



Department of Conservation
Te Papa Atawhai

To: Dave Hayes, Operations Manager, Waitohi District, Delegate of Minister of Conservation

From: Christine Butler, Permissions Regulatory Delivery Manager, Ōtautahi/Christchurch Regional Office, as Delegate of Director-General of Conservation

CC: Janine Sidery, Hearing Chair, Statutory and Community Manager, ESI region

Date: 9 June 2026

OBJECTION AND SUBMISSION SUMMARY RECOMMENDATION REPORT

1.0 APPLICATION DETAILS

1. **Applicants:** Jeanna and James Love Whānau Trust
2. **Permission Number:** 119630-OTH
3. **Permission Type:** Lease and Easement
4. **Brief activity description:** The Application is for the occupation of the Sounds Foreshore Reserve (SFR) by a building, deck, septic system and stormwater utility in Anatolia Bay, on Arapaoa Island, Marlborough Sounds, for a proposed period of 10 years. The purpose of the occupation is to use the building for accommodation on a seasonal basis, approx. two – three times per year. The building has been in-situ since the 1800's and was built for the primary purpose of being a woolshed, to support farming practices.

2.0 PURPOSE

5. This report is provided pursuant to section 49(2)(d) of the Conservation Act 1987 (CA). It provides you with:
 - A summary of all objections and submissions/comments received:
 - Recommendations to the extent to which submissions and objections should be allowed and accepted.
 - A recommendation on the application so you can decide whether or not to proceed.
 - Any recommendations of actions as a result of those submissions e.g. special conditions, further information requests etc.
 - Any recommendations on further information you may wish to obtain and consider.

6. Section 49(2)(a) of the Act provides that any person or organisation may object to, or submit on, the proposal. In this report, for ease of reference, “submissions” is used to refer to both objections and submissions, except where it is necessary to distinguish between objections, submissions or comments.
7. In accordance with section 49(2)(d) of the Act this report includes recommendations on the extent to which objections should be allowed, and the extent to which comments should be accepted.
8. The recommendations on the extent to which objections are “allowed” and comments “accepted” are noted to assist the Minister in forming a view ‘before deciding whether or not to proceed with the proposal’, pursuant to section 49(2)(e) of the Conservation Act 1987.
9. I note that any recommendation I make does not fetter your discretion in considering all the issues relevant to this application.

3.0 BACKGROUND

10. The Department of Conservation (the Department) received the Application from the Jeanna and James Love Whānau Trust on 16 April 2025. However, the application was lodged on an old Reserves and Other Lands Disposal Act 1982 (ROLD Act) form.
11. Prior to November 2022, authorisation for buildings and structures on the Sounds Foreshore Reserve (SFR) was granted under section 7 of the ROLD Act. As the appropriate mechanism for considering permissions on the SFR is now the concessions regime under the Conservation Act 1987, the Applicant was asked to relodge the Application under this framework.
12. A new application form was received by the Department 4 July 2025. A copy of the Application and supporting information is linked in [Appendix 1](#).
13. The Application was sent to Te Tau Ihu treaty partners mid July 2025, to engage in consultation with them. Te Ātiawa o Te Waka-a-Māui (Te Ātiawa) was the only treaty partner to provide comment on the Application. The response from Te Ātiawa was received 26 November 2025.
14. The Application was publicly notified on 19 December 2025 for 20 working days, in a local newspaper (The Marlborough Weekend Express) and on the Department of Conservation’s website. Notification closed Tuesday 10 February 2026.
15. 13 submissions were received, one in objection and 12 in support of the Application. Two submitters requested to be heard. One in support and one in objection to the Application. A link to the submission spreadsheet can be found in [Appendix 2](#).
16. One of those submitters withdrew their request to be heard due to scheduling issues with the hearing date and time.
17. In communications with the submitters who did not wish to be heard, one of those submitters revised their position and requested to be heard. This resulted in two submitters being represented to be heard, one in support and one in opposition.
18. The Application describes that the occupation is to preserve the cultural and historical integrity of the building. The Application considers the woolshed to be a historically

significant part of the landscape, used by generations of whānau as part of the Applicant's ongoing ahi kā.¹

19. The building was initially built for the purpose of servicing the farming practices that occurred on the adjacent property and supported wider farming operations in the Bay, and has been in-situ since the 1800's.
20. The building is the subject of ongoing division between neighbours and extended whānau members.
21. From the Department's records, the building has never been the subject of a Reserves and Other Lands Disposal Act 1982 (ROLD) licence.
22. The building has been subject to two other permission application processes, simultaneously lodged with the Department in 2013. One was for a ROLD licence to occupy the land and building. The other was for a permit to demolish and remove the building.
23. The outcome of the ROLD licence application was a decision to decline. The permit application was withdrawn, before an outcome was reached.

4.0 DETAILS OF HEARING

24. **Date/Time:** Wednesday 4 March 2026, 10.30am – 12.00pm.
25. **Location:** Online, using Microsoft Teams.
26. **Chair:** Janine Sidery, Statutory and Community Manager, ESI region.
27. **Panel member:** Marama Hotere, Senior Permissions Treaty Advisor
28. **Objectors and Submitters that were heard:**
 - i. Matua Neville Tahuaroa, kaumatua of Te Ātiawa iwi, Unit 2, No 16 Weld Street, Blenheim (support).
 - ii. Sam and Sharon Gemmell Family Trust, represented by Charles Murdoch from Wisheart MacNab & Partners (object).
29. **Applicant's representatives:** Jeanna and James Love.
30. **Media presence:** None
31. **Other hearing matters:** An individual submitter chose to attend as a member of the public, and two Permissions Advisors from Ōtautahi/Christchurch Permissions Team attended as a learning experience.
32. An Official Information Act 1982 (OIA) request to view the Hearing recording was received by Te Ātiawa.

¹ An English translation of ahi kā is provided as being burning fires of occupation/continuous occupation - title to land through occupation by a group, generally over a long period of time. The group is able, through the use of *whakapapa*, to trace back to primary ancestors who lived on the land. They held influence over the land through their military strength and defended successfully against challenges, thereby keeping their fires burning.

5.0 SUMMARY OF KEY POINTS FROM OBJECTIONS AND SUBMISSIONS/COMMENTS – BOTH WRITTEN AND AT THE HEARING

33. 13 written objections and submissions/comments were received as part of the public notification phase. These were made up of one objection to the Application and 12 submissions/comments supporting the Application.
34. Of the 12 submissions/comments, one of the submissions (submission 13) was received after the close of the notification period.
35. The submission was received within 24 hours of the closing date and time. The submitter explained in communication with the Department that the intention was to lodge prior to the close date, however, the email did not send and wasn't checked until the next day.
36. As the submission/comment was intended to be made to the Department within the public submissions period, the submission has been received and considered in this report.
37. The following describes the specific issue points that were raised by the objections and submissions/comments from all the submissions received and are grouped into themes.
38. An analysis of the submission's themes, including examples from submissions, is made in Section 6 of this report.

	Theme	Subtheme
1	Treaty Relationships	Section 4 Conservation Act 1987, giving effect to the principles of the Treaty of Waitangi.
2	Heritage	2a) Cultural values of tūrangawaewae, whanaungatanga, whakapapa, and kaitiakitanga. 2b) Historic values of local farming practices and Aotearoa history.
3	Process	3a) Statutory Framework 3b) Effects of the activity 3c) Application information 3d) Proposed outcomes
4	Biodiversity	Kororā/Little Blue Penguins habitat

Note: The order of numbering for each theme is for easy reference, it does not mean one issue has more importance over another.

6.0 ANALYSIS OF OBJECTIONS AND SUBMISSIONS/COMMENTS

39. This section further details the themes raised in the submissions, providing examples which encapsulates each and a list of those submission numbers that raise the themes in

their submission. A recommendation is then made as to whether matters raised in the theme should be allowed and accepted, and to what extent.

[1] Treaty Relationships - Section 4 Conservation Act 1987

40. Submissions in support of the Application who identified themselves as whānau, associates of the whānau, and as a kaumatua of Te Ātiawa o Te Waka-a-Māui, describe in their submissions matters that pertain to the rights and interests of mana whenua.
41. For example, submissions 1-8, 10, 12 and 13 in support of the Application speak either explicitly or implicitly of rangatiratanga, active protection, partnership, redress, and the significance of ancestral connection and obligations regarding Māori cultural heritage on public conservation land. Relevant extracted examples from those submissions are listed below.

Submission 1 – Hikoi NZ Limited

Equally troubling is that this action has been prompted through internal whānau conflict, with requests coming from extended family members rather than arising from any demonstrated environmental harm, public safety issue, or misuse of land. The state should exercise extreme caution before intervening in ways that amplify whānau division and result in the irreversible loss of Māori heritage.

From our perspective as storytellers dedicated to honouring authentic relationships with whenua, the removal of the whare would represent not conservation, but disconnection, the loss of a living example of whakapapa, kaitiakitanga, and cultural continuity in practice.

It is concerning that the building now faces potential demolition following changes in land classification. Administrative changes should not override long-standing occupation, cultural significance, or the intergenerational responsibilities associated with Māori connection to place.

Submission 2 – Stephen MacDonald

For generations, the wool shed at Anatohia has been a place where our people came together—not only to work the sheep, but to connect, learn, and strengthen our bonds. Grandad, his siblings, my mother and her siblings, aunts, uncles, cousins, friends, and neighbours all spent time together in and around that shed. Its walls have held countless stories, laughter, lessons, and memories.

Preserving it [the woolshed] means preserving the memories, identity, and sense of belonging that have bound the Love family together through generations. It ensures that our children, and their children after them, remain connected to the place that shaped so many of us.

The wool shed is a cornerstone of who we are. Keeping it is keeping our history alive.

Submission 3 – Annie Bishell

The woolshed has been part of our whānau since the 1800's and as a child in the 1950's Jim and I always spent the school holidays in the bay. The woolshed was a big part of our visits to Anatohia.

I think the woolshed should stay in the whānau and I think Jim [the Applicant] is the suitable person to hold the lease.

Our Grandfather and Dad taught us the Spiritual and Historical significance of the bay.

Submission 4 – Peter Bishell (married to Annie Bishell)

While the repurposing of the woolshed might not have ticked all the regulatory boxes, it does not mean it should be removed. To do so would lose the Bay and the wide Tōtaranui, an integral part of its history and character.

I understand that if the lease is not granted that the building may/will be removed. I do not see this as an acceptable option, given the history of its existence in the bay.

Submission 5 – Kerry Love

As the woolshed was already on the land in the 1800's the rules of the Marlborough Sounds Foreshore Reserve were never considered. Therefore, I believe historical buildings such as the Love woolshed in Anatohia are important part of Marlborough history. Not only does the woolshed hold historical context, but also a strong cultural link for the Love whānau, being a central meeting place for generations throughout the years.

Submission 6 – Peter Jackson Vineyards Limited

The woolshed is not just a building. It represents generations of farming, family effort, and lived history. It is a place where knowledge has been shared, work has been done, and relationships have been strengthened over many decades.

From what I have observed, Jim and Jeanna are careful, respectful, and responsible caretakers of this place. Their intention to use the woolshed for family, cultural, and heritage purposes is appropriate, low-impact, and consistent with protecting the values of the area.

Submission 7 – Matua Neville Tahuaroa

As a consequence of the arrival of Te Ātiawa on the shores of Tōtaranui in the 1820s, the tūpuna of Jim Love became occupiers of the whenua now known as Anatohia in accordance with customary practices and recognition of occupation rights under tikanga Māori at that time.

Uninterrupted occupation existed for approximately 36 years. In 1856, Te Ātiawa Iwi as a tribal entity participated in a sale of the wider lands and islands to the Crown, thereby exiting absolute tribal ownership and occupancy. However, the tūpuna of the Love whānau did not exit Anatohia and chose to remain as occupiers of their ancestral whenua.

Between 1856 and 1880, Love whānau and other Māori occupiers in Totaranui became subject to Crown assimilation policies, with their occupation rights increasingly jeopardised and threatened with compulsory removal and relocation. Through discussions and negotiations involving rangatira, tohunga, affected whānau, and early Māori Members of Parliament, mechanisms were developed to enable continued occupancy and ownership under Pākehā law.

This resulted in the establishment of Māori Native Reserves. Through this process, the tūpuna of the Love whānau became original legal shareholding occupiers under Crown title. One such reserve was the Anatohia Māori Native Reserve, which encompassed land extending to the mean high-water mark of what is now referred to as the Marine and Coastal Area.

At a later stage, the Crown appropriated a one-chain strip above the high-water mark, designated as the Queen's Chain, purportedly for roading and public access purposes. Compensation was never given to the Love whānau.

I was present at the time of the last burial on the ISLAND URUPA at Anatohia as a young boy in the 1940 era, and told by elders of the Love whānau the woolshed was an integral part not only of the farming processes but also as a WHAREKAI facility at times of tangi, explaining also the importance of the beachfront and the role it played as a HISTORIC waka landing site. In my view, and as an issue of PRINCIPLE this footprint site should be issued with the recognitionary STATUS of enduring PERSONAGE as a LIVING ENTITY as is many such

taonga ie Wanganui River, Waikato River and others, at the least the footprint occupation should be recognized and recorded as a site of SIGNIFICANCE.

The woolshed is intended for whānau use, whenua and cultural reconnection, and as a whare taonga and small museum for the display of whānau history and taonga.

The Applicants have complete understanding of tikanga Māori and the implementation of customary practices including obligations under KAITIAKITANGA.

In my capacity as a Kaumatua of our Te Atiawa Iwi and a direct upoko ariki descendant from Rangatira Te Manu Toheroa and Whawhai Rihari Tahuaroa, I fully support the granting of the requested lease to Jeanna and James Love Whānau Trust.

42. During the Hearing proceedings the following matters were reiterated by the submitter:
- a. The woolshed is considered a taonga to the Love whānau. The submitter speculated that all those people from the rohe have a deep understanding and appreciation of how lucky they are, and how much gratitude they hold to the old people from which they descend. Going on to express that they had an appreciation of the wairua/spirit and the value of the taonga in which they are endowed with. The submitter later went on to say that the woolshed, they assumed, contains taonga of all their families and considers that the possibility exists that the facility will become a whare taonga/museum. A depository for all their historical taonga.
 - b. The submitter reiterated the historic and generic aspects and contents of the building from their perspective and to tautoko/support the Application, was relevant. As they have a close relationship with the Applicants, the submitter expressed that they understood the desire of the Applicants, and the extended Love whānau, to retain the taonga upon the wairua whenua. The submitter would like to think that all the whānau [in Anatohia] would like to share that history.
 - c. The submitter spoke to the last funeral at Anatohia. Recalling the hākari² at the woolshed.
 - d. The submitter spoke to how facilities like the woolshed ended up on the Sounds Foreshore Reserve. The account referred to the Māori Native Reserves being established above the High-Water Mark and relating this to the Tōtaranui land sales of 1856 to the crown by Te Atiawa iwi. The iwi, as an entity, exited the sounds at this time, however, the whānau [the Applicant's tupuna] and others refused to vacate. The conversion of the bush to productive farming, influenced by the government, on these lands resulted in facilities, like the woolshed, being built and they are now on the Sounds Foreshore Reserve. The submitter spoke to a scenario in the 1960's where they had to remove similar facilities [to that of the woolshed] from, what they account, a maritime reserve.
 - e. In closing, the submitter spoke to what they believed was the Department's obligation to facilitate the use of the building as the Applicant's, and their whānau, tūrangawaewae.

Submission 8 – Ross Love, George Love and Kevin Love

Granting this lease would support the protection and ongoing maintenance of an existing structure, rather than leaving it to deteriorate or be removed. Active stewardship ensures the building remains safe, compliant, and environmentally responsible.

² An English translation is for hākari is feast, banquet or ceremonial eating. In Māori culture it is a demonstration of hospitality and mana.

The proposed use is low-impact, non-commercial, and focused on whānau, cultural, and heritage purposes, which aligns with the principles of the Conservation Act and DOC's objective of enabling appropriate use while protecting natural and historic values.

The woolshed also provides an opportunity for intergenerational education, where whānau can pass on knowledge about land stewardship, farming history, and cultural values associated with Anatohia Bay.

Submission 10 - Ruby and David Thomas

I am a fourth-generation descendant of the original owners Makoare and Turama Love of the Wharekupenga Bay homestead and the adjoining whenua that our whānau farmed for generations. My grandfather, Whakahaweā (Harvey) Love, was born at Wharekupenga, and our whānau history is deeply connected to East Bay, Anatohia, and the surrounding islands.

My grandfather and his brothers would often row from East Bay to Picton to collect supplies, sometimes completing the entire trip in a single day. They also rowed to the Anatohia woolshed for whānau gatherings, including tangihanga, with burials taking place on the islands in Anatohia Bay.

At times, they would row to Anatohia, carry their clinker dinghy over the saddle above the bay, and return with tītī and kaimoana such as pāua and kina that were not available at Wharekupenga. These practices were part of our whānau's way of life and reflect the long-standing customary use of the area.

For generations, the woolshed at Anatohia has been a place of gathering, work, and connection for Te Ātiawa whānau—from the mid-1800s through to today. It is a significant tribal and whānau heritage building within East Bay, and it holds deep cultural, historical, and emotional importance for our people. The nearby urupā and burial grounds on the islands further reinforce the spiritual and ancestral significance of this place, and the woolshed played an integral role in supporting whānau during tangihanga and other important gatherings.

I strongly support the application for a 10-year lease of the Anatohia woolshed by the Jeanna and James Love Whānau Trust, and I ask that the longstanding cultural, historical, and whānau significance of this site be formally recognised and upheld.

Submission 12 – Gregory Andrew Bishell

As a beneficiary of the lands at Anatohia the woolshed (or bones of) is of significant spiritual and historic importance. Emotional connection to this place is real and its future is important for future generations to maintain the rich history of. The loss of the woolshed is not what my grandfather, George, would have wished.

Submission 13 - Anteisha O'Connell

The building which once stood as woolshed enabled our whānau to continue as kaitiaki of the whenua and moana in this place alongside other whānau who also had land interests and connections to the area.

I recommend comments that relate to the principles of the Treaty of Waitangi are **accepted**, insofar as they are relevant to the rights and interests of mana whenua, and to the extent that they are relevant to the statutory framework for considering concession applications. The statutory framework for considering applications includes Section 4 of the Conservation Act 1987, giving effect to the Treaty of Waitangi principles.

The Recommendations and Decision Report will contain detailed analysis of Section 4, the Crown's Treaty obligations.

Comments that relate to whānau division **should not be accepted**, as the comments are not relevant for the purpose of making decisions on whether to grant an application or not, nor on what terms.

[2] Heritage

2a) Cultural values of tūrangawaewae, whanaungatanga, whakapapa, and kaitiakitanga.

43. Submissions in support of the Application, who identified as familial relations to the Applicants, iwi whānau (Te Ātiawa) and a submitter who knows the Applicants on a personal and professional basis, describe the woolshed as having significant cultural value to the Applicants and their whānau. These submissions consistently refer to enduring connections to the site through whakapapa and occupation, and to the woolshed as a place where whānau identity, relationships, and responsibilities have been maintained over generations.
44. Many of the submitters describe the site as a tūrangawaewae, being a place of belonging and identity grounded in an ancestral connection to the whenua. The woolshed is described as a focal point for whānau presence, reconnection, and continuity, providing a physical and cultural anchor for successive generations.
45. Submissions also reflect whanaungatanga, through accounts of shared history, collective use of the site, and the role of the woolshed as a place for gathering, learning, and maintaining relationships within and across whānau. These relationships are reinforced through ongoing use of the site for cultural, familial, and intergenerational purposes.
46. Whakapapa is frequently referenced, with submitters outlining genealogical connections to both Anatohia Bay and the woolshed itself. These connections are described as reinforcing obligations to retain, care for, and pass on the site and its history to future generations.
47. Several submissions further reflect kaitiakitanga, describing the Applicants' role in caring for the site, maintaining the structure, and adapting practices over time to protect the whenua and moana. The proposed use of the woolshed is described as low-impact and consistent with ongoing stewardship responsibilities.
48. For example, submissions 1 - 8, and 10 - 13 in support of the Application speak to the cultural values of the building and area, subject to the Application.

Submission 1 – Piripi Curtis, Hikoi NZ Ltd

Through filming with Jim and his whānau on Arapaoa Island, our crew experienced first-hand not only his generosity and hospitality, but also the depth of his connection to that land and to the whare that is now under threat and subject of this application. While Jim was raised in Waikawa, his whakapapa connection to Arapaoa Island is direct and intergenerational. His father and eldest brother were born on the island, as was his great grandfather, Keni Hector, who built the original woolshed that now forms Jim's whare. That woolshed was constructed alongside Keni Hector's raupō whare, firmly establishing this specific site as a place of occupation, work, shelter, and whānau life across generations. As a child, Jim spent extended periods on the island staying with his great grandfather Keni. These were formative years, during which Jim absorbed not only the rhythms of island life but also the values of stewardship, self-reliance, and respect for whenua that continue to guide him today. The site of the woolshed is therefore not incidental or convenient, it is precise, ancestral, and deeply personal.

Jims later life took him beyond Arapaoa through his extraordinary rugby career. He captained the Māori All Blacks and was selected for the All Blacks, achievements that brought pride not only to his whānau but to Māori communities across the country. Yet despite those successes, Jim's connection to Arapaoa Island never diminished. It remained his tūrangawaewae.

[Renovation of the building]... was undertaken so that Jim with his wife, children, mokopuna and wider Love whanau could return to the island, to maintain an unbroken connection to their whenua, their whakapapa, and their tūpuna. This was about continuity, not possession. During the filming of Kai Safari, Jim welcomed us into his whare and onto his whenua with generosity and humility. He shared kai gathered from the surrounding environment and spoke openly about the meaning of the land, the sea, and the structure itself. His whare is a living space where knowledge is shared, relationships are strengthened, and cultural identity is reaffirmed. These values sit squarely alongside the principles of kaitiakitanga and conservation, not in opposition to them.

Submission 2 – Stephen MacDonald

The woolshed holds deep spiritual and emotional significance for me and for my three sons. From the age of twelve, I was raised and lived with my Grandad, George Love, at Anatohia Bay for fourteen years. During that time, he shared with me the history of our whānau, especially the stories of the Keni brothers, and it was through him that I came to understand just how important the wool shed has always been to our family.

It is more than a building; it is a vessel of our whakapapa.

It was in that woolshed that I learned the values that have shaped my life—love, respect, and belonging. Those lessons continue through my own children, whose names reflect the deep love and connection we carry for our family and its history.

This building is not a new development or expansion. It is an existing structure that has stood on this site for generations and has simply continued its long-standing role as a place of shelter, work, and whānau gathering.

Submission 3 – Annie Bishell

To me, we should keep the woolshed in our whānau, so that our future generations can experience a little of the privilege I have had, visiting and living in the bay.

Submission 4 – Peter Bishell

During the last 55 years our family visits to Anatohia have been numerous and enjoyable.

Submission 5 - Kerry Love

Not only does the woolshed hold historical context, but also a strong cultural link for the Love whānau, being a central meeting place for generations throughout the years.

This building has a deep family connection for the Love whānau, and I have personally visited the Anatohia Bay as a Love family member myself. Jim Love is my second cousin, and we have had many family events at Anatohia.

Submission 6 – Peter Jackson

I have long-standing connections to the Marlborough Sounds and to Anatohia Bay. Over many years I have spent time at Anatohia with Jim and the wider Love family and have witnessed first-hand the deep connection this family has to this place.

I have personally helped Jim and Jeanna with work at Anatohia, helping to connect water from the creek to support the woolshed and the site. I have also taken my grandsons down to Anatohia with Deborah so they could help out, spend time there, and learn about their genealogy and their family's connection to the land.

The woolshed is not just a building. It represents generations of farming, family effort, and lived history. It is a place where knowledge has been shared, work has been done, and relationships have been strengthened over many decades.

It will also enable the continuation of family connection to a place that holds deep historical and cultural meaning to the Love family.

Submission 7 – Matua Neville Tahuaroa

The submitter spoke at the Hearing of the building being somewhere all the whānau of the Applicants lineage can come to, to reconnect to the wairua of the whenua. To reoccupy and reassociate themselves to their history and to those who carried out that history. Re-emphasizing the building being a taonga, full of taonga and the possibility it may be a facility that enables the Applicants and future generations to reconnect with their tūrangawaewae.

Submission 8 – Ross Love, George Love and Kevin Love

The woolshed holds many memories for us and remains deeply cherished. It is a place that reminds us of our dad and the time we spent with him.

Our father always taught us that the whenua at Anatohia was to be respected, cared for, and protected. He told us that our whānau had always looked after this land, and that it was our responsibility to continue doing so for future generations. This value of kaitiakitanga has stayed with us throughout our lives.

The woolshed and Anatohia Bay are among the strongest remaining physical connections we have to our father.

It would be devastating for us to see the woolshed removed or for a lease not to be granted to our Uncle Jim. We want to be able to return to Anatohia to remember our dad, and to take our own children and grandchildren there, so we can tell them stories of their grandfather who they never had the chance to meet.

Recognition of the woolshed as a site of longstanding whānau occupation and memory. So future generations of our whānau can return, remember our dad, and learn about their whakapapa and connection to this place.

This place holds immense cultural, historical, and emotional significance for our whānau. Supporting this lease supports whānau reconnection, intergenerational memory, and the continuation of our family's relationship with Anatohia.

Submission 10 – Ruby and David Thomas

My name is Ruby Thomas (née Baker), and I am a fourth-generation descendant of the original owners Makoare and Turama Love of the Wharekupenga Bay homestead and the adjoining whenua that our whānau farmed for generations. My grandfather, Whakahawe (Harvey) Love, was born at Wharekupenga, and our whānau history is deeply connected to East Bay, Anatohia, and the surrounding islands.

Submission 11 – Thomas Bishell

I have great memories there and would like that to continue for myself and my daughter.

Submission 12 – Gregory Andrew Bishell

- *Maintaining historic whenua*
- *Cultural significance is addressed*
- *Upholding the Love whānau deep roots and connection to the land.*

Submission 13 - Anteisha O'Connell

I am a mokopuna of George Love and have ancestral whakapapa back to Anatohia Bay on Arapaoa Island. This is an incredibly special place for all of my whānau.

Jim Love was an active kaitiaki at this time with my papa, uncles, and aunties. As time moves and shorelines erode, the way in which we care and protect our whenua has also changed and we have adapted with this change.

The building continues to allow our whānau to uphold our commitment to kaitiakitanga of this special place in Anatohia through access, shelter, and connection in tribute to our tūpuna and for our mokopuna in generations to come.

I know that this application and the applicants would enable this for future years.

I recommend that the submitters' comments are **accepted** as a relevant consideration under section 17S(f) and 17U(a) and (b) of the Conservation Act 1987, to the extent that they relate to the Applicant's ability of carrying out the proposed activity; the nature of the proposed activity; and the effects of the activity.

The relevant sections of the Act will be assessed in full through a statutory analysis of the proposed activity in the Recommendation and Decision Report.

2b) Historic values of local farming practices and Aotearoa history.

49. Comments supporting the Application consider that the building has a historic value; as a facility related to the Applicant's history with the whenua, and the local farming industry and New Zealand's history. For example, submissions 1, 3, 7, 8, and 11 refer to

the building's heritage value in relation to farming practices and the Applicant's whānau connections.

50. Other comments mentioned the use of the building for farming practices in more recent times. For example, submissions 3, 4, 5, 7, 8, and 10 refer to their memories of the building being used as a working woolshed related to the farming practices on Arapaoa Island.

Submission 1 - Hikoi NZ Limited

The Love whānau farmed Arapaoa Island for decades. Jim and his eldest brother Enoka, together with brother-in law Colin Robb, ran the farm for approximately 25 years, managing around 1,500 sheep, including the famous Arapaoa sheep breed, uniquely associated with the island itself. The woolshed built by Keni Hector was central to that operation and remains one of the last physical markers of that era of whānau-led farming on the island.

Submission 3 – Annie Bishell

The Woolshed building has been part of our whānau since the late 1800's and as a child in the 1950's Jim and I always spent the school holidays in the bay. The Woolshed was a big part of our visits to Anatohia. We spent most of our time helping our grandfather Tureiti (Toolate) and the workers during crutching and shearing days. It was such a memorable time of my life. The shears used to stay in the Woolshed and I used to help Marnie Cook and deliver the kai to them.

Submission 4 – Peter Bishell

I have seen the Woolshed in active use by several people. In the late 1980's my brother's in law..... took over the property and ran a sheep farming operation for several years. The woolshed and yards were an integral part of that venture. I can well remember our days helping with the mustering and shearing and the slaughtering of a prime lamb for the pots and an old ewe for dog tucker.

Submission 5 – Kerry Love

As the woolshed was already on the land in the 1800's the rules of the Marlborough Sounds Foreshore Reserve were never considered. Therefore, I believe historical buildings such as the Love woolshed in Anatohia are important part of Marlborough history. In the 1970's and 80's when the shearing shed was still operating, I travelled to Anatohia to shear sheep. I spent many decades shearing sheep all over the Marlborough region.

Submission 7 – Matua Neville Tahuaroa

I was present at the time of the last burial on the ISLAND URUPA at Anatohia as a young boy in the 1940 era ,and told by elders of the Love whanau the woolshed was an integral part not only of the farming processes but also as a WHAREKAI facility at times of tangi, explaining also the importance of the beachfront and the role it played as a HISTORIC waka landing site.

I within my lifetime of 85 years have spent many years associated with the whanau of Jim and Jeanna, I have been involved in activities within the woolshed from farm work

Submission 8 – Ross Love, George Love and Kevin Love

Alongside his brother Jim Love and brother-in-law Colin Robb, our father farmed Anatohia Bay for more than 35 years. Together, they ran a working sheep farm carrying

approximately 1,500 sheep. In those years, the woolshed was central to everyday life and farming operations. When we were boys and came to help with mustering and shearing, we lived in the woolshed for weeks at a time, until the homestead was later rebuilt on the hill. The woolshed holds many memories for us and remains deeply cherished. It is a place that reminds us of our dad and the time we spent with him. We remember helping with mustering, shearing, fencing, and general farm maintenance. We also remember the many visitors who came to help, and the long discussions in the evenings about old times, the history of Anatohia, and the stories of our whānau and tūpuna.

Submission 10 – Ruby and David Thomas

In later years, my grandfather, with the support of his children Kero and Amo, continued to work the farm. Muster days were long and demanding, with sheep often brought into the yards at Anatohia. Many of these sheep were shorn in the Anatohia woolshed with the help of his son-in-law Karaitiana Poki and his son-in-laws Les Huntley, and my husband, David Thomas. Fence lines were installed and maintained across the Anatohia house paddocks and ridge lines to keep stock contained and prevent them from drifting toward Dan's southwest point or over the saddle toward the western side of Arapawa Island. During this work, we would often stay in the woolshed.

Submission 11 – Thomas Bishell

This is part of Aotearoa history.

51. The objection to the Application also referenced the historic nature of the building but in relation to its original purpose and the redevelopments that have occurred to the building, and how this interacts with the nature of the Application.
52. For example, submission 9, discusses the original purpose of the building, the repurposing and modification of the building and the regulatory absences in doing so and the formal heritage status of the building.

Submission 9 – Sam and Sharon Gemmell Family Trust

4. History of the Structure and Prior Decisions

The Department is already aware that:

- *The structure was originally a woolshed, not a dwelling;*
- *It has been extensively modified and converted to residential use without authority;*
- *DOC holds documentation refuting any claim that the structure has heritage status.*

7. Nature of the Structure Today

Photographs included with the application demonstrate that:

- *The structure has been materially altered in the past decade;*
- *It now includes modern aluminium joinery and internal fit-out consistent with accommodation;*
- *It functions as a de facto bach, not as an agricultural or heritage structure.*

Any historic character that may once have existed has been compromised. The current use is residential and unauthorised.

53. During the Hearing, the submitter's agent reiterated the following from the points above:
- *A recurring theme in the supporting submissions is the reference to the woolshed. Historically, the structure is a woolshed. That is not being disputed. The structure has been materially altered and converted into effectively residential accommodation. Alterations that are inconsistent with an agricultural shed, and the installation of facilities associated with residential use. This is no longer a functioning woolshed. The Application is therefore, in practical terms, an application for a 10-year occupation lease for a private residential dwelling on public conservation land. This is materially different position from preserving a historical agricultural structure.*
 - *The local Council has issued a Notice to Fix in relation to unauthorised works. The Department has this documentation before them.*

I recommend that the submitters' comments are **accepted**, insofar as they relate to the historic value of the building, as a relevant consideration under section 17U(1)(a) and (b) of the Conservation Act 1987, to the extent that they relate to the nature of the proposed activity, and the effects of the activity. The relevant sections of the Act are assessed in full through a statutory analysis of the proposed activity in the Recommendation and Decision Report.

I recommend that the objections are **allowed** as a relevant consideration under sections 17U(1)(a) and (b) of the Conservation Act 1987, to the extent that they relate to the nature of the proposed activity, and to the effects of the activity. The relevant sections of the Act will be assessed in full through a statutory analysis of the proposed activity in the Recommendation and Decision Report.

[3] Process

3a) Statutory framework

54. The objection submission made statements relating to the statutory framework, specifically the Conservation Act 1987 and the concession regime considerations.
55. For example, submission 9, identified the Application activities potential inconsistencies with the framework and the decision-making process. The objection referred to previous applications and outcomes for the same proposed activity, as well as alternative outcomes.

Submission 9 – Sam and Sharon Gemmell Family Trust

3. Statutory Framework

Under the Conservation Act 1987, a concession may only be granted where the activity:

- *Is not inconsistent with the purposes of the Act (s 17SB);*
- *Does not compromise conservation, natural character, or public access values;*
- *Has acceptable effects; and*

- *Is justified in circumstances where there is no reasonable alternative that better protects conservation land.*

The concession regime is not intended to retrospectively validate unlawful use or confer exclusive private benefit over public land.

4. History of the Structure and Prior Decisions

- *The structure was originally a woolshed, not a dwelling;*
- *It is located on the Queen's Chain/local purpose reserve (formerly part of the Queen's Chain), now administered by DOC;*
- *It has been extensively modified and converted to residential use without authority;*
- *Marlborough District Council has issued a Notice to Fix in relation to the unauthorised works and wastewater concerns'*
- *Previous applications to occupy the structure have been declined; and*
- *DOC holds documentation refuting any claim that the structure has heritage status.*

A change in statutory pathway does not justify a different substantive outcome.

11. Public Interest and Precedent

Granting the concession would:

- *Reward long-standing non-compliance*
- *Entrench exclusive private residential use of public land;*
- *Undermine conservation objectives; and*
- *Set an undesirable precedent throughout the Marlborough Sounds.*

12. Reasonable Alternative

There is a clear and reasonable alternative. That is for removal of the structure and restoration of the local purpose reserve, funded as DOC has previously acknowledged may be required.

Cost or inconvenience to the applicant is not a lawful basis to grant a concession.

56. The submitter reiterated the above points at the Hearing proceedings with the following:

- *The Conservation Act sets a statutory threshold. A concession may only be granted here if the activity is consistent with the purposes of the Act, does not compromise conservation or public access values, and is appropriate use of public conservation land. The concession regime is not intended to retrospectively legitimise unlawful private occupation of public land.*
- *The structure sits on local purpose reserve, former Crown Queen's Chain Land, council has issued a notice to fix in relation to unauthorised works. That matter is already before the Department in written material. Granting a concession in these circumstances, would; regulate a private dwelling on public conservation land; create a precedent for retrospective validation of non-compliant structures; and convert public reserve land into effectively exclusive private residential use.*
- *While historical and cultural associations are relevant considerations, they do not override the statutory framework or the public interest in proper management of conservation land.*

- The submitter comments acknowledged that the issue [of the woolshed being present on the land] is not memory, it is statutory compliance and present use. A concession would amount to granting a lease for a holiday home, on public reserve land.
57. Comments made by submitters who support the Application, referred to how the proposed activity aligned with the Conservation Act 1987, and how there were examples of other buildings being repurposed for accommodation or other purposes.
58. For example, Submission 4, the submitters comments stated that just because the repurposing of the building didn't tick all the regulatory boxes, it does not mean it should be removed. Submission 8 comments stated that due to the scale and nature of the activity, it aligned with the Conservation Act and the Department's objectives.

Submission 4 – Peter Bishell

Throughout the Marlborough Sounds there are numerous buildings on the Sounds Foreshore Reserve, as the dynamics of fishing, farming and forestry in the Sounds has changed and so has the use of some of the buildings. Many have been repurposed as boatsheds, storage or accommodation and the woolshed falls into this category. While the repurposing of the woolshed may not have ticked all the regulatory boxes, it does not mean it should be removed. To do so would lose the Bay and the wider Tōtaranui, an integral part of its history and character.

Submission 8 – Ross, George and Kevin Love

The proposed use is low-impact, non-commercial, and focused on whānau, cultural, and heritage purposes, which aligns with the principles of the Conservation Act and DOC's objective of enabling appropriate use while protecting natural and historic values.

I recommend that the objection comments are **allowed** as a relevant consideration under section 17U1(a), and section 17W of the Conservation Act 1987, to the extent that are relevant to the nature of the proposed activity and the relationship between the proposed activity and the relevant statutory planning documents.

I recommend that the comments are **accepted** as a relevant consideration under section 17U1(a) and section 17W of the Conservation Act 1987, to the extent that they are relevant to the nature of the proposed activity, and the relationship between the proposed activity and the relevant statutory planning documents.

The relevant sections of the Act will be assessed in full through a statutory analysis of the proposed activity in the Recommendation and Decision Report.

3b) Effects of the activity

59. Submitters supporting the Application commented on what they considered to be minor effects of the Application. Many thought the existence of the building and retaining it on the public reserve would not result in compromising the conservation values of the

land or present environmental damage. Nor would it create public safety issues, and many considered there was no obstruction to public access or neighbouring properties.

60. For example, submissions 2, makes comment that the woolshed has not caused any environmental damage or public safety issues, and coexists with its surrounds.

Submissions 7, 8, and 10 make comments on public access not being compromised.

Submission 2 – Stephen MacDonald

During the many years my whānau and I lived at Anatohia Bay, the presence and use of the woolshed caused no environmental damage or public safety issues. It has coexisted quietly with the surrounding land, coastline, and wildlife for generations.

Submission 7 – Matua Neville Tahuaroa

There is NO obstruction to public access or neighbouring properties and landing facilities are readily available.

Submission 8 – Ross, George and Kevin Love

We understand and respect the importance of protecting public access and conservation values. The continued presence of the woolshed does not obstruct access or compromise these values.

Submission 10 – Ruby and David Thomas

We fully respect the importance of maintaining public access and conservation values. The continued presence and use of the woolshed does not obstruct access nor compromise these values.

61. The objection submission also raised concerns with the effects of the Application on the neighbouring property, the environment and fire risk and safety.

62. For example, submission 9 raised concerns regarding the potential effects of the Application, such as effects on amenity and outlook from their neighbouring property. A plan was included in the submission to illustrate the point. The objection also commented on the potential effects on the environment from an unauthorised wastewater system and the fire safety and risk from a potentially unconsented fireplace.

Submission 9 – Sam and Sharon Gemmell Family Trust

6. Location and Frontage of the Structure

The application states that the woolshed fronts Gore Block 90B2. This is factually incorrect. The structure is located directly in front of 90C Anatohia Bay, the Trust's property. It obstructs the Trust's outlook and affects amenity in a way that is not acknowledged in the application.

A plan showing the true relationship between the structure, the local purpose reserve (formerly part of the Queen's Chain), and 90C is attached.

9. Environmental, Wastewater, and Fire Safety Concerns

Council correspondence raises unresolved wastewater issues, including concerns about discharge to the coastal marine area.

Photographs also show the presence of a chimney and fireplace. There is no evidence that this installation is consented or authorised. This raises further concerns regarding:

- *Fire risk,*
- *Residential use on conservation land, and*
- *Public safety*

I recommend that the comments are **accepted** as a relevant consideration under section 17U1(b) of the Conservation Act 1987, to the extent that they are relevant to the effects of the proposed activity.

I recommend that the objections are **allowed** insofar as those comments are an appropriate consideration under section 17 U1(b) of the Conservation Act 1987, whereby they are relevant to the potential effects of the proposed activity.

The relevant sections of the Act will be assessed in full through a statutory analysis of the proposed activity in the Recommendation and Decision Report.

3c) Application information

63. The objection submission raised points that refer to inaccuracy regarding the Application detail. For example, submission 9, states that the Applicants do not have authority in relation to ownership of the adjacent property, Gore Blk. XVIII Sec. 90B 2 Block.
64. The objection goes on to state that the building, subject of the Application, is not fronting that block but fronts Section 90C Queen Charlotte Sound District. The objection details other application inaccuracies that they consider to be relevant, such as detail that relates to wastewater issues and the statement that there is no reasonable, alternative locations for the building off public conservation land.

Submission 9 – Sam and Sharon Gemmell Family Trust

5. Standing and Ownership of Gore Block 90B2

The application proceeds on the premise that the applicants is an owner of or has authority in relation to Gore Block 90B2. That premise is incorrect.

An up-to-date ownership schedule from the Māori Land Court confirms that:

- *James Hector M Love is not an owner of Gore Block 90B2*
- *The George Love Whānau Trust (being only one of 51 ownership interests according to the Māori Land Court Ownership schedule dated 29 January 2025) has over 50 beneficiaries; and Mr Love is not a listed Trustee of that Trust.*

The applicant therefore:

- *Does not hold exclusive rights in 90B2*
- *Does not represent the owners as a whole; and*
- *Has no mandate to assert that the structure fronts or serves the land.*

This materially undermines the application.

6. Location and Frontage of the Structure

The application states that the woolshed fronts Gore Block 90B2. This is factually incorrect. The structure is located directly in front of 90C Anatohia Bay, the Trust's property. It obstructs the Trust's outlook and affects amenity in a way that is not acknowledged in the application.

The objection included a plan showing the relationship between the building, the local purpose reserve and section 90C.

8. Material Inaccuracies in the Application

The application contains several material inaccuracies, including assertions that:

- The structure does not adversely affect access to the foreshore;*
- There are no wastewater issues;*
- The structure fronts the applicant's land; and*
- There are no reasonable alternative sites.*

These assertions are contradicted by:

- Council enforcement correspondence,*
- Physical features of the site (including deck encroachment into the high-tidy area), and*
- The applicants lack of ownership or mandate.*

The Department cannot safely rely on the application as presented.

I recommend that the objection comments are **allowed** to the extent of being relevant to section 17U of the Conservation Act 1987, where the Minister is to consider the appropriateness of the information provided in the Application (17U(1)), shall not grant a concession if it is contrary to the purpose of the Land (17U(3)), or shall not grant a concession if the activity could reasonably be undertaken at another location (17U(4)).

The relevant sections of the Act will be assessed in full through a statutory analysis of the proposed activity in the Recommendation and Decision Report.

3d) Proposed Outcomes

65. Many of the submissions supporting the Application made comments that relate to the approval of the proposed activity, enabling the continued occupation of the Sounds Foreshore Reserve by the building.
66. The submissions consistently commented on showing support for the lease and the proposed term and in some cases, suggesting that appropriate conditions be applied that will support the application to be granted a concession.
67. For example, submissions 1, 2, 3, 4, 7, 10, 11 and 12 all stated that the continued occupation should be permitted for reasons that enable preservation and recognition of whānau and cultural connection, continuing the kaitiaki of the whenua and in one submission, a longer term was suggested.

Submission 1 – Hikoi NZ

That the existing whare is retained, and that a lease or concession is granted to the Jeanna and James Love Whānau Trust that enables the continued occupation, use, and maintenance

of the building, subject to appropriate and reasonable conditions. Any conditions applied should recognise: the generational occupation and use of this specific site the whakapapa connection of the Love whānau to Arapaoa Island the cultural and historical significance of the building and its location the importance of maintaining living Māori connections to whenua The building is not an obstacle to conservation. It is evidence of how people and place can coexist with respect, care, and responsibility.

Submission 2 – Stephen MacDonald

That the existing woolshed is retained, and that a lease is granted to the Jeanna and James Love Whānau Trust allowing for its continued occupation, use, and maintenance by the whānau, recognising its cultural, historical, and intergenerational significance, and the whānau's ongoing role as kaitiaki of the whenua and surrounding environment.

Submission 3 – Annie Bishell

To me we should keep the woolshed in our whānau, so that our future generations can experience a little of the privilege I have had, visiting and living in the bay.

Submission 4 – Peter Bishell

If the lease is granted with regulatory conditions that are required to be adhered to – so be it. That then would be up to the applicants to comply.

I understand that if the lease is not granted that the building may/will be removed. I do not see this as an acceptable option, given the history of its existence in the Bay.

Submission 7 – Matua Neville Tahuaroa

- *Granting of a 10-year occupation lease for the existing woolshed.*
- *Recognition of the site as one of historical and cultural significance.*
- *Enabling ongoing whānau use for cultural, whānau, and heritage purposes.*

Submission 8 – Ross, George and Kevin Love

- *Granting of a 10-year lease for the existing woolshed at Anatohia Bay.*
- *Recognition of the woolshed as a site of longstanding whānau occupation and memory.*
- *So future generations of our whānau can return, remember our dad, and learn about their whakapapa and connection to this place.*

Submission 10 – Ruby and David Thomas

- *Formal recognition of longstanding customary and continuous whānau occupation at Anatohia*
- *Granting of a 10-year occupation lease for the existing woolshed*
- *Recognition of the site as one of historical and cultural significance*
- *Enabling ongoing whānau use for cultural, whānau, and heritage purposes.*

Submission 11 – Thomas Bishell

Longer lease period than 10 years, should be indefinite.

Submission 12 – Gregory Bishell

- *Maintaining historic whenua*
- *Occupation of the woolshed should be granted*
- *Cultural significance addressed*
- *Upholding the Love Whānau deep roots and connection to the land.*

68. One objection submission differs and states that the Application should be declined on the basis that they purchased the neighbouring property in good faith, in the knowledge they gained from the Department. The objection goes on to comment that restoration of the site should be required.

69. For example, submission 9 comments that the Department advised them that the building was not appropriate and would not be retained on the land in the long term.

Submission 9 – Sam and Sharon Gemmell Family Trust

10. Good Faith Reliance and Procedural Fairness

The Trust purchased 90C in good faith, following direct engagement with DOC staff and on the understanding that:

- *The structure was inappropriate for permanent occupation; and*
- *It would not remain indefinitely.*

Granting a concession now would defeat that legitimate expectation and would be unfair to an adjoining owner who has endured prolonged uncertainty.

13. Conclusion and Relief Sought

For the reasons set out above, the trustees respectfully submit that:

- 1. The concession application should be declined;*
- 2. The Department should require removal of the structure and restoration of the site; and*
- 3. If the Department is minded to grant the concession, the trustees request a formal hearing and the opportunity to be heard.*

70. At the Hearing proceedings, the submitters agent acknowledged that historic and cultural associations are relevant considerations, however, they do not override the statutory framework or the public interest in proper management of conservation land.

71. The agent for the submitter reiterated that the application should be declined and the building removed.

I recommend that the submission comments are **accepted** to the extent that they relate to section 17U of the Conservation Act 1987, where the Minister is to consider the nature of the activity and type of structure (17U(1)), and the information received under the Application (17U(d)); and to the extent that the Minister can impose conditions, if a concession was granted (17X).

The relevant sections of the Act will be assessed in full through a statutory analysis of the proposed activity in the Recommendation and Decision Report.

I recommend that the objection summary comments that relate to the opinion that the Application should be declined and the site restored are **allowed** to the extent of being relevant to sections of the Conservation Act 1987, above mentioned in this report. Those sections being 17U and 17W of the Act.

The relevant sections of the Act will be assessed in full through a statutory analysis of the proposed activity in the Recommendation and Decision Report.

[4] Biodiversity

72. The final theme that was evident in the submissions received in support of the Application commented on the biodiversity values of the Land, where the Application activity takes place. Submissions commented on the wildlife, specifically Kororā/Little Blue Penguin and considered that the proposed activity did not adversely affect their habitat.
73. For example, submissions 2, 3 and 8 talk to the kororā being present and living under the building, as well as submission 2 identifies the Applicants has kaitiaki of the wildlife.

Submission 2 – Stephen MacDonald

It is also important to note that the whānau have always respected and protected the wildlife at Anatohia Bay, including the blue-eyed penguins (kororā), a protected species that live in the area. Their presence has never been threatened by the woolshed or its use. The whānau have acted as kaitiaki of both the land and the wildlife.

Submission 3 – Annie Bishell

Further item for consideration, the little blue penguins have nested under the woolshed for as long as anyone can remember.

Submission 8 – Ross, George and Kevin Love

Our dad even had pet little blue penguins that lived under the woolshed, and they still do today, which to us symbolises the enduring life and spirit of this place.

I recommend that the comments are **allowed** to the extent that they relate to section 17U(1)(b) of the Conservation Act 1987, and being relevant for the Minister to consider the effects of the Application activity.

The relevant sections of the Act will be assessed in full through a statutory analysis of the proposed activity in the Recommendation and Decision Report.

7.0 APPLICANTS REPLY

74. At the Hearing the Applicant provided a verbal reply to issues raised by the objection submission and to clarify the Application details. The summary of the reply is provided below. It is also discussed in in the final recommendations of this report.
 - The purpose of the Application is to obtain a lawful concession so that the continued occupation and maintenance of the woolshed can occur under clear, appropriate and enforceable conditions. The Applicants are seeking a clear lawful way to properly manage the buildings occupation, potential effects and to not overlook anything. The

Applicants referenced a submission comment that indicates knowledge of a similar occupation lease in East Bay, being granted subject to conditions.

- The building is not proposed to be a permanent residence and would retain its current footprint. It is to be used only two to three times per year, typically in summer. There has been a period where it has not been used, while the matters remain unresolved with the Department. The Applicants considered this is the responsible approach, and the Applicants are now seeking clarity regarding its occupation and continued use, in a compliant way.
 - Concerns have been raised about environmental effects and public access. The Applicants do not believe the building prevents access along the foreshore, and no evidence that it has presented any environmental harm from using it. The Applicants consider the limited use means the overall impact is low, any potential effects are minimal.
 - Other concerns raised have been about the outlook and amenity. The woolshed has been part of the landscape for decades and predates neighbouring development. Its presence is long established. Images in the Application illustrate the relative positioning of the neighbours building and the 'woolshed's' long standing position at foreshore level.
 - Concerns regarding fire risk. The building has an enclosed Massport fire, with a flue and is used intermittently. The Applicant's state that they are willing to comply with any fire safety certification or conditions the Department considers appropriate.
 - Concerns regarding wastewater. The Applicants have engaged with Council. Correspondence confirms progressing formal compliance, once a concession is acquired. The Applicants are willing to meet any conditions requiring confirmation of wastewater compliance, they do not wish to avoid regulations.
 - Ownership concerning the adjacent land section 90B2. The George Love Whānau Trust is listed as a shareholder of this land and the Applicants are a beneficiary of that Trust. Ownership information was provided as part of the Application process.
 - The Applicants have been connected with the whenua for over 70 years, and the building under the Application has formed part of that longstanding connection. Farming practices make up part of that connection and caring for the land at Anatohia Bay and East Bay. The building formed part of the working landscape of the bay, and used in connection with farming practices across neighbouring properties. The Applicants have support from iwi, landowners [of section 90B] and from Te Ātiawa Trust, who recognise that connection.
75. The Hearing panel did have a clarification question with respect to the Application and asked this of the Applicants. The query was to clarify if the woolshed building was used in relation to any farming practices at all now.
76. The Applicants responded that it was no longer used to support farming practices, as farming is no longer a sustainable economic option in the Bay.

8.0 RECOMMENDATIONS

77. I have made recommendations to you in respect of the extent to which objections should be allowed and submissions/comments accepted. A summary of these recommendations is below.

Themes and sub-themes	Recommendation
1. Treaty relationships Section 4 Conservation Act 1987, giving effect to the principles of the Treaty of Waitangi.	Accept Not Accept where the comments relate to whānau division.
2. Heritage 2a) Cultural values of tūrangawaewae, whanaungatanga, whakapapa, and kaitiakitanga. 2b) Historic values of local farming practices and Aotearoa history.	2a) Accept 2b) Accept and Allow
3. Process 3a) Statutory Framework 3b) Effects of the activity 3c) Application information 3d) Proposed outcomes	3a) Allow and Accept 3b) Accept and Allow 3c) Allow 3d) Accept and Allow
4. Biodiversity Kororā/Little Blue Penguins habitat	Accept

78. In addition, I make the following recommendation with regards to the Applicant's right of reply:

- I recommend that the Applicant's reply comments are **accepted** to the extent that they relate to sections 17U and 17X of the Conservation Act 1987 (the Act), where the Minister is to consider the nature of the activity and type of structure, the potential effects of the

Application, any measures that can mitigate potential effects, the information received under the Application; and to the extent that the Minister can impose conditions, if a concession was granted. The relevant sections of the Act will be assessed in full through a statutory analysis of the proposed activity in the Recommendation and Decision Report.

79. Further, I recommend that no further information is required. The information provided in the Application and the information the Minister may consider resulting from the public notification is suitable, in my opinion, to consider the proposal and proceed through the decision-making process.
80. In closing, I recommend that if the Application is approved, and a concession granted, the concession standard and special conditions address specifically the scale and scope of the activity, and the management of any non-compliant activity before the occupation of the building is implemented. For example, special conditions should address the time of year, number of nights of occupation and that no occupation can be executed until the building and associated facilities are compliant with territorial authority requirements.



Christine Butler, Permissions Regulatory Delivery Manager, Ōtautahi Christchurch Regional Office, Delegate of the Director General of Conservation as Chair of the Hearing Panel

Date: 8th June 2026

Recommendation:

1. Note the summary of objections and comments received during the public notification process:

Yes / ~~No~~

Comments:

2. Note the recommendations as to the extent to which objections should be allowed and submissions should be accepted:

Yes / ~~No~~

Comments:

3. Note the recommendation as to the extent of which the Applicants right of reply should be accepted:

Yes / ~~No~~

Comments:

4. Note the recommendations on further information to be considered:

Yes / ~~No~~

Comments:

5. Note the recommendation regarding the use of standard and special conditions to appropriately manage the scale, scope and territorial authority compliance of the proposed activity, if the Application is approved.

Yes / ~~No~~

Comments:

A handwritten signature in blue ink, reading "A. H. Hayes.", is centered within a white rectangular box.

Dave Hayes, Operations Manager, Waitohi District - Delegate of the Minister of Conservation

Date:
19/06/2026

9.0 APPENDIX

Appendix 1

Application and supporting information

Appendix 2

Submission spreadsheet