

Stewardship Land Reclassification

Summary of Submissions Report

Appendix 1: Karamea



Department of
Conservation
Te Papa Atawhai

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KAR_01 - Mossy Burn - 2807687

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Mossy Burn	KAR_01_2807687d	National Park (Kahurangi)		6046*	23
Mossy Burn	KAR_01_2807687e		Stewardship	17	43

DOC Conservation Values Report (CVR) Description

A 20.0481-ha area of indigenous coastal hillside forest on the western edge of a vast stretch of continuous indigenous forest cover, bordered on the north and east by Kahurangi National Park. It supports a diverse suite of indigenous biodiversity, including the threatened large land snail *Powelliphanta annectens* (Nationally Vulnerable).

Panel Recommendations

National Panel: National Park investigation, based on the complementary conservation values to the adjacent section of the Kahurangi National Park. Adding this area is considered to rationalise the park's boundary and improve landscape continuity. It is noted that this conservation area would require surveying to remove a section that overlaps Kohaihai Road, with this area being added to the adjacent road reserve.

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

S.49(2)(d) Recommendation

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

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

Section 4 and Treaty principles: The Mana Whenua Panel opposed the proposed national park referrals, supported by submissions from Treaty partner organisations. Te Rūnanga o Ngāi Tahu oppose all additions to national parks within the Ngāi Tahu takiwā as "the addition of land to national parks will not give effect to the principles of the Treaty of Waitangi (as required by section 4 of the Conservation Act 1987) as it alienates Ngāi Tahu from our ancestral lands".

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

Although I acknowledge the Mana Whenua Panel opposition to the notified proposal, my assessment, considering those submissions accepted, is that the natural and historic resources present are of a similar nature to the adjacent national park, and warrant proceeding with a referral to the NZCA. Giving effect to Section 4 of the Act includes taking reasonable steps to actively protect the identified Treaty partner interests, but this obligation is not absolute and unqualified, as this would be inconsistent with DOC's other statutory responsibilities.

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

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

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

National Park (Kahurangi) - KAR_o1_2807687d

Support

Access and Recreation (Allowed)

- Submissions expressed support for expanding national parks to protect outstanding recreational values for current and future generations, and to guarantee public access rights.

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

Climate Change and Natural Hazards (Allowed)

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

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

Ecology and Landscape (Allowed)

- Submissions supported the highest level of protection for the land to reflect its high natural character (unmodified coastal forests and potential karst values), and the habitat it provides for threatened bird species, freshwater species (in Coal Creek) and the *Powelliphanta* snail.
- Submitters noted the level of protection afforded by national park classification ensured ecological values would be protected from activities such as mining. The importance of protecting these areas was emphasized.
- Submissions expressed that adding the land to the national park would provide valuable ecological connectivity and buffer the rest of the park from “edge effects” and developed farmland (e.g. “enhance ecological buffer zones and maintain ecological diversity”).
- The values were deemed “indistinguishable from those within the surrounding Kahurangi National Park”. Submissions suggested reclassification as a national park would “rationalise the park’s boundaries and provide improved landscape continuity and connectivity”, and it was noted that current land classification delineations are “historic and arbitrary” and “not informed by ecological and landscape principles”.

I recommend that these comments are accepted. They provide site-specific details regarding the natural resources present which warrant consideration. The natural resources identified by submitters are consistent with those described in the CVR (e.g. supports indigenous coastal hillside forest and is on the western edge of a vast stretch of continuous indigenous forest cover on the lower western slopes of the Ōpārara Plateau). The contiguous boundary with Kahurangi National Park further supports your notified intention to refer this area to the NZCA for its recommendation as to the suitability of a national park addition.

Treaty Considerations (Allowed)

- Submissions in support of national park noted a desire to “see the concerns of mana whenua addressed”.
- Submissions acknowledged the concerns raised by mana whenua regarding national parks. However, they viewed maximum protection of the natural values as paramount and suggested that changes to national park management or legislative frameworks should occur to reflect Treaty principles and to ensure free access and use of national parks for cultural, traditional, historical, and customary purposes.

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

General (Allowed)

- Submissions expressed general support for reclassification as a national park and for maximum environmental protection across all stewardship land, or for all land to be reclassified at the highest possible level based on its “cultural conservation value”.
- Submissions expressed support for a national park classification as being “consistent with the technical reports”.

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

Permissions, Economic Factors and Land Use (Not Allowed)

- One submission noted that national parks support a “nature economy”, and that this is in line with the Te Whanaketanga Tai Poutini West Coast Economic Strategy 2050.
- Submissions noted that national park classification prevents mining and means development proposals are subject to higher scrutiny, and “applies a precautionary principle that these lands are best left in a natural state unless there is a good case otherwise”. They also noted that legislative “let out clauses” exist to enable things in national parks that are “necessary and have wide approval”.

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

Process and Consultation (Not Allowed)

- Submissions raised concerns that there were no terms of reference for the Mana Whenua Panel, and suggested that Ngāi Tahu objections to national parks should have been addressed at a broader level prior to the reclassification process.

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

Oppose

Access and Recreation (Allowed)

- Submissions expressed concern about loss of recreation opportunities and suggested that other classifications may provide a better balance between recreational enjoyment and protection of natural resources. Restrictions on dog walking were raised specifically by a West Coast resident. Classifications suggested were conservation park, or scenic reserve or recreation reserve if additional protection is required to protect flora and fauna.
- Submissions stated opposition to any reclassification unless it provides explicitly for access, sports fishing and gamebird hunting.

I recommend that these comments are not accepted. The methods of appreciation and recreational enjoyment proposed (e.g. dog access, hunting of indigenous avifauna) are potentially incompatible with protecting and preserving the natural resources described in the CVR, and the points raised do not justify overturning the notified intention. Although under a

national park classification “the public shall have freedom of entry and access” this is subject to restrictions “necessary for the preservation of the native plants and animals or for the welfare in general of the parks” (National Parks Act 1980, s. 4(2)(e)).

Ecology and Landscape (Allowed)

- Submissions suggested that the ecological values of the land are not high enough to meet the standard for national park classification. One described it as small and modified, and suggested scenic reserve as a more appropriate classification, noting that it needs further ecological assessment to ascertain whether the threatened large snail is present within it. Another submission characterised the area as “not so unique or scientifically important to meet the standard set by the National Parks Act”), suggesting that a conservation park would be appropriate, or a scenic reserve or recreation reserve in areas where there is potential risk of damaging activities such as mining.

I recommend that these comments are not accepted. My assessment is that the natural resources described in the CVR (e.g. supports indigenous coastal hillside forest and is on the western edge of a vast stretch of continuous indigenous forest cover on the lower western slopes of the Ōpārara Plateau) justify referring this area to the NZCA for its recommendation as to the suitability of a national park addition. This is further supported by the land context of the adjoining Kahurangi National Park.

Treaty Considerations (Allowed)

- Several submissions opposed the proposed national park investigation whilst supporting the proposal to retain the area in stewardship, pending conservation law reform to create more appropriate forms of protected area classifications from a Ngāi Tahu perspective. This follows a Ngāi Tahu tribal position that a national park classification “obstructs Ngāi Tahu from maintaining ancestral relationships with the whenua, obstructs kaitiaki rights and responsibilities, limits the meaningful involvement of Ngāi Tahu in decision-making processes, and is less enabling of customary practices that are fundamental to sustaining tribal identity and mana”.
- Submissions considered this recommendation as misaligned with Treaty principles, and advocated for these areas to remain as stewardship land until classifications that more appropriately reflect Treaty principles are established.

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

General (Allowed)

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

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

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions expressed opposition to placing more land under the “restrictive” national park classification.

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

Process and Consultation (Not Allowed)

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

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

Other (Not Allowed)

- Submissions expressed the view that national park classification does not equate to effective protection from introduced pests or predators.

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

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

No Opinion/Position Stated

General (Allowed)

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

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

Other (Not Allowed)

- One submitter raised concerns that increasing national park areas would result in more people walking dogs in coastal areas and potentially impacting shorebirds.

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

Retain in Stewardship - KAR_01_2807687e

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

Support

Ecology and Landscape (Allowed)

- Submissions stated that there was insufficient evidence of the conservation value and characteristics justifying national park status for various pieces of stewardship land.

I recommend that these comments are not accepted. Although areas of modification may be present, the natural resources described in the CVR (e.g. supports indigenous coastal hillside forest and is on the western edge of a vast stretch of continuous indigenous forest cover on the lower western slopes of the Ōpārara Plateau) justify referring this area to the NZCA for its recommendation as to the suitability of a national park addition. This is further supported by the land context of the adjoining Kahurangi National Park.

Treaty Considerations (Allowed)

- The majority of submissions in support of retaining land in stewardship did so on the grounds that adding land to national parks would not give effect to Treaty principles. Submissions stated the classification impedes Ngāi Tahu's ability to exercise their mana whenua, kaitiakitanga, and mahinga kai rights and responsibilities, and limits their involvement in decision-making processes, alienating them from their cultural and ancestral connections with the land.
- Submissions supported the recommendations of the mana whenua panel “to acknowledge the rights and interests of mana whenua as a treaty partner” (e.g. “have the longest and strongest claim to this land”).
- Submissions advocated for conservation law reform to create more appropriate forms of protected area classifications from a Ngāi Tahu perspective.

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

General (Allowed)

- Submissions stated they agree with the Mana Whenua Panel, without providing further justification.

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

Permissions, Economic Factors, and Land Use (Not Allowed)

- Submitters stated that reclassifying land as national park or other classifications which fall under Schedule 4 could have economic consequences by excluding mineral extraction and other activities on that land. The potential loss of opportunities resulting from these restrictions was seen as damaging, particularly in terms of mineral extraction and site rehabilitation.
- Submissions specified their preference for land to either be retained in stewardship or be reclassified as a conservation park, stating that this gives the land “more than adequate legal protection”.
- It was suggested that a “holistic view”, encompassing mineral prospectivity and other economic, social, and cultural considerations, should be taken.

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

Process and Consultation (Not Allowed)

- A submitter opposed any reclassification “as it sets a precedent to get the land away from the public and into private ownership”.

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

Other (Not Allowed)

- One submission expressed doubt that reclassifying stewardship land as national parks would have a positive impact on conservation, citing DOC funding and resource limitations.

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

Oppose

Access and Recreation (Allowed)

- Submissions advocated for reclassification as a national park to ensure ongoing access and enjoyment of the protected natural resources, and to reflect the recreational values of the area.

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

Climate Change and Natural Hazards (Allowed)

- Submissions stated a preference for reclassification as a national park to ensure environmental protection in light of the impacts of climate change (e.g. “provide a greater buffer against edge effects and climate threats”).

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

Ecology and Landscape (Allowed)

- Submissions expressed a preference for national park classification to protect the high natural values, referencing “nationally significant ecological systems and natural areas” and unmodified coastal forest and potential karst

values, that values are “indistinguishable from those within the surrounding Kahurangi National Park”, that the proposed classification reflects the land context of the adjacent national park and “provides for landscape continuity”, and emphasising that national park classification supports critical biodiversity outcomes.

I recommend that these comments are accepted. They provide site-specific details regarding the natural resources present which warrant consideration. The natural resources identified by submitters are consistent with those described in the CVR (e.g. supports indigenous coastal hillside forest and is on the western edge of a vast stretch of continuous indigenous forest cover on the lower western slopes of the Ōpārara Plateau). The contiguous boundary with Kahurangi National Park further supports your notified intention to refer this area to the NZCA for its recommendation as to the suitability of a national park addition.

- Submitters suggested that the land should be classified as a scenic reserve, recreation reserve, or conservation park as it has “strong conservation, ecological and natural value, but it is not so unique or scientifically important to meet the standard set by the National Parks Act”.

I recommend that these comments are not accepted. My assessment is that the natural resources described in the CVR (e.g. supports indigenous coastal hillside forest and is on the western edge of a vast stretch of continuous indigenous forest cover on the lower western slopes of the Ōpārara Plateau) justify referring this area to the NZCA for its recommendation as to the suitability of a national park addition. This is further supported by the land context of the adjoining Kahurangi National Park.

Treaty Considerations (Allowed)

- Submissions expressed a preference for national park reclassification, but advocated for mana whenua to have free access and use of national parks for cultural, traditional, historical, and customary purposes, describing this as aligning with Section 4 of the National Parks Act, and for conservation principles to be carried out in an “established collegial co-governance manner”.
- One submission argued against retaining land as stewardship where no areas had been identified as specifically valuable to Ngāi Tahu.

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

General (Allowed)

- Submissions expressed preference for reclassification as a national park and for high protection for more stewardship land, either without providing further justification, or based on the “reasons outlined in the conservation value reports” or the land’s “high cultural conservation value”.

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

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

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

Permissions, Economic Factors and Land Use (Not Allowed)

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

- There was concern that retaining the area as stewardship land exposes it to risk of activities such as mining or being swapped out of the conservation estate.

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

Process and Consultation (Not Allowed)

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

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

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submissions that did not select or state a clear opinion, queried whether this classification allowed for hunting and fishing.

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

General (Allowed)

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

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

KAR_02 - Ōpārara River Lagoon – 2807683

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Ōpārara River Lagoon	KAR_02_2807683f	Wildlife Management Area	Neutral	21	6

DOC Conservation Values Report Description

Part of the dune sequence on the true right of the Ōpārara River mouth, this 10.9569-ha area is within the Ōpārara Estuary Ecological Management Unit and adds to the representative value of the protected area network in the ecological district. The area is used by people walking/using the beach, and by whitebaiters accessing the Ōpārara River Lagoon.

Panel Recommendations

National Panel: Wildlife management area, based on the presence of Naturally Uncommon sand dune and tidal lagoon ecosystems and the Acutely Threatened Environment status of the area.

Mana Whenua Panel: Neutral.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of wildlife management area.

Summary of accepted submissions: Those submissions ‘accepted’ as holding merit supported the proposed classification as reflecting the ecological importance of the natural resources present, and appropriate for the recreational and community uses of the area.

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

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

Rationale: My conclusion, considering those submissions accepted, is that the proposed classification will promote the conservation of the natural resources present (e.g. supports steep beach, partly vegetated dunes and part of the western edge of a coastal lagoon) while providing for their appreciation and recreational enjoyment by the public.

Wildlife Management Area - KAR_02_2807683f

Support

Access and Recreation (Allowed)

- Submissions supported the recommendation as it protects public access to the coast and the lagoon, describing the lagoon as a valuable public amenity and a place for activities such as packrafting.
- The community's efforts to create a Source to Sea Sanctuary along the Ōpārara River were mentioned, alongside a request that all land alongside the river is given a classification which protects the natural values and allows community access for conservation and regeneration activities.

I recommend that these comments are accepted. These comments provide site-specific details regarding the public access and recreational features present which are not inconsistent with the preservation of the natural and historic resources of the area. The proposed classification supports the public appreciation of wildlife where consistent with other management objectives.

Ecology and Landscape (Allowed)

- Submissions supported the recommendation as reflecting the ecological importance of the lagoon and protecting against degradation of the area. The area was highlighted as being part of a mountain-to-sea ecosystem in a

protected corridor of extremely high biodiversity, providing important habitat for wading birds and freshwater fish, and of being the focus of community restoration initiatives.

I recommend that these comments are accepted. They provide site-specific details regarding the natural resources present which warrant consideration. My view is that the natural resources identified in these comments are consistent with those described in the CVR (e.g. supports steep beach, partly vegetated dunes and part of the western edge of a coastal lagoon; identified by the Department for the value it adds to the representative value of the protected area network in the ecological district), and they are appropriately protected and preserved by the proposed classification.

General (Allowed)

- Submissions expressed general support for the recommendation, either expressing approval for “more protection” without providing further justification, or stating that the recommendation reflects the information in the technical reports.
- One submission noted support for the recommendation based on the land’s “high cultural conservation value”.

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

Other (Not Allowed)

- Submissions stressed the importance of upholding Te Mana o te Wai, recommending that any areas offered a lower level of protection than a national park should have measures in place to protect waterways and wetlands through minimum setbacks, fencing, and planting with appropriate native plants.
- One submitter raised a concern that increasing national park areas would result in more people walking dogs in coastal areas and potentially impacting shorebirds.

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

Oppose

General (Allowed)

- Submissions stated a preference for the land to be left in stewardship without providing further justification.
- Submissions stated a preference for all stewardship land to be reclassified as a national park without providing further justification.

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

Process and Consultation (Not Allowed)

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

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

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submissions that did not select or state a clear opinion, queried whether this classification allowed for hunting and fishing.

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

KAR_03 - Ōpārara - 2807684

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Ōpārara	KAR_03_2807684g	National Park (Kahurangi)		6036*	22
Ōpārara	KAR_03_2807684h		Stewardship	16	35

DOC Conservation Values Report Description

A 4.5333-ha area of indigenous coastal hillside forest on the western edge of a vast stretch of continuous indigenous forest cover, bordered on the north and east by Kahurangi National Park, and to the south by freehold agribusiness developments.

Panel Recommendations

National Panel: National Park (Kahurangi), based on the complementary conservation values to the adjacent section of the Kahurangi National Park. Adding this area to the national park is considered to rationalise the park's boundary and improve landscape continuity.

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

S.49(2)(d) Recommendation

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

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

Section 4 and Treaty principles: The Mana Whenua Panel opposed the proposed national park referrals, supported by submissions from Treaty partner organisations. Te Rūnanga o Ngāi Tahu oppose all additions to national parks within the Ngāi Tahu takiwā as "the addition of land to national parks will not give effect to the principles of the Treaty of Waitangi (as required by section 4 of the Conservation Act 1987) as it alienates Ngāi Tahu from our ancestral lands".

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

Although I acknowledge the Mana Whenua Panel opposition to the notified proposal, my assessment, considering those submissions accepted, is that the natural and historic resources present are of a similar nature to the adjacent national park, and warrant proceeding with a referral to the NZCA. Giving effect to Section 4 of the Act includes taking reasonable steps to actively protect the identified Treaty partner interests, but this obligation is not absolute and unqualified, as this would be inconsistent with DOC's other statutory responsibilities.

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

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

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

National Park (Kahurangi) - KAR_03_2807684g

Support

Access and Recreation (Allowed)

- Submissions expressed support for expanding national parks to protect outstanding recreational values for current and future generations, and to guarantee public access rights.

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

Climate Change and Natural Hazards (Allowed)

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

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

Ecology and Landscape (Allowed)

- Submissions expressed strong support for the national park recommendation as providing appropriate protection for natural features, noting regenerating bush with rare plant species like pukatea, akeake, and silver tree ferns, and habitat for birds such as the tomtit, South Island bush robin, and kākā, as well as potential habitat for species found nearby, such as the long-tailed bat and uncommon species for the ecological district. It was described as a good example of a forest type that has been extensively modified or cleared in the ecological district, with less than 10% of this land environment in native vegetation in public conservation land in the ecological district.
- Submissions supported the recommendation on the grounds that the area adjoins Kahurangi National Park, has similar values, and would enhance ecological connectivity and buffer the existing national park from agricultural land in the south. It was noted that current land classification delineations are “historic and arbitrary” and “not informed by ecological and landscape principles”.

I recommend that these comments are accepted. They provide site-specific details regarding the natural resources present which warrant consideration. The natural resources identified by submitters are consistent with those described in the CVR (e.g. supporting indigenous coastal hillside forest, bordering a vast stretch of continuous indigenous forest cover of the Kahurangi National Park). The contiguous boundary with Kahurangi National Park further supports your notified intention to refer this area to the NZCA for its recommendation as to the suitability of a national park addition.

Treaty Considerations (Allowed)

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

I recommend that these comments are accepted to the extent that they agree the natural and historic resources present warrant referral to the NZCA for their consideration. However, while the possibility of future changes to management or

legislative frameworks is identified by submitters as a potential means of reconciling that purpose with Treaty partner interests, such changes are not being considered within this reclassification exercise. The notified proposal includes referral of the area to the NZCA for its consideration on the suitability of a national park classification, which provides a further opportunity to explore specific Ngāi Tahu interests and aspirations, including the NZCA's consideration as to what giving effect to Treaty principles may require.

General (Allowed)

- Submissions expressed general support for reclassification as a national park and for maximum environmental protection across all stewardship land, or for all land to be reclassified at the highest possible level based on its “cultural conservation value”.

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

Process and Consultation (Not Allowed)

- Submissions raised concerns that there were no terms of reference for the Mana Whenua Panel, and suggested that Ngāi Tahu objections to national parks should have been addressed at a broader level prior to the reclassification process.

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

Oppose

Access and Recreation (Allowed)

- Submissions expressed concern about loss of recreation opportunities and suggested that other classifications may provide a better balance between recreational enjoyment and protection of natural resources. Restrictions on dog walking were raised specifically by a West Coast resident. Classifications suggested were conservation park, or scenic reserve or recreation reserve if additional protection is required to protect flora and fauna.
- Submissions stated opposition to any reclassification unless it provides explicitly for access, sports fishing and gamebird hunting.

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

Ecology and Landscape (Allowed)

- Submissions suggested that the ecological values of the land are not high enough to meet the standard for national park classification (e.g. “not so unique or scientifically important to meet the standard set by the National Parks Act”), suggesting that a conservation park would be appropriate, or a scenic reserve or recreation reserve in areas where there is potential risk of damaging activities such as mining.

I recommend that these comments are not accepted. My assessment is that the natural resources described in the CVR (e.g. supporting indigenous coastal hillside forest; bordering a vast stretch of continuous indigenous forest cover of the Kahurangi National Park) justify referring this area to the NZCA for its recommendation as to the suitability of a national park addition. This is further supported by the land context of the adjoining Kahurangi National Park.

Treaty Considerations (Allowed)

- Several submissions opposed the proposed national park investigation whilst supporting the proposal to retain the area in stewardship, pending conservation law reform to create more appropriate forms of protected area classifications from a Ngāi Tahu perspective. This follows a Ngāi Tahu tribal position that a national park classification “obstructs Ngāi Tahu from maintaining ancestral relationships with the whenua, obstructs kaitiaki

rights and responsibilities, limits the meaningful involvement of Ngāi Tahu in decision-making processes, and is less enabling of customary practices that are fundamental to sustaining tribal identity and mana”.

- Submissions considered this recommendation as misaligned with Treaty principles, and advocated for these areas to remain as stewardship land until classifications that more appropriately reflect Treaty principles are established.

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

General (Allowed)

- Several submissions stated general opposition to national park classification or simply stated support for the recommendations made by the Mana Whenua Panel, without providing further justification.

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

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions expressed opposition to placing more land under the “restrictive” national park classification.

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

Process and Consultation (Not Allowed)

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

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

Other (Not Allowed)

- Submissions expressed the view that national park classification does not equate to effective protection from introduced pests or predators.
- One submission opposed all reclassification of stewardship land to specially protected areas unless it was purchased by the Nature Heritage Fund for the purpose of adding it to a national park.

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

No Opinion/Position Stated

General (Allowed)

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

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

Other (Not Allowed)

- One submitter raised a concern that increasing national park areas would result in more people walking dogs in coastal areas and potentially impacting shorebirds.

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

Retain in Stewardship - KAR_03_2807684h

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

Support

Ecology and Landscape (Allowed)

- Submissions suggested that there was insufficient evidence of the conservation value and characteristics justifying national park status for various pieces of stewardship land.

I recommend that these comments are not accepted. My assessment is that the natural resources described in the CVR (e.g. supporting indigenous coastal hillside forest; bordering a vast stretch of continuous indigenous forest cover of the Kahurangi National Park) justify referring this area to the NZCA for its recommendation as to the suitability of a national park addition. This is further supported by the land context of the adjoining Kahurangi National Park.

Treaty Considerations (Allowed)

- The majority of submissions in support of retaining land in stewardship did so on the grounds that adding land to national parks would not give effect to Treaty principles, as the classification impedes Ngāi Tahu's ability to exercise their mana whenua, kaitiakitanga, and mahinga kai rights and responsibilities and limits their involvement in decision-making processes, alienating them from their cultural and ancestral connections with the land.
- Submissions supported the recommendations of the Mana Whenua Panel "to acknowledge the rights and interests of mana whenua as a treaty partner" (e.g. "have the longest and strongest claim to this land").
- Submissions advocated for conservation law reform to create more appropriate forms of protected area classifications from a Ngāi Tahu perspective.

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

General (Allowed)

- Submissions stated they agreed with the Mana Whenua Panel without providing further justification.

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

Permissions, Economic Factors, and Land Use (Not Allowed)

- Submitters stated that reclassifying land as national park, or other classifications which fall under Schedule 4, could have economic consequences by excluding mineral extraction and other activities on that land. The potential loss of opportunities resulting from these restrictions was seen as damaging, particularly in terms of mineral extraction and site rehabilitation.
- Submissions specified their preference for land to either be retained in stewardship or be reclassified as a conservation park, stating that this gives the land "more than adequate legal protection".
- It was suggested that a "holistic view", encompassing mineral prospectivity and other economic, social, and cultural considerations, should be taken.

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

Other (Not Allowed)

- One submission expressed doubt that reclassifying stewardship land as national parks would have a positive impact on conservation, citing DOC funding and resource limitations.

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

Oppose

Access and Recreation (Allowed)

- Submissions advocated for reclassification as a national park to ensure ongoing access and enjoyment of the protected natural resources, and to reflect the recreational values of the area.
- One submission in opposition stated that “access is already completely restricted” as other boundaries are private land.

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

Climate Change and Natural Hazards (Allowed)

- Submissions stated a preference for reclassification as a national park to ensure environmental protection in light of the impacts of climate change (e.g. “provide a greater buffer against edge effects and climate threats”).

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

Ecology and Landscape (Allowed)

- Submitters noted the area to include “nationally significant ecological systems and natural areas”.
- Submissions expressed a preference for national park classification to protect the high natural values (species habitat and significant ecological systems), and that the values are similar to the adjacent National Park, emphasising that national park classification supports critical biodiversity outcomes.

I recommend that these comments are accepted. They provide site-specific details regarding the natural resources present which warrant consideration. The natural resources identified by submitters are consistent with those described in the CVR (e.g. supporting indigenous coastal hillside forest, bordering a vast stretch of continuous indigenous forest cover of the Kahurangi National Park). The contiguous boundary with Kahurangi National Park further supports your notified intention to refer this area to the NZCA for its recommendation as to the suitability of a national park addition.

- It was also suggested that the land should be classified as a scenic reserve, recreation reserve, or conservation park as it has “strong conservation, ecological and natural value, but it is not so unique or scientifically important to meet the standard set by the National Parks Act”.

I recommend that these comments are not accepted. My assessment is that the natural resources described in the CVR (e.g. supporting indigenous coastal hillside forest; bordering a vast stretch of continuous indigenous forest cover of the Kahurangi National Park) justify referring this area to the NZCA for its recommendation as to the suitability of a national park addition. This is further supported by the land context of the adjoining Kahurangi National Park.

Treaty Considerations (Allowed)

- Submissions expressed a preference for national park reclassification, but advocated for mana whenua to have free access and use of national parks for cultural, traditional, historical, and customary purposes, describing this as aligning with Section 4 of the National Parks Act, and for conservation principles to be carried out in an “established collegial co-governance manner”.
- One submission argued against retaining land as stewardship where no areas had been identified as specifically valuable to Ngāi Tahu.

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

General (Allowed)

- Submissions expressed preference for reclassification as a national park and for high protection for more stewardship land, either without providing further justification, or based on the “reasons outlined in the conservation value reports” or the land’s “high cultural conservation value”.

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

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

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

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions stated preference for national park reclassification, noting that national parks support a nature economy, and that this is in line with the Te Whanaketanga Tai Poutini West Coast Economic Strategy 2050.
- Submitters expressed concern that retaining the area as stewardship land exposes it to risk of activities such as mining or being swapped out of the conservation estate.

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

Process and Consultation (Not Allowed)

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

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

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submissions that did not select or state a clear opinion, queried whether this classification allowed for hunting and fishing.

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

General (Allowed)

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

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

KAR_04 - Ōpārara Riverbed – 2807685

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Ōpārara Riverbed (Forested Area)	KAR_04_2807685a	Scenic Reserve (a)	Neutral	16	12
Ōpārara Riverbed (Pasture)	KAR_04_2807685b	Disposal	Disposal	12	58
Ōpārara Riverbed (Riverbed)	KAR_04_2807685y	Local Purpose (River Conservation) Reserve	Neutral	9	17

DOC Conservation Values Report Description

Two parcels adjacent to the Ōpārara River, totalling 7.2723 ha. Supporting a mix of lowland forest and agricultural pasture as well as part of the riverbed. The river holds high ecological freshwater values and is important for whitebait diversity. Due to the variation in conservation values, different recommendations have been made for each part of the assessment area.

Ōpārara Riverbed (Forested Area)

Panel Recommendations

National Panel: Scenic Reserve (a), based on the high ecological values of the forested area and its contribution to the connectivity of surrounding habitat.

Mana Whenua Panel: Neutral.

S.49(2)(d) Recommendation

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

Summary of accepted submissions: Those submissions ‘accepted’ as holding merit supported the notified classification as providing sufficient protection in the context of climate change.

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

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

Rationale: My conclusion is that the proposed classification will appropriately promote the conservation of the natural and historic resources present (e.g. lowland forest; river with high ecological freshwater values).

Scenic Reserve (a) - KAR_04_2807685a

Support

Climate Change and Natural Hazards (Allowed)

- Submissions expressed support for scenic reserve reclassification as offering a high level of environmental protection, noting that this is particularly important in the context of climate change.

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

General (Allowed)

- Submissions expressed agreement with the national panel recommendation, stating their support for stewardship land to be reclassified at the highest possible level based on its high cultural conservation value.

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

Other (Not Allowed)

- It was recommended that any classification other than national park be on the condition any waterway or wetland within/bordering the parcel is protected by a five-metre setback that is fenced and planted to uphold Te Mana o te Wai.
- One submission stated, “fencing of grazed land and protected by covenant”.

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

Oppose

Access and Recreation (Allowed)

- A submission in opposition recommended that the reclassification allows community access for conservation activities, while another noted that it “may not be readily accessible to public”.

I recommend that these comments are not accepted. The points raised do not justify overturning the proposed classification. The notified scenic reserve classification provides for the public to have freedom of entry and access to the reserve, subject to conditions necessary for the protection and well-being of the reserve and the public themselves, as per Section 19(2)(b) of the Reserves Act 1977.

Climate Change and Natural Hazards (Allowed)

- One submission noted the low-lying area may be vulnerable to sea level rise.

I recommend that these comments are not accepted. The proposed classification will support the protection of the natural resources present, and as a result support the area’s climate mitigation potential. The points raised do not justify overturning the notified intention.

Ecology and Landscape (Allowed)

- A submission in opposition noted the area’s high ecological value and that it is part of a community-led project to create a “Source to Sea” biodiversity sanctuary.
- A submission described the area as “beautiful, both as farmland and scenically”, and suggested it could become whitebait habitat if the area is affected by sea level rise.

I recommend that these comments are not accepted. It is not evident from submitters' comments how the proposed classification does not appropriately protect the values they are referring to. My view is that the natural resources identified in the CVR are appropriately protected and preserved by the proposed classification, and the material raised does not warrant reconsideration of the notified intention. I note that community-led conservation work can be considered under a scenic reserve classification provided it is compatible with the protection and wellbeing of the reserve as defined in Section 19 of the Reserves Act 1977.

General (Allowed)

- Submissions expressed preference for reclassification as a national park for maximum protection, to “simplify the thinking”, and recommended in general terms the highest level of protection across all stewardship land.
- A submission recommended leaving the land in stewardship, without providing further justification.

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

Permissions, Economic Factors and Land Use (Not Allowed)

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

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

Process and Consultation (Not Allowed)

- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.
- Consultation with the land occupier, adjacent landowner, and access users was recommended.

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

Other (Not Allowed)

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

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

No Opinion/Position Stated

Access and Recreation (Allowed)

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

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

General (Allowed)

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

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

Ōpārara Riverbed (Pasture)

Panel Recommendations

National Panel: Consider for disposal as it consists entirely of developed pasture with no conservation or cultural value.

Mana Whenua Panel: Consider for disposal, noting that the conservation area is modified into developed pasture and should not form part of public conservation land.

S.49(2)(d) Recommendation

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

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

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

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

Disposal - KAR_o4_2807685b

Support

Ecology and Landscape (Allowed)

- Submissions stated they support all recommended disposal of stewardship land where there are no conservation values or natural values remaining.

I recommend that these comments are accepted. The land consists primarily of highly modified pasture and holds low conservation values, supporting a disposal investigation. I note that any parts of the area identified to have substantive natural values are unlikely to pass the Conservation General Policy and legislative disposal tests.

Treaty Considerations (Allowed)

- Submissions stated they support the position of the Mana Whenua Panel on the basis that these recommendations reflect the rights and interests of Ngāi Tahu and recognise their connection to their ancestral lands.

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

General (Allowed)

- Submissions stated their agreement with the recommendation without providing further justification.

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

Other (Not Allowed)

- One submission noted that disposals form only 0.01% of the land area under consideration as part of this process.

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

Oppose

Access and Recreation (Allowed)

- Submissions objected to disposal on the grounds that this represents a loss of public access to rivers and other conservation land, and expressed opposition to any disposal that means a loss of recreation opportunities such as angling or hunting. One submission asserted that riparian access via marginal strips is not guaranteed.
- Submissions suggested that land be retained or that appropriate mechanisms are used to ensure public access is maintained.
- Reclassification as a local purpose reserve was recommended, with the purpose either river conservation or river access.

I recommend these comments are not accepted. The pastoral areas recommended for disposal do not provide practical access to the river from road or public conservation land, and there are no reported recreational uses. Any potential disposal arising from the Departmental investigation will trigger the formation of marginal strips for qualifying waterbodies which will secure ongoing public access along the riparian corridor.

Climate Change and Natural Hazards (Allowed)

- Some submissions opposed disposal on the grounds that all public conservation land, even if it modified/pasture, offers potential for climate change mitigation (i.e. opportunities for restoration and carbon sequestration, as well as for flood/erosion buffering, or allowing room for natural river processes).
- It was noted that disposal “will not assist with a reduction in emissions from agriculture”.
- Submissions also recommended consideration of whether land could be used for managed retreat or to support future food security.

I recommend that these comments are not accepted. The small size of the pastoral areas recommended for disposal, highly modified nature (agricultural pasture), and landscape context (bordering legal road within private farmland and not connected to other public conservation land) limit the appropriateness and effectiveness of retaining it for ecosystem restoration and carbon sequestration. I note that any potential disposal arising from the Departmental investigation will trigger the formation of marginal strips for qualifying waterbodies, which will be retained and protected as public conservation land.

Ecology and Landscape (Allowed)

- It was noted that the area has scenic values and that it may become whitebait habitat if sea level rise affects the wider area.
- One submission emphasised that land alongside the Ōpārara River should be protected for its connectivity between Kahurangi National Park and the ocean, and its role in supporting plant and freshwater species. The submitter stated that though much of the river is protected within the National Park, “conserving the rest of the waterway is important to biodiversity and the species that call the river home”.
- Submissions opposed disposal on the grounds that retaining all conservation land provides more opportunities for ecosystem restoration, emphasising the importance of protecting natural values in light of widespread biodiversity loss across New Zealand. It was also noted that even modified areas are likely to contain some indigenous species (juncus, carex, etc), and that areas near forests could easily revert to a natural state. A “precautionary policy” was recommended to hold conservation future options open.
- Submissions also opposed disposal on the grounds that waterways and freshwater biodiversity would be better protected if adjacent land was retained, grazing excluded, and restoration/natural succession allowed to occur. Several submissions specifically noted the importance of protecting land by rivers because “so little remains – most of these areas have been highly modified for grazing” and “disposal will lose the opportunity for regeneration and restoration”.
- Submissions raised concerns that disposing of stewardship land would then allow extractive activities which have a negative effect on natural values.
- Submissions suggested either no disposal, or that an alternative classification such as wildlife protection area, conservation area, or scenic reserve would better reflect the actual or potential conservation values.

I recommend that these comments are not accepted. The small size of the pastoral areas recommended for disposal, highly modified nature (agricultural pasture), and landscape context (bordering legal road within private farmland and not connected to other public conservation land) limit the appropriateness and effectiveness of retaining it for restoration. I note that any potential disposal arising from the Departmental investigation will trigger the formation of marginal strips for qualifying waterbodies, which will be retained and protected as public conservation land.

Treaty Considerations (Allowed)

- One submission stated stewardship land should only be disposed of to tangata whenua “and only then with the need to maintain the blocks cultural, conservation & mahika-kai values”.
- It was suggested that ownership should be transferred to the local iwi.

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

General (Allowed)

- Submissions expressed opposition to disposal of any stewardship land in general terms, expressed a desire for maximum environmental protection across all stewardship land, or supported “a cautionary approach” and preference to retain land in Crown ownership.

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

Permissions, Economic Factors and Land Use (Not Allowed)

- A submission expressed concern that disposal will affect the existing uses.

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

Process and Consultation (Not Allowed)

- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.
- Other submissions that commented on the process suggested consulting with mana whenua, or ensuring consultation with the land occupier, access users, and adjacent landowners.
- A submitter wanted to ensure that any potential right of first refusal or conflicts of interest was carefully managed.
- It was suggested that the reclassification framework should include a “future conservation use” designation to hold land for future conservation requirements.

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

Other (Not Allowed)

- It was suggested that if disposal occurred, waterways should be protected by a setback, fencing and planting, while another suggested “fencing of grazed land and protected by covenant”.
- One submission recommended a land swap be offered to the land occupier, with a condition of the swap being that any of their private land alongside the river be protected by a setback.
- It was noted that disposal could present an added cost if subdivision is required.
- A submitter proposed that “the land could be enhanced with native planting and then receive carbon credits”.

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

No Opinion/Position Stated

Climate Change and Natural Hazards (Allowed)

- One submission that selected 'no opinion stated' suggested that no land should be disposed of if there is potential for restoration or carbon sequestration, and that riverbeds and adjacent land should be retained for flood retention, with no grazing permitted.

I recommend that these comments are not accepted. The small size of the pastoral areas recommended for disposal, highly modified nature (agricultural pasture), and landscape context (bordering legal road within private farmland and not connected to other public conservation land) limit the appropriateness and effectiveness of retaining it for ecosystem restoration and carbon sequestration. I note that any potential disposal arising from the Departmental investigation will trigger the formation of marginal strips for qualifying waterbodies, which will be retained and protected as public conservation land.

General (Allowed)

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

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

Other (Not Allowed)

- It was recommended that if disposal occurs, any waterway bordering the parcel is protected by a five-metre setback that is fenced and planted to uphold Te Mana o te Wai.
- It was noted that land is subject to Heritage New Zealand Pouhere Taonga Notification Process and they may recommend heritage protection measures as part of this disposal process.
- One submission suggested any funds from land sold should go to the Nature Heritage Fund.

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

Ōpārara Riverbed (Riverbed Area)

Panel Recommendations

National Panel: Local purpose (river conservation) reserve, based on high freshwater and conservation values. The active river portion of this area is indicated to have freshwater ecological values, supporting several rare and distinct species.

Mana Whenua Panel: Neutral

S.49(2)(d) Recommendation

- Do not proceed with the notified proposal of local purpose (river conservation) reserve.

Summary of accepted submissions: Those submissions ‘accepted’ as holding merit expressed opposition to the notified classification on the basis that the purpose of the reserve is not clearly defined, leaving it uncertain how the natural resources present will be protected.

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

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

Rationale: Further policy work by the Department is required to describe the purpose of the proposed reserve and to identify any potential management implications. This process will provide clarity as to whether the proposed local purpose reserve reflects the natural and historic resources present, or if another classification is more appropriate.

Local Purpose (River Conservation) Reserve - KAR_04_2807685y

Support

General (Allowed)

- Submissions expressed general support for all land to be reclassified at the highest possible level based on its “cultural conservation value”.
- Submissions expressed support for the proposed classification, without including further justification.

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

Process and Consultation (Not Allowed)

- A submission recommended that “the panel and the decision makers need to refer to the reports and use the technical evidence to give the areas appropriate classifications”.

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

Other (Not Allowed)

- It was recommended that if the area is offered a lower level of protection than national park, any waterways/ wetlands bordering the parcel are protected by a five-metre setback that is fenced and planted to “uphold Te Mana o te Wai”.

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

Oppose

Climate Change and Natural Hazards (Allowed)

- Submissions noted that the area “will be subject to flooding from climate change effects” and should be classified to promote revegetation and “become part of our emission reduction programme”.

- Submitters opposed local purpose reserve classifications as “they can have their status changed without notification”.
- A submitter proposed classification as scenic reserve for “for scenic, ecological, recreational access, climate mitigation and carbon sequestration values”.
- A submitter advocated for a government purpose (river floodplain) reserve, to provide “opportunities for ecosystem restoration in response to flood events or coastal erosion”.
- A submitter suggested the panels should consider “nationally important conservation outcomes that could be achieved in the future, including considerable and dynamic natural regeneration, carbon sequestration, and coastal and floodplain buffering”, advocating that river areas should receive the same status as adjoining land, or for a government purpose reserve (Te Mana o te Wai) where no adjoining classifications exist.

I recommend that these comments are accepted to the extent that I have concluded based on comments in opposition that the purpose of the notified classification provides insufficient detail to comment on whether it appropriately protects the natural resources described, or if another classification may be more appropriate.

Ecology and Landscape (Allowed)

- Submitters suggested that the proposed classification “provides no confidence that freshwater values or river margins and corridors will be protected from inappropriate use and development”, citing examples in the lower Rangitata catchment.
- Submitters raised concern about the lack of “clarity of purpose” in the proposed reserve.

I recommend that these comments are accepted. I agree that the purpose of the notified classification provides insufficient detail to comment on whether it appropriately promotes the conservation of the natural resources present.

- Classification as an ecological area, scenic reserve, wildlife management area or similar were recommended as offering more appropriate levels of protection.
- A submission suggested that the proposed classification does not give consideration “to the very high and nationally important natural conservation values of the rivers”, advocating that river areas should receive the same status as adjoining land, or for a government purpose (Te Mana o te Wai) reserve where no adjoining classifications exist.
- A submitter suggested alternative classification as an ecological area to recognise “the role of water in connecting ecosystems and delivering nutrients”, government purpose (climate mitigation) to “recognise the national responsibility in the management of these areas”, or a wildlife management class.

I recommend that these comments are accepted to the extent that I have concluded based on comments in opposition that the purpose of the notified classification provides insufficient detail to comment on whether it appropriately protects the natural resources described, or if another classification may be more appropriate.

General (Allowed)

- A submitter advocated for the land to be left in stewardship, without providing further justification.
- Submitters advocated generally for the high-level protection offered by a national park classification (e.g. “to ensure best protection for conservation”).

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

Permissions, Economic Factors and Land Use (Not Allowed)

- A submitter raised concern that a “change in status or disposal will affect the existing uses”.

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

Process and Consultation (Not Allowed)

- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.
- A submitter suggested that the reclassification process should include “a full socioeconomic assessment”.

- A submitter noted that “discussion with land occupier and access users is required”.
- A submitter opposed any reclassification “as it sets a precedent to get the land away from the public and into private ownership”.

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

Other (Not Allowed)

- A submitter advocated for the fencing of grazed land, and “protected by covenant”.

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

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submissions that did not select or state a clear opinion queried whether this classification allowed for hunting and fishing.

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

Climate Change and Natural Hazards (Allowed)

- A submitter stated that the area may be affected by sea level rise, possibly becoming “important whitebait habitat”.

Other (Not Allowed)

- It was recommended that if the area is offered a lower level of protection than national park, any waterways/ wetlands bordering the parcel are protected by a five-metre setback that is fenced and planted to “uphold Te Mana o te Wai”.

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

KAR_o4 - Ōpārara – 2807686

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Ōpārara	KAR_o4_2807686i	Disposal	Disposal	12	57

DOC Conservation Values Report Description

A small 0.43 ha area of pasture on the true left of the Ōpārara River.

Panel Recommendations

National Panel: Consider for disposal as the area consists entirely of developed pasture with no significant conservation or cultural values.

Mana Whenua Panel: Consider for disposal, noting that the conservation area is modified into developed pasture and should not form part of public conservation land.

S.49(2)(d) Recommendation

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

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

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

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

Disposal - KAR_o4_2807686i

Support

Ecology and Landscape (Allowed)

- Submissions stated they support disposal of stewardship land where there are “no natural values remaining”.

I recommend that these comments are accepted. The land consists primarily of highly modified pasture and holds low conservation values, supporting a disposal investigation. I note that any parts of the area identified to have substantive natural values are unlikely to pass the Conservation General Policy and legislative disposal tests.

Treaty Considerations (Allowed)

- Submissions stated they support the position of the Mana Whenua Panel on the basis that these recommendations reflect the rights and interests of Ngāi Tahu and recognise their connection to their ancestral lands.

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

General (Allowed)

- Submissions stated their agreement with the recommendation without providing further justification.

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

Other (Not Allowed)

- One submission noted that disposals form only 0.01% of the land area under consideration as part of this process.

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

Oppose

Access and Recreation (Allowed)

- Submissions objected to disposal on the grounds that this represents a loss of public access to rivers and other conservation land, and expressed opposition to any disposal that means a loss of recreation opportunities such as angling or hunting.
- One submission asserted that riparian access via marginal strips is not guaranteed.
- Submissions suggested that land be retained or that appropriate mechanisms are used to ensure public access is maintained.
- Reclassification as a local purpose reserve was recommended, with the purpose either river conservation or river access.

I recommend these comments are not accepted. While the CVR notes there may be whitebaiting in the wider assessment area, this stewardship area does not provide practical access to the river from road or public conservation land so is unlikely to hold recreation values which warrant retention as public conservation land. Any potential disposal arising from the Departmental investigation will trigger the formation of marginal strips for qualifying waterbodies which will secure ongoing public access along the riparian corridor.

Climate Change and Natural Hazards (Allowed)

- Some submissions opposed disposal on the grounds that public conservation land offers potential for climate change mitigation (i.e. opportunities for restoration and carbon sequestration, as well as for flood/erosion buffering, or allowing room for natural river processes).

I recommend that these comments are not accepted. The very small size of the area, its highly modified nature (agricultural pasture), and its landscape context (bordering legal road within private farmland and not connected to other public conservation land) limit the appropriateness and effectiveness of retaining it for ecosystem restoration and carbon sequestration. I note that any potential disposal arising from the Departmental investigation will trigger the formation of marginal strips for qualifying waterbodies, which will be retained and protected as public conservation land.

Ecology and Landscape (Allowed)

- Submissions opposed disposal on the grounds that retaining all conservation land provides more opportunities for ecosystem restoration, emphasising the importance of protecting natural values in light of widespread biodiversity loss across New Zealand.
- Submissions also opposed disposal on the grounds that waterways and freshwater biodiversity would be better protected if adjacent land was retained, grazing excluded, and restoration/natural succession allowed to occur.
- Several submissions specifically noted the importance of protecting land by rivers because “so little remains – most of these areas have been highly modified for grazing” and “disposal will lose the opportunity for regeneration and restoration”.
- Submissions suggested either no disposal or that an alternative classification such as wildlife protection area, conservation area, or scenic reserve would better reflect the current/potential conservation values.

I recommend that these comments are not accepted. The very small size of the area, its highly modified nature (agricultural pasture), and its landscape context (bordering legal road within private farmland and not connected to other public conservation land) limit the appropriateness and effectiveness of retaining it for restoration. I note that any potential disposal arising from the Departmental investigation will trigger the formation of marginal strips for qualifying waterbodies, which will be retained and protected as public conservation land.

Treaty Considerations (Allowed)

- One submission stated stewardship land should only be disposed of to tangata whenua “and only then with the need to maintain the blocks cultural, conservation & mahika-kai values”.
- It was suggested that ownership should be transferred to the local iwi.

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

General (Allowed)

- Submissions expressed opposition to disposal of any stewardship land in general terms.

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

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions also recommended consideration of whether land could be used for managed retreat or to support future food security.
- A submission expressed concern that disposal will affect the existing uses.

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

Process and Consultation (Not Allowed)

- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.
- Other submissions that commented on the process suggested consulting with mana whenua, or ensuring consultation with the land occupier and access users.

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

Other (Not Allowed)

- It was suggested that if disposal occurs, waterways should be protected by a setback, fencing and planting, while another suggested “fencing of grazed land and protected by covenant”.
- If disposal occurred, submissions suggested the income should go to the Nature Heritage Fund

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

No Opinion/Position Stated

Climate Change and Natural Hazards (Allowed)

- One submission that selected ‘no opinion stated’ suggested that no land should be disposed of if there is potential for restoration or carbon sequestration.

I recommend that these comments are not accepted. The small size of the area, its highly modified nature (agricultural pasture), and its landscape context (bordering legal road within private farmland and not connected to other public conservation land) limit the appropriateness and effectiveness of retaining it for ecosystem restoration and carbon sequestration. I note that any potential disposal arising from the Departmental investigation will trigger the formation of marginal strips for qualifying waterbodies, which will be retained and protected as public conservation land.

General (Allowed)

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

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

Other (Not Allowed)

- It was recommended that if disposal occurs, any waterway bordering the parcel is protected by a five-metre setback that is fenced and planted to uphold Te Mana o te Wai.
- It was noted that land is subject to Heritage New Zealand Pouhere Taonga Notification Process and they may recommend heritage protection measures as part of this disposal process.
- One submission suggested any funds from land sold should go to the Nature Heritage Fund.

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

KAR_05 - Karamea – 2807689

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Karamea	KAR_05_2807689j	GPR (Government Buildings)	Neutral	9	7

DOC Conservation Values Report Description

A small 0.1022-ha area that is one of two adjacent parcels in the urban environment of Karamea, and is occupied by DOC staff quarters and associated infrastructure.

Panel Recommendations

National Panel: Government purpose (government buildings) reserve, to ensure the continued availability of this site for use by the Department.

Mana Whenua Panel: Neutral.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of government purpose (government buildings) reserve.

Summary of accepted submissions: Excepting those expressing general support for the proposal, no submissions were 'accepted' as holding substantial merit with regard to your notified proposal to classify the area as a government purpose (government buildings) reserve.

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

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

Rationale: My conclusion is that the proposed classification will provide for the continued use of this site by the Department.

Government Purpose (Government Buildings) Reserve -

KAR_05_2807689j

Support

General (Allowed)

- Submissions expressed agreement with the recommendation, without providing further justification.

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

Oppose

General (Allowed)

- Submissions made general statements suggesting all stewardship land should be given national park status.
- Submissions suggested leaving the land as stewardship, without providing further justification.

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

Process and Consultation (Not Allowed)

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

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

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submissions raised concerns regarding recreational values (querying whether hunting/fishing is allowed under the proposed classification).

I recommend these comments are not accepted. Insufficient information is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification. I note that, as the stewardship area is a small urban parcel with Departmental buildings and infrastructure, it is unlikely to hold recreational values which should be taken into consideration.

Other (Not Allowed)

- It was recommended that any waterway bordering the parcel is protected by a five-metre setback that is fenced and planted to uphold Te Mana o te Wai.

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

KAR_05 - Karamea - Waverley Street – 2807712

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Karamea - Waverley Street	KAR_05_2807712k	GPR (Government Buildings)	Neutral	7	7

DOC Conservation Values Report Description

A small 0.0913-ha area that is one of two adjacent parcels in the urban environment of Karamea, and is occupied by DOC staff quarters and associated infrastructure.

Panel Recommendations

National Panel: Government purpose (government buildings) reserve, to ensure the continued availability of this site for use by the Department.

Mana Whenua Panel: Neutral.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of Government purpose (government buildings) reserve.

Summary of accepted submissions: Excepting those expressing general support for the proposal, no submissions were 'accepted' as holding substantial merit with regard to your notified proposal to classify the area as a government purpose (government buildings) reserve.

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

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

Rationale: My conclusion is that the proposed classification will provide for the continued use of this site by the Department.

Government Purpose (Government Buildings) Reserve -

KAR_05_2807712k

Support

General (Allowed)

- Submissions expressed agreement with the recommendation, without providing further justification.

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

Oppose

General (Allowed)

- Submissions made general statements suggesting all stewardship land should be given national park status.
- Submissions suggested leaving the land as stewardship, without providing further justification.

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

Process and Consultation (Not Allowed)

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

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

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submissions raised concerns regarding recreational values (querying whether hunting/fishing is allowed under the proposed classification).

I recommend these comments are not accepted. Insufficient information is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification. I note that, as the stewardship area is a small urban parcel with Departmental buildings and infrastructure, it is unlikely to hold recreational values which should be taken into consideration.

Other (Not Allowed)

- It was recommended that any waterway bordering the parcel is protected by a five-metre setback that is fenced and planted to uphold Te Mana o te Wai.

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

KAR_o6 - Karamea Estuary - 2807690

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Karamea Estuary	KAR_o6_2807690I	Wildlife Management Area	Neutral	14	7

DOC Conservation Values Report Description

A 3.6248-ha area of coastal land adjacent to the Karamea Estuary and within the Karamea Ecological Management Unit. Naturally Uncommon tidal lagoon and dune ecosystems provide habitat for shorebirds and marine invertebrates.

Panel Recommendations

National Panel: Wildlife management area is considered appropriate, to protect the ecological values of the ecosystems while maintaining the identified recreational uses of the area.

Mana Whenua Panel: Neutral.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of wildlife management area.

Summary of accepted submissions: Those submissions ‘accepted’ as holding merit supported the proposed classification as reflecting the ecological importance of the natural resources present, and to be appropriate for the recreational and community uses of the area.

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

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

Rationale: My conclusion, considering those submissions accepted, is that the proposed classification will promote the conservation of the natural resources present (e.g. tidal lagoon and dune ecosystems) while providing for their appreciation and recreational enjoyment by the public.

Wildlife Management Area - KAR_o6_2807690I

Support

Access and Recreation (Allowed)

- The recommendation was supported on the grounds that it is “an important recreational area”.
- Another submission wanted to ensure reclassification allowed community access for conservation activities.

I recommend that these comments are accepted. These comments provide site-specific details regarding the public access and recreational features present which are not inconsistent with the preservation of the natural and historic resources of the area. The proposed classification supports the public appreciation of wildlife where consistent with other management objectives.

Ecology and Landscape (Allowed)

- Submissions supported the recommendation as protecting the natural values of the area, mentioning the estuary, freshwater fish habitat, and that the area was part of a community-led project to create a “Source to Sea” biodiversity sanctuary from the Ōpārara Basin to the estuary.

I recommend that these comments are accepted. They provide site-specific details regarding the natural resources present which warrant consideration. My view is that the natural resources identified in these comments are consistent with those

described in the CVR (e.g. supports tidal lagoon habitat as well as dune ecosystems), and they are appropriately protected and preserved by the proposed classification.

General (Allowed)

- Submissions expressed general agreement without providing further justification, or noted their preference for all stewardship land to be reclassified at the highest possible level based on its “high cultural conservation value”.

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

Other (Not Allowed)

- It was recommended that any waterway bordering the parcel is protected by a five-metre setback that is fenced and planted to uphold Te Mana o te Wai.
- It was suggested that ecological values would improve with trapping and control of vehicles.

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

Oppose

Climate Change and Natural Hazards (Allowed)

- One submission raised concerns that reclassification would affect climate adaptation or resilience.

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

General (Allowed)

- Submissions made general statements suggesting all stewardship land should be given national park status.
- Submissions suggested leaving the land as stewardship, without providing further justification.

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

Permissions, Economic Factors and Land Use (Not Allowed)

- One submission raised concerns that reclassification would affect existing uses.

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

Process and Consultation (Not Allowed)

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

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

Other (Not Allowed)

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

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

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submissions queried whether this classification allows for hunting and fishing.

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

Process and Consultation (Not Allowed)

- Submissions suggested consulting with locals regarding management requirement.

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

KAR_o6 - Kongahu – 2807694

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Kongahu (Pasture)	KAR_o6_2807694c	Wildlife Management Area		14	10
Kongahu (Pasture)	KAR_o6_2807694d		Disposal	7	56
Kongahu (Foreshore)	KAR_o6_2807694e	Wildlife Management Area	Neutral	14	9

DOC Conservation Values Report Description

A 38.13-ha coastal area containing Naturally Uncommon tidal lagoon and dune ecosystems which provide habitat for shorebirds and marine invertebrates. The assessment area includes foreshore and pastoral components. Due to the variation in conservation values, different recommendations have been made for different parts of the assessment area.

Kongahu (Pasture)

Panel Recommendations

National Panel: Wildlife management area, to protect the ecological values of the ecosystems while maintaining the identified recreational uses of the area. Although modified, this area is considered to form part of the natural and landscape character of the estuary.

Mana Whenua Panel: Consider for disposal, as the pastoral components are modified and should not form part of public conservation land.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of wildlife management area.

Summary of accepted submissions: Those submissions 'accepted' as holding merit supported the proposed classification as being appropriate for the freshwater values and recreational use of the area.

Section 4 and Treaty principles: The Mana Whenua Panel have opposed the proposed classification instead advocating for the area to be investigated for disposal, supported by submissions from Treaty partner organisations.

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

Rationale: My conclusion is that the proposed classification will promote the conservation of the natural resources present (e.g. tidal lagoon habitat as well as dune systems, providing buffering to the estuary ecosystems) while providing for their appreciation and recreational enjoyment by the public.

Wildlife Management Area - KAR_o6_2807694c

Support

Access and Recreation (Allowed)

- One submission expressed support for the recommendation as appropriately reflecting the recreational use.
- Another submitter in support raised concerns that classification as a wildlife management area would not allow for public access, and suggested that if this were the case, the area should be reclassified under Section 7 of the Conservation Act to ensure recreational access is provided for.

I recommend that these comments are accepted. These comments provide site-specific details regarding the public access and recreational features present which are not inconsistent with the preservation of the natural and historic resources of the area. The proposed classification supports the public appreciation of wildlife where consistent with other management objectives.

Climate Change and Natural Hazards (Allowed)

- A submission agreed with the recommendation as preferable to disposal, on the grounds that disposal would not assist with emissions reduction.

I recommend that this comment is accepted. I agree that the protection of the existing natural resources is of increasing importance when considering the need for climate mitigation, supported by the future-focused elements within the definition of conservation. Classification as wildlife management area will support this outcome.

Ecology and Landscape (Allowed)

- Submitters supported the wildlife management area recommendation as reflecting the area's high freshwater values and protecting against degradation of the land.

I recommend these comments are accepted. I agree that the area holds freshwater values which warrant protection, as it is located between the Karamea Estuary/Otumahana and the sea, and the CVR states that all parts of this assessment area provide buffering to the estuary ecosystems. I note that the Karamea Estuary/Otumahana is listed in the Directory of Wetlands in New Zealand (i.e. of international significance) and is identified in the West Coast Regional Land and Water Plan as a significant wetland. It is my assessment that the natural values present in this stewardship area are appropriately protected by the notified classification of wildlife management area.

General (Allowed)

- Submissions stated agreement without providing further justification.

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

Other (Not Allowed)

- It was recommended that any areas offered lower protection than national park should be on the condition that waterways in/bordering the parcel are protected by a five-metre setback that is fenced and planted, to uphold Te Mana o te Wai.

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

Oppose

Access and Recreation (Allowed)

- A submission stated that access to the river mouth is important to walkers and fishers.

I recommend these comments are not accepted. The proposed classification supports the public appreciation of wildlife where consistent with other management objectives, so does not prohibit access to the river mouth.

Climate Change and Natural Hazards (Allowed)

- The area was noted to be vulnerable to sea level rise, and there were concerns that a change in status would affect "climate adaptation and resilience of the area".

I recommend this comment is not accepted. The submitter does not clarify what kind of climate adaptation and resilience the area may be used for, so I am unable to consider how the change in status may affect this.

Ecology and Landscape (Allowed)

- One submission expressed preference for reclassification as a national park to protect this "unique remnant of a huge cultural wetland", describing the Kongahu area as nationally significant.

I recommend this comment is not accepted. Though the area is associated with the Karamea Estuary/Otumahana, I do not agree that the natural values warrant reclassification as a national park as the area is modified. It is my assessment that the associated wetland values are appropriately protected by the notified classification of wildlife management area.

- Another submitter described the farmland as having "minimal ecological values", though noting that birds such as white-fronted terns, black-backed gulls, godwits, spoonbills, and kotuku are present in the foreshore area.

I recommend this comment is not accepted. Though the area contains modified pasture, I do not agree that it contains minimal ecological values. It is adjacent to the Karamea Estuary/Otumahana, a significant wetland, and the natural resources as described in the CVR include tidal lagoon habitat as well as dune systems, and as buffering the estuary ecosystems. It is my assessment that the ecological values are appropriately protected by the notified classification of wildlife management area.

Treaty Considerations (Allowed)

- A submission from Te Rūnanga O Ngāi Tahu stated their support for the Mana Whenua Panel recommendation as reflecting “the values, interests, and perspectives of the Papatipu Rūnanga in whose takiwa the relevant land is located”.

I recommend that these comments are not accepted. Although I acknowledge the Mana Whenua Panel opposition to the notified proposal, my assessment, considering those submissions accepted, is that the natural and historic resources present (e.g. tidal lagoon habitat as well as dune systems, providing buffering to the estuary ecosystems) warrant proceeding with the notified proposal.

General (Allowed)

- Submissions made general statements suggesting all stewardship land should be given national park status.
- Submissions suggested leaving the land as stewardship, without providing further justification.

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

Permissions, Economic Factors and Land Use (Not Allowed)

- A submission noted the grazing concession present in the area and stated concern that change in status or disposal would affect the existing use.

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

Process and Consultation (Not Allowed)

- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.
- Consultation with adjacent landowners was recommended by one submitter. Another (who proposed reclassification as a national park) recommended consultation with locals to ensure management allowed for mahinga kai practices.

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

Other (Not Allowed)

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

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

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submissions queried whether this classification allows for hunting and fishing.

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

Ecology and Landscape (Allowed)

- Submissions noted that the Ōpārara River is the focus of a community-led biodiversity project, and recommended reclassification at the highest level of protection that still allows public access for conservation activities.

I recommend these comments are accepted. I agree that the area holds natural values which warrant protection and preservation. The proposed classification does not prohibit such activities.

Other (Not Allowed)

- It was recommended that if the area is offered a lower level of protection than national park, any waterways/wetlands bordering the parcel are protected by a five-metre setback that is fenced and planted to “uphold Te Mana o te Wai”.

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

Disposal - KAR_o6_2807694d

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

Support

Ecology and Landscape (Allowed)

- One submission stated they support disposal of stewardship land where there are “no natural values remaining”.

I recommend this comment is not accepted. While the area is modified pasture, it is located between the Karamea Estuary/Otumahana and the sea, and the CVR notes that all parts of this assessment area provide buffering to the estuary ecosystems. I note that the Karamea Estuary/Otumahana is a wetland of international significance and identified in the West Coast Regional Land and Water Plan as a significant wetland. It is my assessment that the natural values warrant retention as public conservation land, and are appropriately protected by the notified classification of wildlife management area.

Treaty Considerations (Allowed)

- Submissions expressed support for the recommendations of the Mana Whenua Panel on the grounds that these reflect the rights and interests of mana whenua and recognise Ngāi Tahu’s connection to their ancestral lands.

I recommend that these comments are not accepted. Although I acknowledge the Mana Whenua Panel opposition to the notified proposal, my assessment, considering those submissions accepted, is that the natural and historic resources present (e.g. tidal lagoon habitat as well as dune systems, providing buffering to the estuary ecosystems) warrant proceeding with the notified proposal.

General (Allowed)

- Submissions stated their agreement, without providing further justification.

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

Other (Not Allowed)

- One submission noted that disposals form only 0.01% of the land area under consideration as part of this process.

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

Oppose

Access and Recreation (Allowed)

- Submissions objected to disposal on the grounds that this represents a loss of public access to rivers and other conservation land, and expressed opposition to any disposal that means a loss of recreation opportunities such as angling or hunting.
- Submissions suggested that land be retained or that appropriate mechanisms are used to ensure public access is maintained.
- One submission noted preference for wildlife management area as reflecting recreational use.

I recommend these comments are accepted. The proposed classification of wildlife management area supports the public appreciation of wildlife where consistent with other management objectives.

Climate Change and Natural Hazards (Allowed)

- Submissions opposed disposal in favour of retaining conservation land, noting the potential of modified land to be used for carbon sequestration through revegetation or allowing the land to return to a wetland state.
- Other submitters recommended land bordering waterways should be retained and restored to buffer against flooding (especially as severe weather events become more frequent), and to ensure the natural processes of waterways could continue unfettered by development or protective works.

I recommend that this comment is accepted. I agree that the protection of the existing natural resources is of increasing importance when considering the need for climate mitigation, supported by the future-focused elements within the definition of conservation. This area, bordering the Karamea Estuary/Otumahana (recognised as a significant wetland), provides buffering to the estuary ecosystems. Classification as wildlife management area will support this outcome.

Ecology and Landscape (Allowed)

- Submissions in opposition to disposal were frequently general statements objecting to any disposal of stewardship land, with submitters in favour of retaining land to maximise future opportunities for restoration and environmental protection. These submissions referred to the precarious state of New Zealand's biodiversity due to widespread habitat loss and environmental damage, commenting that climate change would exacerbate these pressures, and suggested that all conservation land has restoration potential.
- One submission stated a preference for the land to be reclassified as a wildlife management area to reflect its high freshwater values.

I recommend these comments are accepted. I agree that the area is important for environmental protection and freshwater values, as it is located between the Karamea Estuary/Otumahana and the sea, and the CVR states that all parts of this assessment area provide buffering to the estuary ecosystems. I note that the Karamea Estuary/Otumahana is listed in the Directory of Wetlands in New Zealand (i.e. internationally significant) and is identified in the West Coast Regional Land and Water Plan as a significant wetland. It is my assessment that the natural values present in this stewardship area warrant retention as public conservation land, and are appropriately protected by the notified classification of wildlife management area.

- A submitter advocated for national park reclassification to protect this “unique remnant of a huge cultural wetland”.

I recommend this comment is not accepted. Though the area is associated with the Karamea Estuary/Otumahana, a significant wetland, I do not agree that the natural values warrant reclassification as a national park as the area is modified. It is my assessment that the natural values are appropriately protected by the notified classification of wildlife management area.

Treaty Considerations (Allowed)

- It was recommended no land be disposed of and all land given high protection in line with the “Waitaha Kaupapa”, or that if disposal occurred, it should only be to tangata whenua and with the “need to maintain the block's cultural, conservation and mahika-kai values in their entirety”.

I recommend that these comments are not accepted. Although I acknowledge the Mana Whenua Panel opposition to the notified proposal, my assessment, considering those submissions accepted, is that the natural and historic resources present (e.g. tidal lagoon habitat as well as dune systems, providing buffering to the estuary ecosystems) warrant proceeding with the notified proposal.

General (Allowed)

- Submissions noted agreement with the recommendation made by the National Panel without providing further justification, or made general statements opposing any disposal of public conservation land.

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

- Submissions suggested leaving the land in stewardship, without providing further justification, or made general statements suggesting all stewardship land should be given national park status.

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

Permissions, Economic Factors and Land Use (Not Allowed)

- A submission noted the grazing concession present in the area and stated concern that change in status or disposal would affect the existing use.

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

Process and Consultation (Not Allowed)

- A submission noted that recommendations are not clear on where the land boundaries for disposal might be, making it difficult for submitters to evaluate.
- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.
- A submission recommended consulting with mana whenua. Another, which proposed the whole conservation area be added to the national park, recommended consultation with locals to ensure management allowed for mahinga kai practices.
- A submitter wanted to ensure that any potential right of first refusal or conflicts of interest was carefully managed.

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

Other (Not Allowed)

- One submission suggested any funds from land sold should go to the Nature Heritage Fund.

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

No Opinion/Position Stated

Climate Change and Natural Hazards (Allowed)

- One submission that selected 'no opinion stated' suggested that no land should be disposed of if there is potential for restoration or carbon sequestration, and that all riverbeds and adjacent land should be retained for flood protection, with no grazing allowed.

I recommend that this comment is accepted. I agree that the protection of the existing natural resources is of increasing importance when considering the need for climate mitigation, supported by the future-focused elements within the definition of conservation. This area, bordering the Karamea Estuary/Otumahana, provides buffering to the estuary ecosystems. Classification as wildlife management area will support this outcome.

General (Allowed)

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

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

Other (Not Allowed)

- It was recommended that if disposal occurs, any waterway bordering the parcel is protected by a five-metre setback that is fenced and planted to uphold Te Mana o te Wai.
- It was noted that land is subject to Heritage New Zealand Pouhere Taonga Notification Process and they may recommend heritage protection measures as part of this disposal process.
- One submission suggested any funds from land sold should go to the Nature Heritage Fund.

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

Kongahu (Foreshore)

Panel Recommendations

National Panel: Wildlife management area, to protect the ecological values of the ecosystems while maintaining the identified recreational uses of the area.

Mana Whenua Panel: Neutral.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of wildlife management area.

Summary of accepted submissions: Those submissions ‘accepted’ as holding merit supported the proposed classification as being appropriate for the freshwater values and recreational use of the area.

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

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

Rationale: My conclusion is that the proposed classification will promote the conservation of the natural resources present (e.g. tidal lagoon habitat as well as dune systems) while providing for their appreciation and recreational enjoyment by the public.

Wildlife Management Area - KAR_o6_2807694e

Support

Access and Recreation (Allowed)

- One submission expressed support for the recommendation as appropriately reflecting the recreational use.
- A submitter was concerned that classification as a wildlife management area would not allow for public access, and suggested that if this were the case, the area should be reclassified under Section 7 of the Conservation Act to ensure recreational access is provided for.

I recommend that these comments are accepted. These comments provide site-specific details regarding the public access and recreational features present which are not inconsistent with the preservation of the natural and historic resources of the area. The proposed classification supports the public appreciation of wildlife where consistent with other management objectives.

Ecology and Landscape (Allowed)

- The recommendation was supported as reflecting the area’s high freshwater values and protecting against degradation of the land.

I recommend these comments are accepted. I agree that the area holds freshwater values which warrant protection, as it is located between the Karamea Estuary/Otumahana and the sea, and the CVR states that all parts of this assessment area provide buffering to the estuary ecosystems. I note that the Karamea Estuary/Otumahana is listed in the Directory of Wetlands in New Zealand (i.e. of international significance) and is identified in the West Coast Regional Land and Water Plan as a significant wetland. It is my assessment that the natural values present in this stewardship area are appropriately protected by the notified classification of wildlife management area.

General (Allowed)

- Submissions expressed general support for all land to be reclassified at the highest possible level based on its “cultural conservation value”.
- Submissions stated agreement without providing further justification.

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

Other (Not Allowed)

- It was recommended that any areas offered lower protection than national park should be on the condition that waterways in/bordering the parcel are protected by a five-metre setback that is fenced and planted, to uphold Te Mana o te Wai.

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

Oppose

Access and Recreation (Allowed)

- A submitter, who did not advocate for an alternative classification, noted that “access is important to rivermouth by walkers and fishers”.

I recommend these comments are not accepted. It is not evident from the submitter’s comments how the proposed classification does not appropriately protect the recreational values they are referring to. The proposed classification of wildlife management area supports the public appreciation of wildlife where consistent with other management objectives.

Climate Change and Natural Hazards (Allowed)

- The area was noted to be vulnerable to sea level rise, and there were concerns that a change in status would affect “climate adaptation and resilience of the area”.

I recommend this comment is not accepted. The submitter does not clarify what kind of climate adaptation and resilience the area may be used for, so I am unable to consider how the change in status may affect this.

Ecology and Landscape (Allowed)

- A submitter advocated for a national park classification, describing the area as a “unique remnant of a huge cultural wetland almost obliterated by developments”.

I recommend this comment is not accepted. Though the area is associated with the Karamea Estuary/Otumahana, a significant wetland, I do not agree that the natural values warrant reclassification as a national park as the area is modified. It is my assessment that the natural values are appropriately protected by the notified classification of wildlife management area.

- A submitter, who did not advocate for an alternative classification, noted that “large colonies of black backed gulls and white fronted terns nest on foreshore areas. Godwits, spoonbills, kotuku roost and feed here”.

I recommend this comment is not accepted. It is not evident from the submitter’s comments how the proposed classification does not appropriately protect the ecological values they are referring to. It is my assessment that the natural values are appropriately protected by the notified classification of wildlife management area.

General (Allowed)

- One submission opposed all reclassification of stewardship land to specially protected areas unless it was purchased by the Nature Heritage Fund for the purpose of adding it to a national park.
- Submissions suggested leaving the land as stewardship, without providing further justification.

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

Permissions, Economic Factors and Land Use (Not Allowed)

- A submission noted the grazing concession present in the area and stated concern that change in status or disposal would affect the existing use.

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

Process and Consultation (Not Allowed)

- A submitter advocated for further consultation with locals “to achieve management status which will allow participation in traditional and local practices”.
- A submitter recommended “individual consultation with the adjacent landowner/s”.
- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.
- A submitter opposed any reclassification “as it sets a precedent to get the land away from the public and into private ownership”.

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

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submissions queried whether this classification allows for hunting and fishing.

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

Other (Not Allowed)

- It was recommended that any areas offered lower protection than national park should be on the condition that waterways in/bordering the parcel are protected by a five-metre setback that is fenced and planted, to uphold Te Mana o te Wai.

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

KAR_o6 - Little Wanganui River Head - 2807734

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Little Wanganui River Head	KAR_06_2807734m	Recreation Reserve	Recreation Reserve	14	10

DOC Conservation Values Report Description

A 1.2688-ha area of modified coastal land adjacent to an estuarine system, with Naturally Uncommon tidal lagoon and dune ecosystems providing habitat for shorebirds and marine invertebrates. The site is highly developed and used for beach access.

Panel Recommendations

National Panel: Recreation reserve, to reflect the site's high recreational values, noted during site visits as including a campsite and whitebaiting as well as beach access, while appropriately protecting the coastal ecosystems present.

Mana Whenua Panel: Recreation reserve, noting support for the recommendation proposed by the National Panel.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of recreation reserve.

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

Section 4 and Treaty principles: The Mana Whenua Panel supported the proposed classification.

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

Rationale: My conclusion is that the natural resources present are appropriately protected by the proposed classification (e.g. highly developed area, modified vegetation with few native plant species on the dunes, mixed exotic and native coastal shrub), while also reflecting the public access and recreational features present.

Recreation Reserve - KAR_o6_2807734m

Support

Access and Recreation (Allowed)

- A submitter described the area as having "very high recreational values", noting the "the local community has maintained this area for a number of years for community use".

I recommend that these comments are accepted. They provide site-specific details regarding the recreational values present which are consistent with those described in the CVR and identified by the Panels during site visits, and which are appropriately reflected by the notified classification. They hold merit under the Conservation Act as they support promotion of recreation that is not inconsistent with the preservation of the natural and historic resources present.

Climate Change and Natural Hazards (Allowed)

- A submitter supported the proposed classification as offering "the greatest level of protection and in light of the impacts of climate change". The area was noted to be very exposed to sea level rise.

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

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

Treaty Considerations (Allowed)

- Submissions stated they support the position of the Mana Whenua Panel on the basis that these recommendations reflect the rights and interests of mana whenua and recognise Ngāi Tahu’s connection to their ancestral lands (e.g. “by adopting the recommendations of the Mana Whenua Panel the Minister will give effect to the principles of the Treaty of Waitangi”).

I recommend that these comments are accepted. I note that that the Mana Whenua Panel has supported the proposed classification.

General (Allowed)

- Submissions expressed general support for all land to be reclassified at the highest possible level based on its “cultural conservation value”.
- Submissions stated agreement without providing further justification.

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

Oppose

Climate Change and Natural Hazards (Allowed)

- A submitter expressed concern that a “change in status or disposal will affect the existing uses and climate adaptation or resilience of the area”.

I recommend that these comments are not accepted. The proposed classification will support the protection of the natural resources present, to the extent to the extent compatible with the identified primary purpose, and as a result support the areas climate adaptation potential. The point raised does not justify overturning the notified intention.

Ecology and Landscape (Allowed)

- A submitter advocated for a wildlife management area, noting the presence of “naturally uncommon ecosystems” and “at risk and/or threatened species”.

I recommend that these comments are not accepted. My view is that the natural resources present are appropriately protected by the proposed classification (e.g. highly developed area, modified vegetation with few native plant species on the dunes, mixed exotic and native coastal shrub), while also reflecting the recreational values present. The points raised do not warrant overturning the notified classification.

General (Allowed)

- A submission recommended leaving the land in stewardship without providing further justification.
- Submissions expressed preference for reclassification as a national park for maximum protection (e.g. “all Stewardship land must be included in national parks”).

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

Process and Consultation (Not Allowed)

- A submitter expressed that if a national park classification is “politically unpalatable, then political judgement calls must be made by accountable politicians, not by the Panel”.

- A submitter opposed any reclassification “as it sets a precedent to get the land away from the public and into private ownership”.
- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.
- A submitter advocated for the proposed classification to be revised, noting that “conservation values alone must determine recommended classifications, and recreation and use values are not conservation values”.

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

Other (Not Allowed)

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

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

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submissions that did not select or state a clear opinion, queried whether this classification allowed for hunting and fishing.

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

Other (Not Allowed)

- It was recommended that if the area is offered a lower level of protection than national park, any waterways/ wetlands bordering the parcel are protected by a five-metre setback that is fenced and planted to “uphold Te Mana o te Wai”.

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

KAR_07 - Karamea Estuary – 2807691

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Karamea Estuary	KAR_07_2807691n	Wildlife Management Area	Neutral	17	7

DOC Conservation Values Report

A 0.6126-ha area of wetland remnants and tidal lagoon habitat adjacent to the Karamea Estuary. The area is within the Karamea Estuary Management Unit and provides habitat for at-risk aquatic and shorebird species.

Panel Recommendations

National Panel: Wildlife management area is considered appropriate to protect the ecological values present while maintaining identified recreational uses.

Mana Whenua Panel: Neutral.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of wildlife management area.

Summary of accepted submissions: Those submissions ‘accepted’ as holding merit supported the proposed classification as being appropriate for the freshwater values and recreational use of the area.

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

The Mana Whenua Panel have signalled specific Ngāi Tahu interests associated with this stewardship area, particularly that “a historic Pā is in the vicinity of the Karamea Estuary (2807691)”. Given the Mana Whenua Panel have not opposed the notified proposal, I consider the classification is not inconsistent with the identified interests.

Rationale: My conclusion is that the proposed classification will appropriately promote the conservation of the natural and historic resources present (e.g. wetland remnants and tidal lagoon habitat).

Wildlife Management Area - KAR_07_2807691n

Support

Access and Recreation (Allowed)

- A submitter noted that the “high freshwater values and recreation use makes this an appropriate classification”.

I recommend that these comments are accepted. These comments provide site-specific details regarding the public access and recreational features present which are not inconsistent with the preservation of the natural and historic resources of the area. The proposed classification supports the public appreciation of wildlife where consistent with other management objectives.

General (Allowed)

- Submissions expressed general support for the recommendation without providing further justification.
- A submitter stated that the recommendation reflects the information in the technical reports.
- One submission noted support for the recommendation based on the land’s “high cultural conservation value”.

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

Permissions, Economic Factors and Land Use (Not Allowed)

- A submitter supported the proposed classification to “reflect the use of the land and adequately protect against degradation of the land”.

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

Other (Not Allowed)

- It was recommended that if the area is offered a lower level of protection than national park, any waterways/ wetlands bordering the parcel are protected by a five-metre setback that is fenced and planted to “uphold Te Mana o te Wai”.

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

Oppose

General (Allowed)

- Submissions stated a preference for the land to be left in stewardship without providing further justification.
- Submissions stated a preference for all stewardship land to be reclassified as a national park without providing further justification.

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

Permissions, Economic Factors and Land Use (Not Allowed)

- A submitter who farms the area noted that the area has been fenced, recommending leaving “existing fences to stock proof it”.

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

Process and Consultation (Not Allowed)

- A submitter opposed any reclassification “as it sets a precedent to get the land away from the public and into private ownership”.
- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.

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

Other (Not Allowed)

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

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

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submissions that did not select or state a clear opinion, queried whether this classification protected from development and fishing.

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

Climate Change and Natural Hazards (Allowed)

- A submitter expressed support for retaining the area in stewardship “for climate adaptation and resilience”.

I recommend that these comments are not accepted. The proposed classification will support the protection of the natural resources present, and as a result support the area’s climate mitigation potential. Comments regarding adaptation do not

specify what type of adaptation they mean, or why this should be considered for this conservation area, so I am unable to consider them further. The points raised do not justify overturning the notified intention.

Process and Consultation (Not Allowed)

- A submitter advocated for “management requirements of this area” to be sought “in consultation with locals”.

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

KAR_07 - Karamaea Riverbed – 2807692

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Karamaea Riverbed	KAR_07_2807692o	Wildlife Management Area		17	10
Karamaea Riverbed	KAR_07_2807692p		Stewardship	13	18

DOC Conservation Values Report Description

A 12.3919-ha area of largely developed pasture intersected by stream channels, wetland remnants and tidal lagoon habitat. The area is adjacent to the Karamaea River and within the Karamaea Estuary Management Unit. It contains habitat for at-risk aquatic and shorebird species, has high freshwater values and is a significant site for whitebait.

Panel Recommendations

National Panel: Wildlife management area is considered to appropriately protect the ecological values present while enabling access to the historic pā site and maintaining the identified recreational uses.

Mana Whenua Panel: Retain in stewardship to enable further assessment of the values and opportunities of this land for Ngāi Tahu. Due to the area's proximity to a historic pā site and Māori-owned land, Ngāi Tahu has particular interests in this assessment area.

S.49(2)(d) Recommendation

- Do not proceed with the notified proposal of wildlife management area.

Summary of accepted submissions: Those submissions 'accepted' as holding merit opposed the proposed wildlife management area, supporting the position of the Mana Whenua Panel as reflecting the rights and interests of mana whenua and recognising Ngāi Tahu's connection to their ancestral lands. Also accepted were comments opposing the proposed wildlife management area as not reflecting the modified nature of the natural resources present over much of the area, including areas of developed pasture which are regularly mown for silage.

Section 4 and Treaty principles: The Mana Whenua Panel expressed opposition to the proposed wildlife management area, supported by submissions from Treaty partner organisations, citing that "further assessment of the values and opportunities of this land for Ngāi Tahu is required". The Mana Whenua Panel have signalled specific Ngāi Tahu interests associated with this stewardship area, particularly that "Ngāi Tahu has interests in the Conservation Area 'Karamaea Riverbed' (NaPALIS #2807692) due to the proximity to an old pā site and Māori-owned land".

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

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

Rationale: Although the natural and historic resources present may be appropriately protected under the proposed wildlife management area, I have concluded based on those submissions accepted, and considering the identified Ngāi Tahu interests, that it is appropriate to retain the area in stewardship at this time. I note that as stewardship land the area will remain protected until an appropriate classification is determined.

Wildlife Management Area - KAR_07_28076920

Support

Access and Recreation (Allowed)

- A submitter was concerned that classification as a wildlife management area would not allow for public access, and suggested that if this were the case, the area should be reclassified under Section 7 of the Conservation Act to ensure recreational access is provided for.
- A submitter noted that the “high freshwater values and recreation use makes this an appropriate classification”.

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

Ecology and Landscape (Allowed)

- A submitter noted the area as “ecologically important”, suggesting that it should be “allowed to revert to its natural state”.
- A submitter noted the area as “important for whitebait”.

I recommend that these comments are not accepted. My assessment is that although the natural and historic resources present may be appropriately protected under the notified proposal, I have concluded based on those submissions accepted, and considering the identified Ngāi Tahu interests, that it is appropriate to retain the area in stewardship at this time. I note that as stewardship land the area will remain protected until an appropriate classification is determined.

Historical and Cultural Values (Allowed)

- A submitter queried the location of a historic pā site, suggesting it to be “near Ray Street on the other side of Karamea River”.

I recommend that these comments are not accepted. The Mana Whenua Panel have indicated that the area is in the “proximity to an old pā site and Māori-owned land”. Although this historic pā site may not be directly on this conservation area, the CVR notes that there is the potential for additional historic resources (e.g. unrecorded sites) to be present. My assessment, considering submissions accepted, is that it is reasonable in the circumstances to retain this area in stewardship to further explore Ngāi Tahu interests and aspirations, including what Treaty principles may require.

General (Allowed)

- Submissions expressed general support for the recommendation without providing further justification.
- A submitter stated that the recommendation reflects the information in the technical reports.
- One submission noted support for the recommendation based on the land’s “high cultural conservation value”.

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

Permissions, Economic Factors and Land Use (Not Allowed)

- A submitter supported the proposed classification to “reflect the use of the land and adequately protect against degradation of the land”.

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

Other (Not Allowed)

- A submitter noted the border with neighbouring land should be protected by a five-metre setback that is fenced and planted to “uphold Te Mana o te Wai”.

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

Oppose

Climate Change and Natural Hazards (Allowed)

- A submission requested that the site be “retained for climate adaptation and resilience”.

I recommend that these comments are accepted to the extent that I that I have concluded, considering submissions accepted, is that it is reasonable in the circumstances to retain this area in stewardship to further explore Ngāi Tahu interests and aspirations, including what Treaty principles may require. I note that this area will remain protected as public conservation land and will continue to contribute to climate mitigation.

Ecology and Landscape (Allowed)

- A submitter who farms the area noted the site to not be suitable for a wildlife area, containing developed pasture which is regularly mown for silage.

I recommend that these comments are not accepted. My assessment is that although the natural and historic resources present may be appropriately protected under the notified proposal, I have concluded based on those submissions accepted, and considering the identified Ngāi Tahu interests, that it is appropriate to retain the area in stewardship at this time. I note that as stewardship land the area will remain protected until an appropriate classification is determined.

Treaty Considerations (Allowed)

- Submissions stated they support the position of the Mana Whenua Panel on the basis that these recommendations reflect the rights and interests of mana whenua and recognise Ngāi Tahu’s connection to their ancestral lands.
- A submitter expressed opposition based on the position that “National Park land does not allow for mana whenua of the area to be involved in its care in the same way that Stewardship land does”.

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

General (Allowed)

- Submissions stated a preference for the land to be left in stewardship without providing further justification.
- Submissions stated a preference for all stewardship land to be reclassified as a national park without providing further justification.

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

Permissions, Economic Factors and Land Use (Not Allowed)

- A submitter who farms the area noted that “it is fenced to required standards to support cattle farming operation”, and that “riparian margins have been allowed for”.

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

Process and Consultation (Not Allowed)

- A submitter opposed any reclassification “as it sets a precedent to get the land away from the public and into private ownership”.
- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.

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

Other (Not Allowed)

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

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

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submissions that did not select or state a clear opinion, queried whether this classification allowed for hunting and fishing.

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

Permissions, Economic Factors and Land Use (Not Allowed)

- A submitter requested that “rivers are maintained in a free-flowing unmodified state”, and that the “classification does not allow for dams or flow diversions”.
- A submitter advocated that helicopter “landing permissions continue to be available” through the current DOC concession system.

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

Process and Consultation (Not Allowed)

- A submitter advocated for “management requirements of this area” to be sought “in consultation with locals”.

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

Retain in Stewardship - KAR_07_2807692p

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

Support

Climate Change and Natural Hazards (Allowed)

- Submitters supported retaining the area in stewardship “for climate adaptation and resilience”.

I recommend that these comments are accepted to the extent that I that I have concluded, considering submissions accepted, is that it is reasonable in the circumstances to retain this area in stewardship to further explore Ngāi Tahu interests and aspirations, including what Treaty principles may require. I note that this area will remain protected as public conservation land and will continue to contribute to climate mitigation

Treaty Considerations (Allowed)

- Submissions stated they support the position of the Mana Whenua Panel on the basis that these recommendations reflect the rights and interests of mana whenua and recognise Ngāi Tahu’s connection to their ancestral lands (e.g. “by adopting the recommendations of the Mana Whenua Panel the Minister will give effect to the principles of the Treaty of Waitangi”).

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

General (Allowed)

- Submissions expressed general support for the recommendation without providing further justification.

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

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions specified their preference for land to either be retained in stewardship or be reclassified as a conservation park, stating that this gives the land “more than adequate legal protection”.

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

Process and Consultation (Not Allowed)

- A submitter opposed any reclassification “as it sets a precedent to get the land away from the public and into private ownership”.

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

Oppose

Access and Recreation (Allowed)

- A submitter suggested that reclassification should focus on the “protection of the conservation value of the land and the guarantee of public access”.
- A submitter advocated for classification as a wildlife management area, while noting that if this places restrictions on public access, the area should be reclassified under Section 7 of the Conservation Act.

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

Ecology and Landscape (Allowed)

- A submitter advocated for a reserve classification to and be “allowed to revert to its natural state”.
- The area was noted to hold “conservation values warranting the protective status of Wildlife Management Area” (e.g. “high freshwater values and recreation use”).

I recommend that these comments are not accepted. My assessment is that although the natural and historic resources present may be appropriately protected under the notified proposal, I have concluded based on those submissions accepted, and considering the identified Ngāi Tahu interests, that it is appropriate to retain the area in stewardship at this time. I note that as stewardship land the area will remain protected until an appropriate classification is determined.

General (Allowed)

- Submissions opposed retaining land in stewardship, describing it as a “meaningless recommendation”, suggesting that the area “should be able to be classified as having a reserve status either scenic or conservation park”.
- Submissions opposed the recommendation without providing further justification.
- One submission noted preference for classification as a wildlife management area based on the land’s “high cultural conservation value”.
- Submissions stated a preference for all stewardship land to be reclassified as a national park without providing further justification.

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

Permissions, Economic Factors and Land Use (Not Allowed)

- A submitter noted a desire to lease the area.
- A submitter opposed the proposed classification as “retention as stewardship would allow grazing to continue in that title. There is no permission for grazing there”.

- Submitter raised concern that retaining the area in stewardship “leaves it open to ecologically degrading activities including mining, stock grazing, logging and residential developments and without rigorous protection from the environmental impacts of those industries”.

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

Process and Consultation (Not Allowed)

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

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

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submissions that did not select or state a clear opinion, queried whether this classification allowed for hunting and fishing.

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

General (Allowed)

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

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

Process and Consultation (Not Allowed)

- A submitter sought “management requirements of this area in consultation with locals”.

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

Permissions, Economic Factors and Land Use (Not Allowed)

- A submitter requested that “rivers are maintained in a free-flowing unmodified state”, and that the “classification does not allow for dams or flow diversions”.
- A submitter advocated that helicopter “landing permissions continue to be available” through the current DOC concession system.

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

Other (Not Allowed)

- It was recommended that if the area is offered a lower level of protection than national park, any waterways/ wetlands bordering the parcel are protected by a five-metre setback that is fenced and planted to “uphold Te Mana o te Wai”.

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

KAR_07 - Karamea Estuary – 2807698

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Karamea Estuary	KAR_07_2807698q	Wildlife Management Area	Neutral	15	6

DOC Conservation Values Report Description

A 2.7471-ha area of wetland remnants and tidal lagoon habitat adjacent to the Karamea Estuary. The area is within the Karamea Estuary Management Unit and provides habitat for at-risk aquatic and shorebird species.

Panel Recommendations

National Panel: Wildlife management area, to protect the ecological values present while maintaining identified recreational uses.

Mana Whenua Panel: Neutral.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of wildlife management area.

Summary of accepted submissions: Those submissions ‘accepted’ as holding merit supported the proposed classification as being appropriate for the freshwater values and recreational use of the area.

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

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

Rationale: My conclusion is that the proposed classification will promote the conservation of the natural resources present (e.g. wetland remnants and tidal lagoon habitat) while providing for their appreciation and recreational enjoyment by the public.

Wildlife Management Area - KAR_07_2807698q

Support

Access and Recreation (Allowed)

- A submitter noted that the “high freshwater values and recreation use makes this an appropriate classification”.

I recommend that these comments are accepted. These comments provide site-specific details regarding the public access and recreational features present which are not inconsistent with the preservation of the natural and historic resources of the area. The proposed classification supports the public appreciation of wildlife where consistent with other management objectives.

Climate Change and Natural Hazards (Allowed)

- A submitter noted the area as vulnerable to sea level rise (e.g. “largely underwater on a very high tide”).

I recommend that these comments are accepted to the extent that they support the proposed classification as appropriately protecting the natural resources present when underwater.

General (Allowed)

- Submissions expressed general support for the recommendation without providing further justification.
- A submitter stated that the recommendation reflects the information in the technical reports.
- One submission noted support for the recommendation based on the land’s “high cultural conservation value”.

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

Permissions, Economic Factors and Land Use (Not Allowed)

- A submitter supported the proposed classification to “reflect the use of the land and adequately protect against degradation of the land”.

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

Other (Not Allowed)

- It was recommended that if the area is offered a lower level of protection than national park, any waterways/ wetlands bordering the parcel are protected by a five-metre setback that is fenced and planted to “uphold Te Mana o te Wai”.

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

Oppose

Climate Change and Natural Hazards (Allowed)

- A submission requested that the site be “retained for climate adaptation and resilience”.

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

General (Allowed)

- Submissions stated a preference for the land to be left in stewardship without providing further justification.
- Submissions stated a preference for all stewardship land to be reclassified as a national park without providing further justification.

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

Process and Consultation (Not Allowed)

- A submitter opposed any reclassification “as it sets a precedent to get the land away from the public and into private ownership”.
- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.

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

Other (Not Allowed)

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

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

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submissions that did not select or state a clear opinion, queried whether this classification allowed for hunting and fishing.

I recommend that these comments are not accepted. The submissions do not identify how the potential for hunting and fishing is relevant to decision-making on classification of the area, and no new material is raised which supports

reconsideration of the notified classification. It should be noted that the proposed classification does not prohibit public access for the proposed activities, or the activities themselves when appropriately authorised (for example under a hunting permit), where consistent with preservation of the conservation values present.

Climate Change and Natural Hazards (Allowed)

- A submitter expressed support for retaining the area in stewardship “for climate adaptation and resilience”.

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

Process and Consultation (Not Allowed)

- A submitter advocated for “management requirements of this area” to be sought “in consultation with locals”.

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

KAR_o7 - Otumahana Estuary – 2807708

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Otumahana Estuary	KAR_o7_2807708r	Wildlife Management Area	Neutral	15	6

DOC Conservation Values Report Description

A 21.725-ha area of wetland remnants and tidal lagoon habitat adjacent to the Karamea Estuary. The area is within the Karamea Estuary Management Unit and provides habitat for at-risk aquatic and shorebird species.

Recommendations

National Panel: Wildlife management area is considered appropriate to protect the ecological values present while maintaining identified recreational uses.

Mana Whenua Panel: Neutral.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of wildlife management area.

Summary of accepted submissions: Those submissions ‘accepted’ as holding merit supported the proposed classification as reflecting the ecological importance of the natural resources present, and to be appropriate for the recreational and community uses of the area.

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

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

Rationale: My conclusion is that the proposed classification will promote the conservation of the natural resources present (e.g. wetland remnants and tidal lagoon habitat) while providing for their appreciation and recreational enjoyment by the public.

Wildlife Management Area - KAR_o7_2807708r

Support

Access and Recreation (Allowed)

- A submitter noted that the “high freshwater values and recreation use makes this an appropriate classification”.

I recommend that these comments are accepted. These comments provide site-specific details regarding the public access and recreational features present which are not inconsistent with the preservation of the natural and historic resources of the area. The proposed classification supports the public appreciation of wildlife where consistent with other management objectives.

Ecology and Landscape (Allowed)

- A submitter noted that the area “has very high ecological values bittern, fernbird, raupo”.

I recommend that these comments are accepted. They provide site-specific details regarding the natural resources present which warrant consideration. My view is that the natural resources identified in these comments are consistent with those described in the CVR (e.g. historic marsh and swamp wetlands which form part of the adjacent estuary environment), and they are appropriately protected and preserved by the proposed classification.

General (Allowed)

- Submissions expressed general support for the recommendation without providing further justification.
- A submitter stated that the recommendation reflects the information in the technical reports.
- One submission noted support for the recommendation based on the land's "high cultural conservation value".

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

Permissions, Economic Factors and Land Use (Not Allowed)

- A submitter supported the proposed classification to "reflect the use of the land and adequately protect against degradation of the land".

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

Other (Not Allowed)

- It was recommended that if the area is offered a lower level of protection than national park, any waterways/ wetlands bordering the parcel are protected by a five-metre setback that is fenced and planted to "uphold Te Mana o te Wai".

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

Oppose

General (Allowed)

- Submissions stated a preference for the land to be left in stewardship without providing further justification.
- Submissions stated a preference for all stewardship land to be reclassified as a national park without providing further justification.

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

Process and Consultation (Not Allowed)

- A submitter opposed any reclassification "as it sets a precedent to get the land away from the public and into private ownership".
- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.
- A submitter noted that "individual consultation with the adjacent landowner/s is recommended for the parcel on the eastern side of the highway".

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

Other (Not Allowed)

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

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

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submissions that did not select or state a clear opinion, queried whether this classification allowed for hunting and fishing.

I recommend that these comments are not accepted. The submissions do not identify how the potential for hunting and fishing is relevant to decision-making on classification of the area, and no new material is raised which supports

reconsideration of the notified classification. It should be noted that the proposed classification does not prohibit public access for the proposed activities, or the activities themselves when appropriately authorised (for example under a hunting permit), where consistent with preservation of the conservation values present.

Climate Change and Natural Hazards (Allowed)

- A submitter expressed support for retaining the area in stewardship “for climate adaptation and resilience”.

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

Process and Consultation (Not Allowed)

- A submitter advocated for “management requirements of this area” to be sought “in consultation with locals”.

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

KAR_o8 - Market Cross – 2807693

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Market Cross	KAR_o8_2807693s	Disposal	Disposal	11	59

DOC Conservation Values Report Description

A largely grazed piece of land (8.91 ha) situated between the Karamea River and the stopbank, with a small strip of native forest at the north-western end.

Panel Recommendations

National Panel: Consider for disposal as the area consists entirely of developed pasture with no significant conservation or cultural value.

Mana Whenua Panel: Consider for disposal, noting that the conservation area is modified into developed pasture and should not form part of public conservation land.

S.49(2)(d) Recommendation

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

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

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

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

Disposal - KAR_o8_2807693s

Support

Ecology and Landscape (Allowed)

- Submissions stated they support all recommended disposal of stewardship land where there are no conservation values or natural values remaining.

I recommend that these comments are accepted. The land consists primarily of highly modified pasture and holds low conservation values, supporting a disposal investigation. I note that any parts of the area identified to have substantive natural values are unlikely to pass the Conservation General Policy and legislative disposal tests.

Treaty Considerations (Allowed)

- Submissions stated they support the position of the Mana Whenua Panel on the basis that these recommendations reflect the rights and interests of Ngāi Tahu and recognise their connection to their ancestral lands.

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

General (Allowed)

- Submissions stated their agreement with the recommendation without providing further justification.

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

Permissions, Economic Factors and Land Use (Not Allowed)

- It was noted that this area is grazed under leases from two separate land holders.

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

Other (Not Allowed)

- It was recommended that “the current lease holders are recognised and offered the land in the first instance”.
- One submission noted that disposals form only 0.01% of the land area under consideration as part of this process.

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

Oppose

Access and Recreation (Allowed)

- Submissions objected to disposal on the grounds that this represents a loss of public access to rivers and other conservation land, and expressed opposition to any disposal that means a loss of recreation opportunities such as angling or hunting.
- One submission asserted that riparian access via marginal strips is not guaranteed.
- One submission stated that “easy access became difficult after the siting of the new Karamea Highway bridge which no longer afforded obvious legal access directly to the river”, and wanted to ensure that legal and permanent access remains if disposal occurs.
- Submissions suggested that land be retained or that appropriate mechanisms are used to ensure public access is maintained.

I recommend these comments are not accepted. Though the CVR states that the area may be used by whitebaiters, the area, which is bounded by legal road and situated within farmland, does not provide practical access to the river from road or public conservation land so in my view it is unlikely to hold recreation values which warrant retention as public conservation. Any potential disposal arising from the Departmental investigation will trigger the formation of marginal strips for qualifying waterbodies which will secure ongoing public access along the riparian corridor.

Climate Change and Natural Hazards (Allowed)

- Submissions opposed disposal on the grounds that all public conservation land, even if modified/pasture, offers potential for climate change mitigation (i.e. opportunities for restoration and carbon sequestration, as well as for flood/erosion buffering, or allowing room for natural river processes).
- Reclassification as a local purpose reserve for flood retention and riparian vegetation margin was suggested.
- It was noted that disposal “will not assist with a reduction in emissions from agriculture”.

I recommend that these comments are not accepted. The area’s highly modified nature (grazed pasture) and landscape context (bordering legal road within private farmland and not connected to other public conservation land), limit the appropriateness and effectiveness of retaining it for ecosystem restoration and carbon sequestration. I note that any potential disposal arising from the Departmental investigation will trigger the formation of marginal strips for qualifying waterbodies, which will be retained and protected as public conservation land.

Ecology and Landscape (Allowed)

- The area was described as having ecological values that would become more important with sea level rise, noting that it is “a few hundred metres” upstream of a site assessed as likely to be whitebait habitat.
- Submissions opposed disposal on the grounds that retaining all conservation land provides more opportunities for ecosystem restoration, emphasising the importance of protecting natural values in light of widespread biodiversity loss across New Zealand. It was also noted that even modified areas are likely to contain some indigenous species

(juncus, carex, etc), and that areas near forests could easily revert to a natural state. A “precautionary policy” was recommended to hold future conservation options open.

- Submissions also opposed disposal on the grounds that waterways and freshwater biodiversity would be better protected if adjacent land was retained, grazing excluded, and restoration/natural succession allowed to occur. Several submissions specifically noted the importance of protecting land by rivers because “so little remains – most of these areas have been highly modified for grazing” and “disposal will lose the opportunity for regeneration and restoration”.
- Submissions raised concerns that disposing of stewardship land would then allow extractive activities which have a negative effect on natural values.
- Submissions suggested either no disposal, or that an alternative classification such as wildlife protection area, conservation area, or scenic reserve would better reflect the potential conservation values, or suggested local purpose reserve for river conservation for ecological reasons and to protect land from erosion.

I recommend that these comments are not accepted. The area’s highly modified nature (grazed pasture) and landscape context (bordering legal road within private farmland and not connected to other public conservation land), limit the appropriateness and effectiveness of retaining it for restoration. I note that any potential disposal arising from the Departmental investigation will trigger the formation of marginal strips for qualifying waterbodies, which will be retained and protected as public conservation land.

Treaty Considerations (Allowed)

- One submission stated stewardship land should only be disposed of to tangata whenua “and only then with the need to maintain the blocks cultural, conservation & mahika-kai values”.
- It was suggested that ownership should be transferred to the local iwi.

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

General (Allowed)

- Submissions expressed opposition to disposal of any stewardship land in general terms, expressed a desire for maximum environmental protection across all stewardship land, or supported “a cautionary approach” and preference to retain land in Crown ownership.

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

Permissions, Economic Factors and Land Use (Not Allowed)

- A submission expressed concern that disposal will affect the existing uses, noting that this area is grazed under two separate leases.
- Submissions also recommended consideration of whether land could be used for managed retreat or to support future food security.
- One submission suggested that because the area is flood prone it would not hold much value as private land.

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

Process and Consultation (Not Allowed)

- A submission stated that as recommendations did not indicate where the boundaries might be, it is difficult for submitters to assess whether it is supported or not.
- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.
- Other submissions that commented on the process suggested consulting with mana whenua, or ensuring consultation with the land occupier, adjacent landowners, and access users.
- A submitter wanted to ensure that any potential right of first refusal or conflicts of interest was carefully managed.

- It was suggested that the reclassification framework should include a “future conservation use” designation to hold land for future conservation requirements.

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

Other (Not Allowed)

- It was suggested that if disposal occurred, waterways should be protected by a setback, fencing and planting.
- It was noted that disposal could present an added cost if subdivision is required.
- A submitter proposed that “the land could be enhanced with native planting and then receive carbon credits”.

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

No Opinion/Position Stated

Climate Change and Natural Hazards (Allowed)

- One submission that selected ‘no opinion stated’ suggested that no land should be disposed of if there is potential for restoration or carbon sequestration, and that riverbeds and adjacent land should be retained for flood retention, with no grazing permitted.

I recommend that these comments are not accepted. The small size of the pastoral area recommended for disposal (8.91 ha), its highly modified nature (grazed pasture) and landscape context (bordering legal road within private farmland and not connected to other public conservation land) limit the appropriateness and effectiveness of retaining it for ecosystem restoration and carbon sequestration. I note that any potential disposal arising from the Departmental investigation will trigger the formation of marginal strips for qualifying waterbodies, which will be retained and protected as public conservation land.

General (Allowed)

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

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

Process and Consultation (Not Allowed)

- One submission stated, “seek management requirements through local consultations”.

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

Other (Not Allowed)

- It was noted that land is subject to Heritage New Zealand Pouhere Taonga Notification Process and they may recommend heritage protection measures as part of this disposal process.
- One submission suggested any funds from land sold should go to the Nature Heritage Fund.

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

KAR_09 - Elfin Bluff – 2807688

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Elfin Bluff	KAR_09_2807688t	Scenic Reserve (a)	Neutral	18	16

DOC Conservation Values Report Description

The Elfin Bluff assessment area (321.3715 ha) is a raised marine terrace between Karamea River and Baker Creek. It is a designated Species Management Unit for a threatened Coleoptera ground beetle, and contains cutover tall forest and pākihi vegetation associations which are noted as unique in the ecological district. It also supports a population of threatened mātātā/fernbird, borders the Kahurangi National Park, and is the site of the popular Giant Rimu Tree Track walk.

Panel Recommendations

National Panel: Scenic Reserve (a), to facilitate the preservation of the identified ecological values, buffer the adjacent national park, and provide for existing recreational uses.

Mana Whenua Panel: Neutral.

S.49(2)(d) Recommendation

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

Summary of accepted submissions: Those submissions ‘accepted’ as holding merit supported the notified classification as providing sufficient protection in the context of climate change and allowing for recreational access.

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

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

Rationale: My conclusion is that the proposed classification will appropriately promote the conservation of the natural and historic resources present. Under a scenic reserve classification “indigenous flora and fauna, ecological associations, and natural environment and beauty shall as far as possible be preserved” (Section 19(2)(a) Reserves Act 1977). I note that the land has been previously modified (“The area was once used for a sphagnum moss harvest area in the 1970s and into the 1980s, and is extensively tracked for rail wagons with access up onto it from the upstream/eastern end”), and the proposed classification will support the area to act as a buffer to protect national park values.

Scenic Reserve (a) - KAR_09_2807688t

Support

Access and Recreation (Allowed)

- Submissions in support highlighted the recreational values of the area due to the Giant Rimu Tree Track walk, stating that it “offers an opportunity for a wide range of people to experience this type of natural environment and forest ecosystem”. The area was also noted as straddling the back and front country zones.

I recommend that these comments are accepted. They provide site-specific details regarding the public access and recreational features present which are consistent with those described in the CVR (the Giant Rimu Tree Track). They hold merit under the Conservation Act as they support promotion of recreation that is not inconsistent with the preservation of the natural and historic resources present.

Climate Change and Natural Hazards (Allowed)

- Submissions expressed support for scenic reserve reclassification as offering a high level of environmental protection, noting that this is particularly important in the context of climate change.

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

Community (Allowed)

- One submission noted that “a community group is creating a natural burial cemetery reserve between the south-eastern corner of the parcel, and the Karamea River”, suggesting the various reserves would be “very harmonious” as the burial area becomes “park-like”.

I recommend that these comments are accepted to the extent that they support the proposed classification as being appropriate for the landscape context of the area. Comments regarding community activities outside of the area under consideration are not relevant to the public notice.

Ecology and Landscape (Allowed)

- Submissions in support of scenic reserve noted the high natural character with pākihi wetland and forest on the marine terrace and that it is adjacent to Kahurangi National Park.

I recommend that these comments are accepted. They provide site-specific details regarding the natural resources present (e.g. interglacial raised marine terraces above the Karamea River with cutover rimu forest and pākihi vegetation) which warrant consideration. My view is that the natural resources identified in these comments are consistent with those described in the CVR and they are appropriately protected and preserved by the proposed classification.

General (Allowed)

- Submissions expressed agreement with the national panel recommendation, stating their support for stewardship land to be reclassified at the highest possible level based on its high cultural conservation value.

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

Permissions, Economic Factors, and Land Use (Not Allowed)

- A submission recommended allowance be made for the access easement.

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

Process and Consultation (Not Allowed)

- Consultation with the adjacent landowner was recommended.

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

Other (Not Allowed)

- It was recommended that any classification other than national park be on the condition any waterway or wetland within/bordering the parcel is protected by a five-metre setback that is fenced and planted to uphold Te Mana o te Wai.
- One submission suggested expanding the walk to make it a round trip and making the car park safer.

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

Oppose

Ecology and Landscape (Allowed)

- Submissions opposed the scenic reserve status and recommended reclassification as a national park due to the “iconic landscape, scenic value and naturalness”. Reasons given included the landscape context (i.e. it is adjacent to the Kahurangi National Park; that a scenic reserve would not act as a buffer to facilitate the preservation of the adjacent park; that national park status “makes for better integrated management with contiguous lands”; and that it “provides an opportunity to enhance the landscape and ecological connection to the Karamea river and the Otumahana Lagoon”).
- Ecological values were highlighted with submissions stating that the area has values and species composition similar to or indistinguishable from the adjacent Kahurangi National Park, is part of a representative threatened land environment, or noting the presence of at risk or threatened species and “depleted ecosystems in relatively good condition”.
- One submission recommended reclassification as an ecological area or wildlife management reserve, describing the area as “contiguous with Kahurangi National Park but quite different in natural character”. The submission cited high landscape and scenic values, that the area is “one of only two raised marine terraces in the district, a poorly represented landform in [the] public conservation estate”, and noting the high naturalness of the forest and pākihi wetland, and special species management unit for the threatened Coleoptera ground beetle.

I recommend that these comments are not accepted. My view is that although the natural resources identified are consistent with those described in the CVR (e.g. cutover tall forest and pākihi vegetation associations not seen on other landforms in the ecological district; habitat for threatened species), they are appropriately protected and preserved by the proposed classification and the points raised do not warrant overturning the notified intention. Under a scenic reserve classification “indigenous flora and fauna, ecological associations, and natural environment and beauty shall as far as possible be preserved” (Section 19(2)(a) Reserves Act 1977). I note that the land has been previously modified (“The area was once used for a sphagnum moss harvest area in the 1970s and into the 1980s, and is extensively tracked for rail wagons with access up onto it from the upstream/eastern end”), and the proposed classification will support the area to act as a buffer to protect national park values.

General (Allowed)

- Submissions expressed preference for reclassification as a national park for maximum protection, to “simplify the thinking”, and recommended in general terms the highest level of protection across all stewardship land.
- Submissions also recommended leaving the land in stewardship.

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

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions opposed reclassification as scenic reserve, noting that though it does not prohibit mining, it adds extra restrictions with consequent negative economic benefits, suggesting that retaining the land in stewardship or reclassifying it as a conservation park provides adequate legal protection while allowing commercial activities such as mining to be considered on a case-by-case basis.
- A submission in opposition raised concern that change in status would affect the existing access, noting an access easement is held over approximately 0.47 ha in the south-eastern corner.

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

Process and Consultation (Not Allowed)

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

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

Other (Not Allowed)

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

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

No Opinion/Position Stated

Access and Recreation (Allowed)

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

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

General (Allowed)

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

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

KAR_10 - Kelly Creek - 2807709

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Kelly Creek (Pasture)	KAR_10_2807709h	National Park (Kahurangi)		6029*	23
Kelly Creek (Pasture)	KAR_10_2807709i		Disposal	13	69
Kelly Creek (Remaining)	KAR_10_2807709f	National Park (Kahurangi)		6029*	23
Kelly Creek (Remaining)	KAR_10_2807709g		Stewardship	16	31

DOC Conservation Values Report Description

A 30.4928-ha coffin-shaped polygon of indigenous forest contiguous with Kahurangi Forest Park, supporting typical vegetation associations of the Karamaea Ecological District with both old growth and regenerating forest. The western portion contains an area of developed pasture. Due to the variation in conservation values, different recommendations have been made for different parts of the assessment area.

Kelly Creek (Pasture)

Panel Recommendations

National Panel: National Park (Kahurangi), as the area is directly adjacent to the Kahurangi National Park, improving landscape continuity.

Mana Whenua Panel: Disposal, based on the lack of conservation values present.

S.49(2)(d) Recommendation

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

Summary of accepted submissions: The submissions 'accepted' as holding merit supported the proposed national park investigation to protect the area's natural values, improve climate change mitigation, and ensure ongoing public recreational access. Submitters referenced specific natural resources which were noted to be of high value and similar in nature to the adjoining national park. Submissions in opposition to disposal cited the presence of old growth and regenerating forest, and the landscape context (e.g. that the pasture is surrounded on three sides by the Kahurangi National Park.)

Section 4 and Treaty principles: The Mana Whenua Panel opposed the proposed national park referral, instead advocating for the area to be disposed of, supported by submissions from Treaty partner organisations. Te Rūnanga o Ngāi Tahu oppose all additions to national parks within the Ngāi Tahu takiwā as "the addition of land to national parks will not give effect to the principles of the Treaty of Waitangi (as required by section 4 of the Conservation Act 1987) as it alienates Ngāi Tahu from our ancestral lands".

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

*These figures includes 5,976 submissions made using a Forest and Bird template.

Although I acknowledge the Mana Whenua Panel opposition to the notified proposal, my assessment, considering those submissions accepted, is that the natural and historic resources present are of a similar nature to the adjacent national park, and warrant proceeding with a referral to the NZCA. Giving effect to Section 4 of the Act includes taking reasonable steps to actively protect the identified Treaty partner interests, but this obligation is not absolute and unqualified, as this would be inconsistent with DOC's other statutory responsibilities.

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

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

National Park (Kahurangi) - KAR_10_2807709h

Support

Access and Recreation (Allowed)

- Submissions expressed support for expanding national parks to protect outstanding recreational values for current and future generations, and to guarantee public access rights.

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

Climate Change and Natural Hazards (Allowed)

- Submissions suggested that suitable stewardship land should be incorporated into adjacent areas to support climate change mitigation, and that the protection of the area was especially important in the context of climate change (e.g. "for climate stability", "now more than ever given the biodiversity and climate crisis we are facing").

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

Ecology and Landscape (Allowed)

- Submissions noted the area to include "old growth and regenerating forest" and that "any disturbed area/pasture should be retained to regenerate".
- Submissions expressed that adding the land to the national park would provide valuable ecological connectivity and buffer the rest of the park from "edge effects" and developed farmland (e.g. "enhance ecological buffer zones and maintain ecological diversity").
- Submissions emphasised the importance of high protection under national park reclassification to "protect species (...) retain true wildernesses, for ecosystem services". Submissions also noted that the classification "is an appropriate step in implementing Te Mana o te Taio", and that "protection of native forest and natural ecosystems is of national importance".
- The values were deemed similar or the same to those in the adjacent Kahurangi National Park. Submissions suggested reclassification as a national park would "rationalise the park's boundaries and provide improved landscape continuity and connectivity", and it was noted that current land classification delineations are "historic and arbitrary" and "not informed by ecological and landscape principles".

I recommend that these comments are accepted. They provide site-specific details regarding the natural resources present which warrant consideration. The natural resources identified by submitters are consistent with those described in the CVR (e.g. primarily indigenous forest with the western portion in developed pasture). The contiguous boundary with Kahurangi National Park further supports your notified intention to refer this area to the NZCA for its recommendation as to the suitability of a national park addition.

Treaty Considerations (Allowed)

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

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

General (Allowed)

- Submissions expressed general support for reclassification as a national park and for maximum environmental protection across all stewardship land, expressed support for greater protection for all land “that retains high natural values”, or called for all land to be reclassified at the highest possible level based on its “cultural conservation value”.
- Submissions stated agreement without providing further justification.

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

Permissions, Economic Factors and Land Use (Not Allowed)

- One submitter who supported a national park classification noted “no problem with the pasture area being disposed”.
- One submission noted that national parks support a “nature economy”, and that this is in line with the Te Whanaketanga Tai Poutini West Coast Economic Strategy 2050.
- Submissions noted that national park classification prevents mining and means development proposals are subject to higher scrutiny, and “applies a precautionary principle that these lands are best left in a natural state unless there is a good case otherwise”. They also noted that legislative “let out clauses” exist to enable things in national parks that are “necessary and have wide approval”.

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

Process and Consultation (Not Allowed)

- Submissions raised concerns that there were no terms of reference for the Mana Whenua Panel, and suggested that Ngāi Tahu objections to national parks should have been addressed at a broader level prior to the reclassification process.

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

Other (Not Allowed)

- Submissions suggested that reclassification “needs to be followed up with sufficient funding for pest eradication”.

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

Oppose

Access and Recreation (Allowed)

- Submissions expressed concern about loss of recreation opportunities and suggested that other classifications may provide a better balance between recreational enjoyment and protection of natural resources. Restrictions on dog walking were raised specifically by a West Coast resident. Classifications suggested were conservation park, or scenic reserve or recreation reserve if additional protection is required to protect flora and fauna.
- Submissions stated opposition to any reclassification unless it provides explicitly for access, including helicopter landings, sports fishing and gamebird hunting, or stated opposition as national park status “excludes hunting for native species which are classified as gamebirds under the Wildlife Act, and which are managed as gamebirds such as Pukeko and Paradise Shelduck”.

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

Ecology and Landscape (Allowed)

- Submissions suggested that the ecological values of the land are not high enough to meet the standard for national park classification (e.g. “not so unique or scientifically important to meet the standard set by the National Parks Act”), suggesting that a conservation park would be appropriate, or a scenic reserve or recreation reserve in areas where there is potential risk of damaging activities such as mining.

I recommend that these comments are not accepted. Although areas of modification may be present, the natural resources described in the CVR (e.g. primarily indigenous forest with the western portion in developed pasture) justify referring this area to the NZCA for its recommendation as to the suitability of a national park addition. This is further supported by the land context of the adjoining Kahurangi National Park.

Treaty Considerations (Allowed)

- Several submissions opposed the proposed national park investigation whilst supporting the proposal to retain the area in stewardship, pending conservation law reform to create more appropriate forms of protected area classifications from a Ngāi Tahu perspective. This follows a Ngāi Tahu tribal position that a national park classification “obstructs Ngāi Tahu from maintaining ancestral relationships with the whenua, obstructs kaitiaki rights and responsibilities, limits the meaningful involvement of Ngāi Tahu in decision-making processes, and is less enabling of customary practices that are fundamental to sustaining tribal identity and mana”.
- Submissions considered this recommendation as misaligned with Treaty obligations, and advocated for these areas to remain as stewardship land until classifications that more appropriately reflect Treaty principles are established.

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

General (Allowed)

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

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

Permissions, Economic Factors and Land Use (Not Allowed)

- A submission raised concern that a “change in status or disposal will affect the existing access” and that grazing currently occurs on the site.
- Submissions expressed opposition to placing more land under the “restrictive” national park classification.

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

Process and Consultation (Not Allowed)

- A submitter recommended “individual consultation with the adjacent landowner/s”.
- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.

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

Other (Not Allowed)

- Submissions expressed the view that national park classification does not equate to effective protection from introduced pests or predators.
- One submission opposed all reclassification of stewardship land unless it was purchased by the Nature Heritage Fund for the purpose of adding it to a national park.

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

No Opinion/Position Stated

General (Allowed)

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

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

Other (Not Allowed)

- One submitter raised a concern that increasing national park areas would result in more people walking dogs in coastal areas and potentially impacting shorebirds.

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

Disposal - KAR_10_2807709i

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

Support

Treaty Considerations (Allowed)

- The majority of submissions in support of disposal did so on the grounds that recommendations of the Mana Whenua Panel reflect the rights and interests of mana whenua and recognise Ngāi Tahu's connection to their ancestral lands, or on the grounds that adding land to national parks would not give effect to Treaty principles. Submissions stated that national park classification impedes Ngāi Tahu's ability to exercise their mana whenua, kaitiakitanga, and mahinga kai rights and responsibilities, and limits their involvement in decision-making processes, alienating them from their cultural and ancestral connections with the land.

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

General (Allowed)

- Submissions stated their agreement with the recommendation without providing further justification.

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

Permissions, Economic Factors, and Land Use (Not Allowed)

- Submitters stated that reclassifying land as national park or other classifications which fall under Schedule 4 could have economic consequences by excluding mineral extraction and other activities on that land. The potential loss of opportunities resulting from these restrictions was seen as damaging, particularly in terms of mineral extraction and site rehabilitation.
- It was suggested that a "holistic view", encompassing mineral prospectivity and other economic, social, and cultural considerations, should be taken.
- A submission noted support but expressed concern that disposal will affect the existing uses and access.

As I have recommended these comments are not allowed, I recommend they are not accepted. I note that there are no grazing concessions authorised in this stewardship area.

Other (Not Allowed)

- One submission noted that disposals form only 0.01% of the land area under consideration as part of this process.
- One submission expressed doubt that reclassifying stewardship land as national parks would have a positive impact on conservation, citing DOC funding and resource limitations.

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

Oppose

Access and Recreation (Allowed)

- Submissions objected to disposal on the grounds that this represents a loss of public access to rivers (actual or potential) and other conservation land, and expressed opposition to any disposal which mean a loss of recreation opportunities such as angling or hunting. One submission asserted that riparian margin access may be inadequate, especially if rivers flood or change course.
- Submissions suggested that land be retained or that appropriate mechanisms are used to ensure public access is maintained.

I recommend that these comments are accepted to the extent that they oppose disposal of this stewardship area. I have concluded based on comments in opposition to the notified intention that although areas of modification may be present, the natural resources and landscape context do not support a recommendation for disposal. I note that if this area remains in stewardship while being referred to the NZCA for their recommendation as to the suitability of a national park

classification, it will remain protected as public conservation land and will continue to provide for public recreational access.

Climate Change and Natural Hazards (Allowed)

- Some submissions opposed disposal on the grounds that all public conservation land, even if it modified/pasture, offers potential for climate change mitigation (i.e. opportunities for restoration and carbon sequestration, as well as for flood/erosion buffering, or allowing room for natural river processes).
- It was suggested that disposal of pastoral land was inconsistent with the Climate Change Commission Report as it is contrary to the objective of reducing emissions from agriculture.

I recommend that these comments are accepted to the extent that they oppose disposal of this stewardship area. I have concluded based on comments in opposition that the natural resources present and landscape context do not support a recommendation for disposal but justify referring this area to the NZCA for its recommendation as to the suitability of a national park addition. I agree that the protection of the existing natural resources is of increasing importance when considering the need for climate mitigation. I agree that the area, though it contains some modified pasture (unauthorised), is suitable for restoration, as it supports old growth and regenerating forest and is bounded by the existing national park.

Ecology and Landscape (Allowed)

- Submissions opposed disposal in favour of national park classification on the grounds that it was old growth and regenerating forest and “any disturbed area/pasture should be retained to regenerate”, and that it was surrounded on three sides by the national park.
- Submissions opposed disposal on the grounds that retaining all conservation land provides more opportunities for ecosystem restoration, emphasising the importance of protecting natural values in light of widespread biodiversity loss across New Zealand. It was also noted that even modified areas are likely to contain some indigenous species (juncus, carex, etc), and that areas near forests could easily revert to a natural state. A “precautionary policy” was recommended to hold future conservation options open.
- Submissions raised concerns that disposing of stewardship land would then allow extractive activities, agriculture or urban development, which would have a negative effect on natural values.
- Submissions suggested either no disposal, or that an alternative classification such as wildlife protection area, conservation area, or scenic reserve would better reflect the potential conservation values.

I recommend these comments are accepted. I agree that the natural resources present and landscape context do not support a recommendation for disposal but justify referring this area to the NZCA for its recommendation as to the suitability of a national park addition (e.g. supports old growth and regenerating forest, provides a buffer between the National Park and developed farmland). I agree that classification as a national park would rationalise the existing national park’s boundaries. I also agree that the area, though it contains some modified pasture (unauthorised), is suitable for restoration, as it supports old growth and regenerating forest and is bounded by the existing national park.

Treaty Considerations (Allowed)

- One submission stated stewardship land should only be disposed of to tangata whenua “and only then with the need to maintain the blocks cultural, conservation & mahika-kai values”.
- It was suggested that ownership should be transferred to the local iwi.
- One submission expressed a preference for national park reclassification, but advocated for mana whenua to have free access and use of national parks for cultural, traditional, historical, and customary purposes, describing this as aligning with Section 4 of the National Parks Act, and for conservation principles to be carried out in an “established collegial co-governance manner”.

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

opportunity to explore specific Ngāi Tahu interests and aspirations, including the NZCA's consideration as to what giving effect to Treaty principles may require.

General (Allowed)

- Submissions expressed opposition to disposal of any stewardship land in general terms, expressed a desire for maximum environmental protection across all stewardship land, or supported “a cautionary approach” and preference to retain land in Crown ownership.
- Submissions stated their agreement with the National Panel recommendation and expressed general support for reclassification as a national park and for maximum environmental protection across all stewardship land.

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

Permissions, Economic Factors and Land Use (Not Allowed)

- One submission in opposition to disposal expressed their preference for reclassification as a national park, noting that national parks support a “nature economy”, and that this is in line with the Te Whanaketanga Tai Poutini West Coast Economic Strategy 2050.
- Submissions also recommended consideration of whether land could be used for managed retreat or to support future food security.

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

Process and Consultation (Not Allowed)

- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.
- Other submissions that commented on the process suggested consulting with mana whenua, or ensuring consultation with the land occupier and access users.
- A submitter wanted to ensure that any potential right of first refusal or conflicts of interest was carefully managed.
- It was suggested that the reclassification framework should include a “future conservation use” designation to hold land for future conservation requirements.

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

Other (Not Allowed)

- It was suggested that if disposal occurred, waterways should be protected by a setback, fencing and planting.
- It was noted that disposal could present an added cost if subdivision is required.
- A submitter wanted to ensure that any potential right of first refusal or conflicts of interest was carefully managed.
- One submission suggested any funds from land sold should go to the Nature Heritage Fund.

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

No Opinion/Position Stated

Climate Change and Natural Hazards (Allowed)

- One submission that selected ‘no opinion stated’ suggested that no land should be disposed of if there is potential for restoration or carbon sequestration, and that riverbeds and adjacent land should be retained for flood retention, with no grazing permitted.

I recommend that these comments are accepted to the extent that they oppose disposal of this stewardship area. I have concluded based on comments in opposition that the natural resources present and landscape context do not support a recommendation for disposal but justify referring this area to the NZCA for its recommendation as to the suitability of a national park addition. I agree that the protection of the existing natural resources is of increasing importance when considering the need for climate mitigation. The area, though it contains some modified pasture (unauthorised), supports old growth and regenerating forest and is suitable for restoration, particularly as it is bounded by the existing national park.

General (Allowed)

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

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

Other (Not Allowed)

- It was recommended that if disposal occurs, any waterway bordering the parcel is protected by a five-metre setback that is fenced and planted to uphold Te Mana o te Wai.
- It was noted that land is subject to Heritage New Zealand Pouhere Taonga Notification Process and they may recommend heritage protection measures as part of this disposal process.
- One submission suggested any funds from land sold should go to the Nature Heritage Fund.

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

Kelly Creek (Remaining)

Panel Recommendations

National Panel: National Park (Kahurangi), based on the complementary conservation values to the adjacent section of the Kahurangi National Park. Adding this area to the national park is considered to rationalise the park's boundary and improve landscape continuity.

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

S.49(2)(d) Recommendation

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

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

Section 4 and Treaty principles: The Mana Whenua Panel opposed the proposed national park referrals, supported by submissions from Treaty partner organisations. Te Rūnanga o Ngāi Tahu oppose all additions to national parks within the Ngāi Tahu takiwā as "the addition of land to national parks will not give effect to the principles of the Treaty of Waitangi (as required by section 4 of the Conservation Act 1987) as it alienates Ngāi Tahu from our ancestral lands".

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

Although I acknowledge the Mana Whenua Panel opposition to the notified proposal, my assessment, considering those submissions accepted, is that the natural and historic resources present are of a similar nature to the adjacent national park, and warrant proceeding with a referral to the NZCA. Giving effect to Section 4 of the Act includes taking reasonable steps to actively protect the identified Treaty partner interests, but this obligation is not absolute and unqualified, as this would be inconsistent with DOC's other statutory responsibilities.

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

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

National Park (Kahurangi) - KAR_10_2807709f

Support

Access and Recreation (Allowed)

- Submissions expressed support for expanding national parks to protect outstanding recreational values for current and future generations, and to guarantee public access rights.

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

Climate Change and Natural Hazards (Allowed)

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

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

Ecology and Landscape (Allowed)

- Submissions noted the area to include “old growth and regenerating forest” and that “any disturbed area/pasture should be retained to regenerate”.
- Submissions expressed that adding the land to the national park would provide valuable ecological connectivity and buffer the rest of the park from “edge effects” and developed farmland (e.g. “enhance ecological buffer zones and maintain ecological diversity”).
- Submissions emphasised the importance of high protection under national park reclassification to “protect species (...) retain true wildernesses, for ecosystem services”.
- Submissions also noted that the classification “is an appropriate step in implementing Te Mana o te Taio”, and that “protection of native forest and natural ecosystems is of national importance”.
- The values were deemed similar or the same to those in the adjacent Kahurangi National Park.
- Submissions suggested reclassification as a national park would “rationalise the park’s boundaries and provide improved landscape continuity and connectivity”, and it was noted that current land classification delineations are “historic and arbitrary” and “not informed by ecological and landscape principles”.

I recommend that these comments are accepted. They provide site-specific details regarding the natural resources present which warrant consideration. The natural resources identified by submitters are consistent with those described in the CVR (e.g. primarily indigenous forest with the western portion in developed pasture). The contiguous boundary with Kahurangi National Park further supports your notified intention to refer this area to the NZCA for its recommendation as to the suitability of a national park addition.

Treaty Considerations (Allowed)

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

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

General (Allowed)

- Submissions expressed general support for reclassification as a national park and for maximum environmental protection across all stewardship land, expressed support for greater protection for all land “that retains high

natural values”, or called for all land to be reclassified at the highest possible level based on its “cultural conservation value”.

- Submissions stated agreement without providing further justification.

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

Permissions, Economic Factors and Land Use (Not Allowed)

- One submission noted that national parks support a “nature economy”, and that this is in line with the Te Whanaketanga Tai Poutini West Coast Economic Strategy 2050.
- Submissions noted that national park classification prevents mining and means development proposals are subject to higher scrutiny, and “applies a precautionary principle that these lands are best left in a natural state unless there is a good case otherwise”. They also noted that legislative “let out clauses” exist to enable things in national parks that are “necessary and have wide approval”.

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

Process and Consultation (Not Allowed)

- Submissions raised concerns that there were no terms of reference for the Mana Whenua Panel, and suggested that Ngāi Tahu objections to national parks should have been addressed at a broader level prior to the reclassification process.

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

Other (Not Allowed)

- Submissions suggested that reclassification “needs to be followed up with sufficient funding for pest eradication”.

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

Oppose

Access and Recreation (Allowed)

- Submissions expressed concern about loss of recreation opportunities and suggested that other classifications may provide a better balance between recreational enjoyment and protection of natural resources. Restrictions on dog walking were raised specifically by a West Coast resident. Classifications suggested were conservation park, or scenic reserve or recreation reserve if additional protection is required to protect flora and fauna.
- Submissions stated opposition to any reclassification unless it provides explicitly for access, including helicopter landings, sports fishing and gamebird hunting, or stated opposition as national park status “excludes hunting for native species which are classified as gamebirds under the Wildlife Act, and which are managed as gamebirds such as Pukeko and Paradise Shelduck”.

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

Ecology and Landscape (Allowed)

- Submissions suggested that the ecological values of the land are not high enough to meet the standard for national park classification (e.g. “not so unique or scientifically important to meet the standard set by the National Parks Act”), suggesting that a conservation park would be appropriate, or a scenic reserve or recreation reserve in areas where there is potential risk of damaging activities such as mining.

I recommend that these comments are not accepted. Although areas of modification may be present, the natural resources described in the CVR (e.g. primarily indigenous forest with the western portion in developed pasture) justify referring this area to the NZCA for its recommendation as to the suitability of a national park addition. This is further supported by the land context of the adjoining Kahurangi National Park.

Treaty Considerations (Allowed)

- Several submissions opposed the proposed national park investigation whilst supporting the proposal to retain the area in stewardship, pending conservation law reform to create more appropriate forms of protected area classifications from a Ngāi Tahu perspective. This follows a Ngāi Tahu tribal position that a national park classification “obstructs Ngāi Tahu from maintaining ancestral relationships with the whenua, obstructs kaitiaki rights and responsibilities, limits the meaningful involvement of Ngāi Tahu in decision-making processes, and is less enabling of customary practices that are fundamental to sustaining tribal identity and mana”.
- Submissions considered this recommendation as misaligned with Treaty obligations, and advocated for these areas to remain as stewardship land until classifications that more appropriately reflect Treaty principles are established.

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

General (Allowed)

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

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

Permissions, Economic Factors and Land Use (Not Allowed)

- A submission raised concern that a “change in status or disposal will affect the existing access” and that grazing currently occurs on the site.
- Submissions expressed opposition to placing more land under the “restrictive” national park classification.

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

Process and Consultation (Not Allowed)

- A submitter recommended “individual consultation with the adjacent landowner/s”.
- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.

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

Other (Not Allowed)

- Submissions expressed the view that national park classification does not equate to effective protection from introduced pests or predators.
- One submission opposed all reclassification of stewardship land unless it was purchased by the Nature Heritage Fund for the purpose of adding it to a national park.

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

No Opinion/Position Stated

General (Allowed)

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

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

Other (Not Allowed)

- One submitter raised a concern that increasing national park areas would result in more people walking dogs in coastal areas and potentially impacting shorebirds.

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

Retain in Stewardship - KAR_10_2807709g

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

Support

Ecology and Landscape (Allowed)

- Submissions stated that there was insufficient evidence of the conservation value and characteristics justifying national park status for various pieces of stewardship land.

I recommend that these comments are not accepted. Although areas of modification may be present, the natural resources described in the CVR (e.g. primarily indigenous forest with the western portion in developed pasture) justify referring this area to the NZCA for its recommendation as to the suitability of a national park addition. This is further supported by the land context of the adjoining Kahurangi National Park.

Treaty Considerations (Allowed)

- The majority of submissions in support of retaining land in stewardship did so on the grounds that adding land to national parks would not give effect to Treaty principles, as the classification impedes Ngāi Tahu's ability to exercise their mana whenua, kaitiakitanga, and mahinga kai rights and responsibilities and limits their involvement in decision-making processes, alienating them from their cultural and ancestral connections with the land.
- Submissions supported the recommendations of the mana whenua panel “to acknowledge the rights and interests of mana whenua as a treaty partner” (e.g. “have the longest and strongest claim to this land”).
- Submissions advocated for conservation law reform to create more appropriate forms of protected area classifications from a Ngāi Tahu perspective.

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

General (Allowed)

- Submissions stated they agreed with the Mana Whenua Panel without providing further justification.

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

Permissions, Economic Factors, and Land Use (Not Allowed)

- A submitter expressed concern “that change in status or disposal will affect the existing access”, and that “grazing occurs on the site”.
- Submitters stated that reclassifying land as national park, or other classifications which fall under Schedule 4, could have economic consequences by excluding mineral extraction and other activities on that land. The potential loss of opportunities resulting from these restrictions was seen as damaging, particularly in terms of mineral extraction and site rehabilitation.
- Submissions specified their preference for land to either be retained in stewardship or be reclassified as a conservation park, stating that this gives the land “more than adequate legal protection”.
- It was suggested that a “holistic view”, encompassing mineral prospectivity and other economic, social, and cultural considerations, should be taken.

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

Process and Consultation (Not Allowed)

- A submitter opposed any reclassification “as it sets a precedent to get the land away from the public and into private ownership”.

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

Other (Not Allowed)

- One submission expressed doubt that reclassifying stewardship land as national parks would have a positive impact on conservation, citing DOC funding and resource limitations.

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

Oppose

Access and Recreation (Allowed)

- A submission noted that pastoral components of the area “could have a public access value”.
- Submissions advocated for reclassification as a national park to ensure ongoing access and enjoyment of the protected natural resources, and to reflect the recreational values of the area.

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

Climate Change and Natural Hazards (Allowed)

- Submissions stated a preference for reclassification as a national park to ensure environmental protection in light of the impacts of climate change (e.g. “provide a greater buffer against edge effects and climate threats”).

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

Ecology and Landscape (Allowed)

- A submission noted the area to contain “old growth and regenerating forest”, and that “any disturbed area/pasture should be retained to regenerate” under a national park classification.
- Submitters noted the area to include “nationally significant ecological systems and natural areas”.
- Submissions expressed a preference for national park classification to protect the high natural values, stating that values are “indistinguishable from those within the surrounding Kahurangi National Park”, that the proposed

classification reflects the land context of the adjacent national park and “provides for landscape continuity”, and emphasising that national park classification supports critical biodiversity outcomes.

I recommend that these comments are accepted. They provide site-specific details regarding the natural resources present which warrant consideration. The natural resources identified by submitters are consistent with those described in the CVR (e.g. primarily indigenous forest with the western portion in developed pasture). The contiguous boundary with Kahurangi National Park further supports your notified intention to refer this area to the NZCA for its recommendation as to the suitability of a national park addition.

- It was also suggested that the land should be classified as a scenic reserve, recreation reserve, or conservation park as it has “strong conservation, ecological and natural value, but it is not so unique or scientifically important to meet the standard set by the National Parks Act”.

I recommend that these comments are not accepted. Although areas of modification may be present, the natural resources described in the CVR (e.g. primarily indigenous forest with the western portion in developed pasture) justify referring this area to the NZCA for its recommendation as to the suitability of a national park addition. This is further supported by the land context of the adjoining Kahurangi National Park.

Treaty Considerations (Allowed)

- A submission argued that “an area with high conservation values should be reclassified to reflect that value”, and that the Mana Whenua Panel recommendation “goes beyond the obligation to give effect to the Treaty of Waitangi”.
- Submissions expressed a preference for national park reclassification, but advocated for mana whenua to have free access and use of national parks for cultural, traditional, historical, and customary purposes, describing this as aligning with Section 4 of the National Parks Act, and for conservation principles to be carried out in an “established collegial co-governance manner”.
- One submission argued against retaining land as stewardship where no areas had been identified as specifically valuable to Ngāi Tahu.

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

General (Allowed)

- Submissions expressed preference for reclassification as a national park and for high protection for more stewardship land, either without providing further justification, or based on the “reasons outlined in the conservation value reports” or the land’s “high cultural conservation value”.

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

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

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

Permissions, Economic Factors and Land Use (Not Allowed)

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

- There was concern that retaining the area as stewardship land exposes it to risk of activities such as mining or being swapped out of the conservation estate.

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

Process and Consultation (Not Allowed)

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

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

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submissions that did not select or state a clear opinion, queried whether this classification allowed for hunting and fishing.

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

General (Allowed)

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

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

Other (Not Allowed)

- It was recommended that if the area is offered a lower level of protection than national park, any waterways/ wetlands bordering the parcel are protected by a five-metre setback that is fenced and planted to “uphold Te Mana o te Wai”.

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

KAR_11 - Kongahu – 2807695

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Kongahu	KAR_11_2807695u	Scenic Reserve (a)	Neutral	14	14

DOC Conservation Values Report Description

A large 469.2257-ha area of flat pākihi terrace, dominated by wetland vegetation associations. The area provides habitat for a diverse range of fauna including birds, lizards, and freshwater and terrestrial invertebrates. A short walk maintained by a third party traverses the northern end of the block.

Panel Recommendations

National Panel: Scenic reserve (a) is considered to facilitate the preservation of the identified ecological values while providing for the existing recreational uses of the area.

Mana Whenua Panel: Neutral.

S.49(2)(d) Recommendation

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

Summary of accepted submissions: Those submissions ‘accepted’ as holding merit supported the notified classification as offering sufficient protection in the context of climate change and allowing for public access.

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

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

Rationale: My conclusion is that the proposed classification will appropriately promote the conservation of the natural and historic resources present (e.g. pākihi wetland terrace, habitat for a diverse range of fauna).

Scenic Reserve (a) - KAR_11_2807695u

Support

Access and Recreation (Allowed)

- One submission supported the status as appropriate noting the “potential for a bush walk or cycle track through or across it”.

I recommend that these comments are accepted to the extent that they support the proposed classification as allowing for public access and recreation. The proposed classification provides for the public to have freedom of entry and access to the reserve, subject to conditions necessary for the protection and well-being of the reserve and the public themselves, as per Section 19(2)(b) of the Reserves Act 1977.

Climate Change and Natural Hazards (Allowed)

- Submissions expressed support for scenic reserve reclassification as offering a high level of environmental protection, noting that this is particularly important in the context of climate change.

I recommend that these comments are accepted. I agree that the protection of the existing natural resources is of increasing importance when considering the need for climate mitigation. Classification as scenic reserve will support this outcome. The relevance of this factor for reclassification decisions is evident when the future-focused elements in the definition of conservation are considered, including, “safeguarding the options of future generations,” in relation to ‘natural resources’.

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

General (Allowed)

- Submissions expressed agreement with the national panel recommendation, stating their support for stewardship land to be reclassified at the highest possible level based on its high cultural conservation value.
- One submission stated, “the classification seems appropriate”.

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

Process and Consultation (Not Allowed)

- Consultation with the adjacent landowner was recommended.

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

Other (Not Allowed)

- It was recommended that any classification other than national park be on the condition any waterway or wetland within/bordering the parcel is protected by a five-metre setback that is fenced and planted to uphold Te Mana o te Wai.

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

Oppose

Access and Recreation (Allowed)

- One submission recommended reclassification as a national park based on ecological values, noting that “recreational interests can be provided for under NP status”.

I recommend that these comments are not accepted. The proposed classification provides for the public to have freedom of entry and access to the reserve, subject to conditions necessary for the protection and well-being of the reserve and the public themselves, as per Section 19(2)(b) of the Reserves Act 1977. The points raised do not justify overturning the notified intention.

Climate Change and Natural Hazards (Allowed)

- A submission suggested the site “should be reviewed for community climate adaptation and resilience”.

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

Ecology and Landscape (Allowed)

- Submissions recommended reclassification as a national park. Reasons given included the area’s ecological connection to Kahurangi National Park, that the area is part of a threatened environment in the Ecological District, that it provides habitat for threatened species, that “the species composition is the same as those of the Park”, that it has “nationally significant ecological systems and natural areas”, and that adding it to Kahurangi National Park provides an opportunity to “enhance the landscape and ecological connection” to the Karamea River and the Otumahana Lagoon.
- One submission recommended national park to protect this “unique remnant of a huge cultural wetland”, describing the Kongahu area as nationally significant.
- One submission recommended national park reclassification to prevent more “bush blocks” or removal of forest.

I recommend that these comments are not accepted. Although the natural resources noted by submitters are consistent with those described in the CVR (e.g. the majority of the area is comprised of pākihi wetland, with swamp and marsh wetland at

its southern extent) my assessment is the values present are appropriately protected as a scenic reserve and the points raised do not justify overturning the notified intention. The area is entirely separate from Kahurangi National Park and surrounded by freehold land. Under a scenic reserve classification “indigenous flora and fauna, ecological associations, and natural environment and beauty shall as far as possible be preserved” (Section 19(2)(a) Reserves Act 1977).

General (Allowed)

- Submissions expressed preference for reclassification as a national park for maximum protection, to “simplify the thinking”, and recommended in general terms the highest level of protection across all stewardship land.
- Submissions recommended leaving the land in stewardship, without providing further justification.

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

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions opposed reclassification as scenic reserve, noting that though it does not prohibit mining, it adds extra restrictions with consequent negative economic benefits, suggesting that retaining the land in stewardship or reclassifying it as a conservation park provides adequate legal protection while allowing commercial activities such as mining to be considered on a case-by-case basis.
- A submission in opposition raised concern that change in status would affect the existing access, noting a vehicle access easement is held over “approximately 0.3 ha near Radley Heights” and “approx 1.19 ha near Granite Creek”.

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

Process and Consultation (Not Allowed)

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

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

Other (Not Allowed)

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

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

No Opinion/Position Stated

Access and Recreation (Allowed)

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

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

General (Allowed)

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

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

Permissions, Economic Factors, and Land Use (Not Allowed)

- A submitter who identified themselves as an adjacent landowner noted they have two access permissions to move stock, providing a critical need for their farm operation. They stated, “we need to know these will not be affected by turning the rest into National Park” and suggested the conservation values had been overstated, as an ecologist they had hired had said “there were large swathes of this same type of vegetation and soils all over the Coast”.

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

KAR_12 - Kimberley Creek – 2807696

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Kimberley Creek	KAR_12_2807696v	Scenic Reserve (a)	Neutral	13	10

DOC Conservation Values Report Description

A 3.0411-ha hillslope of indigenous forest surrounded by freehold land, which could provide habitat for plant species that are uncommon in the ecological district or at their distributional limit.

Panel Recommendations

National Panel: Scenic reserve (a) is considered to appropriately protect the ecological values.

Mana Whenua Panel: Neutral.

S.49(2)(d) Recommendation

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

Summary of accepted submissions: Those submissions ‘accepted’ as holding merit supported the notified classification as offering sufficient protection in the context of climate change.

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

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

Rationale: My conclusion is that the proposed classification will appropriately promote the conservation of the natural and historic resources present (e.g. indigenous forest with hard beech, kāmahi and rimu).

Scenic Reserve (a) - KAR_12_2807696v

Support

Climate Change and Natural Hazards (Allowed)

- Submissions expressed support for scenic reserve reclassification as offering a high level of environmental protection, noting that this is particularly important in the context of climate change.

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

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

General (Allowed)

- Submissions expressed agreement with the national panel recommendation, stating their support for stewardship land to be reclassified at the highest possible level based on its high cultural conservation value.

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

Other (Not Allowed)

- It was recommended that any classification other than national park be on the condition any waterway or wetland within/bordering the parcel is protected by a five-metre setback that is fenced and planted to uphold Te Mana o te Wai.

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

Oppose

Climate Change and Natural Hazards (Allowed)

- A submission suggested the site “should be reviewed for community climate adaptation and resilience”.

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

General (Allowed)

- Submissions expressed preference for reclassification as a national park for maximum protection, to “simplify the thinking”, and recommended in general terms the highest level of protection across all stewardship land.
- Submissions recommended leaving the land in stewardship, without providing further justification.

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

Permissions, Economic Factors and Land Use (Not Allowed)

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

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

Process and Consultation (Not Allowed)

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

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

Other (Not Allowed)

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

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

No Opinion/Position Stated

Access and Recreation (Allowed)

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

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

General (Allowed)

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

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

Process and Consultation (Not Allowed)

- Consultation with adjacent landowners was recommended by one submitter.

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

KAR_13 - Arapito – 2807697

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Arapito	KAR_13_2807697w	National Park (Kahurangi)		6038*	23
Arapito	KAR_13_2807697x		Stewardship	18	38

DOC Conservation Values Report Description

A 4.7352-ha long riparian strip bordering Jordan Creek, adjacent to Kahurangi National Park. The area is a mix of hillslope and valley floor, with indigenous forest, developed pasture and rough grazing.

Panel Recommendations

National Panel: National Park (Kahurangi) is considered appropriate, to rationalise the park's boundary and to improve landscape continuity and ecosystem representation.

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

S.49(2)(d) Recommendation

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

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

Section 4 and Treaty principles: The Mana Whenua Panel opposed the proposed national park referrals, supported by submissions from Treaty partner organisations. Te Rūnanga o Ngāi Tahu oppose all additions to national parks within the Ngāi Tahu takiwā as "the addition of land to national parks will not give effect to the principles of the Treaty of Waitangi (as required by section 4 of the Conservation Act 1987) as it alienates Ngāi Tahu from our ancestral lands".

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

Although I acknowledge the Mana Whenua Panel opposition to the notified proposal, my assessment, considering those submissions accepted, is that the natural and historic resources present are of a similar nature to the adjacent national park, and warrant proceeding with a referral to the NZCA. Giving effect to Section 4 of the Act includes taking reasonable steps to actively protect the identified Treaty partner interests, but this obligation is not absolute and unqualified, as this would be inconsistent with DOC's other statutory responsibilities.

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

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

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

National Park (Kahurangi) - KAR_13_2807697w

Support

Access and Recreation (Allowed)

- Submissions expressed support for expanding national parks to protect outstanding recreational values for current and future generations, and to guarantee public access rights.

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

Climate Change and Natural Hazards (Allowed)

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

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

Ecology and Landscape (Allowed)

- A national park classification was supported to “provide for better management including enhancing habitat for threatened species” (e.g. “provide freshwater habitat for a number of threatened fish species”).
- Submissions expressed that adding the land to the national park would provide valuable ecological connectivity and buffer the rest of the park from “edge effects” and developed farmland (e.g. “enhance ecological buffer zones and maintain ecological diversity”).
- Submissions emphasised the importance of high protection under national park reclassification to “protect species (...) retain true wildernesses, for ecosystem services”. Submissions also noted that the classification “is an appropriate step in implementing Te Mana o te Taio”, and that “protection of native forest and natural ecosystems is of national importance”.
- The values were deemed similar or the same to those in the adjacent Kahurangi National Park. Submissions suggested reclassification as a national park would “rationalise the park’s boundaries and provide improved landscape continuity and connectivity”, and it was noted that current land classification delineations are “historic and arbitrary” and “not informed by ecological and landscape principles”.

I recommend that these comments are accepted. They provide site-specific details regarding the natural resources present which warrant consideration. The natural resources identified by submitters are consistent with those described in the CVR (e.g. a mix of hillslope and valley floor with indigenous forest, developed pasture and rough grazing). The contiguous boundary with Kahurangi National Park further supports your notified intention to refer this area to the NZCA for its recommendation as to the suitability of a national park addition.

Treaty Considerations (Allowed)

- Submissions acknowledged the concerns raised by mana whenua regarding national parks. However, they viewed maximum protection of the natural values as paramount and suggested that changes to national park management or legislative frameworks should occur to reflect Treaty principles and to ensure free access and use of national parks for cultural, traditional, historical, and customary purposes.
- Submissions in support of national park noted a desire to “see the concerns of mana whenua addressed”.

- Submissions supported additions to adjacent national parks where mana whenua had not identified site-specific cultural values for the land.

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

General (Allowed)

- Submissions expressed general support for reclassification as a national park and for maximum environmental protection across all stewardship land, expressed support for greater protection for all land "that retains high natural values", or called for all land to be reclassified at the highest possible level based on its "cultural conservation value".

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

Permissions, Economic Factors and Land Use (Not Allowed)

- A submitter advocated that the grazing concession present "must not be allowed to continue, especially without adequate fencing for Jordan Creek to prevent access by grazing animals".
- One submission noted that national parks support a "nature economy", and that this is in line with the Te Whanaketanga Tai Poutini West Coast Economic Strategy 2050.
- Submissions noted that national park classification prevents mining and means development proposals are subject to higher scrutiny, and "applies a precautionary principle that these lands are best left in a natural state unless there is a good case otherwise". They also noted that legislative "let out clauses" exist to enable things in national parks that are "necessary and have wide approval".

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

Process and Consultation (Not Allowed)

- Submissions raised concerns that there were no terms of reference for the Mana Whenua Panel, and suggested that Ngāi Tahu objections to national parks should have been addressed at a broader level prior to the reclassification process.

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

Other (Not Allowed)

- It was recommended that if the area is offered a lower level of protection than national park, any waterways/wetlands bordering the parcel are protected by a five-metre setback that is fenced and planted to "uphold Te Mana o te Wai".
- Submissions suggested that reclassification "needs to be followed up with sufficient funding for pest eradication".

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

Oppose

Access and Recreation (Allowed)

- Submissions expressed concern about loss of recreation opportunities and suggested that other classifications may provide a better balance between recreational enjoyment and protection of natural resources. Restrictions on dog walking were raised specifically by a West Coast resident. Classifications suggested were conservation park, or scenic reserve or recreation reserve if additional protection is required to protect flora and fauna.

- Submissions stated opposition to any reclassification unless it provides explicitly for access, including helicopter landings, sports fishing and gamebird hunting, or stated opposition as national park status “excludes hunting for native species which are classified as gamebirds under the Wildlife Act, and which are managed as gamebirds such as Pukeko and Paradise Shelduck”.

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

Ecology and Landscape (Allowed)

- Submissions suggested that the ecological values of the land are not high enough to meet the standard for national park classification (e.g. “not so unique or scientifically important to meet the standard set by the National Parks Act”), suggesting that a conservation park would be appropriate, or a scenic reserve or recreation reserve in areas where there is potential risk of damaging activities such as mining.

I recommend that these comments are not accepted. My assessment is that the natural resources described in the CVR (e.g. a mix of hillslope and valley floor with indigenous forest, developed pasture and rough grazing) justify referring this area to the NZCA for its recommendation as to the suitability of a national park addition. This is further supported by the land context of the adjoining Kahurangi National Park.

Treaty Considerations (Allowed)

- Several submissions opposed the proposed national park investigation whilst supporting the proposal to retain the area in stewardship, pending conservation law reform to create more appropriate forms of protected area classifications from a Ngāi Tahu perspective. This follows a Ngāi Tahu tribal position that a national park classification “obstructs Ngāi Tahu from maintaining ancestral relationships with the whenua, obstructs kaitiaki rights and responsibilities, limits the meaningful involvement of Ngāi Tahu in decision-making processes, and is less enabling of customary practices that are fundamental to sustaining tribal identity and mana”.
- Submissions considered this recommendation as misaligned with Treaty obligations, and advocated for these areas to remain as stewardship land until classifications that more appropriately reflect Treaty principles are established.

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

General (Allowed)

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

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

Permissions, Economic Factors and Land Use (Not Allowed)

- A submitter noted that “the grazing is an important part of our farming business”, is rateable land, and “has large amount of rock suitable for river protection”.
- A submitter expressed concern “that change in status or disposal will affect the existing concession”.
- Submissions expressed opposition to placing more land under the “restrictive” national park classification.

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

Process and Consultation (Not Allowed)

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

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

Other (Not Allowed)

- Submissions expressed the view that national park classification does not equate to effective protection from introduced pests or predators.
- One submission opposed all reclassification of stewardship land unless it was purchased by the Nature Heritage Fund for the purpose of adding it to a national park.

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

No Opinion/Position Stated

General (Allowed)

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

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

Other (Not Allowed)

- One submitter raised a concern that increasing national park areas would result in more people walking dogs in coastal areas and potentially impacting shorebirds.
- A submitted recommended “individual consultation with the adjacent landowner/s”.

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

Retain in Stewardship - KAR_13_2807697x

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

Support

Ecology and Landscape (Allowed)

- Submissions stated that there was insufficient evidence of the conservation value and characteristics justifying national park status for various pieces of stewardship land.

I recommend that these comments are not accepted. Although areas of modification may be present, the natural resources described in the CVR (e.g. a mix of hillslope and valley floor with indigenous forest, developed pasture and rough grazing) justify referring this area to the NZCA for its recommendation as to the suitability of a national park addition. This is further supported by the land context of the adjoining Kahurangi National Park.

Treaty Considerations (Allowed)

- The majority of submissions in support of retaining land in stewardship did so on the grounds that adding land to national parks would not give effect to Treaty principles, as the classification impedes Ngāi Tahu's ability to exercise their mana whenua, kaitiakitanga, and mahinga kai rights and responsibilities and limits their involvement in decision-making processes, alienating them from their cultural and ancestral connections with the land.

- Submissions supported the recommendations of the mana whenua panel “to acknowledge the rights and interests of mana whenua as a treaty partner” (e.g. “have the longest and strongest claim to this land”).
- Submissions advocated for conservation law reform to create more appropriate forms of protected area classifications from a Ngāi Tahu perspective.

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

General (Allowed)

- Submissions stated they agreed with the Mana Whenua Panel without providing further justification.

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

Permissions, Economic Factors, and Land Use (Not Allowed)

- A submitter raised concern that any “change in status or disposal will affect the existing concession”.
- Submitters stated that reclassifying land as national park, or other classifications which fall under Schedule 4, could have economic consequences by excluding mineral extraction and other activities on that land. The potential loss of opportunities resulting from these restrictions was seen as damaging, particularly in terms of mineral extraction and site rehabilitation.
- Submissions specified their preference for land to either be retained in stewardship or be reclassified as a conservation park, stating that this gives the land “more than adequate legal protection”.
- It was suggested that a “holistic view”, encompassing mineral prospectivity and other economic, social, and cultural considerations, should be taken.

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

Process and Consultation (Not Allowed)

- A submitter opposed any reclassification “as it sets a precedent to get the land away from the public and into private ownership”.

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

Other (Not Allowed)

- One submission expressed doubt that reclassifying stewardship land as national parks would have a positive impact on conservation, citing DOC funding and resource limitations.

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

Oppose

Access and Recreation (Allowed)

- Submissions advocated for reclassification as a national park to ensure ongoing access and enjoyment of the protected natural resources, and to reflect the recreational values of the area.

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

Climate Change and Natural Hazards (Allowed)

- Submissions stated a preference for reclassification as a national park to ensure environmental protection in light of the impacts of climate change (e.g. “provide a greater buffer against edge effects and climate threats”; “amalgamated with Kahurangi National Park with the grazed area restored to alluvial forest”).

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

Ecology and Landscape (Allowed)

- Submitters noted the area to include “nationally significant ecological systems and natural areas”.
- Submissions expressed a preference for national park classification to protect the high natural values, stating that values are “indistinguishable from those within the surrounding Kahurangi National Park”, that the proposed classification reflects the land context of the adjacent national park and “provides for landscape continuity”, and emphasising that national park classification supports critical biodiversity outcomes.

I recommend that these comments are accepted. They provide site-specific details regarding the natural resources present which warrant consideration. The natural resources identified by submitters are consistent with those described in the CVR (e.g. a mix of hillslope and valley floor with indigenous forest, developed pasture and rough grazing). The contiguous boundary with Kahurangi National Park further supports your notified intention to refer this area to the NZCA for its recommendation as to the suitability of a national park addition.

- It was also suggested that the land should be classified as a scenic reserve, recreation reserve, or conservation park as it has “strong conservation, ecological and natural value, but it is not so unique or scientifically important to meet the standard set by the National Parks Act”.

I recommend that these comments are not accepted. My assessment is that the natural resources described in the CVR (e.g. a mix of hillslope and valley floor with indigenous forest, developed pasture and rough grazing) justify referring this area to the NZCA for its recommendation as to the suitability of a national park addition. This is further supported by the land context of the adjoining Kahurangi National Park.

Treaty Considerations (Allowed)

- Submissions expressed a preference for national park reclassification, but advocated for mana whenua to have free access and use of national parks for cultural, traditional, historical, and customary purposes, describing this as aligning with Section 4 of the National Parks Act, and for conservation principles to be carried out in an “established collegial co-governance manner”.
- One submission argued against retaining land as stewardship where no areas had been identified as specifically valuable to Ngāi Tahu.

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

General (Allowed)

- Submissions expressed preference for reclassification as a national park and for high protection for more stewardship land, either without providing further justification, or based on the “reasons outlined in the conservation value reports” or the land’s “high cultural conservation value”.

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

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

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

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions noted that national parks support a nature economy, and that this is in line with the Te Whanaketanga Tai Poutini West Coast Economic Strategy 2050.
- There was concern that retaining the area as stewardship land exposes it to risk of activities such as mining or being swapped out of the conservation estate.

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

Process and Consultation (Not Allowed)

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

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

Other (Not Allowed)

- It was recommended that if the area is offered a lower level of protection than national park, any waterways/ wetlands bordering the parcel are protected by a five-metre setback that is fenced and planted to "uphold Te Mana o te Wai".

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

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submissions that did not select or state a clear opinion, queried whether this classification allowed for hunting and fishing.

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

General (Allowed)

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

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

KAR_13 - Jordan Creek - 2807713

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Jordan Creek (Pasture)	KAR_13_2807713l	National Park (Kahurangi)		6029*	23
Jordan Creek (Pasture)	KAR_13_2807713m		Disposal	14	67
Jordan Creek (Remaining)	KAR_13_2807713j	National Park (Kahurangi)		6028*	23
Jordan Creek (Remaining)	KAR_13_2807713k		Stewardship	17	29

DOC Conservation Values Report Description

A 6.6453-ha long riparian strip bordering Jordan Creek, adjacent to Kahurangi National Park. The area is a mix of hillslope and valley floor with indigenous forest, braided riverbed, developed pasture and rough grazing. Due to the variation in conservation values, different recommendations have been made for different parts of the assessment area.

Jordan Creek (Pasture)

Panel Recommendations

National Panel: National Park (Kahurangi) is considered appropriate, to rationalise the park's boundary and to improve landscape continuity and ecosystem representation.

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

S.49(2)(d) Recommendation

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

Summary of accepted submissions: The submissions 'accepted' as holding merit supported the proposed national park investigation to protect the area's natural values, improve climate change mitigation, and ensure ongoing public recreational access. Submitters referenced specific natural resources which were noted to be of high value and similar in nature to the adjoining national park. Submitters in opposition to disposal noted that the pastoral area is a finger extending into the national park that is suitable for restoration, and that inclusion would rationalise the existing park's boundaries.

Section 4 and Treaty principles: The Mana Whenua Panel opposed the proposed national park referral, instead advocating for the area to be disposed of, supported by submissions from Treaty partner organisations. Te Rūnanga o Ngāi Tahu oppose all additions to national parks within the Ngāi Tahu takiwā as "the addition of land to national parks will not give effect to the principles of the Treaty of Waitangi (as required by section 4 of the Conservation Act 1987) as it alienates Ngāi Tahu from our ancestral lands".

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

* These figures includes 5,976 submissions made using a Forest and Bird template.

Although I acknowledge the Mana Whenua Panel opposition to the notified proposal, my assessment, considering those submissions accepted, is that the natural and historic resources present are of a similar nature to the adjacent national park, and warrant proceeding with a referral to the NZCA. Giving effect to Section 4 of the Act includes taking reasonable steps to actively protect the identified Treaty partner interests, but this obligation is not absolute and unqualified, as this would be inconsistent with DOC's other statutory responsibilities.

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

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

National Park (Kahurangi) - KAR_13_2807713¹

Support

Access and Recreation (Allowed)

- A submitter advocated for a national park classification, which “provides or protects actual or potential public access as the river moves across the riverbed/flood plain”.
- Submissions expressed support for expanding national parks to protect outstanding recreational values for current and future generations, and to guarantee public access rights.

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

Climate Change and Natural Hazards (Allowed)

- A national park classification was supported “now more than ever given the biodiversity and climate crisis we are facing”.
- Submissions suggested that suitable stewardship land should be incorporated into adjacent areas to support climate change mitigation, and that the protection of the area was especially important in the context of climate change (e.g. “for climate stability”).

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

Ecology and Landscape (Allowed)

- Submissions expressed that adding the land to the national park would provide valuable ecological connectivity and buffer the rest of the park from “edge effects” and developed farmland (e.g. “enhance ecological buffer zones and maintain ecological diversity”).
- Submissions emphasised the importance of high protection under national park reclassification to “protect species (...) retain true wildernesses, for ecosystem services”. Submissions also noted that the classification “is an appropriate step in implementing Te Mana o te Taio”, and that “protection of native forest and natural ecosystems is of national importance”.
- The values were deemed similar or the same to those in the adjacent Kahurangi National Park. Submissions suggested reclassification as a national park would “rationalise the park’s boundaries and provide improved

landscape continuity and connectivity”, and it was noted that current land classification delineations are “historic and arbitrary” and “not informed by ecological and landscape principles”.

I recommend that these comments are accepted. They provide site-specific details regarding the natural resources present which warrant consideration. The natural resources identified by submitters are consistent with those described in the CVR (e.g. a mix of hillslope and valley floor with indigenous forest, developed pasture and rough grazing). The contiguous boundary with Kahurangi National Park further supports your notified intention to refer this area to the NZCA for its recommendation as to the suitability of a national park addition.

Treaty Considerations (Allowed)

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

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

General (Allowed)

- Submissions expressed general support for reclassification as a national park and for maximum environmental protection across all stewardship land, expressed support for greater protection for all land “that retains high natural values”, or called for all land to be reclassified at the highest possible level based on its “cultural conservation value”.

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

Permissions, Economic Factors and Land Use (Not Allowed)

- One submission noted that national parks support a “nature economy”, and that this is in line with the Te Whanaketanga Tai Poutini West Coast Economic Strategy 2050.
- Submissions noted that national park classification prevents mining and means development proposals are subject to higher scrutiny, and “applies a precautionary principle that these lands are best left in a natural state unless there is a good case otherwise”. They also noted that legislative “let out clauses” exist to enable things in national parks that are “necessary and have wide approval”.

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

Process and Consultation (Not Allowed)

- Submissions raised concerns that there were no terms of reference for the Mana Whenua Panel, and suggested that Ngāi Tahu objections to national parks should have been addressed at a broader level prior to the reclassification process.

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

Other (Not Allowed)

- A submitter expressed support for disposal of the pastoral area “if the boundary with the national park is adequately fenced”.
- Submissions suggested that reclassification “needs to be followed up with sufficient funding for pest eradication”.

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

Oppose

Access and Recreation (Allowed)

- Submissions expressed concern about loss of recreation opportunities and suggested that other classifications may provide a better balance between recreational enjoyment and protection of natural resources. Restrictions on dog walking were raised specifically by a West Coast resident. Classifications suggested were conservation park, or scenic reserve or recreation reserve if additional protection is required to protect flora and fauna.
- Submissions stated opposition to any reclassification unless it provides explicitly for access, including helicopter landings, sports fishing and gamebird hunting, or stated opposition as national park status “excludes hunting for native species which are classified as gamebirds under the Wildlife Act, and which are managed as gamebirds such as Pukeko and Paradise Shelduck”.

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

Ecology and Landscape (Allowed)

- A submitter opposed national park recommendation, arguing the area contains developed pasture which should be disposed of.
- Submissions suggested that the ecological values of the land are not high enough to meet the standard for national park classification (e.g. “not so unique or scientifically important to meet the standard set by the National Parks Act”), suggesting that a conservation park would be appropriate, or a scenic reserve or recreation reserve in areas where there is potential risk of damaging activities such as mining.

I recommend that these comments are not accepted. Although areas of modification may be present, the natural resources described in the CVR (e.g. a mix of hillslope and valley floor with indigenous forest, native bush present along the river corridor, diverse freshwater fish assemblages) justify referring this area to the NZCA for its recommendation as to the suitability of a national park addition. This is further supported by the land context of the adjoining National Park.

Treaty Considerations (Allowed)

- Several submissions opposed the proposed national park investigation whilst supporting the proposal to retain the area in stewardship, pending conservation law reform to create more appropriate forms of protected area classifications from a Ngāi Tahu perspective. This follows a Ngāi Tahu tribal position that a national park classification “obstructs Ngāi Tahu from maintaining ancestral relationships with the whenua, obstructs kaitiaki rights and responsibilities, limits the meaningful involvement of Ngāi Tahu in decision-making processes, and is less enabling of customary practices that are fundamental to sustaining tribal identity and mana”.
- Submissions considered this recommendation as misaligned with Treaty obligations, and advocated for these areas to remain as stewardship land until classifications that more appropriately reflect Treaty principles are established.

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

General (Allowed)

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

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

Permissions, Economic Factors and Land Use (Not Allowed)

- A submitter noted that “the grazing is an important part of our farming business”, is rateable land, and “has large amount of rock suitable for river protection”.
- A submitter expressed concern “that change in status or disposal will affect the existing concession”.
- Submissions expressed opposition to placing more land under the “restrictive” national park classification.

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

Process and Consultation (Not Allowed)

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

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

Other (Not Allowed)

- Submissions expressed the view that national park classification does not equate to effective protection from introduced pests or predators.
- One submission opposed all reclassification of stewardship land unless it was purchased by the Nature Heritage Fund for the purpose of adding it to a national park.

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

No Opinion/Position Stated

General (Allowed)

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

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

Other (Not Allowed)

- A submitted recommended “individual consultation with the adjacent landowner/s”.
- One submitter raised a concern that increasing national park areas would result in more people walking dogs in coastal areas and potentially impacting shorebirds.

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

Disposal - KAR_13_2807713m

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

Support

Ecology and Landscape (Allowed)

- One submission stated their support for disposal of the developed pasture.

I recommend that these comments are not accepted. I have concluded based on comments in opposition to the notified intention that although areas of modification may be present, the natural resources present and landscape context do not support a recommendation for disposal but justify referring this area to the NZCA for its recommendation as to the suitability of a national park addition (e.g. native bush present along the river corridor, sandwiched between two sections of Kahurangi National Park).

Treaty Considerations (Allowed)

- Submissions stated they support the position of the Mana Whenua Panel on the basis that these recommendations reflect the rights and interests of mana whenua and recognise Ngāi Tahu's connection to their ancestral lands, or on the grounds that adding land to national parks would not give effect to Treaty principles. Submissions stated that national park classification impedes Ngāi Tahu's ability to exercise their mana whenua, kaitiakitanga, and mahinga kai rights and responsibilities, and limits their involvement in decision-making processes, alienating them from their cultural and ancestral connections with the land.

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

General (Allowed)

- Submissions stated their agreement with the recommendation without providing further justification.

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

Permissions, Economic Factors and Land Use (Not Allowed)

- A submission noted support but expressed concern that disposal will affect the existing uses and access.
- Submitters stated that reclassifying land as national park, or other classifications which fall under Schedule 4, could have economic consequences by excluding mineral extraction and other activities on that land. The potential loss of opportunities resulting from these restrictions was seen as damaging, particularly in terms of mineral extraction and site rehabilitation.
- It was suggested that a "holistic view", encompassing mineral prospectivity and other economic, social, and cultural considerations, should be taken.

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

Other (Not Allowed)

- One submission noted that disposals form only 0.01% of the land area under consideration as part of this process.
- One submission expressed doubt that reclassifying stewardship land as national parks would have a positive impact on conservation, citing DOC funding and resource limitations.

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

Oppose

Access and Recreation (Allowed)

- Submissions objected to disposal on the grounds that this represents a loss of public access to rivers and other conservation land, and expressed opposition to any disposal which may mean a loss of recreation opportunities

such as angling or hunting. Submissions asserted that riparian access via marginal strips is not guaranteed or may be inadequate, especially if rivers flood or change course.

- Submissions suggested that land be retained or that appropriate mechanisms are used to ensure public access is maintained.

I recommend that these comments are accepted to the extent that they oppose disposal of this stewardship area. I have concluded based on comments in opposition to the notified intention that although areas of modification may be present, the natural resources and landscape context do not support a recommendation for disposal. I note that if this area remains in stewardship while being referred to the NZCA for their recommendation as to the suitability of a national park classification, it will remain protected as public conservation land and will continue to provide for public recreational access.

Climate Change and Natural Hazards (Allowed)

- Some submissions opposed disposal on the grounds that all public conservation land, even if it modified/pasture, offers potential for climate change mitigation (i.e. opportunities for restoration and carbon sequestration, as well as for flood/erosion buffering, or allowing room for natural river processes).
- It was suggested that disposal of pastoral land was inconsistent with the Climate Change Commission Report as it is contrary to the objective of reducing emissions from agriculture.
- Submissions also recommended consideration of whether land could be used for managed retreat or to support future food security.

I recommend that these comments are accepted to the extent that they oppose disposal of this stewardship area. I have concluded based on comments in opposition that the natural resources present and landscape context do not support a recommendation for disposal but justify referring this area to the NZCA for its recommendation as to the suitability of a national park addition. I agree that the protection of the existing natural resources is of increasing importance when considering the need for climate mitigation. The narrow pastoral area, which the CVR states supports riparian vegetation and early successional species provided for by a dynamic stream environment, is suitable for restoration, particularly as it is almost wholly enclosed by the existing national park.

Ecology and Landscape (Allowed)

- Submissions opposed disposal on the grounds that retaining all conservation land provides more opportunities for ecosystem restoration, emphasising the importance of protecting natural values in light of widespread biodiversity loss across New Zealand. It was also noted that even modified areas are likely to contain some indigenous species (juncus, carex, etc), and that areas near forests could easily revert to a natural state.
- Submissions also opposed disposal on the grounds that waterways and freshwater biodiversity would be better protected if adjacent land was retained, grazing excluded, and restoration/natural succession allowed to occur.
- Several submissions specifically noted the importance of protecting land by rivers because “so little remains – most of these areas have been highly modified for grazing” and “disposal will lose the opportunity for regeneration and restoration”.
- Submissions expressed preference for reclassification as a national park (“this long finger into the national park needs to be incorporated into the park for purposes of integrity”), and suggested grazing be prevented, the area fenced, and restoration allowed to occur.
- Submissions raised concerns that disposing of stewardship land would then allow extractive activities which have a negative effect on natural values.

I recommend these comments are accepted. I agree that the natural resources present and landscape context do not support a recommendation for disposal but justify referring this area to the NZCA for its recommendation as to the suitability of a national park addition (e.g. native bush present along the river corridor, sandwiched between two sections of Kahurangi National Park). I agree that classification as a national park would rationalise the existing national park’s boundaries. I also agree that the narrow pastoral area, which the CVR states supports riparian vegetation and early successional species provided for by a dynamic stream environment, is suitable for restoration, particularly as it is almost wholly enclosed by the existing national park.

Treaty Considerations (Allowed)

- One submission stated stewardship land should only be disposed of to tangata whenua “and only then with the need to maintain the blocks cultural, conservation & mahika-kai values”.
- One submission expressed a preference for national park reclassification, but advocated for mana whenua to have free access and use of national parks for cultural, traditional, historical, and customary purposes, describing this as aligning with Section 4 of the National Parks Act, and for conservation principles to be carried out in an “established collegial co-governance manner”.

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

General (Allowed)

- Submissions expressed opposition to disposal of any stewardship land in general terms, expressed a desire for maximum environmental protection across all stewardship land, or supported “a cautionary approach” and preference to retain land in Crown ownership.

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

Permissions, Economic Factors and Land Use (Not Allowed)

- One submission in opposition to disposal expressed their preference for reclassification as a national park, noting that national parks support a “nature economy”, and that this is in line with the Te Whanaketanga Tai Poutini West Coast Economic Strategy 2050.
- A submission noted in general terms that many areas are subject to prospecting permits, expressing preference for national park reclassification to ensure protection of these areas.

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

Process and Consultation (Not Allowed)

- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.
- Other submissions that commented on the process suggested consulting with mana whenua.
- A submitter wanted to ensure that any potential right of first refusal or conflicts of interest was carefully managed.

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

Other (Not Allowed)

- A submitter proposed that “the land could be enhanced with native planting and then receive carbon credits”.
- It was noted that disposal could present an added cost if subdivision is required.

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

No Opinion/Position Stated

Climate Change and Natural Hazards (Allowed)

- One submission that selected ‘no opinion stated’ suggested that no land should be disposed of if there is potential for restoration or carbon sequestration, and that riverbeds and adjacent land should be retained for flood retention, with no grazing permitted.

I recommend that these comments are accepted to the extent that they oppose disposal of this stewardship area. I have concluded based on comments in opposition that the natural resources present and landscape context do not support a recommendation for disposal. I agree that the protection of the existing natural resources is of increasing importance when considering the need for climate mitigation. The narrow pastoral area, which the CVR states supports riparian vegetation and early successional species provided for by a dynamic stream environment, is suitable for restoration, particularly as it is almost wholly enclosed by the existing national park.

General (Allowed)

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

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

Other (Not Allowed)

- It was recommended that if disposal occurs, any waterway bordering the parcel is protected by a five-metre setback that is fenced and planted to uphold Te Mana o te Wai.
- It was noted that land is subject to Heritage New Zealand Pouhere Taonga Notification Process and they may recommend heritage protection measures as part of this disposal process.
- One submission suggested any funds from land sold should go to the Nature Heritage Fund.

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

Jordan Creek (Remaining)

Panel Recommendations

National Panel: National Park (Kahurangi) is considered appropriate, to rationalise the park's boundary and to improve landscape continuity and ecosystem representation.

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

S.49(2)(d) Recommendation

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

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

Section 4 and Treaty principles: The Mana Whenua Panel opposed the proposed national park referrals, supported by submissions from Treaty partner organisations. Te Rūnanga o Ngāi Tahu oppose all additions to national parks within the Ngāi Tahu takiwā as "the addition of land to national parks will not give effect to the principles of the Treaty of Waitangi (as required by section 4 of the Conservation Act 1987) as it alienates Ngāi Tahu from our ancestral lands".

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

Although I acknowledge the Mana Whenua Panel opposition to the notified proposal, my assessment, considering those submissions accepted, is that the natural and historic resources present are of a similar nature to the adjacent national park, and warrant proceeding with a referral to the NZCA. Giving effect to Section 4 of the Act includes taking reasonable steps to actively protect the identified Treaty partner interests, but this obligation is not absolute and unqualified, as this would be inconsistent with DOC's other statutory responsibilities.

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

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

National Park (Kahurangi) - KAR_13_2807713j

Support

Access and Recreation (Allowed)

- Submissions expressed support for expanding national parks to protect outstanding recreational values for current and future generations, and to guarantee public access rights.

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

Climate Change and Natural Hazards (Allowed)

- A national park classification was supported “now more than ever given the biodiversity and climate crisis we are facing”.
- Submissions suggested that suitable stewardship land should be incorporated into adjacent areas to support climate change mitigation, and that the protection of the area was especially important in the context of climate change (e.g. “for climate stability”).

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

Ecology and Landscape (Allowed)

- Submissions expressed that adding the land to the national park would provide valuable ecological connectivity and buffer the rest of the park from “edge effects” and developed farmland (e.g. “enhance ecological buffer zones and maintain ecological diversity”).
- Submissions emphasised the importance of high protection under national park reclassification to “protect species (...) retain true wildernesses, for ecosystem services”. Submissions also noted that the classification “is an appropriate step in implementing Te Mana o te Taio”, and that “protection of native forest and natural ecosystems is of national importance”.
- The values were deemed similar or the same to those in the adjacent Kahurangi National Park. Submissions suggested reclassification as a national park would “rationalise the park’s boundaries and provide improved landscape continuity and connectivity”, and it was noted that current land classification delineations are “historic and arbitrary” and “not informed by ecological and landscape principles”.

I recommend that these comments are accepted. They provide site-specific details regarding the natural resources present which warrant consideration. The natural resources identified by submitters are consistent with those described in the CVR (e.g. a mix of hillslope and valley floor with indigenous forest, developed pasture and rough grazing). The contiguous boundary with Kahurangi National Park further supports your notified intention to refer this area to the NZCA for its recommendation as to the suitability of a national park addition.

Treaty Considerations (Allowed)

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

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

General (Allowed)

- Submissions expressed general support for reclassification as a national park and for maximum environmental protection across all stewardship land, expressed support for greater protection for all land “that retains high

natural values”, or called for all land to be reclassified at the highest possible level based on its “cultural conservation value”.

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

Permissions, Economic Factors and Land Use (Not Allowed)

- One submission noted that national parks support a “nature economy”, and that this is in line with the Te Whanaketanga Tai Poutini West Coast Economic Strategy 2050.
- Submissions noted that national park classification prevents mining and means development proposals are subject to higher scrutiny, and “applies a precautionary principle that these lands are best left in a natural state unless there is a good case otherwise”. They also noted that legislative “let out clauses” exist to enable things in national parks that are “necessary and have wide approval”.

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

Process and Consultation (Not Allowed)

- Submissions raised concerns that there were no terms of reference for the Mana Whenua Panel, and suggested that Ngāi Tahu objections to national parks should have been addressed at a broader level prior to the reclassification process.

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

Other (Not Allowed)

- Submissions suggested that reclassification “needs to be followed up with sufficient funding for pest eradication”.

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

Oppose

Access and Recreation (Allowed)

- Submissions expressed concern about loss of recreation opportunities and suggested that other classifications may provide a better balance between recreational enjoyment and protection of natural resources. Restrictions on dog walking were raised specifically by a West Coast resident. Classifications suggested were conservation park, or scenic reserve or recreation reserve if additional protection is required to protect flora and fauna.
- Submissions stated opposition to any reclassification unless it provides explicitly for access, including helicopter landings, sports fishing and gamebird hunting, or stated opposition as national park status “excludes hunting for native species which are classified as gamebirds under the Wildlife Act, and which are managed as gamebirds such as Pukeko and Paradise Shelduck”.

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

Ecology and Landscape (Allowed)

- Submissions suggested that the ecological values of the land are not high enough to meet the standard for national park classification (e.g. “not so unique or scientifically important to meet the standard set by the National Parks Act”), suggesting that a conservation park would be appropriate, or a scenic reserve or recreation reserve in areas where there is potential risk of damaging activities such as mining.

I recommend that these comments are not accepted. Although areas of modification may be present, the natural resources described in the CVR (e.g. a mix of hillslope and valley floor with indigenous forest, developed pasture and rough grazing)

justify referring this area to the NZCA for its recommendation as to the suitability of a national park addition. This is further supported by the land context of the adjoining Kahurangi National Park.

Treaty Considerations (Allowed)

- Several submissions opposed the proposed national park investigation whilst supporting the proposal to retain the area in stewardship, pending conservation law reform to create more appropriate forms of protected area classifications from a Ngāi Tahu perspective. This follows a Ngāi Tahu tribal position that a national park classification “obstructs Ngāi Tahu from maintaining ancestral relationships with the whenua, obstructs kaitiaki rights and responsibilities, limits the meaningful involvement of Ngāi Tahu in decision-making processes, and is less enabling of customary practices that are fundamental to sustaining tribal identity and mana”.
- Submissions considered this recommendation as misaligned with Treaty obligations, and advocated for these areas to remain as stewardship land until classifications that more appropriately reflect Treaty principles are established.

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

General (Allowed)

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

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

Permissions, Economic Factors and Land Use (Not Allowed)

- A submitter noted that “the grazing is an important part of our farming business”, is rateable land, and “has large amount of rock suitable for river protection”.
- A submitter expressed concern “that change in status or disposal will affect the existing concession”.
- Submissions expressed opposition to placing more land under the “restrictive” national park classification.

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

Process and Consultation (Not Allowed)

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

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

Other (Not Allowed)

- Submissions expressed the view that national park classification does not equate to effective protection from introduced pests or predators.
- One submission opposed all reclassification of stewardship land unless it was purchased by the Nature Heritage Fund for the purpose of adding it to a national park.

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

No Opinion/Position Stated

General (Allowed)

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

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

Other (Not Allowed)

- A submitted recommended “individual consultation with the adjacent landowner/s”.
- One submitter raised a concern that increasing national park areas would result in more people walking dogs in coastal areas and potentially impacting shorebirds.

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

Retain in Stewardship - KAR_13_2807713k

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

Support

Ecology and Landscape (Allowed)

- Submissions stated that there was insufficient evidence of the conservation value and characteristics justifying national park status for various pieces of stewardship land.

I recommend that these comments are not accepted. Although areas of modification may be present, the natural resources described in the CVR (e.g. a mix of hillslope and valley floor with indigenous forest, developed pasture and rough grazing) justify referring this area to the NZCA for its recommendation as to the suitability of a national park addition. This is further supported by the land context of the adjoining Kahurangi National Park.

Treaty Considerations (Allowed)

- The majority of submissions in support of retaining land in stewardship did so on the grounds that adding land to national parks would not give effect to Treaty principles, as the classification impedes Ngāi Tahu's ability to exercise their mana whenua, kaitiakitanga, and mahinga kai rights and responsibilities and limits their involvement in decision-making processes, alienating them from their cultural and ancestral connections with the land.
- Submissions supported the recommendations of the mana whenua panel “to acknowledge the rights and interests of mana whenua as a treaty partner” (e.g. “have the longest and strongest claim to this land”).
- Submissions advocated for conservation law reform to create more appropriate forms of protected area classifications from a Ngāi Tahu perspective.

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

General (Allowed)

- Submissions stated they agreed with the Mana Whenua Panel without providing further justification.

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

Permissions, Economic Factors, and Land Use (Not Allowed)

- A submitter raised concern that any “change in status or disposal will affect the existing concession”.
- Submitters stated that reclassifying land as national park, or other classifications which fall under Schedule 4, could have economic consequences by excluding mineral extraction and other activities on that land. The potential loss

of opportunities resulting from these restrictions was seen as damaging, particularly in terms of mineral extraction and site rehabilitation.

- Submissions specified their preference for land to either be retained in stewardship or be reclassified as a conservation park, stating that this gives the land “more than adequate legal protection”.
- It was suggested that a “holistic view”, encompassing mineral prospectivity and other economic, social, and cultural considerations, should be taken.

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

Process and Consultation (Not Allowed)

- A submitter opposed any reclassification “as it sets a precedent to get the land away from the public and into private ownership”.

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

Other (Not Allowed)

- One submission expressed doubt that reclassifying stewardship land as national parks would have a positive impact on conservation, citing DOC funding and resource limitations.

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

Oppose

Access and Recreation (Allowed)

- Submissions advocated for reclassification as a national park to ensure ongoing access and enjoyment of the protected natural resources, and to reflect the recreational values of the area.

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

Climate Change and Natural Hazards (Allowed)

- A submitter advocated for the area to be “amalgamated with Kahurangi National Park with the grazed area restored to alluvial forest or planted for carbon sequestration”.
- Submissions stated a preference for reclassification as a national park to ensure environmental protection in light of the impacts of climate change (e.g. “provide a greater buffer against edge effects and climate threats”).

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

Ecology and Landscape (Allowed)

- Submitters noted the area to include “nationally significant ecological systems and natural areas”.
- Submissions expressed a preference for national park classification to protect the high natural values, stating that values are “indistinguishable from those within the surrounding Kahurangi National Park”, that the proposed classification reflects the land context of the adjacent national park and “provides for landscape continuity”, and emphasising that national park classification supports critical biodiversity outcomes.

I recommend that these comments are accepted. They provide site-specific details regarding the natural resources present which warrant consideration. The natural resources identified by submitters are consistent with those described in the CVR (e.g. a mix of hillslope and valley floor with indigenous forest, developed pasture and rough grazing). The contiguous

boundary with Kahurangi National Park further supports your notified intention to refer this area to the NZCA for its recommendation as to the suitability of a national park addition.

- It was also suggested that the land should be classified as a scenic reserve, recreation reserve, or conservation park as it has “strong conservation, ecological and natural value, but it is not so unique or scientifically important to meet the standard set by the National Parks Act”.

I recommend that these comments are not accepted. Although areas of modification may be present, the natural resources described in the CVR (e.g. a mix of hillslope and valley floor with indigenous forest, developed pasture and rough grazing) justify referring this area to the NZCA for its recommendation as to the suitability of a national park addition. This is further supported by the land context of the adjoining Kahurangi National Park.

Treaty Considerations (Allowed)

- A submission argued that “an area with high conservation values should be reclassified to reflect that value”, and that the Mana Whenua Panel recommendation “goes beyond the obligation to give effect to the Treaty of Waitangi”.
- Submissions expressed a preference for national park reclassification, but advocated for mana whenua to have free access and use of national parks for cultural, traditional, historical, and customary purposes, describing this as aligning with Section 4 of the National Parks Act, and for conservation principles to be carried out in an “established collegial co-governance manner”.
- One submission argued against retaining land as stewardship where no areas had been identified as specifically valuable to Ngāi Tahu.

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

General (Allowed)

- Submissions expressed preference for reclassification as a national park and for high protection for more stewardship land, either without providing further justification, or based on the “reasons outlined in the conservation value reports” or the land’s “high cultural conservation value”.

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

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

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

Permissions, Economic Factors and Land Use (Not Allowed)

- A submitter noted that “any farming there needs to be removed, with fences protecting the park from cattle”.
- Submissions noted that national parks support a nature economy, and that this is in line with the Te Whanaketanga Tai Poutini West Coast Economic Strategy 2050.
- There was concern that retaining the area as stewardship land exposes it to risk of activities such as mining or being swapped out of the conservation estate.

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

Process and Consultation (Not Allowed)

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

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

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submissions that did not select or state a clear opinion, queried whether this classification allowed for hunting and fishing.

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

General (Allowed)

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

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

Other (Not Allowed)

- It was recommended that if the area is offered a lower level of protection than national park, any waterways/ wetlands bordering the parcel are protected by a five-metre setback that is fenced and planted to “uphold Te Mana o te Wai”.

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

KAR_14 – Kongahu Swamp Road – 2807724

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Kongahu Swamp Road	KAR_14_2807724y	National Park (Kahurangi)		6037*	22
Kongahu Swamp Road	KAR_14_2807724a		Stewardship	17	37

DOC Conservation Values Report Description

A narrow 1.7078-ha strip of land supporting forest-edge vegetation on the border of Kahurangi National Park.

Panel Recommendations

National Panel: National Park (Kahurangi), based on the complementary conservation values to the adjacent section of the Kahurangi National Park. Adding this area to the national park is considered to rationalise the park's boundary and improve landscape continuity.

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

S.49(2)(d) Recommendation

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

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

Section 4 and Treaty principles: The Mana Whenua Panel opposed the proposed national park referrals, supported by submissions from Treaty partner organisations. Te Rūnanga o Ngāi Tahu oppose all additions to national parks within the Ngāi Tahu takiwā as "the addition of land to national parks will not give effect to the principles of the Treaty of Waitangi (as required by section 4 of the Conservation Act 1987) as it alienates Ngāi Tahu from our ancestral lands".

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

Although I acknowledge the Mana Whenua Panel opposition to the notified proposal, my assessment, considering those submissions accepted, is that the natural and historic resources present are of a similar nature to the adjacent national park, and warrant proceeding with a referral to the NZCA. Giving effect to Section 4 of the Act includes taking reasonable steps to actively protect the identified Treaty partner interests, but this obligation is not absolute and unqualified, as this would be inconsistent with DOC's other statutory responsibilities.

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

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

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

National Park (Kahurangi) - KAR_14_2807724y

Support

Access and Recreation (Allowed)

- Submissions expressed support for expanding national parks to protect outstanding recreational values for current and future generations, and to guarantee public access rights.

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

Climate Change and Natural Hazards (Allowed)

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

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

Ecology and Landscape (Allowed)

- A national park classification was supported to “provide for better management including enhancing habitat for threatened species”.
- Submissions expressed that adding the land to the national park would provide valuable ecological connectivity and buffer the rest of the park from “edge effects” and developed farmland (e.g. “enhance ecological buffer zones and maintain ecological diversity”).
- Submissions emphasised the importance of high protection under national park reclassification to “protect species (...) retain true wildernesses, for ecosystem services”. Submissions also noted that the classification “is an appropriate step in implementing Te Mana o te Taio”, and that “protection of native forest and natural ecosystems is of national importance”.
- The values were deemed similar or the same to those in the adjacent Kahurangi National Park. Submissions suggested reclassification as a national park would “rationalise the park’s boundaries and provide improved landscape continuity and connectivity”, and it was noted that current land classification delineations are “historic and arbitrary” and “not informed by ecological and landscape principles”.

I recommend that these comments are accepted. They provide site-specific details regarding the natural resources present which warrant consideration. The natural resources identified by submitters are consistent with those described in the CVR (e.g. appears to support forest-edge vegetation on the border of the Kahurangi National Park). The contiguous boundary with Kahurangi National Park further supports your notified intention to refer this area to the NZCA for its recommendation as to the suitability of a national park addition.

Treaty Considerations (Allowed)

- Submissions acknowledged the concerns raised by mana whenua regarding national parks. However, they viewed maximum protection of the natural values as paramount and suggested that changes to national park management or legislative frameworks should occur to reflect Treaty principles and to ensure free access and use of national parks for cultural, traditional, historical, and customary purposes.
- Submissions in support of national park noted a desire to “see the concerns of mana whenua addressed”.

- Submissions supported additions to adjacent national parks where mana whenua had not identified site-specific cultural values for the land.

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

General (Allowed)

- Submissions expressed support for a national park classification as being “consistent with the technical reports”.
- Submissions expressed general support for reclassification as a national park and for maximum environmental protection across all stewardship land, expressed support for greater protection for all land “that retains high natural values”, or called for all land to be reclassified at the highest possible level based on its “cultural conservation value”.

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

Permissions, Economic Factors and Land Use (Not Allowed)

- One submission noted that national parks support a “nature economy”, and that this is in line with the Te Whanaketanga Tai Poutini West Coast Economic Strategy 2050.
- Submissions noted that national park classification prevents mining and means development proposals are subject to higher scrutiny, and “applies a precautionary principle that these lands are best left in a natural state unless there is a good case otherwise”. They also noted that legislative “let out clauses” exist to enable things in national parks that are “necessary and have wide approval”.

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

Process and Consultation (Not Allowed)

- Submissions raised concerns that there were no terms of reference for the Mana Whenua Panel, and suggested that Ngāi Tahu objections to national parks should have been addressed at a broader level prior to the reclassification process.

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

Other (Not Allowed)

- Submissions suggested that reclassification “needs to be followed up with sufficient funding for pest eradication”.
- It was recommended that if the area is offered a lower level of protection than national park, any waterways/ wetlands bordering the parcel are protected by a five-metre setback that is fenced and planted to “uphold Te Mana o te Wai”.

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

Oppose

Access and Recreation (Allowed)

- Submissions expressed concern about loss of recreation opportunities and suggested that other classifications may provide a better balance between recreational enjoyment and protection of natural resources. Restrictions on dog walking were raised specifically by a West Coast resident. Classifications suggested were conservation park, or scenic reserve or recreation reserve if additional protection is required to protect flora and fauna.

- Submissions stated opposition to any reclassification unless it provides explicitly for access, including helicopter landings, sports fishing and gamebird hunting, or stated opposition as national park status “excludes hunting for native species which are classified as gamebirds under the Wildlife Act, and which are managed as gamebirds such as Pukeko and Paradise Shelduck”.

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

Ecology and Landscape (Allowed)

- Submissions suggested that the ecological values of the land are not high enough to meet the standard for national park classification (e.g. “not so unique or scientifically important to meet the standard set by the National Parks Act”), suggesting that a conservation park would be appropriate, or a scenic reserve or recreation reserve in areas where there is potential risk of damaging activities such as mining.

I recommend that these comments are not accepted. Although areas of modification may be present, the natural resources described in the CVR (e.g. appears to support forest-edge vegetation on the border of the Kahurangi National Park) justify referring this area to the NZCA for its recommendation as to the suitability of a national park addition. This is further supported by the land context of the adjoining Kahurangi National Park.

Treaty Considerations (Allowed)

- Several submissions opposed the proposed national park investigation whilst supporting the proposal to retain the area in stewardship, pending conservation law reform to create more appropriate forms of protected area classifications from a Ngāi Tahu perspective. This follows a Ngāi Tahu tribal position that a national park classification “obstructs Ngāi Tahu from maintaining ancestral relationships with the whenua, obstructs kaitiaki rights and responsibilities, limits the meaningful involvement of Ngāi Tahu in decision-making processes, and is less enabling of customary practices that are fundamental to sustaining tribal identity and mana”.
- Submissions considered this recommendation as misaligned with Treaty obligations, and advocated for these areas to remain as stewardship land until classifications that more appropriately reflect Treaty principles are established.

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

General (Allowed)

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

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

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions expressed opposition to placing more land under the “restrictive” national park classification.

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

Process and Consultation (Not Allowed)

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

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

Other (Not Allowed)

- Submissions expressed the view that national park classification does not equate to effective protection from introduced pests or predators.
- One submission opposed all reclassification of stewardship land unless it was purchased by the Nature Heritage Fund for the purpose of adding it to a national park.

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

No Opinion/Position Stated

General (Allowed)

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

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

Other (Not Allowed)

- One submitter raised a concern that increasing national park areas would result in more people walking dogs in coastal areas and potentially impacting shorebirds.

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

Retain in Stewardship - KAR_14_2807724a

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

Support

Ecology and Landscape (Allowed)

- Submissions stated that there was insufficient evidence of the conservation value and characteristics justifying national park status for various pieces of stewardship land.

I recommend that these comments are not accepted. Although areas of modification may be present, the natural resources described in the CVR (e.g. appears to support forest-edge vegetation on the border of the Kahurangi National Park) justify referring this area to the NZCA for its recommendation as to the suitability of a national park addition. This is further supported by the land context of the adjoining Kahurangi National Park.

Treaty Considerations (Allowed)

- The majority of submissions in support of retaining land in stewardship did so on the grounds that adding land to national parks would not give effect to Treaty principles, as the classification impedes Ngāi Tahu's ability to exercise their mana whenua, kaitiakitanga, and mahinga kai rights and responsibilities and limits their involvement in decision-making processes, alienating them from their cultural and ancestral connections with the land.
- Submissions supported the recommendations of the mana whenua panel “to acknowledge the rights and interests of mana whenua as a treaty partner” (e.g. “have the longest and strongest claim to this land”).
- Submissions advocated for conservation law reform to create more appropriate forms of protected area classifications from a Ngāi Tahu perspective.

Potential changes to management or legislative frameworks are not the subject of the notified proposal. As such, I recommend that comments advocating for such amendments are not accepted. The notified proposal includes referral of

the area to the NZCA for its consideration on the suitability of a national park classification, which provides a further opportunity to explore specific Ngāi Tahu interests and aspirations, including the NZCA's consideration as to what giving effect to Treaty principles may require.

General (Allowed)

- Submissions stated they agreed with the Mana Whenua Panel without providing further justification.

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

Permissions, Economic Factors, and Land Use (Not Allowed)

- Submitters stated that reclassifying land as national park, or other classifications which fall under Schedule 4, could have economic consequences by excluding mineral extraction and other activities on that land. The potential loss of opportunities resulting from these restrictions was seen as damaging, particularly in terms of mineral extraction and site rehabilitation.
- Submissions specified their preference for land to either be retained in stewardship or be reclassified as a conservation park, stating that this gives the land "more than adequate legal protection".
- It was suggested that a "holistic view", encompassing mineral prospectivity and other economic, social, and cultural considerations, should be taken.

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

Process and Consultation (Not Allowed)

- A submitter opposed any reclassification "as it sets a precedent to get the land away from the public and into private ownership".

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

Other (Not Allowed)

- One submission expressed doubt that reclassifying stewardship land as national parks would have a positive impact on conservation, citing DOC funding and resource limitations.

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

Oppose

Access and Recreation (Allowed)

- Submissions advocated for reclassification as a national park to ensure ongoing access and enjoyment of the protected natural resources, and to reflect the recreational values of the area.

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

Climate Change and Natural Hazards (Allowed)

- Submissions stated a preference for reclassification as a national park to ensure environmental protection in light of the impacts of climate change (e.g. "provide a greater buffer against edge effects and climate threats").

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

Ecology and Landscape (Allowed)

- Submitters noted the area to include “nationally significant ecological systems and natural areas”, and to be a “worthy addition to maintain edge integrity of the national park”.
- Submissions expressed a preference for national park classification to protect the high natural values, stating that values are “indistinguishable from those within the surrounding Kahurangi National Park”, that the proposed classification reflects the land context of the adjacent national park and “provides for landscape continuity”, and emphasising that national park classification supports critical biodiversity outcomes.

I recommend that these comments are accepted. They provide site-specific details regarding the natural resources present which warrant consideration. The natural resources identified by submitters are consistent with those described in the CVR (e.g. appears to support forest-edge vegetation on the border of the Kahurangi National Park). The contiguous boundary with Kahurangi National Park further supports your notified intention to refer this area to the NZCA for its recommendation as to the suitability of a national park addition.

- It was also suggested that the land should be classified as a scenic reserve, recreation reserve, or conservation park as it has “strong conservation, ecological and natural value, but it is not so unique or scientifically important to meet the standard set by the National Parks Act”.

I recommend that these comments are not accepted. Although areas of modification may be present, the natural resources described in the CVR (e.g. appears to support forest-edge vegetation on the border of the Kahurangi National Park) justify referring this area to the NZCA for its recommendation as to the suitability of a national park addition. This is further supported by the land context of the adjoining Kahurangi National Park.

Treaty Considerations (Allowed)

- Submissions expressed a preference for national park reclassification, but advocated for mana whenua to have free access and use of national parks for cultural, traditional, historical, and customary purposes, describing this as aligning with Section 4 of the National Parks Act, and for conservation principles to be carried out in an “established collegial co-governance manner”.
- One submission argued against retaining land as stewardship where no areas had been identified as specifically valuable to Ngāi Tahu.

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

General (Allowed)

- Submissions expressed preference for reclassification as a national park and for high protection for more stewardship land, either without providing further justification, or based on the “reasons outlined in the conservation value reports” or the land’s “high cultural conservation value”.

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

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

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

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions noted that national parks support a nature economy, and that this is in line with the Te Whanaketanga Tai Poutini West Coast Economic Strategy 2050.
- There was concern that retaining the area as stewardship land exposes it to risk of activities such as mining or being swapped out of the conservation estate.

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

Process and Consultation (Not Allowed)

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

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

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submissions that did not select or state a clear opinion, queried whether this classification allowed for hunting and fishing.

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

General (Allowed)

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

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

Other (Not Allowed)

- It was recommended that if the area is offered a lower level of protection than national park, any waterways/ wetlands bordering the parcel are protected by a five-metre setback that is fenced and planted to “uphold Te Mana o te Wai”.

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

KAR_15 – Little Wanganui River – 2807699

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Little Wanganui River	KAR_15_2807699b	Scenic Reserve (a)	Neutral	16	9

DOC Conservation Values Report Description

A 51.8257-ha area of indigenous forest covering two small peaks in the hill country bordering the Karamea Plains. A narrow strip at the south-eastern end provides legal access to Wangapeka Road, and it contributes to the scenic value of the approach to the Wangapeka Track.

Panel Recommendations

National Panel: Scenic Reserve (a), to protect the landscape and ecological values while providing for potential recreational use.

Mana Whenua Panel: Neutral.

S.49(2)(d) Recommendation

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

Summary of accepted submissions: Those submissions ‘accepted’ as holding merit supported the notified classification as offering sufficient protection in the context of climate change.

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

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

Rationale: My conclusion is that the proposed classification will appropriately promote the conservation of the natural and historic resources present (e.g. indigenous forest with moderate naturalness values).

Scenic Reserve (a) - KAR_15_2807699b

Support

Climate Change and Natural Hazards (Allowed)

- Submissions expressed support for scenic reserve reclassification as offering a high level of environmental protection, noting that this is particularly important in the context of climate change.

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

General (Allowed)

- Submissions expressed agreement with the national panel recommendation, stating their support for stewardship land to be reclassified at the highest possible level based on its high cultural conservation value.

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

Process and Consultation (Not Allowed)

- Consultation with the local residents and adjacent landowners was recommended.

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

Other (Not Allowed)

- It was recommended that any classification other than national park be on the condition any waterway or wetland within/bordering the parcel is protected by a five-metre setback that is fenced and planted to uphold Te Mana o te Wai.

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

Oppose

General (Allowed)

- Submissions expressed preference for reclassification as a national park for maximum protection, to “simplify the thinking”, and recommended in general terms the highest level of protection across all stewardship land.
- Submissions recommended leaving the land in stewardship, without providing further justification.

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

Permissions, Economic Factors and Land Use (Not Allowed)

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

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

Process and Consultation (Not Allowed)

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

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

Other (Not Allowed)

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

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

No Opinion/Position Stated

Access and Recreation (Allowed)

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

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

General (Allowed)

- Submissions advocated generally for all national parks, forest parks, scenic reserves and stewardship land to be protected from development, or noted support for “greater protection” of all stewardship areas.

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

KAR_16 - Scobie Clearing – 2807711

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Scobie Clearing	KAR_16_2807711c	National Park (Kahurangi)		6040*	22
Scobie Clearing	KAR_16_2807711d		Stewardship	17	40

DOC Conservation Values Report Description

A 30.7481-ha enclave surrounded on three sides by the Kahurangi National Park and bordering the Little Wanganui River. The area was cleared historically and now has comparatively few trees.

Panel Recommendations

National Panel: National Park (Kahurangi) is considered appropriate, to rationalise the park's boundary and improve landscape continuity.

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

S.49(2)(d) Recommendation

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

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

Section 4 and Treaty principles: The Mana Whenua Panel opposed the proposed national park referrals, supported by submissions from Treaty partner organisations. Te Rūnanga o Ngāi Tahu oppose all additions to national parks within the Ngāi Tahu takiwā as "the addition of land to national parks will not give effect to the principles of the Treaty of Waitangi (as required by section 4 of the Conservation Act 1987) as it alienates Ngāi Tahu from our ancestral lands".

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

Although I acknowledge the Mana Whenua Panel opposition to the notified proposal, my assessment, considering those submissions accepted, is that the natural and historic resources present are of a similar nature to the adjacent national park, and warrant proceeding with a referral to the NZCA. Giving effect to Section 4 of the Act includes taking reasonable steps to actively protect the identified Treaty partner interests, but this obligation is not absolute and unqualified, as this would be inconsistent with DOC's other statutory responsibilities.

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

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

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

National Park (Kahurangi) - KAR_16_2807711c

Support

Access and Recreation (Allowed)

- In support of a national park classification, a submitter noted that the area is “opposite part of the Karamea end of the Wangapeka track. A well, used track from Tasman/ Nelson to Karamea”.
- Submissions expressed support for expanding national parks to protect outstanding recreational values for current and future generations, and to guarantee public access rights.

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

Climate Change and Natural Hazards (Allowed)

- Submissions suggested that suitable stewardship land should be incorporated into adjacent areas to support climate change mitigation, and that the protection of the area was especially important in the context of climate change (e.g. “for climate stability”, and “has good carbon sequestration potential if allowed to regenerate, and with pest control”).

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

Ecology and Landscape (Allowed)

- The area was identified as “part of the Outstanding Natural Landscape ONL 54”.
- A national park classification was supported to “provide for better management including enhancing habitat for threatened species” (e.g. “an area of marshland on the land which must be protected for its ecological value”).
- Submissions expressed that adding the land to the national park would provide valuable ecological connectivity and buffer the rest of the park from “edge effects” and developed farmland (e.g. “enhance ecological buffer zones and maintain ecological diversity”).
- Submissions emphasised the importance of high protection under national park reclassification to “protect species (...) retain true wildernesses, for ecosystem services”. Submissions also noted that the classification “is an appropriate step in implementing Te Mana o te Taio”, and that “protection of native forest and natural ecosystems is of national importance”.
- The values were deemed similar or the same to those in the adjacent Kahurangi National Park. Submissions suggested reclassification as a national park would “rationalise the park’s boundaries and provide improved landscape continuity and connectivity”, and it was noted that current land classification delineations are “historic and arbitrary” and “not informed by ecological and landscape principles” (e.g. “an enclave within the National Park”).

I recommend that these comments are accepted. They provide site-specific details regarding the natural resources present which warrant consideration. The natural resources identified by submitters are consistent with those described in the CVR (e.g. the area was cleared historically and now has few trees compared to the surrounding areas; marsh wetlands are present and in a natural state). The contiguous boundary with Kahurangi National Park further supports your notified intention to refer this area to the NZCA for its recommendation as to the suitability of a national park addition.

Treaty Considerations (Allowed)

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

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

General (Allowed)

- Submissions expressed support for a national park classification as being “consistent with the technical reports”.
- Submissions expressed general support for reclassification as a national park and for maximum environmental protection across all stewardship land, expressed support for greater protection for all land “that retains high natural values”, or called for all land to be reclassified at the highest possible level based on its “cultural conservation value”.

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

Permissions, Economic Factors and Land Use (Not Allowed)

- One submission noted that national parks support a “nature economy”, and that this is in line with the Te Whanaketanga Tai Poutini West Coast Economic Strategy 2050.
- Submissions noted that national park classification prevents mining and means development proposals are subject to higher scrutiny, and “applies a precautionary principle that these lands are best left in a natural state unless there is a good case otherwise”. They also noted that legislative “let out clauses” exist to enable things in national parks that are “necessary and have wide approval”.

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

Process and Consultation (Not Allowed)

- Submissions raised concerns that there were no terms of reference for the Mana Whenua Panel, and suggested that Ngāi Tahu objections to national parks should have been addressed at a broader level prior to the reclassification process.

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

Other (Not Allowed)

- Submissions suggested that reclassification “needs to be followed up with sufficient funding for pest eradication”.

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

Oppose

Access and Recreation (Allowed)

- Submissions expressed concern about loss of recreation opportunities and suggested that other classifications may provide a better balance between recreational enjoyment and protection of natural resources. Restrictions on dog walking were raised specifically by a West Coast resident. Classifications suggested were conservation park, or scenic reserve or recreation reserve if additional protection is required to protect flora and fauna.
- Submissions stated opposition to any reclassification unless it provides explicitly for access, including helicopter landings, sports fishing and gamebird hunting, or stated opposition as national park status “excludes hunting for native species which are classified as gamebirds under the Wildlife Act, and which are managed as gamebirds such as Pukeko and Paradise Shelduck”.

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

Ecology and Landscape (Allowed)

- Submissions suggested that the ecological values of the land are not high enough to meet the standard for national park classification (e.g. “not so unique or scientifically important to meet the standard set by the National Parks Act”), suggesting that a conservation park would be appropriate, or a scenic reserve or recreation reserve in areas where there is potential risk of damaging activities such as mining.

I recommend that these comments are not accepted. Although areas of modification may be present, the natural resources described in the CVR (e.g. the area was cleared historically and now has few trees compared to the surrounding areas; marsh wetlands are present and in a natural state) justify referring this area to the NZCA for its recommendation as to the suitability of a national park addition. This is further supported by the land context of the adjoining Kahurangi National Park.

Treaty Considerations (Allowed)

- Several submissions opposed the proposed national park investigation whilst supporting the proposal to retain the area in stewardship, pending conservation law reform to create more appropriate forms of protected area classifications from a Ngāi Tahu perspective. This follows a Ngāi Tahu tribal position that a national park classification “obstructs Ngāi Tahu from maintaining ancestral relationships with the whenua, obstructs kaitiaki rights and responsibilities, limits the meaningful involvement of Ngāi Tahu in decision-making processes, and is less enabling of customary practices that are fundamental to sustaining tribal identity and mana”.
- Submissions considered this recommendation as misaligned with Treaty obligations, and advocated for these areas to remain as stewardship land until classifications that more appropriately reflect Treaty principles are established.

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

General (Allowed)

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

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

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions expressed opposition to placing more land under the “restrictive” national park classification.

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

Process and Consultation (Not Allowed)

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

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

Other (Not Allowed)

- Submissions expressed the view that national park classification does not equate to effective protection from introduced pests or predators.
- One submission opposed all reclassification of stewardship land unless it was purchased by the Nature Heritage Fund for the purpose of adding it to a national park.

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

No Opinion/Position Stated

Access and Recreation (Allowed)

- A submitter identified the presence of a “milling track”, and it was noted that the area “could be a useful recreational amenity including a walking and biking track, and a retreat”.

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

Ecology and Landscape (Allowed)

- It was noted that the area has “historically it has been cleared, grazed and more latterly planted in exotics, some of which may still stand”.

I recommend that these comments are not accepted. Although areas of modification may be present, the natural resources described in the CVR (e.g. the area was cleared historically and now has few trees compared to the surrounding areas; marsh wetlands are present and in a natural state) justify referring this area to the NZCA for its recommendation as to the suitability of a national park addition. This is further supported by the land context of the adjoining Kahurangi National Park.

General (Allowed)

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

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

Other (Not Allowed)

- One submitter raised a concern that increasing national park areas would result in more people walking dogs in coastal areas and potentially impacting shorebirds.

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

Retain in Stewardship - KAR_16_2807711d

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

Support

Ecology and Landscape (Allowed)

- Submissions stated that there was insufficient evidence of the conservation value and characteristics justifying national park status for various pieces of stewardship land.

I recommend that these comments are not accepted. Although areas of modification may be present, the natural resources described in the CVR (e.g. the area was cleared historically and now has few trees compared to the surrounding areas; marsh wetlands are present and in a natural state) justify referring this area to the NZCA for its recommendation as to the suitability of a national park addition. This is further supported by the land context of the adjoining Kahurangi National Park.

Treaty Considerations (Allowed)

- The majority of submissions in support of retaining land in stewardship did so on the grounds that adding land to national parks would not give effect to Treaty principles, as the classification impedes Ngāi Tahu's ability to exercise their mana whenua, kaitiakitanga, and mahinga kai rights and responsibilities and limits their involvement in decision-making processes, alienating them from their cultural and ancestral connections with the land.
- Submissions supported the recommendations of the mana whenua panel "to acknowledge the rights and interests of mana whenua as a treaty partner" (e.g. "have the longest and strongest claim to this land").
- Submissions advocated for conservation law reform to create more appropriate forms of protected area classifications from a Ngāi Tahu perspective.

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

General (Allowed)

- Submissions stated they agreed with the Mana Whenua Panel without providing further justification.

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

Permissions, Economic Factors, and Land Use (Not Allowed)

- Submitters stated that reclassifying land as national park, or other classifications which fall under Schedule 4, could have economic consequences by excluding mineral extraction and other activities on that land. The potential loss of opportunities resulting from these restrictions was seen as damaging, particularly in terms of mineral extraction and site rehabilitation.
- Submissions specified their preference for land to either be retained in stewardship or be reclassified as a conservation park, stating that this gives the land "more than adequate legal protection".
- It was suggested that a "holistic view", encompassing mineral prospectivity and other economic, social, and cultural considerations, should be taken.

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

Process and Consultation (Not Allowed)

- A submitter opposed any reclassification "as it sets a precedent to get the land away from the public and into private ownership".

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

Other (Not Allowed)

- One submission expressed doubt that reclassifying stewardship land as national parks would have a positive impact on conservation, citing DOC funding and resource limitations.

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

Oppose

Access and Recreation (Allowed)

- Submissions advocated for reclassification as a national park to ensure ongoing access and enjoyment of the protected natural resources, and to reflect the recreational values of the area.

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

Climate Change and Natural Hazards (Allowed)

- Submissions stated a preference for reclassification as a national park to ensure environmental protection in light of the impacts of climate change (e.g. “provide a greater buffer against edge effects and climate threats”).

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

Ecology and Landscape (Allowed)

- Submitters noted the area to include “nationally significant ecological systems and natural areas”.
- Submissions expressed a preference for national park classification to protect the high natural values, stating that values are “indistinguishable from those within the surrounding Kahurangi National Park”, that the proposed classification reflects the land context of the adjacent national park and “provides for landscape continuity”, and emphasising that national park classification supports critical biodiversity outcomes. (e.g. “an enclave within the National Park”).

I recommend that these comments are accepted. They provide site-specific details regarding the natural resources present which warrant consideration. The natural resources identified by submitters are consistent with those described in the CVR (e.g. the area was cleared historically and now has few trees compared to the surrounding areas; marsh wetlands are present and in a natural state). The contiguous boundary with Kahurangi National Park further supports your notified intention to refer this area to the NZCA for its recommendation as to the suitability of a national park addition.

- It was also suggested that the land should be classified as a scenic reserve, recreation reserve, or conservation park as it has “strong conservation, ecological and natural value, but it is not so unique or scientifically important to meet the standard set by the National Parks Act”.

I recommend that these comments are not accepted. Although areas of modification may be present, the natural resources described in the CVR (e.g. the area was cleared historically and now has few trees compared to the surrounding areas; marsh wetlands are present and in a natural state) justify referring this area to the NZCA for its recommendation as to the suitability of a national park addition. This is further supported by the land context of the adjoining Kahurangi National Park.

Treaty Considerations (Allowed)

- Submissions expressed a preference for national park reclassification, but advocated for mana whenua to have free access and use of national parks for cultural, traditional, historical, and customary purposes, describing this as aligning with Section 4 of the National Parks Act, and for conservation principles to be carried out in an “established collegial co-governance manner”.
- One submission argued against retaining land as stewardship where no areas had been identified as specifically valuable to Ngāi Tahu.

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

General (Allowed)

- Submissions expressed preference for reclassification as a national park and for high protection for more stewardship land, either without providing further justification, or based on the “reasons outlined in the conservation value reports” or the land’s “high cultural conservation value”.

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

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

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

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions noted that national parks support a nature economy, and that this is in line with the Te Whanaketanga Tai Poutini West Coast Economic Strategy 2050.
- There was concern that retaining the area as stewardship land exposes it to risk of activities such as mining or being swapped out of the conservation estate.

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

Process and Consultation (Not Allowed)

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

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

Other (Not Allowed)

- It was recommended that if the area is offered a lower level of protection than national park, any waterways/ wetlands bordering the parcel are protected by a five-metre setback that is fenced and planted to “uphold Te Mana o te Wai”.

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

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submissions that did not select or state a clear opinion, queried whether this classification allowed for hunting and fishing.

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

Treaty Considerations (Allowed)

- A submitter advocated for amendments to the National Parks Act “as a priority so that there is no need for a recommendation of Stewardship Area in the meantime”.

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

General (Allowed)

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

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

KAR_17 - Little Wanganui River – 2807700 (North)

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Little Wanganui River	KAR_17_2807700e	National Park (Kahurangi)		6041*	22
Little Wanganui River	KAR_17_2807700f		Stewardship	17	39

DOC Conservation Values Report Description

A 13.967-ha area of several discrete parcels of land along the Little Wanganui River flats. Little Wanganui River is in its natural state and is supported by surrounding native forest.

Panel Recommendations

National Panel: National Park (Kahurangi), based on the complementary conservation values to the adjacent section of the Kahurangi National Park. Adding this area to the national park is considered to rationalise the park's boundary and improve landscape continuity.

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

S.49(2)(d) Recommendation

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

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

Section 4 and Treaty principles: The Mana Whenua Panel opposed the proposed national park referrals, supported by submissions from Treaty partner organisations. Te Rūnanga o Ngāi Tahu oppose all additions to national parks within the Ngāi Tahu takiwā as "the addition of land to national parks will not give effect to the principles of the Treaty of Waitangi (as required by section 4 of the Conservation Act 1987) as it alienates Ngāi Tahu from our ancestral lands".

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

Although I acknowledge the Mana Whenua Panel opposition to the notified proposal, my assessment, considering those submissions accepted, is that the natural and historic resources present are of a similar nature to the adjacent national park, and warrant proceeding with a referral to the NZCA. Giving effect to Section 4 of the Act includes taking reasonable steps to actively protect the identified Treaty partner interests, but this obligation is not absolute and unqualified, as this would be inconsistent with DOC's other statutory responsibilities.

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

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

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

National Park (Kahurangi) - KAR_17_2807700e

Support

Access and Recreation (Allowed)

- Submissions, in support of national park, noted that “river access supports access up the valley including via Wangapeka Track”, and that the area “provides access to Belltown Memorial Hut and further into Kahurangi National Park”.
- It was noted that “there are paddable waterways in this area”.
- Submissions expressed support for expanding national parks to protect outstanding recreational values for current and future generations, and to guarantee public access rights.

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

Climate Change and Natural Hazards (Allowed)

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

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

Ecology and Landscape (Allowed)

- A submitter identified the area as “part of the Outstanding Natural Landscape ONL 54 and Outstanding Natural braided river in the wider landscape”.
- A national park classification was supported to “provide for better management including enhancing habitat for threatened species”, although it was noted that “these river flats have been grazed and used for moss harvesting in the past”. The “intact riparian vegetation” in the area was noted as “rare in this ecological district”.
- Submissions expressed that adding the land to the national park would provide valuable ecological connectivity and buffer the rest of the park from “edge effects” and developed farmland (e.g. “enhance ecological buffer zones and maintain ecological diversity”).
- Submissions emphasised the importance of high protection under national park reclassification to “protect species (...) retain true wildernesses, for ecosystem services”. Submissions also noted that the classification “is an appropriate step in implementing Te Mana o te Taio”, and that “protection of native forest and natural ecosystems is of national importance”.
- The values were deemed similar or the same to those in the adjacent Kahurangi National Park. Submissions suggested reclassification as a national park would “rationalise the park’s boundaries and provide improved landscape continuity and connectivity”, and it was noted that current land classification delineations are “historic and arbitrary” and “not informed by ecological and landscape principles”.

I recommend that these comments are accepted. They provide site-specific details regarding the natural resources present which warrant consideration. The natural resources identified by submitters are consistent with those described in the CVR (e.g. bordering and including stretches of Little Wanganui River; intact native riparian vegetation and naturally braiding river channel). The contiguous boundary with Kahurangi National Park further supports your notified intention to refer this area to the NZCA for its recommendation as to the suitability of a national park addition.

Treaty Considerations (Allowed)

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

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

General (Allowed)

- Submissions expressed support for a national park classification as being “consistent with the technical reports”.
- Submissions expressed general support for reclassification as a national park and for maximum environmental protection across all stewardship land, expressed support for greater protection for all land “that retains high natural values”, or called for all land to be reclassified at the highest possible level based on its “cultural conservation value”.

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

Permissions, Economic Factors and Land Use (Not Allowed)

- One submission noted that national parks support a “nature economy”, and that this is in line with the Te Whanaketanga Tai Poutini West Coast Economic Strategy 2050.
- Submissions noted that national park classification prevents mining and means development proposals are subject to higher scrutiny, and “applies a precautionary principle that these lands are best left in a natural state unless there is a good case otherwise”. They also noted that legislative “let out clauses” exist to enable things in national parks that are “necessary and have wide approval”.

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

Process and Consultation (Not Allowed)

- Submissions raised concerns that there were no terms of reference for the Mana Whenua Panel, and suggested that Ngāi Tahu objections to national parks should have been addressed at a broader level prior to the reclassification process.

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

Other (Not Allowed)

- Submissions suggested that reclassification “needs to be followed up with sufficient funding for pest eradication”.

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

Oppose

Access and Recreation (Allowed)

- Submissions expressed concern about loss of recreation opportunities and suggested that other classifications may provide a better balance between recreational enjoyment and protection of natural resources. Restrictions on dog

walking were raised specifically by a West Coast resident. Classifications suggested were conservation park, or scenic reserve or recreation reserve if additional protection is required to protect flora and fauna.

- Submissions stated opposition to any reclassification unless it provides explicitly for access, including helicopter landings, sports fishing and gamebird hunting, or stated opposition as national park status “excludes hunting for native species which are classified as gamebirds under the Wildlife Act, and which are managed as gamebirds such as Pukeko and Paradise Shelduck”.

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

Ecology and Landscape (Allowed)

- Submissions suggested that the ecological values of the land are not high enough to meet the standard for national park classification (e.g. “not so unique or scientifically important to meet the standard set by the National Parks Act”), suggesting that a conservation park would be appropriate, or a scenic reserve or recreation reserve in areas where there is potential risk of damaging activities such as mining.

I recommend that these comments are not accepted. Although areas of modification may be present, the natural resources described in the CVR (e.g. bordering and including stretches of Little Wanganui River; intact native riparian vegetation and naturally braiding river channel) justify referring this area to the NZCA for its recommendation as to the suitability of a national park addition. This is further supported by the land context of the adjoining Kahurangi National Park.

Treaty Considerations (Allowed)

- Several submissions opposed the proposed national park investigation whilst supporting the proposal to retain the area in stewardship, pending conservation law reform to create more appropriate forms of protected area classifications from a Ngāi Tahu perspective. This follows a Ngāi Tahu tribal position that a national park classification “obstructs Ngāi Tahu from maintaining ancestral relationships with the whenua, obstructs kaitiaki rights and responsibilities, limits the meaningful involvement of Ngāi Tahu in decision-making processes, and is less enabling of customary practices that are fundamental to sustaining tribal identity and mana”.
- Submissions considered this recommendation as misaligned with Treaty obligations, and advocated for these areas to remain as stewardship land until classifications that more appropriately reflect Treaty principles are established.

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

General (Allowed)

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

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

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions expressed opposition to placing more land under the “restrictive” national park classification.

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

Process and Consultation (Not Allowed)

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

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

Other (Not Allowed)

- Submissions expressed the view that national park classification does not equate to effective protection from introduced pests or predators.
- One submission opposed all reclassification of stewardship land unless it was purchased by the Nature Heritage Fund for the purpose of adding it to a national park.

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

No Opinion/Position Stated

General (Allowed)

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

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

Permissions, Economic Factors and Land Use (Not Allowed)

- A submitter requested that “rivers are maintained in a free-flowing unmodified state”, and that the “classification does not allow for dams or flow diversions”.
- A submitter advocated that helicopter “landing permissions continue to be available” through the current DOC concession system.

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

Other (Not Allowed)

- One submitter raised a concern that increasing national park areas would result in more people walking dogs in coastal areas and potentially impacting shorebirds.

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

Retain in Stewardship - KAR_17_280770of

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

Support

Ecology and Landscape (Allowed)

- Submissions stated that there was insufficient evidence of the conservation value and characteristics justifying national park status for various pieces of stewardship land.

I recommend that these comments are not accepted. Although areas of modification may be present, the natural resources described in the CVR (e.g. bordering and including stretches of Little Wanganui River; intact native riparian vegetation and naturally braiding river channel) justify referring this area to the NZCA for its recommendation as to the suitability of a national park addition. This is further supported by the land context of the adjoining Kahurangi National Park.

Treaty Considerations (Allowed)

- The majority of submissions in support of retaining land in stewardship did so on the grounds that adding land to national parks would not give effect to Treaty principles, as the classification impedes Ngāi Tahu's ability to exercise their mana whenua, kaitiakitanga, and mahinga kai rights and responsibilities and limits their involvement in decision-making processes, alienating them from their cultural and ancestral connections with the land.
- Submissions supported the recommendations of the mana whenua panel “to acknowledge the rights and interests of mana whenua as a treaty partner” (e.g. “have the longest and strongest claim to this land”).
- Submissions advocated for conservation law reform to create more appropriate forms of protected area classifications from a Ngāi Tahu perspective.

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

General (Allowed)

- Submissions stated they agreed with the Mana Whenua Panel without providing further justification.

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

Permissions, Economic Factors, and Land Use (Not Allowed)

- Submitters stated that reclassifying land as national park, or other classifications which fall under Schedule 4, could have economic consequences by excluding mineral extraction and other activities on that land. The potential loss of opportunities resulting from these restrictions was seen as damaging, particularly in terms of mineral extraction and site rehabilitation.
- Submissions specified their preference for land to either be retained in stewardship or be reclassified as a conservation park, stating that this gives the land “more than adequate legal protection”.
- It was suggested that a “holistic view”, encompassing mineral prospectivity and other economic, social, and cultural considerations, should be taken.

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

Process and Consultation (Not Allowed)

- A submitter opposed any reclassification “as it sets a precedent to get the land away from the public and into private ownership”.

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

Other (Not Allowed)

- One submission expressed doubt that reclassifying stewardship land as national parks would have a positive impact on conservation, citing DOC funding and resource limitations.

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

Oppose

Access and Recreation (Allowed)

- Submitters advocated for national park classification, noting that “river access supports access up the valley including via Wangapeka Track”. The area was noted to provide “access to Belltown Memorial Hut and further into Kahurangi National Park”.
- It was noted that “there are paddable waterways in this area”.

- Submissions advocated for reclassification as a national park to ensure ongoing access and enjoyment of the protected natural resources, and to reflect the recreational values of the area (e.g. “These fragments along the Wangapeka River and Track are part of its natural state and an integral part of the park”).

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

Climate Change and Natural Hazards (Allowed)

- Submissions stated a preference for reclassification as a national park to ensure environmental protection in light of the impacts of climate change (e.g. “provide a greater buffer against edge effects and climate threats”).

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

Ecology and Landscape (Allowed)

- The area was identified as “part of the Outstanding Natural Landscape ONL 54 and Outstanding Natural braided river in the wider landscape”.
- Submitters noted the area to include “nationally significant ecological systems and natural areas”.
- Submissions expressed a preference for national park classification to protect the high natural values, stating that values are “indistinguishable from those within the surrounding Kahurangi National Park”, that the proposed classification reflects the land context of the adjacent national park and “provides for landscape continuity”, and emphasising that national park classification supports critical biodiversity outcomes.

I recommend that these comments are accepted. They provide site-specific details regarding the natural resources present which warrant consideration. The natural resources identified by submitters are consistent with those described in the CVR (e.g. bordering and including stretches of Little Wanganui River; intact native riparian vegetation and naturally braiding river channel). The contiguous boundary with Kahurangi National Park further supports your notified intention to refer this area to the NZCA for its recommendation as to the suitability of a national park addition.

- It was also suggested that the land should be classified as a scenic reserve, recreation reserve, or conservation park as it has “strong conservation, ecological and natural value, but it is not so unique or scientifically important to meet the standard set by the National Parks Act”.

I recommend that these comments are not accepted. Although areas of modification may be present, the natural resources described in the CVR (e.g. bordering and including stretches of Little Wanganui River; intact native riparian vegetation and naturally braiding river channel) justify referring this area to the NZCA for its recommendation as to the suitability of a national park addition. This is further supported by the land context of the adjoining Kahurangi National Park.

Treaty Considerations (Allowed)

- Submissions expressed a preference for national park reclassification, but advocated for mana whenua to have free access and use of national parks for cultural, traditional, historical, and customary purposes, describing this as aligning with Section 4 of the National Parks Act, and for conservation principles to be carried out in an “established collegial co-governance manner”.
- One submission argued against retaining land as stewardship where no areas had been identified as specifically valuable to Ngāi Tahu.

I recommend that these comments are accepted to the extent that they agree the natural and historic resources present warrant referral to the NZCA for their consideration. However, while the possibility of future changes to management or legislative frameworks is identified by submitters as a potential means of reconciling that purpose with Treaty partner

interests, such changes are not being considered within this reclassification exercise. The notified proposal includes referral of the area to the NZCA for its consideration on the suitability of a national park classification, which provides a further opportunity to explore specific Ngāi Tahu interests and aspirations, including the NZCA's consideration as to what giving effect to Treaty principles may require.

General (Allowed)

- Submissions expressed preference for reclassification as a national park and for high protection for more stewardship land, either without providing further justification, or based on the “reasons outlined in the conservation value reports” or the land’s “high cultural conservation value”.

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

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

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

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions noted that national parks support a nature economy, and that this is in line with the Te Whanaketanga Tai Poutini West Coast Economic Strategy 2050.
- There was concern that retaining the area as stewardship land exposes it to risk of activities such as mining or being swapped out of the conservation estate.

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

Process and Consultation (Not Allowed)

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

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

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submissions that did not select or state a clear opinion, queried whether this classification allowed for hunting and fishing.

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

Treaty Considerations (Allowed)

- A submitter advocated for amendments to the National Parks Act “as a priority so that there is no need for a recommendation of Stewardship Area in the meantime”.

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

General (Allowed)

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

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

Other (Not Allowed)

- It was recommended that if the area is offered a lower level of protection than national park, any waterways/ wetlands bordering the parcel are protected by a five-metre setback that is fenced and planted to “uphold Te Mana o te Wai”.

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

KAR_17 - Little Wanganui River – 2807723 (South)

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Little Wanganui River	KAR_17_2807723g	National Park (Kahurangi)		6042*	22
Little Wanganui River	KAR_17_2807723h		Stewardship	17	40

DOC Conservation Values Report Description

A 23,2651-ha area made up of several discrete parcels of land along the Little Wanganui River flats. The river is in its natural state and is supported by surrounding native forest.

Panel Recommendations

National Panel: National Park (Kahurangi), based on the complementary conservation values to the adjacent section of the Kahurangi National Park. Adding this area to the national park is considered to rationalise the park's boundary and improve landscape continuity.

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

S.49(2)(d) Recommendation

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

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

Section 4 and Treaty principles: The Mana Whenua Panel opposed the proposed national park referrals, supported by submissions from Treaty partner organisations. Te Rūnanga o Ngāi Tahu oppose all additions to national parks within the Ngāi Tahu takiwā as "the addition of land to national parks will not give effect to the principles of the Treaty of Waitangi (as required by section 4 of the Conservation Act 1987) as it alienates Ngāi Tahu from our ancestral lands".

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

Although I acknowledge the Mana Whenua Panel opposition to the notified proposal, my assessment, considering those submissions accepted, is that the natural and historic resources present are of a similar nature to the adjacent national park, and warrant proceeding with a referral to the NZCA. Giving effect to Section 4 of the Act includes taking reasonable steps to actively protect the identified Treaty partner interests, but this obligation is not absolute and unqualified, as this would be inconsistent with DOC's other statutory responsibilities.

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

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

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

National Park (Kahurangi) - KAR_17_2807723g

Support

Access and Recreation (Allowed)

- Submissions, in support of national park, noted that “river access supports access up the valley including via Wangapeka Track”, and that the area “provides access to Belltown Memorial Hut and further into Kahurangi National Park”.
- It was noted that “there are paddable waterways in this area”.
- Submissions expressed support for expanding national parks to protect outstanding recreational values for current and future generations, and to guarantee public access rights.

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

Climate Change and Natural Hazards (Allowed)

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

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

Ecology and Landscape (Allowed)

- Submissions identified the area as “part of the Outstanding Natural Landscape ONL 54 and Outstanding Natural braided river in the wider landscape”.
- A national park classification was supported to “provide for better management including enhancing habitat for threatened species”, although it was noted that “these river flats have been grazed and used for moss harvesting in the past”.
- Submissions expressed that adding the land to the national park would provide valuable ecological connectivity and buffer the rest of the park from “edge effects” and developed farmland (e.g. “enhance ecological buffer zones and maintain ecological diversity”).
- Submissions emphasised the importance of high protection under national park reclassification to “protect species (...) retain true wildernesses, for ecosystem services”. Submissions also noted that the classification “is an appropriate step in implementing Te Mana o te Taio”, and that “protection of native forest and natural ecosystems is of national importance”.
- The values were deemed similar or the same to those in the adjacent Kahurangi National Park. Submissions suggested reclassification as a national park would “rationalise the park’s boundaries and provide improved landscape continuity and connectivity”, and it was noted that current land classification delineations are “historic and arbitrary” and “not informed by ecological and landscape principles”.

I recommend that these comments are accepted. They provide site-specific details regarding the natural resources present which warrant consideration. The natural resources identified by submitters are consistent with those described in the CVR (e.g. bordering and including stretches of Little Wanganui River; intact native riparian vegetation and naturally braiding river channel). The contiguous boundary with Kahurangi National Park further supports your notified intention to refer this area to the NZCA for its recommendation as to the suitability of a national park addition.

Treaty Considerations (Allowed)

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

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

General (Allowed)

- Submissions expressed support for a national park classification as being “consistent with the technical reports”.
- Submissions expressed general support for reclassification as a national park and for maximum environmental protection across all stewardship land, expressed support for greater protection for all land “that retains high natural values”, or called for all land to be reclassified at the highest possible level based on its “cultural conservation value”.

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

Permissions, Economic Factors and Land Use (Not Allowed)

- One submission noted that national parks support a “nature economy”, and that this is in line with the Te Whanaketanga Tai Poutini West Coast Economic Strategy 2050.
- Submissions noted that national park classification prevents mining and means development proposals are subject to higher scrutiny, and “applies a precautionary principle that these lands are best left in a natural state unless there is a good case otherwise”. They also noted that legislative “let out clauses” exist to enable things in national parks that are “necessary and have wide approval”.

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

Process and Consultation (Not Allowed)

- Submissions raised concerns that there were no terms of reference for the Mana Whenua Panel, and suggested that Ngāi Tahu objections to national parks should have been addressed at a broader level prior to the reclassification process.

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

Other (Not Allowed)

- Submissions suggested that reclassification “needs to be followed up with sufficient funding for pest eradication”.

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

Oppose

Access and Recreation (Allowed)

- Submissions expressed concern about loss of recreation opportunities and suggested that other classifications may provide a better balance between recreational enjoyment and protection of natural resources. Restrictions on dog

walking were raised specifically by a West Coast resident. Classifications suggested were conservation park, or scenic reserve or recreation reserve if additional protection is required to protect flora and fauna.

- Submissions stated opposition to any reclassification unless it provides explicitly for access, including helicopter landings, sports fishing and gamebird hunting, or stated opposition as national park status “excludes hunting for native species which are classified as gamebirds under the Wildlife Act, and which are managed as gamebirds such as Pukeko and Paradise Shelduck”.

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

Ecology and Landscape (Allowed)

- Submissions suggested that the ecological values of the land are not high enough to meet the standard for national park classification (e.g. “not so unique or scientifically important to meet the standard set by the National Parks Act”), suggesting that a conservation park would be appropriate, or a scenic reserve or recreation reserve in areas where there is potential risk of damaging activities such as mining.

I recommend that these comments are not accepted. Although areas of modification may be present, the natural resources described in the CVR (e.g. bordering and including stretches of Little Wanganui River; intact native riparian vegetation and naturally braiding river channel) justify referring this area to the NZCA for its recommendation as to the suitability of a national park addition. This is further supported by the land context of the adjoining Kahurangi National Park.

Treaty Considerations (Allowed)

- Several submissions opposed the proposed national park investigation whilst supporting the proposal to retain the area in stewardship, pending conservation law reform to create more appropriate forms of protected area classifications from a Ngāi Tahu perspective. This follows a Ngāi Tahu tribal position that a national park classification “obstructs Ngāi Tahu from maintaining ancestral relationships with the whenua, obstructs kaitiaki rights and responsibilities, limits the meaningful involvement of Ngāi Tahu in decision-making processes, and is less enabling of customary practices that are fundamental to sustaining tribal identity and mana”.
- Submissions considered this recommendation as misaligned with Treaty obligations, and advocated for these areas to remain as stewardship land until classifications that more appropriately reflect Treaty principles are established.

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

General (Allowed)

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

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

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions expressed opposition to placing more land under the “restrictive” national park classification.

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

Process and Consultation (Not Allowed)

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

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

Other (Not Allowed)

- Submissions expressed the view that national park classification does not equate to effective protection from introduced pests or predators.
- One submission opposed all reclassification of stewardship land unless it was purchased by the Nature Heritage Fund for the purpose of adding it to a national park.

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

No Opinion/Position Stated

General (Allowed)

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

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

Other (Not Allowed)

- One submitter raised a concern that increasing national park areas would result in more people walking dogs in coastal areas and potentially impacting shorebirds.

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

Retain in Stewardship - KAR_17_2807723h

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

Support

Ecology and Landscape (Allowed)

- Submissions stated that there was insufficient evidence of the conservation value and characteristics justifying national park status for various pieces of stewardship land.

I recommend that these comments are not accepted. Although areas of modification may be present, the natural resources described in the CVR (e.g. bordering and including stretches of Little Wanganui River; intact native riparian vegetation and naturally braiding river channel) justify referring this area to the NZCA for its recommendation as to the suitability of a national park addition. This is further supported by the land context of the adjoining Kahurangi National Park.

Treaty Considerations (Allowed)

- The majority of submissions in support of retaining land in stewardship did so on the grounds that adding land to national parks would not give effect to Treaty principles, as the classification impedes Ngāi Tahu's ability to exercise their mana whenua, kaitiakitanga, and mahinga kai rights and responsibilities and limits their involvement in decision-making processes, alienating them from their cultural and ancestral connections with the land.
- Submissions advocated for conservation law reform to create more appropriate forms of protected area classifications from a Ngāi Tahu perspective.

- Submissions supported the recommendations of the mana whenua panel “to acknowledge the rights and interests of mana whenua as a treaty partner” (e.g. “have the longest and strongest claim to this land”).

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

General (Allowed)

- Submissions stated they agreed with the Mana Whenua Panel without providing further justification.

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

Permissions, Economic Factors, and Land Use (Not Allowed)

- Submitters stated that reclassifying land as national park, or other classifications which fall under Schedule 4, could have economic consequences by excluding mineral extraction and other activities on that land. The potential loss of opportunities resulting from these restrictions was seen as damaging, particularly in terms of mineral extraction and site rehabilitation.
- Submissions specified their preference for land to either be retained in stewardship or be reclassified as a conservation park, stating that this gives the land “more than adequate legal protection”.
- It was suggested that a “holistic view”, encompassing mineral prospectivity and other economic, social, and cultural considerations, should be taken.

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

Process and Consultation (Not Allowed)

- A submitter opposed any reclassification “as it sets a precedent to get the land away from the public and into private ownership”.

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

Other (Not Allowed)

- One submission expressed doubt that reclassifying stewardship land as national parks would have a positive impact on conservation, citing DOC funding and resource limitations.

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

Oppose

Access and Recreation (Allowed)

- Submitters advocated for national park classification, noting that “river access supports access up the valley including via Wangapeka Track”. The area was noted to provide “access to Belltown Memorial Hut and further into Kahurangi National Park”.
- It was noted that “there are paddleable waterways in this area”.
- Submissions advocated for reclassification as a national park to ensure ongoing access and enjoyment of the protected natural resources, and to reflect the recreational values of the area (e.g. “These fragments along the Wangapeka River and Track are part of its natural state and an integral part of the park”).

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

Climate Change and Natural Hazards (Allowed)

- Submissions stated a preference for reclassification as a national park to ensure environmental protection in light of the impacts of climate change (e.g. “provide a greater buffer against edge effects and climate threats”).

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

Ecology and Landscape (Allowed)

- The area was identified as “part of the Outstanding Natural Landscape ONL 54 and Outstanding Natural braided river in the wider landscape”.
- Submitters noted the area to include “nationally significant ecological systems and natural areas”.
- Submissions expressed a preference for national park classification to protect the high natural values, stating that values are “indistinguishable from those within the surrounding Kahurangi National Park”, that the proposed classification reflects the land context of the adjacent national park and “provides for landscape continuity”, and emphasising that national park classification supports critical biodiversity outcomes.

I recommend that these comments are accepted. They provide site-specific details regarding the natural resources present which warrant consideration. The natural resources identified by submitters are consistent with those described in the CVR (e.g. bordering and including stretches of Little Wanganui River; intact native riparian vegetation and naturally braiding river channel). The contiguous boundary with Kahurangi National Park further supports your notified intention to refer this area to the NZCA for its recommendation as to the suitability of a national park addition.

- It was also suggested that the land should be classified as a scenic reserve, recreation reserve, or conservation park as it has “strong conservation, ecological and natural value, but it is not so unique or scientifically important to meet the standard set by the National Parks Act”.

I recommend that these comments are not accepted. Although areas of modification may be present, the natural resources described in the CVR (e.g. bordering and including stretches of Little Wanganui River; intact native riparian vegetation and naturally braiding river channel) justify referring this area to the NZCA for its recommendation as to the suitability of a national park addition. This is further supported by the land context of the adjoining Kahurangi National Park.

Treaty Considerations (Allowed)

- Submissions expressed a preference for national park reclassification, but advocated for mana whenua to have free access and use of national parks for cultural, traditional, historical, and customary purposes, describing this as aligning with Section 4 of the National Parks Act, and for conservation principles to be carried out in an “established collegial co-governance manner”.
- One submission argued against retaining land as stewardship where no areas had been identified as specifically valuable to Ngāi Tahu.

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

General (Allowed)

- Submissions expressed preference for reclassification as a national park and for high protection for more stewardship land, either without providing further justification, or based on the “reasons outlined in the conservation value reports” or the land’s “high cultural conservation value”.

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

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

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

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions noted that national parks support a nature economy, and that this is in line with the Te Whanaketanga Tai Poutini West Coast Economic Strategy 2050.
- There was concern that retaining the area as stewardship land exposes it to risk of activities such as mining or being swapped out of the conservation estate.

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

Process and Consultation (Not Allowed)

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

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

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submissions that did not select or state a clear opinion, queried whether this classification allowed for hunting and fishing.

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

Treaty Considerations (Allowed)

- A submitter advocated for amendments to the National Parks Act “as a priority so that there is no need for a recommendation of Stewardship Area in the meantime”.

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

General (Allowed)

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

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

Other (Not Allowed)

- It was recommended that if the area is offered a lower level of protection than national park, any waterways/ wetlands bordering the parcel are protected by a five-metre setback that is fenced and planted to “uphold Te Mana o te Wai”.

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

KAR_18 - Little Wanganui River – 2807733

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Little Wanganui River	KAR_18_2807733i	Local Purpose (Te Namu Ngāi Tahu) Reserve	Local Purpose (Te Namu Ngāi Tahu) Reserve	19	12

DOC Conservation Values Report Description

A large 39.6482-ha area of dissected hill country draining the lower reaches of O'Connor Creek and containing a designated Species Management Unit. The area contains historic Poutini Ngāi Tahu trails.

Panel Recommendations

National Panel: Local purpose (Te Namu Ngāi Tahu) reserve is considered to appropriately protect the identified landscape values while recognising the significance of this area to Ngāi Tahu.

Mana Whenua Panel: Local purpose (Te Namu Ngāi Tahu) reserve to give effect to the principles of the Treaty of Waitangi, enable Ngāi Tahu whānui to reconnect to their ancestral lands, and provide for the mana and rangatiratanga of Ngāi Tahu as well as reserve purposes.

S.49(2)(d) Recommendation

- Do not proceed with the notified proposal of local purpose (Te Namu Ngāi Tahu) reserve.

Summary of accepted submissions: Those submissions 'accepted' as holding merit expressed opposition to the notified classification on the basis that the purpose of the reserve is not clearly defined, leaving it uncertain how the natural resources present will be protected.

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

The Mana Whenua Panel have signalled specific Ngāi Tahu interests associated with this stewardship area, particularly that "Along the Karamaea Bluffs and coastal zone, there are well-worn trails, these being highways of old Poutini Ngāi Tahu. The cliffs are a highly visible landmark and were used as markers by Poutini Ngāi Tahu", and that "Ngāi Tahu has a strong connection to these coastal conservation areas that must be recognised and provided for."

I recognise and acknowledge the historic and cultural significance of the area to Ngāi Tahu. While such a local purpose reserve could provide for the primary purpose of management and protection of Ngāi Tahu values alongside the conservation values that are present, and might be described as an example of a substantive outcome for Ngāi Tahu consistent with Treaty principles, my assessment is that more work is required to clarify and describe the purpose of the proposed reserve.

Rationale: My conclusion is that further policy work by the Department is required to describe the purpose of the proposed reserve and to identify any potential management implications. This will provide clarity as to whether the proposed local purpose reserve is appropriate, or if another classification should be considered.

Local Purpose (Te Namu Ngāi Tahu) Reserve - KAR_18_2807733i

Support

Access and Recreation (Allowed)

- A submission stated that a "now unformed but historic road known as Spencers Road existed from Glasseye Creek up river to Corbyvale (...) With current cycling enthusiasm, this has potential to be reinstated".

I recommend that these comments are not accepted. I have concluded based on comments in opposition that the purpose of the notified classification provides insufficient detail to comment on whether it appropriately protects the natural resources described, or if another classification may be more appropriate. Any limits on public access will be determined as part of the future policy work.

Historical and Cultural Values (Allowed)

- Support was expressed for reclassification to local purpose reserves on the basis of specifically identified cultural and historical values.

I recommend that these comments are not accepted. I have concluded based on comments in opposition that the purpose of the notified classification provides insufficient detail to comment on whether it appropriately protects the natural resources described, or if another classification may be more appropriate. Any limits on public access will be determined as part of the future policy work.

Treaty Considerations (Allowed)

- Submissions stated they support the position of the Mana Whenua Panel on the basis that these recommendations reflect the rights and interests of Ngāi Tahu and recognise their connection to their ancestral lands.
- Submitters noted the values of the area, e.g. “Ara tāwhito, cliffs as markers for Poutini Ngāi Tahu”.
- Submissions expressed that the purpose of the proposed reserves must “acknowledge the mana and rangatiratanga of Ngāi Tahu, and provide for Ngāi Tahu wellbeing, kaitiakitanga and mahinga kai. The reserve purposes must also provide a role for Ngāi Tahu in management and decision-making”.

I recommend that these comments are not accepted. Although I recognise and acknowledge the historic and cultural significance of the area to Ngāi Tahu, I have concluded based on comments in opposition that the purpose of the notified classification provides insufficient detail to comment on whether it both actively protects the identified Ngāi Tahu values and interests, and promotes the conservation of the identified natural and historic resources present.

General (Allowed)

- Submissions expressed general support for all land to be reclassified at the highest possible level based on its “cultural conservation value”.
- Submissions expressed support for the proposed classification, without including further justification.

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

Oppose

Access and Recreation (Allowed)

- A submission suggested that public access on the walkway should be guaranteed in writing before the area is reclassified.

I recommend that these comments are accepted to the extent that the purpose of the notified classification provides insufficient detail to comment on whether it provides for the recreational access as described. Any limits on public access, or the appropriateness of an alternative classification, will be determined as part of the future policy work.

Ecology and Landscape (Allowed)

- Submissions were concerned that the recommended classification would not sufficiently protect the ecological values of the area, noting naturally uncommon ecosystems, including dunes and wetlands, a high level of naturalness with a variety of habitats, threatened and at-risk flora and fauna, potential presence of a large endemic land snail, and habitat for important freshwater fish species.
- They suggested that there was not enough information regarding the purpose of the reserve and the extent to which the natural values would be maintained, or that it will “only provide secondary consideration” to the natural values.

I recommend that these comments are accepted. I agree that the purpose of the notified classification provides insufficient detail to comment on whether it appropriately promotes the conservation of the natural resources present.

- Ecological area, scenic reserve, or conservation park were proposed as alternative classifications to provide greater protection for ecological values, or that protection of species present should be guaranteed in writing before the area is reclassified.

I recommend that these comments are accepted to the extent that the purpose of the notified classification provides insufficient detail to comment on whether it provides appropriate protection of the natural resources noted by submitters, or if another classification should be considered.

Historical and Cultural Values (Allowed)

- A submission suggested that historic and cultural values appeared to be “principally experiential,” recommending scenic reserve or ecological area.

I recommend that these comments are accepted to the extent that the purpose of the notified classification provides insufficient detail to comment on whether it provides for protection of the historic and cultural values present.

Treaty Considerations (Allowed)

- Submissions acknowledged the historic trails and the connection mana whenua have to the area, but were concerned that the recommended classification would not sufficiently protect the ecological values.
- Submissions suggested reclassification as a conservation park, suggesting this would protect both natural and historic resources while providing scope for iwi involvement in decision-making.

I recommend that these comments are accepted to the extent that I recognise and acknowledge the historic and cultural significance of the area to Ngāi Tahu. However, I have concluded based on comments in opposition that the purpose of the notified classification provides insufficient detail to comment on whether it both actively protects the identified Ngāi Tahu values and interests, and promotes the conservation of the identified natural and historic resources present.

General (Allowed)

- Submissions recommended scenic reserve or leaving the land in stewardship, without providing further justification.
- Submissions advocated for all stewardship land to be reclassified as a national park.

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

Process and Consultation (Not Allowed)

- A submission noted that the technical report “makes assumptions highly likely to be present”, recommending a full assessment of ecological values should be undertaken.
- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.
- One submission recommended, “consult the local residents for designation of this area”.
- A submitter opposed any reclassification “as it sets a precedent to get the land away from the public and into private ownership”.

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

Other (Not Allowed)

- It was recommended that if the area is offered a lower level of protection than national park, any waterways/ wetlands bordering the parcel are protected by a five-metre setback that is fenced and planted to “uphold Te Mana o te Wai”.

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

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submissions that did not select or state a clear opinion, queried whether this classification allowed for hunting and fishing and provision for public access. One stated “free and enduring public access must be secured”.
- Submissions wanted to ensure that access to rivers is maintained or improved, and that river access by helicopter continues to be possible.

I recommend that these comments are not accepted. I have concluded based on comments in opposition that the purpose of the notified classification provides insufficient detail to comment on whether it appropriately protects the natural resources described, or if another classification may be more appropriate. Any limits on public access will be determined as part of any future policy work.

Ecology and Landscape (Allowed)

- Submissions emphasised that the river should be “maintained in a free-flowing unmodified state, and in particular that the conservation classification does not allow for dams and flow diversions”.

I recommend that these comments are not accepted. I have concluded based on comments in opposition that the purpose of the notified classification provides insufficient detail to comment on whether it appropriately protects the natural resources described, or if another classification may be more appropriate.

General (Allowed)

- Submissions expressed general support for greater protection for stewardship areas.

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

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions wanted to ensure that the DOC concession system continues to be “the only system used for permissions”.

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

KAR_18 - O'Connor Creek – 2807735

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
O'Connor Creek	KAR_18_2807735j	Ecological Area	Neutral	17	9

DOC Conservation Values Report Description

A large 792.9577-ha area of dissected hill country draining the lower reaches of O'Connor Creek and containing a designated Species Management Unit relating to the presence of a substantial proportion of the global population of the threatened large land snail *Powelliphanta lignaria lusca* (Nationally Vulnerable).

Panel Recommendations

National Panel: Ecological area, based on the complementary values to the adjacent Glasseye Creek Ecological Area, specifically the presence of the large land snail *Powelliphanta lignaria lusca*.

Mana Whenua Panel: Neutral.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of ecological area.

Summary of accepted submissions: Those submissions 'accepted' as holding merit supported the notified classification suggesting it offers sufficient protection in the context of climate change and reflects the high ecological values present. Also accepted were comments noting that this outcome reflected the views of the Mana Whenua Panel and the perspectives of Ngāi Tahu.

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

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

Rationale: My conclusion is that the proposed classification will appropriately protect the conservation of the natural and historic resources present (e.g. native forest which supports a population of the Nationally Vulnerable threatened large land snail *Powelliphanta lignaria lusca*).

Ecological Area - KAR_18_2807735j

Support

Climate Change and Natural Hazards (Allowed)

- Submissions expressed support for the classification as offering a high level of environmental protection, noting that this is particularly important in the context of climate change.

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

Ecology and Landscape (Allowed)

- The area was noted to "have similar high naturalness and ecological values" that "are contiguous with Glasseye Ecological Area", and to support a "rich assemblage of flora and fauna including rare and distinct species" (e.g. *Powelliphanta lignaria lusca*).

- Submitters noted the area to be of high ecological value, to provide “important function as habitat for nationally important species such as the long-tailed bat and ro-roa” (e.g. “a sea to mountains gradient, allowing intact habitat and good ecological functioning”).

I recommend these comments are accepted. They provide site-specific details regarding the natural resources present which are consistent with those described in the CVR (e.g. population of Nationally Endangered *Powelliphanta lignaria lusca*). My view is that the proposed classification will appropriately promote their protection and preservation.

General (Allowed)

- Submissions expressed general support for all land to be reclassified at the highest possible level based on its “high cultural conservation value”.
- Submissions expressed support for the proposed classification, without including further justification.

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

Oppose

Ecology and Landscape (Allowed)

- A submitter advocated for a national park addition, to align with the recommendations for KAR_19 and create a “mountain-to-sea environmental protected area”.

I recommend that these comments are not accepted. The KAR_19 assessment area is separated from the area under consideration by the state highway. My view is the values present for the area under consideration are more closely aligned with the adjacent ecological area (e.g. native forest which supports a population of the Nationally Vulnerable threatened large land snail *Powelliphanta lignaria lusca*) and the points raised do not justify overturning the notified intention. Classification as an ecological area requires the land to be managed so “as to protect the value for which it is held” (Conservation Act 1987, s. 21). The gazette notice for the existing Glasseye Creek Ecological Area, to which this area is proposed for addition, describes how the area “protects a representative habitat for forest habitat for *Powelliphanta lignaria lusca*, and protects lowland and coastal forests and other ecosystems with high wildlife and botanical values”.

General (Allowed)

- A submission recommended leaving the land in stewardship without providing further justification.
- Submissions expressed preference for reclassification as a national park for maximum protection (e.g. “all Stewardship land must be included in national parks”).

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

Permissions, Economic Factors and Land Use (Not Allowed)

- A submitter opposed the proposed classification due to its potential restrictions on “a local small hydro power scheme on the Glasseye Creek”, suggesting the area should first be “ruled out as useful by geotech and engineering experts”.
- Submissions opposed reclassification as ecological area, noting that though it does not prohibit mining, it adds extra restrictions with consequent negative economic benefits, suggesting that retaining the land in stewardship or reclassifying it as a conservation park provides adequate legal protection while allowing commercial activities such as mining to be considered on a case-by-case basis.

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

Process and Consultation (Not Allowed)

- A submitter opposed any reclassification “as it sets a precedent to get the land away from the public and into private ownership”.

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

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

Other (Not Allowed)

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

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

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submissions that did not select or state a clear opinion, queried whether this classification allowed for hunting and fishing.

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

Other (Not Allowed)

- It was recommended that if the area is offered a lower level of protection than national park, any waterways/ wetlands bordering the parcel are protected by a five-metre setback that is fenced and planted to “uphold Te Mana o te Wai”.

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

KAR_18 - Boulder Creek – 2807737

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Boulder Creek	KAR_18_2807737k	Ecological Area	Ecological Area	22	9

DOC Conservation Values Report Description

A large 357.5294-ha area of dissected hill country draining the lower reaches of Boulder Creek and containing a designated Species Management Unit relating to the presence of a substantial proportion of the global population of the threatened large land snail *Powelliphanta lignaria lusca* (Nationally Vulnerable).

Panel Recommendations

National Panel: Ecological area, based on the complementary values to the adjacent Glasseye Creek Ecological Area, specifically the presence of the land snail *Powelliphanta lignaria lusca*.

Mana Whenua Panel: Ecological area, noting support for the recommendation proposed by the National Panel.

S.49(2)(d) Recommendation

- Proceed with the notified proposal of ecological area.

Summary of accepted submissions: Those submissions ‘accepted’ as holding merit supported the notified classification suggesting it offers sufficient protection in the context of climate change and reflects the high ecological values present. Also accepted were comments noting that this outcome reflected the views of the Mana Whenua Panel and the perspectives of Ngāi Tahu.

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

The Mana Whenua Panel have signalled specific Ngāi Tahu interests associated with this stewardship area, particularly that “Along the Karamea Bluffs and coastal zone, there are well-worn trails, these being highways of old Poutini Ngāi Tahu. The cliffs are a highly visible landmark and were used as markers by Poutini Ngāi Tahu. A high point a few miles inland from the coast was used to light signal fires to give warning to neighbours of advancing raiding parties”. Given the Mana Whenua Panel support for the notified classification, I consider the classification is not inconsistent with the identified interests.

Rationale: My conclusion is that, while recognising the significance of the area to Ngāi Tahu, the natural and historic resources present (e.g. a substantial proportion of the global population of the threatened large land snail *Powelliphanta lignaria lusca* (Nationally Vulnerable)) are appropriately protected under the proposed classification.

Ecological Area - KAR_18_2807737k

Support

Climate Change and Natural Hazards (Allowed)

- Submissions expressed support for scenic reserve reclassification as offering a high level of environmental protection, noting that this is particularly important in the context of climate change.

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

Ecology and Landscape (Allowed)

- The area was noted to “have similar high naturalness and ecological values” that “are contiguous with Glasseye Ecological Area”, and to support a “rich assemblage of flora and fauna including rare and distinct species” (e.g. *Powelliphanta lignaria lusca*).
- Submitters noted the area to be of high ecological value, to provide “important function as habitat for nationally important species such as the long-tailed bat and roroa” (e.g. “a sea to mountains gradient, allowing intact habitat and good ecological functioning”).

I recommend these comments are accepted. They provide site-specific details regarding the natural resources present. My view is that the natural resources identified in these submissions consistent with those described in the CVR (e.g. population of Nationally Endangered *Powelliphanta lignaria lusca*), and that the proposed classification will appropriately promote their protection and preservation.

Treaty Considerations (Allowed)

- Submissions stated they support the position of the Mana Whenua Panel on the basis that these recommendations reflect the rights and interests of mana whenua and recognise Ngāi Tahu’s connection to their ancestral lands (e.g. “by adopting the recommendations of the Mana Whenua Panel the Minister will give effect to the principles of the Treaty of Waitangi”).

I recommend these comments are accepted. My conclusion is that, while recognising the significance of the area to Ngāi Tahu, on balance the natural and historic resources present (e.g. a substantial proportion of the global population of the threatened large land snail *Powelliphanta lignaria lusca* (Nationally Vulnerable)) are appropriately protected under the proposed classification. I note that the Mana Whenua Panel has supported the notified classification, and therefore I consider the classification is not inconsistent with the identified interests.

General (Allowed)

- Submissions expressed general support for all land to be reclassified at the highest possible level based on its “high cultural conservation value”.
- Submissions expressed support for the proposed classification, without including further justification.

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

Oppose

Ecology and Landscape (Allowed)

- A submitter advocated for a national park addition, to align with the recommendations for KAR_19 and create a “mountain-to-sea environmental protected area”.

I recommend that these comments are not accepted. The KAR_19 assessment area is separated from the area under consideration by the state highway. My view is the values present for the area under consideration are more closely aligned with the adjacent ecological area (e.g. native forest which supports a population of the Nationally Vulnerable threatened large land snail *Powelliphanta lignaria lusca*) and the points raised do not justify overturning the notified intention. Classification as an ecological area requires the land to be managed so “as to protect the value for which it is held” (Conservation Act 1987, s. 21). The gazette notice for the existing Glasseye Creek Ecological Area, to which this area is proposed for addition, describes how the area “protects a representative habitat for forest habitat for *Powelliphanta lignaria lusca*, and protects lowland and coastal forests and other ecosystems with high wildlife and botanical values”.

General (Allowed)

- A submission recommended leaving the land in stewardship without providing further justification.
- Submissions expressed preference for reclassification as a national park for maximum protection (e.g. “all Stewardship land must be included in national parks”).

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

Permissions, Economic Factors and Land Use (Not Allowed)

- A submitter opposed the proposed classification due to its potential restrictions on “a local small hydro power scheme on the Glasseye Creek”, suggesting the area should first be “ruled out as useful by geotech and engineering experts”.
- Submissions opposed reclassification as ecological area, noting that though it does not prohibit mining, it adds extra restrictions with consequent negative economic benefits, suggesting that retaining the land in stewardship or reclassifying it as a conservation park provides adequate legal protection while allowing commercial activities such as mining to be considered on a case-by-case basis.

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

Process and Consultation (Not Allowed)

- A submitter opposed any reclassification “as it sets a precedent to get the land away from the public and into private ownership”.
- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.

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

Other (Not Allowed)

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

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

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submissions that did not select or state a clear opinion, queried whether this classification allowed for hunting and fishing.

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

Other (Not Allowed)

- It was recommended that if the area is offered a lower level of protection than national park, any waterways/ wetlands bordering the parcel are protected by a five-metre setback that is fenced and planted to “uphold Te Mana o te Wai”.

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

KAR_19 - Lyell Range - Radiant Range - 2807731

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Lyell Range - Radiant Range (North)	KAR_19_2807731n	National Park (Kahurangi)		6053*	26
Lyell Range - Radiant Range (North)	KAR_19_2807731o		Stewardship	21	46

DOC Conservation Values Report Description

The 283.8547-ha Lyell Range – Radiant Range conservation area covers the western slopes of the Radiant Range, spanning indigenous lowland forest up to hill country on the Karamea Bluffs. The area borders Kahurangi National Park and Glasseye Creek Ecological Area, adjacent to both an Ecosystem Management Unit and Species Management Unit.

Panel Recommendations

National Panel: National Park (Kahurangi), based on the complementary conservation values to the nearby section of the Kahurangi National Park. Adding this area to the national park is considered to rationalise the park's boundary and improve landscape continuity.

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

S.49(2)(d) Recommendation

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

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

Section 4 and Treaty principles: The Mana Whenua Panel opposed the proposed national park referrals, supported by submissions from Treaty partner organisations. Te Rūnanga o Ngāi Tahu oppose all additions to national parks within the Ngāi Tahu takiwā as "the addition of land to national parks will not give effect to the principles of the Treaty of Waitangi (as required by section 4 of the Conservation Act 1987) as it alienates Ngāi Tahu from our ancestral lands".

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

Although I acknowledge the Mana Whenua Panel opposition to the notified proposal, my assessment, considering those submissions accepted, is that the natural and historic resources present are of a similar nature to the adjacent national park, and warrant proceeding with a referral to the NZCA. Giving effect to Section 4 of the Act includes taking reasonable steps to actively protect the identified Treaty partner interests, but this obligation is not absolute and unqualified, as this would be inconsistent with DOC's other statutory responsibilities.

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

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

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

National Park (Kahurangi) - KAR_19_2807731n

Support

Access and Recreation (Allowed)

- A submitter identified that “an historic track existed north to south from near the Happy Valley saddle” which “could make an excellent side route from the Old Ghost Road”.
- A submitter supported a national park classification to support the protection of the “surrounding area of the historic Lyell dray road” as well as the “historic Mōkihinui pack track”.
- A submitter noted opposition to “any new cycleways through our National Parks and Ecological Areas, as cycleways inherently require more infrastructure and do more environmental damage”.
- It was noted that “the tussock tops along the Radiant Range offer a wild and remote tramping experience, allowing for routes that connect the Little Wanganui with the Hemphill River and Mihikonui Catchment”.
- Submitters noted that the headwaters of rivers present are “paddleable by packrafters”, including the “North Branch” to the “Forks and down to the sea”.
- Submissions expressed support for expanding national parks to protect outstanding recreational values for current and future generations, and to guarantee public access rights.

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

Climate Change and Natural Hazards (Allowed)

- Submissions suggested that suitable stewardship land should be incorporated into adjacent areas to support climate change mitigation, and that the protection of the area was especially important in the context of climate change (e.g. “for climate stability”; “it is vital for the good of the planet to secure more safely protected spaces”).

I recommend that these comments are accepted. I agree that the protection of the existing natural resources is of increasing importance when considering the need for climate mitigation. Classification as national park will support this outcome. The relevance of this factor for reclassification decisions is evident when the future-focused elements in the definition of conservation are considered, including, “safeguarding the options of future generations,” in relation to ‘natural resources’, “the air, water and soil in or on which any plant or animal lives or may live,” and in relation to ‘protection’ of a resource, “restoration to some former state and its augmentation, enhancement, or expansion” (Conservation Act 1987, s. 2).

Ecology and Landscape (Allowed)

- Submitters identified as a “continuous forested Outstanding Natural Landscape ONL54 sharing complementary high conservation and ecological values with Kahurangi National Park and is visually connected to it”.
- Submitters noted the area as “valuable habitat for *Powelliphanta lignaria lusca*, long-tailed bat, ro-roa, kea and SI robin”, with one submitter noting observation on “how vulnerable the native plants and animals are and noticed a decline over the years”.
- Submitters identified two “elusive little known endemic” butterfly species as being present (Butler’s ringlet, Janita’s tussock ringlet), with the area forming part of their limited distribution.

- Submissions expressed that adding the land to the national park would provide valuable ecological connectivity and buffer the rest of the park from “edge effects” and developed farmland (e.g. “enhance ecological buffer zones and maintain ecological diversity”).
- Submissions emphasised the importance of high protection under national park reclassification to “protect species (...) retain true wildernesses, for ecosystem services”. Submissions also noted that the classification “is an appropriate step in implementing Te Mana o te Taio”, and that “protection of native forest and natural ecosystems is of national importance”.
- The values were deemed similar or the same to those in the adjacent Kahurangi National Park. Submissions suggested reclassification as a national park would “rationalise the park’s boundaries and provide improved landscape continuity and connectivity”, and it was noted that current land classification delineations are “historic and arbitrary” and “not informed by ecological and landscape principles”.

I recommend that these comments are accepted. They provide site-specific details regarding the natural resources present which warrant consideration. The natural resources identified by submitters are consistent with those described in the CVR (e.g. podocarp/hardwood/beece indigenous forest; the lowest and most accessible forests are recovering from logging and windthrow from Cyclone Ita in 2014; ecosystems remain highly representative of indigenous communities of southern Karamaea Ecological District). The contiguous boundary with Kahurangi National Park further supports your notified intention to refer this area to the NZCA for its recommendation as to the suitability of a national park addition.

Treaty Considerations (Allowed)

- One submitter expressed “concerns over food and resource gathering from these area by humans”.
- Submissions acknowledged the concerns raised by mana whenua regarding national parks. However, they viewed maximum protection of the natural values as paramount and suggested that changes to national park management or legislative frameworks should occur to reflect Treaty principles and to ensure free access and use of national parks for cultural, traditional, historical, and customary purposes.
- Submissions in support of national park noted a desire to “see the concerns of mana whenua addressed”.
- Submissions supported additions to adjacent national parks where mana whenua had not identified site-specific cultural values for the land.

I recommend that these comments are accepted to the extent that they agree the natural and historic resources present warrant referral to the NZCA for their consideration. However, while the possibility of future changes to management or legislative frameworks is identified by submitters as a potential means of reconciling that purpose with Treaty partner interests, such changes are not being considered within this reclassification exercise. The notified proposal includes referral of the area to the NZCA for its consideration on the suitability of a national park classification, which provides a further opportunity to explore specific Ngāi Tahu interests and aspirations, including the NZCA’s consideration as to what giving effect to Treaty principles may require.

General (Allowed)

- Submissions expressed general support for reclassification as a national park and for maximum environmental protection across all stewardship land, expressed support for greater protection for all land “that retains high natural values”, or called for all land to be reclassified at the highest possible level based on its “cultural conservation value”.

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is identified, these points do not raise any matters for further consideration.

Permissions, Economic Factors and Land Use (Not Allowed)

- One submission noted that national parks support a “nature economy”, and that this is in line with the Te Whanaketanga Tai Poutini West Coast Economic Strategy 2050.
- Submissions noted that national park classification prevents mining and means development proposals are subject to higher scrutiny, and “applies a precautionary principle that these lands are best left in a natural state unless

there is a good case otherwise". They also noted that legislative "let out clauses" exist to enable things in national parks that are "necessary and have wide approval".

As I have recommended these comments are not allowed, I recommend they are not accepted.

Process and Consultation (Not Allowed)

- A submitter recommended "individual consultation with the adjacent landowner/s".
- Submissions raised concerns that there were no terms of reference for the Mana Whenua Panel, and suggested that Ngāi Tahu objections to national parks should have been addressed at a broader level prior to the reclassification process.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- It was noted that the area had been "excluded in the past because of lobbying from the mining industry".
- Submissions suggested that reclassification "needs to be followed up with sufficient funding for pest eradication".

As I have recommended these comments are not allowed, I recommend they are not accepted.

Oppose

Access and Recreation (Allowed)

- A submitter noted that a national park classification would accentuate "uncertainty and risk for the legitimacy of The Old Ghost Road - specifically in relation to mountain biking and several other existing matters relevant to the trails operation and maintenance".
- Submissions expressed concern about loss of recreation opportunities and suggested that other classifications may provide a better balance between recreational enjoyment and protection of natural resources. Restrictions on dog walking were raised specifically by a West Coast resident. Classifications suggested were conservation park, or scenic reserve or recreation reserve if additional protection is required to protect flora and fauna.
- Submissions stated opposition to any reclassification unless it provides explicitly for access, including helicopter landings, sports fishing and gamebird hunting, or stated opposition as national park status "excludes hunting for native species which are classified as gamebirds under the Wildlife Act, and which are managed as gamebirds such as Pukeko and Paradise Shelduck".

I recommend that these comments are not accepted. The methods of appreciation and recreational enjoyment proposed (e.g. dog access, hunting of indigenous avifauna) are potentially incompatible with protecting and preserving the natural resources described in the CVR, and the points raised do not justify overturning the notified intention. Although under a national park classification "the public shall have freedom of entry and access" this is subject to restrictions "necessary for the preservation of the native plants and animals or for the welfare in general of the parks" (National Parks Act 1980, s. 4(2)(e)).

Ecology and Landscape (Allowed)

- Submissions suggested that the ecological values of the land are not high enough to meet the standard for national park classification (e.g. "not so unique or scientifically important to meet the standard set by the National Parks Act"), suggesting that a conservation park would be appropriate, or a scenic reserve or recreation reserve in areas where there is potential risk of damaging activities such as mining.

I recommend that these comments are not accepted. Although areas of modification may be present, the natural resources described in the CVR (e.g. podocarp/hardwood/beech indigenous forest; the lowest and most accessible forests are recovering from logging and windthrow from Cyclone Ita in 2014; ecosystems remain highly representative of indigenous communities of southern Karamaea Ecological District) justify referring this area to the NZCA for its recommendation as to the suitability of a national park addition. This is further supported by the land context of the adjoining Kahurangi National Park.

Treaty Considerations (Allowed)

- Several submissions opposed the proposed national park investigation whilst supporting the proposal to retain the area in stewardship, pending conservation law reform to create more appropriate forms of protected area classifications from a Ngāi Tahu perspective. This follows a Ngāi Tahu tribal position that a national park classification “obstructs Ngāi Tahu from maintaining ancestral relationships with the whenua, obstructs kaitiaki rights and responsibilities, limits the meaningful involvement of Ngāi Tahu in decision-making processes, and is less enabling of customary practices that are fundamental to sustaining tribal identity and mana”.
- Submissions considered this recommendation as misaligned with Treaty obligations, and advocated for these areas to remain as stewardship land until classifications that more appropriately reflect Treaty principles are established.

Potential changes to management or legislative frameworks are not the subject of the notified proposal. As such, I recommend that comments advocating for such amendments are not accepted. The notified proposal includes referral of the area to the NZCA for its consideration on the suitability of a national park classification, which provides a further opportunity to explore specific Ngāi Tahu interests and aspirations, including the NZCA’s consideration as to what giving effect to Treaty principles may require.

General (Allowed)

- Submissions stated general opposition to national park classification or stated support for leaving the land in stewardship, or simply stated support for the recommendations made by the Mana Whenua Panel, without providing further justification.

I recommend that these comments are not accepted. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised for further consideration.

Permissions, Economic Factors and Land Use (Not Allowed)

- A submitter raised concern that a “change in status or disposal will affect the existing concessions”, specifically relating to grazing and beehive sites.
- A submission noted that the area “has mineral permit granted” and that a national park would have a “negative impact on the potential economic benefit derived from mineral resource extraction”.
- A submitter advocated retaining the area in stewardship as the area contains “outcropping mineralisation that looks very similar to the Alexander River mineralisation and contains very high-grade gold”.
- Submissions expressed opposition to placing more land under the “restrictive” national park classification.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Process and Consultation (Not Allowed)

- A submitter noted that reclassification as a national park is “imprudent sequencing and recommends the underlying statutory matters be resolved first”.
- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- Submissions expressed the view that national park classification does not equate to effective protection from introduced pests or predators.
- One submission opposed all reclassification of stewardship land unless it was purchased by the Nature Heritage Fund for the purpose of adding it to a national park.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

General (Allowed)

- Submissions advocated generally for all national parks, forest parks, scenic reserves and stewardship land to be protected from development.

I recommend that these comments are not accepted for further consideration. The legislation does not provide for absolute protection from development – rather it contemplates that some activities may be acceptable and provides a mechanism for authorising such activities through the grant of concessions. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification.

Other (Not Allowed)

- One submitter raised a concern that increasing national park areas would result in more people walking dogs in coastal areas and potentially impacting shorebirds.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Retain in Stewardship - KAR_19_28077310

The comments received in relation to the Mana Whenua Panel recommendation are summarised below and have been considered in relation to the notified proposal when forming s.49 allow/accept recommendations.

Support

Ecology and Landscape (Allowed)

- A submitter noted the “positive contribution to the conservation of natural and historical resources in an area” which could be supported by mining operations if the area remains in stewardship.
- Submissions stated that there was insufficient evidence of the conservation value and characteristics justifying national park status for various pieces of stewardship land.

I recommend that these comments are not accepted. Although areas of modification may be present, the natural resources described in the CVR (e.g. podocarp/hardwood/beech indigenous forest; the lowest and most accessible forests are recovering from logging and windthrow from Cyclone Ita in 2014; ecosystems remain highly representative of indigenous communities of southern Karama Ecological District) justify referring this area to the NZCA for its recommendation as to the suitability of a national park addition. This is further supported by the land context of the adjoining Kahurangi National Park.

Treaty Considerations (Allowed)

- The majority of submissions in support of retaining land in stewardship did so on the grounds that adding land to national parks would not give effect to Treaty principles, as the classification impedes Ngāi Tahu's ability to exercise their mana whenua, kaitiakitanga, and mahinga kai rights and responsibilities and limits their involvement in decision-making processes, alienating them from their cultural and ancestral connections with the land.
- Submissions supported the recommendations of the mana whenua panel “to acknowledge the rights and interests of mana whenua as a treaty partner” (e.g. “have the longest and strongest claim to this land”).
- Submissions advocated for conservation law reform to create more appropriate forms of protected area classifications from a Ngāi Tahu perspective.

Potential changes to management or legislative frameworks are not the subject of the notified proposal. As such, I recommend that comments advocating for such amendments are not accepted. The notified proposal includes referral of the area to the NZCA for its consideration on the suitability of a national park classification, which provides a further opportunity to explore specific Ngāi Tahu interests and aspirations, including the NZCA's consideration as to what giving effect to Treaty principles may require.

General (Allowed)

- A submission advocated for the area to be added to the “Glasseye Creek Ecological Area”, without providing further justification.
- Submissions stated they agreed with the Mana Whenua Panel without providing further justification.

I recommend that these comments are not accepted. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised for further consideration.

Permissions, Economic Factors, and Land Use (Not Allowed)

- A submitter, who holds a minerals prospecting permit over the area, supported a stewardship classification to support the economic benefits of other local minerals companies “to the Reefton economy and community, and the wider benefits of mining to New Zealand”.
- Submitters stated that reclassifying land as national park, or other classifications which fall under Schedule 4, could have economic consequences by excluding mineral extraction and other activities on that land. The potential loss of opportunities resulting from these restrictions was seen as damaging, particularly in terms of mineral extraction and site rehabilitation.
- Submissions specified their preference for land to either be retained in stewardship or be reclassified as a conservation park, stating that this gives the land “more than adequate legal protection”.
- It was suggested that a “holistic view”, encompassing mineral prospectivity and other economic, social, and cultural considerations, should be taken.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Process and Consultation (Not Allowed)

- A submitter raised concern that a “change in status or disposal will affect the existing concessions”, specifically relating to grazing and beehive sites.
- A submitter opposed any reclassification “as it sets a precedent to get the land away from the public and into private ownership”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- One submission expressed doubt that reclassifying stewardship land as national parks would have a positive impact on conservation, citing DOC funding and resource limitations.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Oppose

Access and Recreation (Allowed)

- A submitter noted opposition to “any new cycleways through our National Parks and Ecological Areas, as cycleways inherently require more infrastructure and do more environmental damage”.
- A submitter supported a national park classification to support the protection of the “surrounding area of the historic Lyell dray road” as well as the “historic Mōkihinui pack track”.
- It was noted that “the tussock tops along the Radiant Range offer a wild and remote tramping experience, allowing for routes that connect the Little Wanganui with the Hemphill River and Mihikonui Catchment”.
- Submitters noted that the headwaters of rivers present are “paddleable by packrafters”, including the “North Branch” to the “Forks and down to the sea”.
- Submissions advocated for reclassification as a national park to ensure ongoing access and enjoyment of the protected natural resources, and to reflect the recreational values of the area.

I recommend that these comments are accepted. These comments hold merit under the Conservation Act as they support promotion of recreation that is not inconsistent with the preservation of the natural and historic resources present. Under a national park classification “the public shall have freedom of entry and access” subject to restrictions “necessary for the preservation of the native plants and animals or for the welfare in general of the parks” (National Parks Act 1980, s. 4(2)(e)).

Climate Change and Natural Hazards (Allowed)

- Submissions stated a preference for reclassification as a national park to ensure environmental protection in light of the impacts of climate change (e.g. “provide a greater buffer against edge effects and climate threats”).

I recommend that these comments are accepted. I agree that the protection of the existing natural resources is of increasing importance when considering the need for climate mitigation. Classification as national park will support this outcome. The relevance of this factor for reclassification decisions is evident when the future-focused elements in the definition of conservation are considered, including, “safeguarding the options of future generations,” in relation to ‘natural resources’, “the air, water and soil in or on which any plant or animal lives or may live,” and in relation to ‘protection’ of a resource, “restoration to some former state and its augmentation, enhancement, or expansion” (Conservation Act 1987, s. 2).

Ecology and Landscape (Allowed)

- The area was identified as supporting “rare threatened and distinct species such as *Powelliphanta lignaria lusca*”. Two “elusive little known endemic” butterfly species were noted as being present (Butler’s ringlet, Janita’s tussock ringlet), with the area forming part of their limited distribution.
- Submitters identified as a “continuous forested Outstanding Natural Landscape ONL54 sharing complementary high conservation and ecological values with Kahurangi National Park and is visually connected to it”.
- Submissions expressed a preference for national park classification to protect the high natural values, stating that values are “indistinguishable from those within the surrounding Kahurangi National Park”, that the proposed classification reflects the land context of the adjacent national park and “provides for landscape continuity”, and emphasising that national park classification supports critical biodiversity outcomes (e.g. “provides a buffer between the National Park and developed farmland”).

I recommend that these comments are accepted. They provide site-specific details regarding the natural resources present which warrant consideration. The natural resources identified by submitters are consistent with those described in the CVR (e.g. podocarp/hardwood/beech indigenous forest; the lowest and most accessible forests are recovering from logging and windthrow from Cyclone Ita in 2014; ecosystems remain highly representative of indigenous communities of southern Karamaea Ecological District). The contiguous boundary with Kahurangi National Park further supports your notified intention to refer this area to the NZCA for its recommendation as to the suitability of a national park addition.

- It was also suggested that the land should be classified as a scenic reserve, recreation reserve, or conservation park as it has “strong conservation, ecological and natural value, but it is not so unique or scientifically important to meet the standard set by the National Parks Act”.

I recommend that these comments are not accepted. Although areas of modification may be present, the natural resources described in the CVR (e.g. podocarp/hardwood/beech indigenous forest; the lowest and most accessible forests are recovering from logging and windthrow from Cyclone Ita in 2014; ecosystems remain highly representative of indigenous communities of southern Karamaea Ecological District) justify referring this area to the NZCA for its recommendation as to the suitability of a national park addition. This is further supported by the land context of the adjoining Kahurangi National Park.

Treaty Considerations (Allowed)

- Submissions expressed a preference for national park reclassification, but advocated for mana whenua to have free access and use of national parks for cultural, traditional, historical, and customary purposes, describing this as aligning with Section 4 of the National Parks Act, and for conservation principles to be carried out in an “established collegial co-governance manner”.
- One submission argued against retaining land as stewardship where no areas had been identified as specifically valuable to Ngāi Tahu.

I recommend that these comments are accepted to the extent that they agree the natural and historic resources present warrant referral to the NZCA for their consideration. However, while the possibility of future changes to management or legislative frameworks is identified by submitters as a potential means of reconciling that purpose with Treaty partner interests, such changes are not being considered within this reclassification exercise. The notified proposal includes referral of the area to the NZCA for its consideration on the suitability of a national park classification, which provides a further

opportunity to explore specific Ngāi Tahu interests and aspirations, including the NZCA's consideration as to what giving effect to Treaty principles may require.

General (Allowed)

- Submissions expressed preference for reclassification as a national park and for high protection for more stewardship land, either without providing further justification, or based on the “reasons outlined in the conservation value reports” or the land’s “high cultural conservation value”.

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is identified, these points do not raise any matters for further consideration.

- Submissions opposed retaining land in stewardship, describing it as a “meaningless recommendation”.
- One submission suggested reclassification as either scenic reserve or conservation park is preferable to the land being retained in stewardship.

I recommend that these comments are not accepted. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised for further consideration.

Permissions, Economic Factors and Land Use (Not Allowed)

- Submitters raised concern that the proposal to leave the land in stewardship is based on “economic aspirations which are often in direct contrast to the conservation values the land was supposed to be assessed on”.
- A submitter noted that “the grazed portion could be disposed”, highlighting “the neighbouring landowner illegally grazing it”.
- Submissions noted that national parks support a nature economy, and that this is in line with the Te Whanaketanga Tai Poutini West Coast Economic Strategy 2050.
- There was concern that retaining the area as stewardship land exposes it to risk of activities such as mining or being swapped out of the conservation estate.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Process and Consultation (Not Allowed)

- A submitter raised concern about “underlying economic conflicts of interest that seem to have driven the mana whenua panel’s recommendations”.
- A submitter expressed that retaining the area in stewardship “appears to defeat the purpose of this exercise of reclassifying stewardship land”.
- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submissions that did not select or state a clear opinion, queried whether this classification allowed for hunting and fishing.

I recommend that these comments are not accepted. The submissions do not identify how the potential for hunting and fishing is relevant to decision-making on classification of the area, and no new material is raised which supports reconsideration of the notified classification. It should be noted that the proposed classification does not prohibit public access for the proposed activities, or the activities themselves when appropriately authorised (for example under a hunting permit), where consistent with preservation of the conservation values present.

Treaty Considerations (Allowed)

- A submitter advocated for amendments to the National Parks Act “as a priority so that there is no need for a recommendation of Stewardship Area in the meantime”.

Potential changes to management or legislative frameworks are not the subject of the notified proposal. As such, I recommend that comments advocating for such amendments are not accepted. The notified proposal includes referral of the area to the NZCA for its consideration on the suitability of a national park classification, which provides a further opportunity to explore specific Ngāi Tahu interests and aspirations, including the NZCA's consideration as to what giving effect to Treaty principles may require.

General (Allowed)

- Submissions advocated generally for all national parks, forest parks, scenic reserves and stewardship land to be protected from development.

I recommend that these comments are not accepted for further consideration. The legislation does not provide for absolute protection from development – rather it contemplates that some activities may be acceptable and provides a mechanism for authorising such activities through the grant of concessions. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification.

Other (Not Allowed)

- It was recommended that if the area is offered a lower level of protection than national park, any waterways/ wetlands bordering the parcel are protected by a five-metre setback that is fenced and planted to “uphold Te Mana o te Wai”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

KAR_19 - Blue Duck Creek - 2807732

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Blue Duck Creek	KAR_19_2807732l	National Park (Kahurangi)		6040*	24
Blue Duck Creek	KAR_19_2807732m		Stewardship	17	39

DOC Conservation Values Report Description

A small 2.05-ha disjunct beech forested area within the lowlands of the Northern Radiant Range assessment area.

Panel Recommendations

National Panel: National Park, based on the complementary conservation values to the nearby section of the Kahurangi National Park. Adding this area to the national park is considered to rationalise the park's boundary and improve landscape continuity.

Mana Whenua Panel: Retain as stewardship land pending further policy work or legal reform, based on the position that the addition of land to national parks will not give effect to the principles of the Treaty of Waitangi as it alienates Ngāi Tahu from their ancestral lands.

S.49(2)(d) Recommendation

- Do not proceed with the notified proposal, retaining the area in stewardship at this time.

Summary of accepted submissions: The submissions 'accepted' as holding merit opposed the proposed national park investigation as the natural resources present do not meet the standard set by the National Parks Act, and due to the area's land context (e.g. "small outlying piece of stewardship land").

Section 4 and Treaty principles: The Mana Whenua Panel opposed the proposed national park referrals, supported by submissions from Treaty partner organisations. Te Rūnanga o Ngāi Tahu oppose all additions to national parks within the Ngāi Tahu takiwā as "the addition of land to national parks will not give effect to the principles of the Treaty of Waitangi (as required by section 4 of the Conservation Act 1987) as it alienates Ngāi Tahu from our ancestral lands".

My assessment, considering those submissions accepted, is that the modified nature of the natural resources present are inconsistent with those described in the National Parks Act 1980, and the area should remain held in stewardship at this time. I note that any further work to determine an appropriate classification for this area will be undertaken in a manner consistent with Treaty principles.

Rationale: I have concluded, considering those submissions accepted, that natural and historic resources present do not justify referring this area to the NZCA for its recommendation as to the suitability of a national park addition, and the area should remain held in stewardship until a more appropriate classification is determined. Section 4 of the National Parks Act 1980 describes national parks as "areas of New Zealand that contain scenery of such distinctive quality, ecological systems, or natural features so beautiful, unique, or scientifically important that their preservation is in the national interest". The stewardship area in question does not meet this standard, being isolated from other public conservation land and containing natural resources which are modified in nature (e.g. the lowest and most accessible forests are recovering from logging and windthrow from Cyclone Ita in 2014; small disjunct conservation area adjacent to Blue Duck Creek).

* This figure includes 5,976 submissions made using a Forest and Bird template.

National Park (Kahurangi) - KAR_19_28077321

Support

Access and Recreation (Allowed)

- It was noted that “the tussock tops along the Radiant Range offer a wild and remote tramping experience, allowing for routes that connect the Little Wanganui with the Hemphill River and Mihikonui Catchment”.
- Submitters noted that the headwaters of rivers present are “paddleable by packrafters”, including the “North Branch” to the “Forks and down to the sea”.
- Submissions expressed support for expanding national parks to protect outstanding recreational values for current and future generations, and to guarantee public access rights.

I recommend that these comments are not accepted. I have concluded based on comments in opposition to the notified intention that the area does not warrant the particularly high level of protection afforded to national parks. I note that this area will remain protected as public conservation land and will continue to provide for public recreational access.

Climate Change and Natural Hazards (Allowed)

- Submissions suggested that suitable stewardship land should be incorporated into adjacent areas to support climate change mitigation, and that the protection of the area was especially important in the context of climate change (e.g. “for climate stability”).

I recommend that these comments are not accepted. I have concluded based on comments in opposition to the notified intention that the area does not warrant the particularly high level of protection afforded to national parks. I note that this area will remain protected as public conservation land and will continue to contribute to climate mitigation.

Ecology and Landscape (Allowed)

- A submitter noted the area to contain “regenerating bush and good freshwater habitat”.
- Submissions expressed that adding the land to the national park would provide valuable ecological connectivity and buffer the rest of the park from “edge effects” and developed farmland (e.g. “enhance ecological buffer zones and maintain ecological diversity”).
- Submissions emphasised the importance of high protection under national park reclassification to “protect species (...) retain true wildernesses, for ecosystem services”. Submissions also noted that the classification “is an appropriate step in implementing Te Mana o te Taio”, and that “protection of native forest and natural ecosystems is of national importance”.
- The values were deemed similar or the same to those in the adjacent Kahurangi National Park. Submissions suggested reclassification as a national park would “rationalise the park’s boundaries and provide improved landscape continuity and connectivity”, and it was noted that current land classification delineations are “historic and arbitrary” and “not informed by ecological and landscape principles”.

I recommend that these comments are not accepted. I have concluded based on comments in opposition to the notified intention that the natural and historic resources present do not justify referring this area to the NZCA for its recommendation as to the suitability of a national park addition. The area is isolated from other public conservation land, and the natural resources described in the CVR are modified in nature (e.g. the lowest and most accessible forests are recovering from logging and windthrow from Cyclone Ita in 2014; one small disjunct conservation area adjacent to Blue Duck Creek).

Treaty Considerations (Allowed)

- Submissions acknowledged the concerns raised by mana whenua regarding national parks. However, they viewed maximum protection of the natural values as paramount and suggested that changes to national park management or legislative frameworks should occur to reflect Treaty principles and to ensure free access and use of national parks for cultural, traditional, historical, and customary purposes.
- Submissions in support of national park noted a desire to “see the concerns of mana whenua addressed”.

- Submissions supported additions to adjacent national parks where mana whenua had not identified site-specific cultural values for the land.

I recommend that these comments are not accepted. While the possibility of future changes to management or legislative frameworks is identified by submitters as a potential means of reconciling the purpose of national parks with Treaty partner interests, such changes are not being considered within this reclassification exercise.

General (Allowed)

- Submissions expressed general support for reclassification as a national park and for maximum environmental protection across all stewardship land, expressed support for greater protection for all land “that retains high natural values”, or called for all land to be reclassified at the highest possible level based on its “cultural conservation value”.
- Submissions expressed support for a national park classification as being “consistent with the technical reports”.

I recommend that these comments are not accepted. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised for further consideration.

Permissions, Economic Factors and Land Use (Not Allowed)

- One submission noted that national parks support a “nature economy”, and that this is in line with the Te Whanaketanga Tai Poutini West Coast Economic Strategy 2050.
- Submissions noted that national park classification prevents mining and means development proposals are subject to higher scrutiny, and “applies a precautionary principle that these lands are best left in a natural state unless there is a good case otherwise”. They also noted that legislative “let out clauses” exist to enable things in national parks that are “necessary and have wide approval”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Process and Consultation (Not Allowed)

- Submissions raised concerns that there were no terms of reference for the Mana Whenua Panel, and suggested that Ngāi Tahu objections to national parks should have been addressed at a broader level prior to the reclassification process.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- Submissions suggested that reclassification “needs to be followed up with sufficient funding for pest eradication”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Oppose

Access and Recreation (Allowed)

- Submissions expressed concern about loss of recreation opportunities and suggested that other classifications may provide a better balance between recreational enjoyment and protection of natural resources. Restrictions on dog walking were raised specifically by a West Coast resident. Classifications suggested were conservation park, or scenic reserve or recreation reserve if additional protection is required to protect flora and fauna.
- Submissions stated opposition to any reclassification unless it provides explicitly for access, including helicopter landings, sports fishing and gamebird hunting, or stated opposition as national park status “excludes hunting for native species which are classified as gamebirds under the Wildlife Act, and which are managed as gamebirds such as Pukeko and Paradise Shelduck”.

I recommend that these comments are accepted to the extent that they identify that a national park classification is not suitable for this stewardship area. I agree that the natural resources described in the CVR are modified in nature (e.g. the lowest and most accessible forests are recovering from logging and windthrow from Cyclone Ita in 2014; one small disjunct conservation area adjacent to Blue Duck Creek), and that they do not warrant the particularly high level of protection

afforded to national parks. I note that this area will remain protected as public conservation land and will continue to provide for public recreational access.

Ecology and Landscape (Allowed)

- Submitters noted the area as “a small outlying piece of stewardship land surrounded by Non-Public Conservation Land” (e.g. “appears to be isolated from the rest of the national park”).
- A submitter preferred classification as a scenic reserve.
- Submissions suggested that the ecological values of the land are not high enough to meet the standard for national park classification (e.g. “not so unique or scientifically important to meet the standard set by the National Parks Act”), suggesting that a conservation park would be appropriate, or a scenic reserve or recreation reserve in areas where there is potential risk of damaging activities such as mining.

I recommend that these comments are accepted. I agree that the area is isolated from other public conservation land, and that the natural resources described in the CVR are modified in nature (e.g. the lowest and most accessible forests are recovering from logging and windthrow from Cyclone Ita in 2014; one small disjunct conservation area adjacent to Blue Duck Creek). My conclusion is that natural and historic resources present do not justify referring this area to the NZCA for its recommendation as to the suitability of a national park addition.

Treaty Considerations (Allowed)

- Several submissions opposed the proposed national park investigation whilst supporting the proposal to retain the area in stewardship, pending conservation law reform to create more appropriate forms of protected area classifications from a Ngāi Tahu perspective. This follows a Ngāi Tahu tribal position that a national park classification “obstructs Ngāi Tahu from maintaining ancestral relationships with the whenua, obstructs kaitiaki rights and responsibilities, limits the meaningful involvement of Ngāi Tahu in decision-making processes, and is less enabling of customary practices that are fundamental to sustaining tribal identity and mana”.
- Submissions considered this recommendation as misaligned with Treaty obligations, and advocated for these areas to remain as stewardship land until classifications that more appropriately reflect Treaty principles are established.

I recommend that these comments are accepted to the extent that they identify that a national park classification is not suitable for this stewardship area. However, while the possibility of future changes to management or legislative frameworks is identified by submitters as a potential means of reconciling the purpose of national parks with Treaty partner interests, such changes are not being considered within this reclassification exercise.

General (Allowed)

- Submissions stated general opposition to national park classification or stated support for leaving the land in stewardship, or simply stated support for the recommendations made by the Mana Whenua Panel, without providing further justification.

I recommend that these comments are accepted to the extent that they identify that a national park classification is not suitable for this stewardship area.

Permissions, Economic Factors and Land Use (Not Allowed)

- A submitter raised concern that a “change in status or disposal will affect the existing concessions”, specifically relating to grazing and beehive sites.
- Submissions expressed opposition to placing more land under the “restrictive” national park classification.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Process and Consultation (Not Allowed)

- A submitter recommended “individual consultation with the adjacent landowner/s”.
- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- Submissions expressed the view that national park classification does not equate to effective protection from introduced pests or predators.
- One submission opposed all reclassification of stewardship land unless it was purchased by the Nature Heritage Fund for the purpose of adding it to a national park.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

General (Allowed)

- Submissions advocated generally for all national parks, forest parks, scenic reserves and stewardship land to be protected from development.

I recommend that these comments are not accepted for further consideration. The legislation does not provide for absolute protection from development – rather it contemplates that some activities may be acceptable and provides a mechanism for authorising such activities through the grant of concessions. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification.

Other (Not Allowed)

- One submitter raised a concern that increasing national park areas would result in more people walking dogs in coastal areas and potentially impacting shorebirds.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Retain in Stewardship - KAR_19_2807732m

The comments received in relation to the Mana Whenua Panel recommendation are summarised below and have been considered in relation to the notified proposal when forming s.49 allow/accept recommendations.

Support

Ecology and Landscape (Allowed)

- A submitter noted the area as “a small outlying piece of stewardship land surrounded by Non-Public Conservation Land”, preferring classification as a scenic reserve.
- Submissions stated that there was insufficient evidence of the conservation value and characteristics justifying national park status for various pieces of stewardship land.

I recommend that these comments are accepted. I agree that the area is isolated from other public conservation land, and that the natural resources described in the CVR are modified in nature (e.g. the lowest and most accessible forests are recovering from logging and windthrow from Cyclone Ita in 2014; one small disjunct conservation area adjacent to Blue Duck Creek). My conclusion is that natural and historic resources present do not justify referring this area to the NZCA for its recommendation as to the suitability of a national park addition, and the area should remain held in stewardship at this time.

Treaty Considerations (Allowed)

- The majority of submissions in support of retaining land in stewardship did so on the grounds that adding land to national parks would not give effect to Treaty principles, as the classification impedes Ngāi Tahu's ability to exercise their mana whenua, kaitiakitanga, and mahinga kai rights and responsibilities and limits their involvement in decision-making processes, alienating them from their cultural and ancestral connections with the land.
- Submissions supported the recommendations of the mana whenua panel “to acknowledge the rights and interests of mana whenua as a treaty partner” (e.g. “have the longest and strongest claim to this land”).

- Submissions advocated for conservation law reform to create more appropriate forms of protected area classifications from a Ngāi Tahu perspective.

I recommend that these comments are accepted to the extent that they identify that a national park classification is not suitable for this stewardship area. However, while the possibility of future changes to management or legislative frameworks is identified by submitters as a potential means of reconciling the purpose of national parks with Treaty partner interests, such changes are not being considered within this reclassification exercise.

General (Allowed)

- Submissions stated they agreed with the Mana Whenua Panel without providing further justification.

I recommend that these comments are accepted to the extent that they identify that a national park classification is not suitable for this stewardship area.

Permissions, Economic Factors, and Land Use (Not Allowed)

- A submitter raised concern that a “change in status or disposal will affect the existing concessions”, specifically relating to grazing and beehive sites.
- Submitters stated that reclassifying land as national park, or other classifications which fall under Schedule 4, could have economic consequences by excluding mineral extraction and other activities on that land. The potential loss of opportunities resulting from these restrictions was seen as damaging, particularly in terms of mineral extraction and site rehabilitation.
- Submissions specified their preference for land to either be retained in stewardship or be reclassified as a conservation park, stating that this gives the land “more than adequate legal protection”.
- It was suggested that a “holistic view”, encompassing mineral prospectivity and other economic, social, and cultural considerations, should be taken.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Process and Consultation (Not Allowed)

- A submitter opposed any reclassification “as it sets a precedent to get the land away from the public and into private ownership”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- One submission expressed doubt that reclassifying stewardship land as national parks would have a positive impact on conservation, citing DOC funding and resource limitations.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Oppose

Access and Recreation (Allowed)

- It was noted that “the tussock tops along the Radiant Range offer a wild and remote tramping experience, allowing for routes that connect the Little Wanganui with the Hemphill River and Mihikonui Catchment”.
- Submitters noted that the headwaters of rivers present are “paddleable by packrafters”, including the “North Branch” to the “Forks and down to the sea”.
- Submissions advocated for reclassification as a national park to ensure ongoing access and enjoyment of the protected natural resources, and to reflect the recreational values of the area.

I recommend that these comments are not accepted. I have concluded based on comments in opposition to the notified intention that the area does not warrant the particularly high level of protection afforded to national parks. I note that this area will remain protected as public conservation land and will continue to provide for public recreational access.

Climate Change and Natural Hazards (Allowed)

- Submissions stated a preference for reclassification as a national park to ensure environmental protection in light of the impacts of climate change (e.g. “provide a greater buffer against edge effects and climate threats”).

I recommend that these comments are not accepted. I have concluded based on comments in opposition to the notified intention that the area does not warrant the particularly high level of protection afforded to national parks. I note that this area will remain protected as public conservation land and will continue to contribute to climate mitigation.

Ecology and Landscape (Allowed)

- Submissions expressed a preference for national park classification to protect the high natural values, stating that values are “indistinguishable from those within the surrounding Kahurangi National Park”, that the proposed classification reflects the land context of the adjacent national park and “provides for landscape continuity”, and emphasising that national park classification supports critical biodiversity outcomes.

I recommend that these comments are not accepted. I have concluded based on comments in opposition to the notified intention that the natural and historic resources present do not justify referring this area to the NZCA for its recommendation as to the suitability of a national park addition. The area is isolated from other public conservation land, and the natural resources described in the CVR are modified in nature (e.g. the lowest and most accessible forests are recovering from logging and windthrow from Cyclone Ita in 2014; one small disjunct conservation area adjacent to Blue Duck Creek).

- It was also suggested that the land should be classified as a scenic reserve, recreation reserve, or conservation park as it has “strong conservation, ecological and natural value, but it is not so unique or scientifically important to meet the standard set by the National Parks Act”.

I recommend that these comments are accepted to the extent that they identify that a national park classification is not suitable for this stewardship area. I agree that the area is isolated from other public conservation land, and that the natural resources described in the CVR are modified in nature (e.g. the lowest and most accessible forests are recovering from logging and windthrow from Cyclone Ita in 2014; one small disjunct conservation area adjacent to Blue Duck Creek).

Treaty Considerations (Allowed)

- Submissions expressed a preference for national park reclassification, but advocated for mana whenua to have free access and use of national parks for cultural, traditional, historical, and customary purposes, describing this as aligning with Section 4 of the National Parks Act, and for conservation principles to be carried out in an “established collegial co-governance manner”.
- One submission argued against retaining land as stewardship where no areas had been identified as specifically valuable to Ngāi Tahu.

I recommend that these comments are not accepted. While the possibility of future changes to management or legislative frameworks is identified by submitters as a potential means of reconciling the purpose of national parks with Treaty partner interests, such changes are not being considered within this reclassification exercise.

General (Allowed)

- Submissions expressed preference for reclassification as a national park and for high protection for more stewardship land, either without providing further justification, or based on the “reasons outlined in the conservation value reports” or the land’s “high cultural conservation value”.
- Submissions opposed retaining land in stewardship, describing it as a “meaningless recommendation”.
- One submission suggested reclassification as either scenic reserve or conservation park is preferable to the land being retained in stewardship.

I recommend that these comments are not accepted. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised for further consideration.

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions noted that national parks support a nature economy, and that this is in line with the Te Whanaketanga Tai Poutini West Coast Economic Strategy 2050.
- There was concern that retaining the area as stewardship land exposes it to risk of activities such as mining or being swapped out of the conservation estate.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Process and Consultation (Not Allowed)

- A submitter expressed that retaining the area in stewardship “appears to defeat the purpose of this exercise of reclassifying stewardship land”.
- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submissions that did not select or state a clear opinion, queried whether this classification allowed for hunting and fishing.

I recommend that these comments are not accepted. The submissions do not identify how the potential for hunting and fishing is relevant to decision-making on classification of the area, and no new material is raised which supports reconsideration of the notified classification. It should be noted that the proposed classification does not prohibit public access for the proposed activities, or the activities themselves when appropriately authorised (for example under a hunting permit), where consistent with preservation of the conservation values present.

Treaty Considerations (Allowed)

- A submitter advocated for amendments to the National Parks Act “as a priority so that there is no need for a recommendation of Stewardship Area in the meantime”.

I recommend that these comments are not accepted. While the possibility of future changes to management or legislative frameworks is identified by submitters as a potential means of reconciling the purpose of national parks with Treaty partner interests, such changes are not being considered within this reclassification exercise.

General (Allowed)

- Submissions advocated generally for all national parks, forest parks, scenic reserves and stewardship land to be protected from development.

I recommend that these comments are not accepted for further consideration. The legislation does not provide for absolute protection from development – rather it contemplates that some activities may be acceptable and provides a mechanism for authorising such activities through the grant of concessions. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification.

Other (Not Allowed)

- It was recommended that if the area is offered a lower level of protection than national park, any waterways/ wetlands bordering the parcel are protected by a five-metre setback that is fenced and planted to “uphold Te Mana o te Wai”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

KAR_19 - Tidal Creek - 2807736

Protected Area	Recommendation ID	National Panel Recommendation	Mana Whenua Panel Recommendation	Support	Oppose
Tidal Creek	KAR_19_2807736n	National Park (Kahurangi)		6045*	22
Tidal Creek	KAR_19_2807736o		Stewardship	17	40

DOC Conservation Values Report Description

The 61.9374-ha Tidal Creek conservation area contains beech forested lowlands within the Northern Radiant Range assessment area. The area borders Kahurangi National Park and Glasseye Creek Ecological Area, adjacent to both an Ecosystem Management Unit and Species Management Unit.

Panel Recommendations

National Panel: National Park, based on the complementary conservation values to the nearby section of the Kahurangi National Park. Adding this area to the national park is considered to rationalise the park's boundary and improve landscape continuity.

Mana Whenua Panel: Retain as stewardship land pending further policy work or legal reform, based on the position that the addition of land to national parks will not give effect to the principles of the Treaty of Waitangi as it alienates Ngāi Tahu from their ancestral lands.

S.49(2)(d) Recommendation

- Proceed with the notified proposal, by referring this area to the NZCA for its consideration as to the suitability of a national park classification in accordance with the relevant policy and procedures, including Policy 6 of the General Policy for National Parks and Section 4 of the Conservation Act 1987.

Summary of accepted submissions: The submissions 'accepted' as holding merit supported the proposed national park investigation to protect the area's natural values, improve climate change mitigation, and ensure ongoing public recreational access. Submitters referenced specific natural resources which were noted to be of high value and similar in nature to the adjoining national park.

Section 4 and Treaty principles: The Mana Whenua Panel opposed the proposed national park referrals, supported by submissions from Treaty partner organisations. Te Rūnanga o Ngāi Tahu oppose all additions to national parks within the Ngāi Tahu takiwā as "the addition of land to national parks will not give effect to the principles of the Treaty of Waitangi (as required by section 4 of the Conservation Act 1987) as it alienates Ngāi Tahu from our ancestral lands".

I note that my s.49 recommendations and your decision on whether to refer this area to the NZCA for their consideration must give effect to Treaty principles independently of the NZCA's section 4 obligations.

Although I acknowledge the Mana Whenua Panel opposition to the notified proposal, my assessment, considering those submissions accepted, is that the natural and historic resources present are of a similar nature to the adjacent national park, and warrant proceeding with a referral to the NZCA. Giving effect to Section 4 of the Act includes taking reasonable steps to actively protect the identified Treaty partner interests, but this obligation is not absolute and unqualified, as this would be inconsistent with DOC's other statutory responsibilities.

Referring this area to the NZCA for their consideration provides an opportunity for the NZCA to further assess the natural and historic resources present, and explore specific Ngāi Tahu interests and aspirations, including their consideration as to what giving effect to Treaty principles may require.

Rationale: My conclusion, considering those submissions accepted, is that the natural and historic resources present warrant referral to the NZCA for their consideration as per the process set out in Chapter 3 of the introduction to this Summary of Submissions Report.

* This figure includes 5,976 submissions made using a Forest and Bird template.

National Park (Kahurangi) - KAR_19_2807736n

Support

Access and Recreation (Allowed)

- It was noted that “the tussock tops along the Radiant Range offer a wild and remote tramping experience, allowing for routes that connect the Little Wanganui with the Hemphill River and Mihikonui Catchment”.
- Submitters noted that the headwaters of rivers present are “paddleable by packrafters”, including the “North Branch” to the “Forks and down to the sea”.
- Submissions expressed support for expanding national parks to protect outstanding recreational values for current and future generations, and to guarantee public access rights.

I recommend that these comments are accepted. These comments hold merit under the Conservation Act as they support promotion of recreation that is not inconsistent with the preservation of the natural and historic resources present. Under a national park classification “the public shall have freedom of entry and access” subject to restrictions “necessary for the preservation of the native plants and animals or for the welfare in general of the parks” (National Parks Act 1980, s. 4(2)(e)).

Climate Change and Natural Hazards (Allowed)

- A national park classification was supported “now more than ever given the biodiversity and climate crisis we are facing”.
- Submissions suggested that suitable stewardship land should be incorporated into adjacent areas to support climate change mitigation, and that the protection of the area was especially important in the context of climate change (e.g. “for climate stability”)

I recommend that these comments are accepted. I agree that the protection of the existing natural resources is of increasing importance when considering the need for climate mitigation. Classification as national park will support this outcome. The relevance of this factor for reclassification decisions is evident when the future-focused elements in the definition of conservation are considered, including, “safeguarding the options of future generations,” in relation to ‘natural resources’, “the air, water and soil in or on which any plant or animal lives or may live,” and in relation to ‘protection’ of a resource, “restoration to some former state and its augmentation, enhancement, or expansion” (Conservation Act 1987, s. 2).

Ecology and Landscape (Allowed)

- The area was identified as a “continuous forested Outstanding Natural Landscape ONL54”.
- Submitters noted the area as “valuable habitat for *Powelliphanta lignaria lusca*, long-tailed bat, rooroa, kea and SI robin”.
- Submissions expressed that adding the land to the national park would provide valuable ecological connectivity and buffer the rest of the park from “edge effects” and developed farmland (e.g. “enhance ecological buffer zones and maintain ecological diversity”).
- Submissions emphasised the importance of high protection under national park reclassification to “protect species (...) retain true wildernesses, for ecosystem services”. Submissions also noted that the classification “is an appropriate step in implementing Te Mana o te Taio”, and that “protection of native forest and natural ecosystems is of national importance”.
- The values were deemed similar or the same to those in the adjacent Kahurangi National Park. Submissions suggested reclassification as a national park would “rationalise the park’s boundaries and provide improved landscape continuity and connectivity”, and it was noted that current land classification delineations are “historic and arbitrary” and “not informed by ecological and landscape principles”.

I recommend that these comments are accepted. They provide site-specific details regarding the natural resources present which warrant consideration. The natural resources identified by submitters are consistent with those described in the CVR (e.g. podocarp/hardwood/beechn indigenous forest; the lowest and most accessible forests are recovering from logging and windthrow from Cyclone Ita in 2014; ecosystems remain highly representative of indigenous communities of southern Karamaea Ecological District). The contiguous boundary with Kahurangi National Park further supports your notified intention to refer this area to the NZCA for its recommendation as to the suitability of a national park addition.

Treaty Considerations (Allowed)

- Submissions acknowledged the concerns raised by mana whenua regarding national parks. However, they viewed maximum protection of the natural values as paramount and suggested that changes to national park management or legislative frameworks should occur to reflect Treaty principles and to ensure free access and use of national parks for cultural, traditional, historical, and customary purposes.
- Submissions in support of national park noted a desire to “see the concerns of mana whenua addressed”.
- Submissions supported additions to adjacent national parks where mana whenua had not identified site-specific cultural values for the land.

I recommend that these comments are accepted to the extent that they agree the natural and historic resources present warrant referral to the NZCA for their consideration. However, while the possibility of future changes to management or legislative frameworks is identified by submitters as a potential means of reconciling that purpose with Treaty partner interests, such changes are not being considered within this reclassification exercise. The notified proposal includes referral of the area to the NZCA for its consideration on the suitability of a national park classification, which provides a further opportunity to explore specific Ngāi Tahu interests and aspirations, including the NZCA’s consideration as to what giving effect to Treaty principles may require.

General (Allowed)

- Submissions expressed general support for reclassification as a national park and for maximum environmental protection across all stewardship land, expressed support for greater protection for all land “that retains high natural values”, or called for all land to be reclassified at the highest possible level based on its “cultural conservation value”.
- Submissions expressed support for a national park classification as being “consistent with the technical reports”.

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is identified, these points do not raise any matters for further consideration.

Permissions, Economic Factors and Land Use (Not Allowed)

- A submitter noted that “the grazed portion could be disposed”, highlighting “the neighbouring landowner illegally grazing it”.
- One submission noted that national parks support a “nature economy”, and that this is in line with the Te Whanaketanga Tai Poutini West Coast Economic Strategy 2050.
- Submissions noted that national park classification prevents mining and means development proposals are subject to higher scrutiny, and “applies a precautionary principle that these lands are best left in a natural state unless there is a good case otherwise”. They also noted that legislative “let out clauses” exist to enable things in national parks that are “necessary and have wide approval”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Process and Consultation (Not Allowed)

- A submitter recommended “individual consultation with the adjacent landowner/s”.
- Submissions raised concerns that there were no terms of reference for the Mana Whenua Panel, and suggested that Ngāi Tahu objections to national parks should have been addressed at a broader level prior to the reclassification process.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- Submissions suggested that reclassification “needs to be followed up with sufficient funding for pest eradication”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Oppose

Access and Recreation (Allowed)

- Submissions expressed concern about loss of recreation opportunities and suggested that other classifications may provide a better balance between recreational enjoyment and protection of natural resources. Restrictions on dog walking were raised specifically by a West Coast resident. Classifications suggested were conservation park, or scenic reserve or recreation reserve if additional protection is required to protect flora and fauna.
- Submissions stated opposition to any reclassification unless it provides explicitly for access, including helicopter landings, sports fishing and gamebird hunting, or stated opposition as national park status “excludes hunting for native species which are classified as gamebirds under the Wildlife Act, and which are managed as gamebirds such as Pukeko and Paradise Shelduck”.

I recommend that these comments are not accepted. The methods of appreciation and recreational enjoyment proposed (e.g. dog access, hunting of indigenous avifauna) are potentially incompatible with protecting and preserving the natural resources described in the CVR, and the points raised do not justify overturning the notified intention. Although under a national park classification “the public shall have freedom of entry and access” this is subject to restrictions “necessary for the preservation of the native plants and animals or for the welfare in general of the parks” (National Parks Act 1980, s. 4(2)(e)).

Ecology and Landscape (Allowed)

- Submissions suggested that the ecological values of the land are not high enough to meet the standard for national park classification (e.g. “not so unique or scientifically important to meet the standard set by the National Parks Act”), suggesting that a conservation park would be appropriate, or a scenic reserve or recreation reserve in areas where there is potential risk of damaging activities such as mining.

I recommend that these comments are not accepted. Although areas of modification may be present, the natural resources described in the CVR (e.g. podocarp/hardwood/beech indigenous forest; the lowest and most accessible forests are recovering from logging and windthrow from Cyclone Ita in 2014; ecosystems remain highly representative of indigenous communities of southern Karama Ecological District) justify referring this area to the NZCA for its recommendation as to the suitability of a national park addition. This is further supported by the land context of the adjoining Kahurangi National Park.

Treaty Considerations (Allowed)

- Several submissions opposed the proposed national park investigation whilst supporting the proposal to retain the area in stewardship, pending conservation law reform to create more appropriate forms of protected area classifications from a Ngāi Tahu perspective. This follows a Ngāi Tahu tribal position that a national park classification “obstructs Ngāi Tahu from maintaining ancestral relationships with the whenua, obstructs kaitiaki rights and responsibilities, limits the meaningful involvement of Ngāi Tahu in decision-making processes, and is less enabling of customary practices that are fundamental to sustaining tribal identity and mana”.
- Submissions considered this recommendation as misaligned with Treaty obligations, and advocated for these areas to remain as stewardship land until classifications that more appropriately reflect Treaty principles are established.

Potential changes to management or legislative frameworks are not the subject of the notified proposal. As such, I recommend that comments advocating for such amendments are not accepted. The notified proposal includes referral of the area to the NZCA for its consideration on the suitability of a national park classification, which provides a further opportunity to explore specific Ngāi Tahu interests and aspirations, including the NZCA’s consideration as to what giving effect to Treaty principles may require.

General (Allowed)

- Submissions stated general opposition to national park classification or stated support for leaving the land in stewardship, or simply stated support for the recommendations made by the Mana Whenua Panel, without providing further justification.

I recommend that these comments are not accepted. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised for further consideration.

Permissions, Economic Factors and Land Use (Not Allowed)

- A submitter raised concern that a “change in status or disposal will affect the existing concessions”, specifically relating to grazing and beehive sites.
- Submissions expressed opposition to placing more land under the “restrictive” national park classification.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Process and Consultation (Not Allowed)

- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- Submissions expressed the view that national park classification does not equate to effective protection from introduced pests or predators.
- One submission opposed all reclassification of stewardship land unless it was purchased by the Nature Heritage Fund for the purpose of adding it to a national park.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

General (Allowed)

- Submissions advocated generally for all national parks, forest parks, scenic reserves and stewardship land to be protected from development.

I recommend that these comments are not accepted for further consideration. The legislation does not provide for absolute protection from development – rather it contemplates that some activities may be acceptable and provides a mechanism for authorising such activities through the grant of concessions. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification.

Other (Not Allowed)

- One submitter raised a concern that increasing national park areas would result in more people walking dogs in coastal areas and potentially impacting shorebirds.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Retain in Stewardship - KAR_19_2807736o

The comments received in relation to the Mana Whenua Panel recommendation are summarised below and have been considered in relation to the notified proposal when forming s.49 allow/accept recommendations.

Support

Ecology and Landscape (Allowed)

- Submissions stated that there was insufficient evidence of the conservation value and characteristics justifying national park status for various pieces of stewardship land.

I recommend that these comments are not accepted. Although areas of modification may be present, the natural resources described in the CVR (e.g. podocarp/hardwood/beech indigenous forest; the lowest and most accessible forests are recovering from logging and windthrow from Cyclone Ita in 2014; ecosystems remain highly representative of indigenous communities of southern Karama Ecological District) justify referring this area to the NZCA for its recommendation as to

the suitability of a national park addition. This is further supported by the land context of the adjoining Kahurangi National Park.

Treaty Considerations (Allowed)

- The majority of submissions in support of retaining land in stewardship did so on the grounds that adding land to national parks would not give effect to Treaty principles, as the classification impedes Ngāi Tahu's ability to exercise their mana whenua, kaitiakitanga, and mahinga kai rights and responsibilities and limits their involvement in decision-making processes, alienating them from their cultural and ancestral connections with the land.
- Submissions supported the recommendations of the mana whenua panel “to acknowledge the rights and interests of mana whenua as a treaty partner” (e.g. “have the longest and strongest claim to this land”).
- Submissions advocated for conservation law reform to create more appropriate forms of protected area classifications from a Ngāi Tahu perspective.

Potential changes to management or legislative frameworks are not the subject of the notified proposal. As such, I recommend that comments advocating for such amendments are not accepted. The notified proposal includes referral of the area to the NZCA for its consideration on the suitability of a national park classification, which provides a further opportunity to explore specific Ngāi Tahu interests and aspirations, including the NZCA's consideration as to what giving effect to Treaty principles may require

General (Allowed)

- A submitter queried “how Stewardship designation could be in the public interest”.
- Submissions stated they agreed with the Mana Whenua Panel without providing further justification.

I recommend that these comments are not accepted. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised for further consideration.

Permissions, Economic Factors, and Land Use (Not Allowed)

- A submitter raised concern that a “change in status or disposal will affect the existing concessions”, specifically relating to grazing and beehive sites.
- Submitters stated that reclassifying land as national park, or other classifications which fall under Schedule 4, could have economic consequences by excluding mineral extraction and other activities on that land. The potential loss of opportunities resulting from these restrictions was seen as damaging, particularly in terms of mineral extraction and site rehabilitation.
- Submissions specified their preference for land to either be retained in stewardship or be reclassified as a conservation park, stating that this gives the land “more than adequate legal protection”.
- It was suggested that a “holistic view”, encompassing mineral prospectivity and other economic, social, and cultural considerations, should be taken.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Process and Consultation (Not Allowed)

- A submitter opposed any reclassification “as it sets a precedent to get the land away from the public and into private ownership”.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Other (Not Allowed)

- One submission expressed doubt that reclassifying stewardship land as national parks would have a positive impact on conservation, citing DOC funding and resource limitations.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Oppose

Access and Recreation (Allowed)

- It was noted that “the tussock tops along the Radiant Range offer a wild and remote tramping experience, allowing for routes that connect the Little Wanganui with the Hemphill River and Mihikonui Catchment”.
- Submitters noted that the headwaters of rivers present are “paddleable by packrafters”, including the “North Branch” to the “Forks and down to the sea”.
- Submissions advocated for reclassification as a national park to ensure ongoing access and enjoyment of the protected natural resources, and to reflect the recreational values of the area.

I recommend that these comments are accepted. These comments hold merit under the Conservation Act as they support promotion of recreation that is not inconsistent with the preservation of the natural and historic resources present. Under a national park classification “the public shall have freedom of entry and access” subject to restrictions “necessary for the preservation of the native plants and animals or for the welfare in general of the parks” (National Parks Act 1980, s. 4(2)(e)).

Climate Change and Natural Hazards (Allowed)

- Submissions stated a preference for reclassification as a national park to ensure environmental protection in light of the impacts of climate change (e.g. “provide a greater buffer against edge effects and climate threats”).

I recommend that these comments are accepted. I agree that the protection of the existing natural resources is of increasing importance when considering the need for climate mitigation. Classification as national park will support this outcome. The relevance of this factor for reclassification decisions is evident when the future-focused elements in the definition of conservation are considered, including, “safeguarding the options of future generations,” in relation to ‘natural resources’, “the air, water and soil in or on which any plant or animal lives or may live,” and in relation to ‘protection’ of a resource, “restoration to some former state and its augmentation, enhancement, or expansion” (Conservation Act 1987, s. 2).

Ecology and Landscape (Allowed)

- Submitters identified as a “continuous forested Outstanding Natural Landscape ONL54 sharing complementary high conservation and ecological values with Kahurangi National Park and is visually connected to it”.
- Submitters noted the area to include “nationally significant ecological systems and natural areas” and to support “rare threatened and distinct species such as *Powelliphanta lignaria lusca*”.
- Submissions expressed a preference for national park classification to protect the high natural values, stating that values are “indistinguishable from those within the surrounding Kahurangi National Park”, that the proposed classification reflects the land context of the adjacent national park and “provides for landscape continuity”, and emphasising that national park classification supports critical biodiversity outcomes.

I recommend that these comments are accepted. They provide site-specific details regarding the natural resources present which warrant consideration. The natural resources identified by submitters are consistent with those described in the CVR (e.g. podocarp/hardwood/beech indigenous forest; the lowest and most accessible forests are recovering from logging and windthrow from Cyclone Ita in 2014; ecosystems remain highly representative of indigenous communities of southern Karamaea Ecological District). The contiguous boundary with Kahurangi National Park further supports your notified intention to refer this area to the NZCA for its recommendation as to the suitability of a national park addition.

- It was also suggested that the land should be classified as a scenic reserve, recreation reserve, or conservation park as it has “strong conservation, ecological and natural value, but it is not so unique or scientifically important to meet the standard set by the National Parks Act”.

I recommend that these comments are not accepted. Although areas of modification may be present, the natural resources described in the CVR (e.g. podocarp/hardwood/beech indigenous forest; the lowest and most accessible forests are recovering from logging and windthrow from Cyclone Ita in 2014; ecosystems remain highly representative of indigenous communities of southern Karamaea Ecological District) justify referring this area to the NZCA for its recommendation as to the suitability of a national park addition. This is further supported by the land context of the adjoining Kahurangi National Park.

Treaty Considerations (Allowed)

- A submission argued that “an area with high conservation values should be reclassified to reflect that value”, and that the Mana Whenua Panel recommendation “goes beyond the obligation to give effect to the Treaty of Waitangi”.
- Submissions expressed a preference for national park reclassification, but advocated for mana whenua to have free access and use of national parks for cultural, traditional, historical, and customary purposes, describing this as aligning with Section 4 of the National Parks Act, and for conservation principles to be carried out in an “established collegial co-governance manner”.
- One submission argued against retaining land as stewardship where no areas had been identified as specifically valuable to Ngāi Tahu.

I recommend that these comments are accepted to the extent that they agree the natural and historic resources present warrant referral to the NZCA for their consideration. However, while the possibility of future changes to management or legislative frameworks is identified by submitters as a potential means of reconciling that purpose with Treaty partner interests, such changes are not being considered within this reclassification exercise. The notified proposal includes referral of the area to the NZCA for its consideration on the suitability of a national park classification, which provides a further opportunity to explore specific Ngāi Tahu interests and aspirations, including the NZCA’s consideration as to what giving effect to Treaty principles may require.

General (Allowed)

- Submissions expressed preference for reclassification as a national park and for high protection for more stewardship land, either without providing further justification, or based on the “reasons outlined in the conservation value reports” or the land’s “high cultural conservation value”.

I recommend that these comments are accepted. However, because no further justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is identified, these points do not raise any matters for further consideration.

- Submissions opposed retaining land in stewardship, describing it as a “meaningless recommendation”.
- One submission suggested reclassification as either scenic reserve or conservation park is preferable to the land being retained in stewardship.

I recommend that these comments are not accepted. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised for further consideration.

Permissions, Economic Factors and Land Use (Not Allowed)

- Submissions noted that national parks support a nature economy, and that this is in line with the Te Whanaketanga Tai Poutini West Coast Economic Strategy 2050.
- There was concern that retaining the area as stewardship land exposes it to risk of activities such as mining or being swapped out of the conservation estate.

As I have recommended these comments are not allowed, I recommend they are not accepted.

Process and Consultation (Not Allowed)

- A submitter expressed that retaining the area in stewardship “appears to defeat the purpose of this exercise of reclassifying stewardship land”.
- Submissions opposed the recommendation based on concerns about the process used to reclassify stewardship land and limitations of the consultation.

As I have recommended these comments are not allowed, I recommend they are not accepted.

No Opinion/Position Stated

Access and Recreation (Allowed)

- Submissions that did not select or state a clear opinion, queried whether this classification allowed for hunting and fishing.

I recommend that these comments are not accepted. The submissions do not identify how the potential for hunting and fishing is relevant to decision-making on classification of the area, and no new material is raised which supports reconsideration of the notified classification. It should be noted that the proposed classification does not prohibit public access for the proposed activities, or the activities themselves when appropriately authorised (for example under a hunting permit), where consistent with preservation of the conservation values present.

Treaty Considerations (Allowed)

- Submitters suggested that “Mana Whenua background issues need to be resolved before this process can continue”.

Potential changes to management or legislative frameworks are not the subject of the notified proposal. As such, I recommend that comments advocating for such amendments are not accepted. The notified proposal includes referral of the area to the NZCA for its consideration on the suitability of a national park classification, which provides a further opportunity to explore specific Ngāi Tahu interests and aspirations, including the NZCA’s consideration as to what giving effect to Treaty principles may require.

General (Allowed)

- Submissions advocated generally for all national parks, forest parks, scenic reserves and stewardship land to be protected from development.

I recommend that these comments are not accepted for further consideration. The legislation does not provide for absolute protection from development – rather it contemplates that some activities may be acceptable and provides a mechanism for authorising such activities through the grant of concessions. Insufficient justification is provided regarding the natural and historic resources of the specific stewardship area, and no new material is raised which supports reconsideration of the notified classification.

Other (Not Allowed)

- It was recommended that if the area is offered a lower level of protection than national park, any waterways/ wetlands bordering the parcel are protected by a five-metre setback that is fenced and planted to “uphold Te Mana o te Wai”.

As I have recommended these comments are not allowed, I recommend they are not accepted.