahu and the immense cultural significance of the area to Poutini Ngāi Tahu.

S.49(2)(d) Recommendation

- **Proceed** with the notified proposal of Historic Reserve (Tarahanga e Toru).

Summary of accepted submissions: Those submissions accepted as holding merit expressed general support for the proposed classification, noted the recreational and ecological values present in the area, or noted that the proposed historic reserve 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 historic reserve, supported by submissions from Treaty partner organisations, and have signalled Ngāi Tahu interests associated with this stewardship area, including ara tawhito that were trading routes for pounamu and kai.

This Mana Whenua Panel indicated that this central region of the West Coast is the heart of Poutini Ngāi Tahu legends, customs and traditions centred around pounamu; “the historical and contemporary associations with pounamu are integral to Poutini Ngāi Tahu identity” and the “immense historical, spiritual and cultural significance of this area cannot be understated”. This stewardship area is part of a network of ara tawhito; “the mountains are criss-crossed by pounamu trails connecting the pā of Arahura, Taramakau and Māwhera with the great Ngāi Tahu trading centre of Kaiapoi Pā. Three passes in particular were lifelines for Ngāi Tahu as trading routes for pounamu and kai in times of war and peace” and the “varied and plentiful mahinga kai resources in this area supported pā and kāinga nohoanga (temporary settlements) throughout the region, and were critical to the success of the pounamu pathways”.

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 those submissions accepted, is that the proposed classification provides appropriate protection for the scale and nature of the identified Ngāi Tahu interests, including the identified historic resources and places, objects and natural features, and such things thereon or therein contained that are of cultural interest (e.g. ara tawhito, mahinga kai and pounamu). I note that the Mana Whenua Panel have supported the notified classification, and I am not otherwise aware of any inconsistency between the proposed classification and the identified Ngāi Tahu interests

Rationale: Historic reserves are held for the purpose of “protecting and preserving in perpetuity such places, objects, and natural features, and such things thereon or therein contained as are of historic, archaeological, cultural, educational, and other special interest” (Reserves Act 1977, s.18(1)). The notified proposal was underpinned by the cultural interest of the places, natural features, and historic resources, as described by the Mana Whenua Panel (e.g. “immense historical,

spiritual and cultural significance”) and can be described as an example of a substantive outcome for Ngāi Tahu consistent with Section 4 of the Act and Treaty principles.

I acknowledge the large number of submissions opposing the notified proposal as not adequately reflecting the natural resources present, which are significant and wide ranging, and hold great value for recreational users. However, I do not accept that these concerns warrant overturning the notified proposal, particularly given that in this instance the places themselves and the natural features present that are of historic, archaeological, cultural, educational, or other special interest, are protected under the primary reserve purpose. Further, the scenic, archaeological, geological, biological, and other scientific features, indigenous flora and fauna, and wildlife are all required to be protected “to the extent compatible with the principal or primary purpose of the reserve” (Section 18(2)(c)) of the Reserves Act 1977). The Reserves Act also provides that “the public shall have freedom of entry and access to the reserve” subject to restrictions which are not unique to the proposed classification, i.e. those “necessary for the protection and general well-being of the reserve and for the protection and control of the public using it” (Section 18(2)(b)) Reserves Act 1977).

My conclusion is that on balance the natural resources are appropriately protected, and public recreational access adequately provided for, under the proposed classification when considering the historic resources present and the nature of the historical and cultural interests and significance of the area to Ngāi Tahu.

Tarahanga e Toru Historic Reserve - MAW_09_2807468r

Support

Access and Recreation (Allowed)

- Submitters in support of historic reserve referenced the importance of recreational values in the area and their desire for these to be protected (e.g. “Many outdoor types, alpinists, trampers, kayakers and hunters would regard the area in which the parcels are located as the backcountry adventure capital of New Zealand. Retaining it as such becomes ever more urgent as pressure and crowding from tourism and recreation grows on other more popular areas of the public conservation estate”, “these catchments contain one of the most significant clusters of wild rivers with outstanding recreational values for Whitewater kayakers and pack rafters, worldwide”).

I recommend that these comments are accepted to the extent that I agree the area recommended as Tarahanga e Toru, and this stewardship area in particular, holds high value for recreational use. My assessment is that public recreational access is adequately provided for, when considering the historic resources present and the cultural significance of the area to Ngāi Tahu. I note that the public shall have freedom of entry and access to the reserve” subject to restrictions “necessary for the protection and general well-being of the reserve and for the protection and control of the public using it” (Section 18(2)(b)) Reserves Act 1977).

Ecology and Landscape (Allowed)

- A submitter expressed general support for the Tarahanga e Toru historic reserve, though characterising it as covering too large an area and advocating that a mixture of other classifications should also be used to recognise areas of high ecological value.
- A submitter in support noted the ecological values (e.g. “hosting a range of nationally significant avifauna and includes the Tai Poutini Mt Te Kinga Predator Free Project”).

I recommend that these comments are accepted to the extent that I agree there are high ecological values present, as described in the CVR (e.g. highly natural catchments with very high water quality; altitudinal sequence of lowland conifer-beech to montane beech forest). My assessment is that on balance the natural resources present are appropriately protected under the proposed classification when considering the historic resources present and the cultural significance of the area to Ngāi Tahu. Under a historic reserve classification, “where scenic, archaeological, geological, biological, 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. 18(2)(c)).

Treaty Considerations (Allowed)

- Submissions stated they support the position of the Mana Whenua Panel on the basis that these 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", "Support retention as historic reserve and renaming to reflect the cultural significance of the area").
- Submitters noted that the proposed historic reserves recognise "sites of significance to Ngāi Tahu and ensure Ngāi Tahu values, alongside conservation values, are at the forefront of the classification". They noted the values and interests present, e.g. "pounamu traditions, the trails and passes (particularly Rakimaurikura, Te Tarahanga o Kaniere and Amuri Pass) that were trading routes for pounamu and kai in times of war and peace, connecting Tai Poutini with the east coast". It was advocated that "the proposed reserves must acknowledge the mana and rangatiratanga of Ngāi Tahu, and provide for Ngāi Tahu wellbeing, kaitiakitanga and mahinga kai".

I recommend that these comments are accepted. I acknowledge that that the Tarahanga e Toru Historic Reserve area is of historical and cultural significance to Ngāi Tahu identity. My assessment is that the proposed classification appropriately reflects the significance of the historic resources, and the historical and cultural interests present within the area, and provides appropriate protection for the identified Ngāi Tahu interests.

General (Allowed)

- Submissions expressed support for the proposed classification or the recommendations of the Mana Whenua Panel, 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".
- A submitter stated that the proposed classification reflects the use of the land and adequately protects against its degradation.

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 objected to historic reserve classification for the whole area recommended as Tarahanga e Toru on the grounds that the classification does not appropriately protect the extremely high recreational values of the area and may curtail public access, noting that historic reserve classification would only protect recreation values to the extent compatible with the historic values identified (e.g. "public access, the hut, bridge and track systems, and other recreational facilities are not recognised or guaranteed under this category", "historical reserves do not guarantee freedom of access, and impose restrictions on camping"). Concerns were raised that the recommendation classification could allow activities which would diminish recreation values (e.g. "another area of concern (...) is potential for hydroelectric development in this area of pristine unmodified rivers important for recreation and biodiversity").
- The extensive recreation values of the whole area were described, both in terms of established recreational infrastructure and wild areas for trampers and hunters (e.g. "a long established history of multi-day backcountry tramping, mountaineering and hunting trips", "a massive network of huts and tracks, many of which are community maintained", "with over 60 backcountry huts the proposed area is also highly valued by the tramping and hunting communities").
- Submissions made in relation to the whole area recommended as Tarahanga e Toru raised concerns that both the DOC conservation values reports and the Panels' recommendation reports lacked full consideration of the recreation values present, notably the importance of the rivers for a range of paddle sports and canyoning.
- A substantial number of submissions were made regarding the value people place on rivers in the area (E.g. "Grey River/Māwheranui (incl Blue-Grey, Upper Grey) is a very special area for white water paddlers new, experienced, families. There are many trips each year by white water clubs and groups of friends", "There is no doubt that the

rivers are world-class. They are challenging, remote, uncrowded, scenic beyond belief, and most importantly ours to protect. Neither Panel recognised these characteristics here and only a brief reference to the kayaking was noted in their reports”, “this parcel of land contains some of the most wild and outrageously good kayaking that our country has to offer. There are many quality rivers, and they all have their own character, some are steep and fast, others are high volume and pushy. All of them are powerful places, both physically and spiritually”). There was concern that historic reserve classification may affect access to these rivers, with submitters most frequently recommending ecological area as their preferred alternative.

- Submitters noted that historic reserve classification does not guarantee free public access (e.g. “historic reserves may be leased by an administering body potentially privatising the area”, “experience with management of the Waitaiki Historic Reserve is that access is denied for spurious reasons”, “fees may be charged for access and use”, “the widespread use of s58(c) to charge for admission should be ruled out”).
- To ensure public access and protect recreation values, submitters advocated variously for ecological area, scenic reserve, conservation park or national park, joint historic/recreation reserve.
- Submitters frequently advocated for national park classification for the whole area recommended as Tarahanga e Toru Historic Reserve, to protect the high recreation values (e.g. “a classification under the National Parks Act or alternatively, Part 4 of Conservation Act would provide more balanced and appropriate management of ecological, recreational and mana whenua values. It will better protect recreation, conservation and the highly valued ecological and whitewater values in this area, requiring public consultation for any concessions, works or changes to access arrangements or future reclassifications”).
- Submitters otherwise suggested that access be explicitly guaranteed under the Reserves Act (e.g. “either the classification be under the Conservation Act, or mechanisms to ensure practical enduring access and conservation of other natural values are expressly provided for in any classification under the Reserves Act”).

I recommend that these comments are not accepted. While I agree the wider area recommended as the Tarahanga e Toru Historic Reserve, and in particular this conservation area, holds high value for recreation use, my assessment is that on balance public recreational access is adequately provided for, when considering the historic resources present and the cultural interest and significance of the area to Ngāi Tahu. The public “shall have freedom of entry and access to the reserve”, subject to restrictions “necessary for the protection and general well-being of the reserve and for the protection and control of the public using it” (Section 18(2(b)) Reserves Act 1977).

I acknowledge submitters concerns a historic reserve classification can limit access, however I do not accept that this concern warrants overturning the notified proposal. Such potential access restrictions are not unique to the proposed classification and exist elsewhere within the legislation, for example under the Reserves Act 1977 and s.4(2)(e) of the National Parks Act 1980I note that comments predominantly reference recreation values of the wider area notified as Tarahanga e Toru Historic Reserve, which may not be directly relevant to the recreational features of this specific stewardship area.

Climate Change and Natural Hazards (Allowed)

- Submitters who opposed historic reserve classification for the whole area recommended as Tarahanga e Toru noted that protection of the natural resources was important given that the area is large enough to contribute to climate change mitigation (e.g. “large enough areas necessary for carbon sinks to help New Zealand meet international agreements on climate change”, “a significant part of our potential carbon sinks, biodiversity bases, and natural fresh water sources”).

I recommend these comments are not accepted. While I acknowledge submitters’ comments that the stewardship area contains unmodified and high value natural resources (e.g. highly natural catchments with very high water quality; altitudinal sequence of lowland conifer-beech to montane beech forest), my assessment is that on balance the natural resources present are appropriately protected under the proposed classification when considering the historic resources present and the cultural significance of the area to Ngāi Tahu..

Ecology and Landscape (Allowed)

- Submitters objected to historic reserve classification for the whole area recommended as Tarahanga e Toru, arguing that a historic reserve classification does not offer adequate protection for the unmodified natural resources present (e.g. “this classification appears to provide relatively weak protection to both conservation and

public access”, “historic reserve classification could allow for management and development that is inconsistent with the recreational and biodiversity values present”, “the highly valuable qualities of these areas are their wild, scenic, rugged, unmodified nature and free access (...) These qualities are not protected at all by the recommendation of a historic reserve, in fact this level of protection doesn’t come close to covering it”, “The effects of mining may very well change the entire face of the landscape removing stretches of forest, polluting our water ways and disrupting our native ecosystems”).

- Submitters stated that the lack of clearly defined purpose meant the public were unable to understand how the natural values would be protected in relation to this primary purpose (“This is because the primary purpose of the reserve takes priority over the protection of scenic, archaeological, geological, biological, or other scientific features, and indigenous flora or fauna on the reserve”).
- Submitters advocating for higher protection emphasised that the area is largely remote and intact, with notable freshwater and biodiversity values (e.g. “unmodified headwaters, uninterrupted mountains to sea, threatened ecosystems and species such as rare braided riverbed, indigenous fish un-dammed pathways, sand spit, bird breeding areas and public access”, “the vast landscape remains almost as it was before humans arrived”, “a stronghold for taonga species including kea and whio”, “untouched kingdoms of scientific biodiversity”, “contains roughly 60 kilometres of the Southern Alps. Within this area are numerous small glaciers and many significant peaks, the headwaters of some of the West Coast’s major rivers”, “There are over 300 km of river in this area, all of it is pristine and the majority of it is remote”, “For the fauna especially, the remote backcountry of the area provides a natural habitat suitable for recovering populations. The Kea and Whio populations especially benefit from the remoteness”, “outstanding and nationally significant ecological, landscape and recreational values within this area that warrant the highest level of protection”).
- Submitters noted that the Grey/Māwhera River and the Ahaura River, and their headwaters and tributaries, are subject to a Water Conservation Order (WCO), commenting that the “technical reports are silent on this matter and the historic reserve recommendation would offer a level of conservation significantly weaker than the Water Conservation Order and its land management obligations”.
- Submitters often suggested that historic reserve is inappropriate for such an extensive area (e.g. “The area is very large and some parts of it may be better suited to scenic reserve, national park, ecological area or scientific reserve classification”, “Along with many other sections of legislation that are inappropriate for such a large pristine bit of land...”, “The recommendation that vast landscapes, such as the proposed Tarahanga e Toru Historic Reserve area, may be acceptable only if it offers robust protection to the extraordinary ecological, geological, palaeontological, cultural, landscape, recreational and spiritual values of that area”). The Tarahanga e Toru grouping was identified as more than four times the size of Paparoa National Park and two and a half times the size of Aoraki-Mt Cook National Park.
- Submitters advocated variously for ecological area, scenic reserve, conservation park or national park, or suggested a combination of these classifications. Some submitters recommended ecological area “gazetted with 2 or more purposes” as this protects “recreation and ecological values and simultaneously protects mana whenua interests should historical values be established as principles”. A national park classification was frequently proposed, with submitters noting that the area recommended for Tarahanga e Toru Historic Reserve shares many of the same natural values as the Arthur’s Pass National Park. Several submitters advocated for the entire Tarahanga e Toru grouping to form a new national park to reflect the “cultural, ecological, landscape and recreational values” (e.g. “a new Tarahanga e Toru/ 3 Passes National Park”). It was recommended that this “grouping be extended south to include the entire Waitaha catchment”.
- Submitters suggested that some parts of this area would meet the criteria for wilderness area (e.g. “majority of Tarahanga e Toru is further away from civilization and more remote than that of the Paparoa or Arthurs Park National Parks”, “Parts of the area even have values on par with the small number of wilderness areas on the West Coast”).

I recommend that these comments are not accepted. Although I agree there are high ecological values present, as described in the CVR (e.g. highly natural catchments with very high water quality; altitudinal sequence of lowland conifer-beech to montane beech forest), my assessment is that on balance the natural resources present are appropriately protected under the proposed classification when considering the historic resources present and the cultural interest and significance of the area to Ngāi Tahu. Under a historic reserve classification, “where scenic, archaeological, geological, biological, 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. 18(2)(c)).

Historical and Cultural Values (Allowed)

- Submitters opposed historic reserve for the whole area recommended as Tarahanga e Toru, commenting that the recommendation is inappropriate as this classification is not intended for large landscapes, but “for small-scale, discrete and recognised archaeological and historical sites and buildings”. Concern was expressed regarding a lack of clarity as to “the place, object, and natural feature or other thing that is to be preserved and protected” or that the historical resources are “cultural and non-physical in nature, making management of these values, over and above secondary objectives and values (e.g. recreation and ecological), highly subjective and open to interpretation” (e.g. “a misuse of the Historic Reserve category as the primary purpose of a Historic Reserve relates to the preservation of structures and objects. The proposed Historic Reserve covers a vast area of great cultural, ecological and recreational importance within which historical structures and objects are almost entirely post colonisation (old benched tracks etc) and cover a vanishingly small percentage of the area”, “the area proposed for historic reserve status appears far more extensive than required to provide for the protection of historic sites and cultural values”, “While Amuri Pass and the Tass-Nancy Saddle may have been historic travelling routes for Māori, there is virtually no built historic heritage in this vast wild area”).
- Submitters frequently advocated for classification as national park over the whole area to “acknowledge the area’s human history and allow the people of today and tomorrow to transcend time, to experience the landscape as early people did”, noting that the National Parks Act 1980 requires that “sites and objects of archaeological and historical interest shall as far as possible be preserved”. Conservation park was also suggested.
- Some submitters who advocated for national park classification for the broader area supported the proposed historic reserve for the pounamu trails themselves “that contain physical evidence of the history” (e.g. the Taramakau river mouth should be “excluded due to its proven historical value”, “we would be supportive of a classification of Historic Reserve for the sections of the Taramakau River covered by Schedule 56 of the Ngāi Tahu Claims Settlement Act (...) subject to the right of public access at no cost being guaranteed in the reclassification process and relevant management plans”).

I recommend that these comments are not accepted. My assessment is that on balance the proposed classification appropriately reflects the historic resources present within the area (e.g. ara tawhito, mahinga kai and pounamu) and the nature of the historical and cultural interests and significance of the area to Ngāi Tahu (“Poutini Ngāi Tahu ancestors and their stories are literally embedded in this landscape”).

Treaty Considerations (Allowed)

- Submitters acknowledged the significance of the area to Ngāi Tahu, but suggested that given the long list of wider conservation values present, the extent of the proposed reserve should be revisited or that other classifications would be more suitable (e.g. “we acknowledge that there is an immense significance and rich history within this area of Pounamu trails, settlements and Pā, mahinga kai gathering, and its general importance to Poutini Ngāi Tahu. We feel that this only adds to the reasons for which it should be more strongly protected, and we believe that its ecological value should be prioritized above all else”).
- Submitters suggested that the proposed classification does “not adequately encompass both nature protection and mana whenua aspirations”.
- Submitters advocated for a national park classification “where proper recognition of Ngāi Tahu’s presence past and present, can be achieved alongside appropriate protection for natural and recreational values”.
- Submitters referenced various examples where Ngāi Tahu have a “major role” in management and planning of national parks (e.g. “National parks do not preclude additional mechanisms for protecting cultural values, such as the topuni which recognises the tapu associated with Aoraki”, “the Treaty principle of partnership can be upheld through shared governance and management practices as is the case for Paparoa National Park”, “any outstanding cultural issues can be managed through some form of shared governance and management (...) Kaitiakitanga of this hugely valued and much used area should rest with the nation as a whole albeit with acknowledgment of, and provision for, the ability for Ngāi Tahu whānui to reconnect to their ancestral lands, provide for the mana and

rangatiratanga of Ngāi Tahu and to exercise kaitiakitanga and mahinga kai. Such arrangements would be provided for through an enlightened National Park Management Plan”).

I recommend that these comments are not accepted. It is my conclusion that the proposed classification appropriately protects the natural and historic resources present within the area, and reflects the nature of the historical and cultural interests and significance of the area to Ngāi Tahu, providing appropriate protection for the identified Treaty partner interests (“Poutini Ngāi Tahu ancestors and their stories are literally embedded in this landscape”).

General (Allowed)

- Submissions expressed general opposition to the proposed classification without providing further justification (e.g. “values more suited to Conservation Park”, “request that the area be given national park status”). One added that it is possible to “still have Historic Reserve rights within a National Park”.
- Submitters raised concerns that “historic reserve status can be altered and allow for other purposes”.

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 classification on the grounds that historic reserve may not prevent mining, hydro schemes or other development in the area and that the public may not be able to have a say in any proposed activities (particularly if the reserve is vested).
- Conversely, other submitters opposed the classification 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 for commercial uses such as mining to be considered on a case-by-case basis.
- A submitter noted various applications in progress and suggested retaining the relevant areas as stewardship or reclassification as a conservation park.

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

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”.
- Submitters were critical of the lack of clearly defined purpose for the reserve, stating that this is a “prerequisite for proper consultation” and that they therefore “simply do not know what we are commenting on”.
- One submitter noted that as well as clarification of purpose, as details of management are unknown, a further public consultation process will be required.
- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land, limitations of the consultation, and potential conflicts of interest.

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

Other (Not Allowed)

- Submitters raised concern about potential vesting of the proposed reserve, suggesting that this may impact on public access (e.g. “if this were to take place there are no guarantees that public access is preserved, nor regarding the preservation of the landscape”).
- Submitters who opposed the classification suggested that they might come to support the proposed reserve if public access and participation in future management planning processes could be ensured, or if there is a mechanism to ensure DOC has ongoing input into decision-making (e.g. “I support mana whenua stewardship but want assurances about public voice in river conservation”, “There is a high level of public interest in this very large area and the ongoing involvement of DOC provides greater certainty that this public interest can be reflected in management”).

- A submitter advocated that due to the scale of the proposed reserve, it “should be included as a separate Place in the CMS so the public can have input into how it is managed”.
- 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 suggested the proposed Tarahanga e Toru Historic Reserve is an unusual use of the designation in terms of size and scale (e.g. “I am uncomfortable with the massive extension of the concept of a Historic Reserve covering such a vast landscape”).
- A submitter queried “how historic reserve status protects biodiversity and public access”, suggesting that the area may be worthy of ecological area status.

I recommend that these comments are not accepted. While I agree there are high ecological values present, as described in the CVR (e.g. highly natural catchments with very high water quality; altitudinal sequence of lowland conifer-beech to montane beech forest), my assessment is that on balance the natural resources present are appropriately protected under the proposed classification and that historic reserve is appropriate when considering the historic resources present and the cultural interest and significance of the area to Ngāi Tahu.

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”.
- A submitter suggested that the justification for the recommendation implies the “mountains and rivers might provide economically”, advocating for separation between decision makers and permission applicants.

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

MAW_09 – Otira-Kopara Forest – 2807512

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Otira-Kopara Forest	MAW_09_2807512t	Tarahanga e Toru Historic Reserve	Tarahanga e Toru Historic Reserve	20	112

DOC Conservation Values Report Description

A 78872.8757-ha area of forested land on the western side of the Southern Alps which contain numerous streams in the headwaters of Ahaura, Haupiri, and Taramakau Rivers, many of which flow from alpine zones >1750 m down to the valley floors, with very high water quality. There is a wide range of avifauna including whio, roroa/great spotted kiwi, South Island kākā, kea and rock wren. The southern end of the Tai Poutini Mt Te Kinga Predator Free Project falls within this area. This area is well-known for recreation, including long treks via huts and popular tramping tracks (including part of Te Araroa Trail), river rafting (commercial), commercial fishing, guiding and horse trekking. Slaty Creek Hut is an actively conserved heritage place. There are three grazing concessions and one concession for a structure at Mt Mason. This area is very significant to Poutini Ngāi Tahu for a number of reasons, including ara tawhito (traditional travel routes).

Panel Recommendations

National Panel: Historic reserve (Tarahanga e Toru), to reflect the values identified, protecting natural, cultural, landscape and historic resources, while facilitating public recreation and enjoyment of the area.

Mana Whenua Panel: Historic reserve (Tarahanga e Toru) appropriately acknowledges the mana of Ngāi Tahu and the immense cultural significance of the area to Poutini Ngāi Tahu.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of Historic Reserve (Tarahanga e Toru).

Summary of accepted submissions: Those submissions ‘accepted’ as holding merit expressed general support for the Tarahanga e Toru Historic Reserve, supported the classification as reflecting the cultural significance of the area or noted that the proposed historic reserve is supported by the Mana Whenua Panel, and reflects the perspectives of Ngāi Tahu. Also accepted were comments which noted the recreational and ecological values present.

Section 4 and Treaty principles: The Mana Whenua Panel have supported the proposed historic reserve, supported by submissions from Treaty partner organisations, and have signalled Ngāi Tahu interests associated with this stewardship area, including ara tawhito linking the east and west coasts. Rakimaurikura, the alpine crossing at the head of the Taramakau River was the easiest and favourite route used for trading pounamu and kai. Kaimataui (Mt Alexander) was a tahu whenua or notable landmark visible from all over the Taramakau and inland Grey Valley as a beacon for travellers.

Another alpine route is up the Ahaura River and over Amuri Pass for a direct route to Kaiapoi Pā, and was favoured by war parties, including Tuhuru. This route was marked by another tahu whenua, Mt Whakarewa.

The Mana Whenua Panel indicated that this central region of the West Coast is the heart of Poutini Ngāi Tahu legends, customs and traditions centred around pounamu; “the historical and contemporary associations with pounamu are integral to Poutini Ngāi Tahu identity” and “the immense historical, spiritual and cultural significance of this area cannot be understated”. This stewardship area is part of a network of ara tawhito; “the mountains are criss-crossed by pounamu trails connecting the pā of Arahura, Taramakau and Māwhera with the great Ngāi Tahu trading centre of Kaiapoi Pā. Three passes in particular were lifelines for Ngāi Tahu as trading routes for pounamu and kai in times of war and peace” and “the varied and plentiful mahinga kai resources in this area supported pā and kāinga nohoanga throughout the region, and were critical to the success of the pounamu pathways”.

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 those submissions accepted, is that the proposed classification provides appropriate protection for the scale and nature of the identified Ngāi Tahu interests, including the identified historic resources and places, objects and natural features, and such things thereon or therein contained that are of cultural interest (e.g. ara tawhito, mahinga kai, pounamu and tohu whenua). I note that the Mana Whenua Panel have supported the notified classification, and I am not otherwise aware of any inconsistency between the proposed classification and the identified Ngāi Tahu interests.

Rationale: Historic reserves are held for the purpose of “protecting and preserving in perpetuity such places, objects, and natural features, and such things thereon or therein contained as are of historic, archaeological, cultural, educational, and other special interest” (Reserves Act 1977, s.18(1)). The notified proposal was underpinned by the cultural interest of the places, natural features, and historic resources, as described by the Mana Whenua Panel (e.g. “immense historical, spiritual and cultural significance”) and can be described as an example of a substantive outcome for Ngāi Tahu consistent with Section 4 of the Act and Treaty principles.

I acknowledge the large number of submissions opposing the notified proposal as not adequately reflecting the natural resources present, which are significant and wide ranging, and hold great value for recreational users. However, I do not accept that these concerns warrant overturning the notified proposal, particularly given that in this instance the places themselves and the natural features present that are of historic, archaeological, cultural, educational, or other special interest, are protected under the primary reserve purpose. Further, the scenic, archaeological, geological, biological, and other scientific features, indigenous flora and fauna, and wildlife are all required to be protected “to the extent compatible with the principal or primary purpose of the reserve” (Section 18(2)(c)) of the Reserves Act 1977). The Reserves Act also provides that “the public shall have freedom of entry and access to the reserve” subject to restrictions which are not unique to the proposed classification, i.e. those “necessary for the protection and general well-being of the reserve and for the protection and control of the public using it” (Section 18(2)(b)) Reserves Act 1977).

My conclusion is that on balance the natural resources are appropriately protected, and public recreational access adequately provided for, under the proposed classification when considering the historic resources present and the nature of the historical and cultural interests and significance of the area to Ngāi Tahu.

Tarahanga e Toru Historic Reserve - MAW_09_2807512t

Support

Access and Recreation (Allowed)

- Submitters in support of historic reserve referenced the importance of recreational values in the area and their desire for these to be protected (e.g. “Many outdoor types, alpinists, trampers, kayakers and hunters would regard the area in which the parcels are located as the backcountry adventure capital of New Zealand. Retaining it as such becomes ever more urgent as pressure and crowding from tourism and recreation grows on other more popular areas of the public conservation estate”, “these catchments contain one of the most significant clusters of wild rivers with outstanding recreational values for Whitewater kayakers and pack rafters, worldwide”).

I recommend that these comments are accepted to the extent that I agree the larger area recommended as Tarahanga e Toru, and this stewardship area in particular, holds high value for recreational use. My assessment is that public recreational access is adequately provided for, when considering the historic resources present and the cultural significance of the area to Ngāi Tahu. I note that the public shall have freedom of entry and access to the reserve” subject to restrictions “necessary for the protection and general well-being of the reserve and for the protection and control of the public using it” (Section 18(2)(b)) Reserves Act 1977).

Ecology and Landscape (Allowed)

- A submitter expressed general support for the Tarahanga e Toru historic reserve, though characterising it as covering too large an area and advocating that a mixture of other classifications should also be used to recognise areas of high ecological value.
- A submitter in support noted the ecological values (e.g. “hosting a range of nationally significant avifauna and includes the Tai Poutini Mt Te Kinga Predator Free Project”).

I recommend that these comments are accepted to the extent that I agree there are high ecological values present, as described in the CVR (e.g. highly natural catchments with very high water quality, altitudinal sequence of lowland conifer/beech to montane beech forest). My assessment is that on balance the natural resources present are appropriately protected under the proposed classification when considering the historic resources present and the cultural significance of the area to Ngāi Tahu. Under a historic reserve classification, “where scenic, archaeological, geological, biological, 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. 18(2)(c)).

Treaty Considerations (Allowed)

- Submissions stated they support the position of the Mana Whenua Panel on the basis that these 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”, “Support retention as historic reserve and renaming to reflect the cultural significance of the area”).
- Submitters noted that the proposed historic reserves recognise “sites of significance to Ngāi Tahu and ensure Ngāi Tahu values, alongside conservation values, are at the forefront of the classification”. They noted the values and interests present, e.g. “pounamu traditions, the trails and passes (particularly Rakimaurikura, Te Tarahanga o Kaniere and Amuri Pass) that were trading routes for pounamu and kai in times of war and peace, connecting Tai Poutini with the east coast”. It was advocated that “the proposed reserves must acknowledge the mana and rangatiratanga of Ngāi Tahu, and provide for Ngāi Tahu wellbeing, kaitiakitanga and mahinga kai”.

I recommend that these comments are accepted. I acknowledge that that the Tarahanga e Toru Historic Reserve area is of historical and cultural significance to Ngāi Tahu identity. My assessment is that the proposed classification appropriately reflects the significance of the historic resources, and the historical and cultural interests present within the area, and provides appropriate protection for the identified Ngāi Tahu interests.

General (Allowed)

- Submissions expressed support for the proposed classification or the recommendations of the Mana Whenua Panel, 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”.
- A submitter stated that the proposed classification reflects the use of the land and adequately protects against its degradation.

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 objected to historic reserve classification for the whole area recommended as Tarahanga e Toru on the grounds that the classification does not appropriately protect the extremely high recreational values of the area and may curtail public access, noting that historic reserve classification would only protect recreation values to the extent compatible with the historic values identified (e.g. “public access, the hut, bridge and track systems, and other recreational facilities are not recognised or guaranteed under this category”, “historical reserves do not guarantee freedom of access, and impose restrictions on camping”). Concerns were raised that the

recommendation classification could allow activities which would diminish recreation values (e.g. “another area of concern (...) is potential for hydroelectric development in this area of pristine unmodified rivers important for recreation and biodiversity”).

- The extensive recreation values of the whole area were described, both in terms of established recreational infrastructure and wild areas for trampers and hunters (e.g. “a long established history of multi-day backcountry tramping, mountaineering and hunting trips”, “a massive network of huts and tracks, many of which are community maintained”, “with over 60 backcountry huts the proposed area is also highly valued by the tramping and hunting communities”).
- Submissions made in relation to the whole area recommended as Tarahanga e Toru raised concerns that both the DOC conservation values reports and the Panels’ recommendation reports lacked full consideration of the recreation values present, notably the importance of the rivers for a range of paddle sports and canyoning. There was concern that historic reserve classification may affect access to these rivers, with submitters most frequently recommending ecological area as their preferred alternative.
- A substantial number of submissions were made regarding the value people place on rivers in the area (e.g. “There is no doubt that the rivers [on the west coast] are world-class. They are challenging, remote, uncrowded, scenic beyond belief, and most importantly ours to protect. Neither Panel recognised these characteristics here and only a brief reference to the kayaking was noted in their reports”, “this parcel of land contains some of the most wild and outrageously good kayaking that our country has to offer. There are many quality rivers, and they all have their own character, some are steep and fast, others are high volume and pushy. All of them are powerful places, both physically and spiritually”).
- The importance of the Crooked River in particular was emphasised in a large number of submissions, including to the Tai Poutini Polytech (e.g. “It is an excellent teaching site and is significant within the Tai Poutini Polytech programme”, “It’s [a] beautiful, wild, untouched and a classic west coast river. It’s hard as a non kayaker to understand what these rivers mean to us, but if we are willing to carry a 25kg kayak on our shoulder for hours on a muddy, steep track and suffer just so we can paddle this river it must show something!”).
- Submitters noted that historic reserve classification does not guarantee free public access (e.g. “historic reserves may be leased by an administering body potentially privatising the area”, “experience with management of the Waitaiki Historic Reserve is that access is denied for spurious reasons”, “fees may be charged for access and use”, “the widespread use of s58(c) to charge for admission should be ruled out”).
- To ensure public access and protect recreation values, submitters advocated variously for ecological area, scenic reserve, conservation park or national park, joint historic/recreation reserve.
- Submitters frequently advocated for national park classification for the whole area recommended as Tarahanga e Toru Historic Reserve, to protect the high recreation values (e.g. “a classification under the National Parks Act or alternatively, Part 4 of Conservation Act would provide more balanced and appropriate management of ecological, recreational and mana whenua values. It will better protect recreation, conservation and the highly valued ecological and whitewater values in this area, requiring public consultation for any concessions, works or changes to access arrangements or future reclassifications”).
- Submitters otherwise suggested that access be explicitly guaranteed under the Reserves Act (e.g. “either the classification be under the Conservation Act, or mechanisms to ensure practical enduring access and conservation of other natural values are expressly provided for in any classification under the Reserves Act”).

I recommend that these comments are not accepted. While I agree the wider area recommended as the Tarahanga e Toru Historic Reserve, and in particular this conservation area, holds high value for recreation use, my assessment is that on balance public recreational access is adequately provided for, when considering the historic resources present and the cultural interest and significance of the area to Ngāi Tahu. The public “shall have freedom of entry and access to the reserve”, subject to restrictions “necessary for the protection and general well-being of the reserve and for the protection and control of the public using it” (Section 18(2(b)) Reserves Act 1977).

I acknowledge submitters concerns a historic reserve classification can limit access, however I do not accept that this concern warrants overturning the notified proposal. Such potential access restrictions are not unique to the proposed classification and exist elsewhere within the legislation, for example under the Reserves Act 1977 and s.4(2)(e) of the National Parks Act 1980.

Climate Change and Natural Hazards (Allowed)

- Submitters who opposed historic reserve classification for the whole area recommended as Tarahanga e Toru noted that protection of the natural resources was important given that the area is large enough to contribute to climate change mitigation (e.g. “large enough areas necessary for carbon sinks to help New Zealand meet international agreements on climate change”, “a significant part of our potential carbon sinks, biodiversity bases, and natural fresh water sources”).

I recommend these comments are not accepted. While I acknowledge submitters’ comments that the stewardship area contains unmodified and high value natural resources (e.g. highly natural catchments with very high water quality; altitudinal sequence of lowland conifer-beech to montane beech forest), my assessment is that on balance the natural resources present are appropriately protected under the proposed classification when considering the historic resources present and the cultural significance of the area to Ngāi Tahu.

Ecology and Landscape (Allowed)

- Submitters objected to historic reserve classification for the wider area recommended as Tarahanga e Toru, arguing that a historic reserve classification does not offer adequate protection for the unmodified natural resources present (e.g. “this classification appears to provide relatively weak protection to both conservation and public access”, “historic reserve classification could allow for management and development that is inconsistent with the recreational and biodiversity values present”, “the highly valuable qualities of these areas are their wild, scenic, rugged, unmodified nature and free access (...) These qualities are not protected at all by the recommendation of a historic reserve, in fact this level of protection doesn’t come close to covering it”, “The effects of mining may very well change the entire face of the landscape removing stretches of forest, polluting our water ways and disrupting our native ecosystems”).
- Submitters commented that the lack of clearly defined purpose meant the public were unable to understand how the natural values would be protected in relation to this primary purpose (“This is because the primary purpose of the reserve takes priority over the protection of scenic, archaeological, geological, biological, or other scientific features, and indigenous flora or fauna on the reserve”).
- Submitters advocating for higher protection emphasised that the area recommended as Tarahanga e Toru is largely remote and intact, with notable freshwater and biodiversity values (e.g. “unmodified headwaters, uninterrupted mountains to sea, threatened ecosystems and species such as rare braided riverbed, indigenous fish un-dammed pathways, sand spit, bird breeding areas and public access”, “the vast landscape remains almost as it was before humans arrived”, “a stronghold for taonga species including kea and whio”, “untouched kingdoms of scientific biodiversity”, “contains roughly 60 kilometres of the Southern Alps. Within this area are numerous small glaciers and many significant peaks, the headwaters of some of the West Coast’s major rivers”, “There are over 300 km of river in this area, all of it is pristine and the majority of it is remote”, “For the fauna especially, the remote backcountry of the area provides a natural habitat suitable for recovering populations. The Kea and Whio populations especially benefit from the remoteness”, “outstanding and nationally significant ecological, landscape and recreational values within this area that warrant the highest level of protection”).
- Submitters noted that the Grey/Māwhera River and the Ahaura River, and their headwaters and tributaries, are subject to a Water Conservation Order (WCO), commenting that the “technical reports are silent on this matter and the historic reserve recommendation would offer a level of conservation significantly weaker than the Water Conservation Order and its land management obligations”.
- Submitters often suggested that historic reserve is inappropriate for such an extensive area (e.g. “The area is very large and some parts of it may be better suited to scenic reserve, national park, ecological area or scientific reserve classification”, “Along with many other sections of legislation that are inappropriate for such a large pristine bit of land...”, “The recommendation that vast landscapes, such as the proposed Tarahanga e Toru Historic Reserve area, may be acceptable only if it offers robust protection to the extraordinary ecological, geological, palaeontological, cultural, landscape, recreational and spiritual values of that area”). The Tarahanga e Toru grouping was identified as more than four times the size of Paparoa National Park and two and a half times the size of Aoraki-Mt Cook National Park.
- Submitters advocated variously for ecological area, scenic reserve, conservation park or national park, or suggested a combination of these classifications. Some submitters recommended ecological area “gazetted with 2 or more

purposes” as this protects “recreation and ecological values and simultaneously protects mana whenua interests should historical values be established as principles”. A national park classification was frequently proposed, with submitters noting that the area recommended for Tarahanga e Toru Historic Reserve shares many of the same natural values as the Arthurs Pass National Park. Several submitters advocated for the entire Tarahanga e Toru grouping to form a new national park to reflect the “cultural, ecological, landscape and recreational values” (e.g. “a new Tarahanga e Toru/ 3 Passes National Park”). It was recommended that this “grouping be extended south to include the entire Waitaha catchment”.

- Submitters suggested that some parts of this area would meet the criteria for wilderness area (e.g. “majority of Tarahanga e Toru is further away from civilization and more remote than that of the Paparoa or Arthurs Park National Parks”, “Parts of the area even have values on par with the small number of wilderness areas on the West Coast”).

I recommend that these comments are not accepted. Although I agree there are high ecological values present, as described in the CVR (e.g. highly natural catchments with very high water quality, altitudinal sequence of lowland conifer/beechn montane beech forest), my assessment is that on balance the natural resources present are appropriately protected under the proposed classification when considering the historic resources present and the cultural interest and significance of the area to Ngāi Tahu. Under a historic reserve classification, “where scenic, archaeological, geological, biological, 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. 18(2)(c)).

Historical and Cultural Values (Allowed)

- Submitters opposed historic reserve for the whole area recommended as Tarahanga e Toru, commenting that the recommendation is inappropriate as this classification is not intended for large landscapes, but “for small-scale, discrete and recognised archaeological and historical sites and buildings”. Concern was expressed regarding a lack of clarity as to “the place, object, and natural feature or other thing that is to be preserved and protected” or that the historical resources are “cultural and non-physical in nature, making management of these values, over and above secondary objectives and values (e.g. recreation and ecological), highly subjective and open to interpretation” (e.g. “a misuse of the Historic Reserve category as the primary purpose of a Historic Reserve relates to the preservation of structures and objects. The proposed Historic Reserve covers a vast area of great cultural, ecological and recreational importance within which historical structures and objects are almost entirely post colonisation (old benched tracks etc) and cover a vanishingly small percentage of the area”, “the area proposed for historic reserve status appears far more extensive than required to provide for the protection of historic sites and cultural values”, “While Amuri Pass and the Tass-Nancy Saddle may have been historic travelling routes for Māori, there is virtually no built historic heritage in this vast wild area”).
- Submitters frequently advocated for classification as national park over the whole area to “acknowledge the area’s human history and allow the people of today and tomorrow to transcend time, to experience the landscape as early people did”, noting that the National Parks Act 1980 requires that “sites and objects of archaeological and historical interest shall as far as possible be preserved”. Conservation park was also suggested.
- Some submitters who broadly opposed the proposed Tarahanga e Toru grouping supported historic reserve for specific areas. These included the pounamu trails themselves “that contain physical evidence of the history” (e.g. the Taramakau river mouth should be “excluded due to its proven historical value”, “we would be supportive of a classification of Historic Reserve for the sections of the Taramakau River covered by Schedule 56 of the Ngāi Tahu Claims Settlement Act (...) subject to the right of public access at no cost being guaranteed in the reclassification process and relevant management plans”).

I recommend that these comments are not accepted. My assessment is that on balance the proposed classification appropriately reflects the historic resources present within the area (e.g. ara tawhito, mahinga kai, pounamu and tohu whenua) and the nature of the historical and cultural interests and significance of the area to Ngāi Tahu (“Poutini Ngāi Tahu ancestors and their stories are literally embedded in this landscape”).

Treaty Considerations (Allowed)

- Submitters acknowledged the significance of the area to Ngāi Tahu, but suggested that given the long list of wider conservation values present, the extent of the proposed reserve should be revisited or that other classifications

would be more suitable (e.g. “we acknowledge that there is an immense significance and rich history within this area of Pounamu trails, settlements and Pā, mahinga kai gathering, and its general importance to Poutini Ngāi Tahu. We feel that this only adds to the reasons for which it should be more strongly protected, and we believe that its ecological value should be prioritized above all else”).

- Submitters suggested that the proposed classification does “not adequately encompass both nature protection and mana whenua aspirations”.
- Submitters advocated for a national park classification “where proper recognition of Ngāi Tahu’s presence past and present, can be achieved alongside appropriate protection for natural and recreational values”.
- Submitters referenced various examples where Ngāi Tahu have a “major role” in management and planning of national parks (e.g. “National parks do not preclude additional mechanisms for protecting cultural values, such as the topuni which recognises the tapu associated with Aoraki”, “the Treaty principle of partnership can be upheld through shared governance and management practices as is the case for Paparoa National Park”, “any outstanding cultural issues can be managed through some form of shared governance and management (...) Kaitiakitanga of this hugely valued and much used area should rest with the nation as a whole albeit with acknowledgment of, and provision for, the ability for Ngāi Tahu whānui to reconnect to their ancestral lands, provide for the mana and rangatiratanga of Ngāi Tahu and to exercise kaitiakitanga and mahinga kai. Such arrangements would be provided for through an enlightened National Park Management Plan”).

I recommend that these comments are not accepted. It is my conclusion that the proposed classification appropriately protects the natural and historic resources present within the area, and reflects the nature of the historical and cultural interests and significance of the area to Ngāi Tahu, providing appropriate protection for the identified Treaty partner interests (“Poutini Ngāi Tahu ancestors and their stories are literally embedded in this landscape”).

General (Allowed)

- Submissions expressed general opposition to the proposed classification without providing further justification (e.g. “values more suited to Conservation Park”, “request that the area be given national park status”).
- Submitters raised concerns that “historic reserve status can be altered and allow for other purposes”.

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 classification for the whole area recommended as Tarahanga e Toru on the grounds that historic reserve may not prevent mining, hydro schemes or other development in the area, and that the public may not be able to have a say in any proposed activities (particularly if the reserve is vested).
- Conversely, other submitters opposed the classification 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 for commercial uses such as mining to be considered on a case-by-case basis.
- A submitter noted various applications in progress and suggested retaining the relevant areas as stewardship or reclassification as a conservation park.

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

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”.
- Submitters were critical of the lack of clearly defined purpose for the reserve, stating that this is a “prerequisite for proper consultation” and that they therefore “simply do not know what we are commenting on”.
- A submitter highlighted that as well as clarification of purpose, as details of management are unknown, a further public consultation process will be required.
- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land, limitations of the consultation, and potential conflicts of interest.

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

Other (Not Allowed)

- Submitters raised concern about potential vesting of the proposed reserve, suggesting that this may impact on public access (e.g. “if this were to take place there are no guarantees that public access is preserved, nor regarding the preservation of the landscape”).
- Submitters who opposed the classification suggested that they might come to support the proposed reserve if public access and participation in future management planning processes could be ensured, or if there is a mechanism to ensure DOC has ongoing input into decision-making (e.g. “I support mana whenua stewardship but want assurances about public voice in river conservation”, “There is a high level of public interest in this very large area and the ongoing involvement of DOC provides greater certainty that this public interest can be reflected in management”).
- A submitter advocated that due to the scale of the proposed reserve, it “should be included as a separate Place in the CMS so the public can have input into how it is managed”.
- 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 suggested the proposed Tarahanga e Toru Historic Reserve is an unusual use of the designation in terms of size and scale (e.g. “I am uncomfortable with the massive extension of the concept of a Historic Reserve covering such a vast landscape”).
- A submitter queried “how historic reserve status protects biodiversity and public access”, suggesting that the area may be worthy of ecological area status.

I recommend that these comments are not accepted. While I agree there are high ecological values present, as described in the CVR, my assessment is that on balance the natural resources present are appropriately protected under the proposed classification and that historic reserve is appropriate when considering the historic resources present and the cultural interest and significance of the area to Ngāi Tahu.

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”.

- A submitter suggested that the justification for the recommendation implies the “mountains and rivers might provide economically”, advocating for separation between decision makers and permission applicants.

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

MAW_09 – Robinson River – 2807517

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Robinson River	MAW_09_2807517u	Tarahanga e Toru Historic Reserve	Tarahanga e Toru Historic Reserve	17	107

DOC Conservation Values Report Description

A 105.8755-ha area of primarily forested land covering sections of the Upper Grey River riverbed, river margins and grazed pasture or farmland on the western side of the Southern Alps. There is a wide range of avifauna including whio, roroa/great spotted kiwi, South Island kākā, kea and rock wren. This area is well-known for recreation and includes popular tramping tracks. This area is very significant to Poutini Ngāi Tahu for a number of reasons, including ara tawhito (traditional travel routes).

Panel Recommendations

National Panel: Historic reserve (Tarahanga e Toru), to reflect the values identified, protecting natural, cultural, landscape and historic resources, while facilitating public recreation and enjoyment of the area.

Mana Whenua Panel: Historic reserve (Tarahanga e Toru) appropriately acknowledges the mana of Ngāi Tahu and the immense cultural significance of the area to Poutini Ngāi Tahu.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of Historic Reserve (Tarahanga e Toru).

Summary of accepted submissions: Those submissions accepted as holding merit expressed general support for the proposed classification, highlighted the recreational and ecological values present in the area, or noted that the proposed historic reserve 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 historic reserve, supported by submissions from Treaty partner organisations, and have signalled Ngāi Tahu interests associated with this stewardship area, including ara tawhito that were trading routes for pounamu and kai.

This Mana Whenua Panel indicated that this region of the West Coast is the heart of Poutini Ngāi Tahu legends, customs and traditions centred around pounamu; “the historical and contemporary associations with pounamu are integral to Poutini Ngāi Tahu identity” and the “immense historical, spiritual and cultural significance of this area cannot be understated”. This stewardship area is part of a network of ara tawhito; “the mountains are criss-crossed by pounamu trails connecting the pā of Arahura, Taramakau and Māwhera with the great Ngāi Tahu trading centre of Kaiapoi Pā. Three passes in particular were lifelines for Ngāi Tahu as trading routes for pounamu and kai in times of war and peace” and “the varied and plentiful mahinga kai resources in this area supported pā and kāinga nohoanga (temporary settlements) throughout the region, and were critical to the success of the pounamu pathways”.

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 those submissions accepted, is that the proposed classification provides appropriate protection for the scale and nature of the identified Ngāi Tahu interests, including the identified historic resources and places, objects and natural features, and such things thereon or therein contained that are of cultural interest (e.g. ara tawhito, mahinga kai and pounamu). I note that the Mana Whenua Panel have supported the notified classification, and I am not otherwise aware of any inconsistency between the proposed classification and the identified Ngāi Tahu interests.

Rationale: Historic reserves are held for the purpose of “protecting and preserving in perpetuity such places, objects, and natural features, and such things thereon or therein contained as are of historic, archaeological, cultural, educational, and other special interest” (Reserves Act 1977, s.18(1)). The notified proposal was underpinned by the cultural interest of the places, natural features, and historic resources, as described by the Mana Whenua Panel (e.g. “immense historical, spiritual and cultural significance”) and can be described as an example of a substantive outcome for Ngāi Tahu consistent with Section 4 of the Act and Treaty principles.

Regarding the remainder of the conservation area, my conclusion, in accordance with a substantial number of submissions received, is that the natural resources present (e.g. highly natural catchments with very high water quality; altitudinal sequence of lowland conifer-beech to montane beech forest and subalpine grasslands on granite) and associated recreation values warrant a classification that is more consistent with those values than that which was notified.

I acknowledge the large number of submissions opposing the notified proposal as not adequately reflecting the natural resources present, which are significant and wide ranging, and hold great value for recreational users. However, I do not accept that these concerns warrant overturning the notified proposal, particularly given that in this instance the places themselves and the natural features present that are of historic, archaeological, cultural, educational, or other special interest are protected under the primary reserve purpose. Further, the scenic, archaeological, geological, biological, and other scientific features, indigenous flora and fauna, and wildlife are all required to be protected “to the extent compatible with the principal or primary purpose of the reserve” (Section 18(2)(c)) of the Reserves Act 1977). The Reserves Act also provides that “the public shall have freedom of entry and access to the reserve” subject to restrictions which are not unique to the proposed classification, i.e. those “necessary for the protection and general well-being of the reserve and for the protection and control of the public using it” (Section 18(2)(b)) Reserves Act 1977).

My conclusion is that on balance the natural resources are appropriately protected, and public recreational access adequately provided for, under the proposed classification when considering the historic resources present and the nature of the historical and cultural interests and significance of the area to Ngāi Tahu.

Tarahanga e Toru Historic Reserve - MAW_09_2807517u

Support

Access and Recreation (Allowed)

- Submitters in support of historic reserve referenced the importance of recreational values in the area and their desire for these to be protected (e.g. “Many outdoor types, alpinists, trampers, kayakers and hunters would regard the area in which the parcels are located as the backcountry adventure capital of New Zealand. Retaining it as such becomes ever more urgent as pressure and crowding from tourism and recreation grows on other more popular areas of the public conservation estate”, “these catchments contain one of the most significant clusters of wild rivers with outstanding recreational values for Whitewater kayakers and pack rafters, worldwide”).

I recommend that these comments are accepted. I agree that public recreational access is adequately provided for, when considering the historic resources present and the cultural interests and significance of the area to Ngāi Tahu. I note that the public shall have freedom of entry and access to the reserve” subject to restrictions “necessary for the protection and general well-being of the reserve and for the protection and control of the public using it” (Section 18(2)(b)) Reserves Act 1977).

Ecology and Landscape (Allowed)

- A submitter expressed general support for the Tarahanga e Toru historic reserve, though characterising it as covering too large an area and advocating that a mixture of other classifications should also be used to recognise areas of high ecological value.
- A submitter in support noted the ecological values (e.g. “hosting a range of nationally significant avifauna and includes the Tai Poutini Mt Te Kinga Predator Free Project”).

I recommend that these comments are accepted to the extent that I agree there are ecological values present, as described in the CVR (e.g. high levels of naturalness from a water quality perspective, indigenous forest). My assessment is that on balance the natural resources present are appropriately protected under the proposed classification when considering the historic resources present and the cultural interests and significance of the area to Ngāi Tahu. Under a historic reserve classification, “where scenic, archaeological, geological, biological, 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. 18(2)(c)).

Treaty Considerations (Allowed)

- Submissions stated they support the position of the Mana Whenua Panel on the basis that these 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”, “Support retention as historic reserve and renaming to reflect the cultural significance of the area”).
- Submitters noted that the proposed historic reserves recognise “sites of significance to Ngāi Tahu and ensure Ngāi Tahu values, alongside conservation values, are at the forefront of the classification”. They noted the values and interests present, e.g. “pounamu traditions, the trails and passes (particularly Rakimaurikura, Te Tarahanga o Kaniere and Amuri Pass) that were trading routes for pounamu and kai in times of war and peace, connecting Tai Poutini with the east coast”. It was advocated that “the proposed reserves must acknowledge the mana and rangatiratanga of Ngāi Tahu, and provide for Ngāi Tahu wellbeing, kaitiakitanga and mahinga kai”.

I recommend that these comments are accepted. I acknowledge that that the Tarahanga e Toru Historic Reserve is of historical and cultural significance to Ngāi Tahu identity. My assessment is that the proposed classification appropriately reflects the significance of the historic resources and cultural interests present within the area and provides appropriate protection for the identified Ngāi Tahu interests.

General (Allowed)

- Submissions expressed support for the proposed classification or the recommendations of the Mana Whenua Panel, 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”.
- A submitter stated that the proposed classification reflects the use of the land and adequately protects against its degradation.

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 objected to historic reserve classification for the whole area recommended as Tarahanga e Toru on the grounds that the classification does not appropriately protect the extremely high recreational values of the area and may curtail public access, noting that historic reserve classification would only protect recreation values to the extent compatible with the historic values identified (e.g. “public access, the hut, bridge and track systems, and other recreational facilities are not recognised or guaranteed under this category”, “historical reserves do not guarantee freedom of access, and impose restrictions on camping”). Concerns were raised that the recommendation classification could allow activities which would diminish recreation values (e.g. “another area of concern (...) is potential for hydroelectric development in this area of pristine unmodified rivers important for recreation and biodiversity”).
- The extensive recreation values of the whole area were described, both in terms of established recreational infrastructure and wild areas for trampers and hunters (e.g. “a long established history of multi-day backcountry tramping, mountaineering and hunting trips”, “a massive network of huts and tracks, many of which are community

maintained”, “with over 60 backcountry huts the proposed area is also highly valued by the tramping and hunting communities”).

- Submissions made in relation to the whole area recommended as Tarahanga e Toru raised concerns that both the DOC conservation values reports and the Panels’ recommendation reports lacked full consideration of the recreation values present, notably the importance of the rivers for a range of paddle sports and canyoning. There was concern that historic reserve classification may affect access to these rivers, with submitters most frequently recommending ecological area as their preferred alternative.
- A substantial number of submissions were made regarding the value people place on rivers in the area (E.g. “Grey River/Māwheranui (incl Blue-Grey, Upper Grey) is a very special area for white water paddlers new, experienced, families. There are many trips each year by white water clubs and groups of friends”, “There is no doubt that the rivers are world-class. They are challenging, remote, uncrowded, scenic beyond belief, and most importantly ours to protect. Neither Panel recognised these characteristics here and only a brief reference to the kayaking was noted in their reports”, “this parcel of land contains some of the most wild and outrageously good kayaking that our country has to offer. There are many quality rivers, and they all have their own character, some are steep and fast, others are high volume and pushy. All of them are powerful places, both physically and spiritually”). There was concern that historic reserve classification may affect access to these rivers, with submitters most frequently recommending ecological area as their preferred alternative.
- Submitters noted that historic reserve classification does not guarantee free public access (e.g. “historic reserves may be leased by an administering body potentially privatising the area”, “experience with management of the Waitaiki Historic Reserve is that access is denied for spurious reasons”, “fees may be charged for access and use”, “the widespread use of s58(c) to charge for admission should be ruled out”).
- To ensure public access and protect recreation values, submitters advocated variously for ecological area, scenic reserve, conservation park or national park, joint historic/recreation reserve.
- Submitters frequently advocated for national park classification for the whole area recommended as Tarahanga e Toru Historic Reserve, to protect the high recreation values (e.g. “a classification under the National Parks Act or alternatively, Part 4 of Conservation Act would provide more balanced and appropriate management of ecological, recreational and mana whenua values. It will better protect recreation, conservation and the highly valued ecological and whitewater values in this area, requiring public consultation for any concessions, works or changes to access arrangements or future reclassifications”).
- Submitters otherwise suggested that access be explicitly guaranteed under the Reserves Act (e.g. “either the classification be under the Conservation Act, or mechanisms to ensure practical enduring access and conservation of other natural values are expressly provided for in any classification under the Reserves Act”).

I recommend that these comments are not accepted. While I agree the wider area recommended as the Tarahanga e Toru Historic Reserve, and in particular this conservation area, holds high value for recreation use, my assessment is that on balance public recreational access is adequately provided for, when considering the historic resources present and the cultural interest and significance of the area to Ngāi Tahu. The public “shall have freedom of entry and access to the reserve”, subject to restrictions “necessary for the protection and general well-being of the reserve and for the protection and control of the public using it” (Section 18(2)(b)) Reserves Act 1977).

I acknowledge submitters concerns a historic reserve classification can limit access, however I do not accept that this concern warrants overturning the notified proposal. Such potential access restrictions are not unique to the proposed classification and exist elsewhere within the legislation, for example under the Reserves Act 1977 and s.4(2)(e) of the National Parks Act 1980.

Climate Change and Natural Hazards (Allowed)

- Submitters who opposed historic reserve classification for the whole area recommended as Tarahanga e Toru noted that protection of the natural resources was important given that the area is large enough to contribute to climate change mitigation (e.g. “large enough areas necessary for carbon sinks to help New Zealand meet international agreements on climate change”, “a significant part of our potential carbon sinks, biodiversity bases, and natural fresh water sources”).

I recommend these comments are not accepted. While I acknowledge submitters’ comments that the stewardship area contains unmodified natural resources, my assessment is that on balance the natural resources present are appropriately

protected under the proposed classification when considering the historic resources present and the cultural interest and significance of the area to Ngāi Tahu.

Ecology and Landscape (Allowed)

- Submitters objected to historic reserve classification for the whole area recommended as Tarahanga e Toru, arguing that a historic reserve classification does not offer adequate protection for the unmodified natural resources present (e.g. “this classification appears to provide relatively weak protection to both conservation and public access”, “historic reserve classification could allow for management and development that is inconsistent with the recreational and biodiversity values present”, “the highly valuable qualities of these areas are their wild, scenic, rugged, unmodified nature and free access (...) These qualities are not protected at all by the recommendation of a historic reserve, in fact this level of protection doesn’t come close to covering it”, “The effects of mining may very well change the entire face of the landscape removing stretches of forest, polluting our water ways and disrupting our native ecosystems”).
- Submitters commented that the lack of clearly defined purpose meant the public were unable to understand how the natural values would be protected in relation to this primary purpose (“This is because the primary purpose of the reserve takes priority over the protection of scenic, archaeological, geological, biological, or other scientific features, and indigenous flora or fauna on the reserve”).
- Submitters advocating for higher protection emphasised that the area recommended as Tarahanga e Toru is largely remote and intact, with notable freshwater and biodiversity values (e.g. “unmodified headwaters, uninterrupted mountains to sea, threatened ecosystems and species such as rare braided riverbed, indigenous fish un-dammed pathways, sand spit, bird breeding areas and public access”, “the vast landscape remains almost as it was before humans arrived”, “a stronghold for taonga species including kea and whio”, “untouched kingdoms of scientific biodiversity”, “contains roughly 60 kilometres of the Southern Alps. Within this area are numerous small glaciers and many significant peaks, the headwaters of some of the West Coast’s major rivers”, “There are over 300 km of river in this area, all of it is pristine and the majority of it is remote”, “For the fauna especially, the remote backcountry of the area provides a natural habitat suitable for recovering populations. The Kea and Whio populations especially benefit from the remoteness”, “outstanding and nationally significant ecological, landscape and recreational values within this area that warrant the highest level of protection”).
- Submitters noted that the Grey/Māwhera River and the Ahaura River, and their headwaters and tributaries, are subject to a Water Conservation Order (WCO), commenting that the “technical reports are silent on this matter and the historic reserve recommendation would offer a level of conservation significantly weaker than the Water Conservation Order and its land management obligations”.
- Submitters often suggested that historic reserve is inappropriate for such an extensive area (e.g. “The area is very large and some parts of it may be better suited to scenic reserve, national park, ecological area or scientific reserve classification”, “Along with many other sections of legislation that are inappropriate for such a large pristine bit of land...”, “The recommendation that vast landscapes, such as the proposed Tarahanga e Toru Historic Reserve area, may be acceptable only if it offers robust protection to the extraordinary ecological, geological, palaeontological, cultural, landscape, recreational and spiritual values of that area”). The Tarahanga e Toru grouping was identified as more than four times the size of Paparoa National Park and two and a half times the size of Aoraki-Mt Cook National Park.
- Submitters advocated variously for ecological area, scenic reserve, conservation park or national park, or suggested a combination of these classifications. Some submitters recommended ecological area “gazetted with 2 or more purposes” as this protects “recreation and ecological values and simultaneously protects mana whenua interests should historical values be established as principles”. A national park classification was frequently proposed, with submitters noting that the area recommended for Tarahanga e Toru Historic Reserve shares many of the same natural values as the Arthurs Pass National Park. Several submitters advocated for the entire Tarahanga e Toru grouping to form a new national park to reflect the “cultural, ecological, landscape and recreational values” (e.g. “a new Tarahanga e Toru/ 3 Passes National Park”). It was recommended that this “grouping be extended south to include the entire Waitaha catchment”.
- Submitters suggested that some parts of this area would meet the criteria for wilderness area (e.g. “majority of Tarahanga e Toru is further away from civilization and more remote than that of the Paparoa or Arthurs Park

National Parks”, “Parts of the area even have values on par with the small number of wilderness areas on the West Coast”).

I recommend that these comments are not accepted. Although I agree there are high ecological values present, as described in the CVR (e.g. high levels of naturalness from a water quality perspective, indigenous forest), my assessment is that on balance the natural resources present are appropriately protected under the proposed classification when considering the historic resources present and the cultural interest and significance of the area to Ngāi Tahu. Under a historic reserve classification, “where scenic, archaeological, geological, biological, 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” (Section 18(2)(c)) of the Reserves Act 1977). I note that many comments reference the natural resources of the wider area notified as Tarahanga e Toru Historic Reserve, not all of which are directly relevant to the natural resources of this specific stewardship area.

Historical and Cultural Values (Allowed)

- Submitters opposed historic reserve for the whole area recommended as Tarahanga e Toru, commenting that the recommendation is inappropriate as this classification is not intended for large landscapes, but “for small-scale, discrete and recognised archaeological and historical sites and buildings”. Concern was expressed regarding a lack of clarity as to “the place, object, and natural feature or other thing that is to be preserved and protected” or that the historical resources are “cultural and non-physical in nature, making management of these values, over and above secondary objectives and values (e.g. recreation and ecological), highly subjective and open to interpretation” (e.g. “a misuse of the Historic Reserve category as the primary purpose of a Historic Reserve relates to the preservation of structures and objects. The proposed Historic Reserve covers a vast area of great cultural, ecological and recreational importance within which historical structures and objects are almost entirely post colonisation (old benched tracks etc) and cover a vanishingly small percentage of the area”, “the area proposed for historic reserve status appears far more extensive than required to provide for the protection of historic sites and cultural values”, “While Amuri Pass and the Tass-Nancy Saddle may have been historic travelling routes for Māori, there is virtually no built historic heritage in this vast wild area”).
- Submitters advocated for classification as national park over the whole area to “acknowledge the area’s human history and allow the people of today and tomorrow to transcend time, to experience the landscape as early people did”, noting that the National Parks Act 1980 requires that “sites and objects of archaeological and historical interest shall as far as possible be preserved”. Conservation park was also suggested.
- Some submitters who advocated for national park classification supported the proposed historic reserve for the pounamu trails themselves “that contain physical evidence of the history” (e.g. the Taramakau river mouth should be “excluded due to its proven historical value”, “we would be supportive of a classification of Historic Reserve for the sections of the Taramakau River covered by Schedule 56 of the Ngāi Tahu Claims Settlement Act (...) subject to the right of public access at no cost being guaranteed in the reclassification process and relevant management plans”).

I recommend that these comments are not accepted. My assessment is that on balance the proposed classification appropriately reflects the historic resources present (e.g. ara tawhito, mahinga kai and pounamu) and the nature of the historical and cultural interests and significance of the area to Ngāi Tahu (“Poutini Ngāi Tahu ancestors and their stories are literally embedded in this landscape”).

Treaty Considerations (Allowed)

- Submitters acknowledged the significance of the area to Ngāi Tahu, but suggested that given the long list of wider conservation values present, the extent of the proposed reserve should be revisited or that other classifications would be more suitable (e.g. “we acknowledge that there is an immense significance and rich history within this area of Pounamu trails, settlements and Pā, mahinga kai gathering, and its general importance to Poutini Ngāi Tahu. We feel that this only adds to the reasons for which it should be more strongly protected, and we believe that its ecological value should be prioritized above all else”).
- Submitters suggested that the proposed classification does “not adequately encompass both nature protection and mana whenua aspirations”.

- Submitters advocated for a national park classification “where proper recognition of Ngāi Tahu’s presence past and present, can be achieved alongside appropriate protection for natural and recreational values”.
- Submitters referenced various examples where Ngāi Tahu have a “major role” in management and planning of national parks (e.g. “National parks do not preclude additional mechanisms for protecting cultural values, such as the topuni which recognises the tapu associated with Aoraki”, “the Treaty principle of partnership can be upheld through shared governance and management practices as is the case for Paparoa National Park”, “any outstanding cultural issues can be managed through some form of shared governance and management (...) Kaitiakitanga of this hugely valued and much used area should rest with the nation as a whole albeit with acknowledgment of, and provision for, the ability for Ngāi Tahu whānui to reconnect to their ancestral lands, provide for the mana and rangatiratanga of Ngāi Tahu and to exercise kaitiakitanga and mahinga kai. Such arrangements would be provided for through an enlightened National Park Management Plan”).

I recommend that these comments are not accepted. It is my conclusion that the proposed classification appropriately protects the natural and historic resources present, and reflects the nature of the historical and cultural interests and significance of the area to Ngāi Tahu, providing appropriate protection for the identified Treaty partner interests (“Poutini Ngāi Tahu ancestors and their stories are literally embedded in this landscape”).

General (Allowed)

- Submissions expressed general opposition to the proposed classification without providing further justification (e.g. “values more suited to Conservation Park”, “request that the area be given national park status”).
- Submitters raised concerns that “historic reserve status can be altered and allow for other purposes”.

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 classification for the whole area recommended as Tarahanga e Toru on the grounds that historic reserve may not prevent mining, hydro schemes or other development in the area, and that the public may not be able to have a say in any proposed activities (particularly if the reserve is vested).
- Conversely, other submitters opposed the classification 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 for commercial uses such as mining to be considered on a case-by-case basis.
- A submitter noted various applications in progress and suggested retaining the relevant areas as stewardship or reclassification as a conservation park.

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

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”.
- Submitters were critical of the lack of clearly defined purpose for the reserve, stating that this is a “prerequisite for proper consultation” and that they therefore “simply do not know what we are commenting on”.
- A submitter highlighted that as well as clarification of purpose, as details of management are unknown, a further public consultation process will be required.
- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land, limitations of the consultation, and potential conflicts of interest.

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

Other (Not Allowed)

- Submitters raised concern about potential vesting of the proposed reserve, suggesting that this may impact on public access (e.g. “if this were to take place there are no guarantees that public access is preserved, nor regarding the preservation of the landscape”).
- Submitters who opposed the classification suggested that they might come to support the proposed reserve if public access and participation in future management planning processes could be ensured, or if there is a mechanism to ensure DOC has ongoing input into decision-making (e.g. “I support mana whenua stewardship but want assurances about public voice in river conservation”, “There is a high level of public interest in this very large area and the ongoing involvement of DOC provides greater certainty that this public interest can be reflected in management”).
- A submitter advocated that due to the scale of the proposed reserve, it “should be included as a separate Place in the CMS so the public can have input into how it is managed”.
- 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 suggested the proposed Tarahanga e Toru Historic Reserve is an unusual use of the designation in terms of size and scale (e.g. “I am uncomfortable with the massive extension of the concept of a Historic Reserve covering such a vast landscape”).
- A submitter queried “how historic reserve status protects biodiversity and public access”, suggesting that the area may be worthy of ecological area status.

I recommend that these comments are not accepted. While I agree there are ecological values present, my assessment is that on balance the natural resources present are appropriately protected under the proposed and that historic reserve is appropriate when considering the historic resources present and the cultural interest and significance of the area to Ngāi Tahu.

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”.
- A submitter suggested that the justification for the recommendation implies the “mountains and rivers might provide economically”, advocating for separation between decision makers and permission applicants.

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

MAW_09 – Crane Creek - Haupiri Road – 2807522

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Crane Creek - Haupiri Road	MAW_09_2807522v	Tarahanga e Toru Historic Reserve	Tarahanga e Toru Historic Reserve	17	105

DOC Conservation Values Report Description

An 11.4064-ha area of primarily forest on the western side of the Southern Alps which borders two high quality creeks. There is a wide range of avifauna including whio, roroa/great spotted kiwi, South Island kākā, kea and rock wren. This area is very significant to Poutini Ngāi Tahu for a number of reasons, including ara tawhito (traditional travel routes).

Panel Recommendations

National Panel: Historic reserve (Tarahanga e Toru), to reflect the values identified, protecting natural, cultural, landscape and historic resources, while facilitating public recreation and enjoyment of the area.

Mana Whenua Panel: Historic reserve (Tarahanga e Toru) appropriately acknowledges the mana of Ngāi Tahu and the immense cultural significance of the area to Poutini Ngāi Tahu.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of Historic Reserve (Tarahanga e Toru).

Summary of accepted submissions: Those submissions accepted as holding merit expressed general support for the proposed classification, highlighted the recreational and ecological values present in the area, or noted that the proposed historic reserve 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 historic reserve, supported by submissions from Treaty partner organisations, and have signalled Ngāi Tahu interests associated with this stewardship area, including ara tawhito that were trading routes for pounamu and kai.

The Mana Whenua Panel indicated that this central region of the West Coast is the heart of Poutini Ngāi Tahu legends, customs and traditions centred around pounamu; “the historical and contemporary associations with pounamu are integral to Poutini Ngāi Tahu identity” and the “immense historical, spiritual and cultural significance of this area cannot be understated”. This stewardship area is part of a network of ara tawhito; “the mountains are criss-crossed by pounamu trails connecting the pā of Arahura, Taramakau and Māwhera with the great Ngāi Tahu trading centre of Kaiapoi Pā. Three passes in particular were lifelines for Ngāi Tahu as trading routes for pounamu and kai in times of war and peace” and “the varied and plentiful mahinga kai resources in this area supported pā and kāinga nohoanga throughout the region, and were critical to the success of the pounamu pathways”.

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 those submissions accepted, is that the proposed classification provides appropriate protection for the scale and nature of the identified Ngāi Tahu interests, including the identified historic resources and places, objects and natural features, and such things thereon or therein contained that are of cultural interest (e.g. ara tawhito, mahinga kai and pounamu). I note that the Mana Whenua Panel have supported the notified classification, and I am not otherwise aware of any inconsistency between the proposed classification and the identified Ngāi Tahu interests.

Rationale: Historic reserves are held for the purpose of “protecting and preserving in perpetuity such places, objects, and natural features, and such things thereon or therein contained as are of historic, archaeological, cultural, educational, and other special interest” (Reserves Act 1977, s.18(1)). The notified proposal was underpinned by the cultural interest of the places, natural features, and historic resources, as described by the Mana Whenua Panel (e.g. “immense historical,

spiritual and cultural significance”) and can be described as an example of a substantive outcome for Ngāi Tahu consistent with Section 4 of the Act and Treaty principles.

I acknowledge the large number of submissions opposing the notified proposal as not adequately reflecting the natural resources present, which are significant and wide ranging, and hold great value for recreational users. However, I do not accept that these concerns warrant overturning the notified proposal, particularly given that in this instance the places themselves and the natural features present that are of historic, archaeological, cultural, educational, or other special interest, are protected under the primary reserve purpose. Further, the scenic, archaeological, geological, biological, and other scientific features, indigenous flora and fauna, and wildlife are all required to be protected “to the extent compatible with the principal or primary purpose of the reserve” (Section 18(2)(c)) of the Reserves Act 1977). The Reserves Act also provides that “the public shall have freedom of entry and access to the reserve” subject to restrictions which are not unique to the proposed classification, i.e. those “necessary for the protection and general well-being of the reserve and for the protection and control of the public using it” (Section 18(2)(b)) Reserves Act 1977).

My conclusion is that on balance the natural resources are appropriately protected, and public recreational access adequately provided for, under the proposed classification when considering the historic resources present and the nature of the historical and cultural interests and significance of the area to Ngāi Tahu.

Tarahanga e Toru Historic Reserve - MAW_09_2807522v

Support

Access and Recreation (Allowed)

- Submitters in support of historic reserve for the whole area recommended as Tarahanga e Toru, referenced the importance of recreational values in the area and their desire for these to be protected (e.g. “Many outdoor types, alpinists, trampers, kayakers and hunters would regard the area in which the parcels are located as the backcountry adventure capital of New Zealand. Retaining it as such becomes ever more urgent as pressure and crowding from tourism and recreation grows on other more popular areas of the public conservation estate”, “these catchments contain one of the most significant clusters of wild rivers with outstanding recreational values for Whitewater kayakers and pack rafters, worldwide”).

I recommend that these comments are accepted to the extent that I agree the larger area recommended as Tarahanga e Toru holds value for recreation use. My assessment is that public recreational access is adequately provided for, when considering the historic resources present and the cultural significance of the area to Ngāi Tahu. I note that the public shall have freedom of entry and access to the reserve” subject to restrictions “necessary for the protection and general well-being of the reserve and for the protection and control of the public using it” (Section 18(2)(b)) Reserves Act 1977).

Ecology and Landscape (Allowed)

- A submitter expressed general support for the Tarahanga e Toru historic reserve, though characterising it as covering too large an area and advocating that a mixture of other classifications should also be used to recognise areas of high ecological value.
- A submitter in support noted the ecological values (e.g. “hosting a range of nationally significant avifauna and includes the Tai Poutini Mt Te Kinga Predator Free Project”).

I recommend that these comments are accepted to the extent that I agree there are high ecological values present, as described in the CVR (e.g. indigenous forest). My assessment is that on balance the natural resources present are appropriately protected under the proposed classification when considering the historic resources present and the cultural significance of the area to Ngāi Tahu. Under a historic reserve classification, “where scenic, archaeological, geological, biological, 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. 18(2)(c)).

Treaty Considerations (Allowed)

- Submissions stated they support the position of the Mana Whenua Panel on the basis that these 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", "Support retention as historic reserve and renaming to reflect the cultural significance of the area").
- Submitters noted that the proposed historic reserves recognise "sites of significance to Ngāi Tahu and ensure Ngāi Tahu values, alongside conservation values, are at the forefront of the classification". They noted the values and interests present, e.g. "pounamu traditions, the trails and passes (particularly Rakimaurikura, Te Tarahanga o Kaniere and Amuri Pass) that were trading routes for pounamu and kai in times of war and peace, connecting Tai Poutini with the east coast". It was advocated that "the proposed reserves must acknowledge the mana and rangatiratanga of Ngāi Tahu, and provide for Ngāi Tahu wellbeing, kaitiakitanga and mahinga kai".

I recommend that these comments are accepted. I acknowledge that that the Tarahanga e Toru Historic Reserve area is of historical and cultural significance to Ngāi Tahu identity. My assessment is that the proposed classification appropriately reflects the significance of the historic resources, and the historical and cultural interests present within the area, and provides appropriate protection for the identified Ngāi Tahu interests.

General (Allowed)

- Submissions expressed support for the proposed classification or the recommendations of the Mana Whenua Panel, 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".
- A submitter stated that the proposed classification reflects the use of the land and adequately protects against its degradation.

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 objected to historic reserve classification for the whole area recommended as Tarahanga e Toru on the grounds that the classification does not appropriately protect the extremely high recreational values of the area and may curtail public access, noting that historic reserve classification would only protect recreation values to the extent compatible with the historic values identified (e.g. "public access, the hut, bridge and track systems, and other recreational facilities are not recognised or guaranteed under this category", "historical reserves do not guarantee freedom of access, and impose restrictions on camping"). Concerns were raised that the recommendation classification could allow activities which would diminish recreation values (e.g. "another area of concern (...) is potential for hydroelectric development in this area of pristine unmodified rivers important for recreation and biodiversity").
- The extensive recreation values of the whole area were described, both in terms of established recreational infrastructure and wild areas for trampers and hunters (e.g. "a long established history of multi-day backcountry tramping, mountaineering and hunting trips", "a massive network of huts and tracks, many of which are community maintained", "with over 60 backcountry huts the proposed area is also highly valued by the tramping and hunting communities").
- Submissions made in relation to the whole area recommended as Tarahanga e Toru raised concerns that both the DOC conservation values reports and the Panels' recommendation reports lacked full consideration of the recreation values present, notably the importance of the rivers for a range of paddle sports and canyoning. There was concern that historic reserve classification may affect access to these rivers, with submitters most frequently recommending ecological area as their preferred alternative.

- Submitters noted that historic reserve classification does not guarantee free public access (e.g. “historic reserves may be leased by an administering body potentially privatising the area”, “experience with management of the Waitaiki Historic Reserve is that access is denied for spurious reasons”, “fees may be charged for access and use”, “the widespread use of s58(c) to charge for admission should be ruled out”).
- To ensure public access and protect recreation values, submitters advocated variously for ecological area, scenic reserve, conservation park or national park, joint historic/recreation reserve.
- Submitters frequently advocated for national park classification for the whole area recommended as Tarahanga e Toru Historic Reserve, to protect the high recreation values (e.g. “a classification under the National Parks Act or alternatively, Part 4 of Conservation Act would provide more balanced and appropriate management of ecological, recreational and mana whenua values. It will better protect recreation, conservation and the highly valued ecological and whitewater values in this area, requiring public consultation for any concessions, works or changes to access arrangements or future reclassifications”).
- Submitters otherwise suggested that access be explicitly guaranteed under the Reserves Act (e.g. “either the classification be under the Conservation Act, or mechanisms to ensure practical enduring access and conservation of other natural values are expressly provided for in any classification under the Reserves Act”).

I recommend that these comments are not accepted. While I agree the wider area recommended as the Tarahanga e Toru Historic Reserve holds high value for recreation use, my assessment is that on balance public recreational access is adequately provided for, when considering the historic resources present and the cultural interest and significance of the area to Ngāi Tahu. The public “shall have freedom of entry and access to the reserve”, subject to restrictions “necessary for the protection and general well-being of the reserve and for the protection and control of the public using it” (Section 18(2)(b)) Reserves Act 1977). I acknowledge submitters concerns a historic reserve classification can limit access, however I do not accept that this concern warrants overturning the notified proposal. Such potential access restrictions are not unique to the proposed classification and exist elsewhere within the legislation, for example under the Reserves Act 1977 and s.4(2)(e) of the National Parks Act 1980.

Climate Change and Natural Hazards (Allowed)

- Submitters who opposed historic reserve classification for the whole area recommended as Tarahanga e Toru noted that protection of the natural resources was important given that the area is large enough to contribute to climate change mitigation (e.g. “large enough areas necessary for carbon sinks to help New Zealand meet international agreements on climate change”, “a significant part of our potential carbon sinks, biodiversity bases, and natural fresh water sources”).

I recommend these comments are not accepted. While I acknowledge submitters’ comments that the stewardship area contains unmodified natural resources (e.g. indigenous forest), my assessment is that on balance the natural resources present are appropriately protected under the proposed classification when considering the historic resources present and the cultural significance of the area to Ngāi Tahu

Ecology and Landscape (Allowed)

- Submitters objected to historic reserve classification for the whole area recommended as Tarahanga e Toru, arguing that a historic reserve classification does not offer adequate protection for the unmodified natural resources present (e.g. “this classification appears to provide relatively weak protection to both conservation and public access”, “historic reserve classification could allow for management and development that is inconsistent with the recreational and biodiversity values present”, “the highly valuable qualities of these areas are their wild, scenic, rugged, unmodified nature and free access (...) These qualities are not protected at all by the recommendation of a historic reserve, in fact this level of protection doesn’t come close to covering it”, “The effects of mining may very well change the entire face of the landscape removing stretches of forest, polluting our water ways and disrupting our native ecosystems”).
- Submitters advocating for higher protection emphasised that the area recommended as Tarahanga e Toru is largely remote and intact, with notable freshwater and biodiversity values (e.g. “unmodified headwaters, uninterrupted mountains to sea, threatened ecosystems and species such as rare braided riverbed, indigenous fish un-dammed pathways, sand spit, bird breeding areas and public access”, “the vast landscape remains almost as it was before humans arrived”, “a stronghold for taonga species including kea and whio”, “untouched kingdoms of

scientific biodiversity”, “contains roughly 60 kilometres of the Southern Alps. Within this area are numerous small glaciers and many significant peaks, the headwaters of some of the West Coast’s major rivers”, “There are over 300 km of river in this area, all of it is pristine and the majority of it is remote”, “For the fauna especially, the remote backcountry of the area provides a natural habitat suitable for recovering populations. The Kea and Whio populations especially benefit from the remoteness”, “outstanding and nationally significant ecological, landscape and recreational values within this area that warrant the highest level of protection”).

- Submitters noted that the Grey/Māwhera River and the Ahaura River, and their headwaters and tributaries, are subject to a Water Conservation Order (WCO), commenting that the “technical reports are silent on this matter and the historic reserve recommendation would offer a level of conservation significantly weaker than the Water Conservation Order and its land management obligations”.
- Submitters often suggested that historic reserve is inappropriate for such an extensive area (e.g. “The area is very large and some parts of it may be better suited to scenic reserve, national park, ecological area or scientific reserve classification”, “Along with many other sections of legislation that are inappropriate for such a large pristine bit of land...”, “The recommendation that vast landscapes, such as the proposed Tarahanga e Toru Historic Reserve area, may be acceptable only if it offers robust protection to the extraordinary ecological, geological, palaeontological, cultural, landscape, recreational and spiritual values of that area”). The Tarahanga e Toru grouping was identified as more than four times the size of Paparoa National Park and two and a half times the size of Aoraki-Mt Cook National Park.
- Submitters advocated variously for ecological area, scenic reserve, conservation park or national park, or suggested a combination of these classifications. Some submitters recommended ecological area “gazetted with 2 or more purposes” as this protects “recreation and ecological values and simultaneously protects mana whenua interests should historical values be established as principles”. A national park classification was frequently proposed, with submitters noting that the area recommended for Tarahanga e Toru Historic Reserve shares many of the same natural values as the Arthurs Pass National Park. Several submitters advocated for the entire Tarahanga e Toru grouping to form a new national park to reflect the “cultural, ecological, landscape and recreational values” (e.g. “a new Tarahanga e Toru/ 3 Passes National Park”). It was recommended that this “grouping be extended south to include the entire Waitaha catchment”.
- Submitters suggested that some parts of this area would meet the criteria for wilderness area (e.g. “majority of Tarahanga e Toru is further away from civilization and more remote than that of the Paparoa or Arthurs Park National Parks”, “Parts of the area even have values on par with the small number of wilderness areas on the West Coast”).

I recommend that these comments are not accepted. Although I agree there are ecological values present, as described in the CVR (e.g. indigenous forest), my assessment is that on balance the natural resources present are appropriately protected under the proposed classification when considering the historic resources present and the cultural interest and significance of the area to Ngāi Tahu. Under a historic reserve classification, “where scenic, archaeological, geological, biological, 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. 18(2)(c)).

Historical and Cultural Values (Allowed)

- Submitters opposed historic reserve for the whole area recommended as Tarahanga e Toru, commenting that the recommendation is inappropriate as this classification is not intended for large landscapes, but “for small-scale, discrete and recognised archaeological and historical sites and buildings”. Concern was expressed regarding a lack of clarity as to “the place, object, and natural feature or other thing that is to be preserved and protected” or that the historical resources are “cultural and non-physical in nature, making management of these values, over and above secondary objectives and values (e.g. recreation and ecological), highly subjective and open to interpretation” (e.g. “a misuse of the Historic Reserve category as the primary purpose of a Historic Reserve relates to the preservation of structures and objects. The proposed Historic Reserve covers a vast area of great cultural, ecological and recreational importance within which historical structures and objects are almost entirely post colonisation (old benched tracks etc) and cover a vanishingly small percentage of the area”, “the area proposed for historic reserve status appears far more extensive than required to provide for the protection of historic sites and cultural values”,

“While Amuri Pass and the Tass-Nancy Saddle may have been historic travelling routes for Māori, there is virtually no built historic heritage in this vast wild area”).

- Submitters advocated for classification as national park over the whole area to “acknowledge the area’s human history and allow the people of today and tomorrow to transcend time, to experience the landscape as early people did”, noting that the National Parks Act 1980 requires that “sites and objects of archaeological and historical interest shall as far as possible be preserved”. Conservation park was also suggested.
- Some submitters who advocated for national park classification supported the proposed historic reserve for the pounamu trails themselves “that contain physical evidence of the history” (e.g. the Taramakau river mouth should be “excluded due to its proven historical value”, “we would be supportive of a classification of Historic Reserve for the sections of the Taramakau River covered by Schedule 56 of the Ngāi Tahu Claims Settlement Act (...) subject to the right of public access at no cost being guaranteed in the reclassification process and relevant management plans”).

I recommend that these comments are not accepted. My assessment is that on balance the proposed classification appropriately reflects the historic resources present within the area (e.g. ara tawhito, mahinga kai and pounamu) and the nature of the historical and cultural interests and significance of the area to Ngāi Tahu (“Poutini Ngāi Tahu ancestors and their stories are literally embedded in this landscape”).

Treaty Considerations (Allowed)

- Submitters acknowledged the significance of the area to Ngāi Tahu, but suggested that given the long list of wider conservation values present, the extent of the proposed reserve should be revisited or that other classifications would be more suitable (e.g. “we acknowledge that there is an immense significance and rich history within this area of Pounamu trails, settlements and Pā, mahinga kai gathering, and its general importance to Poutini Ngāi Tahu. We feel that this only adds to the reasons for which it should be more strongly protected, and we believe that its ecological value should be prioritized above all else”).
- Submitters suggested that the proposed classification does “not adequately encompass both nature protection and mana whenua aspirations”.
- Submitters advocated for a national park classification “where proper recognition of Ngāi Tahu’s presence past and present, can be achieved alongside appropriate protection for natural and recreational values”.
- Submitters referenced various examples where Ngāi Tahu have a “major role” in management and planning of national parks (e.g. “National parks do not preclude additional mechanisms for protecting cultural values, such as the topuni which recognises the tapu associated with Aoraki”, “the Treaty principle of partnership can be upheld through shared governance and management practices as is the case for Paparoa National Park”, “any outstanding cultural issues can be managed through some form of shared governance and management (...) Kaitiakitanga of this hugely valued and much used area should rest with the nation as a whole albeit with acknowledgment of, and provision for, the ability for Ngāi Tahu whānui to reconnect to their ancestral lands, provide for the mana and rangatiratanga of Ngāi Tahu and to exercise kaitiakitanga and mahinga kai. Such arrangements would be provided for through an enlightened National Park Management Plan”).

I recommend that these comments are not accepted. It is my conclusion that the proposed classification appropriately protects the natural and historic resources present within the area, and reflects the nature of the historical and cultural interests and significance of the area to Ngāi Tahu, providing appropriate protection for the identified Treaty partner interests (“Poutini Ngāi Tahu ancestors and their stories are literally embedded in this landscape”).

General (Allowed)

- Submissions expressed general opposition to the proposed classification without providing further justification (e.g. “values more suited to Conservation Park”, “request that the area be given national park status”).
- Submitters raised concerns that “historic reserve status can be altered and allow for other purposes”.

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 classification for the whole area recommended as Tarahanga e Toru on the grounds that historic reserve may not prevent mining, hydro schemes or other development in the area, and that the public may not be able to have a say in any proposed activities (particularly if the reserve is vested).
- Submitters opposed the classification 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 for commercial uses such as mining to be considered on a case-by-case basis.
- A submitter noted various applications in progress and suggested retaining the relevant areas as stewardship or reclassification as a conservation park.

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

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”.
- Submitters were critical of the lack of clearly defined purpose for the reserve, stating that this is a “prerequisite for proper consultation” and that they therefore “simply do not know what we are commenting on”.
- A submitter highlighted that as well as clarification of purpose, as details of management are unknown, a further public consultation process will be required.
- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land, limitations of the consultation, and potential conflicts of interest.

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

Other (Not Allowed)

- Submitters raised concern about potential vesting of the proposed reserve, suggesting that this may impact on public access (e.g. “if this were to take place there are no guarantees that public access is preserved, nor regarding the preservation of the landscape”).
- Submitters who opposed the classification suggested that they might come to support the proposed reserve if public access and participation in future management planning processes could be ensured, or if there is a mechanism to ensure DOC has ongoing input into decision-making (e.g. “I support mana whenua stewardship but want assurances about public voice in river conservation”, “There is a high level of public interest in this very large area and the ongoing involvement of DOC provides greater certainty that this public interest can be reflected in management”).
- A submitter advocated that due to the scale of the proposed reserve, it “should be included as a separate Place in the CMS so the public can have input into how it is managed”.
- 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 suggested the proposed Tarahanga e Toru Historic Reserve is an unusual use of the designation in terms of size and scale (e.g. “I am uncomfortable with the massive extension of the concept of a Historic Reserve covering such a vast landscape”).
- A submitter queried “how historic reserve status protects biodiversity and public access”, suggesting that the area may be worthy of ecological area status.

I recommend that these comments are not accepted. While I agree there are ecological values present, as described in the CVR (e.g. indigenous forest) my assessment is that on balance the natural resources present are appropriately protected under the proposed classification and that historic reserve is appropriate when considering the historic resources present and the cultural interest and significance of the area to Ngāi Tahu.

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”.
- A submitter suggested that the justification for the recommendation implies the “mountains and rivers might provide economically”, advocating for separation between decision makers and permission applicants.

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

MAW_09 – Robinson River – 2954675

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Robinson River	MAW_09_2954675w	Tarahanga e Toru Historic Reserve	Tarahanga e Toru Historic Reserve	18	102

DOC Conservation Values Report Description

An 81.2696-ha area in two sections of primarily forested land with some sections of Upper Grey River active riverbed and river margins on the western side of the Southern Alps. There is a wide range of avifauna including whio, roroa/great spotted kiwi, South Island kākā, kea and rock wren. This area is well-known for recreation and includes popular tramping tracks. This area is very significant to Poutini Ngāi Tahu for a number of reasons, including ara tawhito (traditional travel routes).

Panel Recommendations

National Panel: Historic reserve (Tarahanga e Toru), to reflect the values identified, protecting natural, cultural, landscape and historic resources, while facilitating public recreation and enjoyment of the area.

Mana Whenua Panel: Historic reserve (Tarahanga e Toru) appropriately acknowledges the mana of Ngāi Tahu and the immense cultural significance of the area to Poutini Ngāi Tahu.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of Historic Reserve (Tarahanga e Toru).

Summary of accepted submissions: Those submissions accepted as holding merit expressed general support for the proposed classification, highlighted the recreational and ecological values present in the area, or noted that the proposed historic reserve 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 historic reserve, supported by submissions from Treaty partner organisations, and have signalled Ngāi Tahu interests associated with this stewardship area, including ara tawhito that were trading routes for pounamu and kai.

The Mana Whenua Panel indicated that this central region of the West Coast is the heart of Poutini Ngāi Tahu legends, customs and traditions centred around pounamu; “the historical and contemporary associations with pounamu are integral to Poutini Ngāi Tahu identity” and “the immense historical, spiritual and cultural significance of this area cannot be understated”. This stewardship area is part of a network of ara tawhito; “the mountains are criss-crossed by pounamu trails connecting the pā of Arahura, Taramakau and Māwhera with the great Ngāi Tahu trading centre of Kaiapoi Pā. Three passes in particular were lifelines for Ngāi Tahu as trading routes for pounamu and kai in times of war and peace” and “the varied and plentiful mahinga kai resources in this area supported pā and kāinga nohoanga throughout the region, and were critical to the success of the pounamu pathways”.

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 those submissions accepted, is that the proposed classification provides appropriate protection for the scale and nature of the identified Ngāi Tahu interests, including the identified historic resources and places, objects and natural features, and such things thereon or therein contained that are of cultural interest (e.g. ara tawhito, mahinga kai and pounamu). I note that the Mana Whenua Panel have supported the notified classification, and I am not otherwise aware of any inconsistency between the proposed classification and the identified Ngāi Tahu interests.

Rationale: Historic reserves are held for the purpose of “protecting and preserving in perpetuity such places, objects, and natural features, and such things thereon or therein contained as are of historic, archaeological, cultural, educational, and other special interest” (Reserves Act 1977, s.18(1)). The notified proposal was underpinned by the cultural interest of the

places, natural features, and historic resources, as described by the Mana Whenua Panel (e.g. “immense historical, spiritual and cultural significance”) and can be described as an example of a substantive outcome for Ngāi Tahu consistent with Section 4 of the Act and Treaty principles.

I acknowledge the large number of submissions opposing the notified proposal as not adequately reflecting the natural resources present, which are significant and wide ranging, and hold great value for recreational users. However, I do not accept that these concerns warrant overturning the notified proposal, particularly given that in this instance the places themselves and the natural features present that are of historic, archaeological, cultural, educational, or other special interest, are protected under the primary reserve purpose. Further, the scenic, archaeological, geological, biological, and other scientific features, indigenous flora and fauna, and wildlife are all required to be protected “to the extent compatible with the principal or primary purpose of the reserve” (Section 18(2)(c)) of the Reserves Act 1977). The Reserves Act also provides that “the public shall have freedom of entry and access to the reserve” subject to restrictions which are not unique to the proposed classification, i.e. those “necessary for the protection and general well-being of the reserve and for the protection and control of the public using it” (Section 18(2)(b)) Reserves Act 1977).

My conclusion is that on balance the natural resources are appropriately protected, and public recreational access adequately provided for, under the proposed classification when considering the historic resources present and the nature of the historical and cultural interests and significance of the area to Ngāi Tahu.

Tarahanga e Toru Historic Reserve - MAW_09_2954675w

Support

Access and Recreation (Allowed)

- Submitters in support of historic reserve for the whole area recommended as Tarahanga e Toru, referenced the importance of recreational values in the area and their desire for these to be protected (e.g. “Many outdoor types, alpinists, trampers, kayakers and hunters would regard the area in which the parcels are located as the backcountry adventure capital of New Zealand. Retaining it as such becomes ever more urgent as pressure and crowding from tourism and recreation grows on other more popular areas of the public conservation estate”, “these catchments contain one of the most significant clusters of wild rivers with outstanding recreational values for Whitewater kayakers and pack rafters, worldwide”).

I recommend that these comments are accepted to the extent that I agree the larger area recommended as Tarahanga e Toru holds high value for recreation use. My assessment is that public recreational access is adequately provided for, when considering the historic resources present and the cultural significance of the area to Ngāi Tahu. I note that the public shall have freedom of entry and access to the reserve” subject to restrictions “necessary for the protection and general well-being of the reserve and for the protection and control of the public using it” (Section 18(2)(b)) Reserves Act 1977).

Ecology and Landscape (Allowed)

- A submitter in support stated that “this large area of land will be significant in protecting an area of significance to Ngāi Tahu, and will strengthen the indigenous spine of Te Wai Pounamu and the long term potential for mountain to sea linkages and strong and viable ecological areas”.
- A submitter expressed general support for the Tarahanga e Toru historic reserve, though characterising it as covering too large an area and advocating that a mixture of other classifications should also be used to recognise areas of high ecological value.
- A submitter in support noted the ecological values (e.g. “hosting a range of nationally significant avifauna and includes the Tai Poutini Mt Te Kinga Predator Free Project”).

I recommend that these comments are accepted to the extent that I agree there are high ecological values present, as described in the CVR (e.g. high levels of naturalness from a water quality perspective; indigenous forest). My assessment is that on balance the natural resources present are appropriately protected under the proposed classification when considering the historic resources present and the cultural significance of the area to Ngāi Tahu. Under a historic reserve classification, “where scenic, archaeological, geological, biological, 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. 18(2)(c)).

Treaty Considerations (Allowed)

- Submissions stated they support the position of the Mana Whenua Panel on the basis that these 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", "Support retention as historic reserve and renaming to reflect the cultural significance of the area").
- Submitters noted that the proposed historic reserves recognise "sites of significance to Ngāi Tahu and ensure Ngāi Tahu values, alongside conservation values, are at the forefront of the classification". They noted the values and interests present, e.g. "pounamu traditions, the trails and passes (particularly Rakimaurikura, Te Tarahanga o Kaniere and Amuri Pass) that were trading routes for pounamu and kai in times of war and peace, connecting Tai Poutini with the east coast". It was advocated that "the proposed reserves must acknowledge the mana and rangatiratanga of Ngāi Tahu, and provide for Ngāi Tahu wellbeing, kaitiakitanga and mahinga kai".

I recommend that these comments are accepted. I acknowledge that that the Tarahanga e Toru Historic Reserve area is of historical and cultural significance to Ngāi Tahu identity. My assessment is that the proposed classification appropriately reflects the significance of the historic resources, and the historical and cultural interests present within the area, and provides appropriate protection for the identified Ngāi Tahu interests.

General (Allowed)

- Submissions expressed support for the proposed classification or the recommendations of the Mana Whenua Panel, 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".
- A submitter stated that the proposed classification reflects the use of the land and adequately protects against its degradation.

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 objected to historic reserve classification for the whole area recommended as Tarahanga e Toru on the grounds that the classification does not appropriately protect the extremely high recreational values of the area and may curtail public access, noting that historic reserve classification would only protect recreation values to the extent compatible with the historic values identified (e.g. "It is uncertain how the Historic Reserve status will over the long-term recognise and provide for the interests of trampers, horse riders (Amuri Pass), kayakers (Crooked River) and hunters. It may be worth considering whether at least parts of the reserve may be designated dual purpose, both historic and recreational", "public access, the hut, bridge and track systems, and other recreational facilities are not recognised or guaranteed under this category", "historical reserves do not guarantee freedom of access, and impose restrictions on camping"). Concerns were raised that the recommendation classification could allow activities which would diminish recreation values (e.g. "another area of concern (...) is potential for hydroelectric development in this area of pristine unmodified rivers important for recreation and biodiversity").
- The extensive recreation values of the whole area were described, both in terms of established recreational infrastructure and wild areas for trampers and hunters (e.g. "a long established history of multi-day backcountry tramping, mountaineering and hunting trips", "a massive network of huts and tracks, many of which are community maintained", "with over 60 backcountry huts the proposed area is also highly valued by the tramping and hunting communities").
- Submissions made in relation to the whole area recommended as Tarahanga e Toru raised concerns that both the DOC conservation values reports and the Panels' recommendation reports lacked full consideration of the recreation values present, notably the importance of the rivers for a range of paddle sports and canyoning. There

was concern that historic reserve classification may affect access to these rivers, with submitters most frequently recommending ecological area as their preferred alternative.

- A substantial number of submissions were made regarding the value people place on rivers in the area (E.g. “Grey River/Māwheranui (incl Blue-Grey, Upper Grey) is a very special area for white water paddlers new, experienced, families. There are many trips each year by white water clubs and groups of friends”, “There is no doubt that the rivers are world-class. They are challenging, remote, uncrowded, scenic beyond belief, and most importantly ours to protect. Neither Panel recognised these characteristics here and only a brief reference to the kayaking was noted in their reports”, “this parcel of land contains some of the most wild and outrageously good kayaking that our country has to offer. There are many quality rivers, and they all have their own character, some are steep and fast, others are high volume and pushy. All of them are powerful places, both physically and spiritually”). There was concern that historic reserve classification may affect access to these rivers, with submitters most frequently recommending ecological area as their preferred alternative.
- Submitters noted that historic reserve classification does not guarantee free public access (e.g. “historic reserves may be leased by an administering body potentially privatising the area”, “experience with management of the Waitaiki Historic Reserve is that access is denied for spurious reasons”, “fees may be charged for access and use”, “the widespread use of s58(c) to charge for admission should be ruled out”).
- To ensure public access and protect recreation values, submitters advocated variously for ecological area, scenic reserve, conservation park or national park, or joint historic/recreation reserve.
- Submitters frequently advocated for national park classification for the whole area recommended as Tarahanga e Toru Historic Reserve, to protect the high recreation values (e.g. “a classification under the National Parks Act or alternatively, Part 4 of Conservation Act would provide more balanced and appropriate management of ecological, recreational and mana whenua values. It will better protect recreation, conservation and the highly valued ecological and whitewater values in this area, requiring public consultation for any concessions, works or changes to access arrangements or future reclassifications”).
- Submitters otherwise suggested that access be explicitly guaranteed under the Reserves Act (e.g. “either the classification be under the Conservation Act, or mechanisms to ensure practical enduring access and conservation of other natural values are expressly provided for in any classification under the Reserves Act”).

I recommend that these comments are not accepted. While I agree the wider area recommended as the Tarahanga e Toru Historic Reserve, and in particular this conservation area, holds high value for recreation use, my assessment is that on balance public recreational access is adequately provided for, when considering the historic resources present and the cultural interest and significance of the area to Ngāi Tahu. The public “shall have freedom of entry and access to the reserve”, subject to restrictions “necessary for the protection and general well-being of the reserve and for the protection and control of the public using it” (Section 18(2)(b)) Reserves Act 1977).

I acknowledge submitters concerns a historic reserve classification can limit access, however I do not accept that this concern warrants overturning the notified proposal. Such potential access restrictions are not unique to the proposed classification and exist elsewhere within the legislation, for example under the Reserves Act 1977 and s.4(2)(e) of the National Parks Act 1980.

Climate Change and Natural Hazards (Allowed)

- Submitters who opposed historic reserve classification for the whole area recommended as Tarahanga e Toru noted that protection of the natural resources was important given that the area is large enough to contribute to climate change mitigation (e.g. “large enough areas necessary for carbon sinks to help New Zealand meet international agreements on climate change”, “a significant part of our potential carbon sinks, biodiversity bases, and natural fresh water sources”).

I recommend these comments are not accepted. While I acknowledge submitters’ comments that the stewardship area contains unmodified natural resources, my assessment is that on balance the natural resources present are appropriately protected under the proposed classification when considering the historic resources present and the cultural significance of the area to Ngāi Tahu.

Ecology and Landscape (Allowed)

- Submitters objected to historic reserve classification for the whole area recommended as Tarahanga e Toru, arguing that a historic reserve classification does not offer adequate protection for the unmodified natural resources present (e.g. “this classification appears to provide relatively weak protection to both conservation and public access”, “historic reserve classification could allow for management and development that is inconsistent with the recreational and biodiversity values present”, “the highly valuable qualities of these areas are their wild, scenic, rugged, unmodified nature and free access (...) These qualities are not protected at all by the recommendation of a historic reserve, in fact this level of protection doesn’t come close to covering it”, “The effects of mining may very well change the entire face of the landscape removing stretches of forest, polluting our water ways and disrupting our native ecosystems”).
- Submitters commented that the lack of clearly defined purpose meant the public were unable to understand how the natural values would be protected in relation to this primary purpose (“This is because the primary purpose of the reserve takes priority over the protection of scenic, archaeological, geological, biological, or other scientific features, and indigenous flora or fauna on the reserve”).
- Submitters advocating for higher protection emphasised that the area recommended as Tarahanga e Toru is largely remote and intact, with notable freshwater and biodiversity values (e.g. “unmodified headwaters, uninterrupted mountains to sea, threatened ecosystems and species such as rare braided riverbed, indigenous fish un-dammed pathways, sand spit, bird breeding areas and public access”, “the vast landscape remains almost as it was before humans arrived”, “a stronghold for taonga species including kea and whio”, “untouched kingdoms of scientific biodiversity”, “contains roughly 60 kilometres of the Southern Alps. Within this area are numerous small glaciers and many significant peaks, the headwaters of some of the West Coast’s major rivers”, “There are over 300 km of river in this area, all of it is pristine and the majority of it is remote”, “For the fauna especially, the remote backcountry of the area provides a natural habitat suitable for recovering populations. The Kea and Whio populations especially benefit from the remoteness”, “outstanding and nationally significant ecological, landscape and recreational values within this area that warrant the highest level of protection”).
- Submitters noted that the Grey/Māwhera River and the Ahaura River, and their headwaters and tributaries, are subject to a Water Conservation Order (WCO), commenting that the “technical reports are silent on this matter and the historic reserve recommendation would offer a level of conservation significantly weaker than the Water Conservation Order and its land management obligations”.
- Submitters often suggested that historic reserve is inappropriate for such an extensive area (e.g. “The area is very large and some parts of it may be better suited to scenic reserve, national park, ecological area or scientific reserve classification”, “Along with many other sections of legislation that are inappropriate for such a large pristine bit of land...”, “The recommendation that vast landscapes, such as the proposed Tarahanga e Toru Historic Reserve area, may be acceptable only if it offers robust protection to the extraordinary ecological, geological, palaeontological, cultural, landscape, recreational and spiritual values of that area”). The Tarahanga e Toru grouping was identified as more than four times the size of Paparoa National Park and two and a half times the size of Aoraki-Mt Cook National Park.
- Submitters advocated variously for ecological area, scenic reserve, conservation park or national park, or suggested a combination of these classifications. Some submitters recommended ecological area “gazetted with 2 or more purposes” as this protects “recreation and ecological values and simultaneously protects mana whenua interests should historical values be established as principles”. A national park classification was frequently proposed, with submitters noting that the area recommended for Tarahanga e Toru Historic Reserve shares many of the same natural values as the Arthurs Pass National Park. Several submitters advocated for the entire Tarahanga e Toru grouping to form a new national park to reflect the “cultural, ecological, landscape and recreational values” (e.g. “a new Tarahanga e Toru/ 3 Passes National Park”). It was recommended that this “grouping be extended south to include the entire Waitaha catchment”.
- Submitters suggested that some parts of this area would meet the criteria for wilderness area (e.g. “majority of Tarahanga e Toru is further away from civilization and more remote than that of the Paparoa or Arthurs Park National Parks”, “Parts of the area even have values on par with the small number of wilderness areas on the West Coast”).

I recommend that these comments are not accepted. Although I agree there are high ecological values present, as described in the CVR (e.g. high levels of naturalness from a water quality perspective, indigenous forest), my assessment is that on balance the natural resources present are appropriately protected under the proposed classification when considering the historic resources present and the cultural interest and significance of the area to Ngāi Tahu. Under a historic reserve classification, “where scenic, archaeological, geological, biological, 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” (Section 18(2)(c)) of the Reserves Act 1977). I note that many comments reference the natural resources of the wider area notified as Tarahanga e Toru Historic Reserve, not all of which are directly relevant to the natural resources of this specific stewardship area.

Historical and Cultural Values (Allowed)

- Submitters opposed historic reserve for the whole area recommended as Tarahanga e Toru, commenting that the recommendation is inappropriate as this classification is not intended for large landscapes, but “for small-scale, discrete and recognised archaeological and historical sites and buildings”. Concern was expressed regarding a lack of clarity as to “the place, object, and natural feature or other thing that is to be preserved and protected” or that the historical resources are “cultural and non-physical in nature, making management of these values, over and above secondary objectives and values (e.g. recreation and ecological), highly subjective and open to interpretation” (e.g. “a misuse of the Historic Reserve category as the primary purpose of a Historic Reserve relates to the preservation of structures and objects. The proposed Historic Reserve covers a vast area of great cultural, ecological and recreational importance within which historical structures and objects are almost entirely post colonisation (old benched tracks etc) and cover a vanishingly small percentage of the area”, “the area proposed for historic reserve status appears far more extensive than required to provide for the protection of historic sites and cultural values”, “While Amuri Pass and the Tass-Nancy Saddle may have been historic travelling routes for Māori, there is virtually no built historic heritage in this vast wild area”).
- Submitters advocated for classification as national park over the whole area to “acknowledge the area’s human history and allow the people of today and tomorrow to transcend time, to experience the landscape as early people did”, noting that the National Parks Act 1980 requires that “sites and objects of archaeological and historical interest shall as far as possible be preserved”. Conservation park was also suggested.
- Some submitters who advocated for national park classification supported the proposed historic reserve for the pounamu trails themselves “that contain physical evidence of the history” (e.g. the Taramakau river mouth should be “excluded due to its proven historical value”, “we would be supportive of a classification of Historic Reserve for the sections of the Taramakau River covered by Schedule 56 of the Ngāi Tahu Claims Settlement Act (...) subject to the right of public access at no cost being guaranteed in the reclassification process and relevant management plans”).

I recommend that these comments are not accepted. My assessment is that on balance the proposed classification appropriately reflects the historic resources present (e.g. ara tawhito, mahinga kai and pounamu) and the nature of the historical and cultural interests and significance of the area to Ngāi Tahu (“Poutini Ngāi Tahu ancestors and their stories are literally embedded in this landscape”).

Treaty Considerations (Allowed)

- Submitters acknowledged the significance of the area to Ngāi Tahu, but suggested that given the long list of wider conservation values present, the extent of the proposed reserve should be revisited or that other classifications would be more suitable (e.g. “we acknowledge that there is an immense significance and rich history within this area of Pounamu trails, settlements and Pā, mahinga kai gathering, and its general importance to Poutini Ngāi Tahu. We feel that this only adds to the reasons for which it should be more strongly protected, and we believe that its ecological value should be prioritized above all else”).
- Submitters suggested that the proposed classification does “not adequately encompass both nature protection and mana whenua aspirations”.
- Submitters advocated for a national park classification “where proper recognition of Ngāi Tahu’s presence past and present, can be achieved alongside appropriate protection for natural and recreational values”.
- Submitters referenced various examples where Ngāi Tahu have a “major role” in management and planning of national parks (e.g. “National parks do not preclude additional mechanisms for protecting cultural values, such as

the topuni which recognises the tapu associated with Aoraki”, “the Treaty principle of partnership can be upheld through shared governance and management practices as is the case for Paparoa National Park”, “any outstanding cultural issues can be managed through some form of shared governance and management (...) Kaitiakitanga of this hugely valued and much used area should rest with the nation as a whole albeit with acknowledgment of, and provision for, the ability for Ngāi Tahu whānui to reconnect to their ancestral lands, provide for the mana and rangatiratanga of Ngāi Tahu and to exercise kaitiakitanga and mahinga kai. Such arrangements would be provided for through an enlightened National Park Management Plan”).

I recommend that these comments are not accepted. It is my conclusion that the proposed classification appropriately protects the natural and historic resources present, and reflects the nature of the historical and cultural interests and significance of the area to Ngāi Tahu, providing appropriate protection for the identified Treaty partner interests (“Poutini Ngāi Tahu ancestors and their stories are literally embedded in this landscape”).

General (Allowed)

- Submissions expressed general opposition to the proposed classification without providing further justification (e.g. “values more suited to Conservation Park”, “request that the area be given national park status”).
- Submitters raised concerns that “historic reserve status can be altered and allow for other purposes”.

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 classification for the whole area recommended as Tarahanga e Toru on the grounds that historic reserve may not prevent mining, hydro schemes or other development in the area, and that the public may not be able to have a say in any proposed activities (particularly if the reserve is vested).
- Conversely, other submitters opposed the classification 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 for commercial uses such as mining to be considered on a case-by-case basis.
- A submitter noted various applications in progress and suggested retaining the relevant areas as stewardship or reclassification as a conservation park.

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

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”.
- Submitters were critical of the lack of clearly defined purpose for the reserve, stating that this is a “prerequisite for proper consultation” and that they therefore “simply do not know what we are commenting on”.
- A submitter highlighted that as well as clarification of purpose, as details of management are unknown, a further public consultation process will be required.
- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land, limitations of the consultation, and potential conflicts of interest.

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

Other (Not Allowed)

- Submitters raised concern about potential vesting of the proposed reserve, suggesting that this may impact on public access (e.g. “if this were to take place there are no guarantees that public access is preserved, nor regarding the preservation of the landscape”).
- Submitters who opposed the classification suggested that they might come to support the proposed reserve if public access and participation in future management planning processes could be ensured, or if there is a

mechanism to ensure DOC has ongoing input into decision-making (e.g. “I support mana whenua stewardship but want assurances about public voice in river conservation”, “There is a high level of public interest in this very large area and the ongoing involvement of DOC provides greater certainty that this public interest can be reflected in management”).

- A submitter advocated that due to the scale of the proposed reserve, it “should be included as a separate Place in the CMS so the public can have input into how it is managed”.
- 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 suggested the proposed Tarahanga e Toru Historic Reserve is an unusual use of the designation in terms of size and scale (e.g. “I am uncomfortable with the massive extension of the concept of a Historic Reserve covering such a vast landscape”).
- A submitter queried “how historic reserve status protects biodiversity and public access”, suggesting that the area may be worthy of ecological area status.

I recommend that these comments are not accepted. While I agree there are ecological values present, my assessment is that on balance the natural resources present are appropriately protected under the proposed and that historic reserve is appropriate when considering the historic resources present and the cultural interest and significance of the area to Ngāi Tahu.

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”.
- A submitter suggested that the justification for the recommendation implies the “mountains and rivers might provide economically”, advocating for separation between decision makers and permission applicants.

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

MAW_09 – Grey River/Māwheranui – 2807469

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Grey River/ Māwheranui	MAW_09_2807469s	Tarahanga e Toru Historic Reserve	Tarahanga e Toru Historic Reserve	17	107

DOC Conservation Values Report Description

A 92.5957-ha area of primarily forested land covering sections of the Upper Grey River riverbed, river margins and grazed pasture or farmland on the western side of the Southern Alps. There is a wide range of avifauna including whio, rooroa/great spotted kiwi, South Island kākā, kea and rock wren. This area is very significant to Poutini Ngāi Tahu for a number of reasons, including ara tawhito (traditional travel routes).

Panel Recommendations

National Panel: Historic reserve (Tarahanga e Toru), to reflect the values identified, protecting natural, cultural, landscape and historic resources, while facilitating public recreation and enjoyment of the area.

Mana Whenua Panel: Historic reserve (Tarahanga e Toru) appropriately acknowledges the mana of Ngāi Tahu and the immense cultural significance of the area to Poutini Ngāi Tahu.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of Historic Reserve (Tarahanga e Toru).

Summary of accepted submissions: Those submissions accepted as holding merit expressed general support for the proposed classification, noted the recreational and ecological values present in the area, or noted that the proposed historic reserve 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 historic reserve, supported by submissions from Treaty partner organisations, and have signalled Ngāi Tahu interests associated with this stewardship area, including ara tawhito that were trading routes for pounamu and kai.

The Mana Whenua Panel indicated that this central region of the West Coast is the heart of Poutini Ngāi Tahu legends, customs and traditions centred around pounamu; “the historical and contemporary associations with pounamu are integral to Poutini Ngāi Tahu identity” and “the immense historical, spiritual and cultural significance of this area cannot be understated”. This stewardship area is part of a network of ara tawhito; “the mountains are criss-crossed by pounamu trails connecting the pā of Arahura, Taramakau and Māwhera with the great Ngāi Tahu trading centre of Kaiapoi Pā. Three passes in particular were lifelines for Ngāi Tahu as trading routes for pounamu and kai in times of war and peace” and “the varied and plentiful mahinga kai resources in this area supported pā and kāinga nohoanga throughout the region, and were critical to the success of the pounamu pathways.”

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 those submissions accepted, is that the proposed classification provides appropriate protection for the scale and nature of the identified Ngāi Tahu interests, including the identified historic resources and places, objects and natural features, and such things thereon or therein contained that are of cultural interest (e.g. ara tawhito, mahinga kai and pounamu). I note that the Mana Whenua Panel have supported the notified classification, and I am not otherwise aware of any inconsistency between the proposed classification and the identified Ngāi Tahu interests.

Rationale: Historic reserves are held for the purpose of “protecting and preserving in perpetuity such places, objects, and natural features, and such things thereon or therein contained as are of historic, archaeological, cultural, educational, and other special interest” (Reserves Act 1977, s.18(1)). The notified proposal was underpinned by the cultural interest of the places, natural features, and historic resources, as described by the Mana Whenua Panel (e.g. “immense historical, spiritual and cultural significance”) and can be described as an example of a substantive outcome for Ngāi Tahu consistent with Section 4 of the Act and Treaty principles.

I acknowledge the large number of submissions opposing the notified proposal as not adequately reflecting the natural resources present, which are significant and wide ranging, and hold great value for recreational users. However, I do not accept that these concerns warrant overturning the notified proposal, particularly given that in this instance the places themselves and the natural features present that are of historic, archaeological, cultural, educational, or other special interest, are protected under the primary reserve purpose. Further, the scenic, archaeological, geological, biological, and other scientific features, indigenous flora and fauna, and wildlife are all required to be protected “to the extent compatible with the principal or primary purpose of the reserve” (Section 18(2)(c)) of the Reserves Act 1977). The Reserves Act also provides that “the public shall have freedom of entry and access to the reserve” subject to restrictions which are not unique to the proposed classification, i.e. those “necessary for the protection and general well-being of the reserve and for the protection and control of the public using it” (Section 18(2)(b)) Reserves Act 1977).

My conclusion is that on balance the natural resources are appropriately protected, and public recreational access adequately provided for, under the proposed classification when considering the historic resources present and the nature of the historical and cultural interests and significance of the area to Ngāi Tahu.

Regarding the remainder of the conservation area, my conclusion, in accordance with a substantial number of submissions received, is that the natural resources present (e.g. highly natural catchments with very high water quality; altitudinal sequence of lowland conifer-beech to montane beech forest and subalpine grasslands on granite) and associated recreation values warrant a classification that is more consistent with those values than that which was notified.

Tarahanga e Toru Historic Reserve - MAW_09_2807469s

Support

Access and Recreation (Allowed)

- Submitters in support of historic reserve referenced the importance of recreational values in the area and their desire for these to be protected (e.g. “Many outdoor types, alpinists, trampers, kayakers and hunters would regard the area in which the parcels are located as the backcountry adventure capital of New Zealand. Retaining it as such becomes ever more urgent as pressure and crowding from tourism and recreation grows on other more popular areas of the public conservation estate”, “these catchments contain one of the most significant clusters of wild rivers with outstanding recreational values for Whitewater kayakers and pack rafters, worldwide”).

I recommend that these comments are accepted to the extent that I agree the larger area recommended as Tarahanga e Toru, and this stewardship area in particular, holds high value for recreation use. Regarding those areas with specific historic resources (e.g. route of the traditional pounamu trails). My assessment is that public recreational access is adequately provided for, when considering the historic resources present and the cultural significance of the area to Ngāi Tahu. I note that the public shall have freedom of entry and access to the reserve” subject to restrictions “necessary for the protection and general well-being of the reserve and for the protection and control of the public using it” (Section 18(2)(b)) Reserves Act 1977).

Ecology and Landscape (Allowed)

- A submitter expressed general support for the Tarahanga e Toru historic reserve, though characterising it as covering too large an area and advocating that a mixture of other classifications should also be used to recognise areas of high ecological value.
- A submitter in support noted the ecological values (e.g. “hosting a range of nationally significant avifauna and includes the Tai Poutini Mt Te Kinga Predator Free Project”).

I recommend that these comments are accepted to the extent that I agree there are high ecological values present, as described in the CVR (e.g. highly natural catchments with very high water quality; altitudinal sequence of lowland conifer-beech to montane beech forest). My assessment is that on balance the natural resources present are appropriately protected under the proposed classification when considering the historic resources present and the cultural significance of the area to Ngāi Tahu. Under a historic reserve classification, “where scenic, archaeological, geological, biological, 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. 18(2)(c)).

Treaty Considerations (Allowed)

- Submissions stated they support the position of the Mana Whenua Panel on the basis that these 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”, “Support retention as historic reserve and renaming to reflect the cultural significance of the area”).
- Submitters noted that the proposed historic reserves recognise “sites of significance to Ngāi Tahu and ensure Ngāi Tahu values, alongside conservation values, are at the forefront of the classification”. They noted the values and interests present, e.g. “pounamu traditions, the trails and passes (particularly Rakimaurikura, Te Tarahanga o Kaniere and Amuri Pass) that were trading routes for pounamu and kai in times of war and peace, connecting Tai Poutini with the east coast”. It was advocated that “the proposed reserves must acknowledge the mana and rangatiratanga of Ngāi Tahu, and provide for Ngāi Tahu wellbeing, kaitiakitanga and mahinga kai”.

I recommend that these comments are accepted. I acknowledge that that the Tarahanga e Toru Historic Reserve area is of historical and cultural significance to Ngāi Tahu identity. My assessment is that the proposed classification appropriately reflects the significance of the historic resources, and the historical and cultural interests present within the area, and provides appropriate protection for the identified Ngāi Tahu interests.

General (Allowed)

- Submissions expressed support for the proposed classification or the recommendations of the Mana Whenua Panel, 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”.
- A submitter stated that the proposed classification reflects the use of the land and adequately protects against its degradation.

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 objected to historic reserve classification for the whole area recommended as Tarahanga e Toru on the grounds that the classification does not appropriately protect the extremely high recreational values of the area and may curtail public access, noting that historic reserve classification would only protect recreation values to the extent compatible with the historic values identified (e.g. “public access, the hut, bridge and track systems, and other recreational facilities are not recognised or guaranteed under this category”, “historical reserves do not guarantee freedom of access, and impose restrictions on camping”). Concerns were raised that the recommendation classification could allow activities which would diminish recreation values (e.g. “another area of concern (...) is potential for hydroelectric development in this area of pristine unmodified rivers important for recreation and biodiversity”).
- The extensive recreation values of the whole area were described, both in terms of established recreational infrastructure and wild areas for trampers and hunters (e.g. “a long established history of multi-day backcountry tramping, mountaineering and hunting trips”, “a massive network of huts and tracks, many of which are community

maintained”, “with over 60 backcountry huts the proposed area is also highly valued by the tramping and hunting communities”).

- Submissions made in relation to the whole area recommended as Tarahanga e Toru raised concerns that both the DOC conservation values reports and the Panels’ recommendation reports lacked full consideration of the recreation values present, notably the importance of the rivers for a range of paddle sports and canyoning. There was concern that historic reserve classification may affect access to these rivers, with submitters most frequently recommending ecological area as their preferred alternative.
- A substantial number of submissions were made regarding the value people place on rivers in the area (“Grey River/Māwheranui (incl Blue-Grey, Upper Grey) is a very special area for white water paddlers new, experienced, families. There are many trips each year by white water clubs and groups of friends”, “There is no doubt that the rivers [on the west coast] are world-class. They are challenging, remote, uncrowded, scenic beyond belief, and most importantly ours to protect. Neither Panel recognised these characteristics here and only a brief reference to the kayaking was noted in their reports”, “this parcel of land contains some of the most wild and outrageously good kayaking that our country has to offer. There are many quality rivers, and they all have their own character, some are steep and fast, others are high volume and pushy. All of them are powerful places, both physically and spiritually”).
- Submitters noted that historic reserve classification does not guarantee free public access (e.g. “historic reserves may be leased by an administering body potentially privatising the area”, “experience with management of the Waitaiki Historic Reserve is that access is denied for spurious reasons”, “fees may be charged for access and use”, “the widespread use of s58(c) to charge for admission should be ruled out”).
- To ensure public access and protect recreation values, submitters advocated variously for ecological area, scenic reserve, conservation park or national park, joint historic/recreation reserve.
- Submitters frequently advocated for national park classification for the whole area recommended as Tarahanga e Toru Historic Reserve, to protect the high recreation values (e.g. “a classification under the National Parks Act or alternatively, Part 4 of Conservation Act would provide more balanced and appropriate management of ecological, recreational and mana whenua values. It will better protect recreation, conservation and the highly valued ecological and whitewater values in this area, requiring public consultation for any concessions, works or changes to access arrangements or future reclassifications”).
- Submitters otherwise suggested that access be explicitly guaranteed under the Reserves Act (e.g. “either the classification be under the Conservation Act, or mechanisms to ensure practical enduring access and conservation of other natural values are expressly provided for in any classification under the Reserves Act”).

I recommend that these comments are not accepted. While I agree the wider area recommended as the Tarahanga e Toru Historic Reserve, and in particular this conservation area, holds high value for recreation use, my assessment is that on balance public recreational access is adequately provided for, when considering the historic resources present and the cultural interest and significance of the area to Ngāi Tahu. The public “shall have freedom of entry and access to the reserve”, subject to restrictions “necessary for the protection and general well-being of the reserve and for the protection and control of the public using it” (Section 18(2)(b)) Reserves Act 1977). I acknowledge submitters concerns a historic reserve classification can limit access, however I do not accept that this concern warrants overturning the notified proposal. Such potential access restrictions are not unique to the proposed classification and exist elsewhere within the legislation, for example under the Reserves Act 1977 and s.4(2)(e) of the National Parks Act 1980. .

Climate Change and Natural Hazards (Allowed)

- Submitters who opposed historic reserve classification for the whole area recommended as Tarahanga e Toru noted that protection of the natural resources was important given that the area is large enough to contribute to climate change mitigation (e.g. “large enough areas necessary for carbon sinks to help New Zealand meet international agreements on climate change”, “a significant part of our potential carbon sinks, biodiversity bases, and natural fresh water sources”).

I recommend these comments are not accepted. While I acknowledge submitters’ comments that the stewardship area contains unmodified and high value natural resources (e.g. highly natural catchments with very high water quality; altitudinal sequence of lowland conifer-beech to montane beech forest), my assessment is that on balance the natural

resources present are appropriately protected under the proposed classification when considering the historic resources present and the cultural significance of the area to Ngāi Tahu.

Ecology and Landscape (Allowed)

- Submitters objected to historic reserve classification for the whole area recommended as Tarahanga e Toru, arguing that a historic reserve classification does not offer adequate protection for the unmodified natural resources present (e.g. “this classification appears to provide relatively weak protection to both conservation and public access”, “historic reserve classification could allow for management and development that is inconsistent with the recreational and biodiversity values present”, “the highly **valuable qualities of these areas are their wild, scenic, rugged, unmodified nature and free access (...)** These qualities are not protected at all by the recommendation of a historic reserve, in fact this level of protection doesn’t come close to covering it”, “The effects of mining may very well change the entire face of the landscape removing stretches of forest, polluting our water ways and disrupting our native ecosystems”).
- Submitters commented that the lack of clearly defined purpose meant the public were unable to understand how the natural values would be protected in relation to this primary purpose (“This is because **the primary purpose of the reserve takes priority over the protection of scenic, archaeological, geological, biological, or other scientific features, and indigenous flora or fauna on the reserve**”).
- Submitters advocating for higher protection emphasised that the area recommended as Tarahanga e Toru is largely remote and intact, with notable freshwater and biodiversity values (e.g. “unmodified headwaters, **uninterrupted mountains to sea, threatened ecosystems and species such as rare braided riverbed, indigenous fish un-dammed pathways, sand spit, bird breeding areas and public access**”, “the vast landscape remains almost as it was before humans arrived”, “a stronghold for taonga species including kea and whio”, “untouched kingdoms of scientific biodiversity”, “contains roughly 60 kilometres of the Southern Alps. Within this area are numerous small glaciers and many significant peaks, the headwaters of some of the West Coast’s major rivers”, “There are over 300 km of river in this area, all of it is pristine and the majority of it is remote”, “For the fauna especially, the remote **backcountry of the area provides a natural habitat suitable for recovering populations. The Kea and Whio populations especially benefit from the remoteness**”, “outstanding and nationally significant ecological, landscape and recreational values within this area that warrant the highest level of protection”).
- Submitters noted that the Grey/Māwhera River and the Ahaura River, and their headwaters and tributaries, are subject to a Water Conservation Order (WCO), commenting that the “technical reports are silent on this matter **and the historic reserve recommendation would offer a level of conservation significantly weaker than the Water Conservation Order and its land management obligations**”.
- Submitters often suggested that historic reserve is inappropriate for such an extensive area (e.g. “The area is very large and some parts of it may be better suited to scenic reserve, national park, ecological area or scientific reserve classification”, “Along with many other sections of legislation that are inappropriate for such a large pristine bit of land...”, “The recommendation that vast landscapes, such as the proposed Tarahanga e Toru Historic Reserve area, **may be acceptable only if it offers robust protection to the extraordinary ecological, geological, palaeontological, cultural, landscape, recreational and spiritual values of that area**”). The Tarahanga e Toru grouping was identified as more than four times the size of Paparoa National Park and two and a half times the size of Aoraki-Mt Cook National Park.
- Submitters advocated variously for ecological area, scenic reserve, conservation park or national park, or suggested a combination of these classifications. Some submitters recommended ecological area “gazetted with 2 or more purposes” as this protects “recreation and ecological values and simultaneously protects mana whenua interests should historical values be established as principles”. A national park classification was frequently proposed, with submitters noting that the area recommended for Tarahanga e Toru Historic Reserve shares many of the same natural values as the Arthurs Pass National Park. Several submitters advocated for the entire Tarahanga e Toru grouping to form a new national park to reflect the “cultural, ecological, landscape and recreational values” (e.g. “a new Tarahanga e Toru/ 3 Passes National Park”). It was recommended that this “grouping be extended south to include the entire Waitaha catchment”.
- Submitters suggested that some parts of this area would meet the criteria for wilderness area (e.g. “majority of Tarahanga e Toru is further away from civilization and more remote than that of the Paparoa or Arthurs Park

National Parks”, “Parts of the area even have values on par with the small number of wilderness areas on the West Coast”).

I recommend that these comments are not accepted. Although I agree there are high ecological values present, as described in the CVR (e.g. highly natural catchments with very high water quality; altitudinal sequence of lowland conifer-beech to montane beech forest and subalpine grasslands on granite). Regarding those areas with specific historic resources (e.g. route of the traditional pounamu trails), my assessment is that on balance the natural resources present are appropriately protected under the proposed classification when considering the historic resources present and the cultural interest and significance of the area to Ngāi Tahu. Under a historic reserve classification, “where scenic, archaeological, geological, biological, 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. 18(2)(c)).

Historical and Cultural Values (Allowed)

- Submitters opposed historic reserve for the whole area recommended as Tarahanga e Toru, commenting that the recommendation is inappropriate as this classification is not intended for large landscapes, but “for small-scale, discrete and recognised archaeological and historical sites and buildings”. Concern was expressed regarding a lack of clarity as to “the place, object, and natural feature or other thing that is to be preserved and protected” or that the historical resources are “cultural and non-physical in nature, making management of these values, over and above secondary objectives and values (e.g. recreation and ecological), highly subjective and open to interpretation” (e.g. “a misuse of the Historic Reserve category as the primary purpose of a Historic Reserve relates to the preservation of structures and objects. The proposed Historic Reserve covers a vast area of great cultural, ecological and recreational importance within which historical structures and objects are almost entirely post colonisation (old benched tracks etc) and cover a vanishingly small percentage of the area”, “the area proposed for historic reserve status appears far more extensive than required to provide for the protection of historic sites and cultural values”, “While Amuri Pass and the Tass-Nancy Saddle may have been historic travelling routes for Māori, there is virtually no built historic heritage in this vast wild area”).
- Submitters advocated for classification as national park over the whole area to “acknowledge the area’s human history and allow the people of today and tomorrow to transcend time, to experience the landscape as early people did”, noting that the National Parks Act 1980 requires that “sites and objects of archaeological and historical interest shall as far as possible be preserved”. Conservation park was also suggested.
- Some submitters who advocated for national park classification supported the proposed historic reserve for the pounamu trails themselves “that contain physical evidence of the history” (e.g. the Taramakau river mouth should be “excluded due to its proven historical value”, “we would be supportive of a classification of Historic Reserve for the sections of the Taramakau River covered by Schedule 56 of the Ngāi Tahu Claims Settlement Act (...) subject to the right of public access at no cost being guaranteed in the reclassification process and relevant management plans”).

I recommend that these comments are not accepted. My assessment is that on balance the proposed classification appropriately reflects the historic resources present within the area (e.g. ara tawhito, mahinga kai and pounamu) and the nature of the historical and cultural interests and significance of the area to Ngāi Tahu (“Poutini Ngāi Tahu ancestors and their stories are literally embedded in this landscape”).

Treaty Considerations (Allowed)

- Submitters acknowledged the significance of the area to Ngāi Tahu, but suggested that given the long list of wider conservation values present, the extent of the proposed reserve should be revisited or that other classifications would be more suitable (e.g. “we acknowledge that there is an immense significance and rich history within this area of Pounamu trails, settlements and Pā, mahinga kai gathering, and its general importance to Poutini Ngāi Tahu. We feel that this only adds to the reasons for which it should be more strongly protected, and we believe that its ecological value should be prioritized above all else”).
- Submitters suggested that the proposed classification does “not adequately encompass both nature protection and mana whenua aspirations”.

- Submitters advocated for a national park classification “where proper recognition of Ngāi Tahu’s presence past and present, can be achieved alongside appropriate protection for natural and recreational values”.
- Submitters referenced various examples where Ngāi Tahu have a “major role” in management and planning of national parks (e.g. “National parks do not preclude additional mechanisms for protecting cultural values, such as the topuni which recognises the tapu associated with Aoraki”, “the Treaty principle of partnership can be upheld through shared governance and management practices as is the case for Paparoa National Park”, “any outstanding cultural issues can be managed through some form of shared governance and management (...) Kaitiakitanga of this hugely valued and much used area should rest with the nation as a whole albeit with acknowledgment of, and provision for, the ability for Ngāi Tahu whānui to reconnect to their ancestral lands, provide for the mana and rangatiratanga of Ngāi Tahu and to exercise kaitiakitanga and mahinga kai. Such arrangements would be provided for through an enlightened National Park Management Plan”).

I recommend that these comments are not accepted. It is my conclusion that the proposed classification appropriately protects the natural and historic resources present within the area, and reflects the nature of the historical and cultural interests and significance of the area to Ngāi Tahu, providing appropriate protection for the identified Treaty partner interests (“Poutini Ngāi Tahu ancestors and their stories are literally embedded in this landscape”).

General (Allowed)

- Submissions expressed general opposition to the proposed classification without providing further justification or recommended another classification like national park or conservation park (e.g. “values more suited to Conservation Park”).
- Submitters raised concerns that “historic reserve status can be altered and allow for other purposes”.

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 classification for the whole area recommended as Tarahanga e Toru on the grounds that historic reserve may not prevent mining, hydro schemes or other development in the area, and that the public may not be able to have a say in any proposed activities (particularly if the reserve is vested).
- Conversely, other submitters opposed the classification 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 for commercial uses such as mining to be considered on a case-by-case basis.
- A submitter noted various applications in progress and suggested retaining the relevant areas as stewardship or reclassification as a conservation park.

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

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”.
- Submitters were critical of the lack of clearly defined purpose for the reserve, stating that this is a “prerequisite for proper consultation” and that they therefore “simply do not know what we are commenting on”.
- A submitter highlighted that as well as clarification of purpose, as details of management are unknown, a further public consultation process will be required.
- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land, limitations of the consultation, and potential conflicts of interest.

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

Other (Not Allowed)

- Submitters raised concern about potential vesting of the proposed reserve, suggesting that this may impact on public access (e.g. “if this were to take place there are no guarantees that public access is preserved, nor regarding the preservation of the landscape”).
- Submitters who opposed the classification suggested that they might come to support the proposed reserve if public access and participation in future management planning processes could be ensured, or if there is a mechanism to ensure DOC has ongoing input into decision-making (e.g. “I support mana whenua stewardship but want assurances about public voice in river conservation”, “There is a high level of public interest in this very large area and the ongoing involvement of DOC provides greater certainty that this public interest can be reflected in management”).
- A submitter advocated that due to the scale of the proposed reserve, it “should be included as a separate Place in the CMS so the public can have input into how it is managed”.
- 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 suggested the proposed Tarahanga e Toru Historic Reserve is an unusual use of the designation in terms of size and scale (e.g. “I am uncomfortable with the massive extension of the concept of a Historic Reserve covering such a vast landscape”).
- A submitter queried “how historic reserve status protects biodiversity and public access”, suggesting that the area may be worthy of ecological area status.

I recommend that these comments are not accepted. While I agree there are high ecological values present, as described in the CVR (e.g. highly natural catchments with very high water quality; altitudinal sequence of lowland conifer-beech to montane beech forest), my assessment is that on balance the natural resources present are appropriately protected under the proposed classification and that historic reserve is appropriate when considering the historic resources present and the cultural interest and significance of the area to Ngāi Tahu.

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”.
- A submitter suggested that the justification for the recommendation implies the “mountains and rivers might provide economically”, advocating for separation between decision makers and permission applicants.

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

MAW_10 – Moonlight Creek – 2806789

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Moonlight Creek (Lower)	MAW_10_2806789v	Local Purpose (River Conservation) Reserve	Neutral	8	12
Moonlight Creek (Upper)	MAW_10_2806789w	Historic Reserve	Neutral	9	14

DOC Conservation Values Report Description

An 86.1697-ha elongated section of land on current and former riverbed associated with Moonlight Creek which contains largely very natural and unimpacted freshwater habitats and adjoins the Moonlight Ecological Area. This is an important goldmining area both historically and currently, with mining permits covering around 80% of the area. Other concessions include gravel extraction and easements. One of the easements is to construct a replacement bridge as part of a Provincial Growth Fund Shovel Ready Project. There is likely fishing and hunting.

Moonlight Creek (Lower)

Panel Recommendations

National Panel: Local Purpose (River Conservation) Reserve, to 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 'lower' section 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 - MAW_10_2806789v

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 classification, based on its "cultural conservation value".

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)

- One submission noted that they assumed there would be no grazing concessions permitted in the local purpose reserve.

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

Oppose

Climate Change and Natural Hazards (Allowed)

- Submissions opposed the classification on the basis that it does not consider climate change impacts and mitigation opportunities, including carbon sequestration and floodplain buffering, suggesting other classifications would be more appropriate (e.g. “these recommendations do not give consideration (active or not) nor effect to the very high and nationally important natural conservation values of the rivers, which include the rivers themselves, and the unfolding of nationally outstanding natural ecological processes and dynamics under climate change, nor nationally important conservation outcomes that could be achieved in the future”).
- Submissions proposed government purpose (climate mitigation) reserve or government purpose (river floodplain) reserve as possible classifications.
- Submissions recommended an ecosystem or catchment based approach to the classification of riverbeds, to build resilience for habitats and climate mitigation (e.g. “These values and outcomes are realised principally in allowing the land to move and evolve without obstruction or modification, and in allowing natural vegetation regeneration, and also better realised if rivers and coasts are administered as whole systems”).

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 (e.g. “Forest & Bird opposes the reclassification of land parcels that Include riverbeds or river margins held as stewardship land to LPR (River Conservation) recommendations unless the purpose can clearly set out how the freshwater values will be protected. It is entirely unclear if such a reserve would properly protect the natural values”, “I cannot support most of the local purpose reserves without greater clarity of purpose”).
- 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) reserve recommendations, 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.
- Submissions opposed the classification as not representing or allowing for important river conservation values, including natural river processes, highlighting restoration opportunities (e.g. “I submit that these recommendations do not give consideration (active or not) nor effect to the very high and nationally important natural conservation values of the rivers, which include the rivers themselves, and the unfolding of nationally outstanding natural ecological processes”, “retention of good opportunities for restoration of depleted indigenous ecosystems”).

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 submission noted that adjacent land has a higher protection status than that proposed.
- 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 a status consistent with

adjacent or nearby public conservation land, government purpose (Te Mana o Te Wai) reserve, government purpose (river floodplain) 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)

- Submissions opposed the recommendation as “inappropriate”, stating that it gives no greater protection than 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.

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions recommended ending all grazing licences within river margins.
- A submission opposed the classification due to concern it would affect existing permissions and river activities.

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 submission 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 Not Stated

Access and Recreation (Allowed)

- Submissions 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.

Moonlight Creek (Upper)

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: Neutral.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of historic reserve for the 'upper' section of the stewardship area.

Summary of accepted submissions: Excepting those expressing general support for the proposal, no submissions were accepted as holding substantial merit with regard to 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 (e.g. braided river systems, mix of indigenous and exotic forest and shrubland) are appropriately protected under the proposed classification, when also considering the historic resources present (e.g. part of the Moonlight Creek archaeological landscape, visible dredge tailings). 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 Reserve - MAW_10_2806789w

Support

Ecology and Landscape (Allowed)

- A submitter referenced the "very high ecological values very similar to the existing national parks" that "deserve protection".

I recommend that these comments are accepted to the extent that I agree that the natural resources present are appropriately protected under the proposed classification while reflecting the important historic resources and archaeological features 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)).

General (Allowed)

- Submissions expressed overall support for the recommendation without providing specific justifications.
- Submissions agreed that the recommendation reflects the information provided in the technical reports.
- Submissions expressed a general preference for stewardship land to be reclassified at the highest possible classification, based on its "high cultural conservation value".
- The recommendation was supported as reflecting the use of the land and adequately protecting 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.

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”).
- To ensure access, submitters recommended that the larger historic reserves are made either conservation parks, or national parks if they adjoin Arthur’s Pass National Park.

I recommend that these comments are not accepted. The CVR notes that there is limited recreational use apart from hunting and fishing in the assessment area. My view is that this type of public recreational access is appropriately provided for under the proposed classification, when also considering the historic resources present. Under a historic reserve, “the public shall have freedom of entry and access to the reserve, subject to (...) 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)).

Climate Change and Natural Hazards (Allowed)

- A submitter proposed government purpose (river floodplain) reserve, noting “opportunities for ecosystem restoration in response to flood events or coastal erosion, opportunities for carbon sequestration”.

I recommend that these comments are not accepted. My assessment is that on balance the natural resources present (e.g. braided river systems, mix of indigenous and exotic forest and shrubland) are appropriately protected under the proposed classification, when also considering the historic resources present (e.g. part of the Moonlight Creek archaeological landscape, visible dredge tailings). 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)).

Ecology and Landscape (Allowed)

- A submitter proposed government purpose (river floodplain) reserve as the “land parcel lies adjacent to land that has a higher protected status than that proposed” and noting “retention of good opportunities for restoration of depleted indigenous ecosystems”.
- Submitters pointed out that “the panel have noted that there is potential to dispose of developed pasture within the assessment area”, suggesting that “if the pasture does not have historic values it would be best to classify the whole area as Local Purpose (River Conservation for ecological reasons) Reserve, as this then has the potential to be used for regeneration of native forest, which is essential if we are reduce our carbon footprint”.
- 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 on balance the natural resources present (e.g. braided river systems, mix of indigenous and exotic forest and shrubland) are appropriately protected under the proposed classification, when also considering the historic resources present (e.g. part of the Moonlight Creek archaeological landscape, visible dredge tailings). 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 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 importance of the historic values present in the area (e.g. part of the Moonlight Creek archaeological landscape, visible dredge tailings).

Treaty Considerations (Allowed)

- It was stated that the proposed classification does “not adequately encompass both nature protection and mana whenua aspirations” or “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 has supported the proposed classification. The points raised do not justify overturning the notified intention.

Permissions, Economic Factors and Land Use (Not Allowed)

- Submitters raised concerns that a historic reserve recommendation provides insufficient environmental protection as it offers “greater scope for commercial activities and leases than national park or scenic reserve status”, and that the classification may be acceptable only if closes areas to “extractive, invasive and intrusive industries such as mining, grazing, exotic forestry and hydro-generation”.
- Conversely, one 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.
- A submitter stated that any change should not affect the existing permissions, noting six licences for mining, easement, gravel extraction and grazing.

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

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.

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

Other (Not Allowed)

- A submitter who recommended conservation park or national park classification stated they support co-management “provided management recognises the principle of free access to all, the continuation of existing facilities, and a primary responsibility for environmental protection”.
- 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)

- 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 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 (e.g. 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)

- 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.

MAW_10 – Roaring Meg Creek – 2806791

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Roaring Meg Creek	MAW_10_2806791x	Local Purpose (River Conservation) Reserve	Neutral	7	12

DOC Conservation Values Report Description

A 4.6944-ha elongated section of land on current and former riverbed associated with Roaring Meg Creek that adjoins the Roaring Meg Ecological Area. This is an important historic goldmining area. There is likely fishing and hunting.

Panel Recommendations

National Panel: Local purpose (river conservation) reserve, to 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.

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 - MAW_10_2806791x

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 classification, based on its “cultural conservation value”.

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)

- One submission noted that they assumed there would be no grazing concessions permitted in the local purpose reserve.

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

Oppose

Climate Change and Natural Hazards (Allowed)

- Submissions opposed the classification on the basis that it does not consider climate change impacts and mitigation opportunities, including carbon sequestration and floodplain buffering, suggesting other classifications would be more appropriate (e.g. “these recommendations do not give consideration (active or not) nor effect to the very high and nationally important natural conservation values of the rivers, which include the rivers themselves, and the unfolding of nationally outstanding natural ecological processes and dynamics under climate change, nor nationally important conservation outcomes that could be achieved in the future”).
- A submission proposed classification as a government purpose (climate mitigation) reserve.
- Submissions recommended an ecosystem or catchment based approach to the classification of riverbeds, to build resilience for habitats and climate mitigation (e.g. “These values and outcomes are realised principally in allowing the land to move and evolve without obstruction or modification, and in allowing natural vegetation regeneration, and also better realised if rivers and coasts are administered as whole systems”).

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 (e.g. “Forest & Bird opposes the reclassification of land parcels that include riverbeds or river margins held as stewardship land to LPR (River Conservation) recommendations unless the purpose can clearly set out how the freshwater values will be protected. It is entirely unclear if such a reserve would properly protect the natural values”, “I cannot support most of the local purpose reserves without greater clarity of purpose”).
- 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) reserve recommendations, 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.
- A submission opposed the classification as not representing or allowing for important river conservation values, including natural river processes and ecological values (“I submit that these recommendations do not give consideration (active or not) nor effect to the very high and nationally important natural conservation values of the rivers, which include the rivers themselves, and the unfolding of nationally outstanding natural ecological processes”).

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 submission noted that the area has ecological values that appear to be similar to adjacent land with a higher protection status than that proposed.
- 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 a status consistent with adjacent or nearby public conservation land, 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)

- Submissions opposed the recommendation as “inappropriate”, stating that it gives no greater protection than 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.

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions recommended ending all grazing licences within river margins.
- Submissions opposed the classification due to concern it would affect existing permissions and river activities.

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 submission 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 Not Stated

Access and Recreation (Allowed)

- Submissions 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.

MAW_11 – Ahaura Riverbed – 2806799

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Ahaura Riverbed	MAW_11_2806799y	Conservation Park	Neutral	14	15

DOC Conservation Values Report Description

A 452.121-ha area of the active channel and riparian habitat of Ahaura River, one of the main tributaries of Grey River/Māwheranui. The area contains mostly riverine habitats and large portions of it are nestled amongst other public conservation land, including multiple ecological areas. The recorded archaeological sites represent Māori and Pākehā use of Ahaura River. The community manages and maintains the 4-bunk Jim's Flat Hut, and DOC maintains road access to it. Other recreational uses include jetboating, rafting, hunting and fishing. Minerals prospecting permits intersect part of this area and there is some gold mining interest in flats in the lower part. Concessions include easements for a powerline, an access arrangement, gravel extraction and grazing.

Panel Recommendations

National Panel: Conservation park, 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 your 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 on balance the natural resources present (e.g. active river channel, forested terraces, numerous freshwater fish) are appropriately protected under the proposed classification, when also considering the historic resources present (e.g. archaeological sites which represent both Māori and Pākehā use of Ahaura River). I also note the recreational use of the area (e.g. jetboating, hunting and fishing). The primary purpose of conservation parks includes to be managed so that their "natural and historic resources are protected" (Conservation Act 1987, s. 19(1)(a)).

Conservation Park - MAW_11_2806799y

Support

Ecology and Landscape (Allowed)

- A submitter referenced the "very high ecological values very similar to the existing national parks" that "deserve protection".

I recommend that these comments are accepted to the extent that I agree that the natural resources present are appropriately protected under the proposed classification. The primary purpose of a conservation park includes to be managed so that their "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 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”.
- 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”.

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 commented that jetboating needs “to continue on this river for hunting and recreation”.

I recommend that these comments are not accepted. It is my view that the recreational values present as identified by the submitter and described in the CVR (e.g. community maintained hut, jetboating, hunting and fishing) 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)).

Ecology and Landscape (Allowed)

- Submitters recommended ecological area, describing conservation park as providing insufficient protection for this “significant landscape feature with very high natural character, with part of the river covered by a conservation order and high ecological value in the braided river system”. They noted that the area is adjacent to the Flagstaff Ecological Area and stated, “the whole of MAW 11 should itself be an ecological area”.
- One submitter cited “naturally uncommon ecosystems (including dunes and wetlands), at risk and/or threatened species”, and as the area is an “enclave within land that has a higher protected status than that proposed”, with “ecological values that appear similar to those on other nearby land with a higher protected status”.
- Submitters noted 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” and warrants a higher level of protection than that proposed.
- A submitter noted the water conservation order present and suggested that the proposed classification does not provide sufficient protection to the values present.
- A submitter raised concern that though high conservation values have been identified, conservation park provides “pretty much the same protection as that of Stewardship Land. What is the point of that when the category won’t protect the high conservation values identified and needed for proper protection”.

I recommend that these comments are not accepted. My assessment is that on balance the natural resources present (e.g. active river channel, forested terraces, numerous freshwater fish) are appropriately protected under the proposed classification, when also considering the historic resources present (e.g. archaeological sites which represent both Māori and Pākehā use of Ahaura River), and recognising the recreational values of the area (e.g. jetboating, hunting and fishing).

The primary purpose of conservation parks includes to be managed so that their “natural and historic resources are protected” (Conservation Act 1987, s. 19(1)(a)). I note that the proposed classification is not inconsistent with the National Water Conservation Order (Grey River) Order 1991, which recognises the “outstanding natural characteristic in the form of an incised river gorge with a meandering pattern” and “outstanding scenic features” of the Ahaura River, from Hamers Flat down to the end of the gorge.

- Submitters noted that the proposed conservation parks are in close proximity to one another and “it appears to be an inefficient way of managing land for conservation”. It was recommended to combine the proposed parks where the values are similar as this “provides greater opportunity for large landscape scale management”.

I recommend that these comments are not accepted. There are no specifications in the Conservation Act 1987 or Conservation General Policy regarding the size or proximity of distinct conservation parks.

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 in opposition commented that any change should not affect the existing concessions, noting an easement for a powerline, an access easement, gravel extraction and river diversion, and grazing licences.
- A submitter who expressed general concern about the low level of 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 and which have significant conservation value, such as populations of native fauna or flora or which provide unique recreational, social or ecological value could remain as conservation parks so long as the Minister also advises the Governor General to register them as specially protected areas”.

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”.
- Submitters noted the “absence of any information about possible economic activities that may occur as signalled in some instances” and that they could therefore not be confident about the appropriateness of the submission.
- 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 (e.g. under a hunting permit) where consistent with preservation of the conservation values present.

Ecology and Landscape (Allowed)

- A submitter raised concern that conservation parks are a “relatively low protective category and not appropriate for those areas that have outstanding values”, and that multiple smaller parks “may not lead to integrated management”. They recommended reevaluation to ensure conservation park is the best fit for the identified values, and amalgamating close areas into larger parks.

I recommend that these comments are not accepted. There are no specifications in the Conservation Act 1987 or Conservation General Policy regarding the size or proximity of distinct conservation parks. My assessment is that the natural resources present 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 their “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.

MAW_11 – Orwell Creek – 2806800

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Orwell Creek	MAW_11_2806800a	Conservation Park	Neutral	12	13

DOC Conservation Values Report Description

A 0.4044-ha area of forest located away from the Ahaura river and surrounded on three sides by the Ahaura Terraces Ecological Area.

Panel Recommendations

National Panel: Conservation park, 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 your 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 (e.g. native forest) are appropriately protected under the proposed classification. The primary purpose of conservation parks includes to be managed so that their “natural and historic resources are protected” (Conservation Act 1987, s. 19(1)(a)).

Conservation Park - MAW_11_2806800a

Support

Ecology and Landscape (Allowed)

- A submitter referenced the “very high ecological values very similar to the existing national parks” that “deserve protection”.

I recommend that these comments are accepted to the extent that I agree that the natural resources present are appropriately protected under the proposed classification. The primary purpose of a conservation park includes to be managed so that their “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 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”.
- 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”.

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

Ecology and Landscape (Allowed)

- Submitters recommended ecological area, describing conservation park as providing insufficient protection for this “significant landscape feature with very high natural character, with part of the river covered by a conservation order and high ecological value in the braided river system”. They noted that the area is adjacent to the Flagstaff Ecological Area and stated, “the whole of MAW 11 should itself be an ecological area”.
- Another submitter noted that the “land parcel is an enclave within land that has a higher protected status than that proposed, land parcel has ecological values that appear similar to those on other nearby land with a higher protected status”.
- Submitters noted 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” and warrants a higher level of protection than that proposed.
- A submitter noted the water conservation order present and suggested that the proposed classification does not provide sufficient protection to the values present.
- A submitter raised concern that though high conservation values have been identified, conservation park provides “pretty much the same protection as that of Stewardship Land. What is the point of that when the category won’t protect the high conservation values identified and needed for proper protection”.

I recommend that these comments are not accepted. My assessment is that the natural resources present (e.g. native forest) are appropriately protected under the proposed classification. The primary purpose of conservation parks includes to be managed so that their “natural and historic resources are protected” (Conservation Act 1987, s. 19(1)(a)). I note that the proposed classification is not inconsistent with the National Water Conservation Order (Grey River) Order 1991, which recognises the “outstanding natural characteristic in the form of an incised river gorge with a meandering pattern” and “outstanding scenic features” of the Ahaura River, from Hamers Flat down to the end of the gorge.

- Submitters noted that the proposed conservation parks are in close proximity to one another and “it appears to be an inefficient way of managing land for conservation”. It was recommended to combine the proposed parks where the values are similar as this “provides greater opportunity for large landscape scale management”.

I recommend that these comments are not accepted. There are no specifications in the Conservation Act 1987 or Conservation General Policy regarding the size or proximity of distinct conservation parks.

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 in opposition commented that any change should not affect the existing concessions, noting an easement for a powerline, an access easement, gravel extraction and river diversion, and grazing licences.
- 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 and which have significant conservation value, such as populations of native fauna or flora or which provide unique recreational, social or ecological value could remain as conservation parks so long as the Minister also advises the Governor General to register them as specially protected-areas”.

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”.
- Submitters noted the “absence of any information about possible economic activities that may occur as signalled in some instances” and that they could therefore not be confident about the appropriateness of the submission.
- 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.

Ecology and Landscape (Allowed)

- A submitter raised concern that conservation parks are a “relatively low protective category and not appropriate for those areas that have outstanding values”, and that multiple smaller parks “may not lead to integrated management”. They recommended reevaluation to ensure conservation park is the best fit for the identified values, and amalgamating close areas into larger parks.

I recommend that these comments are not accepted. There are no specifications in the Conservation Act 1987 or Conservation General Policy regarding the size or proximity of distinct conservation parks. My assessment is that the natural resources present (e.g. native forest) are appropriately protected under the proposed classification. The primary purpose of conservation parks includes to be managed so that their “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.

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.

MAW_11 – Ahaura Riverbed – 2807514

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Ahaura Riverbed	MAW_11_2807514b	Conservation Park	Neutral	13	16

DOC Conservation Values Report Description

A 771.8947-ha section of the active channel and riparian habitat of Ahaura River, one of the main tributaries of Grey River/Māwheranui. The area contains mostly riverine habitats and large portions of it are nestled amongst other public conservation land, including multiple ecological areas. The recorded archaeological sites represent Māori and Pākehā use of Ahaura River. Recreational uses may include jetboating, rafting, hunting and fishing, but this is less likely than downstream as the area is primarily next to private farmland. Minerals prospecting permits intersect part of this area. Concessions include easements for a powerline and an access arrangement.

Panel Recommendations

National Panel: Conservation park, 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 your 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 on balance the natural resources present (e.g. braided river ecosystems, forested islands and terraces, numerous freshwater fish) are appropriately protected under the proposed classification, when also considering the historic resources present along the river (e.g. archaeological sites which represent both Māori and Pākehā use of Ahaura River). I also note the recreational use of the area (e.g. jetboating, hunting and fishing). The primary purpose of conservation parks includes to be managed so that their “natural and historic resources are protected” (Conservation Act 1987, s. 19(1)(a)).

Conservation Park - MAW_11_2807514b

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)

- 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”.
- 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”.

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 commented that jetboating needs “to continue on this river for hunting and recreation”.

I recommend that these comments are not accepted. It is my view that the recreational values present as identified by the submitter and described in the CVR (e.g. community maintained hut, jetboater, hunting and fishing use of the Ahaura River) 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)).

Ecology and Landscape (Allowed)

- Submitters recommended reclassification as an ecological area, describing conservation park classification as providing insufficient protection for this “significant landscape feature with very high natural character, with part of the river covered by a conservation order and high ecological value in the braided river system”. They noted that the area is adjacent to the Flagstaff Ecological Area and stated, “the whole of MAW 11 should itself be an ecological area”.
- Another submitter noted “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, land parcel has ecological values that appear similar to those on other nearby land with a higher protected status”.
- Submitters noted 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” and warrants a higher level of protection than that proposed.
- A submitter noted the water conservation order present and suggested that the proposed classification does not provide sufficient protection to the values present.
- A submitter raised concern that though high conservation values have been identified, conservation park provides “pretty much the same protection as that of Stewardship Land. What is the point of that when the category won’t protect the high conservation values identified and needed for proper protection”.
- Submissions from concession holders stated that the 60-ha area of land which they hold a grazing concession for “has low ecological and recreation value compared to the bulk of the river area” and is in a “much modified state”. They advocated for a higher level of protection for the active riverbed only.

I recommend that these comments are not accepted. My assessment is that on balance the natural resources present (e.g. braided river ecosystems, forested islands and terraces, numerous freshwater fish) are appropriately protected under the proposed classification, when also considering the historic resources present (e.g. archaeological sites which represent both Māori and Pākehā use of Ahaura River), and recognising the river’s high recreational values (e.g. jetboating, hunting and fishing). The primary purpose of conservation parks includes to be managed so that their “natural and historic resources are protected” (Conservation Act 1987, s. 19(1)(a)).

- Submitters noted that the proposed conservation parks are in close proximity to one another and “it appears to be an inefficient way of managing land for conservation”. It was recommended to combine the proposed parks where the values are similar as this “provides greater opportunity for large landscape scale management”.

I recommend that these comments are not accepted. There are no specifications in the Conservation Act 1987 or Conservation General Policy regarding the size or proximity of distinct conservation parks.

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 from the holders of a grazing concession on the area requested that the concession area be considered separately to the riverbed, suggesting a disposal or swap for all or part of the concession area/non active riverbed sections (while expressing support for protection of the active braided river section), as loss of this area would make their farm less financially viable, particularly given the land is “safer from flooding than our freehold land”. They noted that their low intensity farming approach has minimal negative impact on the river or environment (e.g. “Our stock are fenced out of waterways, we avoid cultivation and disturbing soil structure, we minimise chemical usage and we rotationally graze our stock. We plant mixed species and keep fertiliser useage to a minimum”), and that previously surrendered areas are now covered in gorse, broom and feral pigs. They also noted the long history of farming in the area and that maintaining the land as pasture is “in keeping with the culture, heritage and character of this section of the Ahaura”.
- A submitter in opposition commented that any change should not affect the existing concessions, noting an easement for a powerline, an access easement, gravel extraction and river diversion, and grazing licences.
- 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 and which have significant conservation value, such as populations of native fauna or flora or which provide unique recreational, social or ecological value could remain as conservation parks so long as the Minister also advises the Governor General to register them as specially protected-areas”.

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”.
- Submitters noted the “absence of any information about possible economic activities that may occur as signalled in some instances” and that they could therefore not be confident about the appropriateness of the submission.
- 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 (e.g. under a hunting permit) where consistent with preservation of the conservation values present.

Ecology and Landscape (Allowed)

- A submitter raised concern that conservation parks are a “relatively low protective category and not appropriate for those areas that have outstanding values”, and that multiple smaller parks “may not lead to integrated management”. They recommended reevaluation to ensure conservation park is the best fit for the identified values, and amalgamating close areas into larger parks.

I recommend that these comments are not accepted. There are no specifications in the Conservation Act 1987 or Conservation General Policy regarding the size or proximity of distinct conservation parks. My assessment is that the natural resources present 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 their “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.

MAW_11 – Ahaura River – 2807515

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Ahaura River	MAW_11_2807515c	Conservation Park	Neutral	14	14

DOC Conservation Values Report Description

A 699.4406-ha section of the active channel and riparian habitat of Ahaura River, one of the main tributaries of Grey River/Māwheranui. The area contains mostly riverine habitats and large portions of it are nestled amongst other public conservation land, including multiple ecological areas. There is a Water Conservation Order at the head of river, predominantly for scenic values. The recorded archaeological sites represent Māori and Pākehā use of Ahaura River. Recreational uses may include jetboating, rafting, hunting and fishing, but this is less likely than downstream as the area is primarily next to private farmland. Minerals prospecting permits intersect part of this area. Concessions include an easement for an access arrangement, gravel extraction and grazing.

Panel Recommendations

National Panel: Conservation park, 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 your 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 assessment is that on balance the natural resources present (e.g. river ecosystems, forested islands and terraces, numerous freshwater fish) are appropriately protected under the proposed classification, when also considering the historic resources present (e.g. archaeological sites which represent both Māori and Pākehā use of Ahaura River). I also note the recreational use of the area (e.g. jetboating, hunting and fishing). The primary purpose of conservation parks includes to be managed so that their “natural and historic resources are protected” (Conservation Act 1987, s. 19(1)(a)).

Conservation Park - MAW_11_2807515c

Support

Access and Recreation (Allowed)

- A submitter commented that it “should be used for conservation and outdoor activities as it is a beautiful part of NZ with so much adventure in the area”.

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)).

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 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".
- 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".

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 commented that jetboating needs "to continue on this river for hunting and recreation".

I recommend that these comments are not accepted. It is my view that the recreational values present as identified by the submitter and described in the CVR (e.g. community maintained hut, jetboater, hunting and fishing use of the Ahaura River) 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)).

Ecology and Landscape (Allowed)

- Submitters recommended reclassification as an ecological area, describing conservation park classification as providing insufficient protection for this "significant landscape feature with very high natural character, with part of the river covered by a conservation order and high ecological value in the braided river system". They noted that the area is adjacent to the Flagstaff Ecological Area and stated, "the whole of MAW 11 should itself be an ecological area".
- Another submitter noted "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, land parcel has ecological values that appear similar to those on other nearby land with a higher protected status".
- A submitter noted the water conservation order present and suggested that the proposed classification does not provide sufficient protection to the values present.
- A submitter raised concern that though high conservation values have been identified, conservation park provides "pretty much the same protection as that of Stewardship Land. What is the point of that when the category won't protect the high conservation values identified and needed for proper protection".
- Submitters noted 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" and warrants a higher level of protection than that proposed.

I recommend that these comments are not accepted. My assessment is that on balance the natural resources present (e.g. braided river ecosystems, forested islands and terraces, numerous freshwater fish) are appropriately protected under the proposed classification, when also considering the historic resources present (e.g. archaeological sites which represent both Māori and Pākehā use of Ahaura River), and recognising the river's high recreational values (e.g. jetboating, hunting and fishing). The primary purpose of conservation parks includes to be managed so that their "natural and historic resources are protected" (Conservation Act 1987, s. 19(1)(a)).

- Submitters noted that the proposed conservation parks are in close proximity to one another and "it appears to be an inefficient way of managing land for conservation". It was recommended to combine the proposed parks where the values are similar as this "provides greater opportunity for large landscape scale management".

I recommend that these comments are not accepted. There are no specifications in the Conservation Act 1987 or Conservation General Policy regarding the size or proximity of distinct conservation parks.

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 in opposition commented that any change should not affect the existing concessions, noting an easement for a powerline, an access easement, gravel extraction and river diversion, and grazing licences.
- 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 and which have significant conservation value, such as populations of native fauna or flora or which provide unique recreational, social or ecological value could remain as conservation parks so long as the Minister also advises the Governor General to register them as specially protected-areas".

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".
- Submitters noted the "absence of any information about possible economic activities that may occur as signalled in some instances" and that they could therefore not be confident about the appropriateness of the submission.
- 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 (e.g. under a hunting permit) where consistent with preservation of the conservation values present.

Ecology and Landscape (Allowed)

- A submitter raised concern that conservation parks are a “relatively low protective category and not appropriate for those areas that have outstanding values”, and that multiple smaller parks “may not lead to integrated management”. They recommended reevaluation to ensure conservation park is the best fit for the identified values, and amalgamating close areas into larger parks.

I recommend that these comments are not accepted. There are no specifications in the Conservation Act 1987 or Conservation General Policy regarding the size or proximity of distinct conservation parks. My assessment is that the natural resources present 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 their “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.

MAW_12 – Callaghans Creek – 2806493

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Callaghans Creek	MAW_12_2806493d	Stewardship	Stewardship	9	13

DOC Conservation Values Report Description

A 2417.1975-ha forested area that is horseshoe shaped, with a large area at the centre privately owned, with pine plantations present. The unique mix of giant and shortjaw kōkopu and dwarf galaxias present infers that these waterways offer a wide variety of in-stream habitat, as the preferences of these species is quite different. DOC-managed Callaghans Walk starts at the adjacent Nelson Creek, and the area is also used for 4WD and hunting. There has been a lot of historic and current gold mining, with multiple recorded archaeological sites and a low impact mining access arrangement held for alluvial mining in the active bed of Callaghans Creek.

Panel Recommendations

National Panel: Retain as stewardship, to enable Ngāi Tahu to negotiate a land exchange that would provide practical access to their forestry blocks.

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 has supported the notified proposal, supported by submissions from Treaty partner organisations. The Mana Whenua Panel have signalled specific Ngāi Tahu interests associated with this stewardship area, particularly that the area is “adjacent to Ngāi Tahu Forestry, an indication of Ngāi Tahu presence, interest and use of the land in this vicinity”, “Ngāi Tahu may have future aspirations for this land (such as forestry)” 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 - MAW_12_2806493d

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”).

- Submitters noted support for retaining in stewardship land to enable further assessment of Ngāi Tahu forestry interests.

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

- A submitter in support stated that any change should not affect the existing permissions, noting a mining access arrangement for alluvial mining.
- 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

Climate Change and Natural Hazards

- Submitters suggested that the recommendation does not give effect to the Climate Change Commission report, noting that the regenerating forest will store carbon and that goldmining has negative carbon impacts. They recommended classification as ecological area, scenic reserve, or conservation park as this “would allow the ongoing regeneration of the forest which would help in our climate goals”.

I recommend that these comments are not accepted. While I agree that the natural values present may support climate mitigation, 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.

Ecology and Landscape

- Submitters recommended reclassification as either ecological area, scenic reserve, or “at the minimum” conservation park, to reflect the ecological values of the area (forest, freshwater values, and biodiversity) and allow ongoing regeneration. They stated that the technical report does not adequately describe the regenerating kahikatea and beech forest present. It was noted that this type of forest has been largely cleared in the wider area, and that native birds such as robins, kākā and falcon are present (e.g. “rare and valuable remnant of tall regenerating kahikatea and red beech on almost 100-ha of flood plain. This is now a rare ecosystem in the Grey valley and not well represented in our network of parks and reserves”, “Most of the hill country beech forest was greatly disturbed by mining in the 19th century. The regeneration is impressive with most beech trees now fifteen metres tall and more than 30 cm DBH. It is clear that this forest is sequestering carbon”, “This particular parcel contains secondary forest with a high level of water quality. It should be at the minimum reclassified as conservation park”).
- A submitter who recommended ecological area noted that the area is adjacent to land that has a higher protection status to that proposed, with ecological values that appear similar.
- Submitters suggested that protection of natural and other conservation values should be the primary focus of reclassification, and were concerned that retaining the land in stewardship would allow environmentally damaging activities to occur (e.g. “I strongly oppose any stewardship land remaining as stewardship land. It must either be

disposed of or become incorporated into one of the park categories, based on its scientific, ecological, biodiversity, landscape, historical, cultural, spiritual, mahinga kai and recreational values. Leaving an area as stewardship land leaves it open to ecologically degrading activities including mining, stock grazing, logging and residential developments and without rigorous protection from the environmental impacts of those industries”).

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.

Treaty Considerations

- A submitter stated that the “suggestion seems to be that giving effect to the principles of the Treaty of Waitangi, requires that land for which mana whenua have aspirations, needs to be retained as stewardship land to ensure that those aspirations can be realised”. They suggested that this “goes beyond the obligation to give effect to the Treaty of Waitangi. An area with high conservation values should be reclassified to reflect that value”.
- A submitter commented that there is no reason mana whenua “should not have an interest in the pounamu under a conservation park classification in similar ways that they have various interests in National Parks”.

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.

General

- A submitter recommended adding the area to Hochstetter Ecological Area.
- 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

- A submitter who stated that retaining land in stewardship “cannot be justified” noted that “Ngāi Tahu is able to discuss an easement arrangement with the Department”.

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

Process and Consultation

- Submitters expressed concerns regarding the values that had been considered, suggesting that the justification regarding access was “insufficient”, and that assessment of conservation and recreation values should take priority over potential use (e.g. “There is no basis for recommending that stewardship land is not reclassified, while further investigations are made into other possible uses of the land. Possible future mining and pastoral uses are not relevant to the current land classification process”, “the suggested classification of stewardship land takes no account of the conservation values of this land, if decisions are to be made on the economic aspirations of Ngāi Tahu then the whole process is redundant and it should all be left as stewardship land!”), “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”).
- One submitter commented, “I am not sure what the purpose is in leaving this area as Stewardship when the purpose of the exercise was to reclassify”.
- 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.

MAW_13 – Lake Hochstetter – 2806572

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Lake Hochstetter	MAW_13_2806572e	Wildlife Management Area	Wildlife Management Area	16	3

DOC Conservation Values Report Description

A 500.9664-ha area covering the waterbody and some lake edge habitat of Lake Hochstetter, surrounded by ecologically valuable conservation land. The lake itself is one of a network of fluvio-glacial lakes in the region. It is historically important as one of the largest dam projects of the 1870s, funded through the Vogel Government's development programme, and some heritage equipment remains. Access is not easy and there are no facilities, but boat access and trout fishing occur.

Panel Recommendations

National Panel: Wildlife management area, to appropriately reflect the identified values. This area is contiguous with the existing Hochstetter Wildlife Management Area and shares complementary conservation values.

Mana Whenua Panel: The Mana Whenua Panel supports the recommendation of the Western South Island National Panel.

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. 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 has supported the notified 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. forested catchment with intact wetlands, high level of rarity and distinctiveness) while providing for their appreciation and recreational enjoyment by the public, being managed so that "its indigenous natural resources and its historic resources are protected" (Conservation Act 1987, s. 23B(1)).

Wildlife Management Area - MAW_13_2806572e

Support

Ecology and Landscape (Allowed)

- Support was expressed for the recommendation as providing protection for freshwater habitats.
- A submitter referenced the "very high ecological values very similar to the existing national parks" that "deserve protection".

I recommend that these comments are accepted to the extent that I agree that the natural resources present are appropriately protected and preserved by the proposed classification. Wildlife management areas are managed so that "wildlife and wildlife habitat values (including the capacity for the movement of wildlife, genetic material of indigenous plants, and genetic material of wildlife) are protected" (Conservation Act 1987, s. 23B(1)).

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 agree that natural resources present are appropriately protected by the proposed classification. I note that the Mana Whenua Panel have supported the proposed classification.

General (Allowed)

- Submissions expressed overall support for the recommendation without providing specific justification, or agreed that the recommendation reflects the information provided in the technical reports.
- The recommendation was supported as reflecting the use of the land and adequately protecting against degradation of the land.
- Submissions expressed a general preference for stewardship land to be reclassified at the highest possible classification, 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)

- 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)

- Submissions 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 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 (e.g. 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.

MAW_14 – Deep Creek – 2806977

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Deep Creek	MAW_14_2806977f	Ecological Area	Ecological Area	15	4

DOC Conservation Values Report Description

A 0.0436-ha elongated piece of land that joins two blocks of Hochstetter Wildlife Management Area and is a border between Ahaura Terraces (to the east) and Bywash Pākihi (to the southwest) ecological areas. It may have originally been created to allow access between the two pieces of wildlife management area before the ecological areas, when those areas were still State Forest. The high ecological value ascribed to this tiny piece of land is due to the extensive wetland of which it is part, including the large pristine wetland complex associated with Lake Hochstetter. A former forestry road passes through the area, usable by 4WD.

Panel Recommendations

National Panel: Ecological area, to appropriately reflect the identified values, to rationalise the boundary of the existing Ahaura Terrace Ecological Area and improve landscape continuity. This area is considered to have the same scientific value as the adjacent ecological area.

Mana Whenua Panel: The Mana Whenua Panel supports the recommendation of the Western South Island National Panel.

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. 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 expressed support for the notified intention, 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 appropriately protect the natural resources present (e.g. extensive wetland complex) and provide continuity with the Ahaura Terraces Ecological Area.

Ecological Area - MAW_14_2806977f

Support

Climate Change and Natural Hazards (Allowed)

- 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).

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 agree that the proposed classification will appropriately promote the conservation of the natural resources present. I note that the Mana Whenua Panel have supported the proposed classification.

General (Allowed)

- Submissions expressed overall support for the recommendation without providing specific justifications.
- Submissions agreed that the recommendation reflects the information provided in the technical reports.
- Submissions expressed a general preference for stewardship land to be reclassified at the highest possible classification, 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)

- One submission opposed reclassification as an ecological area on the grounds that, though it does not prohibit mining, it adds extra restrictions with consequent negative economic impacts, 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 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 (e.g. under a hunting permit) where consistent with preservation of the conservation values present.

MAW_15 – Haupiri River – 2806540

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Haupiri River (Riverbed)	MAW_15_2806540l	Local Purpose (River Conservation) Reserve	Neutral	9	11
Haupiri River (Pasture)	MAW_15_2806540m	Disposal	Disposal	8	28

DOC Conservation Values Report Description

An 83.4176-ha area that sits across Haupiri River bed and terraces bordering the Lake Ahaura Amenity area to the north and private land to the south. A grazing concession covers approximately 22 ha. Fishers may access the area if they obtain access from landowners.

Haupiri River (Riverbed)

Panel Recommendations

National Panel: Local purpose (river conservation) reserve, to 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' section 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 - MAW_15_2806540l

Support

Access and Recreation (Allowed)

- One submission 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 area as local purpose reserve for river conservation.

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)

- 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 classification, based on its “cultural conservation value”.

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)

- One submission noted that they assumed there would be no grazing concessions permitted in the local purpose reserve.

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

Oppose

Climate Change and Natural Hazards (Allowed)

- Submissions opposed the classification on the basis that it does not consider climate change impacts and mitigation opportunities, including carbon sequestration and floodplain buffering, suggesting other classifications would be more appropriate (e.g. “these recommendations do not give consideration (active or not) nor effect to the very high and nationally important natural conservation values of the rivers, which include the rivers themselves, and the unfolding of nationally outstanding natural ecological processes and dynamics under climate change, nor nationally important conservation outcomes that could be achieved in the future”).
- A submission proposed government purpose (climate mitigation) reserve as a possible classification.
- Submissions recommended an ecosystem or catchment based approach to the classification of riverbeds, to build resilience for habitats and climate mitigation (e.g. “These values and outcomes are realised principally in allowing the land to move and evolve without obstruction or modification, and in allowing natural vegetation regeneration, and also better realised if rivers and coasts are administered as whole systems”).

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 (e.g. “Forest & Bird opposes the reclassification of land parcels that include riverbeds or river margins held as stewardship land to LPR (River Conservation) recommendations unless the purpose can clearly set out how the freshwater values will be protected. It is entirely unclear if such a reserve would properly protect the natural values”, “I cannot support most of the local purpose reserves without greater clarity of purpose”).
- 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) reserve recommendations, 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.
- A submission opposed the classification as not representing or allowing for important river conservation values, including natural river processes and ecological values (“I submit that these recommendations do not give consideration (active or not) nor effect to the very high and nationally important natural conservation values of the rivers, which include the rivers themselves, and the unfolding of nationally outstanding natural ecological processes”).

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 submission noted the presence of at risk/threatened species and that the ecological values appear to be similar to nearby land with a higher protected status. Retention as an ecological area for restoration of a depleted indigenous ecosystem was recommended.
- 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 a status consistent with adjacent or nearby public conservation land, 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)

- Submissions opposed the recommendation as “inappropriate”, stating that it gives no greater protection than 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.

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions recommended ending all grazing licences within river margins.
- A submission opposed the classification due to concern it would affect existing permissions and river activities.

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 submission 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 Not Stated

Access and Recreation (Allowed)

- Submissions 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.

Haupiri River (Pasture)

Panel Recommendations

National Panel: Disposal should be considered for this stable area of developed pasture.

Mana Whenua Panel: Disposal, as the area has been highly modified into pasture 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 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 has supported the proposed disposal investigation, supported by submissions from Treaty partner organisations, on the grounds that the area is highly modified.

Rationale: Although parts of the wider stewardship area are unlikely to meet the Conservation General Policy 6(d) and Conservation Act (s. 26) tests for disposal, the pastoral components hold little conservation value and warrant further consideration as to the suitability of disposal.

Disposal - MAW_15_2806540m

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 parts of the area recommended for disposal consist primarily of modified pasture and hold 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 these recommendations 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 has 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.

Permissions, Economic Factors and Land Use (Not Allowed)

- A submitter in support of disposal stated that any change should not affect the existing permissions, noting a grazing licence on the area and recommending consultation with the land user.

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)

- 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.
- One submitter noted that the movement of the river could affect access, and that riparian access via marginal strips is not guaranteed.
- 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 these comments are not accepted. The pastoral areas recommended for disposal are connected to private farmland and do not provide practical access to the river from road or public conservation land (the CVR notes that there are no easy access tracks or facilities, and that fishers require access permission from landowners). Any potential disposal arising from the Departmental investigation will trigger the formation of marginal strips for qualifying waterbodies, which will secure ongoing public access along the riparian corridor.

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 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 on these lands”).
- Submitters noted that disposal would not assist with a reduction in emissions and that “if the land is left to regenerate naturally this would certainly help to mitigate emissions”.
- Submitters who wanted the land retained for climate change mitigation or adaptation recommended various alternative classifications such as scenic reserve, ecological reserve, government purpose (river floodplain) reserve, local purpose (river conservation) reserve, or local purpose (river conservation for ecological reasons) reserve.

I recommend that these comments are not accepted. The highly modified nature of the areas recommended for disposal and the landscape context (surrounded by private farmland) limit the effectiveness of restoration for 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 noted that there are “ecological values that appear similar to those on other nearby land with a higher protected status”, recommending government purpose (river floodplain) 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.

- Submissions also recommended “Local purpose (river conservation for ecological reasons) reserve” as an alternative.
- 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 areas are small and landlocked and have no restoration potential.

I recommend that these comments are not accepted. The highly modified nature of the areas recommended for disposal and the landscape context (surrounded by private farmland) limit the effectiveness of retaining the area 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 no stewardship land should be disposed of, except to tangata whenua, “and only then with the need to maintain the block’s cultural, conservation & mahika-kai values”.

I recommend that these comments are not accepted. The proposed disposal investigation was supported by the Mana Whenua Panel, and any potential disposal of relevant 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 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, including the scale of research required for the quantity of land notified.
- 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.

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 highly modified nature of the areas recommended for disposal and the landscape context (surrounded by private farmland) limit the effectiveness of restoration for 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. 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 Heritage New Zealand Pouhere Taonga’s 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.

MAW_15 – Haupiri – 2807516

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Haupiri	MAW_15_2807516g	Local Purpose (River Conservation) Reserve	Neutral	7	12

DOC Conservation Values Report Description

A 20.1261-ha area across Haupiri River bed and terraces that are primarily forested. This area is surrounded by private farmland. Fishers may access the area if they obtain access from landowners.

Panel Recommendations

National Panel: Local purpose (river conservation) reserve, to 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.

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 - MAW_15_2807516g

Support

Access and Recreation (Allowed)

- One submission 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 area as local purpose reserve for river conservation.

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)

- 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 classification, based on its “cultural conservation value”.

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)

- One submission noted that they assumed there would be no grazing concessions permitted in the local purpose reserve.

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

Oppose

Climate Change and Natural Hazards (Allowed)

- Submissions opposed the classification on the basis that it does not consider climate change impacts and mitigation opportunities, including carbon sequestration and floodplain buffering, suggesting other classifications would be more appropriate (e.g. “these recommendations do not give consideration (active or not) nor effect to the very high and nationally important natural conservation values of the rivers, which include the rivers themselves, and the unfolding of nationally outstanding natural ecological processes and dynamics under climate change, nor nationally important conservation outcomes that could be achieved in the future”).
- A submission proposed government purpose (climate mitigation) reserve or as a possible classification.
- Submissions recommended an ecosystem or catchment based approach to the classification of riverbeds, to build resilience for habitats and climate mitigation (e.g. “These values and outcomes are realised principally in allowing the land to move and evolve without obstruction or modification, and in allowing natural vegetation regeneration, and also better realised if rivers and coasts are administered as whole systems”).

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 (e.g. “Forest & Bird opposes the reclassification of land parcels that include riverbeds or river margins held as stewardship land to LPR (River Conservation) recommendations unless the purpose can clearly set out how the freshwater values will be protected. It is entirely unclear if such a reserve would properly protect the natural values”, “I cannot support most of the local purpose reserves without greater clarity of purpose”).
- 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) reserve recommendations, 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.
- A submission opposed the classification as not representing or allowing for important river conservation values, including natural river processes and ecological values (“I submit that these recommendations do not give consideration (active or not) nor effect to the very high and nationally important natural conservation values of the rivers, which include the rivers themselves, and the unfolding of nationally outstanding natural ecological processes”).

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 submission highlighted the presence of naturally uncommon and depleted ecosystems in relatively good condition, including dunes and wetlands, recommending retention to allow for ecosystem restoration.
- 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 a status consistent with adjacent or nearby public conservation land, government purpose (Te Mana o Te Wai) reserve, government

purpose 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)

- Submissions opposed the recommendation as “inappropriate”, stating that it gives no greater protection than 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.

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions recommended ending all grazing licences within river margins.
- A submission opposed the classification due to concern it would affect existing permissions and river activities.

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 submission 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 Not Stated

Access and Recreation (Allowed)

- Submissions 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.

Other (Not Allowed)

- A submission noted their view that the riverbed has moved and should be controlled by Council, recommending that as there are “no trees scrub or vegetation except grass” the land should be swapped or turned into freehold.

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

MAW_15 – Haupiri River – 2807519

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Haupiri River	MAW_15_2807519h	Local Purpose (River Conservation) Reserve	Neutral	7	12

DOC Conservation Values Report Description

A 1.8962-ha area consisting of two sections that sit across Haupiri River bed and terraces and are surrounded by more river and private farmland. Fishers may access the area if they obtain access from landowners.

Panel Recommendations

National Panel: Local purpose (river conservation) reserve, to 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.

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 - MAW_15_2807519h

Support

Access and Recreation (Allowed)

- One submission 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 area as local purpose reserve for river conservation.

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)

- 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 classification, based on its “cultural conservation value”.

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)

- One submission noted that they assumed there would be no grazing concessions permitted in the local purpose reserve.

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

Oppose

Climate Change and Natural Hazards (Allowed)

- Submissions opposed the classification on the basis that it does not consider climate change impacts and mitigation opportunities, including carbon sequestration, ecosystem restoration and floodplain buffering, suggesting other classifications would be more appropriate (e.g. “these recommendations do not give consideration (active or not) nor effect to the very high and nationally important natural conservation values of the rivers, which include the rivers themselves, and the unfolding of nationally outstanding natural ecological processes and dynamics under climate change, nor nationally important conservation outcomes that could be achieved in the future”).
- Submissions proposed government purpose (climate mitigation) reserve or government purpose (river floodplain) reserve as possible classifications.
- Submissions recommended an ecosystem or catchment based approach to the classification of riverbeds, to build resilience for habitats and climate mitigation (e.g. “These values and outcomes are realised principally in allowing the land to move and evolve without obstruction or modification, and in allowing natural vegetation regeneration, and also better realised if rivers and coasts are administered as whole systems”).

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 (e.g. “Forest & Bird opposes the reclassification of land parcels that Include riverbeds or river margins held as stewardship land to LPR (River Conservation) recommendations unless the purpose can clearly set out how the freshwater values will be protected. It is entirely unclear if such a reserve would properly protect the natural values”, “I cannot support most of the local purpose reserves without greater clarity of purpose”).
- 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) reserve recommendations, 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.
- A submission opposed the classification as not representing or allowing for important river conservation values, including natural river processes and ecological values (“I submit that these recommendations do not give consideration (active or not) nor effect to the very high and nationally important natural conservation values of the rivers, which include the rivers themselves, and the unfolding of nationally outstanding natural ecological processes”).

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.

- 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 a status consistent with adjacent or nearby public conservation land, 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)

- Submissions opposed the recommendation as “inappropriate”, stating that it gives no greater protection than 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.

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions recommended ending all grazing licences within river margins.
- A submission opposed the classification due to concern it would affect existing permissions and river activities.

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 submission 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 Not Stated

Access and Recreation (Allowed)

- Submissions 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.

MAW_16 – Eleven Mile Creek – 2809068

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Eleven Mile Creek	MAW_16_2809068i	Scenic Reserve (a)	Neutral	22	24

DOC Conservation Values Report Description

A 720.8527-ha intact forest ecosystem from coastal cliffs through to Paparoa Ranges that provides a corridor for species movement from the sea to the tops. A section of SH 6 runs through the area. Waterways within the parcel support a distinctive mix of species. A community-maintained informal route allows people to climb to the top of Mt George, and a different group does predator control. A low impact mining access arrangement for gold mining and an easement concession are in place.

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. The above recommendation forms part of a proposed coastal corridor of scenic reserves.

Mana Whenua Panel: Neutral.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of scenic reserve (a).

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.

The Mana Whenua Panel have signalled specific Ngāi Tahu interests associated with this stewardship area, particularly that “a historic pā site is in the vicinity of this area”.

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

Rationale: I acknowledge that a substantial proportion of submitters suggested that the area may warrant further investigation by the NZCA regarding classification as national park (e.g. “more logical natural, physical and geographic southern boundary for a national park”). Although I agree that the area contains natural resources of high value, my conclusion is that its size (721ha) and location (separated from the Paparoa National Park by 12km) mean that the area does not currently meet the specifications for a new national park under National Parks General Policy 6(b), or a boundary adjustment to an existing national park under policy 6(h). I note that if the intervening land is at some point deemed by the Minister of Conservation and the NZCA to warrant classification as national park, the proposed scenic reserve does not preclude a future process by the NZCA to investigate the suitability of a national park addition (as per s.7(1)(a)(iv) & s.7(2) National Parks Act 1980). Any such process would need to be undertaken in a manner consistent with Treaty principles.

Scenic Reserve (a) - MAW 16 2809068i

Support

Access and Recreation (Allowed)

- Submitters stated that though they support scenic reserve they would prefer the area to be added to the Paparoa National Park for maximum protection. The high recreation and scenic values of the area were cited as justification, particularly the popularity of the Mt George Track and the noteworthy scenic qualities of the coastal drive (e.g. “area of significant historical and cultural value and popular with tourists and locals for recreation on tracks in the

bush and along the beaches”, “I grew up on the sea cliffs overlooking the Motukiekie Rocks. This is a place of spiritual and recreational significance to me and many others”, “The Ten Mile Creek area and gorge is very dramatic and scenic. I [...] raised my children there and guided many family relatives, friends and other visitors around the area over the years. Everyone we meet thinks it is a very special area”, “The 10 Mile Creek forms a more logical natural, physical and geographic southern boundary for a national park, with its dramatic introduction to the beginning of the Coast Road described by Lonely Planet as one of the world’s 10 best coastal drives”).

- A couple of submitters advocated for improved access to recreational areas (e.g. “National park status would hopefully encourage DOC to install a ladder or steps up the gully below the summit of Mt George. The sheer numbers of visitors using the Mt George access have caused a serious erosion problem in that summit gully”, “Before the removal of the upper 10 Mile bridge, walkers and mountain bikers regularly crossed the bridge to access the historic mine roads on the true right of the 10 Mile Creek. This area is now largely remote wilderness with no easy access”).

I recommend that these comments are accepted to the extent that I agree the area has high recreation and scenic values. The proposed scenic reserve will provide 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. 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.

Climate Change and Natural Hazards (Allowed)

- 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 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)

- All submitters who referenced ecological and landscape values stated that though they support scenic reserve (“as a minimum”) they would prefer this and other associated conservation areas to be reclassified as national park.
- They argued that the area’s landscape context and similar values to those in the existing Paparoa National Park and the conservation area PAP_18 - Paparoa Range South (recommended for addition to the National Park) warrant reclassification as a national park (e.g. “Having spent over ten years living on the Coast Road I know this area to be a place of ecological and historical significance, which easily stacks up against the current designated area of Paparoa National Park. I believe it warrants the highest level of protection”, “equal ecological, recreation and heritage values, and therefore should be treated the same to achieve a contiguous landscape”).
- Submitters suggested that addition to the Paparoa National Park would rationalise the boundaries of the existing national park (e.g. the “distinctive river” of Ten Mile Creek/Waianiwaniwa forms a “more logical natural, physical and geographic southern boundary for a national park” than an “indistinct mapping line with no obvious demarcation”, “designating our block of interest as National Park extends the existing Park to a longer stretch of coast with National Park values in its own right. This will enhance the National Park and has a better chance of being coherently managed”).
- Another submitter noted that a 1979 proposal for Paparoa National Park “advocated for a south western boundary of Eleven Mile Creek in this highly scenic area”.
- It was noted that the Proposed Te Tai o Poutini Plan “describes the Eleven Mile Creek block as having the Natural Environment Values of Outstanding Coastal Natural Character and High Coastal Natural Character and Outstanding Natural Landscapes”.
- Submitters emphasised the ecological and landscape values in the area as worthy of strong protection, describing the varied ecosystems and high levels of biodiversity.

- Submissions included an extensive list of threatened and at-risk bird species identified in the area. It was also noted that the West Coast green gecko, the velvet worm and tree wētā are present, as well as a range of flora species (e.g. “world class geological landscapes, varied native vegetation ranging from coastal to alpine habitats, and diverse ecosystems (...) kea, kākā, kiwi, bellbird, tui, fantail, fernbird, Westland petrel, kereru, ruru, native falcon, weka, shags, little blue penguins, and various other seabirds. There is a diversity of freshwater species in the streams, and seals are spotted on the beaches. Native bats have also been seen in the area and rare native bush orchids as well”).
- Submitters observed that though there is a history of coal mining on the southern and western margins of the block, the bulk of the Eleven Mile Creek block retains high natural values (e.g. “pristine conditions, particularly eastward of the raised beach marine terraces”, “the bulk of the block is undeveloped native forest, and the raised beach terraces on the west side are regenerating slowly into native forest”).
- Submitters highlighted various community trapping initiatives in the area as further rationale that “the protection of national park status is warranted” (e.g. “serious trapping programs” and “The Motukiekie Wilderness Trust has been undertaking a landscape predator management, and forest and nocturnal bird monitoring project in the Eleven Mile Creek block since 2010”).
- A submitter concluded that “with national park status it is hoped that the block will attract more sustained, managed predator control by DOC to protect the taonga species identified”.
- Submitters also advocated for further protection for the Motukiekie Rocks, which are offshore from the Eleven Mile block (e.g. “they are a unique group of sea stacks and islands and a sanctuary for nesting seabirds”, “probably the largest cluster of unmodified sea stacks and islands on the West Coast and are of significant marine, ecological and coastal importance”, “populations of fairy prion, spotted shag, red billed gull, blue penguin, southern black-backed gull, variable oystercatcher, and other seabirds”, “a haul out for fur seals on some of the lower rock platforms”, “a highly resident pod of Hector’s dolphin”).

I recommend that these comments are accepted to the extent that I agree that the natural resources identified 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)).

Historical and Cultural Values (Allowed)

- Submitters referenced the heritage features of the area as being worthy of protection, expressing preference for the higher protection of national park (e.g. “Eleven Mile Creek (MAW_16) and Paparoa Range South (PAP_18) have equal ecological, recreation and heritage values, and therefore I believe that they should be treated the same and both areas be given maximum protection by being included in the Paparoa National Park”).
- The heritage value of gold mining workings/tunnels present was noted (e.g. “remnants of water races, and stacked rock features attributed to Chinese gold miners, upstream of the Bishop Creek confluence. It is thought that the historic Perry Track was used to access these working from the coast. Excavated gold tunnels have been found, some up to 20 meters in length, in the uplifted ancient marine gravels above Eleven Mile Creek. The tunnelling excavations would pre-date the coal mining in the area”).

I recommend that these comments are accepted to the extent that I agree that the historic resources identified are appropriately protected and preserved by the proposed classification, when also considering the natural values present. 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” (Reserves Act 1977, s. 19(2)(d)).

Treaty Considerations (Allowed)

- A submitter who expressed support for scenic reserve but preference for national park stated that “as my Iwi is Ngāi Tahu I feel a responsibility to protect our environment for our future generations and do see being part of a National Park Status would indeed give us the highest standard of protection”.

I recommend that these comments are accepted to the extent that I agree that the natural and historic resources present in this area are appropriately protected and preserved by the proposed classification.

General (Allowed)

- A submitter stated that it would “also be a good addition” to the national park.
- Submissions expressed overall support for the recommendation without providing specific justifications.
- Submissions agreed that the recommendation reflects the information provided in the technical reports.
- Submissions expressed a general preference for stewardship land to be reclassified at the highest possible classification, 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, who supported scenic reserve though noted preference for national park classification, wanted to ensure that the concessions for low impact gold mining in the 10 Mile Creek be continued.
- Another submitter who advocated for national park classification described the area as having “no vehicle bridge access to the block now, no potential for gold mining and very limited existing coal resource remaining”.

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

Oppose

Access and Recreation (Allowed)

- Submitters who advocated for addition to the national park noted the area’s high recreational values and described them as similar to conservation area PAP_18 and as warranting national park classification (e.g. “The Mt George walk, under DOC’s care, could be a significant West Coast short day walk”, “Recreation, heritage and current land use when compared are also very similar. For example, whilst 17 mile includes the Croesus Track, the 11 mile area includes Mt George”).
- A submitter recommended recreation reserve, highlighting the popularity of the Mt George Track and various accessible historic mines which receive visitors. They also noted that the technical reports had missed out various historic mines in the area.

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)

- Submitters opposed scenic reserve in favour of national park, arguing that the impacts of climate change make it imperative to give maximum protection to forested areas (“The increasing impact of climate change as a threat to all of use, regardless of where we live, should at this point be evident to anyone willing to face reality. New Zealand’s Climate Change Commission recommendations to Government included creating 300,000 ha of new native forest between 2021 and 2035. For this to succeed it will be crucial to retain any degraded areas of public conservation land which could be restored to healthy native forest. In short, there is no excuse to further abuse areas that have been rescued and that are recovering from abuse in the past”).

I recommend that these comments are not accepted. My view is that the natural resources present, and the resulting carbon mitigation potential, are appropriately protected and preserved by the proposed classification. The points raised do not warrant 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)).

Ecology and Landscape (Allowed)

- All opposing submitters who referenced ecological and landscape values argued that this and other linked conservation areas (i.e. MAW_17, 18, and 19) warranted reclassification as a national park based on the high natural values, landscape connection and similarity to the existing Paparoa National Park and the conservation area PAP_18 which was recommended for national park addition (e.g. “high habitat connectivity value, diversity of

wildlife on the same par as the Paparoas, as well as proximity to unique vistas”, “the areas are of equal significance (ecological, recreation and heritage) and therefore should be treated the same”, “given the contiguous nature of the areas, it seems likely the identified ecological value of the Eleven Mile is likely equivalent to the 17 mile block but less researched”).

- Submitters argued that national park classification would support landscape and ecological connectivity and create a more natural southern boundary to the National Park (e.g. “this addition would provide mountain-to-sea protection to allow for greater ecological diversity and biodiversity health in the area”, “the ecosystem is of high value and is part of a wider coastal forested ecosystem that provides a corridor for species movement from coastal cliffs to the Paparoa ranges”, “the distinctive river gorge forms a prominent boundary both visually and physically, and is the key divide between relatively intact and critical habitat to the North, and urban and commercial development to the South”).
- Several submitters emphasised the importance of having larger, connected protected areas rather than smaller fragments, especially in the context of widespread biodiversity loss and natural hazards such as wildfires, and advocated for avoiding fragmentation and allowing integrated management (e.g. “it seems vital for us to retain as much of our native forest and bush as possible. Extensive areas then become even more important, rather than small fragmented bits”, “Research has clearly indicated that smaller islands of forest separated from one another, cannot sustain biodiversity in the same way that the same area of land can as a whole. Size, contiguity and integrity matters (...) “These two fragments of land should be considered in the context of the precipitous global and local decline of biodiversity, and the particular uniqueness and value of the Paparoa range”).
- Submitters advocated for maximum protection for various ecological and landscape values, highlighting the area’s uniqueness and rarity as the “last remaining pocket of temperate rainforest on the East Coast of South Island” and describing the rare bird species and freshwater ecosystems it contains (e.g. the area should be “afforded maximum available protection to ensure stopping any further degradation of this unique habitat and all its wondrous biodiversity”, “high degree of naturalness in the area which contains freshwater ecosystems and catchments surrounded by original and secondary growth native forest”, “I have definitely seen riflemen, tomtit, karere, kākāriki, bellbird, tui, fernbird and bellbird within the area. I have heard kiwi and know that lizard species have been observed within the Mt George area”, “this forest could provide habitat for burrowing seabirds and may have unique flora along the tops of the cliffs which are associated with the saline environment such as threatened coastal turfs”, “the New Zealand Peripatus / ngaokeoke a living fossil is found in this region”).
- Submitters highlighted the value of having national park boundaries to Motukiekie Beach, a significant marine wildlife area, and suggested that this “could pave the way for this to become a marine reserve in future, offering greater protection to the wildlife and sea stacks”.
- Submitters referenced the volunteer efforts of the community to protect biodiversity as further reason why the conservation area should be given national park status (e.g. “Working closely as a neighbouring community, we have together fostered a unified passion for the protection of this unique piece of coastline. We have done this as committed volunteers, and all I ask is that it gets the additional layer of protection by having it incorporated into the Paparoa National Park”).

I recommend that these comments are not accepted. My view is that the natural resources identified are appropriately protected and preserved by the proposed classification, and the points raised do not warrant overturning the notified intention. Although I agree that the area contains natural resources of high value, its size (721 ha) and location (separated from the Paparoa National Park by 12 km) limit the appropriateness of that classification. The National Parks General Policy 6(b) states that “lands recommended for new national park status should be relatively large, preferably in terms of thousands of hectares, and preferably comprise contiguous areas or related areas”. 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)).

Historical and Cultural Values (Allowed)

- A submitter who sought national park reclassification stated that “according to the assessments, the areas are of equal significance (ecological, recreation and heritage) and therefore should be treated the same (...) The heritage values of the 11 mile include a range of archaeological sites including those of significance to tangata whenua. The 11 mile assessment refers to the coal mining history of the area but neglects to mention the historic gold mines also”.

I recommend that these comments are not accepted. My assessment is that the historic resources identified are appropriately protected and preserved by the proposed classification, and the points raised do not warrant overturning the notified intention. 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” (Reserves Act 1977, s. 19(2)(d)).

Permissions, Economic Factors and Land Use (Not Allowed)

- One submission opposed reclassification as scenic reserve on the grounds that, though it does not prohibit mining, it adds extra restrictions with consequent negative economic impacts, 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.
- Another submitter, who advocated for national park classification, stated “Do not for a moment consider entertaining the primary threat that has landed us in the mess that we are now in, viz. land use change and intensification of use of the fragments under consideration”.

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

Process and Consultation (Not Allowed)

- A submitter raised concerns that the reclassification process was insufficiently focused on protecting the land’s natural resources in favour of potential economic opportunities, highlighting that the original intent of land being put in stewardship is to “for protection of natural and historic values in perpetuity, not for opportunistic exploitation or pursuit of goals in conflict with this intent”. They also advocated strongly for an approach to reclassification which reflects the globally precarious state of biodiversity and the challenge of climate change rather than focusing on short-term or commercial interests (e.g. “It cannot be approached as a lolly-scramble for a large number of juicy treats tossed out of DOC’s bag, or as divvying up of bits of ground between those with competing interests so that each of them get their fair share of productive opportunities (...) every effort should be made to ensure that this process does not end up compounding the problem, but rather results in well-informed and objective decisions that err on the side of caution in putting the protection of vulnerable environments before that of individual and group short-term interests”).
- A submitter noted that the technical report was missing information, for example not mentioning the presence of several coal mines.
- 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)

- Submissions 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 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 (e.g. 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)

- 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 any change should not affect the existing permissions, noting the existence of a low impact mining access arrangement for small gold dredge/screen mining at Upper Ten Mile Creek, and a non-notified easement concession for an easement for the Rapahoe to Punakaiki fibre optic cable.

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

MAW_17 – Ten Mile Creek/Waianiwaniwa – 2809047

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Ten Mile Creek/Waianiwaniwa	MAW_17_2809047j	Scenic Reserve (a)	Neutral	15	13

DOC Conservation Values Report Description

A 118.1989-ha area of second growth coastal indigenous forest, rocky ridges, and bluff systems impacted by mining activity and forest clearance, although the vegetation cover looks to be regenerating indigenous forest cover. Important for species movement and overall connectivity of the forest ecosystem. The area includes old underground coal mines, forming part of the wider mining heritage landscape between Ten Mile Creek/Waianiwaniwa and Grey River/Māwheranui, which was intensively worked for over a century. Concessions are in place for a medium impact access arrangement at Spring Creek and an easement.

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. The above recommendation forms part of a proposed coastal corridor of scenic reserves.

Mana Whenua Panel: Neutral.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of scenic reserve (a).

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. second growth coastal indigenous forest of moderate naturalness).

Scenic Reserve (a) - MAW_17_2809047j

Support

Access and Recreation (Allowed)

- Submitters stated that though they support scenic reserve, they would prefer the area to be added to the Paparoa National Park for maximum protection, citing the recreation and scenic values of the area, particularly the Mt George track (e.g. "area of significant historical and cultural value and popular with tourists and locals for recreation on tracks in the bush and along the beaches", "The Ten Mile Creek area and gorge is very dramatic and scenic. I owned a property at Motukiekie (MAW-16) from 1985 to 2020, raised my children there and guided many family relatives, friends and other visitors around the area over the years. Everyone we meet thinks it is a very special area", "backdrop to one of the top coastal drives in the world").

I recommend that these comments are accepted to the extent that I agree the proposed scenic reserve will provide 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. 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.

Climate Change and Natural Hazards (Allowed)

- 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 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)

- The majority of submitters who referenced ecological and landscape values supported reclassification as scenic reserve (as a minimum), but recommended reclassification as national park. They described the natural values as high, similar to the existing national park and conservation area PAP_18 (e.g. “This area contains a wide range of spectacular landforms, unique native vegetation and very diverse ecosystems. The native birds in the area need to be protected as well including kiwi”, “similar values to those of PAP_18, with steep coastal forest, high levels of biodiversity, penguins along coastal areas and other seabirds such as sooty shearwaters occasionally recorded”, “recommend reclassification as national park, continuing the proposed National Park area from Paparoa Range South/Mt St Patrick and coastal range, with very high biodiversity (including great spotted kiwi) and landscape values (backdrop to one of the top coastal drives in the world), to its natural extent, just north of Rapahoe”).
- A submitter described scenic reserve classification as ideal based on the “regenerating indigenous lowland podocarp and beech forest”.

I recommend that these comments are accepted to the extent that I agree that the natural resources identified are appropriately protected and preserved by the proposed classification. My assessment is that the points raised regarding classification as national park do not warrant 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)).

Historical and Cultural Values (Allowed)

- A submitter who noted the historic value of old mine remains in the conservation area expressed support for scenic reserve although expressed preference for national park.

I recommend that these comments are accepted to the extent that I agree that the historic resources identified are appropriately protected and preserved by the proposed classification, when also considering the natural values present. My assessment is that the points raised regarding classification as national park do not warrant overturning the notified intention. 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” (Reserves Act 1977, s. 19(2)(d)).

General (Allowed)

- Submissions expressed overall support for the recommendation without providing specific justifications.
- Submissions agreed that the recommendation reflects the information provided in the technical reports.
- Submissions expressed a general preference for stewardship land to be reclassified at the highest possible classification, 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 as there is “no future prospect for either alluvial gold mining, or any blocks of coal, this recommendation is an ideal designation for this block”.

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

Oppose

Ecology and Landscape (Allowed)

- Submitters advocated for reclassification as a national park (alongside associated conservation areas) based on the area’s ecological and landscape values, described as similar to the existing Paparoa National Park and conservation area PAP_18, and as providing mountains-to-sea connectivity (e.g. “similar conservation values to adjacent National Park land, uncommon coastal forest habitats, and will provide connectivity with the recommended national park addition of Paparoa Range South”, “high ecological and fossil values and include geo preservation sites”, “wildlife values, coastal cliffs, forest”, “high degree of naturalness in the area which contains freshwater ecosystems and catchments surrounded by original and secondary growth native forest (...) this addition would provide mountain-to-sea protection to allow for greater ecological diversity and biodiversity health in the area (...) would create a significant coastal corridor benefitting the area”).

I recommend that these comments are not accepted. My view is that the natural resources identified are appropriately protected and preserved by the proposed classification, and the points raised do not warrant 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)

- One submission opposed reclassification as scenic reserve on the grounds that, though it does not prohibit mining, it adds extra restrictions with consequent negative economic impacts, 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)

- Submissions 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 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 (e.g. 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)

- 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 any change should not affect the existing concessions, noting a mining access arrangement and an easement for a fibre optic cable.

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

MAW_18 – Nine Mile Creek/Kotorepi (below the road) – 2809253

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Nine Mile Creek/ Kotorepi (below the road)	MAW_18_2809253k	Kotorepi Historic Reserve	Kotorepi Historic Reserve	18	24

DOC Conservation Values Report Description

An 18.6878-ha long narrow area of indigenous coastal forest cliffs and beaches on the coast/west side of SH 6, including where Ten Mile Creek/Waianiwaniwa meets the sea. This area weaves around multiple residential dwellings, as well as the Strongman Mine Disaster Memorial, erected in 2007 on the 40th anniversary of the disaster that killed 19 men when an explosion ripped through the Strongman Mine at Rūnanga. In addition to the known ancient (i.e. pre-Ngāi Tahu conquest) burial ground immediately adjoining this site, there is a pā site and a vital link to Poutini Ngāi Tahu pounamu legends, as the landing point for the Tairea Waka. There are potential non-DOC tracks and unconsented baches. Likely to receive little recreational use.

Panel Recommendations

National Panel: Historic reserve (Kotorepi), to protect and illustrate the significant historic and cultural value of the area, while preserving the indigenous flora and fauna present.

Mana Whenua Panel: Historic reserve (Kotorepi) acknowledges the significance of this place to Ngāi Tahu.

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 recreational values present. Also accepted were comments noting that this area is of historic significance to mana whenua, and that the proposed reserve 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.

The Mana Whenua Panel signalled Ngāi Tahu interests associated with this stewardship area, particularly that “In addition to the known ancient (i.e. pre-Ngāi Tahu conquest) burial ground immediately adjoining this site, there is a pā site and a vital link to Poutini Ngāi Tahu pounamu legends, as the landing point for the Tairea Waka”.

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 those submissions accepted, is that the proposed classification provides appropriate protection for the identified Ngāi Tahu interests alongside the natural and historic resources and recreational features present. I note that the Mana Whenua Panel have supported the notified classification, and I am not otherwise aware of any inconsistency between the proposed classification and the identified interests.

Rationale: Historic reserves are held for the purpose of “protecting and preserving in perpetuity such places, objects, and natural features, and such things thereon or therein contained as are of historic, archaeological, cultural, educational, and other special interest” (Reserves Act 1977, s.18(1)). The notified proposal was underpinned by the cultural interest of the places, natural features, and historic resources, as described by the Mana Whenua Panel. My conclusion is that on balance the natural and historic resources present are appropriately protected, and public recreational access adequately provided for under the proposed classification when considering the identified Ngāi Tahu interests.

Kotorepi Historic Reserve - MAW_18_2809253k

Support

Access and Recreation (Allowed)

- A submitter noted support for the recommendation and for the proposed name, and commented that the area is also frequently used for recreation, including surfing, swimming, walking, rock-hounding (beaches), surfcasting/fishing, photography, and hang-gliding.

I recommend that these comments are accepted. I agree that recreational activities referred to will be allowed for under the proposed classification, where compatible with the primary purpose for which the reserve is held. Under a historic reserve, “the public shall have freedom of entry and access to the reserve, subject to (...) 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)).

Historical and Cultural Values (Allowed)

- A submitter requested more information as to where the former pā is, stating that “recent research has raised a question as to whether the NZAA site is in the correct location”.

I recommend that these comments are accepted to the extent that I agree the proposed classification will promote the conservation of any historic resources present. Historic reserves are managed for the purpose of “protecting and preserving in perpetuity such places, objects, and natural features, and such things thereon or therein contained as are of historic, archaeological, cultural, educational, and other special interest” (Reserves Act 1977, s. 18(1)).

Treaty Considerations (Allowed)

- Submitters noted that the proposed historic reserves recognise “sites of significance to Ngāi Tahu and ensure Ngāi Tahu values, alongside conservation values, are at the forefront of the classification”.
- It was noted that the area is a “vital link in Poutini Ngāi Tahu pounamu legends and significant as a landing place of Tairea Waka”.
- Another noted their support for the classification and for renaming to reflect the cultural significance of the area.

I recommend that these comments should be accepted. I agree that the natural resources present are appropriately protected, and public recreational access adequately provided for, under the proposed classification when considering the identified Ngāi Tahu interests. I note that the Mana Whenua Panel have supported the notified classification, and therefore I consider the classification is not inconsistent with the identified interests.

- It was advocated that “the proposed reserves must acknowledge the mana and rangatiratanga of Ngāi Tahu, and provide for Ngāi Tahu wellbeing, kaitiakitanga and mahinga kai”.

I recommend that these comments are accepted to the extent that I agree the proposed classification will promote the conservation of any historic resources present. Although I agree that the proposed historic reserve recognises the identified Ngāi Tahu interests, the purpose of the proposed reserve is set and established as per Reserves Act 1977, s. 18(1). Potential changes to management or legislative frameworks are not the subject of the public notice.

General (Allowed)

- Submissions expressed overall support for the recommendation without providing specific justifications., agreed that the recommendation reflects the information provided in the technical reports, or expressed a general preference for stewardship land to be reclassified at the highest possible classification, based on its “high cultural conservation value”.
- The recommendation was supported as reflecting the use of the land and adequately protecting 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.

Oppose

Access and Recreation (Allowed)

- Submitters disputed the description of the recreation values in the technical reports, describing the area as highly valued by the community for beach access, multiple recreation activities, fishing and landscape values (“this is one of the most diversely used recreational coastal strips around Greymouth”). Descriptions of the beach’s various recreational uses were detailed and extensive. There was concern that historic reserve classification could limit these activities (e.g. “I do not want to see any limitation on beach access to this block because [it] is valued by the local community for walking, fishing, and general enjoyment of the wild and natural landscape. I recommend a wildlife reserve with recreational values as primary value and cultural values secondary”).
- Submitters also argued that the ecological, heritage and cultural values described were incorrect, suggesting that recreational use should be prominent in the classification. Recreation reserve was the most frequently recommended classification.
- 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”).
- To ensure access, submitters recommended that the larger historic reserves are made either conservation parks, or national parks if they adjoin Arthur’s Pass National Park.

I recommend that these comments are not accepted. I do not dispute the points raised by submitters that recreational use beyond that identified in the CVR may occur. However, my assessment is that on balance public recreational access to the area is appropriately provided for by the proposed classification, when considering the notable historic resources present, including the identified Ngāi Tahu interests (e.g. burial ground adjoining the site, pā site, landing point for the Tairea Waka). I acknowledge that in some instances public access could be limited by the proposed classification (e.g. “the public shall have freedom of entry and access to the reserve, subject to (...) 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)

- Submitters disputed the accuracy of the technical report, stating that the geographic and ecological description (as well as other values) were incorrect. In particular, submitters stated that the area has regenerating scrub rather than coastal forest, and no shearwater colony (e.g. “Because of the long history of coastal coal mining, all coastal forest timber was cleared for use in the mines. What is present today is regenerating scrub, not indigenous coastal forest. In my 20 years of monitoring penguins and other sea birds at Nine Mile, I have seen no evidence of a regenerating shearwater colony”, “Rare sightings of sooty shearwaters are reported in the Motukiekie area some 2 km further north up the coast, but we are unaware of any colony, recovering or otherwise in this area”).
- It was noted that shags nest on narrow ledges of the Nine Mile coastal bluffs.
- Submitters were concerned with ensuring that the kororā colony was protected. One submitter stated that if an appropriate penguin management plan was adopted this would ease concerns.
- Submitters recommended national park (or scenic reserve) to protect the area’s natural values (coastal forest, possible habitat for seabirds and unique flora) and support landscape connectivity, noting that the area could contribute to a mountains to sea corridor with Paparoa National Park.
- 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. Although I agree that areas of modification may be present (e.g. “regenerating scrub”), my assessment is that on balance the natural resources present are appropriately protected under the proposed classification, when also considering the high historic and cultural significance of the area to Ngāi Tahu. 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)

- Submitters disputed the heritage values as presented in the CVR, particularly the location of the pā site (e.g. “The location of cultural sites of interest is contested by local historians and should be reviewed”, “I am aware of the small ancient burial ground, on the true right bank of Nine Mile Creek, however there is no evidence of a pā site”, “Historical accounts by early explorers and backed up by research by local residents, clearly show there was never a pā at the 9 Mile Creek mouth. Between Greymouth (Māwhera Pa) and Punakaiki, the only intervening pa, described by both Heaphy and Brunner, was at the mouth of Kararaoa Creek, some four miles (6+ kms) north of the Nine Mile”).
- The presence of a burial ground was also disputed (e.g. “History House holds a 1887 map of Nine Mile beach from the mouth of Nine Mile creek to way up the beach. On it is laid out a 100ac area for Township of Nine Mile. There is no mention of an exclusion zone for either a pā site or Māori dwellings or native reserve. The local iwi, when they corresponded with Mary Trayes and visited the Breakers in Feb 2021 said they had no prior knowledge of a burial site. They could only forward a tentative assumption of a pre-Ngāi Tahu conquest burial ground. It was not a known ancient burial”). Several of these submissions were very detailed and cited a range of sources in support of their argument.
- A submitter recommended classification as national park, scenic reserve or recreation reserve, recommending that “any cultural sites have the appropriate protection under other legislation including the Heritage New Zealand Pouhere Taonga Act 2014”.
- 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. Although I acknowledge that there may be contention regarding the specific historic resources present, my assessment is that the proposed reserve appropriately reflects the historic and cultural significance of the area to Ngāi Tahu, as described by the Mana Whenua Panel. Historic reserves are managed for the purpose of “protecting and preserving in perpetuity such places, objects, and natural features, and such things thereon or therein contained as are of historic, archaeological, cultural, educational, and other special interest” (Reserves Act 1977, s. 18(1)).

Treaty Considerations (Allowed)

- Submitters acknowledged cultural sites of significance to Ngāi Tahu but were concerned that the proposed recommendation did not sufficiently balance other values. They suggested “perhaps there is some means of ensuring awareness and protection of other specific sites of value to Ngāi Tahu, namely a pā site and landing point for the legendary Tairea Waka. Recommend reclassification that prioritises and balances wildlife, cultural, recreational and scenic values, including National Park, Local Purpose (Esplanade) Reserve or Wildlife Management Area”.
- Submitters in opposition to historic reserve disputed that this area was the location of the Tairea Waka landing, providing detailed descriptions of why the legend did not match the actual area (e.g. “There are reefs and outlying rocks at the Nine Mile Creek mouth, (and all the way south to Rapahoe beach), making any landfall on or near Nine Mile Creek impossible. The Nine Mile beach is hardly the smooth beach quoted in the legend, there is just about always is a strong surf and rip making a landing or departure almost impossible”).
- It was stated that the proposed classification does “not adequately encompass both nature protection and mana whenua aspirations” or “their strong connection to the land”.

It is recommended that these comments are not accepted. My conclusion is that on balance the natural resources present are appropriately protected, and public recreational access adequately provided for, under the proposed classification when considering the identified Ngāi Tahu interests. The Mana Whenua Panel have noted the area to be of cultural significance as evidenced by the burial ground immediately adjoining the site, a Pā site and the link to pounamu legends, as the landing point for the Tairea Waka.

Permissions, Economic Factors and Land Use (Not Allowed)

- Submitters stated that the technical reports are inaccurate and there are “no un-consented baches in this block”, stating that eleven of the baches are on freehold title. One bach was acknowledged as being on conservation land but it was stated that this was on a 21-year lease to occupy.

- Submitters raised concerns that a historic reserve recommendation provides insufficient environmental protection as it offers “greater scope for commercial activities and leases than national park or scenic reserve status”, and that the classification may be acceptable only if closes areas to “extractive, invasive and intrusive industries such as mining, grazing, exotic forestry and hydro-generation”.
- Conversely, one 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.

Process and Consultation (Not Allowed)

- Submitters stated that the technical reports were incorrect and therefore the recommendation was inappropriate (e.g. “There are a considerable number of inaccuracies and a significant amount of missed information in DOCs technical report of this region that lead to totally wrong recommendations). It was suggested that the technical reports should be amended and the Panels should re-evaluate their recommendations.
- 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.

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

Other (Not Allowed)

- A submitter who recommended conservation park or national park classification stated they support co-management “provided management recognises the principle of free access to all, the continuation of existing facilities, and a primary responsibility for environmental protection”.
- 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)

- 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 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 (e.g. 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)

- 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”.
- A submitter queried what the consequences of this change are for landowners in the area, stating that there had been no consultation with them.

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

MAW_19 – Nine Mile Creek/Kotorepi (above the road) – 2809048

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Nine Mile Creek/Kotorepi (above the road)	MAW_19_2809048	Scenic Reserve (a)	Neutral	15	14

DOC Conservation Values Report Description

A 154.0277-ha area that is the inland part of Nine Mile Creek/Kotorepi Conservation Area and is coastal hillside supporting an almost continuous cover of indigenous forest. It makes an important contribution to the connectivity of the coastal forests to the north. While there has been modification to the area by mining activities, it remains dominated by indigenous vegetation. Access roads to old mine sites and a road to a small area of freehold land are located within the area, many of which are used by walkers and mountain bikers. Concessions held include two access arrangements, one each for coal and rock mining (quarry) and a telecommunications licence and easement.

Panel Recommendations

National Panel: Scenic reserve (a), to preserve the identified ecological and landscape values and protect the identified historic/archaeological features, while providing for the existing recreational use of the area. The above recommendation forms part of a proposed coastal corridor of scenic reserves.

Mana Whenua Panel: Neutral.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of scenic reserve (a).

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. almost continuous cover of indigenous forest).

Scenic Reserve (a) - MAW_19_2809048

Support

Access and Recreation (Allowed)

- A submitter expressed approval of the recommendation, stating that "the area is much used by locals for walking and mountain biking, historical exploration of old coal mines and geology tours (e.g. by the West Coast Gem & Mineral Club".

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. The proposed scenic reserve will provide 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 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 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 reclassification as scenic reserve “as a minimum”, but recommended reclassification as national park for this area and associated areas, describing the natural values as high, similar to the existing national park and conservation area PAP_18 (e.g. “recommend reclassification as national park, continuing the proposed National Park area from Paparoa Range South/ Mt St Patrick and coastal range, with very high biodiversity (including great spotted kiwi) and landscape values (backdrop to one of the top coastal drives in the world), to its natural extent, just north of Rapahoe”, “similar values to those of PAP_18, with steep coastal forest, high levels of biodiversity, penguins along coastal areas and other seabirds such as sooty shearwaters occasionally recorded”).
- A submitter stated support for scenic reserve, commenting that “In deference to the karst and cave values outlined, extension of this area right through to and across Rocky Creek would be even better. Currently proposals for the various blocks in this area are rather fragmented when in fact Karst and Cave values are found in all areas”.
- Another submitter stated that “because of the long history of coal mining and milling of timber for use in the local mines, the designation of scenic reserve is appropriate to allow this block to revert to the lowland podocarp/beech forest cover that precluded mining”.

I recommend that these comments are accepted to the extent that I agree that the natural resources identified are appropriately protected and preserved by the proposed classification. My assessment is that the points raised regarding classification as national park do not warrant 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)).

General (Allowed)

- Submissions expressed overall support for the recommendation without providing specific justifications.
- Submissions agreed that the recommendation reflects the information provided in the technical reports.
- Submissions expressed a general preference for stewardship land to be reclassified at the highest possible classification, 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 recommended recreation reserve classification as more appropriate, “given the regular use by mountain bikers and trampers”, and noting that “the old 8 Mile mine access roads have been turned into mountain bike rides and a popular circuit walk passes the old Brunner Seam mines in Camel Creek”. They also described the area as highly modified from commercial activities.

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)).

Ecology and Landscape (Allowed)

- Submitters opposed scenic reserve, arguing that this and associated areas (MAW_16, 17, 18) should be classified as national park.
- Submissions advocated for national park on the grounds that these additions would support landscape connectivity from the existing Paparoa National Park and the recommended addition of conservation area PAP_18 (e.g. “would provide mountain-to-sea protection to allow for greater ecological diversity and biodiversity health in the area (...) including all adjacent parcels of land into this recommendation would create a significant coastal corridor benefitting the area”, “Provide continuous link for Park to the Tasman Sea”, “all worthy of additions to Paparoa National Park for their values and to provide connectivity with the recommended National Park addition of Paparoa Range South”).
- Submitters cited various ecological and landscape values as being worthy of national park classification (e.g. “similar conservation values to adjacent National Park land, uncommon coastal forest habitats”, “wildlife values, coastal cliffs, forest. High ecological, fossil and geological site as well as strip of historic area”, “high degree of naturalness in the area which contains freshwater ecosystems and catchments surrounded by original and secondary growth native forest”).
- One submitter concluded that “Historic mining sites are not unique like the natural environment is”.
- A submitter who advocated for recreation reserve stated that the area “has been heavily modified by road development for coal mines, opencast quarrying and clearing of the forest timber for use in the coal mines or for fluming”.

I recommend that these comments are not accepted. My view is that the natural resources identified are appropriately protected and preserved by the proposed classification, and the points raised do not warrant 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)

- One submission opposed reclassification as scenic reserve on the grounds that, though it does not prohibit mining, it adds extra restrictions with consequent negative economic impacts, 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)

- Submissions 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 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 (e.g. 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)

- 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 queried what the consequences of this change are for landowners in the area, stating that there had been no consultation with them.

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

MAW_20 – Rocky Creek – 2809069

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Rocky Creek	MAW_20_2809069m	Scenic Reserve (a)	Neutral	12	6

DOC Conservation Values Report Description

An 8.5949-ha narrow and long strip of land, largely isolated from other public conservation land, covering the active channel and riparian forest of Rocky Creek, a tributary of Seven Mile Creek/Waimatuku. Although there is some influence of past mining in Rocky Creek's headwaters, there is a high degree of naturalness. This conservation area provides a healthy riparian buffer to a considerable length of Rocky Creek. A medium impact access arrangement is in place. There is an unofficial local walking track and cycle track.

Panel Recommendations

National Panel: Scenic reserve (a), to preserve the identified ecological and landscape values 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 (a).

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. active creek bed and riparian forest).

Scenic Reserve (a) - MAW_20_2809069m

Support

Climate Change and Natural Hazards (Allowed)

- 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 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 stated that while they approve of the corridor shown being made a scenic reserve, the corridor should be extended to protect karst and cave values in the area (e.g. "Jubilee Cave entrance is on/near the eastern

boundary of SLR - WSI - MAW_19 - Nine Mile Creek Kotorepi (above the road) and the resurgence of its cave stream is very likely to be in the proposed Rocky Creek reserve, but what of the cave in between?”).

I recommend that these comments are accepted to the extent that I agree that the natural resources identified 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)). The area of land raised by the submitter (in between MAW_20/2809069 and MAW_19/2809048) is not subject to the public notice as it is not stewardship land.

General (Allowed)

- Submissions expressed overall support for the recommendation without providing specific justifications.
- Submissions agreed that the recommendation reflects the information provided in the technical reports.
- Submissions expressed a general preference for stewardship land to be reclassified at the highest possible classification, 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

General (Allowed)

- A submitter recommended “add to wildlife reserve”, while another stated “values more suited as 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.

Permissions, Economic Factors and Land Use (Not Allowed)

- One submission opposed reclassification as scenic reserve on the grounds that, though it does not prohibit mining, it adds extra restrictions with consequent negative economic impacts, 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)

- Submissions 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 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 (e.g. 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)

- 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 any change should not affect the existing permissions, noting the existence of a medium impact access arrangement at Spring Creek near Rapahoe.

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

MAW_21 – Rapahoe – 2809049

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Rapahoe	MAW_21_2809049n	Wildlife Management Area	Neutral	17	6

DOC Conservation Values Report Description

A 19.4129-ha area of vegetation that has been partly modified and supports a mix of intact and recovering indigenous beech/podocarp hardwood forest. The area was impacted by Cyclone Ita in 2014. The area is contiguous with Coal Creek Wildlife Management Area to the southwest. Includes the haul road, yards and storage area for Spring Creek mine. Concessions include a medium impact access arrangement at Spring Creek and an easement.

Panel Recommendations

National Panel: Wildlife management area, to appropriately reflect the identified values and to provide landscape continuity with the adjacent wildlife management area.

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.

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. recovering indigenous beech/podocarp hardwood forest) while providing for their appreciation and recreational enjoyment by the public, being managed so that “its indigenous natural resources and its historic resources are protected” (Conservation Act 1987, s. 23B(1)).

Wildlife Management Area - MAW_21_2809049n

Support

Access and Recreation (Allowed)

- A submitter stated that they would “like DOC to make public access to Cavern Cave easier than it is currently. The dog proof fence to protect kiwi makes access to the cave much more difficult than it was in the past when the cave was visited by locals, visitors and a local tourism operator fairly regularly. Cavern Cave is a robust stream cave and most of the few formations are out of reach of being damaged”.

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)

- Submitters highlighted karst and cave features that are not mentioned in the DOC technical report, noting that while they support wildlife management area classification or approve of “upping the status”, they recommend scenic reserve based on these (e.g. “The area contains karst and is associated with a cave called Cavern Creek. We

are unsure of the exact boundaries of the cave system, but the recommendation report does not reference this value at all. An assessment of the karst values should be made, and reconsideration be given to a higher classification to reflect them”, “There is a cave recorded as Cavern Creek Cave in this area. It became well-known as Dragons Cave when operated as a tourist cave by a Greymouth guiding company for many years, however the cave and surrounding area have not been thoroughly investigated by cavers, nor have the hydrology and cave biodiversity been studied”, “this sandstone contains sufficient calcium carbonate as cement, to allow karst feature development including the largest cave found in the Island Sandstone, Cavern Creek Cave”).

- One submitter noted that a scenic reserve could then be made contiguous “with an extended Rocky Creek Scenic Reserve to the north and the proposed Runanga Scenic Reserve to the south”.
- Support was expressed for the recommendation as providing protection for freshwater habitats.

I recommend that these comments are accepted to the extent that I agree that the natural resources present are appropriately protected and preserved by the proposed classification. Wildlife management areas are managed so that “wildlife and wildlife habitat values (including the capacity for the movement of wildlife, genetic material of indigenous plants, and genetic material of wildlife) are protected” (Conservation Act 1987, s. 23B(1)).

General (Allowed)

- Submissions expressed overall support for the recommendation without providing specific justification, or agreed that the recommendation reflects the information provided in the technical reports.
- The recommendation was supported as reflecting the use of the land and adequately protecting against degradation of the land.
- Submissions expressed a general preference for stewardship land to be reclassified at the highest possible classification, 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

General (Allowed)

- Submitters recommended scenic reserve classification 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)

- 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)

- Submissions 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 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 (e.g. 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 that any change should not affect the existing permissions, noting the existence of a “medium impact access arrangement at Spring Creek near Rapahoe”.

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

MAW_21 – Seven Mile Creek/Waimatuku – 2809050

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Seven Mile Creek/Waimatuku	MAW_21_2809050o	Wildlife Management Area	Neutral	19	5

DOC Conservation Values Report Description

A 49.331-ha area of vegetation that has been partly modified and supports a mix of intact and recovering indigenous beech/podocarp hardwood forest. The area is contiguous with Coal Creek Wildlife Management Area to the northwest. Includes the haul road, yards and storage area for Spring Creek mine. Concessions include a medium impact access arrangement at Spring Creek and an easement.

Panel Recommendations

National Panel: Wildlife management area, to appropriately reflect the identified values and to provide landscape continuity with the adjacent wildlife management area.

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.

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. recovering indigenous beech/podocarp hardwood forest) while providing for their appreciation and recreational enjoyment by the public, being managed so that “its indigenous natural resources and its historic resources are protected” (Conservation Act 1987, s. 23B(1)).

Wildlife Management Area - MAW_21_2809050o

Support

Access and Recreation (Allowed)

- A submitter stated that they would “like DOC to make public access to Cavern Cave easier than it is currently. The dog proof fence to protect kiwi makes access to the cave much more difficult than it was in the past when the cave was visited by locals, visitors and a local tourism operator fairly regularly. Cavern Cave is a robust stream cave and most of the few formations are out of reach of being damaged”. Another noted that the area is likely to receive little recreational use as there is “no easy access to this area. The original Spring Creek haulage road provides excellent access, but Birchfield Mines will not allow the public to use it. The road would provide access to Cavern Creek cave, and Duggan and party mine”.
- It was noted that the Seven Mile Creek is a “challenging paddle at elevated flows. There is a long slide over bedrock that provides great excitement where it flows into the sea”.

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)

- Submitters highlighted karst and cave features that are not mentioned in the DOC technical report, noting that while they support wildlife management area classification or approve of “upping the status”, they recommend scenic reserve based on these (e.g. “The area contains karst and is associated with a cave called Cavern Creek. We are unsure of the exact boundaries of the cave system, but the recommendation report does not reference this value at all. An assessment of the karst values should be made, and reconsideration be given to a higher classification to reflect them”, “There is a cave recorded as Cavern Creek Cave in this area. It became well-known as Dragons Cave when operated as a tourist cave by a Greymouth guiding company for many years, however the cave and surrounding area have not been thoroughly investigated by cavers, nor have the hydrology and cave biodiversity been studied”, “this sandstone contains sufficient calcium carbonate as cement, to allow karst feature development including the largest cave found in the Island Sandstone, Cavern Creek Cave”).
- One submitter noted that a scenic reserve could then be made contiguous “with an extended Rocky Creek Scenic Reserve to the north and the proposed Runanga Scenic Reserve to the south”.
- Support was expressed for the recommendation as providing protection for freshwater habitats.

I recommend that these comments are accepted to the extent that I agree that the natural resources present are appropriately protected and preserved by the proposed classification. Wildlife management areas are managed so that “wildlife and wildlife habitat values (including the capacity for the movement of wildlife, genetic material of indigenous plants, and genetic material of wildlife) are protected” (Conservation Act 1987, s. 23B(1)).

General (Allowed)

- Submissions expressed overall support for the recommendation without providing specific justification, or agreed that the recommendation reflects the information provided in the technical reports.
- The recommendation was supported as reflecting the use of the land and adequately protecting against degradation of the land.
- Submissions expressed a general preference for stewardship land to be reclassified at the highest possible classification, 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 existence of various mine sites in the vicinity, and that there was a “concession for tourism till Spring Ck mine commenced”.

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

Oppose

General (Allowed)

- Submitters recommended scenic reserve classification 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)

- 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)

- Submissions 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 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 (e.g. 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 that any change should not affect the existing permissions, noting the existence of a “medium impact access arrangement at Spring Creek near Rapahoe”.

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

MAW_22 – Runanga – 2809051

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Runanga	MAW_22_2809051p	Scenic Reserve (a)	Neutral	15	4

DOC Conservation Values Report Description

An 87.1976-ha west-facing hillside supporting indigenous hardwood/beech forest. It is connected to a large expanse of indigenous forest cover and is adjacent to Coal Creek Scenic Reserve, providing an extension of its values. It is also part of a corridor of protected areas around the southwest of the Mt Davy coal fields. Despite disturbance during Cyclone Ita (2014) and the likely presence of exotic plants and mammals, it maintains a good naturalness value. A medium impact access arrangement is in place at Spring Creek. There is access and it is used for occasional hunting.

Panel Recommendations

National Panel: Scenic reserve (a), to preserve the identified ecological values and protect the identified historic/archaeological features.

Mana Whenua Panel: Neutral.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of scenic reserve (a).

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 to reflect the land context of nearby scenic reserve proposals.

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 hardwood/beech forest).

Scenic Reserve (a) - MAW_22_2809051p

Support

Climate Change and Natural Hazards (Allowed)

- 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 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 stated that “as a Runanga resident, I very much approve of the proposal that this land be made Scenic Reserve. A run of Scenic Reserve status land from Coal Creek through to Nine Mile Creek via the Rapahoe Seven Mile Creek, Rocky Creek and Nine Mile Creek (east of the road) would be great”.

I recommend that these comments are accepted. I agree that the land context of nearby scenic reserves supports the proposed classification for this area. 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 overall support for the recommendation without providing specific justifications.
- Submissions agreed that the recommendation reflects the information provided in the technical reports.
- Submissions expressed a general preference for stewardship land to be reclassified at the highest possible classification, 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 in support of the recommendation stated that they do not wish to see “upping of the tenure of conservation stewardship land in the Rapahoe Runanga area as being exclusive of future coal mining. As such mining would need to use underground mining methods, the coal being on the dip slope and out under the sea, the use of current infrastructure or carefully sited new developments, should not preclude the status of the land becoming Scenic Reserve”.

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

Oppose

Permissions, Economic Factors and Land Use (Not Allowed)

- One submission opposed reclassification as scenic reserve on the grounds that, though it does not prohibit mining, it adds extra restrictions with consequent negative economic impacts, 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)

- Submissions 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 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 (e.g. 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)

- 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 any change should not affect the existing permissions, noting the existence of a “medium impact access arrangement at Spring Creek near Rapahoe”.

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

MAW_23 – Roa - Blackball Creek – 2806790

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Roa - Blackball Creek	MAW_23_2806790q	Scenic Reserve (a)	Neutral	13	6

DOC Conservation Values Report Description

A 278.8073-ha area of forested south-southwest faces and gullies of Mt Watson adjacent to the southern Paparoa coalfield and adjacent to the Roaring Meg Ecological Management Unit and the Croesus-Mt Davy Species Management Unit for *Powelliphanta gagei* (Nationally Critical). In general, there is high naturalness value. There is current mining (Roa mine) in the headwaters of Blackball and Waterfall (tributary) creeks, and there has been significant sedimentation impacts on Waterfall Creek. The highly popular Paparoa Track (originally Croesus Track) starts here – it is a Great Walk and Grade 4 mountain bike road. There is also a marked route to the top of Mt Watson. Croesus Track was originally a pack track built in stages from Blackball to Croesus Knob in the 1880s and 90s.

Panel Recommendations

National Panel: Scenic reserve (a), to preserve the identified ecological and landscape values and protect the identified 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 (a).

Summary of accepted submissions: Those submissions ‘accepted’ as holding merit supported the notified classification as offering sufficient protection for the notable natural resources present, and 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 proposed classification will appropriately promote the conservation of the natural and historic resources present (e.g. indigenous forest, high naturalness value).

Scenic Reserve (a) - MAW_23_2806790q

Support

Climate Change and Natural Hazards (Allowed)

- 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 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 referenced the “very high ecological values very similar to the existing national parks” that “deserve protection”.

I recommend that these comments are accepted to the extent that I agree that the natural resources identified are appropriately protected and preserved by the proposed classification. My assessment is that the points raised regarding classification as national park do not warrant 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)).

General (Allowed)

- Submissions expressed overall support for the recommendation without providing specific justifications.
- Submissions agreed that the recommendation reflects the information provided in the technical reports.
- Submissions expressed a general preference for stewardship land to be reclassified at the highest possible classification, 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

General (Allowed)

- A submitter stated that “ecological area is the appropriate classification”.

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)

- One submission opposed reclassification as scenic reserve on the grounds that, though it does not prohibit mining, it adds extra restrictions with consequent negative economic impacts, 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.
- Another stated that the recommendation is “not in best interest for public, 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)

- 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)

- Submissions 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 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 (e.g. 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)

- 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.

MAW_24 – Paparoa Street - Roa – 2806794

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Paparoa Street - Roa	MAW_24_2806794r	Scenic Reserve (b)	Neutral	11	6

DOC Conservation Values Report Description

A 3.1762-ha area composed of many small primary parcels within the old Roa township, on gently sloping land at the confluence of several streams. It is not connected to any other public conservation land and has been substantially modified by removal of the indigenous forest cover and is now regenerating with native species and gorse, as is common in the Blackball Ecological District. Great spotted kiwi are seen here.

Panel Recommendations

National Panel: Scenic reserve (b), to preserve the identified landscape and ecological values while protecting the identified heritage features of the area. It is of sufficient modification to warrant the scenic (b) classification, with that classification considered to reflect the identified values.

Mana Whenua Panel: Neutral.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of scenic reserve (b).

Summary of accepted submissions: Those submissions ‘accepted’ as holding merit supported the notified classification as offering sufficient protection for the notable natural resources present, and that it adequately considers 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 proposed classification will appropriately promote the conservation of the natural and historic resources present (e.g. modified land with regenerating shrub species).

Scenic Reserve (b) - MAW_24_2806794r

Support

Climate Change and Natural Hazards (Allowed)

- 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 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 referenced the “very high ecological values very similar to the existing national parks” that “deserve protection”.

I recommend that these comments are accepted to the extent that I agree that the natural resources identified are appropriately protected and preserved by the proposed classification. My assessment is that the points raised regarding classification as national park do not warrant overturning the notified intention. Under a scenic reserve classification, “except where the Minister otherwise determines, the flora and fauna, ecological associations, and natural environment and beauty shall as far as possible be preserved” (Reserves Act 1977, s. 19(3)(a)).

General (Allowed)

- Submissions expressed overall support for the recommendation without providing specific justifications.
- Submissions agreed that the recommendation reflects the information provided in the technical reports.
- Submissions expressed a general preference for stewardship land to be reclassified at the highest possible classification, 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

Ecology and Landscape (Allowed)

- A submitter recommended ecological area as the “land parcel lies adjacent to land that has a higher protected status than that proposed”.

I recommend that these comments are not accepted. My view is that the natural resources identified are appropriately protected and preserved by the proposed classification, and the points raised do not warrant overturning the notified intention. Under a scenic reserve classification, “except where the Minister otherwise determines, the flora and fauna, ecological associations, and natural environment and beauty shall as far as possible be preserved” (Reserves Act 1977, s. 19(3)(a)).

General (Allowed)

- A submitter stated that the “values are more suited to 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.

Permissions, Economic Factors and Land Use (Not Allowed)

- One submission opposed reclassification as scenic reserve on the grounds that, though it does not prohibit mining, it adds extra restrictions with consequent negative economic impacts, 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)

- Submissions 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 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 (e.g. 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)

- 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.

MAW_25 – Grey River/Māwheranui – 2806796

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Grey River/ Māwheranui (Riverbed)	MAW_25_2806796c	Local Purpose (River Conservation) Reserve	Neutral	10	14
Grey River/ Māwheranui (Pasture)	MAW_25_2806796d	Disposal	Disposal	8	31

DOC Conservation Values Report Description

A 44.3617-ha area in and adjacent to the riverbed covering >2 km of the true right riparian margin of the Grey River/Māwheranui. Some parts have been converted to pasture and farmland. Wooley Creek that runs through this parcel has a high predicted water quality, but the land around it has been significantly modified and is pastoral land. The streams that flow within the parcel have diverse fish fauna, with multiple threatened and at-risk freshwater fish species present, while the series of smaller backwaters and side channels offer refuge to galaxias from larger piscivorous trout. Much of the assessment area has been dredged in the past. Fishing and hunting for game birds occurs. Across all areas of the MAW_25 assessment area concessions include three grazing licences, an access arrangement for a gold suction dredge, and a telecommunications easement.

Grey River/Māwheranui (Riverbed)

Panel Recommendations

National Panel: Local purpose (river conservation) reserve, to 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' section 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 has not opposed the notified classification, and no opposing submissions were received from Treaty partner organisations.

The Mana Whenua Panel has signalled specific Ngāi Tahu interests associated with this stewardship area, particularly that there are "Māori Reserve lands in the vicinity of these conservation areas. These sites provide a significant connection for Ngāi Tahu to these places, and this must be recognised, considered and provided for".

My assessment is that the purpose of the notified classification provides insufficient detail to comment on whether it appropriately protects the natural resources alongside the identified Ngāi Tahu interests, or if another classification may be more appropriate. 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: 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 - MAW_25_2806796c

Support

Access and Recreation (Allowed)

- One submission 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 area as local purpose reserve for river conservation.

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)

- 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 classification, based on its “cultural conservation value”.

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)

- One submission noted that they assumed there would be no grazing concessions permitted in the local purpose reserve.

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

Oppose

Access and Recreation (Allowed)

- A submission advocated for classification as recreation reserve to protect the “river access and good recreation/ camping sites” present.

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)

- Submissions opposed the classification on the basis that it does not consider climate change impacts and mitigation opportunities, including carbon sequestration, ecosystem restoration and floodplain buffering, suggesting other classifications would be more appropriate (e.g. “these recommendations do not give consideration (active or not) nor effect to the very high and nationally important natural conservation values of the rivers, which include the rivers themselves, and the unfolding of nationally outstanding natural ecological processes and dynamics under climate change, nor nationally important conservation outcomes that could be achieved in the future”).
- Submissions proposed government purpose (climate mitigation) reserve or government purpose (river floodplain) reserve as possible classifications.
- Submissions recommended an ecosystem or catchment based approach to the classification of riverbeds, to build resilience for habitats and climate mitigation (e.g. “These values and outcomes are realised principally in allowing the land to move and evolve without obstruction or modification, and in allowing natural vegetation regeneration, and also better realised if rivers and coasts are administered as whole systems”).

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 (e.g. “Forest & Bird opposes the reclassification of land parcels that Include riverbeds or river margins held as stewardship land to LPR (River Conservation) recommendations unless the purpose can clearly set out how the freshwater values will be protected. It is entirely unclear if such a reserve would properly protect the natural values”, “I cannot support most of the local purpose reserves without greater clarity of purpose”).
- 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) reserve recommendations, 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.
- A submission opposed the classification as not representing or allowing for important river conservation values, including natural river processes and ecological values (“I submit that these recommendations do not give consideration (active or not) nor effect to the very high and nationally important natural conservation values of the rivers, which include the rivers themselves, and the unfolding of nationally outstanding natural ecological processes”).

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 submission highlighted the presence of at risk/threatened species and naturally uncommon ecosystems “including dunes and wetlands”, noting that adjacent land with similar ecological values has a higher protected status.
- 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 a status consistent with adjacent or nearby public conservation land, government purpose (Te Mana o Te Wai) reserve, government purpose (river floodplain) 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)

- Submissions opposed the recommendation as “inappropriate”, stating that it gives no greater protection than 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.

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions recommended ending all grazing licences within river margins.
- A submission opposed the classification due to concern it would affect existing permissions and river activities.

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 submission 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 Not Stated

Access and Recreation (Allowed)

- Submissions were concerned with ensuring that any reclassification provides explicitly for access, sports fishing and gamebird hunting.
- Submitters wanted to ensure that access to the rivers is maintained or improved, including by helicopter.

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.

Ecology and Landscape (Allowed)

- Submitters wanted to ensure that “rivers are maintained in a free-flowing unmodified state, and in particular that the conservation classification does not allow for dams or flow diversions”.

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.

Other (Not Allowed)

- Submitters recommended that “when using land in the conservation estate, the current DOC concession system continues to be the only system used for permissions”.

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

Grey River/Māwheranui (Pasture)

Panel Recommendations

National Panel: Disposal is considered for this pastoral area.

Mana Whenua Panel: Disposal is considered for this pastoral area.

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 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.

The Mana Whenua Panel has signalled specific Ngāi Tahu interests associated with this stewardship area, particularly that there are Māori Reserve lands 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: Although parts of the wider stewardship area are unlikely to meet the Conservation General Policy 6(d) and Conservation Act (s. 26) tests for disposal, the pastoral components hold little conservation value and warrant further consideration as to the suitability of disposal.

Disposal - MAW_25_2806796d

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 consists primarily of highly modified 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 these recommendations 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 has 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)

- 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.
- One submitter noted that the movement of the river could affect access, and that riparian access via marginal strips is not guaranteed.
- 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 suggested purposes either river conservation, river access, or recreation access, to “ensure public access is retained in perpetuity”.

I recommend these comments are not accepted. Though some fishing and hunting occurs in the broader stewardship area, this is unlikely to occur in the pastoral areas recommended for disposal. Any potential disposal arising from the Departmental investigation will trigger the formation of marginal strips for qualifying waterbodies, which will secure ongoing public access along the riparian corridor.

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 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 on these lands”).
- A submitter noted that disposal would not “assist with a reduction in emissions”. Another commented that “the climate assessment is wrong if the site is sold”.
- Submitters who wanted the land retained for climate change mitigation or adaptation recommended various alternative classifications such as scenic reserve, ecological reserve, government purpose (river floodplain) reserve, government purpose reserve (climate mitigation), or local purpose (river conservation) reserve.

I recommend that these comments are not accepted. The modified nature of the pastoral components and the landscape context (i.e. not connected to other public conservation land), limit the effectiveness of restoration for 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)

- Submitters opposed disposal on the grounds that the area consists of river, floodplain, and beech, kahikatea and other native vegetation which should be retained and protected (e.g. “retention of good opportunities for restoration of depleted indigenous ecosystems”, “It has a significant channel of the river crossing it (...) intermittent channels and oxbows make a diverse wetland. A braid of the Grey runs across the flat then flows along the base of the road bank in beech forest. There is a screen of tall red and hard beech on the roadside bank. Some thickets of kahikatea saplings at the toe of the roadside slope. There is tall native scrub on the flats”).
- They also highlighted the importance of the river and suggested this area should be protected as part of the broader river ecosystem (e.g. “This is an extremely important large river in the area, it is vital to protect it all for the future”, “When taken with all the other adjoining Crown holdings this land is not an insignificant scrap but part of the Māwheranui river ecosystem and needs to be managed as a whole”).

- One submitter noted that the conservation area “has ecological values that appear similar to those on other nearby land with a higher protected status”.
- Submitters who opposed disposal based on ecological values recommended various classifications, such as local purpose (river conservation for ecological reasons) reserve (for the whole of MAW_25), government purpose (river floodplain) reserve, or government purpose (climate mitigation) 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.
- Submissions also recommended “Local purpose (river conservation for ecological reasons) reserve” as an alternative.
- 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 areas are small and landlocked and have no restoration potential.

I recommend that these comments are not accepted. While parts of the broader stewardship area recommended for local purpose (river conservation) reserve may contain freshwater values and other natural values, the modified nature of the pastoral components and the landscape context (i.e. not connected to other public conservation land), limit the effectiveness of retention for ecosystem restoration and justify referring the area to the Department for disposal. Any parts of the area identified to have substantive natural values are unlikely to pass the Conservation General Policy and legislative 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.

Treaty Considerations (Allowed)

- One submission stated no stewardship land should be disposed of, except to tangata whenua, “and only then with the need to maintain the block’s cultural, conservation & mahika-kai values”.

I recommend that these comments are not accepted. The proposed disposal investigation was supported by the Mana Whenua Panel, and any potential disposal of relevant 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 for further consideration.

Permissions, Economic Factors and Land Use (Not Allowed)

- A submitter opposed disposal due to concern that change in status or disposal will affect the existing concessions, noting grazing licences, an access arrangement and a telecommunications easement.
- 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, including the scale of research required for the quantity of land notified.
- 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.

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submitters wanted to ensure that access to the rivers is maintained or improved, including by helicopter.

I recommend these comments are not accepted. Any potential disposal arising from the Departmental investigation will trigger the formation of marginal strips for qualifying waterbodies, which will secure ongoing public access along the riparian corridor.

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 highly modified nature of the pastoral components and the landscape context (i.e. not connected to other public conservation land), limit the effectiveness of restoration for 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)

- Submitters wanted to ensure that “rivers are maintained in a free-flowing unmodified state, and in particular that the conservation classification does not allow for dams or flow diversions”.

I recommend these comments are not accepted. Though the wider stewardship area contains riverbed (recommended as local purpose (river conservation) reserve), the pastoral components of the area recommended for disposal are not within the riverbed. The authorisation of such activities through the grant of concessions is a separate process to the reclassification of stewardship land. I note that any potential disposal of land 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. 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)

- Submitters recommended that "when using land in the conservation estate, the current DOC concession system continues to be the only system used for permissions".
- One submission noted that disposal of land will be subject to Heritage New Zealand Pouhere Taonga's 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.

MAW_25 – Grey River/Māwheranui – 2806797

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Grey River/ Māwheranui	MAW_25_2806797s	Local Purpose (River Conservation) Reserve	Neutral	8	14

DOC Conservation Values Report Description

An 8.7203-ha area of primarily riverbed with a small portion of riverbank and in-stream islands in the Grey River/Māwheranui River. Much of the assessment area has been dredged in the past. There are many threatened and at-risk freshwater fish present. Fishing and hunting for game birds occurs. Across the MAW_25 assessment area concessions include three grazing licences, an access arrangement for a gold suction dredge, and a telecommunications easement.

Panel Recommendations

National Panel: Local purpose (river conservation) reserve, to 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.

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 has not opposed the notified classification.

The Mana Whenua Panel has signalled specific Ngāi Tahu interests associated with this stewardship area, particularly that there are “Māori Reserve lands in the vicinity of these conservation areas. These sites provide a significant connection for Ngāi Tahu to these places, and this must be recognised, considered and provided for”.

My assessment is that the purpose of the notified classification provides insufficient detail to comment on whether it appropriately protects the natural resources alongside the identified Ngāi Tahu interests, or if another classification may be more appropriate. 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: 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 - MAW_25_2806797s

Support

Access and Recreation (Allowed)

- One submission 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 area as local purpose reserve for river conservation.

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)

- 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 classification, based on its “cultural conservation value”.

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)

- One submission noted that they assumed there would be no grazing concessions permitted in the local purpose reserve.

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

Oppose

Access and Recreation (Allowed)

- A submission advocated for classification as recreation reserve to protect the recreational values present due to the “river access and good recreation/camping sites”.

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)

- Submissions opposed the classification on the basis that it does not consider climate change impacts and mitigation opportunities, including carbon sequestration, ecosystem restoration and floodplain buffering, suggesting other classifications would be more appropriate (e.g. “these recommendations do not give consideration (active or not) nor effect to the very high and nationally important natural conservation values of the rivers, which include the rivers themselves, and the unfolding of nationally outstanding natural ecological processes and dynamics under climate change, nor nationally important conservation outcomes that could be achieved in the future”).
- Submissions proposed government purpose (climate mitigation) reserve or government purpose (river floodplain) reserve as possible classifications.
- Submissions recommended an ecosystem or catchment based approach to the classification of riverbeds, to build resilience for habitats and climate mitigation (e.g. “These values and outcomes are realised principally in allowing the land to move and evolve without obstruction or modification, and in allowing natural vegetation regeneration, and also better realised if rivers and coasts are administered as whole systems”).

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 (e.g. “Forest & Bird opposes the reclassification of land parcels that Include riverbeds or river margins held as stewardship land to LPR (River Conservation) recommendations unless the purpose can clearly set out how the freshwater values will be protected. It is entirely unclear if such a reserve would properly protect the natural values”, “I cannot support most of the local purpose reserves without greater clarity of purpose”).
- 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) reserve recommendations, 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.
- A submission opposed the classification as not representing or allowing for important river conservation values, including natural river processes and ecological values (“I submit that these recommendations do not give consideration (active or not) nor effect to the very high and nationally important natural conservation values of the rivers, which include the rivers themselves, and the unfolding of nationally outstanding natural ecological processes”).

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.

- 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 a status consistent with adjacent or nearby public conservation land, 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)

- Submissions opposed the recommendation as “inappropriate”, stating that it gives no greater protection than 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.

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions recommended ending all grazing licences within river margins.
- A submission opposed the classification due to concern it would affect existing permissions and river activities.

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 submission 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 Not Stated

Access and Recreation (Allowed)

- Submissions were concerned with ensuring that any reclassification provides explicitly for access, sports fishing and gamebird hunting.
- Submitters wanted to ensure that access to the rivers is maintained or improved, including by helicopter.

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.

Ecology and Landscape (Allowed)

- Submitters wanted to ensure that "rivers are maintained in a free-flowing unmodified state, and in particular that the conservation classification does not allow for dams or flow diversions".

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.

Other (Not Allowed)

- Submitters recommended that "when using land in the conservation estate, the current DOC concession system continues to be the only system used for permissions".

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

MAW_25 – Grey River/Māwheranui Riverbed – 2806839

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Grey River/Māwheranui Riverbed (Riverbed)	MAW_25_2806839p	Local Purpose (River Conservation) Reserve	Neutral	10	12
Grey River/ Māwheranui Riverbed (Pasture)	MAW_25_2806839q	Disposal	Disposal	7	31

DOC Conservation Values Report Description

A 404.8333-ha area in and adjacent to the Grey River/Māwheranui riverbed. There is a variety of vegetation associations, many reflecting disturbance and land use regimes including grazing and farmland. Much of the assessment area has been dredged in the past. There are many threatened and at-risk freshwater fish present, and the series of smaller backwaters and side channels could offer refuge to galaxias from larger piscivorous trout. Fishing and hunting for game birds occurs. Across the MAW_25 assessment area concessions include three grazing licences, an access arrangement for a gold suction dredge, and a telecommunications easement.

Grey River/Māwheranui Riverbed (Riverbed)

Panel Recommendations

National Panel: Local Purpose (River Conservation) Reserve, to reflect the identified values. This conservation area is identified as being adjacent to Māori Reserve land.

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’ section 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 has not opposed the notified classification.

The Mana Whenua Panel has signalled specific Ngāi Tahu interests associated with this stewardship area, particularly that there are “Māori Reserve lands in the vicinity of these conservation areas. These sites provide a significant connection for Ngāi Tahu to these places, and this must be recognised, considered and provided for”.

My assessment is that the purpose of the notified classification provides insufficient detail to comment on whether it appropriately protects the natural resources alongside the identified Ngāi Tahu interests, or if another classification may be more appropriate. 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: 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 - MAW_25_2806839p

Support

Access and Recreation (Allowed)

- One submission 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 area as local purpose reserve for river conservation.

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.

Ecology and Landscape (Allowed)

- A submission recommended retaining all land with potential for regenerating into native forest.

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.

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 classification, based on its “cultural conservation value”.

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)

- One submission noted that they assumed there would be no grazing concessions permitted in the local purpose reserve.

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

Oppose

Climate Change and Natural Hazards (Allowed)

- Submissions opposed the classification on the basis that it does not consider climate change impacts and mitigation opportunities, including carbon sequestration, ecosystem restoration and floodplain buffering, suggesting other classifications would be more appropriate (e.g. “these recommendations do not give consideration (active or not) nor effect to the very high and nationally important natural conservation values of the rivers, which include the rivers themselves, and the unfolding of nationally outstanding natural ecological processes and dynamics under climate change, nor nationally important conservation outcomes that could be achieved in the future”).
- Submissions proposed government purpose (climate mitigation) reserve as a possible classification.
- Submissions recommended an ecosystem or catchment-based approach to the classification of riverbeds, to build resilience for habitats and climate mitigation (e.g. “These values and outcomes are realised principally in allowing the land to move and evolve without obstruction or modification, and in allowing natural vegetation regeneration, and also better realised if rivers and coasts are administered as whole systems”).

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 (e.g. “Forest & Bird opposes the reclassification of land parcels that include riverbeds or river margins held as stewardship land to LPR (River Conservation) recommendations unless the purpose can clearly set out how the freshwater values will be protected. It is entirely unclear if such a reserve would properly protect the natural values”, “I cannot support most of the local purpose reserves without greater clarity of purpose”).
- 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) reserve recommendations, 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.
- Submissions opposed the classification as not protecting important ecological and river conservation values, including natural river processes (e.g. “I submit that these recommendations do not give consideration (active or not) nor effect to the very high and nationally important natural conservation values of the rivers, which include the rivers themselves, and the unfolding of nationally outstanding natural ecological processes”, “It would appear that the forest is advanced tall regeneration since great disturbance by 19th century goldmining and settlement”).
- Submissions noted the presence of a “unique remnant of floodplain forest in this area opposite Matai Road” and the regenerating beech forest (e.g. “It would appear that the forest is advanced tall regeneration since great disturbance by 19th century goldmining and settlement”).

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 submission highlighted the presence of naturally uncommon ecosystems “including dunes and wetlands”, noting that adjacent land with similar ecological values has a higher protected status and advocating for retention to allow restoration of “depleted indigenous ecosystems”.
- 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 a status consistent with adjacent or nearby public conservation land, government purpose (Te Mana o Te Wai) reserve, government purpose (river floodplain) 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)

- Submissions opposed the recommendation as “inappropriate”, stating that it gives no greater protection than 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.

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions recommended ending all grazing licences within river margins.
- A submission opposed the classification due to concern it would affect existing permissions and river activities.

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 submission 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 Not Stated

Access and Recreation (Allowed)

- Submissions were concerned with ensuring that any reclassification provides explicitly for access, sports fishing and gamebird hunting.
- Submitters wanted to ensure that access to the rivers is maintained or improved, including by helicopter.

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.

Ecology and Landscape (Allowed)

- Submitters wanted to ensure that “rivers are maintained in a free-flowing unmodified state, and in particular that the conservation classification does not allow for dams or flow diversions”.

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.

Other (Not Allowed)

- Submitters recommended that “when using land in the conservation estate, the current DOC concession system continues to be the only system used for permissions”.

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

Grey River/Māwheranui Riverbed (Pasture)

Panel Recommendations

National Panel: Disposal should be considered for the stable areas of developed pasture.

Mana Whenua Panel: Disposal is considered for the pastoral components, as they 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 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 has supported the proposed disposal investigation, supported by submissions from Treaty partner organisations.

The Mana Whenua Panel has signalled specific Ngāi Tahu interests associated with this stewardship area, particularly that there are Māori Reserve lands in the vicinity. Given the Mana Whenua Panel support for the notified disposal investigation, I consider it is not inconsistent with the identified interests.

Rationale: Although parts of the wider stewardship area are unlikely to meet the Conservation General Policy 6(d) and Conservation Act (s. 26) tests for disposal, the pastoral components hold little conservation value and warrant further consideration as to the suitability of disposal.

Disposal - MAW_25_2806839q

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 consists primarily of highly modified 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 these recommendations 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 has 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)

- 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.
- One submitter noted that the movement of the river could affect access, and that riparian access via marginal strips is not guaranteed.
- 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 these comments are not accepted. Though some fishing and hunting occurs in the broader stewardship area, this is unlikely to occur in the pastoral areas recommended for disposal, which are surrounded by private farmland. There is legal road access to the river from Matai Road which would remain, and any potential disposal arising from the Departmental investigation will trigger the formation of marginal strips for qualifying waterbodies, which will secure ongoing public access along the riparian corridor.

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 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 on these lands”).
- A submitter commented that “the climate assessment is wrong if the site is sold”.
- Submitters who wanted the land retained for climate change mitigation or adaptation recommended various alternative classifications such as scenic reserve, ecological reserve, government purpose (river floodplain) reserve, or government purpose reserve (climate mitigation).

I recommend that these comments are not accepted. The modified nature of the pastoral components and the landscape context (i.e. not connected to other public conservation land), limit the effectiveness of restoration for 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)

- Submitters opposed disposal on the grounds that the area consists of river, floodplain, and a unique remnant of floodplain forest, as well as a LINZ hydro parcel, and that there are opportunities to restore and protect important indigenous species ecosystems (e.g. “The site has natural values in a threatened floodplain ecosystem. The site is excellent for allowing native forest regeneration (...) There is a small remnant of old forest with matai and beech on the large midstream island. A very rare feature now that is a biological benchmark”, “retention of good opportunities for restoration of depleted indigenous ecosystems”, “part of Grey River/Māwheranui and includes channels, islands and part of the terraces on either side of the river, and covers approximately 14 km of the lower reaches. Indigenous forest is fragmented, with remnant remaining on river islands and on the terraces in places.

Exotic grassland is present on most of the river terraces. It provides important landscape connectivity for freshwater and avifauna species”).

- They also highlighted the importance of the Māwheranui/Grey River and suggested this area should be retained and protected as part of the broader river ecosystem (e.g. “This is an extremely important large river in the area, it is vital to protect it all for the future”, “When taken with all the other adjoining Crown holdings this land is not an insignificant scrap but part of the Māwheranui river ecosystem and needs to be managed as a whole”).
- One submitter noted that the conservation area “has ecological values that appear similar to those on other nearby land with a higher protected status”.
- Submitters who opposed disposal based on ecological values recommended various classifications such as ecological area, local purpose (river conservation for ecological reasons) reserve (for the whole of MAW_25), Government purpose (river floodplain) reserve, or government purpose (climate mitigation) 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.
- Submissions also recommended “Local purpose (river conservation for ecological reasons) reserve” as an alternative.
- 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 areas are small and landlocked and have no restoration potential.

I recommend that these comments are not accepted. While parts of the broader stewardship area recommended for local purpose (river conservation) reserve may contain freshwater values and other natural values, the highly modified nature of the pastoral components and the landscape context (i.e. not connected to other public conservation land), limit the effectiveness of retention for ecosystem restoration and justify referring the area to the Department for disposal. Any parts of the area identified to have substantive natural values are unlikely to pass the Conservation General Policy and legislative 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.

Treaty Considerations (Allowed)

- One submission stated no stewardship land should be disposed of, except to tangata whenua, “and only then with the need to maintain the block’s cultural, conservation & mahika-kai values”.

I recommend that these comments are not accepted. The proposed disposal investigation was supported by the Mana Whenua Panel, and any potential disposal of relevant 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 for further consideration.

Permissions, Economic Factors and Land Use (Not Allowed)

- A submitter opposed disposal due to concern that change in status or disposal will affect the existing concessions, noting grazing licences, an access arrangement and a telecommunications easement.

- 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, including the scale of research required for the quantity of land notified.
- 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.

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submitters wanted to ensure that access to the rivers is maintained or improved, including by helicopter.

I recommend these comments are not accepted. There is legal road access to the riverbed from Matai Road which would remain, and any potential disposal arising from the Departmental investigation will trigger the formation of marginal strips for qualifying waterbodies, which will secure ongoing public access along the riparian corridor.

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 highly modified nature of the pastoral components and the landscape context (i.e. not connected to other public conservation land), limit the effectiveness of restoration for 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)

- Submitters wanted to ensure that “rivers are maintained in a free-flowing unmodified state, and in particular that the conservation classification does not allow for dams or flow diversions”.

I recommend these comments are not accepted. Though the wider stewardship area contains riverbed (recommended as local purpose (river conservation) reserve), the pastoral components of the area recommended for disposal are not within the riverbed. The authorisation of such activities through the grant of concessions is a separate process to the reclassification of stewardship land. I note that any potential disposal of land 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. 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)

- Submitters recommended that "when using land in the conservation estate, the current DOC concession system continues to be the only system used for permissions".
- One submission noted that disposal of land will be subject to Heritage New Zealand Pouhere Taonga's 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.

MAW_25 – Grey River/Māwheranui Riverbed – 2806841

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Grey River/ Māwheranui Riverbed	MAW_25_2806841t	Local Purpose (River Conservation) Reserve	Neutral	7	12

DOC Conservation Values Report Description

A 29.6822-ha area of riverbed, islands and forest which is adjacent to the Grey River/Māwheranui River. Much of the assessment area has been dredged in the past. There are many threatened and at-risk freshwater fish present, and the series of smaller backwaters and side channels could offer refuge to galaxias from larger piscivorous trout. Fishing and hunting for game birds occurs. Across the MAW_25 assessment area concessions include three grazing licences, an access arrangement for a gold suction dredge, and a telecommunications easement.

Panel Recommendations

National Panel: Local purpose (river conservation) reserve, to 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.

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 has not opposed the notified classification.

The Mana Whenua Panel has signalled specific Ngāi Tahu interests associated with this stewardship area, particularly that there are “Māori Reserve lands in the vicinity of these conservation areas. These sites provide a significant connection for Ngāi Tahu to these places, and this must be recognised, considered and provided for”.

My assessment is that the purpose of the notified classification provides insufficient detail to comment on whether it appropriately protects the natural resources alongside the identified Treaty interest, or if another classification may be more appropriate. 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: 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 - MAW_25_2806841t

Support

Access and Recreation (Allowed)

- One submission 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 a local purpose reserve for river conservation.

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)

- 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 classification, based on its “cultural conservation value”.

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)

- One submission noted that they assumed there would be no grazing concessions permitted in the local purpose reserve.

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

Oppose

Climate Change and Natural Hazards (Allowed)

- Submissions opposed the classification on the basis that it does not consider climate change impacts and mitigation opportunities, including carbon sequestration and floodplain buffering, suggesting other classifications would be more appropriate (e.g. “these recommendations do not give consideration (active or not) nor effect to the very high and nationally important natural conservation values of the rivers, which include the rivers themselves, and the unfolding of nationally outstanding natural ecological processes and dynamics under climate change, nor nationally important conservation outcomes that could be achieved in the future”).
- Submissions proposed government purpose (climate mitigation) reserve or government purpose (river floodplain) reserve as possible classifications.
- Submissions recommended an ecosystem or catchment based approach to the classification of riverbeds, to build resilience for habitats and climate mitigation (e.g. “These values and outcomes are realised principally in allowing the land to move and evolve without obstruction or modification, and in allowing natural vegetation regeneration, and also better realised if rivers and coasts are administered as whole systems”).

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 (e.g. “Forest & Bird opposes the reclassification of land parcels that include riverbeds or river margins held as stewardship land to LPR (River Conservation) recommendations unless the purpose can clearly set out how the freshwater values will be protected. It is entirely unclear if such a reserve would properly protect the natural values”, “I cannot support most of the local purpose reserves without greater clarity of purpose”).
- 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) reserve recommendations, 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.
- A submission opposed the classification as not representing or allowing for important river conservation values, including natural river processes and ecological values (e.g. “I submit that these recommendations do not give consideration (active or not) nor effect to the very high and nationally important natural conservation values of the rivers, which include the rivers themselves, and the unfolding of nationally outstanding natural ecological processes”).

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 submission highlighted the presence of naturally uncommon ecosystems “including dunes and wetlands” noting that adjacent land with similar ecological values has a higher protected status and recommending classification as a government purpose (river floodplain) reserve to better allow “restoration of depleted indigenous ecosystems”.
- Various classifications were also 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 a status consistent with adjacent or nearby public conservation land, 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.

General (Allowed)

- Submissions opposed the recommendation as “inappropriate”, stating that it gives no greater protection than 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.

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions recommended ending all grazing licences within river margins.
- A submission opposed the classification due to concern it would affect existing permissions and river activities.

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 submission 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 Not Stated

Access and Recreation (Allowed)

- Submissions 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.

MAW_25 – Grey River/Māwheranui Riverbed – 2806842

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Grey River/Māwheranui Riverbed (Riverbed)	MAW_25_2806842r	Local Purpose (River Conservation) Reserve	Neutral	9	12
Grey River/Māwheranui Riverbed (Pasture)	MAW_25_2806842s	Disposal	Disposal	7	30

DOC Conservation Values Report Description

A 74.4544-ha area containing small sections of river but primarily pasture and farmland adjacent to the Grey River/Māwheranui River. There are farm roads crossing the area. There are many threatened and at-risk freshwater fish present, and the series of smaller backwaters and side channels could offer refuge to galaxias from larger piscivorous trout. Fishing and hunting for game birds occurs. Across the MAW_25 assessment area concessions include three grazing licences, an access arrangement for a gold suction dredge, and a telecommunications easement.

Grey River/Māwheranui Riverbed (Riverbed)

Panel Recommendations

National Panel: Local purpose (river conservation) reserve, to 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' section 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 has not opposed the notified classification.

The Mana Whenua Panel has signalled specific Ngāi Tahu interests associated with this stewardship area, particularly that there are "Māori Reserve lands in the vicinity of these conservation areas. These sites provide a significant connection for Ngāi Tahu to these places, and this must be recognised, considered and provided for".

My assessment is that the purpose of the notified classification provides insufficient detail to comment on whether it appropriately protects the natural resources alongside the identified Ngāi Tahu interests, or if another classification may be more appropriate. 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: 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 - MAW_25_2806842r

Support

Access and Recreation (Allowed)

- One submission 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 a local purpose reserve for river conservation.

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)

- 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 classification, based on its “cultural conservation value”.

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)

- One submission noted that they assumed there would be no grazing concessions permitted in the local purpose reserve.

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

Oppose

Climate Change and Natural Hazards (Allowed)

- Submissions opposed the classification on the basis that it does not consider climate change impacts and mitigation opportunities, including carbon sequestration and floodplain buffering, suggesting other classifications would be more appropriate (e.g. “these recommendations do not give consideration (active or not) nor effect to the very high and nationally important natural conservation values of the rivers, which include the rivers themselves, and the unfolding of nationally outstanding natural ecological processes and dynamics under climate change, nor nationally important conservation outcomes that could be achieved in the future”).
- Submissions proposed government purpose (climate mitigation) reserve or government purpose (river floodplain) reserve as possible classifications.
- Submissions recommended an ecosystem or catchment based approach to the classification of riverbeds, to build resilience for habitats and climate mitigation (e.g. “These values and outcomes are realised principally in allowing the land to move and evolve without obstruction or modification, and in allowing natural vegetation regeneration, and also better realised if rivers and coasts are administered as whole systems”).

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 (e.g. “Forest & Bird opposes the reclassification of land parcels that include riverbeds or river margins held as stewardship land to LPR (River Conservation) recommendations unless the purpose can clearly set out how the freshwater values will be protected. It is entirely unclear if such a reserve would properly protect the natural values”, “I cannot support most of the local purpose reserves without greater clarity of purpose”).
- 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) reserve recommendations, 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.

- A submission opposed the classification as not representing or allowing for important river conservation values, including natural river processes and ecological values (e.g. “I submit that these recommendations do not give consideration (active or not) nor effect to the very high and nationally important natural conservation values of the rivers, which include the rivers themselves, and the unfolding of nationally outstanding natural ecological processes”).

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 submission highlighted the presence of naturally uncommon ecosystems “including dunes and wetlands” noting that adjacent land with similar ecological values has a higher protected status and recommending classification as a government purpose (river floodplain) reserve to better allow “restoration of depleted indigenous ecosystems”.
- Various classifications were also 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 a status consistent with adjacent or nearby public conservation land, 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)

- Submissions opposed the recommendation as “inappropriate”, stating that it gives no greater protection than 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.

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions recommended ending all grazing licences within river margins.
- A submission opposed the classification due to concern it would affect existing permissions and river activities.

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 submission 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 Not Stated

Access and Recreation (Allowed)

- Submissions 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.

Grey River/Māwheranui Riverbed (Pasture)

Panel Recommendations

National Panel: Disposal should be considered for the stable areas of developed pasture.

Mana Whenua Panel: Disposal is considered for the pastoral components, as they 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 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 has supported the proposed disposal investigation, supported by submissions from Treaty partner organisations.

The Mana Whenua Panel has signalled specific Ngāi Tahu interests associated with this stewardship area, particularly that there are Māori Reserve lands in the vicinity. Given the Mana Whenua Panel support for the notified disposal investigation, I consider it is not inconsistent with the identified interests.

Rationale: Although parts of the wider stewardship area are unlikely to meet the Conservation General Policy 6(d) and Conservation Act (s. 26) tests for disposal, the pastoral components hold little conservation value and warrant further consideration as to the suitability of disposal.

Disposal - MAW_25_2806842s

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 consists primarily of highly modified 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 these recommendations 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 has 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)

- 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.
- One submitter noted that the movement of the river could affect access, and that riparian access via marginal strips is not guaranteed.
- 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 these comments are not accepted. Though some fishing and hunting occurs in the broader stewardship area, this is unlikely to occur in the pastoral areas recommended for disposal, which are surrounded by private farmland. Any potential disposal arising from the Departmental investigation will trigger the formation of marginal strips for qualifying waterbodies, which will secure ongoing public access along the riparian corridor.

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 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 stated that this conservation area is important for the mitigation of floods.
- 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 on these lands”).
- A submitter commented that “the climate assessment is wrong if the site is sold”. Another noted that disposal “will not assist with a reduction in emissions”.
- Submitters who wanted the land retained for climate change mitigation or adaptation recommended various alternative classifications such as scenic reserve, ecological reserve, government purpose (river floodplain) reserve, or government purpose reserve (climate mitigation).

I recommend that these comments are not accepted. The modified nature of the pastoral components and the landscape context (i.e. not connected to other public conservation land), limit the effectiveness of restoration for 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)

- Submitters opposed disposal on the grounds that the area consists of river, river terrace and indigenous vegetation, and that there are opportunities to restore and protect important indigenous species ecosystems (e.g. “retention of good opportunities for restoration of depleted indigenous ecosystems”, “part of Grey River/Māwheranui and includes channels, islands and part of the terraces on either side of the river, and covers approximately 14 km of the lower reaches. Indigenous forest is fragmented, with remnant remaining on river islands and on the terraces in places. Exotic grassland is present on most of the river terraces. It provides important landscape connectivity for freshwater and avifauna species”).

- They also highlighted the importance of the Māwheranui/Grey River and suggested this area should be retained and protected as part of the broader river ecosystem (e.g. “This is an extremely important large river in the area, it is vital to protect it all for the future”, “When taken with all the other adjoining Crown holdings this land is not an insignificant scrap but part of the Māwheranui river ecosystem and needs to be managed as a whole”).
- Submitters who opposed disposal based on ecological values recommended various classifications such as ecological area, local purpose (river conservation for ecological reasons) reserve (for the whole of MAW_25), government purpose (river floodplain) reserve, or government purpose (climate mitigation) 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.
- Submissions also recommended “Local purpose (river conservation for ecological reasons) reserve” as an alternative.
- 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 areas are small and landlocked and have no restoration potential.

I recommend that these comments are not accepted. While parts of the broader stewardship area recommended for local purpose (river conservation) reserve may contain freshwater values and other natural values, the highly modified nature of the pastoral components and the landscape context (i.e. not connected to other public conservation land), limit the effectiveness of retention for ecosystem restoration and justify referring the area to the Department for disposal. Any parts of the area identified to have substantive natural values are unlikely to pass the Conservation General Policy and legislative 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.

Treaty Considerations (Allowed)

- One submission stated no stewardship land should be disposed of, except to tangata whenua, “and only then with the need to maintain the block’s cultural, conservation & mahika-kai values”.

I recommend that these comments are not accepted. The proposed disposal investigation was supported by the Mana Whenua Panel, and any potential disposal of relevant 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 for further consideration.

Permissions, Economic Factors and Land Use (Not Allowed)

- A submitter opposed the disposal recommendation and stated that any change should not affect the existing permissions, noting the existence of various grazing permits, an access arrangement, and a telecommunications easement.
- 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, including the scale of research required for the quantity of land notified.
- 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.

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 modified nature of the pastoral components and the landscape context (i.e. not connected to other public conservation land), limit the effectiveness of restoration for 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. 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 Heritage New Zealand Pouhere Taonga’s 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.

MAW_26 – Blackball Creek and Terraces – 2806792

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Blackball Creek and Terraces (Upper)	MAW_26_2806792x	Ecological Area	Neutral	16	5
Blackball Creek and Terraces (Lower)	MAW_26_2806792y	Local Purpose (River Conservation) Reserve	Neutral	9	13

DOC Conservation Values Report Description

A 73.5329-ha area consisting of several sections from Atarau Road to Grey River/Māwheranui which partially surround the Blackball settlement. The upper section is primarily forested and contains a small section of river while the lower section contains a part of the river, its margins, some pasture and farmland. There is evidence of forest clearance, grazing and mining activity. The most typical recreation is exploring the mining history of the area. One mining access arrangement is in place for an open cast sandstone quarry at Blackball.

Blackball Creek and Terraces (Upper)

Panel Recommendations

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

Mana Whenua Panel: Neutral.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of ecological area for the 'upper' section of this stewardship 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 will protect the natural 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 promote the conservation of the natural resources present and provide continuity with the Roaring Meg Ecological Area.

Ecological Area - MAW_26_2806792x

Support

Climate Change and Natural Hazards (Allowed)

- 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 referenced the “very high ecological values very similar to the existing national parks” that “deserve protection”.

I recommend that these comments are accepted to the extent that I agree that the natural resources identified are appropriately protected and preserved by the proposed classification. My assessment is that the points raised regarding classification as national park do not warrant overturning the notified intention.

General (Allowed)

- Submissions expressed overall support for the recommendation without providing specific justifications.
- Submissions agreed that the recommendation reflects the information provided in the technical reports.
- Submissions expressed a general preference for stewardship land to be reclassified at the highest possible classification, 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

Ecology and Landscape (Allowed)

- A submitter in opposition stated that “the area has been extensively logged years ago and also has been mined for gold from the 1860s through to 1930s. There was a large area mined in the 1990 within the upper terraces. I own the land adjacent 2806792 and have explored this area often”.

I recommend that these comments are not accepted. My conclusion is that the natural resources present (e.g. indigenous forest and shrubland) are appropriately protected under the proposed ecological area classification and the points raised do not justify overturning the notified intention. Classification as an ecological area requires the land to be managed so “as to protect the value for which it is held” (Conservation Act 1987, s. 21).

Permissions, Economic Factors and Land Use (Not Allowed)

- One submission opposed reclassification as an ecological area on the grounds that though it does not prohibit mining, it adds extra restrictions with consequent negative economic impacts, 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 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 (e.g. under a hunting permit) where consistent with preservation of the conservation values present.

Blackball Creek and Terraces (Lower)

Panel Recommendations

National Panel: Local purpose (river conservation) reserve, to 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 'lower' section 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 - MAW_26_2806792y

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 classification, based on its "cultural conservation value".

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)

- One submission noted that they assumed there would be no grazing concessions permitted in the local purpose reserve.

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

Oppose

Climate Change and Natural Hazards (Allowed)

- Submissions opposed the classification on the basis that it does not consider climate change impacts and mitigation opportunities, including carbon sequestration and floodplain buffering, suggesting other classifications would be more appropriate (e.g. "these recommendations do not give consideration (active or not) nor effect to the very high and nationally important natural conservation values of the rivers, which include the rivers themselves, and the unfolding of nationally outstanding natural ecological processes and dynamics under climate change, nor nationally important conservation outcomes that could be achieved in the future").
- A submission proposed government purpose (climate mitigation) reserve as a possible classification.
- Submissions recommended an ecosystem or catchment-based approach to the classification of riverbeds, to build resilience for habitats and climate mitigation (e.g. "These values and outcomes are realised principally in allowing

the land to move and evolve without obstruction or modification, and in allowing natural vegetation regeneration, and also better realised if rivers and coasts are administered as whole systems”).

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 (e.g. “Forest & Bird opposes the reclassification of land parcels that include riverbeds or river margins held as stewardship land to LPR (River Conservation) recommendations unless the purpose can clearly set out how the freshwater values will be protected. It is entirely unclear if such a reserve would properly protect the natural values”, “I cannot support most of the local purpose reserves without greater clarity of purpose”).
- 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) reserve recommendations, 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.
- A submission opposed the classification as not representing or allowing for important river conservation values, including natural river processes and ecological values (e.g. “I submit that these recommendations do not give consideration (active or not) nor effect to the very high and nationally important natural conservation values of the rivers, which include the rivers themselves, and the unfolding of nationally outstanding natural ecological processes”).

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.

- 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 a status consistent with adjacent or nearby public conservation land, 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)

- Submissions opposed the recommendation as “inappropriate”, stating that it gives no greater protection than 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.

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions recommended ending all grazing licences within river margins.
- A submission opposed the classification due to concern it would affect existing permissions and river activities.

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 submission 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”.
- A submission noted that the area had been mined by dredge in the late 1930s and early 1940s.

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

No Opinion/Position Not Stated

Access and Recreation (Allowed)

- Submissions 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.

MAW_26 – Blackball – 2806793

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Blackball (Upper)	MAW_26_2806793a	Historic Reserve	Neutral	14	10
Blackball (Lower)	MAW_26_2806793b	Scenic Reserve (a)	Neutral	12	6

DOC Conservation Values Report Description

A 45.5121-ha area consisting of two sections that partially surround the Blackball settlement. There is evidence of forest clearance, grazing and mining activity, including a disused mine site on one of the conservation areas behind Blackball. The upper section is primarily forested and contains the historic Blackball Mine and mine chimney. The community maintains a track that passes near the chimney. The lower section contains a portion of river, river margins and forest. The most typical recreation is exploring the mining history of the area. Blackball miners and their union influenced New Zealand industrial and political life over several decades. One mining access arrangement is in place for an open cast sandstone quarry at Blackball.

Blackball (Upper)

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: Neutral.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of historic reserve for the ‘upper’ section of this stewardship area.

Summary of accepted submissions: Those submissions ‘accepted’ as holding merit supported the notified classification as appropriate for the 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 natural resources present (e.g. indigenous forest, shrubland, wetlands and several streams) are appropriately protected under the proposed classification, when also considering the historic resources present (e.g. two archaeological sites, one actively managed heritage place, two Category I Listed historic places). 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 Reserve - MAW_26_2806793a

Support

Ecology and Landscape (Allowed)

- A submitter referenced the “very high ecological values very similar to the existing national parks” that “deserve protection”.

I recommend that these comments are accepted to the extent that I agree that the natural resources identified are appropriately protected and preserved by the proposed classification. My assessment is that the points raised regarding classification as national park do not warrant overturning the notified intention.

General (Allowed)

- Submissions expressed overall support for the recommendation without providing specific justifications or agreed that the recommendation reflects the information provided in the technical reports.
- Submissions expressed a general preference for stewardship land to be reclassified at the highest possible classification, based on its “high cultural conservation value”.
- The recommendation was supported as reflecting the use of the land and adequately protecting 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.

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”).
- To ensure access, submitters recommended that the larger historic reserves are made either conservation parks, or national parks if they adjoin Arthur’s Pass National Park.

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 area (e.g. two archaeological sites, one actively managed heritage place, two Category I Listed historic places). The CVR notes that the most typical recreation is exploring the mining history of the area. Under a historic reserve, “the public shall have freedom of entry and access to the reserve, subject to (...) 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)

- 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 on balance the natural resources present (e.g. indigenous forest, shrubland, wetlands and several streams) are appropriately protected under the proposed classification, when also considering the historic resources identified in the CVR (e.g. two archaeological sites, one actively managed heritage place, two Category I Listed historic places). 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 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 and heritage features present. The CVR highlights the presence of historic features (e.g. two archaeological sites, one actively managed heritage place, two Category I Listed historic places) and the important role of the Blackball mine in New Zealand’s political history.

Treaty Considerations (Allowed)

- It was stated that the proposed classification does “not adequately encompass both nature protection and mana whenua aspirations” or “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 has not opposed the proposed classification. The points raised do not justify overturning the notified intention.

Permissions, Economic Factors and Land Use (Not Allowed)

- Submitters raised concerns that a historic reserve recommendation provides insufficient environmental protection as it offers “greater scope for commercial activities and leases than national park or scenic reserve status”, and that the classification may be acceptable only if it closes areas to “extractive, invasive and intrusive industries such as mining, grazing, exotic forestry and hydro-generation”.
- Conversely, one 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.

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.

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

Other (Not Allowed)

- A submitter who recommended conservation park or national park classification stated they support co-management “provided management recognises the principle of free access to all, the continuation of existing facilities, and a primary responsibility for environmental protection”.
- 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)

- 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 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 (e.g. 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)

- 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.

Process and Consultation (Not Allowed)

- A submitter recommended consulting with affected residents.

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

Blackball (Lower)

Panel Recommendations

National Panel: Scenic reserve (a), to preserve the identified ecological values, protect any potential historic or archaeological features and protect the landscape character and context to Blackball.

Mana Whenua Panel: Neutral.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of scenic reserve (a) for the 'lower' section of this stewardship area.

Summary of accepted submissions: Those submissions 'accepted' as holding merit supported the notified classification as offering sufficient protection for the notable natural resources present, and 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 proposed classification will appropriately promote the conservation of the natural and historic resources present.

Scenic Reserve (a) - MAW_26_2806793b

Support

Climate Change and Natural Hazards (Allowed)

- 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 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 referenced the "very high ecological values very similar to the existing national parks" that "deserve protection".

I recommend that these comments are accepted to the extent that I agree that the natural resources identified are appropriately protected and preserved by the proposed classification. My assessment is that the points raised regarding classification as national park do not warrant 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)).

General (Allowed)

- Submissions expressed overall support for the recommendation without providing specific justifications.
- Submissions agreed that the recommendation reflects the information provided in the technical reports.
- Submissions expressed a general preference for stewardship land to be reclassified at the highest possible classification, 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

General (Allowed)

- A submitter stated, “values more suited to 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.

Permissions, Economic Factors and Land Use (Not Allowed)

- One submission opposed reclassification as scenic reserve on the grounds that, though it does not prohibit mining, it adds extra restrictions with consequent negative economic impacts, 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)

- Submissions 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 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 (e.g. 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)

- 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.

Process and Consultation (Not Allowed)

- A submitter recommended, “seek consultation with residents who will be affected by changes”.

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

MAW_26 – Atarau – 2806840

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Atarau	MAW_26_2806840u	Ecological Area	Neutral	13	5

DOC Conservation Values Report Description

A 193.4554-ha area from Atarau Road to Grey River/Māwheranui. There is evidence of forest clearance and mining activity; 90% of the area has an active mining permit in place. The most typical recreation is exploring the mining history of the area. One mining access arrangement is in place for an open cast sandstone quarry at Blackball.

Panel Recommendations

National Panel: Ecological area, to reflect the identified values, rationalise the boundary of the existing Roaring Meg Ecological Area and 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.

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. indigenous forest and shrubland remnants) and provide continuity with the Roaring Meg Ecological Area.

Ecological Area - MAW_26_2806840u

Support

Climate Change and Natural Hazards (Allowed)

- 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).

General (Allowed)

- Submissions expressed overall support for the recommendation without providing specific justifications.
- Submissions agreed that the recommendation reflects the information provided in the technical reports.
- Submissions expressed a general preference for stewardship land to be reclassified at the highest possible classification, 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)

- One submission opposed reclassification as an ecological area on the grounds that, though it does not prohibit mining, it adds extra restrictions with consequent negative economic impacts, 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 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 (e.g. under a hunting permit) where consistent with preservation of the conservation values present.

MAW_27 – Sewell Peak – 2806498

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Sewell Peak	MAW_27_2806498h	Scenic Reserve (a)	Neutral	13	6
Sewell Peak (Historic area)	MAW_27_2806498i	Historic Reserve	Neutral	10	14

DOC Conservation Values Report Description

A 422.0541-ha area made up of two sections consisting of podocarp/beech forest and shrublands at the southern end of the Paparoa Ranges. The forest is relatively intact, and where it has been modified by logging or burning is strongly recovering. There are various community tracks.

Sewell Peak

Panel Recommendations

National Panel: Scenic reserve (a), to preserve the identified ecological values, protect any identified historic/archaeological features, landscape character and values, 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 (a).

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 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 promote the conservation of the natural and historic resources present (e.g. podocarp/beech forest and shrublands).

Scenic Reserve (a) - MAW_27_2806498h

Support

Climate Change and Natural Hazards (Allowed)

- 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 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 expressed support for scenic reserve and noted that the area has high natural values.

I recommend that these comments are accepted. I agree that the natural resources identified 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 overall support for the recommendation without providing specific justifications.
- Submissions agreed that the recommendation reflects the information provided in the technical reports.
- Submissions expressed a general preference for stewardship land to be reclassified at the highest possible classification, 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 raised concern about the possibility of the McLeans landfill site being expanded into this area and affecting the high natural values.

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

Oppose

General (Allowed)

- One submitter stated they support retention as 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)

- Submissions opposed the recommendation as curtailing mineral extraction, prospecting and exploration within the area, noting that though scenic reserve does not prohibit mining, it adds extra restrictions with consequent negative economic impacts, 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.
- One submitter, who noted that they had a March 2022 application under evaluation, sought a classification that would enable their company to gain access arrangements and thereby operate at relevant locations.

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)

- Submissions 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 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 (e.g. 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)

- 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 any change should not affect the existing permissions, noting six concessions all related to telecommunications on Sewell Peak.

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

Sewell Peak (Historic area)

Panel Recommendations

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

Mana Whenua Panel: Neutral.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of historic reserve for the 'historic area' of this stewardship area.

Summary of accepted submissions: Excepting those expressing general support for the proposal, no submissions were accepted as holding substantial merit with regard to 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 (e.g. relatively intact indigenous forest, shrubland streams and open wetland areas) are appropriately protected under the proposed classification, when also considering the historic resources present (e.g. Brunner Mines complex, recorded archaeological sites, actively managed heritage places, Heritage Icon, Tohu Whenua site). 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 Reserve - MAW_27_2806498i

Support

General (Allowed)

- Submissions expressed overall support for the recommendation without providing specific justifications.
- Submissions agreed that the recommendation reflects the information provided in the technical reports.
- Submissions expressed a general preference for stewardship land to be reclassified at the highest possible classification, based on its "high cultural conservation value".
- The recommendation was supported as reflecting the use of the land and adequately protecting 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 recommended further archaeological assessment to define extents and inform 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").

- To ensure access, submitters recommended that the larger historic reserves are made either conservation parks, or national parks if they adjoin Arthur's Pass National Park.

I recommend that these comments are not accepted. My assessment is that the public recreational access is appropriately provided for under the proposed classification, when also considering the historic resources present across the area (e.g. the historical significance of the Brunner Mines complex, recorded archaeological sites, actively managed heritage places, Heritage Icon, Tohu Whenua site). The CVR also notes that visitation is associated with people exploring the mining history of the area. Under a historic reserve, "the public shall have freedom of entry and access to the reserve, subject to (...) 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)

- 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. relatively intact indigenous forest, shrubland streams and open wetland areas) are appropriately protected under the proposed classification, when also considering the historic resources identified in the CVR (e.g. recorded archaeological sites, actively managed heritage places, Heritage Icon, Tohu Whenua site). 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 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 importance of the historic values present in the area. The CVR highlights the high historical significance of the Brunner Mines complex and the numerous heritage features.

Treaty Considerations (Allowed)

- It was stated that the proposed classification does "not adequately encompass both nature protection and mana whenua aspirations" or "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 has supported the proposed classification. The points raised do not justify overturning the notified intention.

General (Allowed)

- A submitter recommended scenic 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)

- The Grey District Council recommended that the land is divided into smaller parcels for disposal to the Council for future carbon offset tree planting, particularly the parts adjacent to farmland on the western side. They suggested using the consented prospecting licence area as the basis for determining what land is appropriate for disposal.
- Submitters raised concerns that a historic reserve recommendation provides insufficient environmental protection as it offers "greater scope for commercial activities and leases than national park or scenic reserve status", and that the classification may be acceptable only if closes areas to "extractive, invasive and intrusive industries such as mining, grazing, exotic forestry and hydro-generation".

- Conversely, other submitters opposed the recommendation as being too restrictive for mining and associated economic opportunities, or opposed classification as scenic or historic reserve as this would curtail mineral extraction within the assessment area.
- 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. An application was noted to be currently under evaluation in this area.

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

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.

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

Other (Not Allowed)

- A submitter who recommended conservation park or national park classification stated they support co-management “provided management recognises the principle of free access to all, the continuation of existing facilities, and a primary responsibility for environmental protection”.
- 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)

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

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”.
- A submitter stated that any change should not affect the existing permissions, noting the existence of six concessions all related to telecommunications on Sewell Peak.

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

MAW_27 – Ex Harbour Board Endowment, Sewell Peak – 2806571

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Ex Harbour Board Endowment, Sewell Peak	MAW_27_2806571t	Scenic Reserve (a)	Neutral	15	5
Ex Harbour Board Endowment, Sewell Peak (Historic area)	MAW_27_2806571u	Historic Reserve	Neutral	11	14

DOC Conservation Values Report Description

A 564.4175-ha area of podocarp/beech forest, shrublands, valleys, catchment areas, streams and open wetland areas at the southern end of the Paparoa Ranges. The forest is relatively intact, and where modified by logging or burning is strongly recovering. The area captures the full altitudinal range of multiple tributaries of the lower Grey River/Māwheranui in the area. The area includes the DOC-managed historic Brunner Mine site, a large mines complex which began in the 1860s and which embodies the story of the development of the vast coal mining operation that was once New Zealand's largest. There are various community tracks and roads. There are six concessions held, all relating to the telecommunications on Sewell Peak, in this conservation area.

Ex Harbour Board Endowment, Sewell Peak

Panel Recommendations

National Panel: Scenic reserve (a), to preserve the identified ecological values, protect any identified historic/archaeological features, landscape character and values, 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 (a).

Summary of accepted submissions: Those submissions 'accepted' as holding merit supported the notified classification as offering sufficient protection for the notable natural resources present, and 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 proposed classification will appropriately promote the conservation of the natural and historic resources present (e.g. relatively intact podocarp/beech forest, shrublands, streams and open wetland areas).

Scenic Reserve (a) - MAW_27_2806571t

Support

Climate Change and Natural Hazards (Allowed)

- 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 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 expressed support for scenic reserve and noted that the area has high natural values. Another described the area as having “high ecological values very similar to the existing national parks” that “deserve protection”.

I recommend that these comments are accepted to the extent that I agree that the natural resources identified are appropriately protected and preserved by the proposed classification. My assessment is that the points raised regarding classification as national park do not warrant 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)).

General (Allowed)

- Submissions expressed overall support for the recommendation without providing specific justifications.
- Submissions agreed that the recommendation reflects the information provided in the technical reports.
- Submissions expressed a general preference for stewardship land to be reclassified at the highest possible classification, 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 raised concern about the possibility of the McLeans landfill site being expanded into this area and affecting the high natural values.

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 the recommendation as curtailing mineral extraction, prospecting and exploration within the area, noting that though scenic reserve does not prohibit mining, it adds extra restrictions with consequent negative economic impacts, 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. One submitter, who noted that they had a March 2022 application under evaluation, sought a classification that would enable their company to gain access arrangements and thereby operate at relevant locations.

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)

- Submissions 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 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 (e.g. 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)

- 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 any change should not affect the existing permissions, noting six concessions all related to telecommunications on Sewell Peak.

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

Ex Harbour Board Endowment, Sewell Peak (Historic area)

Panel Recommendations

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

Mana Whenua Panel: Neutral.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of historic reserve for the 'historic area' of this stewardship area.

Summary of accepted submissions: Excepting those expressing general support for the proposal, no submissions were accepted as holding substantial merit with regard to 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 (e.g. relatively intact remnant and modified indigenous forest) are appropriately protected under the proposed classification, when also considering the historic resources present (e.g. recorded archaeological sites, actively managed heritage places, Heritage Icon, Tohu Whenua site). 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 Reserve - MAW_27_2806571u

Support

Ecology and Landscape (Allowed)

- A submitter referenced the "very high ecological values very similar to the existing national parks" that "deserve protection".

I recommend that these comments are accepted to the extent that I agree that the natural resources identified are appropriately protected and preserved by the proposed classification. My assessment is that the points raised regarding classification as national park do not warrant overturning the notified intention.

General (Allowed)

- Submissions expressed overall support for the recommendation without providing specific justifications.
- Submissions agreed that the recommendation reflects the information provided in the technical reports.
- Submissions expressed a general preference for stewardship land to be reclassified at the highest possible classification, based on its "high cultural conservation value".
- The recommendation was supported as reflecting the use of the land and adequately protecting 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 recommended further archaeological assessment to define extents and inform 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”).
- To ensure access, submitters recommended that the larger historic reserves are made either conservation parks, or national parks if they adjoin Arthur’s Pass National Park.

I recommend that these comments are not accepted. My assessment is that the public recreational access is appropriately provided for under the proposed classification, when also considering the historic resources present across the area and heritage significance of the site (e.g. recorded archaeological sites, actively managed heritage places, Heritage Icon, Tohu Whenua site, listed by Heritage New Zealand). I note that the CVR highlights that visitation is associated with people exploring the mining history of the area. Under a historic reserve, “the public shall have freedom of entry and access to the reserve, subject to (...) 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)

- 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. relatively intact remnant and modified indigenous forest) are appropriately protected under the proposed classification, when also considering the historic resources identified in the CVR (e.g. recorded archaeological sites, actively managed heritage places, Heritage Icon, Tohu Whenua site). 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 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 importance of the historic values present in the area. The CVR highlights the high historical significance of the Brunner Mines complex and the numerous heritage features.

Treaty Considerations (Allowed)

- It was stated that the proposed classification does “not adequately encompass both nature protection and mana whenua aspirations” or “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 has supported the proposed classification. The points raised do not justify overturning the notified intention.

General (Allowed)

- It was recommended to add the area to Sewell Peak Conservation Area as a scenic 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)

- The Grey District Council recommended that the land is divided into smaller parcels for disposal to the Council for future carbon offset tree planting, particularly the parts adjacent to farmland on the western side. They suggested using the consented prospecting licence area as the basis for determining what land is appropriate for disposal.
- Submitters raised concerns that a historic reserve recommendation provides insufficient environmental protection as it offers “greater scope for commercial activities and leases than national park or scenic reserve status”, and that the classification may be acceptable only if it closes areas to “extractive, invasive and intrusive industries such as mining, grazing, exotic forestry and hydro-generation”.
- Conversely, other submitters opposed the recommendation as being too restrictive for mining and associated economic opportunities, or opposed classification as scenic or historic reserve as this would curtail mineral extraction within the assessment area.
- 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. An application was noted to be currently under evaluation in this area.

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

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.

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

Other (Not Allowed)

- A submitter who recommended conservation park or national park classification stated they support co-management “provided management recognises the principle of free access to all, the continuation of existing facilities, and a primary responsibility for environmental protection”.
- 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)

- 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 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 (e.g. 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)

- 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”.
- A submitter stated that any change should not affect the existing permissions, noting the existence of six concessions all related to telecommunications on Sewell Peak.

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

MAW_27 – Brunner Forest – 2806795

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Brunner Forest	MAW_27_2806795v	Scenic Reserve (a)	Neutral	14	6

DOC Conservation Values Report Description

A 1694.4275-ha area of podocarp/beech forest, shrublands, valleys and streams at the southern end of the Paparoa Ranges. The forest is relatively intact, and where modified by logging or burning is strongly recovering. The area captures the full altitudinal range of multiple tributaries of the lower Grey River/Māwheranui in the area.

Panel Recommendations

National Panel: Scenic reserve (a), to preserve the identified ecological values, protect any identified historic/archaeological features, landscape character and values, 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 (a).

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. podocarp/beech forest, shrublands).

Scenic Reserve (a) - MAW_27_2806795v

Support

Climate Change and Natural Hazards (Allowed)

- 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 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 expressed support for scenic reserve and noted that the area has high natural values. Another described the area as having “high ecological values very similar to the existing national parks” that “deserve protection”.

I recommend that these comments are accepted to the extent that I agree that the natural resources identified are appropriately protected and preserved by the proposed classification. My assessment is that the points raised regarding

classification as national park do not warrant 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)).

General (Allowed)

- Submissions expressed overall support for the recommendation without providing specific justifications.
- Submissions agreed that the recommendation reflects the information provided in the technical reports.
- Submissions expressed a general preference for stewardship land to be reclassified at the highest possible classification, 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 raised concern about the possibility of the McLeans landfill site being expanded into this area and affecting the high natural values.

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

Oppose

General (Allowed)

- One submitter recommended “ecological reserve” 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 opposed the recommendation as curtailing mineral extraction, prospecting and exploration within the area, noting that though scenic reserve does not prohibit mining, it adds extra restrictions with consequent negative economic impacts, 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. One submitter, who noted that they had a March 2022 application under evaluation, sought a classification that would enable their company to gain access arrangements and thereby operate at relevant locations.

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)

- Submissions 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 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 (e.g. 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)

- 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 any change should not affect the existing permissions, noting six concessions all related to telecommunications on Sewell Peak.

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

MAW_27 – Taylorville – 2806808

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Taylorville	MAW_27_2806808w	Historic Reserve	Neutral	11	12

DOC Conservation Values Report Description

A 4.4766 area made up of two sections either side of Taylorville Road, one of which is in between the road and the river. These areas consist of podocarp/beech forest, shrublands. In the DOC-managed historic Brunner Mine site there is a portion of a building and a bridge, and at the Taylorville end, small sections of cleared land.

Panel Recommendations

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

Mana Whenua Panel: Neutral.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of historic reserve.

Summary of accepted submissions: Excepting those expressing general support for the proposal or general support for protection of ecological values, no submissions were accepted as holding substantial merit with regard to 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 (e.g. relatively intact indigenous forest and shrubland) are appropriately protected under the proposed classification, when also considering the historic resources present (e.g. recorded archaeological sites, actively managed heritage places, the historical significance of the Brunner Mines complex). 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 Reserve - MAW_27_2806808w

Support

Ecology and Landscape (Allowed)

- A submitter referenced the “very high ecological values very similar to the existing national parks” that “deserve protection”.

I recommend that these comments are accepted to the extent that I agree that the natural resources identified are appropriately protected and preserved by the proposed classification. My assessment is that the points raised regarding classification as national park do not warrant overturning the notified intention.

General (Allowed)

- Submissions expressed overall support for the recommendation without providing specific justifications, agreed that the recommendation reflects the information provided in the technical reports, or expressed a general preference for stewardship land to be reclassified at the highest possible classification, based on its “high cultural conservation value”.

- The recommendation was supported as reflecting the use of the land and adequately protecting 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 recommended further archaeological assessment to define extents and inform 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”).
- To ensure access, submitters recommended that the larger historic reserves are made either conservation parks, or national parks if they adjoin Arthur’s Pass National Park.

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 area and recognising the historical significance of the Brunner Mines complex (e.g. recorded archaeological sites, actively managed heritage places, Heritage Icon, Tohu Whenua site). Under a historic reserve, “the public shall have freedom of entry and access to the reserve, subject to (...) 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)

- 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. relatively intact indigenous forest and shrubland) are appropriately protected under the proposed classification, when also considering the historic resources identified in the CVR (e.g. the historical significance of the Brunner Mines complex). 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 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 importance of the historic values present in the area. The CVR highlights the high historical significance of the Brunner Mines complex and the numerous heritage features across the entire area.

Treaty Considerations (Allowed)

- It was stated that the proposed classification does “not adequately encompass both nature protection and mana whenua aspirations” or “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 has supported the proposed classification. The points raised do not justify overturning the notified intention.

Permissions, Economic Factors and Land Use (Not Allowed)

- Submitters raised concerns that a historic reserve recommendation provides insufficient environmental protection as it offers “greater scope for commercial activities and leases than national park or scenic reserve status”, and that the classification may be acceptable only if closes areas to “extractive, invasive and intrusive industries such as mining, grazing, exotic forestry and hydro-generation”.
- Conversely, other submitters 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. An application was noted to be currently under evaluation in this area.

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

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.

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

Other (Not Allowed)

- A submitter who recommended conservation park or national park classification stated they support co-management “provided management recognises the principle of free access to all, the continuation of existing facilities, and a primary responsibility for environmental protection”.
- 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)

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

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”.

- A submitter stated that any change should not affect the existing permissions, noting the existence of six concessions all related to telecommunications on Sewell Peak.

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

MAW_27 – Mcleans Creek – 2806809

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Mcleans Creek	MAW_27_2806809x	Scenic Reserve (a)		15	9
Mcleans Creek	MAW_27_2806809y		Stewardship	10	16

DOC Conservation Values Report Description

An 897.9726-ha area made up of multiple sections separated by thin strips of land. The area consists of podocarp/beech forest, shrublands, valleys, catchment areas, streams, and open wetland areas at the southern end of the Paparoa Ranges. The forest is relatively intact, and where modified by logging or burning is strongly recovering. The area captures a large altitudinal range of multiple tributaries of the lower Grey River/Māwheranui in the area. There are various community tracks also.

Panel Recommendations

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

Mana Whenua Panel: Stewardship, as reclassification should not occur at this time. Current and/or future use (such as the provision for the expansion of the local authority landfill in the western area of the land unit) must be further considered and provided for.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of scenic reserve (a).

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 have opposed the proposed classification, advocating for the area to be retained in stewardship to allow for further consideration regarding the expansion of the local authority landfill in the western area of the land unit. This position 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. 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 that the natural resources present (e.g. "podocarp/beech forest, shrublands, valleys, catchment areas, streams, and open wetland areas") are appropriately protected by the proposed classification.

Scenic Reserve (a) - MAW_27_2806809x

Support

Climate Change and Natural Hazards (Allowed)

- Submissions expressed 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.
- A submitter noted that retaining the area in stewardship would not "assist with a reduction in 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 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 expressed support for scenic reserve and noted that the area has high natural values. Another described the area as having "high ecological values very similar to the existing national parks" that "deserve protection".

I recommend that these comments are accepted to the extent that I agree that the natural resources identified are appropriately protected and preserved by the proposed classification. My assessment is that the points raised regarding classification as national park do not warrant 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)).

General (Allowed)

- Submissions expressed overall support for the recommendation without providing specific justifications.
- Submissions agreed that the recommendation reflects the information provided in the technical reports.
- Submissions expressed a general preference for stewardship land to be reclassified at the highest possible classification, 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 supported scenic reserve and stated that "consideration for any extension of the McLeans landfill site into this public conservation land defies belief" as the area has high natural values, noting that other adjacent council land could be used instead.

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

Oppose

Treaty Considerations (Allowed)

- Submitters expressed preference for the recommendation of the Mana Whenua Panel to retain the land in stewardship on the basis that this 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)

- A submitter stated that "this area should be listed as conservation area and protected".

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 the scenic reserve recommendation as curtailing mineral extraction, prospecting and exploration within the area, noting that though scenic reserve does not prohibit mining, it adds extra restrictions with consequent negative economic impacts, 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. One submitter, who noted that they had a March 2022 application under evaluation, sought a classification that would enable their company to gain access arrangements and thereby operate at relevant locations.

- A submitter expressed support for retaining the land in stewardship and stated that any change should not affect the existing permissions, noting six concessions all related to telecommunications on Sewell Peak.

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)

- Submissions 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 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 (e.g. 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)

- 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 - MAW_27_2806809y

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)

- 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").

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”.
- A submitter stated that any change should not affect the existing permissions, noting six concessions all related to telecommunications on Sewell Peak.

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

Oppose

Climate Change and Natural Hazards (Allowed)

- A submitter in opposition stated that this recommendation would not assist with a reduction in emissions from agriculture. They also noted the area holds opportunities for carbon sequestration and ecosystem restoration in response to flood events or coastal erosion.

I recommend that these comments are accepted to the extent that 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 objected to the land being held in stewardship for potential landfill purposes, arguing that this disregards the protection of the land and “totally undermines the ecological importance of the area”, which was described as having high natural values. The possible effects on tributaries of the lower Grey/Māwheranui river in particular were highlighted (e.g. “As stated in both the conservation and recommendation reports, this area includes multiple tributaries of the lower Grey River/Māwheranui from their head waters in the southern Paparoa Ranges to their lower reaches. Many freshwater fish and invertebrates of numerous threatened species are recorded as living in the lower portion of these ranges, there is a very real possibility that they may live in higher portions, however no studies have been completed in these areas to date”). They also raised concerns that degradation of freshwater values could affect the district water supply.
- A submitter recommended Government purpose (river floodplain) reserve, noting opportunities for retention of depleted indigenous ecosystems.

I recommend that these comments are accepted to the extent that I agree that the natural resources identified are appropriately protected and preserved by the proposed classification. My assessment is that the points raised regarding classification as government purpose reserve do not warrant 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)).

General (Allowed)

- Submitters expressed preference for the highest possible classification due to the land’s “high cultural conservation value”, or stated they would prefer the land to be reclassified as a scenic reserve or conservation park rather than left in stewardship.

I recommend that these comments are accepted to the extent that I agree that the natural resources identified are appropriately protected and preserved by the proposed classification. 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".

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 raised concerns about the process, suggesting that retaining land in stewardship "cannot be justified", leaves it open to ecologically degrading activities, and that assessment of conservation and recreation values, and guarantee of public access, should take priority over potential use.
- 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.

Permissions, Economic Factors and Land Use (Not Allowed)

- Submitters objected to the justification for the recommendation – that is, the potential expansion of the McLeans landfill site – arguing that this was an inappropriate use of the land. They suggested that other sites (e.g. council-owned land) could serve this purpose or that there should be less reliance on landfill (e.g. "Consideration for any extension of the McLeans landfill site into this public conservation land defies belief as (a) the area has high natural values, (b) the council owns adjacent land should the landfill site need to be expanded, and (c) there needs to be a focus on minimising waste to landfill, not growing landfill sites").
- Submitters raised concerns that retaining the land in stewardship for it to be used as a landfill site would increase the risk of contaminants entering the district water supply (e.g. "As there are already 3 known landfills adjacent to NaPALIS ID# 2806809 we feel that any expansion or creation of landfills further increases the risk of contaminants entering these tributaries and then our district water supply. We are aware of one site already leeching heavy metals into a tributary and feel strongly that this could happen again").

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. No 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 (e.g. 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)

- 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.

MAW_27 – Batty Creek – 2808805

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Batty Creek	MAW_27_2808805a	Scenic Reserve (a)	Neutral	12	5

DOC Conservation Values Report Description

A 31.2904-ha area of podocarp/beech forest and numerous streams at the southern end of the Paparoa Ranges. The forest is relatively intact, and where modified by logging or burning is strongly recovering. The area captures a large altitudinal range of multiple tributaries of the lower Grey River/Māwheranui in the area.

Panel Recommendations

National Panel: Scenic reserve (a), to preserve the identified ecological values, protect any identified historic/archaeological features, landscape character and values, 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 (a).

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. relatively intact podocarp/beech forest and numerous streams).

Scenic Reserve (a) - MAW_27_2808805a

Support

Climate Change and Natural Hazards (Allowed)

- 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 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 expressed support for scenic reserve and noted that the area has high natural values.

I recommend that these comments are accepted. I agree that the natural resources present 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 overall support for the recommendation without providing specific justifications.
- Submissions agreed that the recommendation reflects the information provided in the technical reports.
- Submissions expressed a general preference for stewardship land to be reclassified at the highest possible classification, 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 raised concern about the possibility of the McLeans landfill site being expanded into this area and affecting the high natural values.

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 on the grounds that it would curtail mineral extraction.
- A submitter noted that though it does not prohibit mining, it adds extra restrictions with consequent negative economic impacts, 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)

- Submissions 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 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 (e.g. 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)

- 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 any change should not affect the existing permissions, noting six concessions all related to telecommunications on Sewell Peak.

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

MAW_28 – Grey River/Māwheranui – 2806810

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Grey River/Māwheranui	MAW_28_2806810b	Disposal	Disposal	10	32

DOC Conservation Values Report Description

A 10.4562-ha elongated patch of river terrace associated with the Grey River/Māwheranui, largely grazed with highly modified riparian margins. It has an active grazing concession in place. There are no at-risk or threatened terrestrial species, or tracks, facilities or recreational use.

Panel Recommendations

National Panel: Disposal suggested as appropriate, as the area consists almost entirely of developed pasture and is of very low conservation value. The presence of small areas of wetland vegetation is not considered sufficient to warrant the ongoing management of this area.

Mana Whenua Panel: Disposal, as the area has been 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: 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.

Section 4 and Treaty principles: The Mana Whenua Panel has supported the proposed disposal investigation, supported by submissions from Treaty partner organisations, on the grounds that the area has been modified into developed pasture.

Rationale: My assessment is that the stewardship area is of low conservation value, and warrants further investigation as to the suitability of disposal.

Disposal - MAW_28_2806810b

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 consists primarily of highly modified pasture (exotic grassland) 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 these recommendations 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. Although no specific Ngāi Tahu interests have been identified for further consideration, I note that the Mana Whenua Panel has supported the proposed disposal investigation. The modified nature

of the pastoral components of this stewardship area (e.g. exotic grassland) 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)

- A submitter who identified themselves as the adjacent landowner, requested they be considered as the recipient of the land, including a conservation plan for the land with their submission and stating that they plan to continue and extend their current rehabilitation of the waterways (e.g. “We have been planting in this area to aid in the prevention of further land erosion and rehabilitation of the land to protect the adjacent waterway (The Grey River), as this is just upstream from the inlet to the Greymouth water supply”).
- 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)

- 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.
- One submitter noted that the movement of the river could affect access, and that riparian access via marginal strips is not guaranteed.
- 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 these comments are not accepted. The area does not provide practical access to the river from road or public conservation land, and there are no reported recreational uses for this area (the CVR states no easy access to these areas). Any potential disposal arising from the Departmental investigation will trigger the formation of marginal strips for qualifying waterbodies, which will secure ongoing public access along the riparian corridor.

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 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 on these lands”).
- A submitter commented that “the climate assessment is wrong if the site is sold”, while another stated that disposal would not assist with a reduction in emissions.
- Submitters who wanted the land retained for climate change mitigation or adaptation recommended various alternative classifications such as scenic reserve, ecological reserve, government purpose (river floodplain) reserve, or government purpose reserve (climate mitigation).

I recommend that these comments are not accepted. The small size of the area, its highly modified nature, and the landscape context (i.e. not connected to other public conservation land), limit the effectiveness of restoration for 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)

- Submitters opposed disposal on the grounds that the area has ecological values worthy of retaining and that there are opportunities to restore and protect important indigenous species ecosystems (e.g. “The site has natural values in a threatened floodplain ecosystem. The site is excellent for allowing native forest regeneration (...) It has a relatively natural forest vegetation on the terrace drop off”, “retention of good opportunities for restoration of depleted indigenous ecosystems”).
- They also highlighted the importance of the Māwheranui/Grey River and suggested this area should be retained and protected as part of the broader river ecosystem (e.g. “When taken with all the other adjoining Crown holdings this land is not an insignificant scrap but part of the Māwheranui river ecosystem and needs to be managed as a whole”).
- Submitters who opposed disposal based on ecological values recommended various classifications such as local purpose (river conservation for ecological reasons) reserve, government purpose (river floodplain) reserve, or government purpose (climate mitigation) 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 areas are small and landlocked and have no restoration potential.

I recommend that these comments are not accepted. The area’s landscape context (i.e. not connected to other public conservation land) limits the effectiveness of retaining the area for restoration. The highly modified nature of the area (exotic grassland) justifies referring this area to the Department to investigate 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. Further, 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 no stewardship land should be disposed of, except to tangata whenua, “and only then with the need to maintain the block’s cultural, conservation & mahika-kai values”.
- Another 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 relevant 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 for further consideration.

Permissions, Economic Factors and Land Use (Not Allowed)

- A submitter stated that any change should not affect the existing permissions, noting the existence of a 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, including the scale of research required for the quantity of land notified.
- 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 stipulated that any disposal should be on the condition that any waterways are protected by a setback which is fenced and planted.

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

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submitters wanted to ensure that access to the rivers is maintained or improved, including by helicopter.

I recommend these comments are not accepted. The area does not provide practical access to the river from road or public conservation land (the CVR states no easy access to these areas). Any potential disposal arising from the Departmental investigation will trigger the formation of marginal strips for qualifying waterbodies, which will secure ongoing public access along the riparian corridor.

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, and the landscape context (i.e. not connected to other public conservation land), limit the effectiveness of restoration for 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)

- Submitters wanted to ensure that "rivers are maintained in a free-flowing unmodified state, and in particular that the conservation classification does not allow for dams or flow diversions".

I recommend these comments are not accepted. The authorisation of such activities through the grant of concessions is a separate process to the reclassification of stewardship 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. 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 Heritage New Zealand Pouhere Taonga's 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.

MAW_28 – Grey River/Māwheranui – 2809054

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Grey River/ Māwheranui	MAW_28_2809054c	Kaiata Historic Reserve	Kaiata Historic Reserve	18	12

DOC Conservation Values Report Description

A 5.5956-ha patch of mostly river terrace with a small section of river which is associated with the Grey River/Māwheranui. Largely grazed with highly modified riparian margins, it has an active grazing concession in place. There are no at-risk or threatened terrestrial species, or tracks, facilities or recreational use. Māori Reserve land is adjacent to these conservation areas.

Panel Recommendations

National Panel: Historic reserve (Kaiata), to protect and illustrate the significance of the identified historic and archaeological features, and reflect the value of the area to Ngāi Tahu, while preserving the indigenous flora and fauna present and 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 historic reserve.

Summary of accepted submissions: Those submissions 'accepted' as holding merit supported the notified classification while noting the ecological values present. Also accepted were comments noting that this area is of historic significance to mana whenua, and that the proposed reserve 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 notified classification, supported by submissions from Treaty partner organisations.

The Mana Whenua Panel signalled specific Ngāi Tahu interests associated with this stewardship area, particularly that "Kaiata is significant to Poutini Ngāi Tahu, being the place where after defeating the resident Ngāti Wairangi in a series of conflicts, Ngāi Tahu decided to stay on in Te Tai Poutini to consolidate their conquest by occupation".

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 those submissions accepted, is that the proposed classification provides appropriate protection for the identified Ngāi Tahu interests alongside the natural and historic resources present. I note that the Mana Whenua Panel have supported the notified classification, and I am not otherwise aware of any inconsistency between the proposed classification and the identified interests.

Rationale: Historic reserves are held for the purpose of "protecting and preserving in perpetuity such places, objects, and natural features, and such things thereon or therein contained as are of historic, archaeological, cultural, educational, and other special interest" (Reserves Act 1977, s.18(1)). The notified proposal was underpinned by the cultural interest of the places, natural features, and historic resources, as described by the Mana Whenua Panel. My conclusion is that on balance the natural and historic resources present are appropriately protected under the proposed classification when considering the identified Ngāi Tahu interests.

Kaiata Historic Reserve - MAW_28_2809054c

Support

Ecology and Landscape (Allowed)

- A submitter who stated support for historic reserve noted that the area is an “ephemeral island” with some of the area “in the water of the current river course”.

I recommend that these comments are accepted. I agree that the natural values present will be protected by the proposed classification. 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)).

Treaty Considerations (Allowed)

- Submitters noted that the proposed historic reserves recognise “sites of significance to Ngāi Tahu and ensure Ngāi Tahu values, alongside conservation values, are at the forefront of the classification”.
- One submitter commented that the area is “significant as the place where Ngāi Tahu made the decision to stay on Tai Poutini”.

I recommend that these comments should be accepted. I agree that the natural resources present are appropriately protected, and public recreational access adequately provided for, under the proposed classification when considering the identified Ngāi Tahu interests. I note that the Mana Whenua Panel have supported the notified classification.

- Submitters advocated that “the proposed reserves must acknowledge the mana and rangatiratanga of Ngāi Tahu, and provide for Ngāi Tahu wellbeing, kaitiakitanga and mahinga kai”.

I recommend that these comments are accepted to the extent that I agree the proposed classification will promote the conservation of any historic resources present. Although I agree that the proposed historic reserve recognises the identified Ngāi Tahu interests, the purpose of the proposed reserve is set and established as per s.18(1) Reserves Act 1977. Potential changes to management or legislative frameworks are not the subject of the public notice.

General (Allowed)

- Submissions expressed overall support for the recommendation without providing specific justifications, agreed that the recommendation reflects the information provided in the technical reports, or expressed a general preference for stewardship land to be reclassified at the highest possible classification, based on its “high cultural conservation value”.
- The recommendation was supported as reflecting the use of the land and adequately protecting 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.

Permissions, Economic Factors and Land Use (Not Allowed)

- A submitter expressed opposition to continued grazing as “when taken with all the other adjoining Crown holdings this land is not an insignificant scrap but part of the Māwheranui river ecosystem and needs to be managed as a whole”.

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

Process and Consultation (Not Allowed)

- A submitter stated that the report and the recommendation tables are unclear regarding this area.

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”).
- To ensure access, submitters recommended that the larger historic reserves are made either conservation parks, or national parks if they adjoin Arthur’s Pass National Park.

I recommend that these comments are not accepted. My assessment is that public recreational access to the area is appropriately provided for under the proposed classification, when also considering the identified Ngāi Tahu interests. I note that the CVR identifies that the area is unlikely to receive recreational use and there are no DOC-maintained tracks or facilities present. Under a historic reserve, “the public shall have freedom of entry and access to the reserve, subject to (...) 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)

- 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 of low ecological value (e.g. highly modified riparian margins) and are appropriately protected under the proposed classification, when considering the identified Ngāi Tahu interests. 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 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, including the identified Ngāi Tahu interests.

Treaty Considerations (Allowed)

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

I recommend that these comments are not accepted. The Mana Whenua Panel noted the area to be of cultural significance to Poutini Ngāi Tahu and have supported the notified classification. My assessment is that the proposed classification appropriately protects the natural values present (e.g. highly modified riparian margins) while also considering the identified Ngāi Tahu interests. I note that the Mana Whenua Panel have supported the notified classification.

Permissions, Economic Factors and Land Use (Not Allowed)

- A submitter in opposition stated that any change should not affect the existing permissions, noting a grazing concession for 8.6 ha alongside Grey River at Taylorville.
- Submitters raised concerns that a historic reserve recommendation provides insufficient environmental protection as it offers “greater scope for commercial activities and leases than national park or scenic reserve status”, and that the classification may be acceptable only if closes areas to “extractive, invasive and intrusive industries such as mining, grazing, exotic forestry and hydro-generation”.
- Conversely, one 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.

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.

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

Other (Not Allowed)

- A submitter who recommended conservation park or national park classification stated they support co-management “provided management recognises the principle of free access to all, the continuation of existing facilities, and a primary responsibility for environmental protection”.
- 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)

- 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 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 (e.g. 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)

- 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.

MAW_29 – Grey River/Māwheranui – 2809053

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Grey River/Māwheranui	MAW_29_2809053d	Local Purpose (River Conservation) Reserve	Neutral	6	12

DOC Conservation Values Report Description

A 3.1762-ha section of the Grey River/Māwheranui within the river channel and situated almost entirely over the active flowing channel. The conservation area is 98% river (water) and approximately 2% consists of riverbank and small bluff above the river. Jet boating occurs.

Panel Recommendations

National Panel: Local purpose (river conservation) reserve, to 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.

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 - MAW_29_2809053d

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 classification, based on its “cultural conservation value”.

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)

- One submission noted that they assumed there would be no grazing concessions permitted in the local purpose reserve.

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

Oppose

Climate Change and Natural Hazards (Allowed)

- Submissions opposed the classification on the basis that it does not consider climate change impacts and mitigation opportunities, including carbon sequestration, ecosystem restoration and floodplain buffering, suggesting other classifications would be more appropriate (e.g. “these recommendations do not give consideration (active or not) nor effect to the very high and nationally important natural conservation values of the rivers, which include the rivers themselves, and the unfolding of nationally outstanding natural ecological processes and dynamics under climate change, nor nationally important conservation outcomes that could be achieved in the future”).
- Submissions proposed government purpose reserve (climate mitigation) or government purpose (river floodplain) reserve as possible classifications.
- Submissions recommended an ecosystem or catchment based approach to the classification of riverbeds, to build resilience for habitats and climate mitigation (e.g. “These values and outcomes are realised principally in allowing the land to move and evolve without obstruction or modification, and in allowing natural vegetation regeneration, and also better realised if rivers and coasts are administered as whole systems”).

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 (e.g. “Forest & Bird opposes the reclassification of land parcels that include riverbeds or river margins held as stewardship land to LPR (River Conservation) recommendations unless the purpose can clearly set out how the freshwater values will be protected. It is entirely unclear if such a reserve would properly protect the natural values”, “I cannot support most of the local purpose reserves without greater clarity of purpose”).
- 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) reserve recommendations, 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.
- A submission opposed the classification as not representing or allowing for important river conservation values, including natural river processes and ecological values (e.g. “I submit that these recommendations do not give consideration (active or not) nor effect to the very high and nationally important natural conservation values of the rivers, which include the rivers themselves, and the unfolding of nationally outstanding natural ecological processes”).

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.

- 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 a status consistent with adjacent or nearby public conservation land, 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.

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions recommended ending all grazing licences within river margins.
- A submission opposed the classification due to concern it would affect existing permissions and river activities.

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 submission 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.

General (Allowed)

- Submissions opposed the recommendation as “inappropriate”, stating that it gives no greater protection than 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.

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 Not Stated

Access and Recreation (Allowed)

- Submissions 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.

MAW_30 – Blaketown – 2809293

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Blaketown	MAW_30_2809293e	Wildlife Management Area	Wildlife Management Area	13	3

DOC Conservation Values Report Description

A 1.232-ha patch of salt marsh wetland, part of a much larger tidal wetland in Greymouth township. Although limited in size, this small conservation area comprises highly natural riparian wetland vegetation within a registered estuary that provides important habitat for native fish and cryptic wetland bird species. This estuary contains extensive inanga spawning habitat with multiple identified/registered sites. The conservation area does not border any public conservation land but adjoins Māori Reserve. This is an old mahinga kai site and was a traditional food basket for Ngāti Waewae. A disused sewage pipe that was never removed runs through this conservation area.

Panel Recommendations

National Panel: Wildlife management area, to reflect the identified high ecological and historical values.

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

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. 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 notified classification, supported by submissions from Treaty partner organisations.

The Mana Whenua Panel have signalled specific Ngāi Tahu interests associated with this stewardship area, particularly that "this is an old mahinga kai site and was a traditional food basket for Ngāti Waewae".

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, 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, being managed so that "its indigenous natural resources and its historic resources are protected" (s.23B(1) Conservation Act 1987).

Wildlife Management Area - MAW_30_2809293e

Support

Ecology and Landscape (Allowed)

- Support was expressed for the recommendation as providing protection for freshwater habitats.

I recommend that these comments are accepted. I agree that the natural resources present are appropriately protected and preserved by the proposed classification. Wildlife management areas are managed so that "wildlife and wildlife habitat values (including the capacity for the movement of wildlife, genetic material of indigenous plants, and genetic material of wildlife) are protected" (Conservation Act 1987, s. 23B(1)).

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 agree that, while recognising the significance of the area to Ngāi Tahu, 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. I note that the Mana Whenua Panel have supported the proposed wildlife management area.

General (Allowed)

- Submissions expressed overall support for the recommendation without providing specific justification, or agreed that the recommendation reflects the information provided in the technical reports.
- The recommendation was supported as reflecting the use of the land and adequately protecting against degradation of the land.
- Submissions expressed a general preference for stewardship land to be reclassified at the highest possible classification, 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 any change should not affect the existing permissions, noting the existence of a “non-notified easement held by Nelson Creek Community Society Inc for a well site and water conveyance”.

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)

- 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)

- Submissions 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 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 (e.g. 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.

MAW_31 – Nelson Creek Riverbed – 2806802

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Nelson Creek Riverbed (Riverbed)	MAW_31_2806802e	Local Purpose (River Conservation) Reserve		10	12
Nelson Creek Riverbed (Riverbed)	MAW_31_2806802f		Stewardship	10	11
Nelson Creek Riverbed (Pasture)	MAW_31_2806802g	Disposal	Disposal	9	28

DOC Conservation Values Report Description

A 123.4772-ha area which is very long, narrow and follows the edge of Nelson Creek in the Grey Valley. It is highly modified land overall – the riparian vegetation is lacking along over more than half of this parcel, and much of it is exotic. Nelson Creek has a long history of gold mining, and heritage-related recreational opportunities are available through the Tailrace Walk and Swing Bridge Track. An easement is held for a well site and water conveyance, but other farming activities appear to occur without concession.

Nelson Creek Riverbed (Riverbed)

Panel Recommendations

National Panel: Local purpose (river conservation) reserve, to appropriately reflect the identified values.

Mana Whenua Panel: Reclassification should not occur at this time. Further assessment of the values and opportunities of the area is required. Current and or future uses (such as pastoral and mining) must be considered and provided for.

S.49(2)(d) Recommendation

- **Do not proceed** with the notified proposal of local purpose (river conservation) reserve for the ‘riverbed’ section 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 opposed the notified classification, supported by submissions from Treaty partner organisations. They advocated for retention in stewardship to allow consideration of “future uses (such as pastoral and mining)”.

My assessment is that the purpose of the notified classification provides insufficient detail to comment on whether it appropriately protects the natural resources alongside the identified Ngāi Tahu interests, or if another classification may be more appropriate. 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: 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 - MAW_31_2806802e

Support

Ecology and Landscape (Allowed)

- A submission supported the classification, recognising the value of vegetation corridors through developed land and the regeneration potential of the area, while noting their opposition to disposal as potentially rewarding illegal grazing activity.

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.

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 classification, based on its “cultural conservation value”.

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)

- One submission noted that they assumed there would be no grazing concessions permitted in the local purpose reserve.

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

Oppose

Climate Change and Natural Hazards (Allowed)

- Submissions opposed the classification on the basis that it does not consider climate change impacts and mitigation opportunities, including carbon sequestration, ecosystem restoration and floodplain buffering, suggesting other classifications would be more appropriate (e.g. “these recommendations do not give consideration (active or not) nor effect to the very high and nationally important natural conservation values of the rivers, which include the rivers themselves, and the unfolding of nationally outstanding natural ecological processes and dynamics under climate change, nor nationally important conservation outcomes that could be achieved in the future”).
- Submissions proposed government purpose (climate mitigation) reserve and government purpose (river floodplain) reserve as possible classifications.
- Submissions recommended an ecosystem or catchment based approach to the classification of riverbeds, to build resilience for habitats and climate mitigation (e.g. “These values and outcomes are realised principally in allowing the land to move and evolve without obstruction or modification, and in allowing natural vegetation regeneration, and also better realised if rivers and coasts are administered as whole systems”).

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 (e.g. “Forest & Bird opposes the reclassification of land parcels that include riverbeds or river margins held as stewardship land to LPR (River Conservation) recommendations unless the purpose can clearly set out how the freshwater values will be protected. It is entirely

unclear if such a reserve would properly protect the natural values”, “I cannot support most of the local purpose reserves without greater clarity of purpose”).

- 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) reserve recommendations, 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.
- A submission opposed the classification as not representing or allowing for important river conservation values, including natural river processes and ecological values (e.g. “I submit that these recommendations do not give consideration (active or not) nor effect to the very high and nationally important natural conservation values of the rivers, which include the rivers themselves, and the unfolding of nationally outstanding natural ecological processes”).

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 submission noted the opportunity of retaining the land for “restoration of depleted indigenous ecosystems” recommending classification as a government purpose (river floodplain) reserve to better represent the values.
- Various other 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 a status consistent with adjacent or nearby public conservation land, 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.

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”.

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 alongside the identified Ngāi Tahu interests, or if another classification may be more appropriate. I note that any further work to determine an appropriate classification for this area will be undertaken in a manner consistent with Treaty principles.

General (Allowed)

- Submissions opposed the recommendation as “inappropriate”, stating that it gives no greater protection than 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.

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions recommended ending all grazing licences within river margins.
- A submission opposed the classification due to concern it would affect existing permissions and river activities.

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 submission 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 Not Stated

Access and Recreation (Allowed)

- Submissions 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.

Other (Not Allowed)

- A neutral submission noted that the area has stopbanks for flood risk and wanted to ensure that no further restrictions will be placed, querying whether DOC would contribute to maintenance.

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

Retain in Stewardship - MAW_31_2806802f

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)

- 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”).

I recommend that these comments are not accepted. My assessment, based on comments in opposition to the notified classification of Local Purpose (River Conservation) Reserve, is that the purpose provides insufficient detail to comment on whether it appropriately protects the natural resources alongside the identified Ngāi Tahu interests, or if another classification may be more appropriate. I note that any further work to determine an appropriate classification for this area will be undertaken in a manner consistent with Treaty principles.

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 stated that any change should not affect the existing permissions, noting a non-notified easement held by Nelson Creek Community Society Inc for a well site and water conveyance.
- 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

Ecology and Landscape (Allowed)

- Submitters argued that protection of natural and other conservation values should be the primary focus of reclassification, and were concerned that retaining the land in stewardship would allow environmentally damaging activities to occur.

I recommend that these comments are accepted to the extent that they support classification of the land according to the natural values present. My assessment, based on comments in opposition to the notified classification of local purpose (river conservation) reserve, is that the purpose provides insufficient detail to comment on whether it appropriately protects the natural resources described, or if another classification may be more appropriate.

General (Allowed)

- Submissions expressed preference for the national panel recommendation or 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.

Process and Consultation (Not Allowed)

- Submitters raised concerns about the process, suggesting that retaining land in stewardship “cannot be justified” and that assessment of conservation and recreation values should take priority over potential use (e.g. “protection of the conservation value of the land and the guarantee of public access”).
- 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.

Nelson Creek Riverbed (Pasture)

Panel Recommendations

National Panel: Disposal should be considered for the stable areas of developed pasture.

Mana Whenua Panel: Disposal, as the pastoral components 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 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 pastoral components are highly modified.

Rationale: Although parts of the wider stewardship area are unlikely to meet the Conservation General Policy 6(d) and Conservation Act (s. 26) tests for disposal, the pastoral components of this area hold little conservation value and warrant further consideration as to the suitability of disposal.

Disposal - MAW_31_2806802g

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 consists primarily of modified pasture (low naturalness due to surrounding intensively farmed land and regrowth through gorse and exotic trees) 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 these recommendations 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. The modified nature of the pastoral components of this stewardship area justifies referring this area to the Department to investigate the suitability of disposal. I note that the Mana Whenua Panel have supported the proposed disposal investigation.

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.

Permissions, Economic Factors and Land Use (Not Allowed)

- A submitter in support stated that any change should not affect the existing permissions, noting a non-notified easement for a well site and water conveyance.

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)

- 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 these comments are not accepted. Though there are recreational uses associated with the wider stewardship area, the pastoral components recommended for disposal are unlikely to hold recreational values that would warrant retention as public conservation land. Any potential disposal arising from the Departmental investigation will trigger the formation of marginal strips for qualifying waterbodies, which will secure ongoing public access along the riparian corridor.

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, “opportunities for ecosystem restoration in response to flood events or coastal erosion”, “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 highlighted the threat to nearby farms of flooding (e.g. “Any farms on riverbeds or close to river terraces face future threats during the now frequent once in a hundred year floods”).
- 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 on these lands”).
- One submitter stated that disposal would not assist with a reduction in emissions.
- Submitters who wanted the land retained for climate change mitigation or adaptation recommended various alternative classifications such as scenic reserve, ecological reserve, or government purpose (river floodplain) reserve.

I recommend that these comments are not accepted. The highly modified nature of the pastoral components of the stewardship area (low naturalness due to surrounding intensively farmed land and regrowth through gorse and exotic trees) and the landscape context (i.e. not connected to other public conservation land), limit the effectiveness of restoration for 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)

- Submitters opposed disposal as “according to the technical reports this area has good ecological values and should be retained to allow development of riparian strip to protect the creek”. Another noted “retention of good opportunities for restoration of depleted indigenous ecosystems”.
- Submitters who referenced ecological values recommended the area be retained as “Local Purpose (River Conservation for ecological reasons) Reserve” or government purpose (river floodplain) reserve.

- Another submitter who opposed disposal without recommending a specific classification noted that “corridors for wildlife movement through the farmed land is important, let this area provide these ecological services”.
- 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.
- Submissions also recommended “Local purpose (river conservation for ecological reasons) reserve” as an alternative.
- 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 areas are small and landlocked and have no restoration potential.

I recommend that these comments are not accepted. The highly modified nature of the pastoral components (low naturalness due to surrounding intensively farmed land and regrowth through gorse and exotic trees) and the landscape context (i.e. not connected to other public conservation land), limit the effectiveness of restoration and 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 for qualifying waterbodies, which will be retained and protected as public conservation land.

Treaty Considerations (Allowed)

- One submission stated no stewardship land should be disposed of, except to tangata whenua, “and only then with the need to maintain the block’s cultural, conservation & mahika-kai values”.

I recommend that these comments are not accepted. The proposed disposal investigation was supported by the Mana Whenua Panel, and any potential disposal of relevant 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 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, including the scale of research required for the quantity of land notified.
- 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.

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 highly modified nature of the pastoral components of the stewardship area (low naturalness due to surrounding intensively farmed land and regrowth through gorse and exotic trees) and the landscape context (i.e. not connected to other public conservation land), limit the effectiveness of restoration for 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. 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 Heritage New Zealand Pouhere Taonga’s 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.

MAW_31 – Nelson Creek – 2806804

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Nelson Creek (Riverbed)	MAW_31_2806804h	Local Purpose (River Conservation) Reserve		9	13
Nelson Creek (Riverbed)	MAW_31_2806804i		Stewardship	10	11
Nelson Creek (Pasture)	MAW_31_2806804j	Disposal	Disposal	9	27

DOC Conservation Values Report Description

A 0.514-ha area following the edge of Nelson Creek in the Grey Valley, consisting of riverbed and vegetated areas next to the river. Nelson Creek has a long history of gold mining, and heritage-related recreational opportunities are available through the Tailrace Walk and Swing Bridge Track. An easement is held for a well site and water conveyance, but other farming activities appear to occur without concession.

Nelson Creek (Riverbed)

Panel Recommendations

National Panel: Local purpose (river conservation) reserve, to appropriately reflect the identified values.

Mana Whenua Panel: Reclassification should not occur at this time. Further assessment of the values and opportunities of the area is required. Current and or future uses (such as pastoral and mining) must be considered and provided for.

S.49(2)(d) Recommendation

- Do not proceed with the notified proposal of local purpose (river conservation) reserve for the 'riverbed' section 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 opposed the notified classification, supported by submissions from Treaty partner organisations. They advocated for retention in stewardship to allow consideration of "future uses (such as pastoral and mining)".

My assessment is that the purpose of the notified classification provides insufficient detail to comment on whether it appropriately protects the natural resources alongside the identified Ngāi Tahu interests, or if another classification may be more appropriate. 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: 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 - MAW_31_2806804h

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 classification, based on its "cultural conservation value".

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)

- One submission noted that they assumed there would be no grazing concessions permitted in the local purpose reserve.

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

Oppose

Climate Change and Natural Hazards (Allowed)

- Submissions opposed the classification on the basis that it does not consider climate change impacts and mitigation opportunities, including carbon sequestration, ecosystem restoration and floodplain buffering, suggesting other classifications would be more appropriate (e.g. “these recommendations do not give consideration (active or not) nor effect to the very high and nationally important natural conservation values of the rivers, which include the rivers themselves, and the unfolding of nationally outstanding natural ecological processes and dynamics under climate change, nor nationally important conservation outcomes that could be achieved in the future”).
- Submissions proposed government purpose (climate mitigation) reserve or government purpose (river floodplain) reserve as possible classifications.
- Submissions recommended an ecosystem or catchment based approach to the classification of riverbeds, to build resilience for habitats and climate mitigation (e.g. “These values and outcomes are realised principally in allowing the land to move and evolve without obstruction or modification, and in allowing natural vegetation regeneration, and also better realised if rivers and coasts are administered as whole systems”).

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 (e.g. “Forest & Bird opposes the reclassification of land parcels that include riverbeds or river margins held as stewardship land to LPR (River Conservation) recommendations unless the purpose can clearly set out how the freshwater values will be protected. It is entirely unclear if such a reserve would properly protect the natural values”, “I cannot support most of the local purpose reserves without greater clarity of purpose”).
- 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) reserve recommendations, 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.
- Submissions opposed the classification as not allowing for important river conservation values, including natural river processes or representing ecological values (e.g. “I submit that these recommendations do not give consideration (active or not) nor effect to the very high and nationally important natural conservation values of the rivers, which include the rivers themselves, and the unfolding of nationally outstanding natural ecological processes”, “or coastal erosion, opportunities for carbon sequestration, retention of good opportunities for restoration of depleted indigenous ecosystems”).

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.

- 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 a status consistent with adjacent or nearby public conservation land, 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.

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”.

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 alongside the identified Ngāi Tahu interests, or if another classification may be more appropriate. I note that any further work to determine an appropriate classification for this area will be undertaken in a manner consistent with Treaty principles.

General (Allowed)

- Submissions opposed the recommendation as “inappropriate”, stating that it gives no greater protection than 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.

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions recommended ending all grazing licences within river margins.
- A submission opposed the classification due to concern it would affect existing permissions and river activities.

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 submission 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 Not Stated

Access and Recreation (Allowed)

- Submissions 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.

Retain in Stewardship - MAW_31_2806804i

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)

- 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").

I recommend that these comments are not accepted. My assessment, based on comments in opposition to the notified classification of local purpose (river conservation) reserve, is that the purpose provides insufficient detail to comment on whether it appropriately protects the natural resources alongside the identified Ngāi Tahu interests, or if another classification may be more appropriate. I note that any further work to determine an appropriate classification for this area will be undertaken in a manner consistent with Treaty principles.

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 stated that any change should not affect the existing permissions, noting a non-notified easement held by Nelson Creek Community Society Inc for a well site and water conveyance.
- 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

Ecology and Landscape (Allowed)

- Submitters argued that protection of natural and other conservation values should be the primary focus of reclassification, and were concerned that retaining the land in stewardship would allow environmentally damaging activities to occur.

I recommend that these comments are accepted to the extent that they support classification of the land according to the natural values present. My assessment, based on comments in opposition to the notified classification of local purpose (river conservation) reserve, is that the purpose provides insufficient detail to comment on whether it appropriately protects the natural resources described, or if another classification may be more appropriate.

General (Allowed)

- Submissions expressed preference for the national panel recommendation or 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.

Process and Consultation (Not Allowed)

- Submitters raised concerns about the process, suggesting that retaining land in stewardship “cannot be justified” and that assessment of conservation and recreation values should take priority over potential use (e.g. “protection of the conservation value of the land and the guarantee of public access”).
- 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 (Allowed)

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

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)

- 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.

Nelson Creek (Pasture)

Panel Recommendations

National Panel: Disposal should be considered for the stable areas of developed pasture.

Mana Whenua Panel: Disposal as the pastoral components 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 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.

Rationale: Although parts of the wider stewardship area are unlikely to meet the Conservation General Policy 6(d) and Conservation Act (s. 26) tests for disposal, the pastoral components hold little conservation value and warrant further consideration as to the suitability of disposal.

Disposal - MAW_31_2806804j

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 consists primarily of modified pasture (low naturalness due to surrounding intensively farmed land and regrowth through gorse and exotic trees) 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 these recommendations 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. The modified nature of the pastoral components of this stewardship area justifies referring this area to the Department to investigate the suitability of disposal. I note that the Mana Whenua Panel have supported the proposed disposal investigation.

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.

Permissions, Economic Factors and Land Use (Not Allowed)

- A submitter in support stated that any change should not affect the existing permissions, noting a non-notified easement for a well site and water conveyance.

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)

- 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 these comments are not accepted. Though there are recreational uses associated with the wider stewardship area, the pastoral components recommended for disposal are unlikely to hold recreational values that would warrant retention as public conservation land. Any potential disposal arising from the Departmental investigation will trigger the formation of marginal strips for qualifying waterbodies, which will secure ongoing public access along the riparian corridor.

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, “opportunities for ecosystem restoration in response to flood events or coastal erosion”, “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 on these lands”).
- One submitter stated that disposal would not assist with a reduction in emissions.
- Submitters who wanted the land retained for climate change mitigation or adaptation recommended various alternative classifications such as scenic reserve, ecological reserve, or government purpose (river floodplain) reserve.

I recommend that these comments are not accepted. The highly modified nature of the pastoral components of the stewardship area (low naturalness due to surrounding intensively farmed land and regrowth through gorse and exotic trees) and the landscape context (i.e. not connected to other public conservation land), limit the effectiveness of restoration for 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)

- Submitters opposed disposal as “according to the technical reports this area has good ecological values and should be retained to allow development of riparian strip to protect the creek”. Another noted “retention of good opportunities for restoration of depleted indigenous ecosystems”.
- Submitters who referenced ecological values recommended the area be retained as “Local Purpose (River Conservation for ecological reasons) Reserve” or government purpose (river floodplain) 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.

- Submissions also recommended “Local purpose (river conservation for ecological reasons) reserve” as an alternative.
- 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 areas are small and landlocked and have no restoration potential.

I recommend that these comments are not accepted. The highly modified nature of the pastoral components (low naturalness due to surrounding intensively farmed land and regrowth through gorse and exotic trees) and the landscape context (i.e. not connected to other public conservation land), limit the effectiveness of restoration and 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 for qualifying waterbodies, which will be retained and protected as public conservation land.

Treaty Considerations (Allowed)

- One submission stated no stewardship land should be disposed of, except to tangata whenua, “and only then with the need to maintain the block’s cultural, conservation & mahika-kai values”.

I recommend that these comments are not accepted. The proposed disposal investigation was supported by the Mana Whenua Panel, and any potential disposal of relevant 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 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, including the scale of research required for the quantity of land notified.
- 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.

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 highly modified nature of the pastoral components of the stewardship area (low naturalness due to surrounding intensively farmed land and regrowth through gorse and exotic trees) and the landscape context (i.e. not connected to other public conservation land), limit the effectiveness of restoration for 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. 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 Heritage New Zealand Pouhere Taonga’s 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.

MAW_32 – Hochstetter Forest – 2806813

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Hochstetter Forest	MAW_32_2806813f	Ecological Area	Neutral	12	4

DOC Conservation Values Report Description

A 15.265-ha west-facing terrace forest remnant that effectively joins Lake Hochstetter Ecological Area to the Hochstetter Wildlife Management Area. It is relatively small, isolated area of secondary growth indigenous forest with large forestry block adjacent and farmland on the other side.

Panel Recommendations

National Panel: Ecological area, to reflect the identified values, rationalise the boundary of the existing Lake Hochstetter Ecological Area, and contribute to landscape continuity and connectivity.

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 will protect the natural 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 promote the conservation of the natural resources present (e.g. secondary growth indigenous forest) and provide continuity with the Lake Hochstetter Ecological Area.

Ecological Area - MAW_32_2806813f

Support

Climate Change and Natural Hazards (Allowed)

- 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 referenced the “very high ecological values very similar to the existing national parks” that “deserve protection”.

I recommend that these comments are accepted to the extent that I agree that the natural resources identified are appropriately protected and preserved by the proposed classification. My assessment is that the points raised regarding classification as national park do not warrant overturning the notified intention.

General (Allowed)

- Submissions expressed overall support for the recommendation without providing specific justifications.
- Submissions agreed that the recommendation reflects the information provided in the technical reports.
- Submissions expressed a general preference for stewardship land to be reclassified at the highest possible classification, 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)

- One submission opposed reclassification as an ecological area on the grounds that, though it does not prohibit mining, it adds extra restrictions with consequent negative economic impacts, 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 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 (e.g. under a hunting permit) where consistent with preservation of the conservation values present.

MAW_33 – Kangaroo Creek – 2806805

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Kangaroo Creek (Pasture)	MAW_33_2806805k	Conservation Park		15	12
Kangaroo Creek (Pasture)	MAW_33_2806805l		Disposal	8	28
Kangaroo Creek (Forested Area)	MAW_33_2806805m	Conservation Park	Neutral	16	9

DOC Conservation Values Report Description

A 10.6-ha area in the Grey Valley of some indigenous forest but mostly pastoral land, with no active grazing concessions. Most of the creeks are marked as a Species Management Unit for dwarf galaxias and are also very important for lamprey. These areas are relatively isolated, and used for 4WD, and pig and deer hunting.

Kangaroo Creek (Pasture)

Panel Recommendations

National Panel: Conservation park, to reflect the identified values, protecting natural and historic resources while facilitating public recreation and enjoyment of the area.

Mana Whenua Panel: Disposal of the pastoral components as they are highly modified and should not form part of public conservation land.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of conservation park for the ‘pasture’ section of this stewardship area.

Summary of accepted submissions: Those submissions ‘accepted’ as holding merit opposed disposal based on the area’s freshwater values and potential for restoration.

Section 4 and Treaty principles: The Mana Whenua Panel have opposed the proposed classification, instead advocating for the area to be investigated for disposal “as the pastoral components of the Conservation Area Kangaroo Creek (NaPALIS #2806805) are highly modified and should not form part of conservation land”. 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 (e.g. freshwater values, potential for restoration) are appropriately protected under the proposed classification. The primary purpose of conservation parks includes to be managed so that their “natural and historic resources are protected” (Conservation Act 1987, s. 19(1)(a)).

Conservation Park - MAW_33_2806805k

Support

Climate Change and Natural Hazards (Allowed)

- A submitter in support of conservation park noted that disposal would not assist with a reduction in emissions from agriculture.

I recommend that these comments are accepted to the extent that 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.

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 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".
- 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".

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

Ecology and Landscape (Allowed)

- Submitters noted 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" and warrants a higher level of protection than that proposed.
- A submitter raised concern that though high conservation values have been identified, conservation park provides "pretty much the same protection as that of Stewardship Land. What is the point of that when the category won't protect the high conservation values identified and needed for proper protection".
- Submitters noted that the proposed conservation parks are in close proximity to one another and "it appears to be an inefficient way of managing land for conservation". It was recommended to combine the proposed parks where the values are similar as this "provides greater opportunity for large landscape scale management".

I recommend that these comments are not accepted. My assessment is that the natural resources present (e.g. areas of modified pasture and braided river) are appropriately protected under the proposed classification. The primary purpose of conservation parks includes to be managed so that their "natural and historic resources are protected" (Conservation Act 1987, s. 19(1)(a)).

Treaty Considerations (Allowed)

- The recommendation of the Mana Whenua Panel (disposal) 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".

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. freshwater values, potential for restoration) warrant proceeding with the notified proposal.

General (Allowed)

- One submitter stated their support for disposal without providing further justification.
- 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 noted their support for disposal and stated that any change should not affect the existing permissions, noting a mining access arrangement and an easement for a right of way.
- 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 and which have significant conservation value, such as populations of native fauna or flora or which provide unique recreational, social or ecological value could remain as conservation parks so long as the Minister also advises the Governor General to register them as specially protected areas”.

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”.
- Submitters noted the “absence of any information about possible economic activities that may occur as signalled in some instances” and that they could therefore not be confident about the appropriateness of the submission.
- 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)

- A submitter wanted the area to “remain a place for recreational activities, for which it is evidently popular. The stewardship category is completely unacceptable”.
- Submissions queried whether the proposed classification allows hunting, fishing and “provision for public access”.

I recommend these comments are accepted. Though I note recreational activity is currently unlikely to occur in the modified pastoral areas, 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 raised concern that conservation parks are a “relatively low protective category and not appropriate for those areas that have outstanding values”, and that multiple smaller parks “may not lead to integrated management”. They recommended reevaluation to ensure conservation park is the best fit for the identified values, and amalgamating close areas into larger parks.

I recommend that these comments are not accepted. My assessment is that the natural resources present (e.g. areas of modified pasture and braided river) are appropriately protected under the proposed classification. The primary purpose of conservation parks includes to be managed so that their “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 for consideration.

Permissions, Economic Factors and Land Use (Not Allowed)

- A submitter wanted the area to “receive a classification which will prevent the logging of indigenous forest”.

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 - MAW_33_28068051

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)

- A submission stated they support all disposals of stewardship land as they agreed the land identified did not hold any conservation values.

I recommend that these comments are not accepted. Although the assessment area contains modified elements, my assessment is that its freshwater values and landscape context (nearby areas of forest) mean it may be suitable for restoration and warrants retention as public conservation land.

Treaty Considerations (Allowed)

- Submissions supported the recommendations of the Mana Whenua Panel on the basis that these recommendations 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. freshwater values, potential for restoration) warrant proceeding with the notified proposal.

Permissions, Economic Factors and Land Use (Not Allowed)

- A submitter stated that any change should not affect the existing permissions, noting a mining access arrangement and an easement for a right of way.

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)

- 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.
- A submitter wanted the area to “remain a place for recreational activities, for which it is evidently popular”.
- 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 these comments are accepted. Though I note recreational activity is currently unlikely to occur in the modified pastoral areas, 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)

- Submissions opposed disposal 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”.
- 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 on these lands”).
- Submitters commented that disposal would not assist with a reduction in emissions from agriculture (e.g. “The Recommendation 6 on Climate does not give effect to the CCC report recommendations in allowing further grazing”).
- Submitters wanted the land to be retained as public conservation land recommending alternative classification options such as scenic reserve or ecological reserve instead, conservation park (i.e. the National Panel recommendation) or government purpose (climate mitigation) reserve.

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. Although the assessment area contains modified elements, my assessment is that its freshwater values and landscape context (nearby areas of forest) mean it may be suitable for restoration and warrants retention as public conservation land. Classification as a conservation park will support this outcome.

Ecology and Landscape (Allowed)

- A submitter opposed disposal on the grounds that the stream and valley have high freshwater values “deserving of quality protection” (e.g. “The technical report says disjointed parcels associated with Kangaroo Creek are within a hotspot of freshwater fish diversity and provide habitat for the dwarf galaxias (actively monitored as a managed Species Management Unit) and lamprey”). They noted that though the catchment has been impacted by farmland, “a very decent riparian margin of indigenous bush remains along much of the true right of the creek (...) The red beech and totara remnants on this land are prime habitat for robins”. Scenic reserve or government purpose (climate mitigation) reserve were suggested as alternative classifications.
- 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.
- Submissions also recommended “Local purpose (river conservation for ecological reasons) reserve” as an alternative.

- 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 areas are small and landlocked and have no restoration potential.

I recommend that these comments are accepted. Although the assessment area contains modified elements, my assessment is that its freshwater values and landscape context (nearby areas of forest) mean it may be suitable for restoration and warrants retention as public conservation land. Classification as a conservation park will support this outcome.

Treaty Considerations (Allowed)

- One submission stated no stewardship land should be disposed of, except to tangata whenua “and only then with the need to maintain the block’s cultural, conservation & mahika-kai values”.

I recommend this comment is accepted to the extent that 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. freshwater values, potential for restoration) warrant proceeding with the notified proposal.

General (Allowed)

- Submitters expressed a preference for the national panel recommendation of conservation park without providing further justification.
- 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 wanted the area to “receive a classification which will prevent the logging of indigenous forest”.
- 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, including the scale of research required for the quantity of land notified.
- 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.

No Opinion/Position Stated

Access and Recreation (Allowed)

- A submitter wanted the area to “remain a place for recreational activities, for which it is evidently popular. The stewardship category is completely unacceptable”.

I recommend these comments are accepted. Though I note recreational activity is currently unlikely to occur in the modified pastoral areas, 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 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. Although the assessment area contains modified elements, my assessment is that its freshwater values and landscape context (nearby areas of forest) mean it may be suitable for restoration and warrants retention as public conservation land. Classification as a 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.

Other (Not Allowed)

- One submission noted that disposal of land will be subject to Heritage New Zealand Pouhere Taonga’s 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.

Kangaroo Creek (Forested Area)

Panel Recommendations

National Panel: Conservation park, 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 ‘forested area’ section of this stewardship area.

Summary of accepted submissions: Excepting those expressing general support for the proposal, no submissions were accepted as holding substantial merit with regard to your 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 under the proposed classification. The primary purpose of conservation parks includes to be managed so that their “natural and historic resources are protected” (Conservation Act 1987, s. 19(1)(a)).

Conservation Park - MAW_33_2806805m

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)

- 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

Ecology and Landscape (Allowed)

- A submitter raised concern that though high conservation values have been identified, conservation park provides “pretty much the same protection as that of Stewardship Land. What is the point of that when the category won’t protect the high conservation values identified and needed for proper protection”.
- Submitters noted 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” and warrants a higher level of protection than that proposed.

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

- Submitters noted that the proposed conservation parks are in close proximity to one another and “it appears to be an inefficient way of managing land for conservation”. It was recommended to combine the proposed parks where the values are similar as this “provides greater opportunity for large landscape scale management”.

I recommend that these comments are not accepted. There are no specifications in the Conservation Act 1987 or Conservation General Policy regarding the size or proximity of distinct conservation parks.

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 and which have significant conservation value, such as populations of native fauna or flora or which provide unique recreational, social or ecological value could remain as conservation parks so long as the Minister also advises the Governor General to register them as specially protected-areas”.
- 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”.

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”.
- Submitters noted the “absence of any information about possible economic activities that may occur as signalled in some instances” and that they could therefore not be confident about the appropriateness of the submission.
- 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)

- A submitter wanted the area to “remain a place for recreational activities, for which it is evidently popular. The stewardship category is completely unacceptable”.

I recommend that these comments are not accepted. It is my view that recreational values are 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)).

- 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 (e.g. under a hunting permit) where consistent with preservation of the conservation values present.

Ecology and Landscape (Allowed)

- A submitter raised concern that conservation parks are a “relatively low protective category and not appropriate for those areas that have outstanding values”, and that multiple smaller parks “may not lead to integrated management”. They recommended reevaluation to ensure conservation park is the best fit for the identified values, and amalgamating close areas into larger parks.

I recommend that these comments are not accepted. There are no specifications in the Conservation Act 1987 or Conservation General Policy regarding the size or proximity of distinct conservation parks. My assessment is that the natural resources present 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 their “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 wanted the area to “receive a classification which will prevent the logging of indigenous forest”.
- A submitter stated that any change should not affect the existing permissions, noting a mining access arrangement and an easement for a right of way.

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.

MAW_33 – Blackwater Creek - Souters Creek – 2806985

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Blackwater Creek - Souters Creek	MAW_33_2806985g	Stewardship	Stewardship	10	12

DOC Conservation Values Report Description

A 4208.3123-ha area of indigenous forest in the Grey Valley. Most of the creeks are marked as a Species Management Unit for dwarf galaxias and are also very important for lamprey. Multiple 4WD tracks cut through, likely to be old forestry roads. There are multiple archaeological sites associated with gold mining and the bush tramway system used to extract logs for milling. Concessions held include a medium impact mining access arrangement for alluvial gold mining and an easement for a right of way. These areas are relatively isolated, and used for 4WD, and pig and deer hunting.

Panel Recommendations

National Panel: Stewardship to enable Ngāi Tahu to negotiate a land exchange that would provide practical access to their forestry blocks.

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.

Section 4 and Treaty principles: The Mana Whenua Panel has supported the notified proposal, supported by submissions from Treaty partner organisations. The Mana Whenua Panel has signalled interests associated with this stewardship area, particularly that the area is “adjacent to Ngāi Tahu Forestry, an indication of Ngāi Tahu presence, interest and use of the land in this vicinity”, “Ngāi Tahu may have future aspirations for this land (such as forestry)” 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 - MAW_33_2806985g

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”).

- Submitters noted support for retaining in stewardship land to enable further assessment of Ngāi Tahu forestry interests.

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.
- One submitter stated support for retaining in stewardship, but noted preference for disposal.

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

- A submitter in support stated that any change should not affect the existing permissions, noting a mining access arrangement and an easement for a right of way to access a proposed alluvial gold mining operation.
- Submissions advocated for retaining the area in stewardship or reclassifying it as a conservation park, suggesting these classifications provide “more than adequate legal protection”.

Oppose

Access and Recreation

- Submitters in opposition to retaining the land in stewardship recommended that “this area should receive a classification which will prevent the logging of indigenous forest, and remain a place for recreational activities, for which it is evidently popular”.

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, public access to the area will remain protected until an appropriate classification is determined.

Climate Change and Natural Hazards

- Submitters commented that retaining land in stewardship “would not assist with a reduction in emissions from agriculture” or give effect to the Climate Change Commission Report, and that there are opportunities for carbon sequestration. Recommended alternatives were conservation park, scenic reserve or ecological area.

I recommend that these comments are not accepted. While I agree that the natural values present may support climate mitigation, 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.

Ecology and Landscape

- Submitters suggested that protection of natural values (from potentially damaging commercial activities) and restoration should be the primary focus of reclassification. It was suggested that the technical report did not fully portray the ecological values of the area, with submitters describing the regenerating red beech forest as the “keystone” of a “high productivity ecosystem”, the freshwater values and fish habitat (e.g. “the boundaries almost totally encompass the headwater providing protection of a now rare stream environment”, “a very high level of catchment naturalness from the headwaters to the confluence with Kangaroo Creek”, “The catchment has been impacted by farmland, but a very decent riparian margin of indigenous bush remains along much of the true right of the creek”), and “regenerating pakihi in the headwaters of Souter Creek”.

- Recommended alternatives were ecological area, scenic reserve, or inclusion in the proposed Māwhera Conservation Park.
- Submitters also commented that the landscape context of the area warrants a higher classification, such as conservation park or ecological area (e.g. “It is adjacent to the Deep Creek Ecological Area. It should have been part of that ecological area when it was set aside during the beech scheme”, “land parcel lies adjacent to land that has a higher protected status than that proposed, land parcel has ecological values that appear similar to those on other nearby land with a higher protected status”).
- It was stated that the land has “too high conservation values to be disposed of and borders other conservation land which is not stewardship land, and therefore cannot be disposed of under the Conservation Act”.

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.

Treaty Considerations

- A submitter stated that the “suggestion seems to be that giving effect to the principles of the Treaty of Waitangi, requires that land for which mana whenua have aspirations, needs to be retained as stewardship land to ensure that those aspirations can be realised (...) As noted above, Forest & Bird considers that this goes beyond the obligation to give effect to the Treaty of Waitangi. An area with high conservation values should be reclassified to reflect that value”.

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.

General

- 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 recommended adding the area to Deep Creek Ecological 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.

Permissions, Economic Factors and Land Use

- A submitter who stated that retaining land in stewardship “cannot be justified” noted that “Ngāi Tahu is able to discuss an easement arrangement with the Department”.

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

Process and Consultation

- Submitters raised concerns about the process, suggesting that retaining land in stewardship “cannot be justified” and that assessment of conservation and recreation values should take priority over potential use (e.g. “There is no basis for recommending that stewardship land is not reclassified, while further investigations are made into other possible uses of the land. Possible future mining and pastoral uses are not relevant to the current land classification process”).
- 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.

MAW_34 – Bell Hill Farm – 2806525

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Bell Hill Farm	MAW_34_2806525h	Conservation Park	Neutral	14	10

DOC Conservation Values Report Description

A 61.6653-ha of dense native bush with a high level of naturalness. Parts of the area are adjacent to pākihi and swamp wetlands. There is a high number of records of fish of conservation concern and a large number of recorded historic sites associated with mining and timber milling technology. A 4WD road provides access to the area but it is likely to receive a low level of recreational use.

Panel Recommendations

National Panel: Conservation park, 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 your notified classification.

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

The Mana Whenua Panel has 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)”.

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 natural resources present (e.g. native bush with a high level of naturalness) are appropriately protected under the proposed classification. The primary purpose of conservation parks includes to be managed so that their “natural and historic resources are protected” (Conservation Act 1987, s. 19(1)(a)).

Conservation Park - MAW_34_2806525h

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)

- 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”.

- 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".

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

Ecology and Landscape (Allowed)

- A submitter raised concern that though high conservation values have been identified, conservation park provides "pretty much the same protection as that of Stewardship Land. What is the point of that when the category won't protect the high conservation values identified and needed for proper protection".
- Submitters noted 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" and warrants a higher level of protection than that proposed.

I recommend that these comments are not accepted. My assessment is that the natural resources present are appropriately protected under the proposed classification. The points raised do not warrant overturning the notified intention. The primary purpose of conservation parks includes to be managed so that their "natural and historic resources are protected" (Conservation Act 1987, s. 19(1)(a)).

- Submitters noted that the proposed conservation parks are in close proximity to one another and "it appears to be an inefficient way of managing land for conservation". It was recommended to combine the proposed parks where the values are similar as this "provides greater opportunity for large landscape scale management".

I recommend that these comments are not accepted. There are no specifications in the Conservation Act 1987 or Conservation General Policy regarding the size or proximity of distinct conservation parks.

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 and which have significant conservation value, such as populations of native fauna or flora or which provide unique recreational, social or ecological value could remain as conservation parks so long as the Minister also advises the Governor General to register them as specially protected-areas".

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".
- Submitters noted the "absence of any information about possible economic activities that may occur as signalled in some instances" and that they could therefore not be confident about the appropriateness of the submission.
- 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 (e.g. under a hunting permit) where consistent with preservation of the conservation values present.

Ecology and Landscape (Allowed)

- A submitter raised concern that conservation parks are a “relatively low protective category and not appropriate for those areas that have outstanding values”, and that multiple smaller parks “may not lead to integrated management”. They recommended reevaluation to ensure conservation park is the best fit for the identified values, and amalgamating close areas into larger parks.

I recommend that these comments are not accepted. There are no specifications in the Conservation Act 1987 or Conservation General Policy regarding the size or proximity of distinct conservation parks. My assessment is that the natural resources present 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 their “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.

MAW_34 – Ongionui Creek – 2806986

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Ongionui Creek	MAW_34_2806986i	Conservation Park	Neutral	14	12

DOC Conservation Values Report Description

A 1672.9302-ha area of forest land that encapsulates many tributaries of the lower Grey River/Māwheranui River. It is dense native bush with a high level of naturalness from headwaters to 1 km from confluence with the river, where there appears to be clear evidence of farming land use. Parts of the area are adjacent to pākihi and swamp wetlands, and there is a high number of records of fish of conservation concern. There is a large number of recorded historic sites associated with mining and timber milling technology. A forestry 4WD road provides access to some parts of the area and some parts are adjacent to SH 7 but it is likely to receive a low level of recreational use.

Panel Recommendations

National Panel: Conservation park, 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 your notified classification.

Section 4 and Treaty principles: The Mana Whenua Panel have not opposed the notified classification.

The Mana Whenua Panel has 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)”.

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 on balance the natural resources present (e.g. native forest with a high level of naturalness, creek beds and surrounding catchments) are appropriately protected under the proposed classification, when also considering the historic resources present (e.g. numerous archaeological sites associated with mining and timber milling). The primary purpose of conservation parks includes to be managed so that their “natural and historic resources are protected” (Conservation Act 1987, s. 19(1)(a)).

Conservation Park - MAW_34_2806986i

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)

- 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”.
- 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”.

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

Climate Change and Natural Hazards (Allowed)

- A submitter in opposition stated that the recommendation “does not give effect to the CCC report recommendations. Further goldmining has negative environmental and carbon impacts”. They recommended scenic reserve or ecological area.
- A submitter commented that it was “disturbing to see a substantial area of mining disturbance in the vicinity of nztm009 699 on the flat. It is a setback for regeneration and carbon sequestration”.

I recommend that these comments are not accepted. My assessment is that on balance the natural resources present (e.g. native forest with a high level of naturalness, creek beds and surrounding catchments), and their associated potential for climate mitigation, are appropriately protected under the proposed classification, when also considering the historic resources present (e.g. numerous archaeological sites associated with mining and timber milling). The points raised do not warrant overturning the notified intention. The primary purpose of conservation parks includes to be managed so that their “natural and historic resources are protected” (Conservation Act 1987, s. 19(1)(a)).

Ecology and Landscape (Allowed)

- A submitter opposed the recommendation as offering insufficient protection for the natural values and recommended scenic reserve or ecological area (e.g. “the quality of the values is high and deserving of quality protection”). Based on a visit to the area, they noted the presence of robins and “amazing regeneration of forest with kamahi now dominant but rimu sapling emerging”.
- A submitter raised concern that though high conservation values have been identified, conservation park provides “pretty much the same protection as that of Stewardship Land. What is the point of that when the category won’t protect the high conservation values identified and needed for proper protection”.
- Submitters noted 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” and warrants a higher level of protection than that proposed.

I recommend that these comments are not accepted. My assessment is that on balance the natural resources present (e.g. native forest with a high level of naturalness, creek beds and surrounding catchments) are appropriately protected under the proposed classification, when also considering the historic resources present (e.g. numerous archaeological sites associated with mining and timber milling). The points raised do not warrant overturning the notified intention. The primary purpose of conservation parks includes to be managed so that their “natural and historic resources are protected” (Conservation Act 1987, s. 19(1)(a)).

- Submitters noted that the proposed conservation parks are in close proximity to one another and “it appears to be an inefficient way of managing land for conservation”. It was recommended to combine the proposed parks where the values are similar as this “provides greater opportunity for large landscape scale management”.

I recommend that these comments are not accepted. There are no specifications in the Conservation Act 1987 or Conservation General Policy regarding the size or proximity of distinct conservation parks.

General (Allowed)

- Submissions advocated for a higher level of protection (e.g. “add to Deep Creek Ecological Area”) 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 opposed the recommendation as “the multiple use concept is implicit in the Conservation Park class”, stating their concern about goldmining.
- 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 and which have significant conservation value, such as populations of native fauna or flora or which provide unique recreational, social or ecological value could remain as conservation parks so long as the Minister also advises the Governor General to register them as specially protected-areas”.

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”.
- Submitters noted the “absence of any information about possible economic activities that may occur as signalled in some instances” and that they could therefore not be confident about the appropriateness of the submission.
- 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 (e.g. under a hunting permit) where consistent with preservation of the conservation values present.

Ecology and Landscape (Allowed)

- A submitter raised concern that conservation parks are a “relatively low protective category and not appropriate for those areas that have outstanding values”, and that multiple smaller parks “may not lead to integrated management”. They recommended reevaluation to ensure conservation park is the best fit for the identified values, and amalgamating close areas into larger parks.

I recommend that these comments are not accepted. There are no specifications in the Conservation Act 1987 or Conservation General Policy regarding the size or proximity of distinct conservation parks. My assessment is that the natural resources present 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 their “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.

MAW_35 – Dunganville Road – 2806534

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Dunganville Road	MAW_35_2806534j	Ecological Area	Ecological Area	15	4

DOC Conservation Values Report Description

A 6.5982-ha area of forest land typical of the surrounding ecological area, almost completely surrounded by the Card Creek Ecological Area and bordered to the southeast by pine plantation. The parcel exhibits relative levels of freshwater species of conservation concern. Difficult to access – would involve travel on foot through the adjoining ecological area.

Panel Recommendations

National Panel: Ecological area, to reflect the identified values, to rationalise the boundary of the existing Card Creek Ecological Area, and contribute to landscape continuity and connectivity.

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

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 will protect the natural values present.

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 appropriately promote the conservation of the natural resources present (e.g. indigenous forest, high predicted water quality) and provide continuity with the Card Creek Ecological Area.

Ecological Area - MAW_35_2806534j

Support

Climate Change and Natural Hazards (Allowed)

- 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).

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 agree that the proposed classification will appropriately promote the conservation of the natural resources present. I note that the Mana Whenua Panel have supported the proposed classification.

General (Allowed)

- Submissions expressed overall support for the recommendation without providing specific justifications.
- Submissions agreed that the recommendation reflects the information provided in the technical reports.
- Submissions expressed a general preference for stewardship land to be reclassified at the highest possible classification, 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)

- One submission opposed reclassification as an ecological area on the grounds that, though it does not prohibit mining, it adds extra restrictions with consequent negative economic impacts, 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 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 (e.g. under a hunting permit) where consistent with preservation of the conservation values present.

MAW_35 – Omoto Forest – 2806551

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Omoto Forest	MAW_35_2806551k	Ecological Area	Ecological Area	15	4

DOC Conservation Values Report Description

An 8.8815-ha area consisting of two sections of forest land typical of the surrounding ecological area and almost completely surrounded by the Card Creek Ecological Area. The parcel exhibits relative levels of freshwater species of conservation concern. Difficult to access – would involve travel on foot through the adjoining ecological area.

Panel Recommendations

National Panel: Ecological area, to reflect the identified values, to rationalise the boundary of the existing Card Creek Ecological Area, and contribute to landscape continuity and connectivity.

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

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. 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 appropriately promote the conservation of the natural resources present (e.g. indigenous forest, high predicted water quality) and provide consistency with the surrounding Card Creek Ecological Area.

Ecological Area - MAW_35_2806551k

Support

Climate Change and Natural Hazards (Allowed)

- 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).

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 agree that natural resources present are appropriately protected by the proposed classification of ecological area. I note that the Mana Whenua Panel have supported the proposed classification.

General (Allowed)

- Submissions expressed overall support for the recommendation without providing specific justifications.
- Submissions agreed that the recommendation reflects the information provided in the technical reports.
- Submissions expressed a general preference for stewardship land to be reclassified at the highest possible classification, 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)

- One submission opposed reclassification as an ecological area on the grounds that, though it does not prohibit mining, it adds extra restrictions with consequent negative economic impacts, 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 were concerned with ensuring that any reclassification provides explicitly for access, sports fishing and gamebird hunting.

MAW_36 – Māori Gully Creek – 2806987

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Māori Gully Creek	MAW_36_2806987I	Scenic Reserve (b)	Scenic Reserve (b)	14	5

DOC Conservation Values Report Description

An 87.1844-ha area made up of two parcels of secondary growth forest and shrubland, with some wetland elements on the slope leading down to the Arnold River flats. Both areas have a history of gold mining, and two mining access arrangements are in place for alluvial gold mining at Māori Gully, Grey Valley. Occasional hunting occurs.

Panel Recommendations

National Panel: Scenic reserve (b), as the area is of sufficient modification to warrant this classification and it is considered to reflect the identified values.

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 (b).

Summary of accepted submissions: Those submissions 'accepted' as holding merit supported the notified classification as adequately considering 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 have supported the notified classification, supported by submissions from Treaty partner organisations.

The Mana Whenua Panel has signalled site-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", "Ngāi Tahu may have future aspirations for this land (such as forestry)".

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 the proposed classification will appropriately promote the conservation of the natural and historic resources present (e.g. secondary growth forest and shrubland).

Scenic Reserve (b) - MAW_36_2806987I

Support

Climate Change and Natural Hazards (Allowed)

- 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 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).

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 agree that the proposed classification will appropriately promote the conservation of the natural and historic resources present. I note that the Mana Whenua Panel have supported the notified classification, therefore I consider the proposed classification is not inconsistent with the identified Ngāi Tahu interests.

General (Allowed)

- Submissions expressed overall support for the recommendation without providing specific justifications.
- Submissions agreed that the recommendation reflects the information provided in the technical reports.
- Submissions expressed a general preference for stewardship land to be reclassified at the highest possible classification, 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)

- One submission recommended that the land instead be considered for disposal “as productive land”, noting that it “has previously been mined and used for forestry purposes”, and stating that “if disposal is inappropriate the Council would recommend the land be reclassified as a Historic Reserve”.
- One submission opposed reclassification as scenic reserve on the grounds that, though it does not prohibit mining, it adds extra restrictions with consequent negative economic impacts, 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)

- Submissions 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 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 (e.g. 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)

- 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.

MAW_37 – Nelson Creek – 2806527

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Nelson Creek	MAW_37_2806527m	Wildlife Management Area	Neutral	10	3

DOC Conservation Values Report Description

A 34.3114-ha area containing riparian forest associated with Nelson Creek and just west of Hochstetter Wildlife Management Area separated by a small section of Nelson Creek. There is access and occasional use for hunting. Parts of the area were set aside under the Discharged Soldiers' Settlement Act 1915.

Panel Recommendations

National Panel: Wildlife management area, to appropriately reflect the identified values, rationalise the boundary of the existing Hochstetter Wildlife Management Area and provide for landscape continuity and connectivity.

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. riparian forest) while providing for their appreciation and recreational enjoyment by the public, being managed so that "its indigenous natural resources and its historic resources are protected" (Conservation Act 1987, s. 23B(1)).

Wildlife Management Area - MAW_37_2806527m

Support

Ecology and Landscape (Allowed)

- Support was expressed for the recommendation as providing protection for freshwater habitats.

I recommend that these comments are accepted. I agree that the natural resources present are appropriately protected and preserved by the proposed classification. Wildlife management areas are managed so that "wildlife and wildlife habitat values (including the capacity for the movement of wildlife, genetic material of indigenous plants, and genetic material of wildlife) are protected" (Conservation Act 1987, s. 23B(1)).

General (Allowed)

- Submissions expressed overall support for the recommendation without providing specific justification, or agreed that the recommendation reflects the information provided in the technical reports.
- The recommendation was supported as reflecting the use of the land and adequately protecting against degradation of the land.
- Submissions expressed a general preference for stewardship land to be reclassified at the highest possible classification, 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)

- 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)

- Submissions 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 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 (e.g. 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 that any change should not affect the existing permissions, noting the existence of “an easement for a right of way road to Flagstaff Flat”.

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

MAW_37 – Nelson Creek Farm – 2806528

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Nelson Creek Farm	MAW_37_2806528n	Ecological Area	Neutral	13	4

DOC Conservation Values Report Description

A 153.3233-ha area appearing to contain mainly wetland, with some forest, associated with Souters Creek and adjoining Deep Creek Ecological Area and Blackwater Creek - Souters Creek Conservation Area on its western side. There is access and occasional use for hunting. Parts of the area were set aside under the Discharged Soldiers' Settlement Act 1915.

Panel Recommendations

National Panel: Ecological area, to reflect the identified values, rationalise the boundary of the existing Deep Creek 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.

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. wetland, indigenous forest) and provide consistency with the existing Deep Creek Ecological Area.

Ecological Area - MAW_37_2806528n

Support

Climate Change and Natural Hazards (Allowed)

- 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).

General (Allowed)

- Submissions expressed overall support for the recommendation without providing specific justifications.
- Submissions agreed that the recommendation reflects the information provided in the technical reports.
- Submissions expressed a general preference for stewardship land to be reclassified at the highest possible classification, 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)

- One submission opposed reclassification as an ecological area on the grounds that, though it does not prohibit mining, it adds extra restrictions with consequent negative economic impacts, 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 were concerned with ensuring that any reclassification provides explicitly for access, sports fishing and gamebird hunting.

Permissions, Economic Factors and Land Use (Not Allowed)

- A submitter stated that “any change should not affect the existing permissions”, noting there is an easement for a right of way road to Flagstaff Flat.

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

MAW_37 – Nelson Creek Farm – 2806529

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Nelson Creek Farm	MAW_37_2806529o	Wildlife Management Area	Neutral	10	3

DOC Conservation Values Report Description

A 30.1587-ha area made up three sections containing primarily riparian forest, associated with Nelson Creek and adjoining Hochstetter Wildlife Management Area. There is access and occasional use for hunting. Parts of the area were set aside under the Discharged Soldiers' Settlement Act 1915.

Panel Recommendations

National Panel: Wildlife management area, to appropriately reflect the identified values, rationalise the boundary of the existing Hochstetter Wildlife Management Area and provide for landscape continuity and connectivity.

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. riparian forest) while providing for their appreciation and recreational enjoyment by the public, being managed so that "its indigenous natural resources and its historic resources are protected" (Conservation Act 1987, s. 23B(1)).

Wildlife Management Area - MAW_37_2806529o

Support

Ecology and Landscape (Allowed)

- Support was expressed for the recommendation as providing protection for freshwater habitats.

I recommend that these comments are accepted. I agree that the natural resources present are appropriately protected and preserved by the proposed classification. Wildlife management areas are managed so that "wildlife and wildlife habitat values (including the capacity for the movement of wildlife, genetic material of indigenous plants, and genetic material of wildlife) are protected" (Conservation Act 1987, s. 23B(1)).

General (Allowed)

- Submissions expressed overall support for the recommendation without providing specific justification, or agreed that the recommendation reflects the information provided in the technical reports.
- The recommendation was supported as reflecting the use of the land and adequately protecting against degradation of the land.
- Submissions expressed a general preference for stewardship land to be reclassified at the highest possible classification, 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)

- 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)

- Submissions 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 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 (e.g. 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 that any change should not affect the existing permissions, noting the existence of “an easement for a right of way road to Flagstaff Flat”.

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

MAW_37 – Bell Hill – 2806530

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Bell Hill	MAW_37_2806530p	Wildlife Management Area	Neutral	12	7

DOC Conservation Values Report Description

A 173.4074-ha area made up four sections containing riparian forest and wetland, associated with Nelson and Findlay Creek with some sections adjoining Hochstetter Wildlife Management Area. There is access and occasional use for hunting. Parts of the area were set aside under the Discharged Soldiers' Settlement Act 1915. One concession is in place for a right of way easement.

Panel Recommendations

National Panel: Wildlife management area, to appropriately reflect the identified values, rationalise the boundary of the existing Hochstetter Wildlife Management Area and provide for landscape continuity and connectivity.

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. 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 not opposed the notified classification.

The Mana Whenua Panel has signalled specific Ngāi Tahu interests associated with this stewardship area, particularly that "this conservation area (along Haupiri Road) is adjacent to Ngāi Tahu Forestry, an indication of Ngāi Tahu presence, interest and use of the land in this vicinity", "Ngāi Tahu may have future aspirations for this land (such as forestry)".

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. riparian forest and wetland) while providing for their appreciation and recreational enjoyment by the public, being managed so that "its indigenous natural resources and its historic resources are protected" (Conservation Act 1987, s. 23B(1)).

Wildlife Management Area - MAW_37_2806530p

Support

Ecology and Landscape (Allowed)

- Support was expressed for the recommendation as providing protection for freshwater habitats.

I recommend that these comments are accepted. I agree that the natural resources present are appropriately protected and preserved by the proposed classification. Wildlife management areas are managed so that "wildlife and wildlife habitat values (including the capacity for the movement of wildlife, genetic material of indigenous plants, and genetic material of wildlife) are protected" (Conservation Act 1987, s. 23B(1)).

General (Allowed)

- Submissions expressed overall support for the recommendation without providing specific justification, or agreed that the recommendation reflects the information provided in the technical reports.
- The recommendation was supported as reflecting the use of the land and adequately protecting against degradation of the land.

- Submissions expressed a general preference for stewardship land to be reclassified at the highest possible classification, 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

Ecology and Landscape (Allowed)

- Submitters in opposition to the recommendation suggested that it overstated the ecological values present.
- Recommended alternatives were retaining the land in stewardship or disposal.
- Submissions detailed the history of land use in the conservation area and its surrounds, noting that “the total area has been significantly modified through timber extraction, invasive transmission power lines and previous farming activities”, and “the timber and scrub within the boundaries of this land represents regrowth following the ceasing of timber extraction in the late 1960s and the maintenance roading for the transmission line”. It was noted that a “well established tram track cut into a terrace is located roughly in the centre of the parcel. There is further a three-phase transmission power line that runs the entire width of the southern end of the parcel. This transmission line has meant that a significant area of the parcel was cleared and continues to be clear”.
- The area was described as containing “noxious plants and wildlife” (e.g. “significant gorse growth within and around the perimeters (...) which requires constant maintenance by the adjoining land owners”).
- It was noted that “the ecological values are protected via Schedule 2 wetlands in the Regional Plan and a species management plan is in place for Red Jacks Creek. There is no terrestrial species recorded in the parcel with wetland species being protected via schedule 2 wetlands designation”.
- It was stated that though the report identifies the area as contiguous with the Hochstetter Wildlife Management Area, this is incorrect, and the parcel is “an isolated block with road reserve on the northern and southern boundaries and farmland on the western and eastern boundaries”.
- A submitter commented that “the ecological value of the land is also currently very well represented within the 6525- hectare Hochstetter Wildlife Management Area and the 6916-hectare Bell Hill-Granite Hill Ecological Area”.

I recommend that these comments are not accepted. Although areas of modification may be present, my assessment is that the natural resources described in the CVR are appropriately protected by the proposed classification (e.g. riparian forest associated with Findlay Creek, several swamp and pākihi wetlands are present). This is supported by the land context of the Hochstetter Wildlife Management Area, which directly adjoins most parcels of the conservation area. Wildlife management areas are managed so that “wildlife and wildlife habitat values (including the capacity for the movement of wildlife, genetic material of indigenous plants, and genetic material of wildlife) are protected” (Conservation Act 1987, s. 23B(1)).

General (Allowed)

- A submitter recommended classification as an ecological area rather than a wildlife management 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.

Permissions, Economic Factors and Land Use (Not Allowed)

- Submitters opposed the recommendation due to concerns this classification could preclude access to aggregate and mining.
- Recommended alternatives were retaining the land in stewardship or disposal.
- Submitters highlighted the industrial rock within and adjacent to the area is of economic and social importance to the community and is in limited supply (e.g. provides “gravels for road maintenance & farming tracks plus protection rock to maintain state highways during times of serious weather events in the area. There is no other aggregate / rock source within a fifty-kilometre radius of our Bell Hill mining operations. This resource is an important source of rock without significant impact on the environment. No blasting is required in the rock extraction process. This type of rock is in limited supply in the area to protect farms, homes, transport infrastructure and communities from flooding events”).

- They also noted the potential economic benefits associated with gold in the area (e.g. “There are still significant deposits of gold available in the area for extraction which is a source of employment for the local community, and income for the Crown by way of Gold Royalty Returns”).
- A submitter detailed the history of the area, highlighting that it was “originally part of the land that was made available to Returned Serviceman for farming and development” and has since been used variously for timber milling and farming.
- It was noted that “whilst the area is adjacent to Ngāi Tahu forestry no assessment by the Mana Whenua panel has been made. (...) Grey District would like this to be reconsidered for disposable in support of the Mana Whenua Panel for future economic development purposes as productive land”.

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

Process and Consultation (Not Allowed)

- A submitter suggested that Panel members seem not to have made a thorough onsite inspection of each individual parcel, including this conservation area, stating that “as an adjoining landowner I would have happily supplied access and knowledge of the historical aspects of the land”.
- 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)

- Submissions 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 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 (e.g. 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 that any change should not affect the existing permissions, noting the existence of an “easement for a right of way road to Flagstaff Flat”.

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

MAW_38 – Bell Hill Farm – 2806531

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Bell Hill Farm (Northeast)	MAW_38_2806531j	Ecological Area	Neutral	13	4
Bell Hill Farm (Southwest)	MAW_38_2806531k	Scenic Reserve (a)	Neutral	11	6

DOC Conservation Values Report Description

A 322.5033-ha area consisting of three main sections of land containing forest remnants of both beech and podocarp as well as examples of pākihi and swamp wetlands. The northeastern section is adjacent to the Deep Creek Ecological Area, while the two southwestern areas are surrounded by farmland but provide important fragments for bird passage and important remnants of indigenous vegetation. Deep Creek pākihi is listed as a Schedule 2 wetlands and, as a substantial area of well- established pākihi, had the largest concentration of fernbirds on the former Bell Hill Farm settlement. All but one area can be accessed on foot from Deep Creek Road and Deep Creek. One area is isolated and surrounded by farmland. There may have been a bush tramway.

Bell Hill Farm (Northeast)

Panel Recommendations

National Panel: Ecological area, to reflect the identified values, rationalise the boundary of the existing Deep Creek Ecological Area and provide for landscape continuity and connectivity. The remaining two isolated blocks of this conservation area have been separately recommended as scenic reserve (a).

Mana Whenua Panel: Neutral.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of ecological area for the 'northeast' section of this stewardship 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.

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. forest remnants of both beech and podocarp as well as examples of pākihi and swamp wetlands) and provide consistency with the existing Deep Creek Ecological Area.

Ecological Area - MAW_38_2806531j

Support

Climate Change and Natural Hazards (Allowed)

- 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).

General (Allowed)

- Submissions expressed overall support for the recommendation without providing specific justifications.
- Submissions agreed that the recommendation reflects the information provided in the technical reports.
- Submissions expressed a general preference for stewardship land to be reclassified at the highest possible classification, 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)

- One submission opposed reclassification as an ecological area on the grounds that, though it does not prohibit mining, it adds extra restrictions with consequent negative economic impacts, 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 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 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 (e.g. 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.

Bell Hill Farm (Southwest)

Panel Recommendations

National Panel: Scenic reserve (a), to preserve the identified ecological values, protect any historic/archaeological features and provide for the existing recreational use of the area. The remaining parcels of this conservation area, adjacent to the Deep Creek Ecological Area, have been separately recommended as an ecological area.

Mana Whenua Panel: Neutral.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of scenic reserve (a) for the 'southwest' section of this stewardship 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.

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.

Scenic Reserve (a) - MAW_38_2806531k

Support

Climate Change and Natural Hazards (Allowed)

- 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 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).

General (Allowed)

- Submissions expressed overall support for the recommendation without providing specific justifications.
- Submissions agreed that the recommendation reflects the information provided in the technical reports.
- Submissions expressed a general preference for stewardship land to be reclassified at the highest possible classification, 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

General (Allowed)

- A submitter recommended adding the area to Deep Creek Ecological 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.

Permissions, Economic Factors and Land Use (Not Allowed)

- A submitter opposed the recommendation, stating that the “Grey District Council would like this land to be reconsidered for disposal as productive land for future economic development opportunities”.
- One submission opposed reclassification as scenic reserve on the grounds that, though it does not prohibit mining, it adds extra restrictions with consequent negative economic impacts, 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)

- Submissions 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 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 (e.g. 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)

- 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 any change should not affect the existing permissions, noting that there is an easement for a right of way road to Flagstaff Flat.

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

MAW_39 – Bell Hill Farm – 2806532

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Bell Hill Farm	MAW_39_2806532q	Conservation Park	Neutral	14	11

DOC Conservation Values Report Description

A 116.6017-ha series of interconnected parcels containing remnant podocarp-hardwood forest, secondary growth, and areas of open wet ground on outwash. Previously logged, this area is now recovering and represents a range of habitats. Most of the neighbouring flats have been cleared for farming. This assessment area together with MAW_34 to the north protects forest associated with Deep Creek for 2 to 3 km. Occasional hunting occurs.

Panel Recommendations

National Panel: Conservation park, 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 your 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 (e.g. g remnant podocarp-hardwood forest, areas of open wet ground on outwash) are appropriately protected under the proposed classification. The primary purpose of conservation parks includes to be managed so that their “natural and historic resources are protected” (Conservation Act 1987, s. 19(1)(a)).

Conservation Park - MAW_39_2806532q

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)

- 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”.

- 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".

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

Ecology and Landscape (Allowed)

- Submitters noted 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" and warrants a higher level of protection than that proposed.
- A submitter recommended the land be considered for disposal, noting that "the land in question contains remnant podocarp forest that has been previously logged and is therefore not pristine. There is no terrestrial threatened species noted".
- A submitter raised concern that though high conservation values have been identified, conservation park provides "pretty much the same protection as that of Stewardship Land. What is the point of that when the category won't protect the high conservation values identified and needed for proper protection".

I recommend that these comments are not accepted. My assessment is that the natural resources present (e.g. remnant podocarp-hardwood 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 their "natural and historic resources are protected" (Conservation Act 1987, s. 19(1)(a)).

- Submitters noted that the proposed conservation parks are in close proximity to one another and "it appears to be an inefficient way of managing land for conservation". It was recommended to combine the proposed parks where the values are similar as this "provides greater opportunity for large landscape scale management".

I recommend that these comments are not accepted. There are no specifications in the Conservation Act 1987 or Conservation General Policy regarding the size or proximity of distinct conservation parks.

General (Allowed)

- Submissions advocated for a higher level of protection (e.g. "add to Deep Creek Ecological Area") 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 recommended the land be considered for disposal as "multiple economic activities occur around this block" and stating that it lacks other conservation values or specific Mana Whenua values.
- 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 and which have significant conservation value, such as populations of native fauna or flora or which provide unique recreational, social or ecological value could remain as conservation parks so long as the Minister also advises the Governor General to register them as specially protected-areas".

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”.
- Submitters noted the “absence of any information about possible economic activities that may occur as signalled in some instances” and that they could therefore not be confident about the appropriateness of the submission.
- 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 (e.g. under a hunting permit) where consistent with preservation of the conservation values present.

Ecology and Landscape (Allowed)

- A submitter raised concern that conservation parks are a “relatively low protective category and not appropriate for those areas that have outstanding values”, and that multiple smaller parks “may not lead to integrated management”. They recommended reevaluation to ensure conservation park is the best fit for the identified values, and amalgamating close areas into larger parks.

I recommend that these comments are not accepted. There are no specifications in the Conservation Act 1987 or Conservation General Policy regarding the size or proximity of distinct conservation parks. My assessment is that the natural resources present 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 their “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 stated that any change should not affect the existing permissions, noting an easement for a right of way road to Flagstaff Flat.

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.

MAW_40 – Bell Hill Farm – 2806533

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Bell Hill Farm	MAW_40_2806533r	Scenic Reserve (a)	Neutral	10	5

DOC Conservation Values Report Description

A 71.3579-ha area of very similar vegetation and values to the adjoining Arnold River Scenic Reserve. Part of the southern parcel was recommended for addition to the Scenic Reserve in the 1970s and both blocks were recorded as having a high bird diversity in the 1980s. The area to the right/east has been cleared for farming and is either paddocks on the flatter lower fertile terraces or pākihi on the upper steeper level. Occasional hunting occurs.

Panel Recommendations

National Panel: Scenic reserve (a), to preserve the identified ecological values, protect any historic/archaeological features and provide for the existing recreational use of the area. It will rationalise the boundary of the existing scenic reserve and provide for landscape continuity and connectivity.

Mana Whenua Panel: Neutral.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of scenic reserve (a).

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 proposed classification will appropriately promote the conservation of the natural and historic resources present (e.g. cutover podocarp/hardwood forest).

Scenic Reserve (a) - MAW_40_2806533r

Support

Climate Change and Natural Hazards (Allowed)

- 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 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).

General (Allowed)

- Submissions expressed overall support for the recommendation without providing specific justifications.
- Submissions agreed that the recommendation reflects the information provided in the technical reports.

- Submissions expressed a general preference for stewardship land to be reclassified at the highest possible classification, 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

General (Allowed)

- A submitter recommended adding the area to Deep Creek Ecological 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.

Permissions, Economic Factors and Land Use (Not Allowed)

- One submission opposed reclassification as scenic reserve on the grounds that, though it does not prohibit mining, it adds extra restrictions with consequent negative economic impacts, 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)

- Submissions 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 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 (e.g. 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)

- 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 any change should not affect the existing permissions, noting an easement for a right of way road to Flagstaff Flat.

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

MAW_41 – Bell Hill Farm – 2806538

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Bell Hill Farm	MAW_41_2806538s	Scenic Reserve (a)	Neutral	10	5

DOC Conservation Values Report Description

A 234.7135-ha area made up of eight podocarp/hardwood forest remnants amongst farmland, mostly isolated and some modified, but representative of the former forest cover of this part of the ecological district. Together these blocks include most of the natural areas remaining on the Weka Block of the former Bell Hill Farm Settlement. These parcels are isolated from one another but represent indigenous islands in an altered landscape. Some have old farm tracks. Occasional hunting occurs.

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. Comparable isolated blocks of stewardship land across the Bell Hill area have been similarly recommended to be classified as scenic reserves, contributing to landscape continuity and connectivity.

Mana Whenua Panel: Neutral.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of scenic reserve (a).

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 proposed classification will appropriately promote the conservation of the natural and historic resources present (e.g. podocarp/hardwood forest remnants).

Scenic Reserve (a) - MAW_41_2806538s

Support

Climate Change and Natural Hazards (Allowed)

- 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 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).

General (Allowed)

- Submissions expressed overall support for the recommendation without providing specific justifications.

- Submissions agreed that the recommendation reflects the information provided in the technical reports.
- Submissions expressed a general preference for stewardship land to be reclassified at the highest possible classification, 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

General (Allowed)

- A submitter recommended adding the area to Deep Creek Ecological 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.

Permissions, Economic Factors and Land Use (Not Allowed)

- One submission opposed reclassification as scenic reserve on the grounds that, though it does not prohibit mining, it adds extra restrictions with consequent negative economic impacts, 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.

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submissions 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 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 (e.g. 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)

- 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.

MAW_42 – Arnolds River – 2806535

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Arnolds River	MAW_42_2806535t	Scenic Reserve (a)	Neutral	10	4

DOC Conservation Values Report Description

A 29.5888-ha area of regenerating cutover forest, secondary scrub and large open patches of grassland and pākihi between two sections of the Arnold River Scenic Reserve. Approximately half of it appears to have been cleared in the past. It is difficult to access – possible on foot (or boat) via Scenic Reserve, but without any tracks or facilities. There is an extraction concession for harvesting sphagnum moss on Arnold River.

Panel Recommendations

National Panel: Scenic reserve (a), to preserve the identified ecological values, protect any historic/archaeological features, provide for landscape continuity and connectivity 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 (a).

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.

The Mana Whenua Panel has signalled specific Ngāi Tahu interests associated with this stewardship area, particularly that it is “in close proximity to the Statutory Acknowledgement/Deed of Recognition – Kōtuku Whakaoho (Lake Brunner/Moana), which is significant to Poutini Ngāi Tahu and Ngāi Tahu”.

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 promote the conservation of the natural and historic resources present (e.g. regenerating cutover forest, open patches of grassland and pākihi).

Scenic Reserve (a) - MAW_42_2806535t

Support

Climate Change and Natural Hazards (Allowed)

- 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 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).

General (Allowed)

- Submissions expressed overall support for the recommendation without providing specific justifications.
- Submissions agreed that the recommendation reflects the information provided in the technical reports.

- Submissions expressed a general preference for stewardship land to be reclassified at the highest possible classification, 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)

- One submission opposed reclassification as scenic reserve on the grounds that, though it does not prohibit mining, it adds extra restrictions with consequent negative economic impacts, 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)

- Submissions 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 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 (e.g. 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)

- 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 any change should not affect the existing permissions, noting an extraction concession for harvesting sphagnum moss on Arnold River

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

MAW_43 – Fireball Creek – 2806207

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Fireball Creek	MAW_43_2806207u	Conservation Park (Taramakau)	Conservation Park (Taramakau)	23	10

DOC Conservation Values Report Description

A 195.0875-ha area of indigenous forest remnants that adjoins the Taramakau River in dissected hill country southeast of Greymouth. This area is located between areas of exotic plantation formerly identified as the Cockeye and Whiskey Road Blocks of Nemona Forest. Originally supporting podocarp/hardwood forest, the majority of this assessment area has been logged and worked for gold and is now recovering. This is an important area for mining from 1867 onwards with a large number of sites associated with alluvial gold working. Occasional hunting occurs.

Panel Recommendations

National Panel: Conservation park (Taramakau), to reflect the identified values; protecting natural and historic resources, while facilitating public recreation and enjoyment of the area.

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

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 as allowing public access 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 have supported the proposed classification, supported by Treaty partner submissions.

The Mana Whenua Panel has signalled specific Ngāi Tahu interests associated with this stewardship area, particularly that the area contains pounamu resources and “Pounamu is vested in Te Runanga o Ngāi Tahu pursuant to the Ngāi Tahu (Pounamu Vesting) Act 1997 in recognition of its significance to Ngāi Tahu”. They noted that the “reclassification of areas containing pounamu must expressly provide for the rights of Ngāi Tahu over this taonga, including access”.

They also noted that the area “is adjacent to Ngāi Tahu Forestry, an indication of Ngāi Tahu presence, interest and use of the land in this vicinity”. They further noted that Ngāi Tahu “may have future aspirations for this land (such as forestry and pounamu)” and these must be provided for when determining the classification.

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 on balance the natural resources present (e.g. native forest blocks) are appropriately protected under the proposed classification, when also considering the historic resources present (e.g. multiple historic gold mining archaeological sites) and the identified Ngāi Tahu interests.

Conservation Park - MAW_43_2806207u

Support

Access and Recreation (Allowed)

- A submitter supported the recommendation as protecting riparian access.

I recommend that these comments are accepted. I agree that the values identified will be 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)).

Ecology and Landscape (Allowed)

- A submitter supported the recommendation “because of the protection it will provide to the very pretty Fireball Creek Gorge and Whiskey Cave”. They noted that they have worked with various forestry organisations in the area to protect the karst.

I recommend that these comments are accepted. My assessment is that the natural resources present are appropriately protected under the proposed classification, when also considering the historic resources present. The primary purpose of conservation parks includes to be managed so that their “natural and historic resources are protected” (Conservation Act 1987, s. 19(1)(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 agree that that on balance the natural resources present (e.g. native forest blocks) are appropriately protected under the proposed classification, when also considering the historic resources present (e.g. multiple historic gold mining archaeological sites) and the identified Ngāi Tahu interests. I note that the Mana Whenua Panel have supported the notified classification, and therefore I consider the classification is not inconsistent with the identified interests.

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 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”.
- 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”.

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

Ecology and Landscape (Allowed)

- A submitter raised concern that though high conservation values have been identified, conservation park provides “pretty much the same protection as that of Stewardship Land. What is the point of that when the category won’t protect the high conservation values identified and needed for proper protection”.

- Submitters noted 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” and warrants a higher level of protection than that proposed.

I recommend that these comments are not accepted. My assessment is that on balance the natural resources present (e.g. native forest blocks) are appropriately protected under the proposed classification, when also considering the historic resources present (e.g. multiple historic gold mining archaeological sites). The primary purpose of conservation parks includes to be managed so that their “natural and historic resources are protected” (Conservation Act 1987, s. 19(1)(a)).

- Submitters noted that the proposed conservation parks are in close proximity to one another and “it appears to be an inefficient way of managing land for conservation”. It was recommended to combine the proposed parks where the values are similar as this “provides greater opportunity for large landscape scale management”.

I recommend that these comments are not accepted. There are no specifications in the Conservation Act 1987 or Conservation General Policy regarding the size or proximity of distinct conservation parks.

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 and which have significant conservation value, such as populations of native fauna or flora or which provide unique recreational, social or ecological value could remain as conservation parks so long as the Minister also advises the Governor General to register them as specially protected-areas”.

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”.
- Submitters noted the “absence of any information about possible economic activities that may occur as signalled in some instances” and that they could therefore not be confident about the appropriateness of the submission.
- 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 (e.g. under a hunting permit) where consistent with preservation of the conservation values present.

Ecology and Landscape (Allowed)

- A submitter raised concern that conservation parks are a “relatively low protective category and not appropriate for those areas that have outstanding values”, and that multiple smaller parks “may not lead to integrated management”. They recommended re-evaluation to ensure conservation park is the best fit for the identified values, and amalgamating close areas into larger parks.

I recommend that these comments are not accepted. There are no specifications in the Conservation Act 1987 or Conservation General Policy regarding the size or proximity of distinct conservation parks. My assessment is that the natural resources present 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 their “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.

MAW_43 – Cockeye Creek - Cockabulla Creek – 2806989

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Cockeye Creek - Cockabulla Creek	MAW_43_2806989v	Stewardship	Stewardship	10	12

DOC Conservation Values Report Description

A 1225.2271-ha area of indigenous forest remnants in dissected hill country southeast of Greymouth, in the catchment of Kaimata New River. This area is located between areas of exotic plantation formerly identified as the Cockeye and Whiskey Road Blocks of Nemona Forest. Originally supporting podocarp/hardwood forest, the majority of this assessment area has been logged and worked for gold and is now recovering. This is an important area for mining from 1867 onwards, with a large number of sites associated with alluvial gold working. A pack track along Cockabulla Creek to Mosquito Creek dates from 1867. Occasional hunting occurs.

Panel Recommendations

National Panel: It is appropriate that this area will remain in stewardship until existing classifications are amended to recognise the kaitiaki rights and responsibilities of Ngāi Tahu for the management of pounamu.

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 has supported the notified proposal, supported by submissions from Treaty partner organisations. The Mana Whenua Panel has signalled specific Ngāi Tahu interests associated with this stewardship area, particularly that the area is “adjacent to Ngāi Tahu Forestry, an indication of Ngāi Tahu presence, interest and use of the land in this vicinity”, “this conservation area contains pounamu resources”, “as kaitiaki, Ngāi Tahu has rights and responsibilities for management of pounamu. The reclassification of areas containing pounamu must expressly provide for the rights of Ngāi Tahu over this taonga, including access”, “Ngāi Tahu may have future aspirations for this land (such as forestry and pounamu)”, 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 - MAW_43_2806989v

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").
- Submitters noted support for retaining in stewardship land to enable further assessment of Ngāi Tahu forestry interests.

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

- A submitter suggested retaining the land in stewardship or that "another appropriate classification be developed that more recognises the characteristics of the land. The suggestion for that category would be reflective of its economic value".
- 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

Ecology and Landscape

- Submitters suggested that protection of natural and other conservation values should be the primary focus of reclassification, and were concerned that retaining the land in stewardship would allow environmentally damaging activities to occur (e.g. "I strongly oppose any stewardship land remaining as stewardship land. It must either be disposed of or become incorporated into one of the park categories, based on its scientific, ecological, biodiversity, landscape, historical, cultural, spiritual, mahinga kai and recreational values. Leaving an area as stewardship land leaves it open to ecologically degrading activities including mining, stock grazing, logging and residential developments and without rigorous protection from the environmental impacts of those industries").
- A submitter commented that "better protection" is needed, noting that remnants between forestry blocks are needed to provide a buffer zone and help stop run off from future logging into the Taramakau River and the sea.
- A submitter recommended conservation park, noting "depleted ecosystems (in relatively good condition), opportunities for carbon sequestration, retention of good opportunities for restoration of depleted indigenous ecosystems".

I recommend that these comments are not accepted. Although I agree that the area holds some 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.

Treaty Considerations

- A submitter stated that the “suggestion seems to be that giving effect to the principles of the Treaty of Waitangi, requires that land for which mana whenua have aspirations, needs to be retained as stewardship land to ensure that those aspirations can be realised (...) As noted above, Forest & Bird considers that this goes beyond the obligation to give effect to the Treaty of Waitangi. An area with high conservation values should be reclassified to reflect that value”.

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.

General

- 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 suggested adding the area to Woods Creek Amenity 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.

Permissions, Economic Factors and Land Use

- A submitter who stated that retaining land in stewardship “cannot be justified”, noted that “Ngāi Tahu is able to discuss an easement arrangement with the Department”.

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

Process and Consultation

- Submitters raised concerns about the process, suggesting that retaining land in stewardship “cannot be justified” and that assessment of conservation and recreation values should take priority over potential use (e.g. “There is no basis for recommending that stewardship land is not reclassified, while further investigations are made into other possible uses of the land. Possible future mining and pastoral uses are not relevant to the current land classification process”, “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”).
- 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.

MAW_45 – Taku Street-Moana – 2806536

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Taku Street-Moana	MAW_45_2806536w	Scenic Reserve (a)	Neutral	10	4

DOC Conservation Values Report Description

A 2.1994-ha piece of conservation area containing moderately dense podocarp forest with hardwoods in the understorey, similar to the adjoining scenic reserve. It does not appear to have any freshwater values. The area includes part of Velenski Walk, a DOC-managed easy short walk through the regenerating bush, providing a viewpoint of the lake.

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. It will rationalise the boundary of the existing scenic reserve and provide for landscape continuity and connectivity.

Mana Whenua Panel: Neutral.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of scenic reserve (a).

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 proposed classification will appropriately promote the conservation of the natural and historic resources present (e.g. podocarp forest with hardwoods in the understorey).

Scenic Reserve (a) - MAW_45_2806536w

Support

Climate Change and Natural Hazards (Allowed)

- 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 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).

General (Allowed)

- Submissions expressed overall support for the recommendation without providing specific justifications.
- Submissions agreed that the recommendation reflects the information provided in the technical reports.
- Submissions expressed a general preference for stewardship land to be reclassified at the highest possible classification, 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)

- One submission opposed reclassification as scenic reserve on the grounds that, though it does not prohibit mining, it adds extra restrictions with consequent negative economic impacts, 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)

- Submissions 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 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 (e.g. 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)

- 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.

MAW_46 – Moana – 2806537

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Moana	MAW_46_2806537x	Wildlife Management Area	Wildlife Management Area	13	3

DOC Conservation Values Report Description

An 82.87-ha area of wetland containing swamp, bog, and pākihi wetland types, especially important for bittern, that appear to be in a high state of naturalness. They are part of the Lake Brunner/Moana Kōtuku-Whakaoho bed and are listed as either Schedule 1 or Schedule 2 wetlands in the Regional Plan (Lake Brunner, Te Kinga (Ruru) BRUP006). This area provides some protection to the lake edge. It gets flooded at high lake water levels and provides an excellent buffer for the lake. Willows that used to be present in the area have been managed to enable kahikatea and other native species adapted to the flooded regime to become dominant.

Panel Recommendations

National Panel: Wildlife management area, to reflect the identified ecological and recreational values.

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

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. 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 while providing for their appreciation and recreational enjoyment by the public, being managed so that "its indigenous natural resources and its historic resources are protected" (Conservation Act 1987, s. 23B(1)).

Wildlife Management Area - MAW_46_2806537x

Support

Ecology and Landscape (Allowed)

- Support was expressed for the recommendation as providing protection for freshwater habitats.

I recommend that these comments are accepted. I agree that the natural resources present are appropriately protected and preserved by the proposed classification. Wildlife management areas are managed so that "wildlife and wildlife habitat values (including the capacity for the movement of wildlife, genetic material of indigenous plants, and genetic material of wildlife) are protected" (Conservation Act 1987, s. 23B(1)).

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 agree that the natural and historic resources present are appropriately protected and preserved by the proposed classification. I note that the Mana Whenua Panel have supported the proposed classification.

General (Allowed)

- Submissions expressed overall support for the recommendation without providing specific justification, or agreed that the recommendation reflects the information provided in the technical reports.
- The recommendation was supported as reflecting the use of the land and adequately protecting against degradation of the land.
- Submissions expressed a general preference for stewardship land to be reclassified at the highest possible classification, 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)

- 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)

- Submissions 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 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 (e.g. 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.

MAW_47 – Bell Hill Farm – 2806546

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Bell Hill Farm	MAW_47_2806546y	Scenic Reserve (a)	Neutral	10	5

DOC Conservation Values Report Description

A 135.4441-ha beech/podocarp forest on hillslopes and outwash terrace with some swamp, bog, and pākihi wetland on flatter ground. Difficult to access and little used. It appears to have similar values to the adjoining Lady Lake Scenic Reserve.

Panel Recommendations

National Panel: Scenic reserve (a), to preserve the identified ecological values, protect any identified historic/archaeological features, and provide for the potential recreational use of the area. It will rationalise the boundary of the existing scenic reserve and to improve and provide for landscape connectivity and continuity.

Mana Whenua Panel: Neutral.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of scenic reserve (a).

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 proposed classification will appropriately promote the conservation of the natural and historic resources present (e.g. beech/podocarp forest, some swamp, bog, pākihi wetland).

Scenic Reserve (a) - MAW_47_2806546y

Support

Climate Change and Natural Hazards (Allowed)

- 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 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).

General (Allowed)

- Submissions expressed overall support for the recommendation without providing specific justifications.
- Submissions agreed that the recommendation reflects the information provided in the technical reports.
- Submissions expressed a general preference for stewardship land to be reclassified at the highest possible classification, 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

General (Allowed)

- One submitter recommended adding the area to Deep Creek Ecological 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.

Permissions, Economic Factors and Land Use (Not Allowed)

- One submission opposed reclassification as scenic reserve on the grounds that, though it does not prohibit mining, it adds extra restrictions with consequent negative economic impacts, 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)

- Submissions 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 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 (e.g. 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)

- 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.

MAW_48 – Kangaroo Lake – 2806547

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Kangaroo Lake	MAW_48_2806547a	Wildlife Management Area	Wildlife Management Area	13	4

DOC Conservation Values Report Description

The 128.0365-ha Kangaroo Lake is part of a network of fluvio-glacial lakes and is included in the Directory of New Zealand wetlands. The area covers the lake along with its swampy margin. Mostly outside the conservation area is a wide wetland margin of very high value, including importance to waterfowl. It is relatively difficult to access and only non-motorised boats are allowed on Kangaroo Lake. A concession is held for commercial eeling for shortfin eels in Kangaroo Lake.

Panel Recommendations

National Panel: Wildlife management area, to reflect the identified high ecological and recreational values.

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

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. 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 while providing for their appreciation and recreational enjoyment by the public, being managed so that "its indigenous natural resources and its historic resources are protected" (Conservation Act 1987, s. 23B(1)).

Wildlife Management Area - MAW_48_2806547a

Support

Ecology and Landscape (Allowed)

- Support was expressed for the recommendation as providing protection for freshwater habitats.

I recommend that these comments are accepted. I agree that the natural resources present are appropriately protected and preserved by the proposed classification. Wildlife management areas are managed so that "wildlife and wildlife habitat values (including the capacity for the movement of wildlife, genetic material of indigenous plants, and genetic material of wildlife) are protected" (Conservation Act 1987, s. 23B(1)).

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 agree that the natural and historic resources present are appropriately protected and preserved by the proposed classification. I note that the Mana Whenua Panel has supported the proposed wildlife management area.

General (Allowed)

- Submissions expressed overall support for the recommendation without providing specific justification, or agreed that the recommendation reflects the information provided in the technical reports.
- The recommendation was supported as reflecting the use of the land and adequately protecting against degradation of the land.
- Submissions expressed a general preference for stewardship land to be reclassified at the highest possible classification, 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

General (Allowed)

- A submitter recommended adding the area to Lady Lake Scenic 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.

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)

- Submissions 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 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 (e.g. 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.

MAW_49 – Crooked River – 2806550

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Crooked River	MAW_49_2806550b	Ecological Area	Neutral	12	5

DOC Conservation Values Report Description

A 102.8964-ha triangular piece of mainly hillslope comprised of beech/podocarp forest, with a small area of river flat that is in pasture. There are examples of swamp and bog wetlands. The area forms a wedge in, and is heavily integrated with, the Bell Hill-Granite Hill Ecological Area. On the opposite bank is the Crooked River Scenic Reserve. The majority of the downstream margins of the Crooked River are protected by the stewardship land described in MAW_44 and MAW_50. There is access and hunting occurs.

Panel Recommendations

National Panel: Ecological area, to appropriately reflect the identified values, rationalise the boundary of the existing Bell Hill-Granite Hill Ecological Area, and improve landscape continuity and integrity.

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.

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. beech/podocarp forest, swamp and bog wetlands) and provide consistency with the existing Bell Hill – Granite Hill Ecological Area.

Ecological Area - MAW_49_2806550b

Support

Climate Change and Natural Hazards (Allowed)

- 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).

General (Allowed)

- Submissions expressed overall support for the recommendation without providing specific justifications.
- Submissions agreed that the recommendation reflects the information provided in the technical reports.

- Submissions expressed a general preference for stewardship land to be reclassified at the highest possible classification, 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)

- One submission opposed reclassification as an ecological area on the grounds that, though it does not prohibit mining, it adds extra restrictions with consequent negative economic impacts, 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 were concerned with ensuring that any reclassification provides explicitly for access, sports fishing and gamebird hunting.

MAW_50 – Crooked River – 2806544

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Crooked River (Riverbed)	MAW_50_2806544n	Local Purpose (River Conservation) Reserve	Neutral	10	11
Crooked River (Pasture)	MAW_50_2806544o	Disposal	Disposal	9	28

DOC Conservation Values Report Description

A 37.0998-ha of Crooked River bed and associated flats, upstream of Lake Brunner / Moana Kōtuku-Whakaoho. It covers riverbed and associated flats, gravel and river channel, and includes paddocks. Much of it used as part of the neighbouring farmland. The Tārere River (Crooked River) was an important source of mahinga kai. There are two grazing concessions in place for the entire MAW_50 area, so they may or may not apply to this particular area, and additional grazing seems to occur. Most of the dryland areas are isolated and difficult to access on foot.

Crooked River (Riverbed)

Panel Recommendations

National Panel: Local purpose (river conservation) reserve, to 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' section 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 has not opposed the proposed classification.

The Mana Whenua Panel has signalled specific Ngāi Tahu interests associated with this stewardship area, particularly that the Tārere River (Crooked River) was an important source of mahinga kai.

My assessment is that the purpose of the notified classification provides insufficient detail to comment on whether it appropriately protects the natural resources alongside the identified Ngāi Tahu interests, or if another classification may be more appropriate. 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: 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 - MAW_50_2806544n

Support

Access and Recreation (Allowed)

- One submission 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 area as local purpose reserve for river conservation.

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)

- 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 classification, based on its “cultural conservation value”.

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)

- One submission noted that they assumed there would be no grazing concessions permitted in the local purpose reserve.

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

Oppose

Climate Change and Natural Hazards (Allowed)

- Submissions opposed the classification on the basis that it does not consider climate change impacts and mitigation opportunities, including carbon sequestration, ecosystem restoration and floodplain buffering, suggesting other classifications would be more appropriate (e.g. “these recommendations do not give consideration (active or not) nor effect to the very high and nationally important natural conservation values of the rivers, which include the rivers themselves, and the unfolding of nationally outstanding natural ecological processes and dynamics under climate change, nor nationally important conservation outcomes that could be achieved in the future”).
- A submission proposed government purpose (climate mitigation) reserve as a possible classification.
- Submissions recommended an ecosystem or catchment based approach to the classification of riverbeds, to build resilience for habitats and climate mitigation (e.g. “These values and outcomes are realised principally in allowing the land to move and evolve without obstruction or modification, and in allowing natural vegetation regeneration, and also better realised if rivers and coasts are administered as whole systems”).

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 (e.g. “Forest & Bird opposes the reclassification of land parcels that include riverbeds or river margins held as stewardship land to LPR (River Conservation) recommendations unless the purpose can clearly set out how the freshwater values will be protected. It is entirely unclear if such a reserve would properly protect the natural values”, “I cannot support most of the local purpose reserves without greater clarity of purpose”).
- 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) reserve recommendations, 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.
- A submission opposed the classification as not allowing for important river conservation values, including natural river processes, or representing ecological values (e.g. “I submit that these recommendations do not give consideration (active or not) nor effect to the very high and nationally important natural conservation values of the

rivers, which include the rivers themselves, and the unfolding of nationally outstanding natural ecological processes”).

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 submission highlighted the presence of naturally uncommon ecosystems “including dunes and wetlands”, noting the opportunity for restoration and recommending classification as a Local Purpose Reserve (River Floodplain).
- Various other 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 a status consistent with adjacent or nearby public conservation land, 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)

- Submissions opposed the recommendation as “inappropriate”, stating that it gives no greater protection than current stewardship status.

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 recommended ending all grazing licences within river margins.
- A submission opposed the classification due to concern it would affect existing permissions and river activities.

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 submission 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 Not Stated

Access and Recreation (Allowed)

- Submissions 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.

Crooked River (Pasture)

Panel Recommendations

National Panel: Disposal should be considered for the stable areas of developed pasture.

Mana Whenua Panel: Disposal, as the pastoral components 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 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.

The Mana Whenua Panel has signalled site-specific Ngāi Tahu interests associated with this stewardship area, specifically that the area was an important source of mahinga kai.

Given the Mana Whenua Panel support for the notified disposal investigation, I consider it is not inconsistent with the identified interests.

Rationale: Although parts of the wider stewardship area are unlikely to meet the Conservation General Policy 6(d) and Conservation Act (s. 26) tests for disposal, the pastoral components hold little conservation value and warrant further consideration as to the suitability of disposal.

Disposal - MAW_50_28065440

Support

Access and Recreation (Allowed)

- A submitter supported disposal with the caveat that public access to the river is guaranteed.

I recommend that these comments are accepted to the extent that I agree the disposal investigation is appropriate for the natural values present. 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, enabling public access.

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 consists primarily of highly modified 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 these recommendations 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 has 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.

Permissions, Economic Factors and Land Use (Not Allowed)

- A submitter stated that any change should not affect the existing permissions and suggested occupier consultation should occur, noting that two grazing licences are in place. They noted that these do not appear to cover all the grazed areas.

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)

- 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.
- One submitter noted that the movement of the river could affect access, and that riparian access via marginal strips is not guaranteed. The area was noted to have “many angler access points and interest across this section of the Crooked River”.
- 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 these comments are not accepted. Any potential disposal arising from the Departmental investigation will trigger the formation of marginal strips for qualifying waterbodies, which will secure ongoing public access along the riparian corridor.

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 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 on these lands”).
- It was noted that disposal would not assist with a reduction in emissions from agriculture.

- Submitters who wanted the land retained for climate change mitigation or adaptation recommended various alternative classifications such as scenic reserve, ecological reserve, government purpose (river floodplain) reserve, or local purpose (river conservation for ecological reasons) reserve.

I recommend that these comments are not accepted. The modified nature of the pastoral components and the landscape context (i.e. not connected to other public conservation land), limit the effectiveness of restoration for 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)

- Submitters stated that the area should be left to regenerate and that “stock should not be in our waterways”, 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. “retention of good opportunities for restoration of depleted indigenous ecosystems”, “disposal will lose the opportunity for regeneration and restoration”). A “precautionary policy” was recommended to hold conservation future options open. Government purpose (river floodplain) reserve was suggested as an alternative classification.
- 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 areas are small and landlocked and have no restoration potential.

I recommend that these comments are not accepted. While parts of the broader stewardship area recommended for local purpose (river conservation) reserve may contain freshwater values and other natural values, the modified nature of the pastoral components and the landscape context (i.e. not connected to other public conservation land), limit the effectiveness of retention for ecosystem restoration and justify referring the area to the Department for disposal. Any parts of the area identified to have substantive natural values are unlikely to pass the Conservation General Policy and legislative 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.

Treaty Considerations (Allowed)

- One submission stated no stewardship land should be disposed of, except to tangata whenua “and only then with the need to maintain the block’s cultural, conservation & mahika-kai values”.

I recommend that these comments are not accepted. The proposed disposal investigation was supported by the Mana Whenua Panel, and any potential disposal of relevant 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 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, including the scale of research required for the quantity of land notified.
- 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.

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.

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 Heritage New Zealand Pouhere Taonga’s 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.

MAW_50 – Crooked River – 2806548

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Crooked River (Riverbed)	MAW_50_2806548p	Local Purpose (River Conservation) Reserve	Neutral	9	11
Crooked River (Pasture)	MAW_50_2806548q	Disposal	Disposal	8	28

DOC Conservation Values Report Description

A 48.4301-ha area of Crooked River bed and associated flats, upstream of Lake Brunner/Moana Kōtuku-Whakaoho. It covers riverbed and associated flats, gravel and river channel and includes paddocks, stopbanks and shelter belts, much of it is used as part of neighbouring farmland. The Tārere River (Crooked River) was an important source of mahinga kai. There are two grazing concessions in place for the entire MAW_50 area and they may or may not apply to this particular area, and additional grazing seems to occur. Most of the dryland areas are isolated and difficult to access on foot.

Crooked River (Riverbed)

Panel Recommendations

National Panel: Local purpose (river conservation) reserve, to 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' section 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 has not opposed the proposed classification.

The Mana Whenua Panel has signalled specific Ngāi Tahu interests associated with this stewardship area, particularly that the Tārere River (Crooked River) was an important source of mahinga kai.

My assessment is that the purpose of the notified classification provides insufficient detail to comment on whether it appropriately protects the natural resources alongside the identified Ngāi Tahu interests, or if another classification may be more appropriate. 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: 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 - MAW_50_2806548p

Support

Access and Recreation (Allowed)

- One submission 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 area as local purpose reserve for river conservation.

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)

- 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 classification, based on its “cultural conservation value”.

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)

- One submission noted that they assumed there would be no grazing concessions permitted in the local purpose reserve.

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

Oppose

Climate Change and Natural Hazards (Allowed)

- Submissions opposed the classification on the basis that it does not consider climate change impacts and mitigation opportunities, including carbon sequestration, ecosystem restoration and floodplain buffering, suggesting other classifications would be more appropriate (e.g. “these recommendations do not give consideration (active or not) nor effect to the very high and nationally important natural conservation values of the rivers, which include the rivers themselves, and the unfolding of nationally outstanding natural ecological processes and dynamics under climate change, nor nationally important conservation outcomes that could be achieved in the future”).
- A submission proposed government purpose (climate mitigation) reserve as a possible classification.
- Submissions recommended an ecosystem or catchment based approach to the classification of riverbeds, to build resilience for habitats and climate mitigation (e.g. “These values and outcomes are realised principally in allowing the land to move and evolve without obstruction or modification, and in allowing natural vegetation regeneration, and also better realised if rivers and coasts are administered as whole systems”).

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 (e.g. “Forest & Bird opposes the reclassification of land parcels that include riverbeds or river margins held as stewardship land to LPR (River Conservation) recommendations unless the purpose can clearly set out how the freshwater values will be protected. It is entirely unclear if such a reserve would properly protect the natural values”, “I cannot support most of the local purpose reserves without greater clarity of purpose”).
- 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) reserve recommendations, 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.
- A submission opposed the classification as not representing or allowing for important river conservation values, including natural river processes and ecological values (e.g. “I submit that these recommendations do not give

consideration (active or not) nor effect to the very high and nationally important natural conservation values of the rivers, which include the rivers themselves, and the unfolding of nationally outstanding natural ecological processes”).

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 submission highlighted the presence of naturally uncommon ecosystems “including dunes and wetlands” noting the opportunity for restoration in response to events such as flooding and erosion and recommending classification as a government purpose (river floodplain) reserve.
- Various other 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 a status consistent with adjacent or nearby public conservation land, 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)

- Submissions opposed the recommendation as “inappropriate”, stating that it gives no greater protection than 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.

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions recommended ending all grazing licences within river margins.
- A submission opposed the classification due to concern it would affect existing permissions and river activities.

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 submission 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 Not Stated

Access and Recreation (Allowed)

- Submissions 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.

Permissions, Economic Factors and Land Use (Not Allowed)

- A submission noted their view that any change in status should not affect existing permissions recommending consultation with the occupiers.

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

Crooked River (Pasture)

Panel Recommendations

National Panel: Disposal should be considered for the stable areas of developed pasture.

Mana Whenua Panel: Disposal, as the pastoral components 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 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.

The Mana Whenua Panel has signalled site-specific Ngāi Tahu interests associated with this stewardship area, specifically that the area was an important source of mahinga kai.

Given the Mana Whenua Panel support for the notified disposal investigation, I consider it is not inconsistent with the identified interests.

Rationale: Although parts of the wider stewardship area are unlikely to meet the Conservation General Policy 6(d) and Conservation Act (s. 26) tests for disposal, the pastoral components hold little conservation value and warrant further consideration as to the suitability of disposal.

Disposal - MAW_50_2806548q

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 consists primarily of highly modified 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 these recommendations 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 has 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.

Permissions, Economic Factors and Land Use (Not Allowed)

- A submitter stated that any change should not affect the existing permissions and suggested occupier consultation should occur, noting that two grazing licences are in place. They noted that these do not appear to cover all the grazed areas.

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)

- 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.
- One submitter noted that the movement of the river could affect access, and that riparian access via marginal strips is not guaranteed. The area was noted to have “many angler access points and interest across this section of the Crooked River”.
- 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 these comments are not accepted. The pastoral components of the area are surrounded by private farmland and are unlikely to provide practical access to the river or hold recreational values which would warrant overturning the notified intention for a disposal investigation. Any potential disposal arising from the Departmental investigation will trigger the formation of marginal strips for qualifying waterbodies, which will secure ongoing public access along the riparian corridor.

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 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 on these lands”).
- It was noted that disposal would not assist with a reduction in emissions from agriculture.
- Submitters who wanted the land retained for climate change mitigation or adaptation recommended various alternative classifications such as scenic reserve, ecological reserve, government purpose (river floodplain) reserve, or local purpose (river conservation for ecological reasons) reserve.

I recommend that these comments are not accepted. The modified nature of the pastoral components and the landscape context (i.e. not connected to other public conservation land), limit the effectiveness of restoration for 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)

- Submitters stated that the area should be left to regenerate and that “stock should not be in our waterways”, 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. “retention of good opportunities for restoration of depleted indigenous ecosystems”, “disposal will lose the opportunity for regeneration and restoration”). A “precautionary policy” was recommended to hold conservation future options open. Government purpose (river floodplain) reserve was suggested as an alternative classification.
- 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 areas are small and landlocked and have no restoration potential.

I recommend that these comments are not accepted. While parts of the broader stewardship area recommended for local purpose (river conservation) reserve may contain freshwater values and other natural values, the modified nature of the pastoral components and the landscape context (i.e. not connected to other public conservation land), limit the effectiveness of retention for ecosystem restoration and justify referring the area to the Department for disposal. Any parts of the area identified to have substantive natural values are unlikely to pass the Conservation General Policy and legislative 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.

Treaty Considerations (Allowed)

- One submission stated no stewardship land should be disposed of, except to tangata whenua “and only then with the need to maintain the block’s cultural, conservation & mahika-kai values”.

I recommend that these comments are not accepted. The proposed disposal investigation was supported by the Mana Whenua Panel, and any potential disposal of relevant 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 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, including the scale of research required for the quantity of land notified.
- 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.

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 modified nature of the pastoral components and the landscape context (i.e. not connected to other public conservation land), limit the effectiveness of restoration for 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. 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 Heritage New Zealand Pouhere Taonga’s 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.

MAW_50 – Crooked River – 2806549

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Crooked River (Riverbed)	MAW_50_2806549r	Local Purpose (River Conservation) Reserve	Neutral	9	11
Crooked River (Pasture)	MAW_50_2806549s	Disposal	Disposal	8	28

DOC Conservation Values Report Description

A 29.3144-ha area of Crooked River bed and associated flats, upstream of Lake Brunner/Moana Kōtuku-Whakaoho. It covers riverbed and associated flats, gravel and river channel and includes paddocks, stopbanks and shelter belts, much of it is used as part of neighbouring farmland. The Tārere River (Crooked River) was an important source of mahinga kai. There are two grazing concessions in place for the entire MAW_50 area and they may or may not apply to this particular area, and additional grazing seems to occur. Most of the dryland areas are isolated and difficult to access on foot.

Crooked River (Riverbed)

Panel Recommendations

National Panel: Local purpose (river conservation) reserve, to 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' section 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 has not opposed the proposed classification.

The Mana Whenua Panel has signalled specific Ngāi Tahu interests associated with this stewardship area, particularly that the Tārere River (Crooked River) was an important source of mahinga kai.

My assessment is that the purpose of the notified classification provides insufficient detail to comment on whether it appropriately protects the natural resources alongside the identified Ngāi Tahu interests, or if another classification may be more appropriate. 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: 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 - MAW_50_2806549r

Support

Access and Recreation (Allowed)

- One submission 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)

- 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 classification, based on its “cultural conservation value”.

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)

- One submission noted that they assumed there would be no grazing concessions permitted in the local purpose reserve.

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

Oppose

Climate Change and Natural Hazards (Allowed)

- Submissions opposed the classification on the basis that it does not consider climate change impacts and mitigation opportunities, including carbon sequestration, ecosystem restoration and floodplain buffering, suggesting other classifications would be more appropriate (e.g. “these recommendations do not give consideration (active or not) nor effect to the very high and nationally important natural conservation values of the rivers, which include the rivers themselves, and the unfolding of nationally outstanding natural ecological processes and dynamics under climate change, nor nationally important conservation outcomes that could be achieved in the future”).
- A submission proposed government purpose (climate mitigation) reserve as a possible classification.
- Submissions recommended an ecosystem or catchment based approach to the classification of riverbeds, to build resilience for habitats and climate mitigation (e.g. “These values and outcomes are realised principally in allowing the land to move and evolve without obstruction or modification, and in allowing natural vegetation regeneration, and also better realised if rivers and coasts are administered as whole systems”).

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 (e.g. “Forest & Bird opposes the reclassification of land parcels that include riverbeds or river margins held as stewardship land to LPR (River Conservation) recommendations unless the purpose can clearly set out how the freshwater values will be protected. It is entirely unclear if such a reserve would properly protect the natural values”, “I cannot support most of the local purpose reserves without greater clarity of purpose”).
- 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) reserve recommendations, 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.
- A submission opposed the classification as not representing or allowing for important river conservation values, including natural river processes and ecological values (e.g. “I submit that these recommendations do not give

consideration (active or not) nor effect to the very high and nationally important natural conservation values of the rivers, which include the rivers themselves, and the unfolding of nationally outstanding natural ecological processes”).

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 submission noted that the area contains naturally uncommon ecosystems “including dunes and wetlands” highlighting the opportunity for restoration in response to events such as flooding and erosion and recommending classification as a government purpose (river floodplain) reserve.
- Various other 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 a status consistent with adjacent or nearby public conservation land, 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)

- Submissions opposed the recommendation as “inappropriate”, stating that it gives no greater protection than 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.

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions recommended ending all grazing licences within river margins.
- A submission opposed the classification due to concern it would affect existing permissions and river activities.

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 submission 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 Not Stated

Access and Recreation (Allowed)

- Submissions 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.

Permissions, Economic Factors and Land Use (Not Allowed)

- A submission was concerned that any reclassification should not affect existing permissions recommending consultation with the occupiers.

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

Crooked River (Pasture)

Panel Recommendations

National Panel: Disposal should be considered for the stable areas of developed pasture.

Mana Whenua Panel: Disposal, as the pastoral components 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 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.

The Mana Whenua Panel has signalled site-specific Ngāi Tahu interests associated with this stewardship area, specifically that the area was an important source of mahinga kai.

Given the Mana Whenua Panel support for the notified disposal investigation, I consider it is not inconsistent with the identified interests.

Rationale: Although parts of the wider stewardship area are unlikely to meet the Conservation General Policy 6(d) and Conservation Act (s. 26) tests for disposal, the pastoral components hold little conservation value and warrant further consideration as to the suitability of disposal.

Disposal - MAW_50_2806549s

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 consists primarily of highly modified 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 these recommendations 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 has 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.

Permissions, Economic Factors and Land Use (Not Allowed)

- A submitter stated that any change should not affect the existing permissions and suggested occupier consultation should occur, noting that two grazing licences are in place. They noted that these do not appear to cover all the grazed areas.

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)

- 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.
- One submitter noted that the movement of the river could affect access, and that riparian access via marginal strips is not guaranteed. The area was noted to have “many angler access points and interest across this section of the Crooked River”.
- 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 these comments are not accepted. The pastoral components of the area are surrounded by private farmland and are unlikely to provide practical access to the river or hold recreational values which would warrant overturning the notified intention for a disposal investigation. Any potential disposal arising from the Departmental investigation will trigger the formation of marginal strips for qualifying waterbodies, which will secure ongoing public access along the riparian corridor.

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 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 on these lands”).
- It was noted that disposal would not assist with a reduction in emissions from agriculture.
- Submitters who wanted the land retained for climate change mitigation or adaptation recommended various alternative classifications such as scenic reserve, ecological reserve, government purpose (river floodplain) reserve, or local purpose (river conservation for ecological reasons) reserve.

I recommend that these comments are not accepted. The modified nature of the pastoral components and the landscape context (i.e. not connected to other public conservation land), limit the effectiveness of restoration for 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 opposed disposal, stating that there have already been too many disposals of significant portions of riverbed in this area, and that pasture development for farming has been prioritised over the protection of floodplains, riverbeds, wetlands in the surrounding area. They suggested this area be retained to protect the aquatic values and added to the LINZ hydro parcel.
- Submitters stated that the area should be left to regenerate and that “stock should not be in our waterways”, 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. “retention of good opportunities for restoration of depleted indigenous ecosystems”, “disposal will lose the opportunity for regeneration and restoration”). A “precautionary policy” was recommended to hold conservation future options open. Government purpose (river floodplain) reserve was suggested as an alternative classification.
- 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 areas are small and landlocked and have no restoration potential.

I recommend that these comments are not accepted. While parts of the broader stewardship area recommended for local purpose (river conservation) reserve may contain freshwater values and other natural values, the modified nature of the pastoral components and the landscape context (i.e. not connected to other public conservation land), limit the effectiveness of retention for ecosystem restoration and justify referring the area to the Department for disposal. Any parts of the area identified to have substantive natural values are unlikely to pass the Conservation General Policy and legislative 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.

Treaty Considerations (Allowed)

- One submission stated no stewardship land should be disposed of, except to tangata whenua “and only then with the need to maintain the block’s cultural, conservation & mahika-kai values”.

I recommend that these comments are not accepted. The proposed disposal investigation was supported by the Mana Whenua Panel, and any potential disposal of relevant 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 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, including the scale of research required for the quantity of land notified.
- 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.

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 modified nature of the pastoral components and the landscape context (i.e. not connected to other public conservation land), limit the effectiveness of restoration for 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. 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 Heritage New Zealand Pouhere Taonga’s 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.

MAW_51 – Hohonu River – 2806542

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Hohonu River	MAW_51_2806542c	Local Purpose (River Conservation) Reserve	Neutral	6	11

DOC Conservation Values Report Description

A 60.55-ha narrow conservation area roughly following the Eastern Hohonu River, one of three main tributaries of Lake Brunner/Moana Kōtuku-Whakaoho. It encompasses mainly farmland of rough pasture, areas of shrubland, with short lengths of gravel riverbed or river channel. It appears to follow what may at one stage have been the bed of the Eastern Hohonu River, which drains from Hohonu Forest MAW_53 into the lake. Parts of the area have been grazed but no licences are in place. The area can be accessed by foot or boat.

Panel Recommendations

National Panel: Local purpose (river conservation) reserve, to 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.

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 - MAW_51_2806542c

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 classification, based on its “cultural conservation value”.

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)

- One submission noted that they assumed there would be no grazing concessions permitted in the local purpose reserve.

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

Oppose

Climate Change and Natural Hazards (Allowed)

- Submissions opposed the classification on the basis that it does not consider climate change impacts and mitigation opportunities, including carbon sequestration, ecosystem restoration and floodplain buffering, suggesting other classifications would be more appropriate (e.g. “these recommendations do not give consideration (active or not) nor effect to the very high and nationally important natural conservation values of the rivers, which include the rivers themselves, and the unfolding of nationally outstanding natural ecological processes and dynamics under climate change, nor nationally important conservation outcomes that could be achieved in the future”).
- A submission proposed government purpose (climate mitigation) reserve as a possible classification.
- Submissions recommended an ecosystem or catchment based approach to the classification of riverbeds, to build resilience for habitats and climate mitigation (e.g. “These values and outcomes are realised principally in allowing the land to move and evolve without obstruction or modification, and in allowing natural vegetation regeneration, and also better realised if rivers and coasts are administered as whole systems”).

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 (e.g. “Forest & Bird opposes the reclassification of land parcels that Include riverbeds or river margins held as stewardship land to LPR (River Conservation) recommendations unless the purpose can clearly set out how the freshwater values will be protected. It is entirely unclear if such a reserve would properly protect the natural values”, “I cannot support most of the local purpose reserves without greater clarity of purpose”).
- 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) reserve recommendations, 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.
- A submission opposed the classification as not representing or allowing for important river conservation values, including natural river processes and ecological values (e.g. “I submit that these recommendations do not give consideration (active or not) nor effect to the very high and nationally important natural conservation values of the rivers, which include the rivers themselves, and the unfolding of nationally outstanding natural ecological processes”).

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 submission noted that the area contains naturally uncommon ecosystems “including dunes and wetlands” highlighting the opportunity for restoration in response to events such as flooding and erosion and recommending classification as a government purpose (river floodplain) reserve.
- Various other 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 a status consistent with adjacent or nearby public conservation land, 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)

- Submissions opposed the recommendation as “inappropriate”, stating that it gives no greater protection than 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.

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions recommended ending all grazing licences within river margins.
- A submission opposed the classification due to concern it would affect existing permissions and river activities.

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 submission 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 Not Stated

Access and Recreation (Allowed)

- Submissions 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.

MAW_52 – Mitchells – 2806543

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Mitchells	MAW_52_2806543d	Scenic Reserve (a)	Neutral	10	4

DOC Conservation Values Report Description

A 10.8295-ha rectangular piece of forest contiguous with the surrounding Lake Brunner (Moana Kōtuku-Whakaoho) Scenic Reserve on the lower slopes of the Hohonu Range above Lake Brunner (Moana Kōtuku-Whakaoho). This conservation area comprises forest typical of the surrounding scenic reserve. The DOC-managed Carew Falls Track, a 1-hour walk through forest to Carew Falls, starts here and a community group does predator trapping in this 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. It will rationalise the boundary of the existing scenic reserve and to improve landscape connectivity and continuity.

Mana Whenua Panel: Neutral.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of scenic reserve (a).

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 proposed classification will appropriately promote the conservation of the natural and historic resources present (e.g. indigenous forest).

Scenic Reserve (a) - MAW_52_2806543d

Support

Climate Change and Natural Hazards (Allowed)

- 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 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).

General (Allowed)

- Submissions expressed overall support for the recommendation without providing specific justifications.
- Submissions agreed that the recommendation reflects the information provided in the technical reports.

- Submissions expressed a general preference for stewardship land to be reclassified at the highest possible classification, 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)

- One submission opposed reclassification as scenic reserve on the grounds that, though it does not prohibit mining, it adds extra restrictions with consequent negative economic impacts, 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)

- Submissions 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 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 (e.g. 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)

- 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.

MAW_53 – Hohonu Forest – 2806524

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Hohonu Forest	MAW_53_2806524e	Tarahanga e Toru Historic Reserve	Tarahanga e Toru Historic Reserve	18	73

DOC Conservation Values Report Description

A 10578.67-ha block of forest based around the Hohonu Range between Taramakau River and Lake Brunner/Moana Kōtuku-Whakaoho, accessible in the north from Kumara Inchbonnie Road. The area is large, extending from lowland conifer-broadleaf into montane conifer-broadleaf forest, and subalpine shrubland into alpine snow tussockland. The area is largely intact with limited human modification. Also present are lakes (including lakes Ruby and Julia), wetlands and numerous streams.

This area is significant to Ngāi Tahu – it features in a Poutini Ngāi Tahu pounamu legend, and is an ara tawhito (traditional travel route). There are local tracks, and the Mt French tramping track provides access to the open tops with the area known by hunters as being a good site for hunting chamois. Archaeological sites associated with the gold rushes of the 1860s and beyond are present. There are concessions, including an easement for a hydropower scheme, a grazing licence for grazing and silage, an accommodation licence for a bach, and a telecommunications licence.

Panel Recommendations

National Panel: Historic reserve (Tarahanga e Toru), 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 recreational use of the area.

Mana Whenua Panel: Historic Reserve (Tarahanga e Toru) will appropriately acknowledge the mana of Ngāi Tahu and the immense cultural significance of the area to Poutini Ngāi Tahu.

S.49(2)(d) Recommendation

- **Proceed** with the notified proposal of Historic Reserve (Tarahanga e Toru).

Summary of accepted submissions: Those submissions accepted as holding merit expressed general support for the proposed classification, highlighted the ecological values present, or noted that the proposed historic reserve 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 historic reserve, supported by submissions from Treaty partner organisations, and have signalled Ngāi Tahu interests associated with this stewardship area, including the maunga Ōhonu (Hohonu) features in a Poutini Ngāi Tahu pounamu legend, which holds that the Tairea Waka was carried up here on a tidal wave and deposited upon Ōhonu. This explains the pounamu found in the adjacent creeks. Ōhonu was frequently prospected for pounamu by Poutini Ngāi Tahu, and it was this that led to the accidental discovery of gold by Poutini Ngāi Tahu within the bed of Ōhonu Creek (Greenstone Creek) that led directly to the great West Coast gold rush.

The stewardship area is also part of an ara tawhito that started at the great pounamu pā at the mouth of the Taramakau, crossing over to Kōtukuwhakaoko (Lake Brunner) via the Ōhonu (Greenstone Creek) to avoid the swift rapids, re-emerging in the Taramakau valley at the foot of Kaimatau (Mt Alexander).

The Mana Whenua Panel indicated that this central region of the West Coast is the heart of Poutini Ngāi Tahu legends, customs and traditions centred around pounamu; “the historical and contemporary associations with pounamu are integral to Poutini Ngāi Tahu identity” and “the immense historical, spiritual and cultural significance of this area cannot be understated”. This stewardship area is part of a network of ara tawhito; “the mountains are criss-crossed by pounamu trails connecting the pā of Arahura, Taramakau and Māwhera with the great Ngāi Tahu trading centre of Kaiapoi Pā. Three passes in particular were lifelines for Ngāi Tahu as trading routes for pounamu and kai in times of war and peace”

and “the varied and plentiful mahinga kai resources in this area supported pā and kāinga nohoanga throughout the region, and were critical to the success of the pounamu pathways”.

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 those submissions accepted, is that the proposed classification provides appropriate protection for the scale and nature of the identified Ngāi Tahu interests, including the identified historic resources and places, objects and natural features, and such things thereon or therein contained that are of cultural interest (e.g. ara tawhito, mahinga kai and pounamu). I note that the Mana Whenua Panel have supported the notified classification, and I am not otherwise aware of any inconsistency between the proposed classification and the identified Ngāi Tahu interests.

Rationale: Historic reserves are held for the purpose of “protecting and preserving in perpetuity such places, objects, and natural features, and such things thereon or therein contained as are of historic, archaeological, cultural, educational, and other special interest” (Reserves Act 1977, s.18(1)). The notified proposal was underpinned by the cultural interest of the places, natural features, and historic resources, as described by the Mana Whenua Panel (e.g. “immense historical, spiritual and cultural significance”) and can be described as an example of a substantive outcome for Ngāi Tahu consistent with Section 4 of the Act and Treaty principles.

I acknowledge the large number of submissions opposing the notified proposal as not adequately reflecting the natural resources present, which are significant and wide ranging, and hold great value for recreational users. However, I do not accept that these concerns warrant overturning the notified proposal, particularly given that in this instance the places themselves and the natural features present that are of historic, archaeological, cultural, educational, or other special interest, are protected under the primary reserve purpose. Further, the scenic, archaeological, geological, biological, and other scientific features, indigenous flora and fauna, and wildlife are all required to be protected “to the extent compatible with the principal or primary purpose of the reserve” (Section 18(2)(c)) of the Reserves Act 1977). The Reserves Act also provides that “the public shall have freedom of entry and access to the reserve” subject to restrictions which are not unique to the proposed classification, i.e. those “necessary for the protection and general well-being of the reserve and for the protection and control of the public using it” (Section 18(2)(b)) Reserves Act 1977).

My conclusion is that on balance the natural resources are appropriately protected, and public recreational access adequately provided for, under the proposed classification when considering the historic resources present and the nature of the historical and cultural interests and significance of the area to Ngāi Tahu.

Tarahanga e Toru Historic Reserve - MAW_53_2806524e

Support

Ecology and Landscape (Allowed)

- A submitter expressed general support for the Tarahanga e Toru historic reserve, though characterising it as covering too large an area and advocating that a mixture of other classifications should also be used to recognise areas of high ecological value.

I recommend that these comments are accepted to the extent that I agree there are high ecological values present, as described in the CVR (e.g. a large area extending from lowland conifer-broadleaf into montane conifer-broadleaf forest, and subalpine shrubland into alpine snow tussockland, largely intact with limited human modification). My assessment is that on balance the natural resources present are appropriately protected under the proposed classification when considering the historic resources present and the cultural significance of the area to Ngāi Tahu. Under a historic reserve classification, “where scenic, archaeological, geological, biological, 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. 18(2)(c)).

Treaty Considerations (Allowed)

- Submissions stated they support the position of the Mana Whenua Panel on the basis that these 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 noted that the proposed historic reserves recognise "sites of significance to Ngāi Tahu and ensure Ngāi Tahu values, alongside conservation values, are at the forefront of the classification". They noted the values and interests present, e.g. "pounamu traditions, the trails and passes (particularly Rakimaurikura, Te Tarahanga o Kaniere and Amuri Pass) that were trading routes for pounamu and kai in times of war and peace, connecting Tai Poutini with the east coast". It was advocated that "the proposed reserves must acknowledge the mana and rangatiratanga of Ngāi Tahu, and provide for Ngāi Tahu wellbeing, kaitiakitanga and mahinga kai".

I recommend that these comments are accepted. I acknowledge that the Tarahanga e Toru Historic Reserve area is of historical and cultural significance to Ngāi Tahu identity. My assessment is that the proposed classification appropriately reflects the significance of the historic resources, and the historical and cultural interests present within the area, and provides appropriate protection for the identified Ngāi Tahu interests.

General (Allowed)

- Submissions expressed support for the proposed classification or the recommendations of the Mana Whenua Panel, 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".
- A submitter stated that the proposed classification reflects the use of the land and adequately protects against its degradation.

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 advocated for "some social and economic needs of the community [to be] taken into account as well", noting that part of the area was used for grazing sheep from the 1880s until the 1920s as a community run.

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

Oppose

Access and Recreation (Allowed)

- Submitters objected to historic reserve classification for the whole area recommended as Tarahanga e Toru on the grounds that the classification does not appropriately protect the extremely high recreational values of the area and may curtail public access, noting that historic reserve classification would only protect recreation values to the extent compatible with the historic values identified (e.g. "public access, the hut, bridge and track systems, and other recreational facilities are not recognised or guaranteed under this category", "historical reserves do not guarantee freedom of access, and impose restrictions on camping"). Concerns were raised that the recommendation classification could allow activities which would diminish recreation values (e.g. "another area of concern (...) is potential for hydroelectric development in this area of pristine unmodified rivers important for recreation and biodiversity").
- The extensive recreation values of the whole area were described, both in terms of established recreational infrastructure and wild areas for trampers and hunters (e.g. "a long established history of multi-day backcountry tramping, mountaineering and hunting trips", "a massive network of huts and tracks, many of which are community maintained", "with over 60 backcountry huts the proposed area is also highly valued by the tramping and hunting communities").
- Submissions made in relation to the whole area recommended as Tarahanga e Toru raised concerns that both the DOC conservation values reports and the Panels' recommendation reports lacked full consideration of the

recreation values present, notably the importance of the rivers for a range of paddle sports and canyoning. There was concern that historic reserve classification may affect access to these rivers, with submitters most frequently recommending ecological area as their preferred alternative.

- Submitters noted that historic reserve classification does not guarantee free public access (e.g. “historic reserves may be leased by an administering body potentially privatising the area”, “experience with management of the Waitaiki Historic Reserve is that access is denied for spurious reasons”, “fees may be charged for access and use”, “the widespread use of s58(c) to charge for admission should be ruled out”).
- To ensure public access and protect recreation values, submitters advocated variously for ecological area, scenic reserve, conservation park or national park, or joint historic/recreation reserve.
- Submitters frequently advocated for national park classification for the whole area recommended as Tarahanga e Toru Historic Reserve, to protect the high recreation values (e.g. “a classification under the National Parks Act or alternatively, Part 4 of Conservation Act would provide more balanced and appropriate management of ecological, recreational and mana whenua values. It will better protect recreation, conservation and the highly valued ecological and whitewater values in this area, requiring public consultation for any concessions, works or changes to access arrangements or future reclassifications”).
- Submitters otherwise suggested that access be explicitly guaranteed under the Reserves Act (e.g. “either the classification be under the Conservation Act, or mechanisms to ensure practical enduring access and conservation of other natural values are expressly provided for in any classification under the Reserves Act”).

I recommend that these comments are not accepted. While I agree the wider area recommended as the Tarahanga e Toru Historic Reserve holds high value for recreation use, my assessment is that on balance public recreational access is adequately provided for, when considering the historic resources present and the cultural interest and significance of the area to Ngāi Tahu. The public “shall have freedom of entry and access to the reserve”, subject to restrictions “necessary for the protection and general well-being of the reserve and for the protection and control of the public using it” (Section 18(2(b)) Reserves Act 1977).

I acknowledge submitters concerns a historic reserve classification can limit access, however I do not accept that this concern warrants overturning the notified proposal. Such potential access restrictions are not unique to the proposed classification and exist elsewhere within the legislation, for example under the Reserves Act 1977 and s.4(2)(e) of the National Parks Act 1980.

Climate Change and Natural Hazards (Allowed)

- Submitters who opposed historic reserve classification for the whole area recommended as Tarahanga e Toru noted that protection of the natural resources was important given that the area is large enough to contribute to climate change mitigation (e.g. “large enough areas necessary for carbon sinks to help New Zealand meet international agreements on climate change”, “a significant part of our potential carbon sinks, biodiversity bases, and natural fresh water sources”).

I recommend are not accepted. While I acknowledge submitters’ comments that the stewardship area contains unmodified and high value natural resources (e.g. a large area extending from lowland conifer-broadleaf into montane conifer-broadleaf forest, and subalpine shrubland into alpine snow tussockland, largely intact with limited human modification), my assessment is that on balance the natural resources present are appropriately protected under the proposed classification when considering the historic resources present and the cultural significance of the area to Ngāi Tahu.

Ecology and Landscape (Allowed)

- Submitters objected to historic reserve classification for the whole area recommended as Tarahanga e Toru, arguing that a historic reserve classification does not offer adequate protection for the unmodified natural resources present (e.g. “this classification appears to provide relatively weak protection to both conservation and public access”, “historic reserve classification could allow for management and development that is inconsistent with the recreational and biodiversity values present”, “the highly valuable qualities of these areas are their wild, scenic, rugged, unmodified nature and free access (...) These qualities are not protected at all by the recommendation of a historic reserve, in fact this level of protection doesn’t come close to covering it”, “The effects of mining may very well change the entire face of the landscape removing stretches of forest, polluting our water ways and disrupting our native ecosystems”).

- Submitters commented that the lack of clearly defined purpose meant the public were unable to understand how the natural values would be protected in relation to this primary purpose (“This is because the primary purpose of the reserve takes priority over the protection of scenic, archaeological, geological, biological, or other scientific features, and indigenous flora or fauna on the reserve”).
- Submitters advocating for higher protection emphasised that the area recommended as Tarahanga e Toru is largely remote and intact, with notable freshwater and biodiversity values (e.g. “unmodified headwaters, uninterrupted mountains to sea, threatened ecosystems and species such as rare braided riverbed, indigenous fish un-dammed pathways, sand spit, bird breeding areas and public access”, “the vast landscape remains almost as it was before humans arrived”, “a stronghold for taonga species including kea and whio”, “untouched kingdoms of scientific biodiversity”, “contains roughly 60 kilometres of the Southern Alps. Within this area are numerous small glaciers and many significant peaks, the headwaters of some of the West Coast’s major rivers”, “There are over 300 km of river in this area, all of it is pristine and the majority of it is remote”, “For the fauna especially, the remote backcountry of the area provides a natural habitat suitable for recovering populations. The Kea and Whio populations especially benefit from the remoteness”, “outstanding and nationally significant ecological, landscape and recreational values within this area that warrant the highest level of protection”).
- Submitters often suggested that historic reserve is inappropriate for such an extensive area (e.g. “The area is very large and some parts of it may be better suited to scenic reserve, national park, ecological area or scientific reserve classification”, “Along with many other sections of legislation that are inappropriate for such a large pristine bit of land...”, “The recommendation that vast landscapes, such as the proposed Tarahanga e Toru Historic Reserve area, may be acceptable only if it offers robust protection to the extraordinary ecological, geological, palaeontological, cultural, landscape, recreational and spiritual values of that area”). The Tarahanga e Toru grouping was identified as more than four times the size of Paparoa National Park and two and a half times the size of Aoraki-Mt Cook National Park.
- Submitters advocated variously for ecological area, scenic reserve, conservation park or national park, or suggested a combination of these classifications. Some submitters recommended ecological area “gazetted with 2 or more purposes” as this protects “recreation and ecological values and simultaneously protects mana whenua interests should historical values be established as principles”. A national park classification was frequently proposed, with submitters noting that the area recommended for Tarahanga e Toru Historic Reserve shares many of the same natural values as the Arthurs Pass National Park. Several submitters advocated for the entire Tarahanga e Toru grouping to form a new national park to reflect the “cultural, ecological, landscape and recreational values” (e.g. “a new Tarahanga e Toru/ 3 Passes National Park”). It was recommended that this “grouping be extended south to include the entire Waitaha catchment”.
- Submitters suggested that some parts of this area would meet the criteria for wilderness area (e.g. “majority of Tarahanga e Toru is further away from civilization and more remote than that of the Paparoa or Arthurs Park National Parks”, “Parts of the area even have values on par with the small number of wilderness areas on the West Coast”).

I recommend that these comments are not accepted. Although I agree there are high ecological values present, as described in the CVR (e.g. a large area extending from lowland conifer-broadleaf into montane conifer-broadleaf forest, and subalpine shrubland into alpine snow tussockland, largely intact with limited human modification), my assessment is that on balance the natural resources present are appropriately protected under the proposed classification when considering the historic resources present and the cultural interest and significance of the area to Ngāi Tahu. Under a historic reserve classification, “where scenic, archaeological, geological, biological, 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. 18(2)(c)).

Historical and Cultural Values (Allowed)

- Submitters opposed historic reserve for the whole area recommended as Tarahanga e Toru, commenting that the recommendation is inappropriate as this classification is not intended for large landscapes, but “for small-scale, discrete and recognised archaeological and historical sites and buildings”.
- Submitters expressed concern regarding a lack of clarity as to “the place, object, and natural feature or other thing that is to be preserved and protected” or that “the historical resources assessed are cultural and non-physical in nature, making management of these values, over and above secondary objectives and values (e.g. recreation and

ecological), highly subjective and open to interpretation” (e.g. “a misuse of the Historic Reserve category as the primary purpose of a Historic Reserve relates to the preservation of structures and objects. The proposed Historic Reserve covers a vast area of great cultural, ecological and recreational importance within which historical structures and objects are almost entirely post colonisation (old benched tracks etc) and cover a vanishingly small percentage of the area”, “for small-scale, discrete and recognised archaeological and historical sites and buildings”, “the area proposed for historic reserve status appears far more extensive than required to provide for the protection of historic sites and cultural values”, “While Amuri Pass and the Tass-Nancy Saddle may have been historic travelling routes for Māori, there is virtually no built historic heritage in this vast wild area”, “visible historical structures and objects within the area such as old benched tracks, and nohoanga or kainga/ pā sites, cover a very small proportion of this huge area, which has widespread significance for its high ecological and recreational values”).

- Submitters advocated for classification as national park over the whole area to “acknowledge the area’s human history and allow the people of today and tomorrow to transcend time, to experience the landscape as early people did”, noting that the National Parks Act 1980 requires that “sites and objects of archaeological and historical interest shall as far as possible be preserved”. Conservation park was also suggested.
- Some submitters who advocated for national park classification supported the proposed historic reserve for the pounamu trails themselves “that contain physical evidence of the history” (e.g. the Taramakau river mouth should be “excluded due to its proven historical value”).

I recommend that these comments are not accepted. My assessment is that on balance the proposed classification appropriately reflects the historic resources present within the area (e.g. ara tawhito, mahinga kai and pounamu) and the nature of the historical and cultural interests and significance of the area to Ngāi Tahu (“Poutini Ngāi Tahu ancestors and their stories are literally embedded in this landscape”).

Treaty Considerations (Allowed)

- Submitters acknowledged the significance of the area to Ngāi Tahu, but suggested that given the long list of wider conservation values present, the extent of the proposed reserve should be revisited or that other classifications would be more suitable (e.g. “we acknowledge that there is an immense significance and rich history within this area of Pounamu trails, settlements and Pā, mahinga kai gathering, and its general importance to Poutini Ngāi Tahu. We feel that this only adds to the reasons for which it should be more strongly protected, and we believe that its ecological value should be prioritized above all else”).
- Submitters suggested that the proposed classification does “not adequately encompass both nature protection and mana whenua aspirations”.
- Submitters advocated for a national park classification “where proper recognition of Ngāi Tahu’s presence past and present, can be achieved alongside appropriate protection for natural and recreational values”.
- Submitters referenced various examples where Ngāi Tahu have a “major role” in management and planning of national parks (e.g. “National parks do not preclude additional mechanisms for protecting cultural values, such as the topuni which recognises the tapu associated with Aoraki”, “the Treaty principle of partnership can be upheld through shared governance and management practices as is the case for Paparoa National Park”, “any outstanding cultural issues can be managed through some form of shared governance and management (...) Kaitiakitanga of this hugely valued and much used area should rest with the nation as a whole albeit with acknowledgment of, and provision for, the ability for Ngāi Tahu whānui to reconnect to their ancestral lands, provide for the mana and rangatiratanga of Ngāi Tahu and to exercise kaitiakitanga and mahinga kai. Such arrangements would be provided for through an enlightened National Park Management Plan”).

I recommend that these comments are not accepted. It is my conclusion that the proposed classification appropriately protects the natural and historic resources present within the area, and reflects the nature of the historical and cultural interests and significance of the area to Ngāi Tahu, providing appropriate protection for the identified Treaty partner interests (“Poutini Ngāi Tahu ancestors and their stories are literally embedded in this landscape”).

General (Allowed)

- Submissions expressed general opposition to the proposed classification without providing further justification (e.g. “values more suited to Conservation Area”, “request that the area be given national park status”).

- Submitters raised concerns that "historic reserve status can be altered and allow for other purposes".

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 classification for the whole area recommended as Tarahanga e Toru on the grounds that historic reserve may not prevent mining, hydro schemes or other development in the area, and that the public may not be able to have a say in any proposed activities (particularly if the reserve is vested).
- Conversely, other submitters opposed the classification as being too restrictive for mining and associated economic opportunities, or as restricting access to rare earth minerals needed "to create a low-emissions future in our own backyard" (e.g. area is "subject to an application for a minerals prospecting permit for a suite of metals including lithium and rare earth elements" and "provides a good example of a potential economic opportunity for the West Coast", "remain in Stewardship Land or disposal for future economic development"). 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 for commercial uses 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)

- 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".
- Submitters were critical of the lack of clearly defined purpose for the reserve, stating that this is a "prerequisite for proper consultation" and that they therefore "simply do not know what we are commenting on".
- A submitter highlighted that as well as clarification of purpose, as details of management are unknown, a further public consultation process will be required.
- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land, limitations of the consultation, and potential conflicts of interest.

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

Other (Not Allowed)

- Submitters raised concern about potential vesting of the proposed reserve, suggesting that this may impact on public access (e.g. "if this were to take place there are no guarantees that public access is preserved, nor regarding the preservation of the landscape").
- Submitters who opposed the classification suggested that they might come to support the proposed reserve if public access and participation in future management planning processes could be ensured, or if there is a mechanism to ensure DOC has ongoing input into decision-making (e.g. "I support mana whenua stewardship but want assurances about public voice in river conservation", "There is a high level of public interest in this very large area and the ongoing involvement of DOC provides greater certainty that this public interest can be reflected in management").
- A submitter advocated that due to the scale of the proposed reserve, it "should be included as a separate Place in the CMS so the public can have input into how it is managed".
- 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 suggested the proposed Tarahanga e Toru Historic Reserve is an unusual use of the designation in terms of size and scale (e.g. “I am uncomfortable with the massive extension of the concept of a Historic Reserve covering such a vast landscape”).
- A submitter queried “how historic reserve status protects biodiversity and public access”, suggesting that the area may be worthy of ecological area status.

I recommend that these comments are not accepted. While I agree there are high ecological values present, as described in the CVR, my assessment is that on balance the natural resources present are appropriately protected under the proposed classification and that historic reserve is appropriate when considering the historic resources present and the cultural interest and significance of the area to Ngāi Tahu.

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”.
- A submitter suggested that the justification for the recommendation implies the “mountains and rivers might provide economically”, advocating for separation between decision makers and permission applicants.

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

MAW_54 – Greenstone River/Hokonui – 2805814

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Greenstone River/Hokonui	MAW_54_2805814f	Ōhonu Historic Reserve	Ōhonu Historic Reserve	15	13

DOC Conservation Values Report Description

A 36.9834-ha area primarily covered in forest and containing tributaries of the Taramakau River, it is surrounded on three sides by the Greenstone Ecological Area. The rivers have been historically mined with much of the area covered in regenerating forest and scrub. The entirety of MAW_54 contains multiple historic gold mining archaeological sites and concessions for alluvial gold mining, grazing, and a structure easement to convey electricity. There is an urupā (burial ground) in the vicinity of these conservation areas.

Panel Recommendations

National Panel: Historic reserve (Ōhonu), to protect and illustrate the significance of the identified historic and archaeological features, while preserving the identified ecological values.

Mana Whenua Panel: Supports the Western South Island National Panel's recommendation of historic reserve as an appropriate classification to recognise the past use of the area for pounamu fossicking, and the early discovery of gold by local Māori.

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 noting that this area is of significance to Ngāi Tahu, and that the proposed reserve 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.

The Mana Whenua Panel has signalled specific Ngāi Tahu interests associated with this stewardship area, particularly that the area contains pounamu resources and "Pounamu is vested in Te Runanga o Ngāi Tahu pursuant to the Ngāi Tahu (Pounamu Vesting) Act 1997 in recognition of its significance to Ngāi Tahu". They noted that the "reclassification of areas containing pounamu must expressly provide for the rights of Ngāi Tahu over this taonga, including access". They further noted that there is an urupā 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 on balance the natural resources present are appropriately protected under the proposed classification, when also considering the historic resources present (e.g. multiple historic gold mining archaeological sites) and the identified Ngāi Tahu interests.

Ōhonu Historic Reserve - MAW_54_2805814f

Support

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.
- Submitters noted that the proposed historic reserves recognise "sites of significance to Ngāi Tahu and ensure Ngāi Tahu values, alongside conservation values, are at the forefront of the classification".

I recommend that these comments should be accepted. I agree that the natural resources present are appropriately protected under the proposed classification, when also considering the historic resources present (e.g. multiple historic gold mining archaeological sites) and the identified Ngāi Tahu interests. the proposed classification will allow for active protection of the identified interests (e.g. provision of access or additional protection measures), 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 the classification is not inconsistent with the identified interests.

- It was advocated that “the proposed reserves must acknowledge the mana and rangatiratanga of Ngāi Tahu, and provide for Ngāi Tahu wellbeing, kaitiakitanga and mahinga kai”.

I recommend that these comments are accepted to the extent that I agree the proposed classification will promote the conservation of any cultural and historic resources present. Although I agree that the proposed historic reserve recognises the identified Ngāi Tahu interests, the purpose of the proposed reserve is set and established as per Reserves Act 1977, s. 18(1). Potential changes to management or legislative frameworks are not the subject of the public notice.

General (Allowed)

- Submissions expressed overall support for the recommendation without providing specific justifications, agreed that the recommendation reflects the information provided in the technical reports, or expressed a general preference for stewardship land to be reclassified at the highest possible classification, based on its “high cultural conservation value”.
- The recommendation was supported as reflecting the use of the land and adequately protecting 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.

Permissions, Economic Factors and Land Use (Not Allowed)

- A submitter stated support for the recommendation and stated that any change should not affect existing permissions, noting mining concessions, a grazing licence, and a structure easement.

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”).
- To ensure access, submitters recommended that the larger historic reserves are made either conservation parks, or national parks if they adjoin Arthur’s Pass National Park.

I recommend that these comments are not accepted. The CVR notes that there is limited recreational use in the assessment area. My view is that public recreational access is appropriately provided for under the proposed classification, when also considering the historic resources present. Under a historic reserve, “the public shall have freedom of entry and access to the reserve, subject to (...) 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 recommended adding the area to Greenstone Ecological Area for “better protection”.
- 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 on balance the natural resources present are appropriately protected under the proposed classification, when also considering the high historic values present and cultural significance of the area to Ngāi Tahu. 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 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 appropriately reflects the importance of the historic values present (e.g. multiple archaeological sites associated with gold mining) and the identified Ngāi Tahu interests. Historic reserves are managed for the purpose of “protecting and preserving in perpetuity such places, objects, and natural features, and such things thereon or therein contained as are of historic, archaeological, cultural, educational, and other special interest” (Reserves Act 1977, s. 18(1)).

Treaty Considerations (Allowed)

- It was stated that the proposed classification does “not adequately encompass both nature protection and mana whenua aspirations” or “their strong connection to the land”.
- A national park classification was suggested “where proper recognition of Ngāi Tahu’s presence past and present, can be achieved alongside appropriate protection for natural and recreational values”.

It is recommended that these comments are not accepted. My assessment is that on balance the natural values present are appropriately provided for when considering the historic values present resources present, including the identified Ngāi Tahu interests.

Permissions, Economic Factors and Land Use (Not Allowed)

- Submitters raised concerns that a historic reserve recommendation provides insufficient environmental protection as it offers “greater scope for commercial activities and leases than national park or scenic reserve status”, and that the classification may be acceptable only if closes areas to “extractive, invasive and intrusive industries such as mining, grazing, exotic forestry and hydro-generation”.
- Conversely, one 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.

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.

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

Other (Not Allowed)

- A submitter who recommended conservation park or national park classification stated they support co-management “provided management recognises the principle of free access to all, the continuation of existing facilities, and a primary responsibility for environmental protection”.
- 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)

- 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. 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 (e.g. 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.

Permissions, Economic Factors and Land Use (Not Allowed)

- One submitter called for further assessment of the areas that have been highly modified from mining and grazing with the view to change their land class to production forestry or farming.
- 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.

MAW_54 – Greenstone River/Hokonui – 2809291

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Greenstone River/Hokonui	MAW_54_2809291g	Ōhonu Historic Reserve	Ōhonu Historic Reserve	17	11

DOC Conservation Values Report Description

A 207.0704-ha area which includes the valley floor/riverbed and lower hill slopes of the Greenstone River/Hokonui valley. The rivers have been historically mined with much of the area covered in regenerating forest and scrub. It is largely surrounded by the Greenstone Ecological Area to the north and Revell Terrace Amenity Area and Three Mile Amenity Area to the south. It also adjoins the Payne Gully Conservation Area to the south and the Hohonu Forest Scenic Reserve to the west. The entirety of MAW_54 contains multiple historic gold mining archaeological sites and concessions for alluvial gold mining, grazing, and a structure easement to convey electricity. There is an urupā (burial ground) in the vicinity of these conservation areas.

Panel Recommendations

National Panel: Historic reserve (Ōhonu), to protect and illustrate the significance of the identified historic and archaeological features, while preserving the identified ecological and recreational values.

Mana Whenua Panel: Supports the Western South Island National Panel's recommendation of historic reserve as an appropriate classification to recognise the past use of the area for pounamu fossicking, and the early discovery of gold by local Māori.

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 noting that this area is of significance to Ngāi Tahu, and that the proposed reserve 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.

The Mana Whenua Panel has signalled specific Ngāi Tahu interests associated with this stewardship area, particularly that the area contains pounamu resources and "Pounamu is vested in Te Runanga o Ngāi Tahu pursuant to the Ngāi Tahu (Pounamu Vesting) Act 1997 in recognition of its significance to Ngāi Tahu". They noted that the "reclassification of areas containing pounamu must "expressly provide for the rights of Ngāi Tahu over this taonga, including access". They further noted that there is an urupā in the vicinity.

Given the Mana Whenua Panel support for the notified proposal, I consider the classification is not inconsistent with the identified interests.

Rationale: My conclusion is that on balance the natural resources present are appropriately protected under the proposed classification, when also considering the historic resources present (e.g. multiple historic gold mining archaeological sites) and the identified Ngāi Tahu interests.

Ōhonu Historic Reserve - MAW_54_2809291g

Support

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.

- Submitters noted that the proposed historic reserves recognise “sites of significance to Ngāi Tahu and ensure Ngāi Tahu values, alongside conservation values, are at the forefront of the classification”.

I recommend that these comments should be accepted. I agree that the natural resources present are appropriately protected under the proposed classification, when also considering the historic resources present (e.g. multiple historic gold mining archaeological sites) and the identified Ngāi Tahu interests. I note that the Mana Whenua Panel have supported the notified classification, and therefore I consider the classification is not inconsistent with the identified interests.

- It was advocated that “the proposed reserves must acknowledge the mana and rangatiratanga of Ngāi Tahu, and provide for Ngāi Tahu wellbeing, kaitiakitanga and mahinga kai”.

I recommend that these comments are accepted to the extent that I agree the proposed classification will promote the conservation of any cultural and historic resources present. Although I agree that the proposed historic reserve recognises Ngāi Tahu’s interests, the purpose of the proposed reserve is set and established as per Reserves Act 1977, s. 18(1). Potential changes to management or legislative frameworks are not the subject of the public notice.

General (Allowed)

- Submissions expressed overall support for the recommendation without providing specific justifications.
- Submissions agreed that the recommendation reflects the information provided in the technical reports.
- Submissions expressed a general preference for stewardship land to be reclassified at the highest possible classification, based on its “high cultural conservation value”.
- The recommendation was supported as reflecting the use of the land and adequately protecting 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.

Permissions, Economic Factors and Land Use (Not Allowed)

- A submitter stated support for the recommendation and stated that any change should not affect existing permissions, noting mining concessions, a grazing licence, and a structure easement.

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”).
- To ensure access, submitters recommended that the larger historic reserves are made either conservation parks, or national parks if they adjoin Arthur’s Pass National Park.

I recommend that these comments are not accepted. The CVR notes that there is limited recreational use in the assessment area. My view is that public recreational access is appropriately provided for under the proposed classification, when also considering the historic resources present. Under a historic reserve, “the public shall have freedom of entry and access to the reserve, subject to (...) 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)

- 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 on balance the natural resources present are appropriately protected under the proposed classification, when also considering the high historic values present and cultural significance of the area to Ngāi Tahu. 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 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 appropriately reflects the importance of the historic values present (e.g. multiple archaeological sites associated with gold mining) and the identified Ngāi Tahu interests. Historic reserves are managed for the purpose of “protecting and preserving in perpetuity such places, objects, and natural features, and such things thereon or therein contained as are of historic, archaeological, cultural, educational, and other special interest” (Reserves Act 1977, s. 18(1)).

Treaty Considerations (Allowed)

- It was stated that the proposed classification does “not adequately encompass both nature protection and mana whenua aspirations” or “their strong connection to the land”.
- A national park classification was suggested “where proper recognition of Ngāi Tahu’s presence past and present, can be achieved alongside appropriate protection for natural and recreational values”.

It is recommended that these comments are not accepted. My assessment is that on balance the natural values present are appropriately provided for when considering the historic resources present, including the identified Ngāi Tahu interests.

Permissions, Economic Factors and Land Use (Not Allowed)

- Submitters raised concerns that a historic reserve recommendation provides insufficient environmental protection as it offers “greater scope for commercial activities and leases than national park or scenic reserve status”, and that the classification may be acceptable only if closes areas to “extractive, invasive and intrusive industries such as mining, grazing, exotic forestry and hydro-generation”.
- Conversely, one 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.

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.

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

Other (Not Allowed)

- A submitter who recommended conservation park or national park classification stated they support co-management “provided management recognises the principle of free access to all, the continuation of existing facilities, and a primary responsibility for environmental protection”.
- 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)

- 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. 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 (e.g. 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.

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.

MAW_55 – Paynes Gully Road – 2809290

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Paynes Gully Road	MAW_55_2809290h	Ōhonu Historic Reserve	Ōhonu Historic Reserve	16	11

DOC Conservation Values Report Description

A 200.5143-ha forest on glacial outwash terrace, largely intact but some cutover, and historically mined as part of the Greenstone goldfield. It is a lowland area that is predominantly forest covered, but also includes a lake/reservoir and localised wetlands, and extends south to the Taramakau River. The area forms part of a more extensive Protected Natural Area network adjoining multiple pieces of public conservation land on various borders. Archaeological sites are recorded within the assessment area, and these are associated with historic gold mining. There is occasional hunting use.

Panel Recommendations

National Panel: Historic reserve (Ōhonu), to protect and illustrate the significance of the identified historic and archaeological features, while preserving the identified ecological values.

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

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, noting that this area is of significance to Ngāi Tahu, and that the proposed reserve 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.

The Mana Whenua Panel has signalled specific Ngāi Tahu interests associated with this stewardship area, particularly that the area contains pounamu resources and "Pounamu is vested in Te Runanga o Ngāi Tahu pursuant to the Ngāi Tahu (Pounamu Vesting) Act 1997 in recognition of its significance to Ngāi Tahu". They noted that the "reclassification of areas containing pounamu must" expressly provide for the rights of Ngāi Tahu over this taonga, including access". They further noted that there is an urupā 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 on balance the natural resources present are appropriately protected under the proposed classification, when also considering the historic resources present (e.g. historic gold mining archaeological sites) and the identified Ngāi Tahu interests.

Ōhonu Historic Reserve - MAW_55_2809290h

Support

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.
- Submitters noted that the proposed historic reserves recognise "sites of significance to Ngāi Tahu and ensure Ngāi Tahu values, alongside conservation values, are at the forefront of the classification".

I recommend that these comments should be accepted. I agree that the proposed classification will allow for active protection of the identified interests (e.g. provision of access or additional protection measures), where consistent with the conservation of the natural and historic resources present.

- It was advocated that “the proposed reserves must acknowledge the mana and rangatiratanga of Ngāi Tahu, and provide for Ngāi Tahu wellbeing, kaitiakitanga and mahinga kai”.

I recommend that these comments are accepted to the extent that I agree the proposed classification will promote the conservation of any cultural and historic resources present. Although I agree that the proposed historic reserve recognises Ngāi Tahu’s interests, the purpose of the proposed reserve is set and established as per Reserves Act 1977, s. 18(1). Potential changes to management or legislative frameworks are not the subject of the public notice.

General (Allowed)

- Submissions expressed overall support for the recommendation without providing specific justifications, agreed that the recommendation reflects the information provided in the technical reports, or expressed a general preference for stewardship land to be reclassified at the highest possible classification, based on its “high cultural conservation value”.
- The recommendation was supported as reflecting the use of the land and adequately protecting 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.

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”).
- To ensure access, submitters recommended that the larger historic reserves are made either conservation parks, or national parks if they adjoin Arthur’s Pass National Park.

I recommend that these comments are not accepted. The CVR notes that “occasional hunting” is the typical visitor activity for the assessment area. My assessment is this type of public recreational access is appropriately provided for under the proposed classification, when also considering the historic resources present. Under a historic reserve, “the public shall have freedom of entry and access to the reserve, subject to (...) 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)

- 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 on balance the natural resources present (e.g. forest/regenerating forest with areas of gravel riverbed) are appropriately protected under the proposed classification, when also considering the high historic values present and cultural significance of the area to Ngāi Tahu. 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 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 appropriately reflects the historic values present (e.g. high historic and archaeological significance as the first field to have been discovered, two archaeological sites associated with gold mining) and the identified Ngāi Tahu interests. Historic reserves are managed for

the purpose of “protecting and preserving in perpetuity such places, objects, and natural features, and such things thereon or therein contained as are of historic, archaeological, cultural, educational, and other special interest” (Reserves Act 1977, s. 18(1)).

Treaty Considerations (Allowed)

- It was stated that the proposed classification does “not adequately encompass both nature protection and mana whenua aspirations” or “their strong connection to the land”.
- A national park classification was suggested “where proper recognition of Ngāi Tahu’s presence past and present, can be achieved alongside appropriate protection for natural and recreational values”.

It is recommended that these comments are not accepted. My assessment is that on balance the natural values present are appropriately provided for when considering the historic resources present, including the identified Ngāi Tahu interests.

Permissions, Economic Factors and Land Use (Not Allowed)

- Submitters raised concerns that a historic reserve recommendation provides insufficient environmental protection as it offers “greater scope for commercial activities and leases than national park or scenic reserve status”, and that the classification may be acceptable only if closes areas to “extractive, invasive and intrusive industries such as mining, grazing, exotic forestry and hydro-generation”.
- Conversely, one 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.

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.

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

Other (Not Allowed)

- A submitter who recommended conservation park or national park classification stated they support co-management “provided management recognises the principle of free access to all, the continuation of existing facilities, and a primary responsibility for environmental protection”.
- 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)

- 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. 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 (e.g. 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.

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.

MAW_56 – Cape Terrace – 2809294

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Cape Terrace	MAW_56_2809294i	Ōhonu Historic Reserve	Neutral	14	12

DOC Conservation Values Report Description

A 38.4733-ha lowland area of cutover and regenerating forest, riverbed and mine workings, on a glacial outwash terrace with a long history of gold mining. The area is adjacent to the Greenstone Ecological Area to the east, otherwise it is surrounded by private land and forestry. Archaeological sites associated with gold mining are recorded within this assessment area. The area has an active mining operation in the southern portion, authorised through a medium impact access arrangement, and much of the area appears to have been previously modified. There is an old pā site in the vicinity of this conservation area. There is occasional hunting beyond the mining area.

Panel Recommendations

National Panel: Historic reserve, to protect and illustrate the significance of the identified historic and archaeological features, while preserving the identified ecological and recreational values. It is noted that this area is classified consistently with MAW_54 and MAW_55, contributing to a historic landscape across the area.

Mana Whenua Panel: Neutral.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of historic reserve.

Summary of accepted submissions: Excepting those expressing general support for the proposal, no submissions were 'accepted' as holding substantial merit with regard to your notified proposal to classify the area as a historic reserve.

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 there is "an old pā site in the vicinity of this conservation area".

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 natural resources present are appropriately protected under the proposed classification (e.g. regenerating lowland forest) when also considering the historic resources present (e.g. high historical and archaeological significance as the first field to have been discovered, two recorded sites), including the identified Ngāi Tahu interests.

Ōhonu Historic Reserve - MAW_56_2809294i

Support

General (Allowed)

- Submissions expressed overall support for the recommendation without providing specific justifications, agreed that the recommendation reflects the information provided in the technical reports, or expressed a general preference for stewardship land to be reclassified at the highest possible classification, based on its "high cultural conservation value".
- The recommendation was supported as reflecting the use of the land and adequately protecting 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.

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”).
- To ensure access, submitters recommended that the larger historic reserves are made either conservation parks, or national parks if they adjoin Arthur’s Pass National Park.

I recommend that these comments are not accepted. The CVR notes that “occasional hunting” is the typical visitor activity for the assessment area. My assessment is this type of public recreational access is appropriately provided for under the proposed classification, when also considering the historic resources present. Under a historic reserve, “the public shall have freedom of entry and access to the reserve, subject to (...) 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 recommended adding the area to Greenstone Ecological Area for “better protection”.
- 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 on balance the natural resources present (e.g. cutover and regenerating forest) are appropriately protected under the proposed classification, when also considering the historic values present (e.g. high historical and archaeological significance as the first field to have been discovered, two recorded sites). 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 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 appropriately reflects the historic values present (e.g. high historical and archaeological significance as the first field to have been discovered, two recorded sites). Historic reserves are managed for the purpose of “protecting and preserving in perpetuity such places, objects, and natural features, and such things thereon or therein contained as are of historic, archaeological, cultural, educational, and other special interest” (Reserves Act 1977, s. 18(1)).

Treaty Considerations (Allowed)

- It was stated that the proposed classification does “not adequately encompass both nature protection and mana whenua aspirations” or “their strong connection to the land”.
- A national park classification was suggested “where proper recognition of Ngāi Tahu’s presence past and present, can be achieved alongside appropriate protection for natural and recreational values”.

It is recommended that these comments are not accepted. My assessment is that on balance the natural values present are appropriately provided for when considering the historic resources present, including the identified Ngāi Tahu interests.

Permissions, Economic Factors and Land Use (Not Allowed)

- Submitters raised concerns that a historic reserve recommendation provides insufficient environmental protection as it offers “greater scope for commercial activities and leases than national park or scenic reserve status”, and that the classification may be acceptable only if closes areas to “extractive, invasive and intrusive industries such as mining, grazing, exotic forestry and hydro-generation”.

- Conversely, one 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.

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.

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

Other (Not Allowed)

- A submitter who recommended conservation park or national park classification stated they support co-management “provided management recognises the principle of free access to all, the continuation of existing facilities, and a primary responsibility for environmental protection”.
- 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)

- 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. 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 (e.g. 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.

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 stated that any change should not affect the existing permissions, noting an access arrangement and a variation for alluvial gold mining in lower Greenstone River.

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

MAW_57 – Camerons – 2809262

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Camerons	MAW_57_2809262j	Scenic Reserve (a)	Neutral	11	4

DOC Conservation Values Report Description

A 26.5844-ha area consisting of two parcels which are remnant of coastal forest on the terraces above the Taramakau River, cutover but regenerating. It forms the backdrop to the town of Camerons. These areas are situated on the hillside above the settlement of Camerons and next to a modified landscape of forestry and settlement, and are intersected with tracks.

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 (a).

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 proposed classification will appropriately promote the conservation of the natural and historic resources present (e.g. remnant regenerating coastal forest).

Scenic Reserve (a) - MAW_57_2809262j

Support

Climate Change and Natural Hazards (Allowed)

- 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 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).

General (Allowed)

- A submitter suggested combining the Camerons conservation area with Taramakau Riverbed and adding them to Taramakau Scenic Reserve.
- Submissions expressed overall support for the recommendation without providing specific justifications.
- Submissions agreed that the recommendation reflects the information provided in the technical reports.

- Submissions expressed a general preference for stewardship land to be reclassified at the highest possible classification, 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)

- One submission opposed reclassification as scenic reserve on the grounds that, though it does not prohibit mining, it adds extra restrictions with consequent negative economic impacts, 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)

- Submissions 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 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 (e.g. 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)

- 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.

MAW_58 – Nelson Creek (Township) – 2806803

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Nelson Creek (Township)	MAW_58_2806803k	Disposal	Disposal	11	26

DOC Conservation Values Report Description

A 0.0616-ha triangle of land within the township of Nelson Creek. Looks to be highly modified and occupied by neighbouring properties, but there are no grazing concessions or occupation licences granted.

Panel Recommendations

National Panel: Disposal suggested as appropriate as the area is highly modified, has very low to no conservation value, has been cleared of indigenous vegetation, and is occupied by neighbouring properties.

Mana Whenua Panel: Supports the Western South Island National Panel's recommendation of disposal as the area is highly modified.

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 supported the notified disposal investigation, supported by submissions from Treaty partner organisations, on the grounds that the area is highly modified.

Rationale: Although parts of the wider stewardship area are unlikely to meet the Conservation General Policy 6(d) and Conservation Act (s. 26) tests for disposal, the pastoral components hold little conservation value and warrant further consideration as to the suitability of disposal.

Disposal - MAW_58_2806803k

Support

Ecology and Landscape (Allowed)

- Submitters supported disposal as the area is small and in a built environment.
- 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 highly 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 these recommendations 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. 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.

Process and Consultation (Not Allowed)

- A submitter in support recommended discussions with neighbouring landowners occur prior to disposal.

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

Other (Not Allowed)

- A submitter recommended assessment to ensure any associated conservation values are protected, and stated that a land exchange is preferable to disposal.
- 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)

- 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 these comments are not accepted. Any potential disposal arising from the Departmental investigation will trigger the formation of marginal strips for qualifying waterbodies, which will secure ongoing public access along the riparian corridor.

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 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 on these lands”).
- Submitters wanted the land to be retained as public conservation land, with one submitter recommending alternative classification options such as scenic reserve or ecological reserve instead.

I recommend that these comments are not accepted. The small size of the area, its highly modified nature and landscape context (i.e. not connected to other public conservation land), limit the effectiveness of restoration for 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)

- 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.

- Submissions also recommended “Local purpose (river conservation for ecological reasons) reserve” as an alternative.
- 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 areas are small and landlocked and have no restoration potential.
- A submitter commented that the area has high ecological values worthy of protection.

I recommend that these comments are not accepted. The small size of the area, its highly modified nature and landscape context (i.e. not connected to other public conservation land), limit the effectiveness of retaining it for restoration. The low conservation values of the area justify referring it to the Department to investigate the suitability of disposal.

Treaty Considerations (Allowed)

- One submission stated no stewardship land should be disposed of, except to tangata whenua “and only then with the need to maintain the block’s cultural, conservation & mahika-kai values”.
- 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 relevant 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 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, including the scale of research required for the quantity of land notified.
- 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.

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 modified nature of the pastoral components and the landscape context (i.e. not connected to other public conservation land), limit the effectiveness of restoration for 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. 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 Heritage New Zealand Pouhere Taonga’s 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.

MAW_59 – Nelson Creek – 2806988

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Nelson Creek	MAW_59_2806988l	Local Purpose (Road) Reserve		8	8
Nelson Creek	MAW_59_2806988m		Stewardship	10	10

DOC Conservation Values Report Description

A 0.4641-ha area which is mostly a section of gravel road and roadside verge with exotic grassland. Connected to the larger MAW_33 – Blackwater Creek – Souters Creek Conservation Area to the west. An easement is in place to allow access along the road – the road leads to the Hochstetter Wildlife Management Area.

Panel Recommendations

National Panel: Local purpose (road) reserve, to reflect the identified values. The area is key for providing access for DOC staff to other nearby areas of public conservation land.

Mana Whenua Panel: Retain as stewardship land as the area contains roading infrastructure and should be transferred to the appropriate government agency for administration.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of local purpose (road) reserve.

Summary of accepted submissions: Excepting those expressing general support for the proposal, no submissions were accepted as holding substantial merit with regard to your notified proposal to classify the area as a local purpose (road) reserve.

Section 4 and Treaty principles: The Mana Whenua Panel have opposed the proposed classification, supported by submissions from Treaty partner organisations, advocating for the area to remain in stewardship to then be transferred to the appropriate government agency for administration.

My assessment is that the proposed local purpose (road) reserve appropriately reflects the natural resources present and the context of the adjoining Nelson Creek Road. Although I acknowledge the Mana Whenua Panel opposition, the notified classification does not preclude the appointment of another agency to administer the proposed road reserve.

Rationale: My conclusion is that the proposed classification appropriately reflects the natural resources present and the context of the adjoining Nelson Creek Road (e.g. mostly a section of gravel road and roadside verge).

Local Purpose (Road) Reserve - MAW_59_2806988l

Support

Access and Recreation (Allowed)

- A submitter supported reclassification as a local purpose reserve, but stipulated that the purpose should be recreation access, stating that road is not an appropriate purpose for the classification.

I recommend that these comments are accepted to the extent that I agree the proposed reserve will secure ongoing recreational access. I do not agree that a revised purpose is required to be re-notified to achieve this outcome.

General (Allowed)

- Submitters stated general agreement or preference for all land to be reclassified at the highest possible category.

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)

- A submitter stated support for the recommendation of the Mana Whenua Panel as reflecting the “values, interests, and perspectives of the Papatipu Runanga in whose Takiwā the relevant land is located”.

I recommend that these comments are not accepted. My assessment is that the proposed local purpose (road) reserve appropriately reflects the natural resources present and the context of the adjoining Nelson Creek Road. The notified intention provides for the appointment of another agency to administer the proposed reserve, as advocated by the Mana Whenua Panel.

Process and Consultation (Not Allowed)

- A submitter expressed their preference for retaining the land in stewardship and stated that “discussions with access users should occur prior to recommendation”.

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. No 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 (e.g. 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.

Retain in Stewardship - MAW_59_2806988m

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)

- 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”).

I recommend that these comments are not accepted. My assessment is that the proposed local purpose (road) reserve appropriately reflects the natural resources present and the context of the adjoining Nelson Creek Road. The notified intention provides for the appointment of another agency to administer the proposed reserve, as advocated by the Mana Whenua Panel.

General (Allowed)

- Submitters expressed general support for the recommendation of the Mana Whenua Panel.

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”.
- A submitter recommended consulting with access users.

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

Oppose

Ecology and Landscape (Allowed)

- Submitters suggested that protection of natural and other conservation values should be the primary focus of reclassification, and were concerned that retaining the land in stewardship would allow environmentally damaging activities to occur.

I recommend that these comments are accepted to the extent that I agree the proposed local purpose reserve appropriately reflects the natural resources present and the context of the adjoining Nelson Creek Road (e.g. mostly a section of gravel road and roadside verge).

General (Allowed)

- Submissions expressed agreement with the national panel recommendation.

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.

- Submitters 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.

Process and Consultation (Not Allowed)

- A submitter recommended local purpose reserve though with recreation access as its purpose, stating "road is not an appropriate classification category".

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. No 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 (e.g. 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)

- 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.