

Item 1 - Approved Minutes 6 May 2020

Approved NHF minutes from 6 May 2020 video conference meeting

24/11/2020 motion to accept moved by Jan, seconded by Sue, carried

Present, all via Microsoft Teams:

- Jan Riddell
- Chris Severne
- Gina Solomon
- Sue Yerex
- Kees Hyink
- Bruce Hill
- David Talbot (for latter half of the meeting).

Agenda

1. Jan's update on her discussions with the MOC

Jan and the MOC spoke the previous weekend about Ōhau Downs. The MOC was supportive of the Committee's and DOC's approach in withdrawing the Crown's initial offer. The uncertainty created by Covid 19 meant the Crown needed time to reconsider. But, the MOC doesn't want to lose this case, and ideally the ~1790ha would be purchased at a price less than the valuation. Jan pointed out that the valuer had advised that rural land prices were predicted to stay unchanged. The MOC stated that she didn't want the Crown paying for the survey costs.

Jan also provided an update on Peter de Lange's resignation from the Committee. Peter resigned as he is over committed and considers that he couldn't give this the role the attention it deserves.

2. Update on Ōhau Downs and discussion about the proposed recommendation

Jan outlined the reasoning for the proposed recommendation, being that if Ōhau Downs is purchased, it needs to be managed as part of the emerging Mackenzie Drylands Park, and that DOC needs to give effect to the Treaty of Waitangi (section 4 of the Conservation Act). Bruce spoke to the memo dated 24/04/2020 (attachment 1). Bruce set out in the memo the reasoning for seeking the change in classification of the land proposed to be purchased at Ōhau Downs. Bruce said that the level of protection remains the same, irrespective of the classification.

The Committee agreed with the recommendation in the memo.

3. DOC's work under Covid 19

David Talbot spoke about how DOC will work under levels 4. Only emergency work will be done, staff work from home, field work not happening.

4. Funds available for 2020/21 FY

Bruce estimates there'll be about \$300k of savings from the Ōhau Downs and the Upper Taieri cases. He was uncertain what funding the NHF would receive in the Budget.

5. Update on current cases

- 16/09 Himatangi- waiting on surveying to be completed. Once the area is defined, it will be transferred to the Crown. The balance of the payment will then be made.
- 17/05 Kitchener Park- the applicant has run into surveying issues with LINZ. These will take up to early 2021 to resolve
- 9(2)(j), 9(2)(g)(i) [REDACTED]
[REDACTED]
[REDACTED]
- 18/02 Kaitorete- Bruce said that that DOC no longer required the funding (~\$900,000), as Ngāi Tahu will now negotiate directly with the landowner. The ~\$900k has been returned to the NHF general budget
- 18/04 Upper Taieri Scroll Plain- Bruce said that negotiations were progressing well, and that 9(2)(a) [REDACTED] (the negotiator), if successful will save the NHF about \$200,000, having secured the land for less than the valued price.
- 19/04 Honeymoon Valley- the applicant is in negotiations with the vendor. The vendor is wanting more than what the applicant received from the NHF.
- 19/07 Taieri Paerau wetland- this case has been completed, with that land being transferred to the Crown. It still needs to be gazetted per the MOC's decision.

6. The next funding round

Jan said that the next round could be targeted to wetlands, per the MOC's instructions. Bruce commented that he'd need to check if the current criteria allow for this.

7. Update on the appointments to the NHF Committee

Kees said that DOC had provided the MOC the information she requires to make the appointments.

Attachment 2: Ōhau Downs reclassification memo

Date: 24 April 2020

To: The Nature Heritage Fund Committee

CC: Kees Hyink, David Talbot

From: Bruce Hill

Subject: Request to amend proposed land status for land that may be purchased at Ōhau Downs (NHF 18/05)

Purpose

To request that the Nature Heritage Fund Committee (the Committee) amends its recommendation to the Minister of Conservation (the Minister) to allow a change to the proposed classification for land that may be purchased at Ōhau Downs.

Background

The Committee has made two previous recommendations (18 September 2019 and 11 February 2020) to the Minister about the Ōhau Downs case. The Committee recommended in both instances (on the Department's advice) that if the Crown purchases the ~1790 hectares at Ōhau Downs (Lot 4), the land's ecological values be protected under the Reserves Act 1977 and managed by the Department (DOC) in partnership with mana whenua. If purchased, the area is likely to form part of the Mackenzie Drylands Heritage Area (DHA)¹.

The Minister has requested the DOC investigate options for land protection classification for Ōhau Downs to take into account the ecological and cultural values for the DHA. This request has arisen because the DHA is being co-designed with mana whenua, which includes determining the classification of areas that will form part of the DHA. This approach was recently acknowledged by the Minister when she met with mana whenua in Te Manahuna/Mackenzie Basin.

DOC envisage the co-design work will be done over the next 12–18 months. Predetermining a classification for Ōhau Downs would make it difficult to include in the DHA project and could undermine the trust DOC has developed with mana whenua.

Assessment of options

We have been advised by our Statutory Land Management colleagues:

- If land is purchased under the Reserves Act it cannot then be transferred to be held or classified pursuant to the Conservation Act 1987.
- But land acquired pursuant to the Conservation Act can later be classified as a reserve (under the Reserves Act).
- If Lot 4 is acquired under the Conservation Act, it could be held for conservation purposes until such time it is classified as part of the DHA project.

¹ The Mackenzie Drylands Heritage Area is expected to be renamed as part of the ongoing co-design activities occurring with mana whenua.

- The DHA project would run separate processes for classification and naming of Lot 4, which may include public notification.

To create the space and opportunity for the co-design work, we propose that should Lot 4 be acquired, it is held for conservation purposes in the first instance, pursuant to Conservation Act section 7. Appendix 1 contains section 7 of the Conservation Act and this act's interpretation of "conservation".

Please note: Regardless of the final classification, protecting the ecological values is paramount. DOC in anticipation of the purchase has secured NHF funding for a rabbit proof fence. DOC's Te Manahuna/Mackenzie Operations team is aware of the potential addition as conservation area and will be actively identifying resources to protect and enhance the subject land over the next 18 months in conjunction with their colleagues in the DHA Team.

Next Steps

I ask that the Committee review the information contained in this memo then agree to making a new recommendation to the Minister to amend the proposed land status of Lot 4, Ōhau Downs. I have provided a draft recommendation below.

New recommendation

That if the area (Lot 4) is purchased, its ecological and cultural values be protected under the Conservation Act 1987 and it be acquired and held for those conservation purposes pursuant to section 7 of that Act.

The Committee considers what is paramount, whatever the final classification, is the protection of the land's ecological values, and the land's management, pursuant to the Conservation Act section 4.

Appendix 1

Conservation Act 1987 interpretation of conservation: *conservation means the preservation and protection of natural and historic resources for the purpose of maintaining their intrinsic values, providing for their appreciation and recreational enjoyment by the public, and safeguarding the options of future generations.*

Conservation Act 1987- Part 3: Conservation areas, section 7: Land may be acquired and held for conservation purposes

(1) The Minister, and the Minister responsible for an agency or department of State that has control of any land, may jointly, by notice in the Gazette describing it, declare that the land is held for conservation purposes; and, subject to this Act, it shall thereafter be so held.

(1A) Notwithstanding subsection (1), in the case of any land to which section 61 or section 62 applies, the Minister may, by notice in the Gazette describing it, declare that the land is held for conservation purposes; and, subject to this Act, it shall thereafter be so held.

(1B) In the case of land that is foreshore within the common marine and coastal area, the Minister may declare, by notice in the Gazette describing the land, that the land is held for conservation purposes.

(2) The Minister may, by agreement, acquire any interest in land for conservation purposes; and, subject to this Act, it shall thereafter be held for those purposes.

(3) Nothing in subsections (1) and (2) applies in respect of land that is Crown forest land within the meaning of section 2 of the Crown Forest Assets Act 1989.

(4) For the purposes of subsection (1), the Minister of Forestry shall be deemed to be the Minister responsible for a department of State that has control of State forest land that is not Crown forest land within the meaning of section 2 of the Crown Forest Assets Act 1989.

9(2)(j)

Item 2 - Approved Minutes 14 September 2020

Approved NHF minutes from 14 September 2020 video conference meeting

24/11/2020 motion to accept moved by Paula Smith, seconded by Sue Yerex, carried

Present, all via Microsoft Teams:

- Jan Riddell
- Gina Solomon
- Sue Yerex
- Gerry McSweeney
- Paula Smith
- Bruce Hill (DOC)

The meeting ran 3pm - 4pm.

Jan greeted all attendees, and welcomed Paula to the NHF Committee. Gina kindly provided a karakia.

Jan apologised for the short time frame in convening this meeting. She indicated the two documents to discuss were Di Lucas' memo (attachment one) and the accompanying plan (attachment two).

Jan commented that the MOC is unaware of any negative feedback about the Tū Te Rakiwhānoa Drylands (MacKenzie Drylands area). Jan thought that this is very encouraging.

Jan always considered that the original Ōhau Downs application (18/05) was a step-by-step project. It has taken time to make the first step, being the purchase of the ~1790ha. In the bigger picture, there is more areas on Ōhau Downs to protect. There are now donors available to assist with this. With the momentum of the Drylands area, the donors are ready to spend up to \$1.55 million of the purchase of ~1000ha, to be protected as PCL (Public Conservation Land).

The MOC is delighted to progress the purchase of the ~1000ha. 9(2)(a) is seeking a contribution of up to \$500,000 from the NHF.

Sue commented that she couldn't recall any commitment to a staged approach. She thought that the NHF recommendation was to purchase the ~1790ha, with no commitment to stage work and/or working with donors. Jan commented that the Committee had acknowledged values in other parts of Ōhau Downs and the wider Mackenzie Basin, and picked off the easy protected area first. Jan considered the Committee didn't get to grips with the other areas. Jan personally never lost sight of the big picture.

Gerry commented he's walked over the property, and considered the shore of Lake Ōhau is last of the three Mackenzie basins lakes not developed. He didn't realise that the Committee hadn't previously recommended the 550ha to be purchased. The original application covered several different land parcels. Gerry was surprised by the announcement, and after conversations with Lou Sanson and Mike Slater (Director-General Operations), that the Crown was spending between \$5-\$6 million on land at Ōhau Downs. In terms of reserve design, the ~1790ha plus the 550ha and the QEII covenant area make sense. Gerry considered the covenant allows for generous land development.

Gerry asked where the potential funding may come from. Bruce stated the NHF's current budget is about \$2 million. Gerry is disappointed that DOC isn't contributing financially e.g. via LAF.

Gina commented that she didn't first feel right about [REDACTED] proposal. Gina was concerned about:

- a) The process, and supports what Sue said about the Committee's previous recommendations on the ~1790ha. It is also unfair to consider this proposal outside of a publicised funding round.
- b) Why the NHF Committee would recommend to the MOC that public money be used to buy a QE II covenant, which area areas protected in perpetuity. Gina considered that perhaps the landowner could work with others to better manage the area.

Sue agreed that considering purchasing the QEII covenant isn't right. This is predicated on a deference in management between the QEII Trust and DOC. Sue isn't comfortable with taxpayers money going to purchase an already permanently protected area. Any potential management issues of the QEII covenant could be worked through with the landowner/Trust.

Gerry noted that the donor could perhaps purchase the 550ha by themselves. He considers the protection provided by QEII covenant is poor, and noted that NHF funds had been used previously to purchase QEII covenants. Sue commented she also had visited this area, and reckoned it would be beneficial to review the covenant's monitoring reports.

Action- Bruce to get these reports. Not undertaken as Sue spoke to the local QEII rep about the area's management and circulated information about the area's management to the Committee.

Gerry mentioned that the QEII covenant provides for burning. Gina pointed out that the covenant objectives are paramount, and that burning isn't a right.

Paula commented on the process issue (considering this application outside of a publicised funding round). Paula asked if the MOC would accept [REDACTED] proposal? Jan said yes, and that making the contribution [REDACTED] has sought would leave the NHF budget at ~\$1.5 million.

Bruce, in response to Sue's query about the final date the MOC can make a decision before an election, said that the 25/9/2020 is the last date to get matters to the MOC. Post this, DOC must submit them under special circumstances.

Gerry has analysed the MOC's decisions and sensed the ~1790ha was the end. Paula commented that that the donors want the QEII covenant protected. Sue and Gina reiterated that having the monitoring reports would be beneficial to the Committee. Gerry commented that there's no public access through the covenant. Sue commented that generally there is, as its over private land. Sue also stated again that she can't support using public funds to purchase already protected areas. Gerry pointed out that the NHF Committee can recommend that the NHF's future budget can be drawn down.

Sue pointed out that DOC's (Jeremy Severisen's) 2019 presentation to the Committee detailed that the highest priority areas for protection are north of Tekapo.

Jan suggested a contribution to the purchase of the 550ha. Sue suggested/supported repurposing existing fencing budget to the 550ha

Bruce suggested that the Committee's recommendation potentially include:

- A contribution of up to \$200,000
- Funding for:
 - a valuation
 - a negotiator
 - survey costs
- The classification be section 7 Conservation Act.

Jan commented to stress the need for protection in perpetuity.

Gerry took the opportunity to talk about the impending wetland funding round. He's spoken widely to people on the Coast, who aren't supportive of this target round, as it may focus on the more vocal landowners. Gerry considered the NHF could better work in funding covenanting and protection incentives.

ADDENDUM

Post meeting

Post the meeting, as requested by the Committee, Bruce Hill drafted a recommendation seeking funding approval from the MOC. Bruce circulated this draft around the Committee. Sue provided context from the QEII Trust about the management of the covenanted area. Gerry also provided the Committee comment about the covenanted area.

The final recommendation (below) reflected the different views amongst the Committee members. The Committee agreed that this recommendation be put to the MOC.

That Nature Heritage Funds are allocated to the purchase by the Royal Forest and Bird Protection Society (the Society) of the Land (being ~550ha at Ōhau Downs), conditional on:

- A deed of agreement (DOA) being entered into by the Department and the Society. The DOA to include:
 - How the donor funds will be transferred to and held in a Crown account for the purchase of the Land.
 - The parameters the Department's negotiator will work to in negotiating an Agreement for Sales and Purchase (ASAP). These parameters will include getting an independent valuation of the Land.
 - The contributions the Department and Society agree to make.
 - That the ASAP is satisfactory to both the Department and the Society.
- That if the Land is purchased, it be protected under section 7 of the Conservation Act 1987.
- That the funding be allocated from the NHF as follows:
 - A contribution towards the purchase of the Land of up to \$200,000 (ex GST) should it be required to augment the donor contributions.
 - The Crown's share of:
 - Negotiation costs, of up to \$10,000 (ex GST), should it be required.
 - Valuation costs of up to \$10,000 (ex GST), should it be required.
- That the existing \$300,000 (ex GST) allocated to the NHF 18/05 Ōhau Downs project for fencing is also used to securely fence the 550ha.

Attachment one

9(2)(a)

Jan Riddell, Chair, Nature Heritage Fund
c/- Department of Conservation *Te Papa Atawhai*, Head Office, Wellington

MEMO re 18/05 Ōhau Downs note. attachments to the application are referenced¹

In response to the 2018 application from 9(2)(a) seeking protection mechanisms across his 5,159 ha property, this week's public announcement of the purchase of the 1,792 ha Proposed Lot 2² in the east is welcomed showing some progress has been made. This area includes the 1,663 ha. area required by the irrigation consent to be protected and rejuvenated by a QEII covenant.³ However public conservation land is a preferable option, and NHF is congratulated on this achievement.

The irrigation consent may still be activated to irrigate 726 ha of Proposed Lot 3 across the road. In application 18/05 the owner offered to relinquish this irrigation consent (Five Rivers Ltd, CRC061154) and secure it as grazed drylands in perpetuity via PPL⁴, but this offer's not yet been pursued by NHF.

Application 18/05 also sought securing improved protection and management of the moraine lands, including QEII covenant Areas A and B, plus the waterway complexes southwest of Lake Ōhau Road, including the Wairepo. As you communicated last year, a staged approach is being taken with 18/05.

External funding has been explored to assist, and, as tasked by Dave Wilkins (Partnerships Manager, Tu Te Rakiwhānoa Drylands) liaison has been instigated with the landowner to progress further protection of Ōhau Downs' natural values. Significant private funding of \$1.55m has now been secured to purchase Proposed Lot 1, adjoining Proposed Lot 2, to improve the reserve design by extending the NHF protected area west to Lake Ōhau Road and include important moraine lands. The Lot includes QEII covenant Area B which currently permits pastoral grazing, fertiliser and seeding. The approx. 1,000 ha Proposed Lot 1 is zoned Rural Scenic in the Waitaki District Plan (WDP) with Area B identified as ONL, and the southern area of unencumbered freehold not ONL.⁵ The donations will be provided in confidence to Forest and Bird who will transfer the funds to NHF on condition that Proposed Lot 1 is promptly purchased for protection in perpetuity as either a scientific or scenic reserve under the Reserves Act. Relinquishment of the irrigation consent will also be sought.

The balance needed to secure the purchase of Proposed Lot 1 is estimated as a maximum of \$500,000. Following discussion with the Minister, this shortfall, around a quarter of the expected price, is sought to be committed by NHF.

To ensure the protection is achieved, urgency is sought so that negotiations can be commenced next week. Confidentiality, including within DOC, is assessed as critical in moving this forward.

9(2)(a)

copy: Minister of Conservation, Hon Eugenie Sage
Bruce Hill, Nature Heritage Fund

¹ application documents at dropbox: <https://www.dropbox.com/sh/s3ls9v66qwmf09/AAAR-zTWSw04yP1SKPT02eha7cl-R> (note different Lot numbering)

² due to various subdivision consent applications there are several Lot iterations for Ōhau Downs, and the version Appendix A is referenced.

³ refer consent plan at application 4, sheet 22 https://www.dropbox.com/sh/h0qf8b3hb5ave8/4%2018%2005%20Ohau%20Downs_Sheet%201%20-%203033.pdf?dl=0

⁴ Protected Private Land (PPL), Reserves Act s.76, draft paper Appendix B page 3

⁵ Waitaki District Plan, ONL mapping, see application 4, sheet 11

Item 3 - Minutes 24-25 November 2020

NHF Committee minutes from meeting 24-25 November 2020, DOC National Office, Wellington

Present:

- Jan Riddell (Chair, NHF Committee)
- Gerry McSweeney (NHF Committee)
- Sue Yerex (NHF Committee)
- Paula Smith (NHF Committee)
- Bruce Hill (DOC, support)
- Jo-Ella Sarich (DOC legal, part of meeting)
- Jane McKesser (DOC policy) and Helen Sharp (MfE policy)- both for part of meeting

Apologies

- Gina Solomon (NHF Committee)
- David Talbot (DOC, Director Partnerships National Support)
- Kees Hyink (DOC, Funds Manager)

Agenda

1. Chair's update

Jan welcomed everyone to the meeting, especially Paula on her joining the NHF Committee and Gerry's return. Jan and Bruce gave an update on the Ōhau Downs and Upper Taieri Scroll Plain cases.

Jan commented she'd miss her excellent working relationship with Hon. Eugenie Sage (ex MOC), and that it was a shame that the Upper Taieri Scroll Plain case didn't get completed while Eugenie was MOC. Jan considered that the Committee's recommendations from this meeting are a good starting point for developing a relationship with Hon. Kiri Allen, the new MOC.

Gerry commented that he'd spoken to Eugenie about the protection of Westcoast wetlands.

Jan commented she'd met New Zealand Forest Restoration Trust members in Invercargill and that they spoke about the Trust's incompleteness of the Bethells case (15/11). The MOC approved a \$300,000 contribution to the purchase and covenanting of 37ha. The Trust have only covenanted 32ha. They are looking at replanting the remaining 5ha and purchasing an adjoining area and are considering lodging a new application for the adjoining area.

2. Committee members update

Paula commented on the Rob Donald Trust's purchase of an area of predominately regenerating shrubland/forest in Lyttelton Harbour. This area mightn't have been suitable for an application to the NHF.

Gerry commented on the Lake Pukaki and Ōhau fires. 9(2)(g)(i) [redacted] The Ōhau fire unfortunately burnt PCL that was purchased using NHF funding. Fire is becoming more common, burning is becoming more widespread. 9(2)(g)(i) [redacted] . 9(2)(g)(i) [redacted]

9(2)(g)(i) Paula commented that the Timaru Herald ran a good article on the fires.

Gerry asked if the Committee should look at auditing DOC's management of land acquired using NHF funding. Bruce commented that the process is that NHF Committee makes funding recommendations to the MOC, who then decides what applications to fund. The MOC then generally delegates DOC to implement her decision. Bruce therefore wondered whether the Committee ability to direct DOC to provide them an audit of PCL purchased using NHF funding. There was debate around this matter, that remained unresolved.

Gerry also commented that the status of land protected using NHF funding. He said that on the West Coast, for example, some consider stewardship land as unallocated Crown land and therefore up for grabs. Gerry also wondered about the development of a status for land where Iwi want to co-manage. The Committee didn't reach a conclusion on these matters. Sue commented that the Committee do as much as they can with the budget at hand.

Sue moved (seconded by Jan) the acceptance of the minutes from the 6th May and 14th September meetings and these actions were carried unanimously.

Jan provided an update on Ōhau Downs. 9(2)(a) is working with Dave Wilkins (DOC tenure review manager). 9(2)(a) has approached 9(2)(a) about the 550ha. At first he wasn't interested, but later wanted to engage. The parties are getting the area valued by Colliers, then 9(2)(a) and 9(2)(a) will meet again.

Forest and Bird are nervous about entering into a deed of agreement with DOC, so The Nature Conservancy may enter into this deed in their place.

3. Assessment of the received applications

The Committee had a preliminary discussion about this wetland round and the potential impact of Government's freshwater policy on the demand on the NHF.

Jan detailed the origin of this funding round. The ex MOC and Jan discussed this sometime ago. The Westcoast Regional Council have identified significant wetlands in their Regional Land and Water Plan. A resource consent is now required to undertake specific activities in these wetlands. The Committee discussed whether wetland owners who lose property rights should be compensated. This discussion wasn't concluded.

Gerry commented that the:

- 20/01 9(2)(g)(i)
- 20/02 application had been considered before. This is a high-quality area
- 20/03 applicant paid too much in 2015. They were then wanting to convert the area to a dairy farm.

Gerry considered that ecologically the applications are, from most to least significant are:

- 20/03
- 20/02
- 20/01

- 20/04.

Sue asked if the area described in application 20/02 is at threat from sea-level rise. Jan commented there needs to be retreat in some areas. The Committee discussed 20/01 as an example. Is retreat there possible and would the purchase of this area result in sustainable outcomes?

Sue also commented that:

- 20/03
 - a large portion of the application area is managed by LINZ
 - is fencing out deer possible?
 - does DOC undertake deer culls in this area?
 - this area is well connected to nearby/adjoining protected land
 - the area exceeded the NHF criteria (using the NHF assessment card)
 - a valuation should be secured
 - this is the Westcoast Regional Council's largest scheduled wetland, though Gerry questioned this.
- 20/01
 - is there any intelligence on why the applicant decided not to go with the QEII Trust?
 - the area has a GV of \$96,000. Should a valuation be secured?
- 20/02- asked about DOC staff's potential involvement in this case.

The Committee asked Bruce to get more information on:

- The 20/03 gold permit
- What boundaries of the 20/03 area require fencing.

There was discussion (not concluded) about how to split the available funding between the applications (ex 20/04).

Ōhau Downs celebratory morning tea

Attendees were the Committee, Lou Sanson (Director-General), 9(2)(a) (NHF negotiator), and National Office DOC staff who assisted in completing this case.

Conservation Act section 4 workshop/ Catch up with Ngaire best (DOC Director-Governance)

Jo-Ella Sarich (DOC senior solicitor) presented to Committee how, in partnership with DOC, they need to consider how the use of the NHF can give effect to section 4 of the Conservation Act. Section 4 states:

“This Act shall so be interpreted and administered as to give effect to the principles of the Treaty of Waitangi”.

Jo-Ella's presentation is contained in attachment 1. Ngaire Best (Governance) and Jacqui Tizard (Funds team) attended this session. The Committee raised many questions and were particularly

concerned about how confidentiality could be maintained if iwi/hapū were consulted with, particularly with application made by private parties.

Gerry asked why progress hadn't been made on the amendment of NHF criteria, so that these give effect to Conservation Act s4. Bruce responded, saying that Gina and he had been working on such amendments. However, Gina had been to a presentation similar to Jo-Ella's, and considered that the Committee have a similar experience, then work with DOC on amending the criteria so that these give effect to s4.

Ngaire Best commented that there is an expectation that the NHF gives effect to section 4.

Workshop on the draft National Policy Statement Indigenous Biodiversity

Jane McKessar and Helen Sharpe (DOC and MfE policy analysts) spoke about the draft National Policy Statement Indigenous Biodiversity (NPS). They gave a summary of the current NPS' history and noted the majority of the 7,000 submissions on the draft NPS were in support.

The Hon James Shaw is the Minister in charge of the NPS' gazetting. This action is a priority of the Greens. Discussions have started, with the intent that the NPS is fully gazetted by mid-2021. Gerry commented that the NHF is not a compensation fund.

The NPS will contain criteria for Councils to identify RMA s(6c) areas. This will enable more consistency in SNA identification nationwide. The NPS will also include the identification of SNA's on non-private land. Direction on whether SNAs on PCL need to be identified is still developing.

Gerry commented on the West Coast there's a big tension about the NPS and the Freshwater National Policy Statement. Helen commented that the NPS doesn't lock-up areas but sets requirement to get consent for specified activities. The NPS doesn't bring an obligation to manage a SNA. There is also a range of views about identifying SNA's on PCL. Helen noted that PNA surveys are still used to identify SNA's.

Gerry commented that the NHF Committee needs to be mindful about recommending the purchase of SNA's. The benefits of owning a SNA/protected area need to be well publicised, so that people made aware of these, therefore promote stewardship.

Jan asked about the alignment of the biodiversity NPS with the Freshwater NPS, particularly whether freshwater ecosystems might slip through the cracks or will the Freshwater NPS protect them? Helen comments that the two NPS' should line up, and that the Freshwater NPS protects freshwater ecosystems. The Biodiversity NPS is also tenure neutral, with for example both Māori and LINZ land being subject to it.

The NPS' implementation work is still underway. The NPS will help smooth over inequalities between councils. Local councils may also need to work together e.g. like what's happening with the West Coast One Plan. Some councils will need help, others have already identified SNAs. Jane commented there will be guidance alongside the SNA.

The Biodiversity Strategy will direct the NPS'.

Finances

NHF budget

Bruce stated there's \$2,965,570 of NHF funding to allocate. Lou Sanson told the Committee (during the Ōhau Down's celebration) about the \$5,000,000 of surplus departmental funding that has been put into the NHF general budget.

Gerry commented that it may be serious that the NHF's finances haven't been fully revealed to the Committee. Bruce commented on the origins of the \$5 million, that it's a one-off and brought about by the previous MOC.

SILNA Budget

There's \$4,619,342 currently allocated across nine SILNA projects.

SILNA

Bruce updated the Committee about the potential of getting the Cathedral Caves block valued, and the issues of paying for this. 9(2)(g)(i)

Orbit

The Committee commented that:

- Orbit are late at providing itineraries
- It would be cheaper for the Committee to book their own flights directly.

Bruce's update on active cases

Areas to be classified/awaiting DOC Statutory Land Management action

- 00/05 O'Brien, Monowai, Southland and Wang/Morgan, Cromarty, Fiordland; 95/35 King DT & Co, Southland
Bruce to confirm with DOC legal the progress of the relevant Orders in Council.
- 13/02 Earthquakes, North Otago: Acquired and held for the purpose of a Scientific Reserve. Waiting for a report from our local office who are working with rūnanga on the name for the reserve, we can then progress next steps, i.e. formalising the name via the New Zealand Geographic Board and public notification processes.
- Canaan Downs Farm: The area acquired using NHF funds is currently held, protected and managed as a Scenic Reserve. Existing recreational activities on the site are not compatible with the adjoining National Park Management Plan. Current management will continue until such a time as the National Park Management Plan is to be reviewed.
- Additions to Hakatere Conservation Park: The area purchased using NHF funds has been combined with other conservation areas which will be added to Hakatere Conservation Park as a bulk addition. Access agreements relating to the additions are still to be finalised and completed, prior to this work progressing. Gerry considers the Committee mightn't be being provided all the details about this area's classification.

- Addition to Craigieburn Conservation Park: The area purchased using NHF funds has been combined with other conservation areas for a bulk addition to Craigieburn Conservation Park. The addition is subject to completion of an exchange agreement and associated permits/processes. The exchange is currently being managed via our legal team, who are waiting for the external party to come back to them on some outstanding issues.

Closed

- 20/02 Paeroa/Knuckle Point
- 04/15 Pierau, Lake Spectacle, Te Ari, Welsford
- 06/09 Raketapauma Wetland, Waiouru
- 09/09 Curio Cove, Catlins
- 12/02 Rakitu island, Hauraki Gulf
- 15/06 Castle Down- remaining \$8,667 returned to the NHF general budget
- 15/09 Otuwhero- remaining \$76,152 returned into the NHF's general budget

Stalled

- 00/06 9(2)(a), Tongaporutu, Taranaki
Bruce to provide an update on 25/11.
18/11- Ngā Whenua Rāhui manager said that 9(2)(a) is keen to engage with them. NWR will keep Bruce updated on progress.

Stalled

- 04/03 9(2)(a) Stonewall Block, Wairarapa- \$11,760.83 remaining
DOC SLM staff said recently that 9(2)(a) the transmission to new owners will also take some time. SLM will discuss the easement with the new owners in due course.
- 11/01 9(2)(a), Miranda- \$1,838.69 remaining
The land acquired by NHF has been classified as Scenic Reserve, however part of the acquisition also included a covenant to be completed after the land purchase (on adjoining area). The landowner has not signed the covenant, cross checking various elements. Local office rangers do keep an eye on the area, in the interim the SLM Advisor has placed a caveat on the landowners title, has advised the landowners solicitor and requested the covenant documentation be signed and returned prior to this being lifted.
- 15/11 Bethells Valley, Waitakere
The Crown's contribution of NHF funds was conditional on the entire 37ha being permanently protected. To date only a 32ha bush block has been covenanted, with the remaining 5ha of rough pasture and wetland remaining as unencumbered freehold land. On a pro rata basis, the 5ha is worth ~\$40k of NHF funding. DOC SLM and Bruce have corresponded with the applicant, but haven't received a reply.
18/11- DOC Auckland will now endeavor to contact the applicant.

Underway

- 04/26 Greville Harbour, D'Urville Island- \$61,174.92 remaining
The remaining money in this project's budget has been repurposed and is slowly and surely being spent.
- 14/01 Underwood, Hoanga, Dargaville- \$15,514.44 remaining
Bruce is chasing up the invoice required to complete the spending of the remaining funds.
- 14/02 Fantail Rise- \$7561 to spend on replanting
- 05/12 South Chatham Animal Control and 95/29 Holmes/Seymour/Day Chatham covenant- Sth Chatham \$30,229.30 remaining, Holmes \$17,796.20
Bruce is frequently seeking updates from Chathams DOC
- 12/04 Allans Bush \$7,700.78 remaining
DOC Wairarapa have engaged in the 3-year contract with a provider to undertake weed controls, focusing primarily on *Cobaea scadens* (cathedral bells).
They have not started their control work for this financial year yet but DOC expect to reduce the remaining NHF budget by 30-50% once they have completed their work for this financial year (prior to 30/06/21).
- 13/09 project negotiation- \$25,986.94 remaining
- 15/08 Rosser Blk, Takaka \$77,669.95 remaining.
18/11 DOC is close to completing the survey work. There are still a lot of other processes and steps to complete before the final transfer and settlement payment so DOC SLM expect that the land will be transferred later next year.
- 16/06 Malbon, Kanuka Downs- \$5,804.72 remaining
The settlement took place on 15 May 2019. SLM Canterbury are progressing the gazetting of the area as scientific reserve.
- 17/05 Kitchener Park, Manawatu- \$100,000 remaining
Stalled while MDC and LINZ determine survey requirements.
- 9(2)(j)
[REDACTED]
- 18/04 Upper Taieri Scroll Plan \$118,850 deposit paid in October 2020. \$1,348,800 remaining.
Remaining costs are
 - Purchase- \$1,118,850
 - Fencing- up to \$65,700
 - Surveying- up to \$25,000
 - Legal- up to \$750
 This leaves a surplus of up to \$138,500.
- 19/04 Honeymoon Valley Peria \$375,000 remaining.

Once the applicant receives a new valuation (commissioned at their expense), hopefully before the end of 2020 they'll put a final offer to the vendor.

Recently completed

- 18/05, Ōhau Downs, Mackenzie Basin
- 19/02 Rawene Hokianga
- 16/09 Himatangi Beach- final payment of settlement payment of \$257,368.40 made on 12/11/2020. Currently \$10,948.99 remaining
- 19/07 Taieri Paerau wetland. The applicant asked the Committee to consider \$15,000 more funding to cover legal costs. The Committee declined this request.

Withdrawn cases

18/02 Kaitorete- all funding allocated was returned to the NHF general budget

Section 4 and Treaty principles

Presentation for NHF committee

25 November 2020

Jo-Ella Sarich, Legal team



[New Zealand Government](#)

Section 4

• This Act shall so be **interpreted** and **administered** as to **give effect to the principles** of the Treaty of Waitangi”.

- “A strong directive, creating a firm obligation on the part of those subject to it.” (*Ngāi Tai*)
- Substantive outcomes. (*Ngāi Tai*)
- Giving practical effect. (*Ngāi Tai*)

What are the Treaty principles?

- There is no guidance about the principles in the conservation legislation
 - The courts tell us in their judgments
 - The Waitangi Tribunal tells us in its reports
 - The Government has its view
- Expressions of Treaty principles may evolve over time.

What are the Treaty principles?

- For practical purposes the Treaty principles most relevant to our work are:
 - Partnership
 - Informed decision-making
 - Active protection
 - Redress and reconciliation
- Rangatiratanga/kawanatanga are being used increasingly as frames of reference.

Partnership

- “Reasonableness, mutual co-operation and trust”
- Giving expression to rangatiratanga
- Mutual benefit
- Wai 262: “unless Māori culture and identity are valued in everything government says and does; and unless they are welcomed into the very centre of the way we do things in this country, nothing will change”

Informed decision-making

- Both the Crown and Māori need to be well informed of the other's interests and views.
- Consultation is a means to achieve informed decision-making.
- But it isn't the only means!

Active protection

- What is being protected?
- What does 'active' protection require?
- Includes the promise to protect tino rangatiratanga and taonga.
- Active protection requires informed decision-making and judgement as to what is reasonable in the circumstances.

Redress and reconciliation

- Processes to address differences of view between the Crown and Māori.
- Historical and contemporary Treaty claims.



Whales

- Whale watching venture at Kaikoura
- Key factors:
 - Ngai Tahu were the pioneers
 - Whales are a taonga species
 - Whale watching venture analogous to customary practices
 - Tribal endeavour
 - The conservation purpose remains paramount.
 - Ngai Tahu were entitled to a preference - period free from competition

Rangitoto and Motutapu



Ngāi Tai decision

- Concerned the grant of guiding concessions over Motutapu and Rangitoto Islands (Fullers and MRT)
- Ngai Tai ki Tamaki Tribal Trust sought judicial review of decisions –right of veto / commercial opportunities / guiding activities
- At issue – whether s4 required consideration of an economic preference for the iwi concessionaire over other concessionaires
- Errors of law in decision report:
 - No basis for preferential entitlement to iwi in concessions; and
 - Economic benefit to an iwi with mana whenua not relevant.

The graphic features a light green background with a dark teal wavy shape at the bottom, resembling a stylized landscape or water. The text 'Ngāi Tai decision' is centered in the upper portion of the graphic.

Ngāi Tai decision

- No right of veto, but preferential entitlement confirmed (in limited circumstances – Whales case);
- Economic considerations of iwi with mana whenua are relevant;
- S4 is a “powerful” treaty clause because it requires decision-makers to give effect to the principles;
- S4 considerations are not merely part of a ‘balancing exercise’;
- A shift to reconciliation of the Treaty interest with the other considerations;
- Requires a process of consideration as to how the statutory and non statutory objectives can be best achieved, to the extent that this can be done consistently with s4 in a way that best gives effect to the relevant Treaty principles.
- Reasonableness is still a key consideration – what is reasonable in the context – requires an understanding of the interest(s) at place.

How does this apply to NHF?

- This Act shall so be **interpreted** and **administered** as to **give effect to** the **principles** of the Treaty of Waitangi.
- Role of the Minister: Section 56 Conservation Act:
 - **Appoints** NHF committee
 - Defines and varies the **terms of reference** and **regulates their procedure**
- The committee is an advisory committee **established under the Conservation Act**. Therefore it should carry out its advisory functions consistently with section 4.

**How does this
apply to NHF?**

Practical examples

Scenario one

- NHF is considering between two proposals to purchase blocks of land to become reserves.
- Block A is more a more representative example of local ecosystems. However, Iwi Y were consulted and have advised a preference for the permanent protection of Block B, as it contains important mahinga kai.
- What should NHF consider in providing its advice to the Minister?
- Does it make a difference if the applicant is DOC, or an NGO?

**How does this
apply to NHF?**

Practical examples

Scenario two

- NHF is negotiating for the purchase of a block of significant indigenous forest in an area mostly covered by farmland.
- Iwi have been consulted and have advised strong opposition to the purchase as they themselves are interested in purchasing the block.
- What should NHF consider in this situation?
- Does it make a difference if the applicant is DOC, or an NGO?

He pātai koutou?
Any questions?



Item 4 - Draft Minutes 8 July 2021

Draft minutes from 8 July 2021 NHF Committee meeting

Present:

- Jan Riddell (via speaker phone)
- Gerry McSweeney (via Teams)
- Sue Yerex (via Teams)
- Gina Solomon (via Teams)
- Paula Smith (via Teams))
- Bruce Hill (DOC)
- Kees Hyink (DOC)
- David Talbot (DOC)

1. Jan opened the meeting at 4pm and congratulated Gerry and Gina for their respective recognition in the New Year and Queens Birthday honours. Gerry is now a “Companion of Order of Merit”, whilst Gina is a “Member of the Order of Merit”.
2. Gina commented positively on the Committee’s progress in giving effect to its Conservation Act section 4 obligations. Gina considered that Jo-Ella Sarich’s (DOC legal) presentation on this matter was very useful and asked if the Committee had given any thought to the scenarios Jo-Ella posed. The Committee has not done this yet. All agreed that how the Committee gives effect to s4 is a work in progress.
3. The minutes from the November 24-25 2020 meeting were accepted with one small change. Paula passed a motion that these minutes be confirmed, Sue seconded, carried.
4. Jan asked David Talbot to discuss the NHF’s finances. David explained how the \$5 million of funding to the NHF came from Departmental budgets. This \$5 million dealt with overspending of the NHF fund, in due to the multi-year Ōhau Downs purchase. Parts of the DOC financial tracking system also contributed to this overspend. David noted that this problem has also occurred with other DOC funds that fund multi-year projects.

Paula asked about the overspending, Kees said that the multi-year purchase at Ōhau Downs had some bearing on this.

In summary, David said that the NHF has \$4.7 million to allocate. He also stated that DOC came very close to a having a budget bid accepted for an increase to the NHF funding for the 2020/21 FY, associated with the implementation of the Aotearoa New Zealand Biodiversity Strategy. He is hopeful that the NHF will receive additional funding to assist with the implementation of the proposed National Policy Statement on Indigenous Biodiversity.

David said that there’s \$4,495,000 allocate to existing SILNA cases, and explained that the previous government had taken \$1,800,000 of unallocated SILNA funding. David raised the need for a process to approach the present allocations and options for funding.

5. Bruce gave an update on Ōhau Downs and the \$220,000 the MOC allocated as a contribution to the potential purchase of 550ha that adjoins the Ōhau Downs Conservation Area. He has been on contact with 9(2)(a) (who lodged the application for the \$220,000) and 9(2)(a) 9(2)(a) is now the representative of the private donors.

After much discussion, 9(2)(a) and 9(2)(a) have agreed that they no longer require the \$220,000 of NHF funding. Gerry commented that the NHF has done its bit, while Paula asked about the potential status of the 550ha, should it be protected. Bruce doesn't know but noted the private donors have indicated they are keen on the area being protected via the Reserves Act 1977.

6. NHF 9(2)(j)

Sue asked if consulting with the Chair of Ngāti Waewae was adequate. Gina commented that two sentences about the consultation isn't adequate to show that DOC had consulted with tangata whenua. The Committee requires more information, as from 9(2)(g)(i)

Bruce said that he would get more information from West Coast DOC about the consultation. Gina commented that the Committee needs to have confidence in DOC's consultation process, while Gerry reiterated the need for the consultation to be undertaken in confidence.

Motion was carried to submit the recommendation as written, with the addition of further information about consultation with tangata whenua.

7. NHF 20/04 Ōkari Terraces

Gina asked what Ngāti Waewae considered significant. Gerry said that Covid has interrupted the neighbours' aspirations to protect land in this area. Maybe they'll approach the NHF in the future for assistance.

8. 9(2)(j) SILNA case 9(2)(j)

Bruce updated the Committee on the current situation. The Crown (via the NHF) put an offer for 9(2)(j) to the trust in 2002. The trust is now fragile, and in their words, would rather manage a bank account than the area. 9(2)(a) (trust chair) has told Bruce that they're over being told to talk to tourism providers and/or getting involved in another visitor strategy. Kees mentioned that DOC are not in the position to take over the management of access to the 9(2)(j) given the cost of bringing the area up to current health and safety standards.

Bruce commented that as its yet to be determined that the Crown can use NHF SILNA fund to purchase SILNA land, the Committee shouldn't pay for a valuation of the 9(2)(j) Block. He also stated that the MOC, and Ministers of Finance and Primary Industry need to approve consideration payments greater than \$3,100/ha. The Committee agreed with these statements. Gerry commented that perhaps its time for 9(2)(a) to progress the situation.

Action- Bruce to draft the following comments to put to 9(2)(a)

- The Committee does not support NHF funds being used to pay for a valuation of the 9(2)(j) SILNA block
- The Crown's offer of 9(2)(g)(i) is still on the table, in return for the areas containing conservation values being protected via a Conservation act/reserves Act covenant.

The meeting finished at 5pm

DRAFT

Item 5 - Approved Minutes 15 July 2021

Approved minutes for urgent consideration of F&B's Arowhenua application (15/07)

24/11/21 motion to accept moved by Gerry, seconded by Paula, carried.

Date: 31 August 2021, 5-5.30pm via phone

Present: Jan Riddell (Chair), Gerry McSweeney, Gina Solomon, Sue Rickman, Paula Smith, and in support Bruce Hill and Kees Hyink (DOC).

Gina opened the meeting with a karakia.

Jan provided the following background to this application:

In 2015 the Royal Forest and Bird Protection Society (the Society) applied for funding for the purchase of an approximately 11-hectare tall forest remnant (the Land) near Temuka (Canterbury). Since the 1970's the Society has worked on restoring the Land with its successive owners. In 2016 the then Minister of Conservation approved funding to purchase the Land.

Despite best endeavours by the Crown's negotiator, the landowner decided in 2017 not to sell the Land. One issue was that the landowner wanted the Crown to purchase them a nearby area, by way of an exchange.

The Society approached the NHF Committee (the Committee) in June 2021 about reactivating this application. On 4 August 2021 the Society detailed in a letter to the NHF their reasoning for this reactivation, and their revised proposal.

Jan pointed out that the urgency is due to:

- the lack of permanent protection for the remnant forest and past incursions by landowner's cattle, to its detriment.
- the Land being highly significant, as its one of two areas of podocarp forest remaining on the Canterbury Plains.

Jan commented that the Society has worked hard restoring and protecting this very significant area. Gerry agreed and both commented that the area is significant today as it was when the Committee considered it in 2015.

Jan noted that the Society has applied for a contribution of \$70,000 of Crown funding via the NHF, having raised the balance (approximately 9(2)(i)).

The Committee discussed whether the Society required funding to securely fence the area. Bruce undertook to determine if this necessary and what the current state of the fencing is.

Public access was also discussed. Bruce pointed out that its highly likely there is as-of-right public access along the Opihi riverbed. It was agreed that as F&B is the majority funder, they determine the degree of public access. Both Gina and Sue mentioned that the Land would likely be very suitable to be protected via a QEII covenant. After some discussion the Committee were comfortable with the Society proposing a suitable mechanism that would permanently protect the land.

There was much discussion about how the Committee meets the MOC's expectation that the Committee will give effect to its Conservation Act section 4 obligations. Jan mentioned that the

Society had stated that they wish to discuss their proposal with the Arowhenua rūnanga (rūnanga). Gina pointed out that the Land was likely a significant mahinga kai site for the rūnanga, and so they're likely interested in discussing access to the Land. Gina undertook to check the Iwi Management Plan relevant Policies for the Arowhenua rohe and report back to the Committee.

Given that the Crown is potentially a minority contributor to this purchase, the Committee agreed that the Society be responsible for consulting with rūnanga. Bruce offered DOC 's assistance with facilitating this, the Committee accepted this offer.

The Committee agreed that it would finalise its recommendation to the MOC, once it has reviewed the results of the consultation between the rūnanga and the Society.

The meeting closed at 5.30pm

Item 6 - Draft Minutes 24 November 2021

Draft Minutes for NHF Committee meeting #103

Date: 24 November 2021, 4:30pm via Teams

Present: NHF Committee members - Jan Riddell (Chair), Gina Solomon, Gerry McSweeney, Paula Smith, Sue Rickman. DOC - Jacqui Tizard (Funds Advisor), Kees Hyink (Funds Manager), Sofia Etchegoin (Funds Advisor).

- I. Gina opened the meeting with a karakia.
- II. Jan provided the following update in the Chair report:
 - The Committee is working to improve the application process to accommodate for different types of applications.
 - The Committee is still pending an audience with Minister Kiritapu Allen to better understand her priorities in relation to the NHF.
- III. Gerry confirmed the minutes from the 31 August telephone conference regarding the Arawhenua Bush application. Seconded by Paula.
- IV.
 - a) Jacqui confirmed there is \$4.5 million of funding available with no commitments registered against it. Note, this figure assumes no NHF funds are allocated to Hunter Springs or Arawhenua Bush applications.
 - b) Quick update on open NHF cases:
 - 15/07 Arowhenua Bush: Following a meeting with Arowhenua rūnanga, Forest and Bird are looking to fund the \$70K themselves and the Committee is pending a withdrawal letter from their solicitor. More relationship building is required with the rūnanga, noting goodwill from F&B to work with them in future.
 - 18/04 Upper Taieri Scroll: balance of purchase price has now been paid. Committee agree that, if possible, a public announcement would be fantastic.
 - 20/03 Hunter springs: No decision has been provided to the applicant yet. The Committee is seeking clarity on the Minister's priorities, given the declined application aligned with overarching national priorities and had support from the Department and local runganga.
- V. Applications for consideration
 - a) 18/01 Ngunguru Whakereroa Maunga

This application was noted as a 'high' priority. The Committee recommended funding up to the full amount requested and reducing the offer if it is not needed due to crowdfunding success. The co-funder is the Turnbull estates whose lawyer has confirmed they have **9(2)(i)** available. The application presents strong evidence of iwi support and a long-established working relationship. Scored very highly against the criteria. Some discussion on conflicting statements around the state of weeds but noted that this was only of minor concern. Kees noted that the local DOC is supportive of the application particularly because of the current three-way agreement for management of the spit which is intended to be extended to this area. The land purchase timeframes and letters of support from the local iwi need to be provided in the recommendation to the Minister.

b) 9(2)(j)

This application was noted as a 'medium' priority, however more information is required before making a recommendation to the Minister. The application has limited or no information on:

1. The level of local iwi consultation to date and iwi interest in the section.
2. Whether the ecosystems are already protected by Kahurangi National Park.

The purchase price was also noted as quite high, and there's a risk part of the subdivision may not be approved.

Diversity of ecosystems and presence of wetland positive features of application. Referring to National priorities, the land is habitat for acutely chronically threatened species. Within Golden Bay Ecological District, lowland forest and wetland ecosystems substantially depleted. Small *Gahnia* sedgeland at this site is rare example of intact higher-terrace wetland. A lot of mountain forest in area but not much left on upper terraces due to grazing.

The Committee provided feedback to the Department that more guidance is needed for applicants regarding Section 4 and iwi consultation to provide clearer expectations on what is required.

c) 21/03 9(2)(a) Graham Valley

This application was noted as a 'low' priority and the Committee agreed to decline it.

Noted that there is already a lot of Karst landscape regenerating beech forest in the National Park. Applicant very committed to area and has purchased the land himself to protect it. Therefore, the ecosystem is unlikely to be destroyed even if NHF does not purchase it. Friends of Flora support application but cannot commit to trapping as they already have planned to prioritise trapline extension in other areas.

d) 9(2)(j)

The Committee agreed to support this application, given the strong iwi backing and potential learnings on the collaborative approach with the groups involved. They noted a risk of competition from private buyers to develop the area and the limited timeframes.

Kees provided DOC context:

1. Concern over proximity to significant kauri dieback site, DOC would want access to be very limited.
2. Concerned about public expectation to upgrade access at southern end of beach (e.g. toilets)
3. Other iwi groups may have interest in area

Further information is needed about the 9(2)(j)

Discussion about the various types of covenants and their relative flexibility to protect different values.

Clarity is needed on:

1. The land protection required (given the importance of the area to local iwi and the cultural, historic and conservation values)
2. Who will own the land?
3. How it will be managed given potential conflicting interests of groups involved?

Actions:

1. Kees/Jacqui to draft letter to 9(2)(a) on behalf of Jan seeking clarity on proposed form of protection and long-term management approach.
2. Kees/Jacqui to seek update on Tender outcome.
3. Kees/Jacqui to speak to local DOC about their wishes for protection and management should the committee recommend funding
4. Committee to meet early next week to discuss and make final recommendations.

Summary of discussions on applications for consideration

| Application | Recommendation | Further Action |
|----------------------------------|--|---|
| 18/01 Ngunguru Whakereroa Maunga | Fund up to full amount of \$1,325,608 | None. Recommend Minister to fund. |
| 9(2)(j) | Fund up to full amount of \$256,000 | DOC to consult about Section 4 on behalf of Committee. No recommendation made until this is done and committee has discussed. |
| 21/03 9(2)(a) Graham Valley | Decline | N/A. Recommend Minister to decline. |
| 9(2)(j) | Likely fund up to full amount of \$875,000 | Kees/Jacqui to seek further information from applicant and local DOC. Committee to discuss further early next week |

The meeting closed at 6.10pm.

Note:

The Committee met virtually again at 4.30pm on Tuesday 30th November to discuss the additional information provided by 9(2)(a) about application 21/04 (DOC-6850757). The Committee did not meet quorum, so the draft recommendations were provided via email. All Committee members approved the recommendation to fund 9(2)(j) (see DOC-6860180).

Item 7 - Draft Minutes 1 March 2022

Draft Minutes for NHF Committee meeting #104

Date: 1 March 2022, via Teams

Present: NHF Committee members - Gina Solomon, Gerry McSweeney, Paula Smith, Sue Rickman. DOC - Jacqui Tizard (Funds Advisor), Kees Hyink (Funds Manager)

Apologies: Jan Riddell (Chair)

Meeting started: 5.39pm

- I. Gina opened with karakia
- II. Update on **Ngunguru Spit** case:
 - a. After committee met and recommended the application, the Minister declined the recommendation but there was potential for the recommendation to be resubmitted.
 - b. Since then, some members of hapū have come forward who vocally oppose land becoming Crown owned.
 - c. Hapu trust and local DOC were originally supportive of application.
 - d. Not clear who has mandate to represent the hapū.
 - e. DOC staff working through it with the parties involved
 - f. Public access very important to Society. Hapu (assumed) to not want uncontrolled public access.
 - g. Meetings are happening later this week.
 - h. Local DOIC unable to support application as not meeting Section 4 commitments.
 - i. NHF committee wants land to be permanently protected. Issues are DOC support being withdrawn, division within hapū and lack of clarity on who has the mandate to represent hapū.
 - j. Committee cannot recommend application at this stage.
 - k. Gerry recommends deferring application – Seconded by Paula
 - l. Want to note that Committee hopes for the best for all parties involved and land itself.
- III. Update on 9(2)(j) application and communication with the Minister
 - a. Gerry summarised timeline on previous memo and discussion with Minister.
 - b. Kees- 9(2)(j) have purchased the land, underwritten by individuals on assumption that other funding would become available. DOC and Trust have preference for a QEII covenant instead of a DOC conservation covenant largely to avoid costs falling on DOC. 9(2)(j) prefers conservation covenant. 9(2)(a) adamant that 9(2)(j) can be convinced of merits of QEII covenant, and that DOC will not end up with costs associated with covenant. 9(2)(j) currently owns the property but likely to set up a new local entity to vest it to.
 - c. Committee's current recommendation of funding it on condition of permanent protection (no specific recommendation on type) still stands.
 - d. Gina highlighted her desire to meet the Minister to clean things up because everything is messy. Gerry discussed his discussions with Penny Nelson.
 - e. Kees and Jacqui are working with Minister's office to work through official steps for organising meeting.
- IV. application to be considered under urgency

- a. Land adjoins 9(2)(j)
 - b. To be assessed under urgency given vendor has another offer on property (don't know how much offer is).
 - c. Gerry believes it meets all criteria. It is an enclave. If not protected, could lead to lots of issues for DOC and conservation values if it was to be developed. Purchasing it now could reduce the costs DOC might face in future. Proposal that Conservation Volunteers NZ could contribute to regeneration. Valuation provided. Alluvial wetland means it will recover quickly; it is the "heart of the valley".
 - d. Want permanent protection probably as a reserve.
 - e. Sue supports. Very strong recreational values. 10K walkers in last year
 - f. Paula thinks application doesn't meet criteria that well but that maybe that is an issue with the criteria. She supports the strategic approach to purchasing to prevent inappropriate development of site but believes the natural heritage values of the site are not as strong. Generally supportive but wording of recommendation important. Criteria need updates.
 - g. Gina excited by land but disappointed by application itself. Lack of information on the value of area to iwi. From the presence of taonga species it should be obvious that this is an important area for tangata whenua. DOC as applicants should know that and it does not need to be spelt out by iwi reps.
 - h. Already bought 250ha from owner, this would be an expansion on existing investments.
 - i. Committee supports recommending the application for funding.
 - j. Add ~\$3K for removal of fencing.
 - k. The amount to recommend will be confirmed by the committee via email.
- V. Gerry submission to DOC on Streamlining the stewardship land reclassification process
- a. Gina would like info from DOC
 - b. Public submissions open until 18th March
 - c. Paula has conflict of interest over stewardship land. She will assent from discussion
 - d. Noted that Committee cannot approve anything. Wording should be changed to Committee providing advice.

Actions

- I. Jacqui to send Information on public consultation about Stewardship land reclassification.
- II. Jacqui to circulate draft recommendations for Committee comment including amount of funding recommended for 9(2)(j)
- III. Jacqui and Kees to submit updated recommendations to Minister.

Meeting closed: Approximately 6.50pm