



**To:** Damian Coutts, Director Operations Central North Island (Minister's delegate)

**From:** Judi Brennan, Permissions Statutory Land Manager, Hokitika,  
Deidre Ewart, Business Services Manager (Permissions) (Hearing Panel Chair)  
(Both as Delegates of Director-General of Conservation)

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### **Submission Summary/ Recommendation Report**

This report is to the Decision Maker pursuant to section 49(2)(d) of the Conservation Act 1987. It provides a summary of all objections and comments received in response to public notification, and recommendations as to the extent to which they should be allowed and accepted.

### **Concession Application**

**Concession Applicant:** MiCamp Trust

**Permission Number:** 71131-OTH

The purpose of this report is to provide you with:

- A summary of the objections and comments received
- A recommendation as to the extent to which the objections and comments should be allowed or accepted
- Any recommendations of actions as a result of those submissions - e.g. special conditions, further information request etc.

For the purposes of this report, submissions which are 'allowed' are submissions which are relevant for you to consider pursuant to the Conservation Act. Allowed submissions are then analysed as to the extent to which they should be 'accepted' by the Minister (being you as the Minister's delegate).

The implications of allowed and accepted submissions 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.

We note that any recommendation we, as the Director General's delegates, make to you does not fetter your discretion to come to a different view on any issues covered in the report.

## **1.0 BACKGROUND**

The Minister has received an application from MiCamp Trust for a lease/licence to continue to occupy public conservation land for the purpose of operating an outdoor education facility for a term of 30 years at Waitetoko Recreation Reserve, Mission Bay, Lake Taupō. The facility includes the location, use and maintenance of a number of temporary and permanent structures and a sewerage treatment plant. The lease area is fenced to exclude the public.

## Timeline of process

- Application received: 30 October 2018
- Further information requested from the Applicant: 22 November 2018
- Further information received from the Applicant: 14 January 2019
- Application notified: 5 February 2019
- Submissions closed: 6 March 2019
- Three submissions were received from Ngāti Tūwharetoa hapū individuals and Ngāti Te Rangīita requesting to be heard
- Letter emailed to submitters re. options for Iwi submitters to engage with Department - 18 April 2019
- Response received from submitters - 24 May 2019, 27 May 2019 (two submitters requested to proceed to pre-hearing and hearing, one submitted requested to proceed to pre-hearing)
- Hui held with District staff and Te Kotahitanga o Ngāti Tūwharetoa (TKNT) - 27 November 2018 (Te Rangitūamatotoru Maniapoto (submitter) attended as Ngāti Te Rangīita hapū delegate)
- Decision made to proceed to hearing - 27 November 2019

## 2.0 DETAILS OF HEARING

**Date/Time:** Thursday 27 February 2020, 1pm-3pm

**Location:** Te Kahukura o Tane Mahuta Whare, Kaimanawa Street, Taupō

**Hearing Panel Chair:** Deidre Ewart, Business Services Manager (Permissions)

**Panel members:** Dave Lumley (Operations Manager, Turangi), Gavin Smith (Treaty Ranger, Tauranga District), Julia Mackie (Permissions Advisor, Hokitika - minutes/report writer)

**Submitters heard:** Aroha French (Ngāti Te Rangīita), Hemi Biddle (Ngāti Te Rangīita), Te Rangitūamatotoru Maniapoto (Ngāti Te Rangīita)

**Written Record:** Hearing notes: [DOC-6250453](#)

At the hearing all three verbal submissions reflected the written submissions dated 6 March 2018 (Aroha French, Hemi Biddle) and 12 March 2018 (Rangitūamatotoru Maniapoto) and are linked below. The applicant's right of reply to submissions presented at the hearing are detailed in section 4 of this report.

### 3.0 SUMMARY OF KEY POINTS FROM WRITTEN SUBMISSIONS AND HEARING

Three submissions were received as part of the public notification phase.

#### Issues Raised by each Submitter:

##### **Submitter 1 - Aroha French (Ngāti Te Rangiita)**

Link to submission: [DOC-5879341](#)

Copy of submission presented at hearing [DOC-6250518](#)

- Spoke as a descendent of Te Rangitumatotoru and Raukawa Maniapoto her kuia on behalf of Te Rangiita hapū, Ngāti Tūwharetoa Iwi.
- Ngāti Te Rangiita strongly oppose the application for (the applicant's) exclusive occupation for a (the applicant's) specific purpose.
- Referenced the Crown apology to the Ngāti Tūwharetoa settlement claims - specifically - 3.44 - Crown Apology, 3.45 - Relationship with the Crown.
- The applicant has no relationship with Tangata Whenua of the rohe (specifically Waitetoko marae and the hapū of Ngāti Te Rangiita).
- Approval of the application "...will perpetuate the alienation of Ngāti Te Rangiita from its ancestral land that was confiscated under the Reservations Act...".
- Applicant's expansion plan will increase pressure on the environment as per measures in Ngāti Tūwharetoa Environmental Plan held at the Tūwharetoa Maori Trust Board.
- Ngāti Te Rangiita hold mana whenua over the land under application. Hapū values are epitomised through ..... (cultural, environmental and economic values) - not evidenced nor practiced by the applicant.

Are pursuing to end the alienation of Ngāti Te Rangiita from its land and have its lands returned. Ngāti Te Rangiita have submitted a letter to the Rt Hon Andrew Little for the return of this and other whenua in the Ngāti Te Rangiita rohe. They are waiting for a response.

##### **Submitter 2 - Hemi Biddle (Ngāti Te Rangiita)**

Link to submission: [DOC-5879310](#)

- Granting of the application is in breach of the Treaty of Waitangi - lands were not willingly sold by the original Maori owners.
- A submission has been sent to the Parliamentary Select Committee re Tūwharetoa Deed of Settlement (DOS).
- Was not a signatory of the DOS.
- Land taken under Reserves Act.
- Opposes the application.

##### **Submitter 3 – Te Rangitumatotoru Maniapoto (Ngāti Te Rangiita)**

Link to submission [DOC-5895719](#)

- Submission is on behalf of Ngāti Te Rangiita hapū.
- DOC's process has been poor (Conservation Act Section 4 obligations) as insufficient time to prepare submission and also very short notice of hearing (marae operates on monthly cycle).

- Engagement and relationship with Treaty Partner (true Partnership: Te Piringa in DOS) - decision making framework.
- Active protection - no conversation with DOC.
- Locked out of conversations by DOC.
- No access to the land as always held under a lease.
- Not specific activity that is problematic.
- Conservation Management Strategy and Treaty Principles referenced.
- Past occurrences are not acceptable. Te Rangi's people must be involved in decision making.
- DOC needs to step up.

#### **4.0 APPLICANT'S RIGHT OF REPLY**

At the end of the hearing the applicant was given a right of reply.

The applicant commented as follows:

- Point of clarification - there are no plans to expand the camp as mentioned by Submitter 1.
- Has been Camp Manager for three years.
- The applicant describes his work with MiCamp Trust is the 'calling of God'.
- MiCamp are open-hearted and wish to bring peace of God and love.

#### **5.0 ANALYSIS OF SUBMISSIONS**

The extent to which the comments should be allowed/accepted are analysed and recorded below, the submissions have been broken down into issues and grouped where possible under the relevant legal tests in Part 3B of the Conservation Act.

Keeping in mind S17U(1)(f) and S49(2)(d) of the Conservation Act, we have also made recommendations to you in regard to the extent to which submissions should be (i) allowed and (ii) accepted. These recommendations are summarised in the table below and, where relevant, this considers the applicant's reply. We have taken the approach that comments can be allowed if they are relevant to the matters to be considered under S17U (1).

**Summary of issues raised and recommendations on whether they should be allowed/accepted**

<b>Submitter</b>	<b>Summary of Issues</b>	<b>Relevance/legal test</b>	<b>Allowed/Accepted/ Recommendations</b> <i>The decision maker has to consider whether the application is appropriate and lawful under the provisions of the Conservation Act 1987 (Part 1, Section 4 and Part 3B S17U)</i>
<p><b>Submitter 1 – Aroha French (Ngāti Te Rangīta)</b></p>	<p><b><u>Issue 1 – Cultural Values &amp; Effects</u></b></p> <ul style="list-style-type: none"> <li>• Applicant’s (lack of) relationship with Tangata Whenua and specifically Ngāti Te Rangīta who hold ‘mana whenua’.</li> <li>• Adverse impacts on hapū because approval of the application “...will perpetuate the alienation of Ngāti Te Rangīta from its ancestral land that was confiscated under the Reservations Act...”</li> <li>• Hapū values are epitomised (cultural, environmental and economic values) - not evidenced nor practiced by the applicant.</li> <li>• Are actively pursuing to end the alienation of Ngāti Te Rangīta from its land and have its lands</li> </ul>	<p><b>Conservation Act 1987 Part 1. Section 4</b> Act to give effect to Treaty of Waitangi. This Act shall so be interpreted and administered as to give effect to the principles of the Treaty of Waitangi.</p> <p><b>Conservation Act 1987 Part 3B 17U</b> Matters to be considered by the Minister - 17U (1) In considering any application for a concession, the Minister shall have regard to the following matters: ... (b) the effects of the activity, structure, or facility;... (f) any relevant oral or written submissions received as a result of any relevant public notice issues under section 39. (3) The Minister shall not grant an application for a concession if the proposed activity is contrary to the provisions of this Act or the purposes for which the land concerned is held.</p>	<p><b><u>Issue 1 - Cultural Values &amp; Effects</u></b></p> <p>The primary concern raised relates to the effects of the activity applied for on cultural values associated with the land under application. Local hapū Ngāti Te Rangīta are tangata whenua. The hapū marae (Waitetoko) is located nearby. Submitters were concerned that granting the application would be in breach of the Treaty of Waitangi. The Department has a legal obligation to ‘give effect’ to the Treaty under Section 4 of the Conservation Act 1987.</p> <p><b><u>Hearing Panel Assessment (Allowed/Accepted)</u></b></p> <p>The Hearing Panel is satisfied that the matters raised by the submitter are relating to potential adverse effects on cultural values <u>can be allowed and accepted</u>. The matters are <u>relevant</u> for the Decision Maker to consider under Section 4 of the Conservation Act 1987. This will be fully considered as part of further assessment of the application by the Department.</p> <p><b><u>Recommendation</u></b> - That the Department undertakes a Section 4 analysis as part of the assessment of the Application</p>

	<p>returned (letter sent to Rt Hon Andrew Little)</p>		
	<p><b><u>Issue 2 - Environmental Values &amp; Effects</u></b></p> <ul style="list-style-type: none"> <li>• Applicant's <u>expansion plans</u> - will increase pressure on the environment as per measures in Ngāti Tūwharetoa Environmental Plan held at the Tūwharetoa Maori Trust Board .</li> </ul>	<p><b>Conservation Act 1987 Part 3B</b> 17U Matters to be considered by the Minister - 17U (as laid out above)</p>	<p><b><u>Issue 2 – Environmental Values &amp; Effects</u></b> In his right of reply the applicant clarified and confirmed that there were <u>no</u> plans to expand or further develop the current camp facility.</p> <p>The Hearing Panel accepts the applicant has no expansion plans. However, the Panel noted that the application includes reference to an upgrade of a sewerage treatment system and therefore it is recommended the Department note this in the context of the Ngāti Tūwharetoa Environmental Plan.</p> <p><b><u>Recommendation</u></b> - That as part of the Department's assessment of the Application (Section 4 analysis) that the Ngāti Tūwharetoa Environmental Plan is taken into consideration.</p>
<p><b>Submitter 2 – Hemi Biddle (Ngāti Te Rangīta)</b></p>	<p><b><u>Issue – Cultural Values &amp; Effects</u></b></p> <ul style="list-style-type: none"> <li>• Granting the application is a breach of the Treaty of Waitangi</li> <li>• Land taken under Reserves Act</li> <li>• Opposes the application</li> </ul>	<p><b>Conservation Act 1987 Part 1 , Section 4</b> Act to give effect to Treaty of Waitangi</p> <p><b>Conservation Act 1987 Part 3B</b> 17U (as laid out above)</p>	<p><b><u>Issue - Cultural Values &amp; Effects</u></b> As with Submitter 1, the primary concern raised by Submitter 2 relates to the effects of the activity applied for on cultural values associated with the land under application. The Submitter is also concerned that granting the application would be in breach of the Treaty of Waitangi and that the Department has a legal obligation to 'give effect' to the Treaty under Section 4 of the Conservation Act 1987.</p> <p><b><u>Hearing Panel Assessment (Allowed/Accepted)</u></b> The Hearing Panel is satisfied that the matters raised by the submitter are relating to potential adverse effects on cultural values <u>can be allowed and accepted</u>. The matters are <u>relevant</u> for the</p>

			<p>Decision Maker to consider under Section 4 of the Conservation Act 1987. This will be fully considered as part of further assessment of the application by the Department.</p> <p><b>Recommendation</b> - That the Department undertakes a Section 4 analysis as part of the assessment of the Application.</p>
<p><b>Submitter 3 – Te Rangitūamatotoru Maniapoto (Ngāti Te Rangīta)</b></p>	<p><b><u>Issue – Cultural Values &amp; Effects</u></b></p> <ul style="list-style-type: none"> <li>• DOC’s process poor (Conservation Act Section 4 obligations) as insufficient time to prepare submission and also very short notice of hearing (<u>marae operates on monthly cycle</u>)</li> <li>• Engagement and relationship with Treaty Partner (true Partnership, Te Piringa in DOS) - decision making framework.</li> <li>• Active protection - no conservation with DOC</li> <li>• Locked out of conversations by DOC</li> <li>• No access to the land as always held under a lease</li> <li>• Not specific activity that is problematic</li> <li>• Conservation Management Strategy and Treaty Principles referenced</li> </ul>	<p><b><u>Conservation Act 1987 Part 1 , Section 4 Act to give effect to Treaty of Waitangi</u></b></p> <p><b><u>Conservation Act 1987 Part 3B 17U (as laid out above)</u></b></p>	<p><b><u>Issue - Cultural Values &amp; Effects</u></b> The Submitter’s primary concerns are with DOC’s internal concessions process, specifically engagement/partnership obligations under Section 4 of the Conservation Act 1987 and the Tūwharetoa Deed of Settlement, Te Piringa Decision Making Framework. The Submitter considers this is a breach of the Treaty of Waitangi and noted that the Department has a legal obligation to ‘give effect’ to the Treaty under Section 4 of the Conservation Act 1987.</p> <p><b><u>Hearing Panel Assessment (Allowed/Accepted)</u></b> The Hearing Panel acknowledges the Submitter’s comment and concerns. The matters raised are related to cultural values and effects and therefore <u>relevant</u> for the Decision Maker to consider under Section 4 of the Conservation Act 1987. This will be fully considered as part of further assessment of the application by the Department.</p> <p><b>Recommendation</b> - That the Department undertakes a Section 4 analysis as part of the assessment of the Application</p>

	<ul style="list-style-type: none"><li>• Past occurrences are not acceptable. Te Rangi's people must be involved in decision making.</li><li>• DOC needs to step up.</li></ul>		
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Deidre Ewart, Panel Chairperson  
Delegate of the Director General of Conservation (on behalf of and in agreement with the Panel members)

Date: 25/05/2020