



Department of Conservation
Te Papa Atawhai

To: Rebecca Rush, Operations Manager Tāmaki Makaurau, Delegate of Minister of Conservation

From: Helen Neale, Hearing Chair, as Delegate of Director-General of Conservation

CC: Stephanie Bowman, Permissions Regulatory Delivery Manager
Brooke Jamieson, Senior Heritage Advisor

Date: 13 March 2026

OBJECTION AND SUBMISSION SUMMARY RECOMMENDATION REPORT

1.0 APPLICATION DETAILS

Applicant: Te Haerenga o Ngāi Tai Ki Tamaki Limited and Man O'War Vineyards Limited

Permission Number: 122732-ATT

Permission Type: Notified Concession Lease and Licence

Brief activity description: Lease of historic structures (including a 'visitor centre' in a modified 'War Bunker' and underground tunnels) and to undertake guided tours of the historic features of Stony Batter Historic Reserve on Waiheke Island.

2.0 PURPOSE

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:
 - objections and/or submissions/comments should be allowed and/or 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.

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.

The implications and extent of allowed objections and accepted submissions/comments are noted for you to assist you 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.

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.

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.

I note that any recommendation that I make does not fetter your discretion in considering all the issues relevant to these applications.

3.0 BACKGROUND

Ngāi Tai ki Tāmaki and Man O'War Vineyards Limited propose to establish a visitor centre from which to undertake guided tours at Stony Batter Historic Reserve. The visitor centre and tours will utilise the existing historic structures without any proposed structural modifications.

Scheduled guided tours will offer visitors the opportunity to explore the historic underground tunnels and gun emplacements in detail, with educational, historical and cultural information provided by staff. Access to the tunnels will be restricted to paying customers, however non-paying visitors will be able to explore the above-ground features free of charge.

Exclusive use of the visitor centre and historic tunnels is so that they can be locked after hours to protect the public's safety and the security of the tunnels.

A term of 10 years with a 10 year right of renewal (total of 20 years) is sought.

This application was invited by the Department of Conservation following a closed tender process.

The application was received on *2 October 2025* and publicly notified on *30 October 2025* in the *New Zealand Herald* and *Waiheke Gulf News* newspapers, and on the Department of Conservation website. The notification period closed on 27 November 2025

24 submissions were received, 18 in support and 6 opposed.

Three submitters asked to be heard, with one of those submitters ultimately withdrawing this request due to scheduling conflicts with the hearing date. A hearing was held for the one submission in support and one submission in opposition who sought to be heard.

4.0 DETAILS OF HEARING

Date/Time: Friday 27 February 2026 between 2:30pm and 4:00pm

Location: Online via Microsoft Teams

Chair: Helen Neale, Conservation Dogs Programme Manager, Tauranga Office

Panel members:

Stephanie Bowman, Permissions Regulatory Delivery Manager
Broke Jamieson, Senior Heritage Advisor, Auckland

Objectors and Submitters that were heard:

Vanessa Reynolds [Support]
Dr Timothy Moon [Object]

Applicant's representatives:

- Wendy Baverstock – Planning Consultant, Isle Land Planning
- Jada MacFie – Chief Executive, Te Haerenga o Ngāi Tai Ki Tāmaki Limited
- Berridge Spencer – Director, Man O'War Vineyards Ltd
- Dave Ryan - Man O'War Vineyards Ltd
- Mitch Beresford - Man O'War Vineyards Ltd

Media presence: *None*

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| 5.0 ANALYSIS OF OBJECTIONS AND SUBMISSIONS/COMMENTS – BOTH WRITTEN AND AT THE HEARING |
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This section details the themes raised in the submissions and whether they should be allowed and accepted.

24 written objections and submissions/comments were received as part of the public notification phase. These were made up of six submissions objecting to the application and 18 submissions supporting the application.

This section details the themes raised in the submissions. Themes are grouped to reflect whether the matters raised are ones in which the Minister can consider in making a decision on the application.

Examples are provided which encapsulate the themes, followed by a list of those submission numbers that raise the themes in their submission. A recommendation is then made as to whether the matters raised in the theme should be allowed or accepted.

| | Theme | Subtheme |
|---|----------------------|--|
| 1 | Treaty relationships | 1a) Iwi/Treaty Settlement and Section 4 Conservation Act 1987 |
| 2 | Applicant | 2a) Commercial nature of proposed operation 2b) Comments on Applicant (ability to carry out activity) |

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|---|---------|---|
| 3 | Process | 3a) Application – insufficient Information 3b) Tender process 3c) Comments on current Concessionaire’s abilities and experience |
| 4 | Term | 5a) Length of concession term |

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

[1] Treaty Relationships

(a) Iwi/Treaty Settlements and Section 4 of the Conservation Act

Submissions in support of the proposal from submitters identifying as members of Ngāi Tai ki Tāmaki highlighted the involvement of Te Haerenga o Ngāi Tai ki Tāmaki as joint applicant and the positive outcomes the activity would have for their iwi, and their rights and interests as mana whenua.

For example:

Submissions 2, 3, 4, 5, 6, 10, 11, 12, and 13 in support of the application contained, or entirely consisted of, the following standardised statement:

As a Ngāi Tai ki Tāmaki iwi member, I support the joint concession application of Ngāi Tai ki Tāmaki and Man O’War Vineyards to establish a visitor centre and run guided tours at Stony Batter Historic Reserve. This is a great opportunity for us to work together to connect people with the whenua and history of our ancestral land.

Professor Te Kahautu Maxwell (Submission 1)

It is an act of cultural integrity and recognition of mana whenua that Ngāi Tai ki Tāmaki are central to any initiative establishing a cultural centre on Waiheke. This partnership with Te Papa Atawhai and Man O’War Vineyards will allow visitors to experience authentic manaakitanga and kaitiakitanga practices, led by our people in accordance with our tikanga. We respectfully note that our rights as mana whenua were established long before colonial institutions and government agencies, including Te Papa Atawhai, existed. The requirement to seek permission to reoccupy and care for our own whenua is, in itself, an ironic demonstration of the ongoing challenges faced by iwi in restoring rightful authority over ancestral lands

Comments from our Treaty Partners regarding our engagement with them on the concessions process are **accepted** to the extent that they are relevant to the consideration of a matter which is able to be considered within the legal framework, including section 4 of the Conservation Act 1987 and relevant Treaty settlement legislation. The Recommendations and Decision Report will contain detailed analysis of section 4, the Crown’s Treaty obligations, and the position of our Treaty partners.

[2] Applicant

(a) Commercial/Corporate nature of Applicant

Submitters were opposed to the Stony Batter historic tunnels and gun emplacements being leased and tours exclusively offered by a for-profit company and expressed concern that commercial gains will be prioritised over public good.

For example:

Lesley McCormick (Submission 23)

It reads to me like the applicant wants to commercialize and develop the site for personal gain rather than respect the heritage and stories that are shared.

Lindsay Ann Ryder (Submission 18)

The application appears commercially aspirational rather than heritage-driven, which is not aligned with the reserve's primary purpose.

Sophie Poelman (Submission 15)

Commercialisation of a public heritage site: Partnering with a private wine business (Man O'War Vineyards) to operate tours within a nationally significant historic reserve risks prioritising commercial profit over conservation and public access.

I recommend that the submitters' comments summarised above are **not allowed** as the merits of an alternative ownership model in of itself are not a relevant consideration for the Minister under the Conservation Act 1987.

(b) Comments on Applicant

Submitters opposing the application raised concerns about the relevant heritage experience of the Applicant and their ability to run an appropriate operation at the site which recognises and protects the historic features of Stony Batter.

For example:

Emily Jass (Submission 17):

For almost a decade, Stony Batter has been restored, maintained, and opened to the public by local Waiheke resident Tim Moon, who is solely responsible for bringing the tunnels back to life...His work reflects passion, cultural care, and deep local knowledge. Displacing him in favour of a corporate venture removes the very custodian who has proven commitment to the site's heritage and community value.

Lindsay Ann Ryder (Submission 18):

The application submitted by Te Haerenga o Ngāi Tai Ki Tāmaki and Man O'War Vineyards ("Application Form 3a", available on the DOC website) does not demonstrate the heritage

expertise, tunnel-specific experience, or operational track record necessary for a smooth and safe transition.....There is no indication that the applicants possess heritage-specific operational systems suitable for an underground defence structure of national significance.

Paul Monin (Submissions 16):

As the largest and most important counter-bombardment fortress in New Zealand, Stony Batter is far more than just an underground tourist experience. Rather, it is an invaluable site in our defense history that needs to be in the hands of either people who have the relevant historical knowledge, or, are keen to acquire it. I am unsure that the prospective new holders of a concession will qualify...I do not favour a large local landowner (albiet with a partner) holding this new concession for 10 or 20 years.

I recommend that the submitters' comments are **allowed** as a relevant consideration under section 17S(f) and section 17U of the Conservation Act 1987 to the extent that they relate to the Applicant's degree of relevant historical knowledge or ability to undertake the activity

The Recommendations and Decision Report will contain the Department's assessment of the Applicant's ability to carry out the activity.

I recommend that submitters' comments **are not allowed** to the extent that they refer to Mr Moon's experience or track record, as an application by Mr Moon is not being consideration in this process.

[3] Process

(a) Application – insufficient information

Submitters opposing the application identified several areas in the application where they considered that insufficient information had been provided to enable them to evaluate it or where claims had not been substantiated. Mr Moon emphasised these matters when speaking to his submission at the hearing.

For example:

Emily Jass (Submission 17):

The applicants make several claims about improvements or benefits they will bring, yet none are supported with evidence, plans, or practical detail.

Lindsay Ann Ryder (Submission 18):

The proposal contains broad statements about increasing visitation, enhancing experiences, and delivering benefits to the region. However:

- *No detailed strategies, data, or commitments are provided to show how these improvements would occur...*

Timothy Moon (Submission 23)

The Application is very unspecific on detail whereas in this advanced stage of Notification the Applicant should be setting out clearly detailed method to inform. By example:

- a) No Admission Pricing is disclosed- Requested in RFP. The offer cannot be evaluated.*
- b) Sustainability and Emissions is a specific requirement under RFP. Environmental policy is absent. Current Heritage Concession is a Zero Carbon, Zero Waste operation. The Applicant proposes installation of Rubbish bins (creating waste/scavengers/rodents) but offers nothing comprehensive- Application cannot be assessed.*
- c) No disabled mobility friendly option is offered- a specific requirement in RFP. There is NO wheelchair or pushchair access at farm gate. The Applicant does not provide Mobility Friendly accommodation. The current operation provides Disability Assistance and Mobility Friendly tours. The main road farm gate is purposely designed to restrict mobility access.*
- d) Lighting and Power. There is NO electricity to the site. The current operation is approved Photo Voltaic and Renewable Energy. Nothing is specified, Application cannot be assessed.*
- e) The Dept. issued a no Weighting RFP assessment. Without weighting analytical assessment cannot be undertaken, instead falling on subjective opinion. Weighting precedence is established in DoC's previous EOI's.*
- f) No Hazard assessment is specified. The Application cannot be assessed.*
- g) Historical Narrative - there is no Script of draft narrative- nothing is proposed?*
- h) No evidence of required heritage experience is set out 'wider experience for the operation of a guiding service and management of historic places' is requested by DoC.*
- i) No detail as to 'how operation of a guiding service should be managed into the future to foster recreation or increase historical knowledge'. Applicant proposes 'supporting the local community through jobs'. How many 'jobs' are being created? This does not improve or exceed what is already achieved. A nil and unsupported statement.*

I recommend that the objections **be allowed** to the extent that under section 17S of the Conservation Act the Applicant is required to provide a "description of the proposed activity" as well as a "description of —

(i) the potential effects of the proposed activity:

(ii) any actions that the applicant proposes to take to avoid, remedy, or mitigate any adverse effects of the proposed activity"

I recommend that the objections should **not be allowed** to the extent that they refer to the requirements of the "RFP" (request for proposal) and by extension the criteria that were considered under the closed tender process the Department initiated pursuant to section 17ZG(2) of the Conservation Act.

The Minister should have regard to an objection that the applicant has not provided enough information of the proposal on public conservation lands and waters, and if necessary, may request information, especially as this information may impact on matters to be considered by the Minister under Section 17U, in particular 17U(1).

The Minister may request further information considered necessary to enable a decision to be made or may commission report or advice (section 17SE).

It is the Department's standard policy is to require a concessionaire to provide a health and safety plan that has been audited by an accredited organisation prior to undertaking any activity if a concession is granted. This ensures that health and safety requirements are reviewed by an organisation with the relevant expertise prior to authorised activity taking place.

In reviewing the Application, I have formed the view that the Application lacks detail regarding how the proposed activity will be undertaken. I recommend that further information be sought from the Applicant regarding:

- The equipment that is proposed to be introduced to the site to facilitate the guided tours, including (but not limited to) lighting, signage and access assistance, and how this equipment will be installed and managed/maintained for the term of the concession
- Information and/or plans detailing how the heritage values of the Stony Batter site will be protected and maintained during the carrying out of the concession activity, including how any equipment to be installed will be done in a manner that does not adversely impact those values.
- Information and/or plans detailing how any maintenance, repairs or proposed modifications will be undertaken within the Stony Batter complex, and how the heritage fabric and values will be protected and maintained during this work.
- Information and/or plans detailing how the heritage values of the Stony Batter complex will be interpreted through the operation of the visitor centre and during the proposed guided tours.

(b) Tender process

Submitters opposing the application took issue with the closed tender process the Department ran for the right to apply for the activity. The Applicant was successful in this tender process, and was invited to make an application, while the incumbent concessionaire was unsuccessful.

For example:

Sophie Poelman (Submission 15)

Lack of transparency and public process: It appears that this concession opportunity was not publicly advertised or competitively tendered. This raises questions about whether the process was fair, impartial, and free from conflicts of interest.

I recommend that the submitters' comments summarised above are **not allowed** as matters relating to the process for which applications are tendered or invited (section 17ZG(2)(a) of the Conservation Act 1987) are not relevant considerations for the Minister under the Conservation Act 1987 on this application, which must be assessed on its own merits.

(c) Comments on current Concessionaire's experience/abilities

Submitters opposing the application commented on the experience and ability of the existing concessionaire and the work that has been undertaken during the term of his current concession, questioned why a change in concessionaire was being considered, and/or sought that the existing concessionaire be granted a further concession.

For example:

Lindsay Ann Ryder (Submission 18):

The current operator's experience:

- *Has ensured safe access to the tunnels*
- *Provided reliable on-site interpretation and maintenance*
- *Created programmes that suit the environment rather than impose on it This level of tacit, site-specific knowledge cannot be replicated quickly. Disrupting a stable, functioning system without substantive justification goes against best practice in heritage management.*

Based on the above, I respectfully request that DOC:

1. *Decline the concession application from Te Haerenga o Ngāi Tai Ki Tāmaki and Man O'War Vineyards Limited.*
2. *Retain the current local operator, who has demonstrated practical expertise and long-term commitment to preserving the reserve.*

Lesley McCormick (Submission 23):

The current concession holder, Tim Moon, has used his expertise and passion as an archeologist and heritage consultant to create an attraction that preserves the heritage, educates and informs visitors. It is an experience that creates emotions and realism. On reading the application there is nothing that isn't already provided. It reads as if there is currently no security, nor welcome/visitor center nor guided tours. That the heritage and history of the site is not being recognized, and that culture is being ignored. All these are all in place and have been developed and delivered in a respectful education manner. This is a European developed structure directly related to NZ's war history. The location has been modified to create these tunnels. Cultural values have been respected and intertwined with the history and tour. Why change just because?

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| <p>I recommend that the submitters' objection summarised above are not allowed as the experience or abilities of the existing concessionaire are not relevant considerations for the Minister under the Conservation Act 1987 on this application. The Department undertook a tender process to determine who should be invited to apply for this activity, which was the appropriate process under which these matters were considered, and cannot be revisited as part of the decision-making on this Application.</p> |
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[4] Term

(a) Length of concession term

One submitter opposed to the Application recommended that the term of 10 years plus a further 10-year right of renewal was too long and recommended that a shorter term of 5 years be adopted if the application was approved. The submitter reiterated this view at the hearing.

Timothy Moon (Submission 23)

The Term should be for 5 years followed by a competitive renewal - that precedence is established. The proposal is for a new unquantified operation encompassing multiple Parties. Five years provides sufficient time to assess delivery and prove JV partners including cultural effectiveness. A five-year term will provide opportunity for the local community to observe heritage management of its treasured War Tunnels. Renewal application will provide opportunity to interested parties to present the best possible management options.

I recommend that this comment be **allowed** to the extent of being relevant for the Minister to consider the appropriateness of the term a concession is granted for, and the comment is potentially relevant to the Applicant's ability to carry out the proposed activity (s17S(f)) and the effects of the activity (s17U). The Recommendations and Decision Report will include a full consideration of whether the applied for term is appropriate.

7.0 APPLICANT'S REPLY

At the hearing the Applicant provided a brief verbal reply to clarify matters raised in the hearing and particularly in Mr Moon's objection. This reply is summarised below.

- *The timeframe for commencing operations with a soft launch in April 2026 was purely indicative, based on when the application was submitted in November 2025 and expected statutory timeframes. Acknowledged that an opening this soon is likely not possible at this time due to the time taken to progress the application through the hearing stage. Will work with relevant parties to develop a feasible timeline if a concession is granted.*
- *References to historic access issues to the reserve. Those people involved in that process are no longer alive, nor represent the views of the current applicants. There is no intention to restrict access to the Stony Batter History Reserve as part of this application.*
- *The nature of the partnership between Te Haerenga o Ngāi Tai ki Tāmaki and Man O'War Vineyards Limited is 'our business' and will be formalised and confirmed with the Department if a concession is offered.*
- *Much of the information considered lacking or missing from the Application is commercially sensitive and/or still being developed at the time the application was submitted. Can be provided to the Department as required.*

- *Regarding the lack of heritage knowledge or site-specific knowledge for the WWII nature of the site. This is disputed. Ngāi Tai ki Tāmaki have worked closely with Heritage NZ on other sites within their rohe to manage heritage values. The team working on this proposal includes ex-military with relevant experience and a deep interest in the specific history of the site. The heritage of the site is absolutely a focus.*
- *Reiterated the core principles of the application and experience proposed:*
 - *Collaboration*
 - *Health & Safety*
 - *Improved Access*
 - *World-Class Experiences*
 - *Integrated Tourism Packages*

8.0 RECOMMENDATIONS

I have made recommendations to you above in respect of the extent to which objections should be allowed and submissions/comments accepted.

| Sub-themes | Recommendation |
|--|--|
| 1. Treaty relationships 1a) Iwi/Treaty Settlement and Section 4 Conservation Act 1987 | Accept |
| 2. Applicant 2a) Nature of commercial operation 2b) Comments on Applicant's ability to carry out activity | Do not allow Allow |
| 3. Process 3a) Application – insufficient Information 3b) Concerns with tender process 3c) Comments on current Concessionaire's abilities and experience | Allow Do not allow Do not Allow |
| 4. Term 4a) – shorter 5-year term recommended | Allow |

In addition, I make the following recommendations for seeking further information:

I recommend that further information be sought from the Applicant regarding:

- The equipment that is proposed to be introduced to the site to facilitate the guided tours, including (but not limited to) lighting, signage and access assistance, and how this equipment will be installed and managed/maintained for the term of the concession
- Information and/or plans detailing how the heritage values of the Stony Batter site will be protected and maintained during the carrying out of the concession activity, including how any equipment to be installed will be done in a manner that does not adversely impact those values.
- Information and/or plans detailing how any maintenance, repairs or proposed modifications will be undertaken within the Stony Batter complex, and how the heritage fabric and values will be protected and maintained during this work.

- Information and/or plans detailing how the heritage values of the Stony Batter complex will be interpreted through the operation of the visitor centre and during the proposed guided tours.



Helen Neale, Delegate of the Director General of Conservation as Chair of the Hearing Panel

Date: 13/03/2026

Recommendation:

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

Yes / No

Comments: The submissions and objections have been well summarised.

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

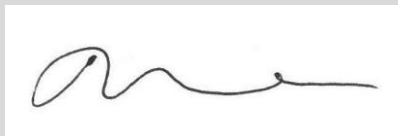
Yes / No

Comments: I support the recommendations relating to which submissions and objections should be accepted/not accepted.

3. Note the recommendation that further information should be sought from the Applicant:

Yes / No

Comments: Agree with this recommendation to seek further information from the Applicant to ensure S. 17S of the Conservation Act is met.



Rebecca Rush - Delegate of the Minister of Conservation

Date: 18 March 2026