

PROPOSED KAURI NATIONAL PARK, NORTHLAND

**NEW ZEALAND CONSERVATION AUTHORITY
TE POU ATAWHAI TAIAO O AOTEAROA**

PREPARED BY THE NZCA KAURI NATIONAL PARK PROPOSAL COMMITTEE

CONFIDENTIAL

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1. INTRODUCTION

1.1. Background

The idea of a national park in Northland centred upon kauri forests dates back over a century. While this idea has not reached fruition, much of the Waipoua Forest gained Sanctuary status in 1952 and the Northland Forest (now Conservation) Park, covering all the kauri forests and some other forests held by the Crown in Northland, was established in 1984.

Sanctuary status applies to 8925 ha. of the Waipoua Forest, where kauri is the predominant vegetation and parts of which have never been logged. A sanctuary area is a specially protected area under section 22 of the Conservation Act 1987 which has the statutory purpose: "Every sanctuary area shall be managed to preserve in their natural state the indigenous plants and animals in it, for scientific and similar purposes."

Conservation parks are managed to protect its natural and historic resources, and to facilitate public recreation and enjoyment where consistent with the first objective.

Between 1988 and 1992 the New Zealand Conservation Authority ('the Authority'), pursuant to its statutory role for national parks, investigated a proposal covering 47 blocks of land totalling 105,249 hectares for national park status. During its consideration of the Department's recommendations, the Authority refined the area to what it called the Hokianga Model (76,458 hectares). It reported to the Minister of Conservation in December 2005¹ advising that "The Authority agrees that the forests and other areas included in the Hokianga Model are worthy of collective consideration for National Park status". It also advised that "until Waitangi Tribunal claims affecting the areas included in the Hokianga Model are resolved, it cannot make any effective progress on a recommendation to you on the proposal".

In December 2005, Te Roroa² the iwi whose rohe is centred on Waipoua Forest reached a settlement with the Crown of its historical Treaty claims and the Te Roroa Claims Settlement Act gained assent on 29 September 2008. On 14 October 2009, the Minister of Conservation (Hon Tim Groser) advised the Authority "the Government has made the establishment of a Kauri National Park, centred on Waipoua Forest, a priority. I am therefore writing to the Authority to request that it instigate a new investigation." (see Appendix 11.1). The request had been foreshadowed in the National Party manifesto for the 2008 General Election.

This report covers the Authority's investigation into the new national park proposal and makes recommendations to the Minister that have arisen from the investigation.

1.2 The proposal

¹ New Zealand Conservation Authority *Te Pou Atawhai Taiao o Aotearoa* Interim Report Investigation into the proposal for a Kauri National Park in Northland December 2005 ISBN 0-9583301-4-X

- **2 Te Roroa—**
 - (a) means the collective group composed of—
 - (i) individuals descended from 1 or more Te Roroa tupuna; and
 - (ii) individuals who are members of the groups referred to in paragraph (c)(i); and
 - (b) means every individual referred to in paragraph (a); and
 - (c) includes the following groups:
 - (i) Te Roroa, Ngati Kawa, Ngati Whiu, and Te Kuihi; and
 - (ii) any whanau, hapu, or group of individuals composed of individuals referred to in paragraph (a).

(section 11 Te Roroa Claims Settlement Act 2008)

The total area investigated is approximately 13888 hectares (ha.) of which 12545 ha. are part of the existing Northland Conservation (formerly Forest) Park – that area known as the Waipoua Forest. All blocks are contiguous except for the Trounson Scenic Reserve (592 ha.), Katui Scenic Reserve (294.8 ha.) and Maitahi Wetland Scientific Reserve (235 ha.).

1.3 The Director-General's investigation

A Joint Working Group comprising the Department of Conservation's Northland Conservancy (the Department) and the Te Roroa Manawhenua Trust was convened on 22 October 2009 to formulate a recommendation to the Authority as to the land that should be included in the investigation. All the land investigated lies wholly within the rohe of Te Roroa except the Maitahi Wetland Scientific Reserve which is a cross claim area with other iwi.

After the Authority initiated the investigation in February 2010, the Department compiled a discussion document, released in May 2011, which invited public submissions. Fifty-six written submissions were received. The Department also held public meetings and hui with Te Roroa and recorded the matters raised at them. The Department reconvened the Joint Working Group in order to share information and prepare a joint report to the Director-General on the outcomes of the public notification.

The Director-General reported his finding (the Investigation Report) to the Authority in June 2012³.

1.4 The Director-General's conclusions

The Director-General concluded that the land investigated fits the criteria for national park status as outlined in the General Policy for National Parks 2005 (see Section 3.3 of this report). He considered that the lands provide "a unique series of ecological and landscape features that are not otherwise represented in any existing national park in New Zealand, particularly the majestic kauri. While small in relative terms compared with other New Zealand national parks, it is perfectly formed, providing a perfect mix of outstanding ecological, historic and landscape features found only in Northland".

2 NZCA PROCESS

2.1 Introduction

This section describes the steps the Authority took in arriving at its formal recommendations in relation to the proposed national park (see also Appendix 11.2)

2.2 The Authority's investigating group

The proposal was investigated in detail by a Committee of Authority members established at the April 2012 Authority meeting. The Committee comprised Yvonne Sharp (convenor), Warren Parker and Judy Hellstrom. The Authority's chair, Kay Booth, led consultations with Te Roroa and the Northland Conservation Board and chaired the public meetings. Hally Toia and Waana Davis provided the Committee with advice. The Committee reported regularly to Authority meetings on the progress of the investigation.

2.3 The Authority's process (see also Appendix 11.2)

After receipt of the Minister's letter at its October 2009 meeting and the recommendation of the Joint Working Group at its December 2009 meeting, the Authority sought the views of the Northland Conservation Board, Te Roroa, the relevant district and regional councils, and the Northland Fish and Game Council. These parties supported the Authority initiating the investigation requested by the Minister. The Authority resolved to instigate an investigation at its February 2010 meeting.

³ This document is available at www.doc.govt.nz/getting-involved/consultations/closed/kauri-national-park-proposal/progress-updates (as at July 2013).

After the Director-General's Investigation Report was received at the Authority's June 2012 meeting, the Committee's first act was to write to the Te Roroa Manawhenua Trust and seek an introductory meeting and its advice on the sites the Committee should visit to get a better understanding of Te Roroa values. The Trust arranged a hui and the Committee, together with Kay Booth, Hally Toia and Waana Davis, met with a large group of people, mostly affiliated to Te Roroa, at Waipoua on 29 September 2012. The Department's Northland Conservator and the Kauri Coast Area Manager also attended.

On the same visit to Northland, the major blocks of the investigation area were viewed.

Public meetings and hearings of the two submitters who had asked to be heard, were held on 8 & 9 March 2013 and the Committee met with Te Roroa Manawhenua Trust chairperson and three trustees at Waipoua on 27 April 2013. The Northland Conservator and Kauri Coast Area Manager attended most of these meetings. Yvonne Sharp had several telephone conversations with Te Roroa Manawhenua Trust chair, Sonny Nesbit, before and after the 27 April 2013 meeting.

Written progress reports on the outcomes from these meetings and other observations made during the visits were provided to full Authority meetings.

The Committee had four discussions towards forming a view – on 9 March, 27 April, 13 June and 8 July 2013.

The interim report prepared by the Committee was discussed by the Authority at its August 2013 meeting *[to add whether any amendments made thereafter, consultation with the NCB and what it advised, and any consultation on the interim report with Te Roroa and what it replied]* .

3 CRITERIA FOR NATIONAL PARK ASSESSMENT

3.1 Introduction

Assessment of a proposal for a new national park is guided by statute and general policy. This investigation is based on criteria derived from the National Parks Act 1980 and the General Policy for National Parks 2005.

3.2 National Parks Act 1980 (section 4(1))

The attributes of a national park are specified in section 4(1) as follows:

".....this Act shall have effect for the purpose of preserving in perpetuity as national parks, for their intrinsic worth and for the benefit, use, and enjoyment of the public, 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."

3.3 General Policy for National Parks 2005 (section 6)

Lands recommended for national park status will contain, for their intrinsic worth and for the benefit, use and enjoyment of the public, the following:

- i) scenery of such distinctive quality that its preservation is in the national interest; or
- ii) ecosystems so beautiful, unique or scientifically important that their preservation in perpetuity is in the national interest; or
- (iii) natural features so beautiful, unique or scientifically important that their preservation in perpetuity is in the national interest (section 6(a)).

Lands recommended for new national park status should be relatively large, preferably in terms of thousands of hectares, and preferably comprise contiguous areas or related areas; and should be natural areas (section 6(b)).

Predominantly natural areas may be considered for national park status if they:

- (i) contain areas which can be restored or are capable of natural regeneration, particularly if representative of ecosystems not adequately provided for elsewhere in a national park; or
- (ii) contain features which have no equivalent in a national park and which are so beautiful, unique or scientifically important that they should be protected in a national park (section 6(c)).

The following matters should be considered by the Authority before recommending, and by the Minister before approving, the boundaries of parks:

- (i) the need to protect natural, historical and cultural heritage in national parks from adverse effects of activities outside national park boundaries, and avoid any potential adverse effects of national park status on adjoining land;
- (ii) the goal of a representative range of ecosystems, natural features and scenery types being included in national parks;
- (iii) landscape units;
- (iv) readily identifiable natural features;
- (v) convenience for efficient management of the national parks; and
- (vi) access options, consistent with the need to preserve national park values (section 6(i)).

4 MATTERS CONSIDERED

4.1 Introduction

The Authority considered a range of matters in its to evaluation of the proposed area (see section 5) against the investigation criteria (see section 3.3)

The values of each land parcel in the proposal were assessed against the primary criteria for a national park (see Appendix 11.3). With the exception of the Waipoua Forest these parcels are small in area but for the most part they are contiguous with Waipoua Forest. If it were not for signage, a casual observer would think they were part of the Waipoua Forest. If a national park is established, they will all become one land status and so the Authority has assessed the investigation area collectively, rather than the stand-alone merits of each land parcel.

The Authority also notes that New Zealand's existing national parks encompass extensive landscapes that are largely unmodified.

Except for Te Urewera and, to a lesser extent, Whanganui, they are without resident iwi populations that have lived continuously within or alongside the boundaries of the proposed national park, using and caring for its resources. In Northland, and indeed the northern part of the North Island generally, the landscape has been extensively modified with small settlements established throughout.

In this respect the proposed national park would be a departure from the wilderness-type national parks that have thus far been the signature of New Zealand national parks. Rather it would be a park that is where the past human impact on the landscape and human associations are as fundamental to the park's intrinsic worth and its welfare as its ecological, scenic and other natural values.

Pursuant to the Te Roroa Claims Settlement Act 2008 sections 54 and 55, the Authority, when considering a change of status in relation to Te Tarehu must have particular regard to Te Roroa values in relation to Te Tarehu; and the protection principles, and consult the trustees of Te Roroa Manawhenua Trust as to the effect of any proposal or recommendation to change the status on those values and protection principles.

4.2 Boundaries

The investigation area is that recommended by the Joint Working Party (See Map). 90% of the total area is Waipoua Forest (including the Kawerua Marginal strip No. 1) over which there is Te Tarehu overlay (see section 4.3).

Some small adjoining parcels of land were omitted from the investigation area which, on the face of it, would have made sense for inclusion from a boundary point of view. For the most part these omissions relate to concerns Te Roroa has about public access to Te Roroa land along the coast where there are significant wahi tapu values. While these small parcels of land have been omitted from the investigation area, the public is unlikely to understand why or realise that they have been. As it would be impractical for the Department to manage them differently from the adjoining national park land, it is likely the public conservation land parcels will be managed as if they were national park.

The adoption of boundaries that are not obvious e.g. not aligned with natural features or infrastructure such as a road, may increase the risk that the public, even with good signage and other information, will unwittingly trespass into adjoining private land or regard adjoining public land of a similar nature as under the same management regime. On the other hand, many of the omitted areas are relatively inaccessible to normal visitors

4.3 Te Tarehu⁴

The long association of Te Roroa with the areas under investigation is documented in the 1992 Te Roroa Report of the Waitangi Tribunal and the 2005 Te Roroa Deed of Settlement of Historical Claims.

The Deed of Settlement provides for an overlay over Waipoua Forest, called Te Tarehu, in recognition of Te Roroa values associated with the forest. Te Tarehu exists regardless of land status.

The relationship redress document records Te Roroa values as follows:

- 3.1 Waipoua Forest is a taonga [*prized possession or resource*] and wahi tapu [*sacred place*] to Te Roroa of fundamental cultural, ecological and religious significance, parts of which were regarded by Te Roroa tupuna [*ancestors*] as “wahi tino tapu, whenua rāhui.”
- 3.2 In the Waipoua Valley, the settlement pattern encompassed three zones: the pa on the high ridges, the fertile lower slopes and river terraces, and the coastal flats. Topographical features were made more indelible by stories of tupuna involved in naming the many places.
- 3.3 The isolation of Waipoua has been a contributing factor to the unassailed position Te Roroa has held in respect of their manawhenua [*authority from the land*], manamoana [*authority from the sea*] and manatupuna [*authority of ancestors*].
- 3.4 Waipoua Forest contains specific taonga and wahi tapu including the kauri trees, urupā [*burial sites*] and kainga tupuna [*ancestral dwelling sites*], as well as traditional resources.
- 3.5 Te Roroa are the kaitiaki [*guardians*] of Waipoua Forest and everything in it and assert that they maintain tino rangatiratanga [*authority*] over the Forest.

Associated with the Te Roroa values are Protection Principles. The Deed records that the Protection Principles are directed at the Minister of Conservation avoiding harm to, or the diminishing of, the Te Roroa values related to Te Tārehu. They are:

- 4.1.1 Protection of wahi tapu, indigenous flora and fauna and the wider environment within Waipoua Forest;
- 4.1.2 Recognition of the mana, kaitiakitanga and tikanga of Te Roroa within Waipoua Forest;
- 4.1.3 Respect for Te Roroa tikanga within Waipoua Forest;
- 4.1.4 Encouragement of respect for the association of Te Roroa with Waipoua Forest;
- 4.1.5 Accurate portrayal of the association of Te Roroa with Waipoua Forest; and
- 4.1.6 Recognition of the relationship of Te Roroa with wahi tapu, and wahi taonga.

⁴ The literal English translation is cover. Described in the Investigation Report as ‘mist’ or ‘shroud’. “The statutory overlay is akin to the mists that cover Waipoua Forest, or the shroud of mist that cloaks the land – ever present, dispersed by the rising sun, but returning again at nightfall”.

Section 52 of the Te Roroa Claims Settlement Act 2008 requires the Authority and relevant conservation boards to have particular regard to Te Roroa values and the Protection Principles.

4.4 Te Roroa views

As outlined in Section 1.3 of this report, the Department established a Joint Working Party with Te Roroa consistent with its responsibilities under Te Tarehu and undertook other consultation with Te Roroa. In his Investigation Report to the Authority, the Director-General identified that the proposed national park area is the ancestral home of Te Roroa, and that its interests run from south of Dargaville to the Hokianga, centred on Waipoua Forest. In many places in his report, but specifically in Chapter 3, he addresses the values and views of Te Roroa.

Having read the Deed of Settlement and the Te Roroa Manawhenua Trust's commentary on the Department's discussion document⁵ (see Appendix 11.4), the Authority sought to show respect for the association of Te Roroa with Waipoua Forest and to better understand the values and views of Te Roroa by seeking meetings with Te Roroa Manawhenua Trust as identified elsewhere in this report.

At the meeting on 29 September 2012, hosted by then Trust Chairman Daniel Ambler, there were many speakers and their passion for Waipoua was evident. At the end of the meeting the Authority was presented with an unsigned and undated written commentary (see Appendix 11.5). When the Authority met with Te Roroa Manawhenua Trust on 27 April 2013, the first page of the commentary provided the framework for discussion. In the time available, three of the eight preconditions to national park establishment were discussed. The chairperson advised that in exploring these matters the essence of Te Roroa views had been covered. They were:

- i. All Treaty of Waitangi claims affecting the proposal have been satisfactorily settled.
- ii. All discrete wahi tapu sites and cultural sites of importance to Te Roroa have been excluded from the proposal to the satisfaction of Te Roroa.
- iii. Government has provided a commitment to Crown/Te Roroa co-governance in the proposal or its replacement.

The other Te Roroa preconditions as set out in the April commentary are:

- The Boundaries of the proposed Kauri National Park, or its replacement, are acceptable to Te Roroa;
- A satisfactory costs/benefit analysis of the proposal, or its replacement, encompassing all socio-economic effects and which demonstrates benefits over costs has been obtained;
- A satisfactory Environmental Impact Assessment of the proposal, or its replacement, has been obtained;
- Government has accepted the recommendation of the Waitangi Tribunal in the WAI 262 Report;
- A review of the Northland Conservation Management Strategy has been completed;
- A replacement national park Investigation Report once all the preconditions have occurred

Given the stated position of Te Roroa regarding the proposal recorded above, it has not been possible to get their formal advice on the specific character and values of the parcels of land in the national park proposal. In addition, the view expressed by the chairman of the Te Roroa Manawhenua Trust that Te Roroa does not support the establishment of a national park at this time indicates that the timing is not yet right.

It is also relevant that Te Roroa is a significant adjoining landowner. Through their Treaty settlement they were returned a large area of land between the Waipoua Forest and the coast and an enclave within the Waipoua Forest. They also own land between the Waipoua Forest and Katui Scenic Reserve under a covenant.

⁵ Received by the Department on 18 July 2011. Signatory Tim Reuben

Several individuals affiliated with Te Roroa also attended and spoke at the public meetings the Authority held to hear from the public.

4.5 Outstanding Treaty of Waitangi claims

The Authority was advised by the Director-General of two outstanding claims to the Waitangi Tribunal (WAI 1343 and WAI 2283) and the Te Roroa Manawhenua Trust second commentary identified a third (WAI 1857).

The Authority sought advice on the status of these claims. The advice it received from the Minister for Treaty of Waitangi Negotiations is attached as Appendix 11.6. It states that WAI 1343 and WAI 1857 have been consolidated into the Northland inquiry currently underway. WAI 2283 is a contemporary claim relating to the proposed kauri national park brought on behalf of Te Kuihi, a group whose Treaty claims over the area were covered by the 2008 Te Roroa historical settlement.

Treaty claims are not within the scope of the Authority's functions or its capacity to resolve. Legal advice is that, while the investigation process will not in itself impede redress arising from Waitangi Tribunal claims, it would be inappropriate for the Crown to take any action which would prevent the grant of redress, until the Crown has formulated its response to the Waitangi Tribunal recommendations for the areas under Treaty claim included in the national park proposal. Neither the Department nor the Authority is responsible for providing redress,

One claim (WAI 1343) is over the Maitahi Wetland Scientific Reserve. As identified in section 5.9, the Authority does not support its inclusion in the proposed national park.

4.6 Other Treaty of Waitangi considerations (see also section 7)

The Authority has formed the view that the opportunity to use Te Tarehu to influence decision-making for the area it covers has yet to be fully explored by Te Roroa Manawhenua Trust. It has also been left with the impression from the 29 September 2012 and 27 April 2013 meetings that the national park proposal has not been well-discussed by the current trustees of Te Roroa Manawhenua Trust and knowledge and understanding of the proposal is also not well-known within Te Roroa. This problem has arisen in part because trustees can only remain on the Trust for two years resulting in a constant turnover of trustees.

Accordingly there is anxiety which is manifested in statements, common to the 1988-1992 investigation, that a change of status will mean national interests (including promotion and responding to overseas visitors) will drive decision-making and will not be balanced against the interests of Te Roroa, that they will once again be alienated from their taonga by Crown action, that the mana of kaumātua will be undermined, that commercial interests will be enabled that are inappropriate, and that the national park brand will encourage visitors who behave inappropriately by wandering at will and deliberately or unknowingly desecrate wahi tapu. There is concern that the Department does not have the capacity to safeguard Te Roroa values associated with the area; those values being their paramount consideration.

The Te Roroa Treaty Settlement Act 2008 settled Te Roroa's historical claims and specifically provided a framework for the exploration of national park status over the forest in its rohe. The chairman of the Te Roroa Manawhenua Trust has advised that Te Roroa does not support the establishment of a national park at this time. He, however, is prepared to begin the process of informing and building understanding amongst the iwi. This may not be a quick process.

4.7 Recreation and other public use, enjoyment and benefit

Current visitor use, enjoyment and benefit is almost entirely focused on three sites: the tracks to Tane Mahuta⁶ and the other Big Trees⁷ which are easily accessed from State Highway 12; Trounson Scenic Reserve (board walk and basic campground); and State Highway 12 itself – a narrow, winding sealed road with forest margins.

Tourism flows are predominantly from the north with Tane Mahuta and the other Big Trees the destination. A good proportion of visitors return the same way and this influences the distribution of their economic contribution to Northland.

Trounson's campground is very popular with both local and overseas visitors, some of whom stay for several days.

Commercial activity is largely confined to guiding although there are ancillary businesses on the State Highway or on nearby private land such as a coffee cart, accommodation and a café.

There is some modest local use of the Waoku Coach Road, an unformed legal road used for walking, mountain biking, and four wheel driving.

The primary prey of hunters is wild pigs. Pigs are present throughout the forests including the plantation forest on coastal private land adjoining the investigation area which are the most favoured for hunting.

There are no long-distance tramping tracks or DOC huts within the investigation area.

4.8 Resource use

While in the past much of the area was subject to logging and other activities associated with the use of kauri, the current status of the land, its high level of forest cover, topography and small rivers make it generally unsuitable for activities such as farming, forestry and large-scale hydro-electricity. A significant proportion of the Trounson Scenic Reserve is grazed and includes various buildings including residences. The farmed provides a buffer in which trapping is undertaken to protect the forested core of the reserve. Some revegetation has been undertaken and the long-term vision is to retire the land from grazing.

The advice of the Minister for Mining and Resources was sought on the Crown's mining interest in the investigation area. He advised that there is limited mineral resource potential. His letter is attached as Appendix 11.7

Non-extractive uses such as tourism, recreation, education and research are likely to remain the main uses of the resource regardless of land status.

4.9 Kauri Dieback⁸ and its implications

Parts of the forests of the investigation area are infected with kauri dieback disease – *Phytophthora* taxon *Agathis* (PTA), a soil born disease. Waipoua has been cited as a possible source point of the New Zealand PTA infection. The suggestion is that the infection may have come from a New Zealand Forest Service kauri provenance trial which involved planting *Agathis* species sourced from the Pacific. This however has not been proven.

⁶ Tane Mahuta is New Zealand's largest living kauri tree

⁷ The Yakas and Te Matua Ngahere kauri trees

⁸ <http://www.kauridieback.co.nz/>

The disease is soil borne and may be spread by wild pigs, cattle, goats, people and machinery and other animals that come in contact with the soil. While a full survey of the forests has not been undertaken, there is evidence of the disease in Waipoua (including the area around the giant kauri tree Tane Mahuta) and at Trounson.

Pigs are a valued food source and attract both hunters and their dogs into the forests but the pigs themselves are a likely vector and the additional human and animal contact hunting brings also increases the risk of PTA spread.

The threat from PTA was frequently raised by the public in submissions and at meetings. It was also raised by Te Roroa.

The Department's response to date has been to install information signs, work with other agencies on a major public education campaign, re-route tracks, and install board walks and measures to sterilise footwear. These measures attempt to reduce the risk of visitors spreading the disease but they require voluntary compliance. Closing the forest has not been considered because: (1) PTA is already present; (2) visitors are only one of a number of potential vectors; (3) the measures being used for visitors are considered to mitigate the risk to a high degree; (4) there would be negative impact on the regional economy from the loss of tourism related to Tane Mahuta and the other Big Trees; and (5) there is a state highway running through Waipoua Forest.

4.10 Other risks and their management

Support for national park status was almost universally qualified, including by commercial interests, along the lines of "only if this is in the best interests of the forests" and "only if it means these forests get sufficient funding to stop PTA and pests from destroying them." There is therefore a risk that the public and commercial interests will feel they have been misled if sufficient funding to restore the ecosystem health and native species of the forests does not follow the change of status. They think of national parks as the 'Crown jewels' of protected areas in New Zealand and assume that national park status means they get funding appropriate for that high status. The area is already classified as a priority for the Department but its ecological health and native species populations continue to decline. A dedicated and adequate budget appropriation for natural heritage would be an effective option for mitigating this risk.

Te Roroa has identified a number of risks they perceive which are recorded earlier in Sections 4.4 and 4.6. These risks can best be managed by taking more time to consult with Te Roroa and gain their confidence that the Crown's commitment under Te Tarehu will be delivered, their interests will be considered alongside national interests, and their concerns will be addressed.

Measures necessary to control the spread of PTA, could include signage discouraging freedom of entry and access at uncontrolled points, thereby protecting sites of cultural sensitivity without drawing attention to them.

As identified in Section 4.9 the investigation area is used for pig hunting; an activity which is carried out with dogs. It is highly unlikely that compliance measures will be able to prevent the continued use of dogs for pig-hunting, despite dogs not being allowed in national parks except in circumstances specified in the Act and the national park management plan.

Unrealistic expectations as to the economic benefits that may flow from the national park is a significant risk. While the Investigation Report considers positive regional and economic benefits are likely to result from a change in status⁹, the Authority believes that a more rigorous assessment of both the benefits and the risks associated with a national park is necessary before any decision is made.

⁹ Page 39 of the Investigation Report

Sites that attract high numbers of visitors due to their renown do so regardless of land status. This is a small area with one major (Tane Mahuta and the other Big Trees) and one minor (Trounson) visitor attraction, both easily accessible from State Highway 12. Tane Mahuta and the other Big Trees are already a major Northland attraction.

The duration of current visits is, in the main, short and undertaken as a brief stop as part of a tour through the region. There is limited accommodation and other support infrastructure in the immediate vicinity. The region is sparsely populated with a low rating basis, a lack of public facilities, and few opportunities for employment outside the tourist season. A short-term increase in numbers will likely be generated by the national park brand but in the longer term will be dependent on marketing to increase awareness of its attractions and persuade visitors to include it in their itineraries.

Many of the people at the public meetings thought that Waipoua was already a national park. If this perception is widely held by New Zealanders, a formal designation in the absence of marketing and corollary regional development may have little effect on increasing domestic tourism to the area.

4.11 Financial implications

No separate Budget appropriation is made for the management of national parks. Their management is funded from the appropriation for Vote: Conservation. Allocation of funding from the appropriation is to deliver the outcomes identified in the Department's Statement of Intent and a range of methods are used to determine priorities for resource allocation. Land status may be considered but it is not determinative in reaching decisions about resource allocation.

Waipoua, Trounson, Katui and Kawerua Marginal Strip No. 1 are classified as departmental priority ecosystem management units. In addition, Trounson is a 'mainland island' meaning it is subject to intensive management and is used for field trialling new pest control methods; kauri is an icon species; Waipoua is classified as an icon destination; and Trounson a gateway destination. The board walk at Trounson was upgraded in 2012 and a major works programme is proposed to upgrade tracks, car-parking and toilets associated with public access to Tane Mahuta and the other Big Trees. In summary, the area is already an ecological and recreational priority for the Department, although expenditure on animal pest and weed control is sub-optimal.

In line with this, the Authority's investigating Committee found that the common view of Te Roroa and the public is that the health of the forest is visibly declining due to insufficient pest control and *Phytophthora* taxon *Agathis* (PTA) (see Section 4.9). There is a clear expectation that a change in status to national park would automatically bring an injection of new and adequate Crown funding to protect its national park values.

4.12 Conservation park vs. national reserve vs. national park

Te Roroa, and two other submitters¹⁰, suggested that conservation park on the one hand or national reserve on the other were more appropriate land status designations than national park. The motivation behind these suggestions appears to be that the relevant Acts contain provisions to establish committees to advise the Minister on management. Such a provision is not included in the National Parks Act 1980 because providing advice on national park matters is a role of the conservation board.

Waipoua Forest falls within the Northland Forest Park which, since the transfer of its management to the Department of Conservation under the Conservation Act 1987, is officially designated Northland Conservation Park. Achieving national reserve status would involve a separate (and not entirely straightforward) process¹¹ and may not deliver what the proponents have in mind. In addition, national reserve does not have the same public recognition as "national park", even though the designation is

¹⁰ Waipoua Forest Trust and Royal Forest and Bird Society

¹¹ Due to the majority of the land being conservation area (under the Conservation Act), not reserve (under the Reserves Act).

as high in status in terms of the protection accorded. The Authority sought an analysis of the three options from the Department which is summarised in Appendix 11.8.

4.13 Other lands

Te Rarawa iwi has indicated that it would be willing to consider the addition of Warawara Forest to any national park in the region once its Treaty settlement is final; subject to its co-management aspirations being agreed. The Warawara Forest (6686 ha.) lies north of the Hokianga Harbour. This forest is another of the Department's priority ecosystems and it was found to have national park values in the previous investigation. The Te Rarawa Deed of Settlement reflects the changes in government policy towards Treaty settlements since the Te Roroa settlement in 2008. Some reconciliation of the differing approaches in the settlement deeds (for example with respect to involvement in governance) would be necessary for Warawara and the current investigation area to be included in the same national park.

Adjoining the investigation area to the north-east is the Mataraua Forest and to the north the Waima Forest, both part of the Northland Conservation Park, and both found to have national park values in the 1990s investigation. Once Treaty claims affecting these forests have been settled, the possibility of including them in a kauri national park could be explored.

Also adjoining the investigation area are large areas of private land under covenant. Some has mature forest cover and some is regenerating or has been replanted with eco-sourced shrubs and trees. In time these reinvigorating forests will blend with the mature adjoining forests and will improve the integrity and boundaries of landscape which is legally protected. The Crown has supported these covenants financially from various funding streams and they have also been supported by private financial sources and by volunteers.

It was the Waipoua Forest Trust that proposed national reserve as a more suitable designation than national park with a view to covenanted land and the investigation area being managed together under the oversight of a committee. The Trust proposed this could be done under a co-governance structure with the Department, Te Roroa and the covenanters each respecting each other's mana and rights.

4.14 Other matters

[delete if there are none]

5 EVALUATION

5.1 Introduction

This section evaluates the following land parcels that form the investigation area against the criteria that is outlined in Section 3 of this report:

- 'Waipoua': comprising Waipoua Forest, Kawerua Marginal Strip No. 1, Gorrie Scenic Reserve, Donnelly's Crossing Scenic Reserve and Marlborough Road Scenic Reserve – adjoining land parcels with similar characteristics.
- Trounson and Katui Scenic Reserves
- Maitahi Wetland Scientific Reserve
- Part Kawerua Conservation Area.

5.2 Scenery of such distinctive quality that its preservation is in the national interest

The Authority defines "quality" in this context as distinctiveness and excellence, rather than high quality in the sense of condition.

The Authority is satisfied that the scenery of the investigation area, not only when considered collectively, but also the individual parcels, is of such distinctive quality that preservation is in the national interest.

Waipoua is the largest remaining tract of mature kauri forest and kauri associations that is intact from the skyline to the coast in New Zealand. It includes extensive unmodified forest with emergent kauri and rata on ridge systems extending from the Matataua Plateau towards coastal lowlands. State Highway 12 passes through dense overhanging forest with large kauri on road edges enabling travellers to travel through this scenic landscape.

The Katui Scenic Reserve is an island of bush (294.7 ha) surrounded in large part by farmland separated from Waipoua by a short distance, some of it under covenant. It occupies a deep valley in a high level plateau, it is visible from State Highway 12 and links Waipoua with the sentinel coastal feature, and Te Roroa taonga, of Maunganui Bluff.

Trounson Scenic Reserve is an island of mature kauri forest and kauri associations set amongst farmland, some of it is also scenic reserve, with emergent kauri crowns.

The Kawerua Conservation Area is an area of low vegetation between the Waipoua Forest and the coast. Its scenic value is in its contrast to the very different scenic qualities of the forest and as a transition zone to the scenery of the open coast. It provides the coastal aspect of the mountains to seas sequence. Its intrinsic scenic qualities are currently of lesser standard due to the relatively recent use of part of it for exotic forestry (now harvested).

Maitahi Wetland Scientific Reserve is a basin surrounded by moderately sloping sides, much of it shrubland. It lies a short distance off State Highway 12 and can be viewed from Maitahi Road. It is a modified wetland environment and is an illustration of the effect thousands of years of highly acidic kauri litter has on the soil leading to the formation of a pan layer and a wetland along with a forest to shrubland transition.

5.3 Ecosystems and natural features so beautiful, unique or scientifically important that their preservation is in the national interest

The Authority is satisfied that the ecosystems and natural features of the investigation area are so beautiful, unique or scientifically important that their preservation is in the national interest

There are four main ecotones within the investigation area – the coastal margins, the transitional forest-scrub mosaic, the kauri forest belt and the inland non-kauri forest. Complementing the landscape sequence from mountains to sea is its intact ecological sequence from the range tops to the coast, with its representation of northern flora and fauna of which the kauri tree is one species.

The Waipoua Forest is the largest and most intact of the vast kauri forests that once covered much of the northern North Island. The kauri forest soils are of international importance. While there are 21 species of the genus *Agathis* (kauri), *Agathis australis* is endemic to northern New Zealand. Endemism in the investigation area is high and many species are classified as threatened. Waipoua, together with the contiguous Waima and Mataraua Forests to the north-east, supports the largest remaining Northland brown kiwi population. There are three main river catchments within the Waipoua Forest which flow unimpeded to the sea. The Northland Regional Soil and Water Plan classifies the Waipoua and Wairau Rivers as “near to pristine”.

The Maitahi Wetland is a very rare ecosystem. It is a combination of sandy/peat gumland with a large fen wetland and is a wetland type which is unique. Because of its scientific importance, it is classified as a scientific reserve.

The Kawerua Conservation Area is coastal land with dune, herbfield, lagoon and sandfield characters.

Much of the investigation area has been modified prior to being designated for conservation purposes but by including those areas in the park, ecological integrity and biodiversity sequences from coast to range tops are maintained and life cycle sequences are illustrated. The grazed farmland included in the Trounson Scenic Reserve provides an important support role for the rest of the reserve and in time will return to native vegetation. The Kawerua Conservation Area previously hosted a pine plantation over part of the area and is in the process of naturally revegetating to its original shrubland character. Its ecological value to the national park proposal is in completing the sequence of vegetation from mountains to sea. The General Policy for National Parks enables consideration of modified areas to be included in national parks in certain circumstances (see Section 3.3.)

The Investigation Report identifies in detail the multitude and diversity of ecology-related and natural feature qualities that exist in the investigation area.

5.4 Historical and cultural considerations

Waipoua is the ancestral home of Te Roroa and they have lived there and nearby for hundreds of years, and have buried their dead there. It is the place of their stories and tribal memory. The transfer of land and buildings in the heart of Waipoua to Te Roroa as part of their Treaty settlement acknowledges that the relationship with Waipoua has never been broken and enables their connection to be visible to all who visit there.

Later, others have settled and sought to make a living in the area. Some of the land around the investigation area has been burned, farmed, dug for gum or logged, or been pine plantation. However, natural regeneration has been vigorous, assisted by the high rainfall so that physical signs of the human impact on the area are largely hidden.

The Forestry Lookout Tower on the southern side of Waipoua is the only historic building within the area that is actively conserved by the Department. The stone culverts, bridge abutments and flushings on the Waoku Coach Road are of historical interest and are registered as such by the NZ Historic Places Trust¹²

The rich cultural heritage of this area, both Maori and non-Maori, is nationally distinctive. That includes the long drawn-out battles to get appropriate recognition of Te Roroa's association, especially with Waipoua, and to protect the forests and their species.

5.5 Soil, water and forest conservation

National park status would not bring any management change that would erode the existing value of the intact natural cover from the range tops to the coast. Vigorous native regeneration is taking place at sites previously under plantation pine forest or affected by fire. The regeneration improves the value of the area for soil, water and forest conservation.

5.6 Naturalness and resource use

While not in pristine condition, the general impression of the investigation area is that of naturalness. While there has been a long history of resource use, many decades have passed since the last significant extractive activity. The forests have a pervading presence on the West Coast of Northland south of Hokianga Harbour.

Three of the principles of national parks are that they be preserved as far as possible in their natural state, that their value as soil, water and forest conservation areas are maintained, and their native species be preserved. Commercial uses can be considered under the National Parks Act but need to be consistent with the purposes and principles of the Act. The Authority has been advised that the investigation area has low mineral resource potential and was expressly excluded from the

¹² <http://www.historic.org.nz/TheRegister/RegisterSearch/RegisterResults.aspx?RID=740>

Government's 2012 competitive tender for metallic minerals in Northland due to its outstanding conservation values (see Appendix 11.7).

Resource use is currently confined to some limited grazing, pig hunting and customary use.

5.7 Benefit, use and enjoyment by the public

Tourism benefit, use and enjoyment are focussed primarily at Tane Mahuta and the other Big Trees on State Highway 12 and this is expected to continue into the long-term as long as those trees survive. The Department has designated this site one of five "icon" visitor destinations for Northland. Visitor numbers were recorded¹³ as approximately 285,000 (Tane Mahuta) and 106,000 (other Big Trees) in the year ended 30 June 2013.

Trounson is designated as one of eight "gateway" visitor destinations in Northland. The visitor profile tends towards self-drive and New Zealand visitors. The small campground is very popular over the summer months.

The Authority expects that the primary way that the public will benefit, use and enjoy the area will continue to be through visits to these two sites, together with the 20 km journey along State Highway 12 through the Waipoua Forest and general views of the landscape.

The presence of PTA within the forested areas and the threat that this poses to forest health, plus the anxiety of Te Roroa about wahi tapu and trespass onto their adjoining lands, suggests that channelling visitation to these two actively managed sites is the most appropriate visitor strategy for the area.

The area is also used for pig hunting and there is some local use of the Waoku Coach Road. There is potential for greater public recreational use of the latter, irrespective of any change to national park status.

5.8 Size

In a New Zealand context this would be a very small national park – approximately 14,000 ha. The smallest national park currently is Abel Tasman at approximately 23,000 ha.

It would also differ from other national parks in that it would include non-contiguous areas.

The Authority notes that the main block of Waipoua including the contiguous scenic reserves meets the criteria set by the World Protected Areas Commission (IUCN) for international recognition as a national park (Category II):

Category II protected areas are large natural or near natural areas set aside to protect large-scale ecological processes, along with the complement of species and ecosystems characteristic of the area, which also provide a foundation for environmentally and culturally compatible, spiritual, scientific, educational, recreational, and visitor opportunities (see Appendix 11.9)

The primary objective identified by the IUCN for national parks is to protect natural biodiversity along with its underlying ecological structure and supporting environmental processes, and to promote education and recreation.

The additional blocks are all very small and of themselves would not justify national park status. But Trounson and Katui are separated from the main Waipoua block by a small number of kilometres and do have national park values as previously identified.

¹³ By using track counters – a standard approach used by the Department for estimating visitor numbers. The Authority acknowledges that the numbers may lack precision. Some visitors visit both sites. For comparison, departmental estimates of numbers to other high profile visitor destinations are : Cathedral Cove 73,000, Abel Tasman Track 160,000, Tongariro Alpine Crossing 77,000, Milford commercial boat users 392,000

The final block is the Maitahi Wetland Scientific Reserve. Its 235 ha. is not critical to any decision regarding the size of the national park.

5.9 Boundaries

The boundaries proposed are not ideal for the national park. The Investigation Report identifies adjoining areas which have national park values and which from a practical management point of view or to enhance the public's benefit, use and enjoyment would be beneficial additions. Nevertheless, the Authority accepted the recommendation of the Joint Working Group as to the parcels of land that should be investigated for national park status and it has decided against extending its consideration beyond those boundaries at this time.

The Maitahi Wetland Scientific Reserve's values are many and high and it well-illustrates an impact of the "use of kauri" story. If it had been situated close to the main forest blocks, an argument could be mounted for its inclusion on the basis that it well-complements the values of those blocks and its inclusion in the national park was warranted.

The Authority believes the reserve should retain its scientific reserve classification because it is more appropriate to its attributes and will continue to provide the required level of protection for its values.

The Authority does not agree with the Investigation Report conclusion that river beds classified as conservation land be excluded from the national park. The rivers and streams are fundamental parts of the ecosystem. This view includes situations where public conservation land extends to the middle of a waterway (ad medium filum aquae). It would not make sense for the national park designation to stop at the river bank and not extend to the middle of the river. Inclusion of riverbeds in the national park would not affect any customary fishing rights to which Te Roroa have been assured through their Treaty settlement.

5.10 The proposed national park in the national context

As previously noted, the proposed park would be small in a national context. It could set a precedent for the establishment of other small national parks in New Zealand. The Authority would expect any other national park proposal to also meet the criteria of the IUCN for international recognition as a national park. The Authority recognises that this is not a criterion in the General Policy for National Parks; but suggests it would be good practice in light of the potential for future national park proposals of a small size.

The critical consideration of this proposed national park in the national context, having regard for the IUCN criteria, is that it extends the "representativeness of physiographic regions, biotic communities, genetic resources and unimpaired natural processes" preserved in the New Zealand national parks network.

In the General Policy for National Parks the Authority identifies that its "vision for national parks and other protected places is for them to stretch as a continuum from the mountains to the sea, and cover a comprehensive and representative range across New Zealand ecosystems, natural features and scenery".

The proposal focuses on kauri forest-related ecosystems in comparison with the rainforest and beech-forest ecosystems in New Zealand's existing national parks. Northland's distinct forest types and species are peculiar to the sub-tropical region of New Zealand and qualitatively different from the species and forest types found in the remainder of the country. South of Auckland and the Coromandel coastal region subantarctic climate patterns and conditions prevail. In this ecological context, kauri is a symbolic species for a range of ecosystems that include many regionally restricted plants such as pohutukawa, taraire, puriri, whau, wharangi and manawa (mangrove). Northern ecosystems include 125 species not found naturally elsewhere – approximately 6% of New Zealand's native flora.

The Authority also notes that New Zealand's existing national parks encompass landscapes that are largely unmodified. Except for Te Urewera (and possibly the Wanganui River), they are without resident iwi populations that have lived continuously within or alongside the boundaries of the proposed national park, using and caring for its resources. In Northland, and indeed the northern part of the North Island generally, the landscape has been extensively modified and settled because it was more amenable to land clearance and development than the more challenging climate and terrain experienced in most of New Zealand's national parks.

This national park would be a departure from the wilderness-type national parks that have been the signature of New Zealand national parks. Rather it would be a park where the past human impacts on the landscape and human associations are as fundamental to the park's intrinsic worth and its welfare as its ecological, scenic and other natural values.

In the local public perception, Waipoua, of all the forest blocks in Northland regardless of their values, is the forest block that they would expect to be national park. As previously noted some local people think it already is.

Nevertheless, the Authority is looking to the future and the potential to add other areas to the proposed national park as Treaty claims are settled, thus increasing its size to be not dissimilar to some of the other smaller New Zealand national parks.

The proposed national park would also extend the national park network to the north of the country.

5.11 Social, recreational, cultural and economic implications

5.11.1 Introduction

The Authority considers the departmental assessment of social, recreational, cultural and economic implications in the Investigation Report to be inadequate and notes that the Ministry for Business Innovation and Employment, in its submission on the Discussion Document, shared that view. Te Roroa also considers that the Investigation Report may overstate benefits and understate risks. As noted in Section 4.4 of this report, the Authority has been unable to inform itself in detail of Te Roroa cultural values.

The Authority notes that the previous social and economic assessment prepared in 1990 by the Northland Regional Council, while limited by present day practice, concluded that the establishment of a national park would not in itself have a major impact as the key attractions already attract considerable numbers of visitors but would add another dimension to the region's already well-established tourism industry. It considered that, with appropriate marketing and development of facilities, the national park should form the basis of a forest or heritage visitor attraction to complement the region's predominantly coastal image and associated visitor patterns. While it saw potential for the park to create its own small niche of predominantly park based visitors with associated local accommodation and guiding service, the main economic benefit was expected to be picked up by the urban communities which were already well-adapted to the tourist trade. It stated that surveys showed that national parks have particular appeal to overseas visitors who at the time accounted for 20% of visitors to Northland. It concluded that a national park should be of positive economic and social benefit to the region.

More recent research found that there was a lack of awareness of the kauri forest amongst visitors (see also sub-section 5.11.5 below).

The Authority accordingly considers that its judgement on social, economic, cultural and economic implications is necessarily limited.

5.11.2 Social

There was near unanimous support from submitters and those who attended public meetings for Te Roroa to be involved in the management of any national park. Some thought this should be on an equal footing with the Department.

Some concerns have been expressed about potential effects on the local community and way of life of those who live within and adjoining the forest boundaries. These include fears expressed that the interests of locals will be sidelined in favour of national and commercial interests.

Concerns have also been raised about the capacity of local and regional facilities to cope with extra demand and a consequential decline in services or the timeliness of their delivery to the local population. It was noted that the rating base is small, rural, and of limited means and so can ill-afford to pay for improved local roads, toilets and other public infrastructure and facilities that may be deemed necessary to respond to visitor demand. Because tourism is seasonal, much of the workforce may be transient and lack long-term commitment to the values and welfare of the area and the local community.

5.11.3 Recreational

A change of status would impact on the ability of hunters to take dogs with them because dogs are not allowed in national parks. This will affect pig hunting – an activity that is reliant on dogs. Dogs are the biggest killers of kiwi in Northland and the change of status would present the opportunity for renewed educational effort around this threat.

Walking and running along board walks and other formed tracks will continue and the management plan may provide for mountain biking use of the Waoku Coach Road¹⁴. Camping will continue to be provided at Trounson and the Department proposes to extend it due to its popularity.

Concerns about the spread of PTA through human activity and the consequences for the health of the kauri forest influence the range and standard of facilities that are appropriate. It could also give rise to closure of parts of the forest.

There are a wide range of recreational opportunities close to but outside the investigation area, sometimes with associated businesses (e.g. horse-trekking, kayaking), that complement those available within the area.

5.11.4 Cultural

Te Roroa have expressed concerns that national park status may lead to a diminution of their mana and subjugation of their interests and values to national and commercial interests, especially with regard to Waipoua. Waipoua has an overlay classification – Te Tarehu – which applies regardless of the status of the land and appears to be a powerful instrument for the protection of Te Roroa mana and values. It may be that Te Tarehu has yet to be fully operationalised and its potential to address Te Roroa concerns and aspirations yet to be realised.

Te Roroa has requested co-governance of any national park but has not articulated what form they see that taking. Te Roroa considers that without co-governance the likely cultural implications are so significant to them, they will be unable to support the proposed park's establishment. No evidence to support this statement has been provided and it is not evident to the Authority why this should be the case. However, the request for co-governance falls outside the role of the Authority; and therefore it can but relay this request to the Minister for his consideration.

Te Roroa has specifically expressed the view that national park status will increase the likelihood of its wahi tapu and wahi taonga being desecrated by visitors, as the very status of national park will advertise that the area has special characteristics that may attract visitors with ulterior motives.

¹⁴ Waoku Coach Road is an unformed legal road but it is off its legal alignment for much of its length, encroaching into the Waipoua Forest.

Key sites adjoining the investigation area are formerly public conservation land and were transferred to Te Roroa in their Treaty settlement. They are part of the Waipoua Sanctuary, the land between the Waipoua Forest and the coast, and the Maunganui Bluff. The Te Roroa concerns referred to in the previous paragraph relate to implications for these lands as much for the land proposed for national park designation.

The impetus national park status may give to marketing the kauri heritage story would heighten awareness of its importance in the history of New Zealand's development and economy.

5.11.5 Economic implications

There is a widely held assumption that the creation of a national park will boost national and international tourism in Northland and deliver economic benefits to the region.

The Waipoua Forest is already a major tourism destination within Northland although the Bay of Islands is the premier destination.

The April 2013 research¹⁵ undertaken for the Rakau Rangatira Decision Group and the Department to support capital investment in upgrading the car park and other facilities near Tane Mahuta (Rakau Rangatira Project) gives insights into factors that influence visitors' choice of destination and travel routes in Northland. Notably, it highlighted a lack of awareness of the kauri forest amongst international visitors, especially non-Europeans, is a major issue and therefore effective publicity and branding is going to be a factor in achieving increased visitation.

State Highway 12 is a sealed road but its narrow and winding nature through the forest may be a deterrent to some visitors. The shortest route between Waipoua and Trounson is unsealed (meaning rental vehicles are uninsured when using it), but current traffic volumes mean it is unlikely to be a priority for upgrading, and there is a sealed alternative route (Trounson Park Road).

There are currently 20 existing concessions for the investigation area involving guiding (including night guiding), grazing and scientific research. The Department anticipates concession applications for tourism will increase if a national park is established but provides no basis for making that assumption. As previously noted, the Authority believes that the scope for increasing concessions for recreation and tourism in the proposed national park should be limited due to the threat of people as vectors of PTA and the threat PTA poses to the kauri forests.

The Authority has been advised that, with the exception of those utilising the campground at Trounson, most visitors to the proposed national park come from the north and return to the north, making a stop of up to 2 hours to see Tane Mahuta and the other Big Trees. The extra time added to a Northland tour in order to undertake this visit is unlikely to exceed an extra half day so that the directly attributable contribution to the regional economy without additional local development initiatives is modest.

Ninety percent of the investigation area (Waipoua Forest Sanctuary) is already protected from mining due to its inclusion on Schedule 4 of the Crown Minerals Act. The rest of the investigation area would become included on Schedule 4 if it became national park. The Minister for Mining and Natural Resources has advised that the investigation area has low minerals resource potential.

If national park status was accompanied by increased financial resources to ensure the preservation and maintenance of the values that justify the area's classification as a national park, there would be local and regional economic benefit in the way of wages and support services.

¹⁵ *Rakau Rangatira Visitor Experience Study On-Site and Off-Site Survey Report April 2013 by Visitor Solutions*

The Authority believes a more authoritative study should be undertaken to substantiate whether promotion and national park status would markedly and sustainably increase tourism, and associated economic benefits to the region.

5.12 Name of the national park

“Kauri National Park” has been the working title for the proposal, as it was in the 1990s when a much larger area was investigated for national park status.

The Authority considers that the name of the national park should be discussed with Te Roroa but needs to have regard for possible additions as Treaty settlements are completed.

5.13 Summary of the evaluation

The Authority is satisfied that the investigation area as identified meets the criteria for national parks set out in the National Parks Act and the General Policy for National Parks 2005.

6 WHAT WE HEARD FROM THE PUBLIC

What we heard from Te Roroa has been recorded earlier in this report.

There were 56 written submissions on the Kauri National Park proposal (see Appendix 11.10). Support for national park status was mixed; often because of concern that increased resources for pest management and to combat PTA would not be provided and that forest health was a greater priority than national park status.

Attendance at the four public meetings was small but the same sentiments came through from the speakers. The threat from PTA is clearly uppermost in the minds of people living locally who are seeing dead trees and wrongly assuming they all succumbed to PTA infection and have concerns for the long-term welfare of the forests. Not all dead kauri, such as those observed along SH12 are due to PTA; other factors have contributed to tree deaths. In part, the concern about dead trees related to a perception locally that Waipoua Forest, at least, was already a national park.

Two submitters asked to be heard: Richard Drake and the Waipoua Forest Trust (Stephen King and Alex Nathan). They had different views on whether or not this was the right time to establish a national park. Richard Drake observed that change is constant, people change, governments change, new Treaty claims get lodged and there is always a reason to postpone. It is legislation, policies and plans that give continuity. He thought the area met the national park criteria and should be established. Stephen King sees no need to rush. He says it is better to take the time to get the right model for the particulars of these fragmented and diminished ecosystems and to achieve local support and landholder agreement to work together. Waipoua is the papakāinga (original home) of Te Roroa and national park status should not be imposed on them.

7 TE TAREHU VALUES AND PROTECTION PRINCIPLES

Section 4.3 identifies Te Roroa values relating to Te Tarehu and the Protection Principles to which the Authority is required to have particular regard. The Authority acknowledges the statement of values, and the mana of Te Roroa. It has heard what the Trustees have said and heard their concerns which have been recorded. Their aspiration for a co-governance role in support of their assertion of tino rangatiratanga over Waipoua Forest will be conveyed to the Minister as such a consideration is not within the Authority’s role, functions or powers. The Authority has considered the protection principles which appear to be comprehensive and supports their continued application to the investigation area should it become a national park.

8 SECTION 4 OF THE CONSERVATION ACT 1987

8.1 Introduction

Section 4 of the Conservation Act 1987 provides that “[it] shall be so administered as to give effect to the principles of the Treaty of Waitangi.” This duty applies to all who have functions under the Conservation Act and other Acts listed in its First Schedule such as the National Parks Act 1980, including the Authority.

8.2 Giving effect to the principles of the Treaty

The Authority has been advised that, essentially, giving effect to the principles of the Treaty in a conservation context requires acting in good faith, seeking knowledge of both the conservation interest and the Māori interest and balancing their relative strength and importance. Where the balance is to be struck is at the heart of the issue but every effort should be made to accommodate both perspectives including the active protection of iwi interests. This advice is based on judgments of the Courts, the recommendations of the Waitangi Tribunal and political decisions.

The importance of public conservation land and resources to Māori was well described by the Waitangi Tribunal in its report on WAI 262. The Tribunal said:

Māori place enormous value on the conservation estate, at two levels. First, it is not only a vast landscape by New Zealand standards; it is also where most of the surviving taonga places can be found. Unlike the rest of New Zealand, which has been so heavily modified by farming, urbanisation, and other land use changes, many parts of the DOC estate remain similar, at least, to that in which te ao Māori was created. ... Secondly, DOC is responsible for almost all remaining indigenous flora and fauna species – many of which are found nowhere else in the world, and many of which are threatened or endangered. For most iwi and hapū, the Department controls access to and relationships with such taonga. Without them, mātauranga Māori simply cannot survive.¹⁶

The Waitangi Tribunal reports into the claims over Te Urewera National Park and Tongariro National Park have particular relevance to the current situation. The Tribunal opined¹⁷

We see no necessary inconsistency between the establishment of a national park, in the national interest, and the active protection of Maori interests in their ancestral lands and waters. Both interests could have been provided for; both peoples could have been provided for. Maybe a forest park would have better protected the interests of all. But there was, as the Crown pointed out, much Maori support for the idea of conserving the forest resource. First, if they had they been fully consulted; secondly, if the park had been modified in its design and operations by a full accounting of their needs; thirdly, if they had been included in the proposed management structure; and, fourthly, if their agreement had been obtained; there would have been no breach in establishing a national park.

If the necessary steps identified by the Tribunal were applied to the current investigation:

- They have been fully consulted. Both the Department and the Authority have undertaken consultation with Te Roroa. The frequent turnover of chairpersons (four during the passage of the investigation) and trustees (two year terms) and prolonged delays in responding to the requests from the Authority to meet, have hampered the consultation process. The Authority cannot attest that what has occurred constitutes a “fully” consulted test; in part because “fully” is open to interpretation and secondly because Te Roroa Manawhenua Trust advised that it had had little time to consider the matter with the Authority due to other pressing matters before them.

¹⁶ *Ko Aotearoa Tēnei* A Report into Claims Concerning New Zealand Law and Policy Affecting Māori Culture and Identity (WAI 262); Te Taumata Tuatahi page 127

¹⁷ Page 876 Urewera Report Part III

- The park had been modified in its design and operations by a full accounting of their needs. The Authority considers that this test has been met. The design of the park is as recommended by the Joint Working Group that comprised the Department and Te Roroa Manawhenua Trust (see section 1.3). The design gave due regard to the identified concerns of Te Roroa. Much of the area is managed under Te Tarehu as described in Appendix 11.11 which was agreed as a Treaty settlement instrument to ensure that Te Roroa values were actively considered and protected in operations. If and when a national park is established, a management plan will be developed by the Department in consultation with Te Roroa so that once again a full accounting of their needs can be made provided this is consistent with the national park status.
- If they are included in the proposed management structure. The Authority considers this test is met. Under the National Parks Act 1980 the Department will be the manager of the national park. Te Tarehu provides for the inclusion of the Te Roroa Governance Entity in the management of the area covered by Te Tarehu which includes most of the proposed area. The land parcels outside the Te Tarehu overlay are Trounson and Katui Scenic Reserves and part of the Kawerua Stewardship Area (in total approximately 715 ha. or 5% of the total area) and the Maitahi Wetland Scientific Reserve. Te Roroa has requested co-governance. The Authority is of the view that this is different from operations management of the park. Governance would be a combination of the present roles of the local conservation board and the Authority and focus on the approval of policy, conservation management plans and monitoring of their implementation. It is accepted though that sometimes the line between governance and management can be blurred.
- If their agreement has been obtained. The agreement of Te Roroa has not been obtained. The Authority believes that it could be obtained in time but some form of co-governance or co-management will be necessary. It is evident that diverse views on the proposal are held within Te Roroa.

9 CONCLUSION

The Authority is satisfied that the investigation area as identified meets the criteria for national parks set out in the National Parks Act and the General Policy for National Parks 2005. However, there are a number of substantial considerations as alluded to in this report which the Authority considers need resolution before it would feel able to make a formal recommendation to establish a national park. In particular:

- The role Te Roroa will have in the governance and management of the national park
- Commitment to mitigation options to lower the threat to the kauri ecosystem from PTA and animal pests
- An in depth assessment of the social, cultural, recreational and economic implications for Te Roroa and local and regional communities, as well as the nation generally
- Settlement of WAI 1857

In addition, if there is a desire to see other lands added to the national park following the resolution of Treaty claims, some thought needs to be given at this time as to how that might be achieved so as not to close off those future opportunities. In particular this relates to finding common pathways across in different Treaty settlement undertakings.

These matters are not within the role of the Authority and so they are for the Minister to consider, evaluate and address as he considers appropriate.

Once these matters have been resolved, the Authority would be pleased to provide a formal recommendation to the Minister.

10 MAP OF THE INVESTIGATION AREA

11 APPENDICES

Figure 1: Kauri National Park proposal investigation area



**Office of Hon Tim Groser**

Minister of Trade
Minister of Conservation

Associate Minister of Foreign Affairs
Associate Minister for Climate Change Issues
(International Negotiations)

SBA-13-15
RECEIVED
15-10-09

14 October 2009

Don Ross QSM
Chairperson
New Zealand Conservation Authority
PO Box 10420
WELLINGTON 6143

Dear Don

Proposed Kauri National Park in Northland

The New Zealand Conservation Authority has previously considered and supported in principle (1995) a proposal for a Kauri National Park in Northland but that proposal could not proceed due to unresolved Treaty claims.

The Government has made the establishment of a Kauri National Park, centred on the Waipoua Forest, a priority.

I am therefore writing to the Authority to request that it instigate a new investigation under section 8 of the National Parks Act 1980. My proposal is for a lesser area that that originally investigated and includes some new parcels of land. The land, which is administered by the Department of Conservation, is identified on the attached map.

I look forward to receiving your response to this request.

Yours sincerely

Tim Groser
Minister of Conservation

**Proposal for a Kauri National Park 2010 –2013
New Zealand Conservation Authority process from receipt of the Director-
General's investigation report**

11 & 12 April 2012. NZCA meeting. Kauri National Park Proposal Investigation Committee established and delegated to investigate the proposal in detail, report regularly at Authority meetings and formulate recommendations for the Authority's consideration.

13 June 2012. The investigation report was received from the Director-General at the NZCA's scheduled June meeting

A copy of each submission received by the Director-General on the discussion paper, plus a summary of submissions was also received.

Each member received a copy of the report and was invited to send any queries or comments to the NZCA's servicing staff by 12 July.

The report was referred to the previously established Committee of the NZCA for detailed consideration of the proposal.

20 June 2012. The NZCA wrote to Te Roroa Manawhenua Trust to advise it had received the report, to introduce the members of the Committee, to acknowledge its duty to be informed of Te Roroa values in relation to the overlay instrument Te Tarehu and associated protection principles and its other duty to hear the Trust's views on the effect a change of status would have on Te Roroa values in relation to Te Tarehu and the protection principles, to advise that it intended to visit the area and would like to have a first meeting, and to invite the Trust to accompany the NZCA and advise what sites the NZCA should visit to assist it get a better understanding of Te Roroa values. The 27th to 29th July 2012 was proposed.

20 June 2012. The NZCA also wrote to the Northland Conservator (DOC), and the Chairperson, Northland Conservation Board and the Minister advising its visit intentions.

27 June 2012. The NZCA wrote to the Minister of Energy and Resources to seek confirmation that the recent aerial magnetic survey of Northland had not changed previous advice that the Crown had no interest in the area for any mining potential.

29 June 2012. The Committee sought clarification and information from DOC on various points in the investigation report.

29 June 2012. Errata text for insertion at page 79 of investigation report sent to NZCA members.

2 July 2012. DOC provided response to Committee's 29 June 2012 enquiries.

19 July 2012. Letter dated 18 July 2012 received from Minister of Energy and Resources confirming no mining interest in Kauri National Park investigation area.

8 & 9 August 2012. NZCA meeting. Written report from Yvonne Sharp, Committee Convenor, received.

23 August 2012. Committee wrote to DOC Northland with a number of questions relating to the detail of the investigation report.

23 August 2012. Committee asked the Deputy Director-General Policy and Regulatory Services for advice on various matters.

24 August 2012. Committee asked DOC for assessment of financial implications of national park establishment.

[30 August 2012 Whanganui River Agreement announced].

24 September 2012. DOC Northland response to questions of 23 August 2012 received.

25 September 2012. Follow-up questions about Trounson Kauri Park Scenic Reserve sent to DOC Northland.

28 September to 1 October 2012. Committee and Chair site visit and meeting with Te Roroa and others at the former Waipoua Forest HQ Hall.

September 2012. Undated, unsigned Proposed Kauri National Park commentary by Te Roroa Manawhenua Trust on the investigation report, with insert from Ric Parore dated 28 September 2012, handed to Committee members at the Waipoua meeting on 29 September.

4 October 2012. Email to the Waitangi Tribunal requesting a copy of WAI 1857 which is referred to in the document referenced in the entry above but not referenced in the Director-General's Investigation Report.

4 October 2012. Copy of WAI 1857 received from the Waitangi Tribunal.

7 October 2012. DOC Northland responded regarding Trounson Kauri Park Scenic Reserve queries.

10 October 2012. Authority meeting - written report from Yvonne Sharp, Committee Convenor, received.

16 October 2012. Yvonne Sharp and Hally Toia attended the Northland Conservation Board meeting.

[23 October 2012. Waitangi Tribunal Urewera report Part III released and comments on page 876 relating to national park establishment noted.]

16 November 2012. The NZCA wrote to the Te Roroa Manawhenua Trust to request a formal meeting with the trustees per section 55 of the Te Roroa Claims Settlement Act, to propose some dates in April 2013, and inform it of the public meetings and hearings to be held on 8-9 March 2013.

16 November 2012. NZCA wrote to the two submitters who still wished to be heard to advise of the hearing date, time and venue.

12 December 2012. Authority meeting - written report from Yvonne Sharp, Committee Convenor, received.

[24 December 2012. Waitangi Tribunal Te Kahui Maunga: The National Park District Inquiry Report released]

16 January 2013. Asked DOC Area Manager to assist get a response from Te Roroa. She was meeting three of the trustees the following week.

February 2013. Authority meeting – oral report by Yvonne Sharp – Draft departmental advice in response to NZCA request of 23 August 2012 received same day; yet to be considered by the Committee;
No response from Te Roroa Manawhenua Trust to NZCA letter of 16 November 2012;
All arrangements made for hearings and public meetings on 8-9 March 2013.

25 February 2013. Public notice of meetings sent to DOC area office and meeting venues requesting that it be displayed on any notice board they may have.

26 February 2013. Following a perscomm Tudhope/Jenkins the previous week, the Conservator advised that the Area Manager had spoken to Te Roroa chairperson, Sonny Nesbit, and he was to raise meeting with the NZCA at a hui the previous week. She would be following up.

2 March 2013. Public notice in Northern Advocate.

6 March 2013. Public notice in the Dargaville and District News and the Northern News.

8 March 2013. Public meetings Dargaville and Matakoho.

8 March 2013. CEO Te Roroa (Sharon) reminded on NZCA request to meet the Manawhenua Trust and asked that the request be put on the agenda for the Trust's next meeting on 16 March 2013.

8 March 2013. Hearings – King and Nathan (and Janice?); and Drake

9 March 2013. Public meetings Aranga and Opononi.

8-9 March 2013. Chris Jenkins, Conservator in attendance.

9 March 2013. Committee meeting, with Kay Booth, Hally Toia and Chris Jenkins

18 March 2013. Yvonne Sharp phoned Sharon to enquire about decision of the 16 March Trust meeting. NZCA letter not discussed. Sharon asked again for the proposed dates and said she would advise Sonny Nesbit.

25 March 2013. Follow-up letter to Te Roroa Manawhenua Trust.

5 April 2013. Follow-up email to the chairperson, Te Roroa Manawhenua Trust at his work email address

7 April 2013. Email reply and meeting date and time nominated 10am Saturday 27 April 2013 at Waipoua HQ.

April 2013. NZCA meeting - written report from Yvonne Sharp, Committee Convenor, received.

27 April 2013 meeting with the Chair and three other trustees of the Te Roroa Manawhenua Trust 10.15am to 12.30pm. Yvonne Sharp absent due to an accident the previous day. In attendance - Chris Jenkins and Meirene Hardy-Birch.

27 April 2013. Committee meeting, with Kay Booth.

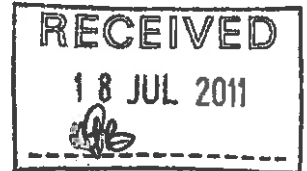
June 2013. NZCA meeting - written report from Yvonne Sharp, Committee Convenor, received.

14 June 2013. Committee meeting, with Kay Booth.

July 2013. Interim report drafted by the Committee for discussion at the NZCA August 2013 meeting.

14 August 2013. NZCA meeting

Land Area	Size (ha)	Scenery	Vegetation	Wildlife	Geology	Natural Features	Historic	Archaeological	Recreation	Linkages	Modification
Trounson Kauri Park Scenic Reserve and Trounson Addition Scenic Reserve	592.34	A significant remnant of mature kauri forest associations amongst farmlands in the upper Kaihu/Waima Valley. Distinctive emergent mature kauri crowns. "One of the world's greatest sights". Hon George Fowlds, December 1921.	Seven vegetation types are recognised - mature, dense kauri forest with taraire; podocarp-kauri broadleaf; kauri-totara; mature totara with taraire; kahikatea-rata; large taraire with kohekohe; karaka and nikau; pole totara. Rare orchid <i>Thismia rodwagi</i>	High value habitat with kiwi, long tailed bats, kauri snails and red and yellow crowned parakeets	Waipoua basalt of late Miocene-Pliocene overlying interbedded Waitemata swamp sandstone and siltstone (Miocene), in turn underlain by lower tertiary calcareous mudstones and limestones.	Vegetated hill	Gifted to Crown in 1920s by Mr James Trouncing. Nearby is Donnelly's crossing Railway Station and Kaihu Valley Railway.	Not known.	Camping ground, picnic areas, loop walk through reserve. Easily accessible from SH 12.	Important recreational component within the orbit of Waipoua /Marlborough/Kaihu Forests as a low-mid altitude mature kauri remnant.	Virgin mature forest surrounded by pine shelter belt, regenerating shrublands and farmland.
Waipoua Forest	12544.7152	Extensive unmodified forest with emergent kauri and rata on ridge systems extending from Mataraua Plateau (600m) towards coastal lowlands. SH 12 passes through dense overhanging forest with large kauri on road edges	Largest tract of mid-altitude mature kauri forest associations with large area of hardwood/podocarp with emergent rimu and rata over towai, tawa, pukatea. Small areas of manuka shrubland with regenerating kauri and podocarps. Largest kauri, hard beech stands, Ngaruku swamp	Outstanding wildlife habitat with kiwi, kaka, fernbird, pied tit, bat, kauri snail, red-crowned parakeet, possibly kokako (adjoining Mataraua Forest) and geckos and skinks.	Massive flows of lower miocene Waipoua basalts with interbedded tuff, coria and breccia	Four of the largest kauri in the world including Tane Mahuta. Waterfalls. The largest scenic and wild river in Northland.	Gazetted as a sanctuary in 1952 following controversy over protection/production of kauri forests. Road through forest completed in 1926. Research in silviculture and kauri management began in 1920. James Maxwell first caretaker from 1890-1920. Waoku Coach Road. Forestry Outlook Tower	Extensive evidence of early Maori occupation in lower Waipoua valley with numerous pa sites, urupa, pits, terraces, middens, stone heaps and terraced garden system. Wahi tapu.	Short tracks at Tane Mahuta, Te Matua Ngahere, Rickers Stand and Toatoa stand. 2-3 hour walk from Yakas Tree to Waipoua Campground. Picnic sites, lookout point over forest, accommodation and Visitor Center.	Kawereua Marginal Strip #1 links the Waipoua Forest with the coast - completing the mountains to seas sequence of vegetation. Links to the Matatau Forest to the north-east	Small area of fire induced regenerating shrub
Marlborough Road Scenic Reserve	91.6697		Kauri forest							Contiguous with the southern boundary of Waipoua Forest	
Donnelly's Crossing Scenic Reserve	37.231		Kauri Forest							Contiguous with the southern boundary of Waipoua Forest	
Gorrie Scenic Reserve	57.9014		Kauri Forest							Contiguous with the southern boundary of Waipoua Forest	
Kawereua Marginal Strip #1	1.3	Coastal	Shrubland							Links the Waipoua Forest with the coast - completing the mountains to seas sequence of vegetation.	
Katui Scenic Reserve	294.7286	Reserve occupies a deep valley in a high level plateau which faces towards the sea. Visible from SH12 it appears to link the Maunganui Bluff Scenic Reserve with the Waipoua Sanctuary	Secondary manuka/kanuka forest with abundant kauri and kahikatea regeneration. Few large kauri, small areas of rimu-kahikatea/taraire-puriri forest.	Moderate value forested wildlife habitat - kiwi numbers have been high in the past but have declined. Control site for Trouncing "mainland island" research	Waipoua basalt.	Vegetated hill		Unrecorded urupa, stone structures and storage pits.		Close to southern end of Waipoua Forest.	Partially milled.
Maitahi Wetland Scientific Reserve	235.3722	Gumfield formed after kauri died off then impoverished soils were no longer able to support kauri forest. Most significant mesotrophic-oligotrophic (moderate to low level of productivity) wetland remaining in Northland and one of the best in New Zealand due to its size, quality and range of wetland types.	Contains a wide variety of nationally threatened plants including - the orchid <i>Calochilus</i> aff. herbaceus, - the lycophyte <i>Phylloglossum drummondii</i> - the sedge <i>Schoenus carsei</i> - the shrub <i>Pimelea orthia</i> ; and - the aquatic herb <i>Utricularia delicatula</i>	Only known population of black mudfish occurring in Northland, Auckland Green Gecko, shortfin eel, Australasian bittern, North Island fernbird, grey warbler, Pacific swallow.	Hillslopes eroded in early Pleistocene (Awhitu Group) cemented dune sand and associated facies, and Holocene alluvial and swamp deposits on valley floor.					Reman isolated from the other parcels and surrounded by private farmland, some under exotic forest	Former kauri forest; now wetland
part Kawereua Conservation Area	32.5635	Coastal shrubland sequence provides linkage between taller forest cover and the coastal escarpment and beach	The area contains examples of several coastal ecotones - foredune, saltmarsh/herbfield, lagoon, sandfield - and associated vegetation types to semi-tidal lagoon and dune complexes. Rocky shore ecosystems are not represented. <i>Pingao</i> and <i>Fuchsia procumbens</i> , <i>Coprosma aceros</i> , <i>Dorsera peltata</i> , <i>Myriophyllum votschii</i> , <i>Triglochin striata</i> and <i>Coprosma acerosa</i> .	Australasian Bittern, Shore skink, Reef heron, Caspian Tern, Northern NZ Dotteral, NI fernbird and black shag, variable oystercatcher, little shag, white faced heron.	Holocene coastal foredunes and interdune flats, backed by low cliffs cut into weakly consolidated Pleistocene dune sands.					An intact habitat with sequential linkages to the Waipoua Forest tract	Pine trees have been removed and is currently being restored with native vegetation.



KAURI NATIONAL PARK DISCUSSION PAPER - COMMENTARY BY TE ROROA MANAWHENUA TRUST

HE ORIORI NA TAOHO

Ko wai rawa he tangata hei noho mo to whenua, e i ?

Ko Tuturiwhatu, ko Torea.

Ko nga manu matai whanga o te uru, e i

Me puhata koe te ngaru moana nui,

E ngunguru mai nei.

What man will survive to live in your land ?

There will be Tuturiwhatu and Torea,

The sentinel birds of the West Coast.

There you may be set adrift on the great ocean wave

That roars close by.

INTRODUCTION

This commentary addresses concerns by the Te Roroa Manawhenua Trust in the above matter. Although the commentary is representative of the views of the Te Roroa trustees and many Te Roroa whanau spokespersons, it should not be taken as exhaustive of Te Roroa opinion.

Much of the commentary deals with the Tarehu over Waipoua Forest referred to in the Te Roroa Deed of Settlement and the Te Roroa Claims Settlement Act. A majority of Te Roroa people were not signatories to the Deed of Settlement. As such and as provided by Section 66 of the Te Roroa Claims Settlement Act, they are not bound by the Tarehu provisions.

The following topics are identified in the commentary:

1. Defects in the Public Discussion Paper.
2. Treatment of Tiriti O Waitangi/Treaty of Waitangi Principles.
3. Concept of Co-Governance.
4. Northland Kauri Conservation Park Alternative.
5. Conservation Management Strategy Review.
6. Conclusions

1. DEFECTS IN PUBLIC DISCUSSION PAPER

Although the complexity of the topic of a Kauri National Park is acknowledged, failings to provide a balanced account of the issues together with accurate and complete information go to the root of the Crown's obligations to make informed decisions (Laws NZ, Treaty of Waitangi Para 75) and to provide accurate information for consultation purposes. The issues of lack of balance and accuracy of information are dealt with hereunder.

1.1. Not Balanced

1.1.1. Page 10 of the Discussion Paper suggests that Te Roroa supports the Kauri National Park proposal at a time when general Te Roroa support or opposition has not yet been determined. Te Roroa however does continue to hold strong concerns in respect to certain elements of the proposal - which concerns have been articulated at every hui held on the topic.

1.1.2. No discussion has been provided of the inherent conflict between public access and the privacy and protection of wahi tapu throughout the Waipoua forest. The concerns of tangata whenua that implementation of the proposal will have a negative and irreversible impact on their lives, privacy, customary practices and access to kaimoana have not been adequately addressed.

1.1.3 Emphasis is on ecological values at the expense of Maori historical and cultural values. There are approximately 3 pages of the 44 page document devoted to Maori historical and cultural interests, with the balance of the document focused on ecological issues. And yet Section 4 of the Conservation Act 1987 and Schedule 1 of same require the National Parks Act to be administered so as to give effect to the principles of Te Tiriti O Waitangi. One of those principles is Active Crown Protection of Te Roroa's interests; another is the Crown/mana whenua relationship akin to partnership. None of those principles is recognised in the Discussion Paper.

1.1.4. Neither is there acknowledgement that the protection of native plants and animals are afforded greater protection under the National Parks Act than the protection of Maori values. Although Section 4 (2) of the Act imposes restrictions on public access for the protection of native plants and animals, there is simply no similar statutory provision for the protection of Maori historical and cultural values. In fact, it is only at the General Policy level that there is protection for historical and cultural heritage (Policy 6 (f) (i) - and that is confined to "adverse effects of activities outside national park boundaries".

1.2. Inaccurate and Incomplete.

1.2.1. The Discussion Paper suggests (p 2) that initiative for the proposal came from the NZCA, when DoC's own media release of 11 February 2010 indicates that that initiative came from the Minister. As Section 8 of the National Parks Act 1980 requires the initiative to come from the NZCA, the process may be flawed and ultra vires the Act.

1.2.2. Nowhere does the Discussion Paper examine whether the proposal is in conformity with Section 8 of the National Parks Act. The latter refers to a proposal that land should be declared

"a park, or part of a park, or acquired for national park purposes". As the land in question already is in Crown ownership, it seemingly cannot be acquired as provided by the Act. Neither is there discussion on whether land already declared to be part of a Northland Conservation Park can additionally be declared to be National Park.

1.2.3. Although the Discussion Paper notes (page 8) that settlement of the Te Roroa claims "removed the primary obstacle" to the proposal, it omits to record that two subsisting Waitangi Tribunal claims viz WAI 1343 (the Taita Marae claim affecting that part of the proposed Kauri National Park known as Maitahi) and WAI 2283 (the Te Kuihi claim over the whole proposed Kauri National Park) remain on foot. On that basis it is difficult to understand the comment at p 17 of the Discussion Paper that the selection approach avoids conflict between the proposal and other Tiriti negotiations. Clearly, there is conflict between the non Tiriti compliant proposal and those negotiations.

If the earlier proposal was not progressed due to the existence of Waitangi Tribunal claims and a recognition that Treaty principles require the Crown and its instrumentalities to avoid steps which may prejudice claims resolution, then it could be argued that those considerations, which are embodied in the General Policy for National Parks, still apply. Thus, pending the successful resolution of those claims, it could be said that it is premature and contrary to policy to consider the Kauri National Park proposal further at this stage.

1.2.4. No consideration is given in the Discussion Paper to Te Roroa's request to the Minister of Conservation to exclude, as a protective measure, Te Roroa's discrete historic and cultural heritage from the bounds of the proposed Kauri National Park. Such protection is required consequent upon the Crown's active duty of protection of tangata whenua interests as imposed by Te Tiriti. In some instances surveyed wahi tapu areas, delineated on maps, adjoin the boundaries of the proposed Kauri National Park. Those wahi tapu areas will require protection by way of buffer zones.

1.2.5. Notwithstanding that the Discussion Paper (p 6) adverts to exclusion of the foreshore from the Kauri National Park investigation, it fails to deal with the consequences of exclusion. For instance, under Section 11 of the National Parks Act, such excluded foreshore can be disposed of by the Crown. Such potentiality, which has implications for Te Roroa's justiciable claim to its customary foreshore and seabed, not only is opposed by Te Roroa but is indicative that the current National Parks Act is not an appropriate vehicle for the recognition of continuing Maori historic and cultural interests in terms of both tikanga and te Tiriti. Given that the Act is now over 30 years old and over that period has been overtaken by considerable advancements in Tiriti jurisprudence, that scarcely is surprising.

1.2.6. It is not accepted that the Waipoua riverbed downstream from State Highway 12 should become part of the proposed Kauri National Park as suggested at p 33 of the Discussion Paper. Most of that riverbed was not sold to the Crown, but rather became the boundary between Crown land and Waipoua 2 Block, the Waipoua Native Reserve. Under customary law the unsold riverbed continues to belong to Te Roroa; under common law the presumption of ad medium filium, ownership to mid-stream, applies. That presumption runs with all Maori land in

the Waipoua valley.

1.2.7. No costs benefit analysis encompassing all socio-economic effects, including an Environmental Impact Assessment and the issue of sustainability, has been provided with the Discussion Paper. To aid informed decision-making, such an analysis should have been obtained on both a macro and micro level with particular emphasis on DoC, Te Roroa, Tourism and the local community. Currently, it is unknown whether the benefits of the proposal will outweigh costs, both nationally and sectionally, and whether the proposal's capital expenditure (including improved infrastructural costs) could increase pressure for costs recovery through heightened commercialisation in the proposed national park.

2. TREATMENT OF TREATY OF WAITANGI PRINCIPLES

2.1. There appears to be some inconsistency between the section on the Crown's Treaty of Waitangi responsibilities (Discussion Paper p 6) and the General Policy for National Parks (Policy 2). The former asserts that, where there is room for discretion, conservation legislation (including the National Parks Act) is to be interpreted and administered so as to give effect to Treaty principles as directed by Section 4 of the Conservation Act. The General Policy asserts that where there is an inconsistency between Treaty principles and the National Parks Act, the latter will prevail.

However, we believe that under well-recognised canons of construction the Courts will interpret the National Parks Act as consistent with the Crown's Treaty of Waitangi obligations. As stated by Cooke P in the 1990 N Z Maori Council case at pp 33-37, the Courts "will not ascribe to Parliament an intention to permit conduct inconsistent with the principles of the Treaty".

2.2. We are not supportive of the Labour government's 1989 "Principles for Crown Action on the Treaty of Waitangi" cited in the General Policy for National Parks. Those principles, which are neither Tiriti principles nor Tiriti compliant, are now nothing more than a historical and political oddity illustrative of the Labour government's preparedness to breach the Tiriti principle of good faith in its dealings with tangata whenua. They need to be replaced with genuine Tiriti principles, including the principles of active Crown protection of the Maori interest, Honour of the Crown, utmost good faith, non-derogation, tino rangatiratanga, remedy of past breaches and partnership, as enunciated by the Courts and the Waitangi Tribunal.

3. CO-GOVERNANCE

3.1. Te Roroa cannot accept that a co-governance model with the iwi as the Crown's Tiriti partner is not possible as suggested at pp 14-15 of the Discussion Paper. In fact, Te Roroa considers that such a role, which merely reflects its centuries-old Kaitiakitanga and Tino Rangatiratanga recognised by the Waitangi Tribunal and the Te Roroa Claims Settlement Act (Sections 54,55 and 59) is crucial to the protection of its interests and to further advancement of the proposal. As we have found in respect to the Resource Management Act, when divorced from governance, Te Roroa Kaitiakitanga and Tino Rangatiratanga simply cannot be properly exercised.

3.2. The concept of co-governance, which has been adopted by the Crown in the Waikato River Settlement Act 2010, clearly is based on the Tiriti principle of partnership which DoC is obliged to give effect to pursuant to Section 4 of the Conservation Act. In the 1987 Court of Appeal case *NZ Maori Council v Attorney General* 1987 1 NZLR, 641 it was held that "the Treaty establishes a partnership and imposes on the parties a duty to act reasonably and in good faith". In *NZ Maori Council v Attorney General* 1989 2NZLR 142 at p 513 the same Court referred to "the spirit of partnership which is at the heart of the principles of the Treaty of Waitangi".

3.3. Those findings not only have been long adopted by the Waitangi Tribunal (see the Manukau Report p 70) but recently were reflected in the tribunal's long-awaited decision on WAI 262 the Flora and Fauna Case. The latter found that iwi/Crown partnerships should be the standard approach for the conservation estate. That approach, which is the correct approach, is tautoko'd by Te Roroa.

3.4. Given Tiriti principles, the Tarehu, the Te Roroa Claims Settlement Act and Crown/Te Roroa negotiations which preceded that Act, it was the clear understanding of Te Roroa that our iwi would have a decision-making role in respect to Waipoua Forest. The OTS summary of the Te Roroa settlement redress (see attached), which records under Te Tarehu that Te Roroa has input into both "management and decision making", supports that understanding. Accordingly, Te Roroa holds a legitimate expectation that it will be involved in a co-governance role.

3.5. Although it is accepted that co-governance is not an option under the current National Parks Act, Te Roroa believes that, to enable the proposal to progress, it is first necessary for the Crown to commit to special enabling legislation permitting co-governance of a Kauri National Park or to amend the current National Parks Act accordingly. We look forward to learning of such a commitment. In the meantime, it may be opportune to review the action proposed to be taken by the Department in relation to the protection principles of the Tarehu, which action is prescribed by Section 59 of the Te Roroa Claims Settlement Act.

4. A NORTHLAND KAURI CONSERVATION PARK ALTERNATIVE

4.1. Pursuant to Section 19 of the Conservation Act, Conservation Parks primarily are managed for protection of their natural and historic resources. Subject to those purposes, they can be managed for public recreation and enjoyment. On the other hand National Parks are created for their natural values and for public enjoyment of same. Rather than marginalising Maori historic and cultural interests through the provisions of the National Parks Act, a better alternative (authorised by Section 8 National Parks Act) may be to consider extending the Conservation Park classification over the proposed National Park area - which will permit of equal and improved protection of natural and historic resources, including Maori historic resources. In that event however, a co-governance model would still be sought by Te Roroa.

5. CONSERVATION MANAGEMENT STRATEGY REVIEW

5.1. Given the over-arching nature of the Northland Conservation Management Strategy, Te Roroa's preference is for completion of that statutory instrument prior to progressing or changing the concept of the proposed Kauri National Park. In our view, such a course not only

would achieve a more holistic integration of management of the local conservation estate but provide the prior certainty of management objectives for that concept.

6. CONCLUSIONS

6.1. THAT further consideration of the Kauri National Park proposal be deferred until:

- (1) All Treaty of Waitangi claims affecting the proposal have been satisfactorily settled.
- (2) All discrete wahi tapu sites and cultural sites of importance to Te Roroa have been excluded from the proposal to the satisfaction of Te Roroa.
- (3) The boundaries of the proposed Kauri National Park, or its replacement , are acceptable to Te Roroa.
- (4) A satisfactory costs/benefits analysis of the proposal, or its replacement , encompassing all socio-economic effects and which demonstrates benefits over costs has been obtained.
- (5) A satisfactory Environmental Impact Assessment of the proposal, or its replacement , has been obtained.
- (6) Government has provided a commitment to Crown/Te Roroa co-governance in the proposal, or its replacement.
- (7) Government has accepted the recommendations of the Waitangi Tribunal in the WAI 262 Report.
- (8) A review of the Northland Conservation Management Strategy has been completed.

6.2. THAT, once the proposal, or its replacement, is able to progress further, an amended Discussion Paper be compiled under the joint authorship of Te Roroa and the Department of Conservation.

Heoi ano mo tenei wa. Kia ora.

Naku noa, na



Tim Reuben

Tumuaki, Te Roroa Manawhenua Trust

Appendix A: Summary of Te Roroa settlement redress

Redress item	Crown Offer	Financial value																								
Quantum	\$9.5 million Te Roroa elected to use the quantum to purchase Crown assets (see below under Commercial Transfer) and will receive the balance, \$77,240, as cash.	\$9.5 million																								
Accrual of interest	Accrual of interest on quantum (net cash offer) from Deed of Settlement (December 2005) to Settlement Date.	Accruing at approx \$57,000 per month. If settlement occurs in June 2008, the amount to approx \$1.6 million																								
Commercial Transfer	<p>A total of 12 Crown properties comprising approximately 3,772 hectares as follows:</p> <table border="0"> <tr> <td>Waipoua Commercial Forest (\$3.556M)</td> <td>2,613 ha</td> </tr> <tr> <td>Ex DOC Headquarters at Waipoua (\$1.15M)</td> <td>31 ha</td> </tr> <tr> <td>Shag Lake Bed (\$28,500)</td> <td>19 ha</td> </tr> <tr> <td>Vacant land adjacent to Shag Lake (\$174,500)</td> <td>103 ha</td> </tr> <tr> <td>Aranga Beach Coastal Selection (\$1.688M)</td> <td>343 ha</td> </tr> <tr> <td>Waikara Farm No.1 (\$732,800)</td> <td>166 ha</td> </tr> <tr> <td>Waikara Farm No. 2 (\$350,000)</td> <td>44 ha</td> </tr> <tr> <td>Waikara Farm No. 3 (\$803,180)</td> <td>161 ha</td> </tr> <tr> <td>Portland Street Dargaville (\$68,000)</td> <td>229 ha</td> </tr> <tr> <td>Aranga Beach Farm Plot 15 (\$515,280)</td> <td>97 ha</td> </tr> <tr> <td>Coastal Strip North of Omarama (\$232,000)</td> <td>58 ha</td> </tr> <tr> <td>Coastal strip South of Omarama (\$127,500)</td> <td>167 ha</td> </tr> </table>	Waipoua Commercial Forest (\$3.556M)	2,613 ha	Ex DOC Headquarters at Waipoua (\$1.15M)	31 ha	Shag Lake Bed (\$28,500)	19 ha	Vacant land adjacent to Shag Lake (\$174,500)	103 ha	Aranga Beach Coastal Selection (\$1.688M)	343 ha	Waikara Farm No.1 (\$732,800)	166 ha	Waikara Farm No. 2 (\$350,000)	44 ha	Waikara Farm No. 3 (\$803,180)	161 ha	Portland Street Dargaville (\$68,000)	229 ha	Aranga Beach Farm Plot 15 (\$515,280)	97 ha	Coastal Strip North of Omarama (\$232,000)	58 ha	Coastal strip South of Omarama (\$127,500)	167 ha	<p>Value of 12 Crown-owned properties</p> <p>Capital gain on properties between date valuation fixed and date of transfer. Several properties (including the Waipoua Forest) had values fixed at Agreement in Principle (AIP) date (December 2004), the balance are fixed at Deed date (December 2005).</p> <p>Rental Income from Waipoua Commercial Forest – initially \$257,000 per annum</p> <p>Rental Income from farms – approx \$70,000 per annum</p>
Waipoua Commercial Forest (\$3.556M)	2,613 ha																									
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Right of Deferred Selection	<p>The right to purchase four properties comprising approximately 1,658 hectares for up to two years after settlement date.</p> <p>If Te Roroa chose to exercise this right up to six months after settlement date the valuation date will be Deed date i.e. December 2005 (first stage).</p> <p>If exercised six months to two years after settlement date valuation date will be notification date (second stage).</p>	<p>The value of the deferred selection properties is approximately \$8.5 million as at Deed date. If selected in the first stage, assuming an annual rise in property values of 10%, if Settlement Date was in September 2007 Te Roroa would have achieved a capital gain of at least \$1.4 million.</p>																								
Right of First Refusal (RFR)	RFR term of 50 years over nine Crown-owned properties.	Value of right of first refusal																								
Cultural redress properties	Vesting of 24 Crown-owned properties comprising over 2,000 hectares (largest vesting in a Treaty	Estimated value of approximately \$2.3																								

Redress item	Crown Offer	Financial value
	settlement to date) including the former Works Depot at Waimamaku (0.9 ha), Kawerua (11 ha), Puketurehu (150 ha), Maunganui Bluff (516 ha), Manuwhetai (34ha) and Whangaiariki (74 ha) and nine sites within the Waipoua Commercial Forest of over 990 ha.	million as at June 2005
Te Tarehu	Overlay classification over an area of the Waipoua Forest. Under Te Tarehu the Crown acknowledges Te Roroa values in relation to the forest. Provides for Te Roroa input into management and decision making.	
Protocols with Government agencies	Protocols with the Ministers of Conservation; Arts Culture and Heritage; Fisheries and Energy. The protocol with the Minister of Conservation includes specific provisions for Te Roroa input into DOC decision making such as monthly meetings between Te Roroa and Regional managers to discuss operational matters within the Te Roroa area of interest.	
Statutory Acknowledgements	Over Arai-Te-Uru Recreation Reserve and Tokatoka Scenic Reserve. The Crown acknowledges statements by Te Roroa of its cultural, historical, and traditional associations with the Reserves. Enhances Te Roroa's ability to participate in specified Resource Management Act and Historic Places Act processes.	
Deeds of Recognition	Over above reserves. These provide that Te Roroa must be consulted on specified matters, and that the relevant Minister must have regard to their views.	
Place name changes	Six place name changes (the alteration of three existing place names and the assignment of three new place names).	
Toheroa RFR	Te Roroa will be offered a certain percentage of quota in the quota management system if the Crown tenders any residual holdings of quota for Toheroa	
Fisheries Advisory Committee	Enables Te Roroa to provide advice to the Minister of Fisheries on specified matters of interest to Te Roroa.	
Annual meetings with the Ministry for the Environment	To discuss issues in relation to the application of the Resource Management Act in the Te Roroa Area of Interest.	

OFFICIAL RELEASE
TE ROROA SETTLEMENTS





Te Roroa

PROPOSED KAURI NATIONAL PARK

COMMENTARY BY TE ROROA MANAWHENUA TRUST

ON SECTION 8 REPORT BY DEPARTMENT OF CONSERVATION

INTRODUCTION:

This commentary, provided for the benefit of the New Zealand Conservation Authority, affords a response by the Te Roroa Manawhenua Trust to the above report. As such, it focuses upon continuing issues of concern to Te Roroa, including errors of fact. It is accompanied by a copy of Te Roroa Manawhenua Trust's submission referred to in the Section 8 Report which is still supported by the Trust.

The Te Roroa Manawhenua Trust submission sought the deferral of the Kauri National Park proposal until:

1. All Treaty of Waitangi/Tiriti O Waitangi claims affecting the proposal have been satisfactorily settled.
2. All discrete wahi tapu sites and cultural sites of importance to Te Roroa have been excluded from the proposal to the satisfaction of Te Roroa.
3. The boundaries of the proposed Kauri National Park, or its replacement, are acceptable to Te Roroa.
4. A satisfactory costs/benefit analysis of the proposal, or its replacement, encompassing all socio-economic effects and which demonstrates benefits over costs has been obtained.
5. A satisfactory Environmental Impact Assessment of the proposal, or its replacement, has been obtained.
6. Government has provided a commitment to Crown/Te Roroa co-governance in the proposal or its replacement.
7. Government has accepted the recommendations of the Waitangi Tribunal in the WAI 262 Report.
8. A review of the Northland Conservation Management has been completed.

It also sought a replacement Section 8 Report once those events had occurred.

SUMMARY OF COMMENTARY:

Apart from errors of fact in the Section 8 Report, this Commentary largely focuses upon:

(a) General Policy for National Parks - Policy 6 (e) - Assessment of Social, Cultural, Economic & Recreational Implications for Tangata Whenua, Local and Regional Communities and the Nation.

It argues that the assessment of those effects is not complete and that a replacement assessment is required, to be prepared in conjunction with Te Roroa. Until that is done, Te Roroa sees little point in consultation with the NZCA as the NZCA will not be in a position to make informed decisions - not having all the facts before it.

(b) General Policy for National Parks - Policy 6 (f) - Consultation with Tangata whenua.

It argues that the requirement for consultation with tangata whenua has not been discharged.

(c) General Policy for National Parks - Policy 6 (j) - Inclusion of Beds of Lakes and Rivers.

It expresses Te Roroa opposition to the inclusion of the beds of any of the tribe's rivers and streams in the proposed Kauri National Park. Similarly, it expresses Te Roroa opposition to the inclusion of any of Te Roroa's customary foreshore and coastal marine areas in the proposal as having adverse impacts upon Te Roroa mana, kaitiakitanga, customary food gathering and fishing rights as well as customary rights under the Takutai Moana Act.

TEXT OF COMMENTARY:

EXECUTIVE SUMMARY PAGE 2 - AREA UNDER INVESTIGATION

Search any other on the 10/10/10
4/10/10 for the 10/10/10

(a) As Te Roroa has a further unheard historical claim WAI 1857 before the Waitangi Tribunal, it is not correct to assume that all Te Roroa historical Tiriti O Waitangi claims have been settled.

(b) Rather than requiring the NZCA "to take certain steps" as stated in the Section 8 Report, the Te Roroa Claims Settlement Act and the Tarehu require the NZCA to have particular regard to Te Roroa spiritual, cultural and historical/traditional values in relation to Waipoua Forest. In the view of Te Roroa that consideration must be given in terms of Tiriti principles and Section 4 of the Conservation Act.

CONCERNS PAGE 4

(1) This section should have referred to Te Roroa concerns that the National Parks investigative process focuses upon natural values at the expense of Maori cultural values notwithstanding that the process is required to give effect to the principles of Te Tiriti O Waitangi. In the view of Te Roroa the National Parks Act requires urgent revision to make it Tiriti compliant.

CONCLUSIONS PAGE 5

(a) Te Roroa has never put forward the proposal that further parcels of land within its rohe, such as those listed in Appendix A of the Section 8 Report, could be added to the proposed Kauri National Park. What Te Roroa has supported is the possible addition of further lands outside its rohe, subject to relevant mana whenua and general community agreement.

SECTION 2.4.2. OUTSTANDING TREATY OF WAITANGI CLAIMS - WAI 2283 NORTHLAND KAURI NATIONAL PARK (PARORE) CLAIM – this is covered in a commentary from Richard Parore

SECTION 2.5. NAMING THE NATIONAL PARK

(a) Te Roroa shall wish to be consulted on a proposed name for the national park during further investigation.

SECTION 3.3. TE ROROA'S VIEWS ON A NATIONAL PARK

(1) it should be recorded that the Kokohuia resolution of 13 November 1992 eventuated from a Te Roroa motion which was unanimously adopted.

SECTION 3.5.2. WAHI TAPU AND WAHI TAONGA

(1) As the Waitangi Tribunal's WAI 38 Te Roroa Report indicates, Te Roroa has raised concerns respecting the protection of its sacred places for the last 170 years and shall continue to do so. Having no confidence in the ability, or willingness, of the Crown to discharge its Tiriti duty of active protection of such places, Te Roroa insists that its discrete sacred sites be excluded from the boundaries of the proposed national park before the latter is approved and not at the management plan stage.

SECTION 4.3. GENERAL POLICY FOR NATIONAL PARKS - POLICY 6 (e) - ASSESSMENT OF SOCIAL, CULTURAL, ECONOMIC & RECREATIONAL IMPLICATIONS FOR TANGATA WHENUA, LOCAL AND REGIONAL COMMUNITIES AND THE NATION.

In the view of Te Roroa the DoC report is not an assessment in the true sense of the word:

- (i) It has not considered all information, particularly cultural information. Areas replete with wahi tapu e.g. Wairau North are discussed as if no such taonga existed.
- (ii) It has imported secondary information from other national parks while acknowledging that the circumstances of the Proposed Kauri National Park are unique.
- (iii) It has failed to consider all criteria against the inability of the Kaipara District Council to fund infrastructure development, that council, which is dysfunctional and has the highest national debt level, being at serious risk of being replaced by a statutory commission. The assessment also omits dealing with government's intention to return local government to core services only.
- (iv) It does not include a proper costs/benefits analysis nor a proper Environmental Impact Assessment of the proposal.

(v) It largely relies upon the Te Roroa/DoC Joint Working Party for cultural information. The Working Party, set up by unsigned schedules to the Te Roroa Deed of Settlement, cannot replace Te Roroa whanui customary and Tiriti rights to be so consulted and in fact Clause 2.7 of the Te Roroa Settlement Deed explicitly states that Te Roroa aboriginal title, customary rights, Tiriti O Waitangi rights and existing rights under legislation, common law, fiduciary duty or otherwise are not affected by the Deed of Settlement. It should be noted that the findings of the Joint Working Party also have never been given a tautoko by Te Iwi O Te Roroa.

(vi) It endeavours to dismiss a co-governance model, to which Te Roroa is strongly committed, on the basis that same is outside the provisions of the National Parks Act and yet the implications for the model clearly fall within Policy 6 (e) as it affects Te Roroa. The WAI 262 Report also endorses national co-governance for the DoC estate while Policy 2 (b) f of the General Policy for National Parks recommends the adoption of partnerships with mana whenua.

(vii) It leaves unresolved issues affecting Te Roroa for determination by a joint management plan which must be consistent with the Northland Conservation Management Strategy. However, it is the view of Te Roroa that such issues must be resolved by government and tangata whenua in partnership and good faith prior to the NZCA coming to a decision on the proposal. After all, Te Tiriti O Waitangi and Section 4 of the Conservation Act require nothing less.

(viii) It fails to address in a practical manner the social, cultural, economic and recreational impacts of Phytophthora taxa Agathis (PTA) on the proposal. Pending the eradication of that disease, Te Roroa remains whakama that manuhiri will see the forest in that state. Although Te Roroa mana over the forest largely has been taken away by the Crown, many manuhiri will blame us for the unhealthy state the forest is in. There is a strong tangata whenua viewpoint that the Crown should first ensure restoration of the forest's health before considering it for National Park status and to that end further government funds should be committed to PTA eradication.

(ix) While acknowledging the likelihood of increased tourist numbers to the area, it fails to assess the impacts of same particularly upon the cultural landscape. The unofficial and illegal coastal walking track from Arai Te Uru to Kai Iwi Lakes, for which damages have been awarded against DoC, already trespasses through Te Roroa wahi tapu and private land and impacts negatively upon the exercise of Te Roroa kaitiakitanga and other customary rights. Its continued use and increased risk to the integrity of coastal wahi tapu will continue to be vigorously resisted by Te Roroa. In fact, the presence of coastal wahi tapu and ubiquitous artifact collectors argues against any coastal boundary of the Proposed Kauri National Park.

(x) It omits dealing with the prospectivity, or impacts, of mining on any Te Roroa land which should be part of the cultural assessment. That mining information hereby is requested by Te Roroa. Should a Kauri National Park proceed, Te Roroa believes it should be protected from mining pursuant to Schedule 4 of the Crown Minerals Act and any Te Roroa consent would be premised on that basis.

(xi) It does not provide an in-depth social assessment of the proposal which is likely to increase pressures on local Health and Safety services which already are struggling. A more comprehensive

assessment, including the likely impacts of the Whanau Ora scheme, Rural Fire Safety and poor telecommunications, is requested. It is noted that pursuant to the Forest & Rural Fires Act 1977, DoC has responsibility for fire control in national parks.

Accordingly Te Roroa believes that, as proposed in the original submission of the Te Roroa Mana Whanua Trust, a replacement assessment needs to be prepared in conjunction with Te Roroa.

SECTION 4.4. GENERAL POLICY FOR NATIONAL PARKS - POLICY 6 (f) - CONSULTATION WITH TANGATA WHENUA.

(a) It is not accepted, as stated in the DoC report, that the Tarehu and statutory obligations to consult tangata whenua have been met. As mentioned above, consultation with the Joint Working Group is not consultation with Te Iwi O Te Roroa. As the report of the Joint Working Group, said to be annexed as ANNEXURE 3, was not so annexed a copy is requested. It is noted that although Kawerua Marginal Strip 2 and the Waimamaku Domain Recreational Reserve were excluded from the recommendations of the Joint Working Party in order to protect wahi tapu, the DoC report advocates that such areas be considered as additional areas. In the absence of consultation with Te Roroa, that advocacy is considered to be in bad faith, contrary to Tiriti principles and policies 6 (h) (iv) and (vi) of the General Policy (adverse effects on tangata whenua and neighbouring communities).

(b) As DoC consultation to date has failed to give effect to the principles of te Tiriti O Waitangi and Section 4 of the Conservation Act, it also is not accepted that DoC's obligations to Te Iwi O Te Roroa have been met. The very basis for advocating the proposal at a time when unresolved Tiriti claims exist suggests a Crown failure to actively protect the Maori interest in terms of Tiriti principles. It also suggests an attempt to remove redress from settlement processes prior to claims being determined.

(c) As the NZCA also is bound by Section 4 of the Conservation Act, comments in para (b) supra also apply to the NZCA. In the view of Te Roroa, Section 4 of the Act requires the NZCA not to prejudice the resolution of subsisting Tiriti claims. To that end the NZCA should not undertake any consultation on the Proposed Kauri National Park pending the resolution of those claims. To do otherwise could result in the NZCA being seen as acting in bad faith towards those Tiriti claimants.

SECTION 4.6. GENERAL POLICY FOR NATIONAL PARKS - POLICY 6 (j) - INCLUSION OF BEDS OF LAKES AND RIVERS.

(i) Te Roroa is opposed to the beds of any of its rivers and streams being included in a Proposed Kauri National Park on the grounds that same will have an adverse effect on its mana, customary fishing, food gathering activities and kaitiakitanga. In particular, it notes that Section 5 (2) of the National Parks Act prohibits fishing in national parks.

(ii) The Crown distinction between navigable and non-navigable rivers and streams is a creature of English Common Law and is not accepted by Te Roroa as contrary to the principles of Te Tiriti O Waitangi. As found by the Maori Land Court in the Lake Omapere case, these areas - whether navigable

or not - in reality are customary Maori land with water upon them and are protected under Te Tiriti O Waitangi. It is well known that historically there was not a foot of Aotearoa land that was not claimed by mana whenua.

(iii) In the 1998 Ika Whenua Rivers Report WAI 212 the Waitangi Tribunal found that mana whenua have full and unrestricted use and control of its rivers - which also is claimed by Te Roroa over all its rivers and streams through use and control since time immemorial. Similar findings were made by the tribunal in the Whanganui River Report WAI 167. In both enquiries the tribunal recommended appropriate compensation packages.

(iv) The Wairau river runs into the Wairau Wahi Tapu (urupa) - which adjoins the area shown as "Te Roroa" - and must be excluded from any Proposed Kauri National Park. Indeed, buffer zones must be established around the Wairau Wahi Tapu prior to Te Roroa considering this proposal further. It is noted that DoC's illegal Coastal Track trespasses though this wahi tapu bringing fossickers to the area. That shameful trespass must cease immediately.

(v) The Ohae stream, which provides access to fishing and kaimoana gathering, should be excluded from the proposal. The Crown's Coastal Marine Area, which is contrary to the principles of Te Tiriti O Waitangi, is not recognised by Te Roroa.

(vi) Te Roroa accepts that the most practical solution for the Waipoua river bed is to exclude that bed from the boundaries of the Proposed Kauri National Park.

(vii) Given adverse impacts on the exercise of Te Roroa kaitiakitanga, food gathering activities and fishing rights, Te Roroa remains opposed to the inclusion of the foreshore and coastal marine area in the proposal.

Ka mutu tenei korero. Kia ora koutou.



Office of Hon Christopher Finlayson

Attorney-General
Minister for Treaty of Waitangi Negotiations
Minister for Arts, Culture and Heritage
Associate Minister of Māori Affairs

APPENDIX 11.6

Scan emailed to Yvonne Street
31/05/13

29 MAY 2013

Dr Kay Booth
Chairperson
New Zealand Conservation Authority
PO Box 10-420
WELLINGTON

Tēnā koe

Thank you for your letter inquiring about the status of Treaty claims in relation to land in the Waipoua Forest and within the rohe of Te Roroa.

Officials have been informed that Wai 1343 (brought on behalf of Ngāti Torehina of Ngā Puhi and Ngāti Whātua) and Wai 1857 (brought on behalf of Ngāti Korokoro and Te Pouka hapū of Ngā Puhi) have both been consolidated into Te Paparahi o Te Raki (Northland) inquiry. The Northland inquiry hearings are currently underway.

Both claims have been brought on behalf of Ngā Puhi who are in the pre-mandate stage of negotiations. I expect the Minister of Māori Affairs and myself will shortly be in a position to decide whether to advertise a deed of mandate. If so we will call for public submissions over a 6 week period. Following this we will make a decision whether to recognise that mandate.

Wai 2283 is a claim brought on behalf of Te Kuihi, a group whose Treaty claims over the area have been covered by the 2008 Te Roroa historical settlement. Wai 2283 is a contemporary claim and relates to a proposed Kauri National Park, within the Te Roroa settlement area. The Tribunal advises that following the completion of the Northland district inquiry the Tribunal will move its focus to contemporary claims and will consider this claim then.

If you require any further information in relation to each claim and the timings of hearings I suggest you contact the Tribunal directly, (www.waitangi-tribunal.govt.nz/).

If you require any further information on iwi and hapū in the area you can consult the Te Kāhui Māngai website set up by Te Puni Kōkiri: (www.tkm.govt.nz/).

Nāku noa nā,

Hon Christopher Finlayson
Minister for Treaty of Waitangi Negotiations



Office of Hon Phil Heatley

MP for Whangarei
Minister of Energy and Resources
Minister of Housing

APPENDIX 11.7

ERPH11-12/1492

18 JUL 2012

Yvonne Sharp
Acting Chairperson
New Zealand Conservation Authority
PO Box 10-420
WELLINGTON

Dear Ms Sharp

Thank you for your letter of 27 June 2012 regarding a proposed national park in Northland.

I am happy to confirm that my position on the proposed national park has not changed from the Hon Gerry Brownlee. The proposed national park has low mineral resource potential, but has outstanding conservation values, including magnificent specimens of kauri and several threatened species. I also note that Straterra, an industry group representing the minerals sector, supported the proposal.

You may be interested to learn that the land that is proposed as a national park, the Waipoua Forest tract and the Trounson Kauri Park Scenic Reserve, was expressly excluded from the Government's recent competitive tender for metallic minerals in Northland.

Thank you again for your letter.

Yours sincerely

Hon Phil Heatley
Minister of Energy and Resources

Proposed Kauri National Park, Waipoua Forest Northland

Executive summary: The pros and cons of the options

National Reserve	Conservation Park	National Park	Status Quo
Threshold			
<p>There is a high threshold test to meet: 'values of national or international importance.'</p>	<p>Relatively low threshold test to meet: 'an area of land (or land and water) containing predominantly natural systems, managed to ensure long term protection and maintenance of biological diversity, while providing recreational and visitor opportunities'.</p>	<p>The values expected in a national park are: 'scenery of such distinctive quality, ecological systems, or natural features so beautiful, unique, or scientifically important that their preservation is in the national interest.'</p>	<p>NA</p>
Kudos			
<p>Kudos from 'national' title and small number of national reserves – currently 4.</p>	<p>Although this is a 'specially protected area', there are a number of conservation parks throughout New Zealand.</p>	<p>Would one of 15 National Parks if created.</p>	<p>The areas under consideration have different legal statuses. There may be a certain kudos attached to the Waipoua Sanctuary Area</p>

Establishment			
Might be a lengthy process as there are multiple steps. Untested in practice in a number of aspects.	Could be difficult to include the reserves as they would need to be made into conservation areas, and there are no specific legislative provisions for this.	An established process. Requires a recommendation from the NZCA, after consultation with the relevant Conservation Board.	NA
Would impact on Waipoua Forest so consultation with Te Roroa required	Would impact on Waipoua Forest so consultation with Te Roroa required.	Would impact on Waipoua Forest so consultation with Te Roroa required.	
Disestablishment			
Can only be disestablished by Act of Parliament.	Disestablishment is by gazette notice following a public submissions process.	Can only be disestablished by Act of Parliament	
Primary values			
Have to choose one primary set of values as the classification of the reserve, other values managed as subsidiary values. If current reserves included, would need to classify the whole reserve as scenic, as it would be too difficult to change the	Purpose is to protect both intrinsic natural and spiritual/cultural values as primary values, and recreational values as subsidiary values.	Management for natural, scenic, scientific, soil and water, archaeological and historical, recreational, inspirational and enjoyment values.	Scenic reserves: ie most of the areas under consideration - scenic values primary in management. Maitahi Wetlands Scientific Reserve: managed for the purpose of protecting and preserving for scientific study, research, education.

<p>classification.</p>	<p>Waipoua Sanctuary Area Intrinsic natural values or natural scientific values are primary. But the sanctuary classification is an overlay within the Pt Northland Conservation Park and supplements the purposes of the conservation park.</p>	<p>Pt Northland Conservation Park: purpose is to protect both intrinsic natural and spiritual/cultural values as primary values.</p>	<p>Kawerua Conservation Area: as a stewardship area, this is managed to protect the natural and historic resources. When read in the context of the Act's definition of conservation, this covers all core conservation values.</p>
<p>Fit with Te Roroa's values</p>	<p>If classified as a scenic reserve, historic values would have to be managed as subsidiary, which may not fit well with Te Roroa's</p>	<p>Management is for natural and historic values. The latter fits well with Te Roroa's values.</p>	<p>Includes preservation of archaeological and historical values.</p>
<p>Scenic reserves: historic values managed as subsidiary. Maitahi Wetlands Scientific</p>			

<p>values.</p>			<p>Reserve: Other values relevant to this context, ie historic, cultural, and archaeological values, and the natural values of the Kauri ecosystem, can be managed for as subsidiary values. Waipoua Sanctuary Area, Pt Northland Conservation Park, Kawerua Conservation Area: Can include management for historic/cultural values as noted above.</p>
<p>Would not detract from DOC's ability to manage in accordance with Te Tarehu, provided this is consistent with the purposes for which the land is held.</p>	<p>Would not detract from DOC's ability to manage in accordance with Te Tarehu, provided this is consistent with the purposes for which the land is held.</p>	<p>Would not detract from DOC's ability to manage in accordance with Te Tarehu, provided this is consistent with the purposes for which the land is held</p>	<p>DOC is able to manage in accordance with Te Tarehu, provided this is consistent with the purposes for which the land is held.</p>
<p>If apply to Te Tarehu areas only</p>			
<p>Would exclude current reserves so could potentially classify as historic, if consistent with the values present. Whether the remaining areas still meet the test for a national reserve would need to be considered.</p>	<p>Would exclude current reserves so process would be simpler as dealing with conservation areas only. Whether the remaining areas still meet the test for a conservation park would need to be considered.</p>	<p>Would exclude reserves and the Kawarua Conservation Area.</p>	<p>Te Tarehu covers the Pt Northland Conservation park and the Kawarua Marginal Strip No 1.</p>

Mechanisms for involvement in management or governance			
<p>Wide range of options for administrative arrangements that could achieve varying degrees of co-management/co-governance, including vesting in trustees, and Minister's broad discretion under s13(5)(b)(iii): a national reserve may be administered 'in such other manner as the Minister directs.'</p> <p>Management of a national reserve by a body other than DOC could create a new precedent.</p> <p>A joint working party with Te Roroa may be required to develop advice on a management body.</p>	<p>No provisions for co-management/co-governance is not possible, but a ministerial advisory committee may be constituted by regulations or under s56 CA87.</p> <p>A joint working party with Te Roroa may be required to develop advisory committee proposal.</p>	<p>No provisions for co-management/co-governance but a ministerial advisory committee can be established under s56 CA87.</p> <p>NZCA can establish committees of members and other suitable person and delegate to them any of its powers and functions e.g. the approval of a national park management plan.</p>	<p>Scenic reserves, Maitahi Wetlands Scientific Reserve:</p> <p>range of options for administering bodies under the Reserves Act that could achieve varying degrees of co-management/co-governance, ie appointment of a board, vesting in trustees, appointment of a voluntary organisation, appointment of trustees.</p> <p>Waipoua Sanctuary Area, Pt Northland Conservation Park, Kawerua Conservation Area: Co-management/co-governance is not possible, but an advisory committee may be constituted by regulations or under s56.</p>
Public Access			
<p>If a scenic or historic classification there is a presumption of public access.</p>	<p>Purpose includes recreation and enjoyment, but this is subsidiary to natural and historic values.</p>	<p>Public access, enabling public enjoyment of national parks is one of the purposes but may be subject to conditions and restrictions necessary for the</p>	<p>Scenic reserves: presumption of public access, but public access can be restricted as necessary to protect the values of the reserve.</p> <p>Maitahi Wetlands Scientific</p>

		<p>preservation of native plants and animals or the welfare in general of the park.</p>	<p>Reserve: no presumption of public access. Public access may be prohibited to all or part of the reserve, with entry by permit only.</p> <p>Waipoua Sanctuary Area, Pt Northland Conservation Park: Purpose includes recreation and enjoyment, but this is subsidiary to natural and historic values. Public access could be restricted in interests of protecting the primary values</p> <p>Kawerua Conservation Area: presumption of public access.</p>
<p>Public access can be restricted as necessary to protect the values of the reserve.</p>	<p>Public access could be restricted in interests of protecting the primary values.</p>	<p>Public access is may be subject to conditions as necessary to preserve the natural values.</p> <p>Specially protected areas may be created where public access is by permit only.</p>	

<p>Resourcing</p>	
<p>Resourced by DOC if administered by DOC.</p>	<p>Resourced by DOC</p> <p>Reserves, Waipoua Sanctuary Area, Pt Northland Conservation Park, Kawerua</p>

				Conservation Area: Resourced by DOC
<p>If vested in trustees or an administering body appointed, the funding is largely limited to what can be generated from the reserve. There is no provision for DOC funding, though technical advice may be provided, and DOC could conceivably make a funding contribution, ie there is no prohibition on this.</p>				
Crown Minerals Act				
<p>No automatic inclusion in Crown Minerals Act, Schedule 4.</p>	<p>No automatic inclusion in Crown Minerals Act, Schedule 4.</p>	<p>All National Park land included in Schedule 4.</p>	<p>Pt Northland Conservation Park, Kawerua Conservation Area: no Schedule 4 protection.</p>	
<p>Waipoua Sanctuary Area would lose sanctuary status and Schedule 4 protection.</p>	<p>Waipoua Sanctuary Area could retain its sanctuary status and Schedule 4 protection.</p>		<p>Waipoua Sanctuary Area: has Schedule 4 protection.</p>	
<p>An administrative agreement requires that DOC consult with MBIE on the Schedule 4 implications of any land classification change.</p>	<p>An administrative agreement requires that DOC consult with MBIE on the Schedule 4 implications of any land classification change.</p>	<p>An administrative agreement requires that DOC consult with MBIE on the Schedule 4 implications of any land classification change.</p>		<p>An administrative agreement requires that DOC consult with MBIE on the Schedule 4 implications of any land classification change.</p>

Adding extra lands			
Additional public conservation land can be added to the reserve.	Additional public conservation land can be added, but this would be difficult in respect of reserves as noted above.	Additional public conservation land can be added to the National Park on recommendation from the NZCA, after consultation with the relevant Conservation Board.	Additional lands can be added to reserves and to other conservation lands as noted in columns 1 and 2.
Private land can be managed by the same administering body as the reserve, for the purposes of the reserve, with the consent of the landowner, though this may be unlikely in the case of a national reserve.	Private land could be managed by DOC for 'conservation purposes' in conjunction with the park by means of a management agreement.	Private land can be acquired and added to the National Park on recommendation from the NZCA, after consultation with the relevant Conservation Board.	
Economic opportunities			
Concessions applications determined in accordance with the purposes for which the land is held. Where there is an administering body appointed to manage and control, or the reserve is vested in trustees, these parties are involved in the decision process, by providing advice (administering body) or making decisions, usually subject to	Concessions applications determined in accordance with the purposes for which the land is held.	Concessions applications determined in accordance with the purposes for which the land is held.	Concessions applications determined in accordance with the purposes for which the land is held.

Minister's consent (trustees).			
Law enforcement			
The penalties for offences are generally around the level of those in the National Parks Act, but lower than those in the Conservation Act.	The penalties for offences are generally higher than those for national reserves and than those in the National Parks Act.	Penalties for offences in the National Parks Act are generally quite low.	Penalties for offences vary depending on whether the land is held under the Reserves Act (low penalties), or the Conservation Act (higher penalties).
Law enforcement is done by DOC if administered by DOC. Where there is an administering body or trustees it is necessary to clarify responsibility for law enforcement.	Law enforcement is done by DOC.	Law enforcement is done by DOC.	Law enforcement is done by DOC.

Dogs			
Neither open nor controlled dog areas may be established.	Open or controlled dog areas may be established under certain conditions.	National park: Open or controlled dog areas not permitted.	<p>Scenic and scientific reserves: Open or controlled dog areas not permitted.</p> <p>Sanctuary Area: Open or controlled dog areas not permitted.</p> <p>Ft Northland Conservation Park, Kawerua Conservation Area: Open or controlled dog areas may be established under certain conditions.</p>
Management planning			
<p>If managed by DOC could be covered by the provisions of the CMS. However, since this would be a national reserve, it may be desirable to establish a specific management plan.</p> <p>If an administering body is appointed it must develop and complete plan within 5 years of appointment or vesting.</p>	<p>The park would be covered by any conservation management strategy for the Conservancy.</p> <p>A conservation management plan may be approved by the NZCA as if it were a CMS.</p>	<p>A management plan must be prepared within 2 years after constitution of the park.</p>	<p>Covered by the provisions of the CMS.</p>

Plan approved by Minister.				
Te Tarehu requires that DOC must work with Te Roroa when developing new management plan.	Te Tarehu requires that DOC must work with Te Roroa when developing new management plan.	Te Tarehu requires that DOC must work with Te Roroa when developing new management plan.	Te Tarehu requires that DOC must work with Te Roroa when developing new management plan.	Te Tarehu requires that DOC must work with Te Roroa when developing new management plan.



Achieving quality

Categories

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conserving
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Protected Areas Category II

Large natural or near natural areas set aside to protect large-scale ecological processes, along with the complement of species and ecosystems characteristic of the area, which also provide a foundation for environmentally and culturally compatible spiritual, scientific, educational, recreational and visitor opportunities.

Primary objective

To protect natural biodiversity along with its underlying ecological structure and supporting environmental processes, and to promote education and recreation.

Other objectives

To manage the area in order to perpetuate, in as natural a state as possible, representative examples of physiographic regions, biotic communities, genetic resources and unimpacted natural processes;

To maintain viable and ecologically functional populations and assemblages of native species at densities sufficient to conserve ecosystem integrity and resilience in the long term;

To contribute in particular to conservation of wide-ranging species, regional ecological processes and migration routes;

To manage visitor use for inspirational, educational, cultural and recreational purposes at a level which will not cause significant biological or ecological degradation to the natural resources;

To take into account the needs of indigenous people and local communities, including subsistence resource use, in so far as these will not adversely affect the primary management objective;

To contribute to local economies through tourism.

Distinguishing features

Category II areas are typically large and conserve a functioning "ecosystem", although to be able to achieve this, the protected area may need to be complemented by sympathetic management in surrounding areas.

The area should contain representative examples of major natural regions, and biological and environmental features or scenery, where native plant and animal species, habitats and geodiversity sites are of special spiritual, scientific, educational, recreational or tourist significance.

The area should be of sufficient size and ecological quality so as to maintain ecological functions and processes that will allow the native species and communities to persist for the long term with minimal management intervention.

The composition, structure and function of biodiversity should be to a great degree in a "natural" state or have the potential to be restored to such a state, with relatively low risk of successful invasions by non-native species.

Role in the landscape/seascape

Category II provides large-scale conservation opportunities where natural ecological processes can continue in perpetuity, allowing space for continuing evolution. They are often key stepping-stones for designing and developing large-scale biological corridors or other connectivity conservation initiatives required for those species (wide-ranging and/or migratory) that cannot be conserved entirely within a single protected area. Their key roles are therefore:

- Protecting larger-scale ecological processes that will be missed by smaller protected areas or in cultural landscapes;
- Protecting compatible ecosystem services;
- Protecting particular species and communities that require relatively large areas of undisturbed habitat;
- Providing a "pool" of such species to help populate sustain-ably-managed areas surrounding the protected area;
- To be integrated with surrounding land or water uses to contribute to large-scale conservation plans;
- To inform and excite visitors about the need for and potential of conservation programmes;
- To support compatible economic development, mostly through recreation and tourism, that can contribute to local and national economies and in particular to local communities.

Category II areas should be more strictly protected where ecological functions and native species composition are relatively intact; surrounding landscapes can have varying degrees of consumptive or non-consumptive uses but should ideally serve as buffers to the protected area.

What makes category II unique?

Category II differs from the other categories in the following ways:	
Category Ia	Category II will generally not be as strictly conserved as category Ia and may include tourist infrastructure and visitation. However, category II protected areas will often have core zones where visitor numbers are strictly controlled, which may more closely resemble category Ia.
Category Ib	Visitation in category II will probably be quite different from in wilderness areas, with more attendant infrastructure (trails, roads, lodges etc.) and therefore probably a greater number of visitors. Category II protected areas will often have core zones where numbers of visitors are strictly controlled, which may more closely resemble category Ib.
Category III	Management in category III is focused around a single natural feature, whereas in category II it is focused on maintaining a whole ecosystem.
Category IV	Category II is aimed at maintaining ecological integrity at ecosystem scale, whereas category IV is aimed at protecting habitats and individual species. In practice, category IV protected areas will seldom be large enough to protect an entire ecosystem and the distinction between categories II and IV is therefore to some extent a matter of degree: category IV sites are likely to be quite small (individual marshes, fragments of woodland, although there are exceptions), while category II are likely to be much larger and at least fairly self-sustaining.
Category V	Category II protected areas are essentially natural systems or in the process of being restored to natural systems while category V are cultural landscapes and aim to be retained in this state.
Category VI	Category II will not generally have resource use permitted except for subsistence or minor recreational purposes.

Issues for consideration

Concepts of naturalness are developing fast and some areas that may previously have been regarded as natural are now increasingly seen as to some extent cultural landscapes – e.g., savannah landscapes where fire has been used to maintain vegetation mosaics and thus populations of animals for hunting. The boundaries between what is regarded and managed as category II and category V may therefore change over time.

Commercialization of land and water in category II is creating challenges in many parts of the world, in part because of a political perception of resources being "locked up" in national parks, with increasing pressure for greater recreational uses and lack of compliance by tour

operators, development of aquaculture and mariculture schemes, and trends towards privatization of such areas.

Issues of settled populations in proposed category II protected areas, questions of displacement, compensation (including for fishing communities displaced from marine and coastal protected areas), alternative livelihood options and changed approaches to management are all emerging themes.



Hot springs in Yellowstone National Park, USA

Photo: IUCN Photo Library © IUCN / David Sheppard

**KAURI NATIONAL PARK INVESTIGATION
SUMMARY AND RESPONSE TO WRITTEN SUBMISSIONS**

SUBMITTER NAME (IN ALPHABETICAL ORDER)	Relevant page and paragraph in Report	Summary	Department Response
AUCKLAND UNIVERSITY TRAMPING CLUB BY EMAIL – 17 JULY 2011	Pp82-83 Overview of Submissions	Against current national park proposal.	Opposition to national park proposal noted
	Pg 84 Funding for pest control and conservation management	Concerns about establishment costs of national park for the Department.	Acknowledged - A number of the areas in the proposed park are already identified as priority areas for DOC, including icon visitor destinations (Waipoua Forest) and high priority ecosystems (Trounson, Waipoua and Maitahi). This high priority status will ensure that these areas are managed to protect key values, and that visitor facilities, such as car parks, toilets and walking tracks, are maintained to a high standard.
	pg 86 Wider boundaries for proposed Kauri National Park	Concerns about establishment of park prior to Treaty settlements,	Acknowledged - General Policy for National Park allows for additional land to be added at a later date following Treaty settlements and Te Roroa have consistently put forward that they support, through due process, the opportunity for further parcels of land to be added to the park as advances with other Treaty settlements are completed.
	Pp35 Criteria 6 (b) size of national park	Concerns about small size of park	Disagree - Criteria 6 (b) lands identified meet criteria for size
BAIGENT-MERCER, DEAN BY EMAIL – 16 JULY 2011	Pp82-83 Overview of Submissions	Supportive of national park proposal.	Support for national park noted.
	Pg 87 6.3.3 Major themes that lie outside the scope of the investigation – cogovernance, inclusion of private lands in national parks	Would like to see update of National Park Act legislation (co-governance) and also inclusion of private lands in national park	Support noted, but co-governance and inclusion of private lands issues beyond scope of investigation.
BIRCH, TREVOR BY EMAIL – 18 JULY 2011	Pp82-83 Overview of Submissions	Supports lands identified for national park proposal.	Support for national park noted.
	Page 66 - Criteria 6(i)(i) Avoiding adverse effects, also pg 85-86 Wāhi tapu/wāhi taonga	Concerns about protection of Māori cultural and historical values.	Acknowledged - Department currently working with Te Roroa (outside of current investigation process) to address protection of cultural and historic values in Waipoua Forest.
	Pg 87 6.3.3 Major Themes that are outside the scope of the investigation – Co-governance	Supportive of co-governance between Crown and iwi and suggests possible formation of a private iwi/DOC/community Kauri National Park Trust to obtain funding for park.	Support noted, but co-governance and management of national park outside scope of investigation.
	Pp 47, 77, 85, 86 Rakau Rangatira project	Notes potential for increased visitors with national park status, and notes importance of Rakau Rangatira project being completed so as to manage environmental and infrastructure impacts from park. Concerns about social impact of park.	Agree - Rakau Rangatira a key project to mitigate environmental and infrastructure issues.
BLACK SHEEP TOURING COMPANY BY EMAIL - 11 JULY 2011	Pp82-83 Overview of Submissions	Supportive of national park as flora and fauna meet criteria.	Support for national park noted.
	Pp47, 77 Rakau Rangatira project – upgrade of visitor infrastructure	Concern that potentially greater number of visitors should	Agree - Rakau Rangatira a key project to mitigate and improve visitor flows and infrastructure issues.

		be managed	
CLARKE, TAUKE BY EMAIL 13 JULY 2011	Pp82-83 –Overview of Submissions	Against national park proposal	Opposition to national park proposal noted
	Pg 87 6.3.3 Major Themes that are outside the scope of the investigation – Co-governance	No to a national park without co-governance with Te Roroa	Support noted, but co-governance and management of national park outside scope of investigation
CONTAG, KLAUS, DR BY EMAIL 26 MAY 2011	Pp82-83 Overview of Submissions	Supportive of national park proposal	Support for national park noted
	Page 66 - Criteria 6(i)(i) Avoiding adverse effects – protection of archaeological, cultural, historic values see also Pg 85-86 Wāhi tapu/wāhi taonga	Wants to see more walkways, and establishment of public access to archaeological sites within Waipoua Forest.	Acknowledged - Management of archaeological, cultural and historic values will be a key management priority in any national park management plan. This will need to be undertaken in close consultation with Te Roroa who have raised with the Department their concerns about this issue.
COWAN, A.B (M.B.E. J.P retired) BY MAIL,	Pp82-83 Overview of Submissions, see also pg 84, 6.3.1. Natural, Historic and cultural values and scenic quality	Supportive of national park proposal because of ecological values	Support for national park proposal noted
COWAN, ROSE BY EMAIL, 9 JULY 2011	Pp82-83 Overview of Submissions	Not supportive of national park proposal at this stage	Opposition to national park proposal noted
	Pg 87 6.3.3 Major themes that lie outside the scope of the investigation – inclusion of private lands in national parks	Wants to see inclusion of private lands and QEII lands in proposal	Acknowledged but Inclusion of private lands issues beyond scope of investigation.
	Pp47, 77 Rakau Rangatira project – upgrade of visitor infrastructure, interpretation	Wants to see improved visitor facilities and interpretation, including tangata whenua guides, visitor safety	Agree - Rakau Rangatira a key project to mitigate and improve visitor experiences and infrastructure issues.
DAWN, JOHN BY EMAIL 18 JULY 2011	Pp82-83 Overview of Submissions	Supportive of national park proposal	Support for national park noted
	Pg 87 6.3.3 Major Themes that are outside the scope of the investigation – Wider Boundaries	Wants to see other conservation areas in Northland to be added to the Kauri National Park in due course as other Treaty claims are settled	Acknowledged - Although outside scope of current investigation General Policy for National Park allows for additional land to be added at a later date following Treaty settlements.
	Pg 87 6.3.3 Major Themes that are outside the scope of the investigation – Co-governance	Supports co-management by government, local iwi and other local stakeholder organisations as appropriate for the proposed national park	Support noted, but co-governance and management of national park outside scope of investigation.
DRAKE, RICHARD M.N.Z.M. BY MAIL	Pp82-83 Overview of Submissions	Supportive of national park proposal	Support for national park noted
	Pp 47, 77, 85, 86 Rakau Rangatira project	Wishes to see development of Trounson Kauri Park Scenic Reserve as a major interpretation site	Acknowledged - Rakau Rangatira project includes improvement of visitor experiences and interpretation at Trounson Kauri Park Scenic Reserve
	Pg 87 6.3.3 Major Themes that are outside the scope of the investigation – Co-governance	Supportive of involvement of Tangata Whenua in the governance and management of the National Park.	Support noted, but co-governance and management of national park outside scope of investigation.
FAR NORTH DISTRICT COUNCIL KAIKOHE-HOKIANGA COMMUNITY BOARD BY EMAIL 18 JULY 2011	Pp82-83 Overview of Submissions	Supportive of national park proposal	Support for national park noted
	Pg 87 6.3.3 Major Themes that are outside the scope of the investigation – Co-	Would like to see the ongoing management	Support noted, but co-governance and management

	governance	of the National Park become a joint venture between Department of Conservation and local iwi Te Roroa.	of national park outside scope of investigation.
FAR NORTH DISTRICT COUNCIL'S MĀORI REFERENCE GROUP BY EMAIL 8 AUGUST 2011	Pp82-83 Overview of Submissions	Supportive of national park proposal provided the following issues listed below addressed:	Conditional support noted
	Pg 87 6.3.3 Major Themes that are outside the scope of the investigation – Co-governance	Changes to legislation to enable Te Roroa a co-governance role in National Park	Support noted, but co-governance and management of national park outside scope of investigation.
	Pg 85 Tourism and Economic Benefits – need for detailed cost-benefit analysis, see also pg 39 – Social, Cultural, Economic, Recreational assessment	Wants to see detailed cost-benefit analysis undertaken on proposal	Concern regarding need for detailed cost-benefit analysis noted
	Page 66 - Criteria 6(i)(i) Avoiding adverse effects – protection of archaeological, cultural, historic values, see also Pg 85-86 Wāhi tapu/wāhi taonga	Protection of Sites of Cultural Significance to Te Roroa	Acknowledged - Management of archaeological, cultural and historic values will be a key management priority in any national park management plan. This will need to be undertaken in close consultation with Te Roroa who have raised with the Department their concerns about this issue.
FEDERATED MOUNTAIN CLUBS OF NEW ZEALAND INC BY MAIL, 15 JULY 2011	Pp82-83 Overview of Submissions	Supportive in principle of national park proposal	Conditional support noted
	Pg 86, 6.3.2 – Funding	Concerns about whether the Department will be given necessary resources to establish and maintain a national park, and for the provision of recreation opportunities and biodiversity protection, especially as staff numbers are being reduced in Department	Acknowledged - A number of the areas in the proposed park are already identified as priority areas for DOC, including icon visitor destinations (Waipoua Forest) and high priority ecosystems (Tounson, Waipoua and Maitahi). This high priority status will ensure that these areas are managed to protect key values, and that visitor facilities, such as car parks, toilets and walking tracks, are maintained to a high standard.
	See also Pp 47, 77, 85, 86 Rakau Rangatira project		Rakau Rangatira project includes improvement of visitor experiences and interpretation and is aligned closely with PTA work
FOOTPRINTS WAIPOUA (COPTHORNE HOTEL AND RESORT HOKIANGA/KUPE HOKIANGA NUMBER ONE LIMITED)BY EMAIL 15 JULY 2011	Pp82-83 Overview of submissions	Supportive of national park proposal	Support for national park noted
	Pg 87 6.3.3 Major Themes that are outside the scope of the investigation – Co-governance	Supportive of involvement of Te Roroa and other sectors of the community in the governance and management of the National Park.	Support noted, but co-governance and management of national park outside scope of investigation.
	Pp 47, 77, 85, 86 Rakau Rangatira projec	Recommends joint venture and user pays approach with businesses to development of visitor infrastructure	Acknowledged - Rakau Rangatira project is a collaborative agency/iwi/community/ business approach to improvement of visitor experiences and visitor infrastructure
HICKS, MARGARET BY MAIL 7 JULY 2011	Pp82-83 Overview of submissions	Against national park proposal until resolution of issues below:	Opposition to national park proposal noted
	Pg 86, 6.3.2 – Funding for Pest Control	Adequate funding available and effective disease control in place	Acknowledged - A number of the areas in the proposed park are already identified as priority areas for DOC, including icon visitor destinations (Waipoua Forest) and high priority ecosystems (Tounson, Waipoua and Maitahi). This high priority status will ensure that these areas are managed to protect key values.
	Pg 87 6.3.3 Major Themes that are outside the scope of the investigation – Co-governance	Joint management strategy with Māori implemented	Support noted, but co-governance and management of national park with Māori outside scope of investigation.
HOKIANGA TOURISM ASSOCIATION BY EMAIL 13 JULY, 2011	Pp 82-83 Overview of submissions	Supportive of national park proposal	Support for national park noted
	Pg 84, 6.3.1 Tourism and Economic Benefits, see also pg 39, 4.3 – Social, Cultural, Economic, Recreational assessment	Can see the potential benefits of improved economy, jobs and employment.	Potential economic benefits of national park noted

	Pg 14, 2.5 Naming of National Park	Wishes to see Waipoua as the name of the proposed national park	Acknowledged - Public notification of name for national park necessary
HONNOR, LEIGH BY EMAIL, 17 JUNE 2011	Pp 82-83 Overview of submissions	Supportive of national park proposal	Support for national park noted
	Pg 87 6.3.3 Major Themes that are outside the scope of the investigation – Wider Boundaries	Wants to see Waima/Mataraua Forest Continuum added to national park proposal.	Acknowledged - Although outside scope of current investigation General Policy for National Park allows for additional land to be added at a later date following Treaty settlements.
	Pg 86, 6.3.2 – Funding for Pest Control	Concerns about adequate funding for national park	Acknowledged - A number of the areas in the proposed park are already identified as priority areas for DOC, including icon visitor destinations (Waipoua Forest) and high priority ecosystems (Trounson, Waipoua and Maitahi). This high priority status will ensure that these areas are managed to protect key values. If additional funding was allocated as part of establishing the park, this would enhance existing work programmes and help make the new park a national conservation showcase close to Auckland.
JAMIESON, ALASTAIR BY EMAIL, 15 JULY 2011	Pp 82-83 Overview of submissions	Conditional support for national park proposal provided:	Conditional support noted
	Pg 86, 6.3.2 – Funding for Pest Control	Better funding and protection for ecological values of lands	Acknowledged - A number of the areas in the proposed park are already identified as priority areas for DOC, including icon visitor destinations (Waipoua Forest) and high priority ecosystems (Trounson, Waipoua and Maitahi). This high priority status will ensure that these areas are managed to protect key values. If additional funding was allocated as part of establishing the park, this would enhance existing work programmes and help make the new park a national conservation showcase close to Auckland.
	Page 66 - Criteria 6(i)(i) Avoiding adverse effects, also pg 85-86 Wāhi tapu/wāhi taonga	Better funding and protection for cultural heritage	Acknowledged - Department currently working with Te Roroa (outside of current investigation process) to address protection of cultural and historic values in Waipoua Forest.
	Pg 87 6.3.3 Major Themes that are outside the scope of the investigation – Wider Boundaries	Current proposal too small - wants to see inclusion of a greater number of kauri ecosystems in park proposal, like the previous 1992 investigation	Disagree in part - Size of park meets criteria - General Policy for National Park also allows for additional land to be added at a later date following Treaty settlements.
	Appendix A - Considerations for future inclusions in the proposed national park, and unformed legal roads	Wants to see better representation of coastal ecosystem in national park proposal specifically inclusion of Waimamaku Domain Recreation Reserve	Acknowledged - The addition of Waimamaku Domain Recreation Reserve, which is vested in the Far North District Council, to the proposal would need to be carried out in consultation with Te Roroa, and would require further discussion with the Far North District Council and the local community.
KAIPARA DISTRICT COUNCIL BY EMAIL, 22 JUNE 2011	Pp 82-83 Overview of submissions	Supportive of national park proposal	Support for national park noted
	Pp 44, 77, 85 – Rakau Rangatira	Concerns regarding 'double edged sword' that increased visitor numbers would bring, with pressure on visitor infrastructure and roading facilities, but positive economic benefits. Specific reference to the length of unsealed road between Trounson Kauri Park Scenic Reserve and Katui, and the necessity to upgrade Maitahi Road as	Acknowledged - Rakau Rangatira a key collaborative project with iwi/agencies/communities to mitigate and improve visitor flows and infrastructure issues.

		well as the Trounson Park/Donnelly's Crossing/SH12 connection.	
	Pg 87 6.3.3 Major themes that lie outside the scope of the investigation – cogovernance, inclusion of private lands in national parks	The Kaipara District Council fully supports Te Roroa being an equal partner in a co-governance role.	Support noted, but co-governance and management of national park outside scope of investigation.
KAURI COAST FOUR WHEEL DRIVE CLUB - DARGAVILLE BY HAND, 14 JUNE 2011	Pp 82-83 Overview of submissions	Supportive of national park proposal	Support for national park noted
	Pp 44, 77, 85 – Rakau Rangatira	Will attract more tourists, but will also mean associated visitor infrastructure costs	Acknowledged - Rakau Rangatira a key collaborative project with iwi/agencies/communities to mitigate and improve visitor flows and infrastructure issues.
KAURI MUSEUM – MATAKOHE BY EMAIL, 18 JULY 2011	Pp 82-83 Overview of submissions	Supportive of national park proposal	Support for national park noted
	Pg 84, 6.3.1 Tourism and Economic Benefits, see also pg 39, 4.3 – Social, Cultural, Economic, Recreational assessment	Positive economic benefits	Potential economic benefits of national park noted
	Page 36 Criteria 6(c)(ii): Features that have no equivalent in a national park, see also page 84, 6.3.1 Natural, historic, cultural values and scenic quality	Would add to representativeness of New Zealand's national park network	Potential to add to representativeness of New Zealand's national park network noted
MINISTRY OF AGRICULTURE, FORESTRY AND FISHERIES (NOW MINISTRY FOR PRIMARY INDUSTRIES) BY EMAIL, 21 JULY 2011	Pp 82-83 Overview of submissions	Neutral with regards to national park proposal	Neutral position noted
	Pp76 Kauri Dieback, pg 77 Rakau Rangatira, and pg 86 Kauri Dieback Disease/PTA	Concerns raised vis a vis PTA about potential for an increased risk posed by increased visitor numbers to the National Park and therefore the importance of managing the risk.	Acknowledged - A key focus of the Rakau Rangatira project is to ensure that the upgrade of visitor facilities (boardwalks, new track layout) improves protection of the iconic kauri trees. This work is integrated closely with the Kauri Dieback Management Team.
	Pg 21 Non-commercial gathering of freshwater fish and eels.	Ministry of Fisheries (MFish) cautioned that the national park proposal should not erode any fisheries rights accorded to Te Roroa via the Fisheries Deed of Settlement.	Acknowledged - Te Roroa whānau who wish to undertake non-commercial gathering of freshwater fish and eels to feed whānau are able to apply for a permit under the National Parks Act
MINISTRY OF ECONOMIC DEVELOPMENT BY EMAIL, 22 JULY 2011	Pp 82-83 Overview of submissions	Not supportive of national park proposal in current form	Opposition to national park proposal noted
	Pg 85 Tourism and Economic Benefits – need for detailed cost-benefit analysis, see also pg 39 – Social, Cultural, Economic, Recreational assessment	Would prefer to see a detailed cost benefit analysis of the proposal setting out the economic impacts (in addition to the social and environmental impacts as set out in the proposal) of a range of options e.g. status quo, creation of a new national park, alignment of land protection status etc.	Concern regarding need for detailed cost-benefit analysis noted
MINISTRY FOR THE ENVIRONMENT BY HAND, 12 JULY 2011	Pp 82-83 Overview of submissions	No comment	No comment noted
MOMOTA, HELEN BY EMAIL, 18 JULY 2011	Pp 82-83 Overview of submissions	Supportive of national park proposal, because of added protection, research and funding which will be directed towards the site	Support for national park noted
MONRO, PAT BY MAIL, 20 JUNE 2011	Pp 82-83 Overview of submissions	Supportive of national park proposal	Support for national park noted
	Pg 86, 6.3.2 – Funding for Pest Control	Wants to see increased funding for predator control and management of Kauri Dieback.	Acknowledged - A number of the areas in the proposed park are already identified as priority areas for DOC, including icon visitor destinations (Waipoua Forest) and high priority ecosystems (Trounson, Waipoua and Maitahi). This high priority status will ensure that these areas are managed to protect key values. If additional funding was allocated as part of

			establishing the park, this would enhance existing work programmes and help make the new park a national conservation showcase close to Auckland
NELSONS' KAIHU KAURI BY EMAIL, 19 JULY 2011	Pp 82-83 Overview of submissions	Not supportive of national park proposal as forests will be "locked up forever"	Opposition to national park proposal noted
	Pp 44, 77, 85 – Rakau Rangatira	Concerns about visitor infrastructure	Acknowledged - Rakau Rangatira a key collaborative project with iwi/agencies/communities to mitigate and improve visitor flows and infrastructure issues.
	Pg 76, pg 86 – Kauri Dieback disease/PTA	Concerns about Kauri Dieback - wishes to fell dead kauri and funds from this felling be invested back in conservation.	Acknowledged - The Department is working closely with the Kauri Dieback Management Team, although the dead kauri will not be felled
NEW ZEALAND DEERSTALKERS ASSOCIATION INCORPORATED BY EMAIL, 18 JULY 2011	Pp 82-83 Overview of submissions	Not supportive of national park proposal	Opposition to national park proposal noted
	Pg 87 6.3.3 Major themes that lie outside the scope of the investigation – cogovernance,	Opposed to the idea of co-governance of the national park due to concerns that co-governance with DOC should not be ' <i>...played out for the first crucial time ... in the development of a national park</i> '; and also because of concerns about Te Roroa's ability to manage and govern the Waipoua Forest.	Opposition to co-governance noted but Co-governance and management of national park outside scope of investigation
	Pp25 Criteria 6 (a-c) of General Policy for National Parks, pp64-65 criteria 6 (i) (iv)	Investigation area does not fulfill any of the land size, contiguity and integrity matters set out in S6 of the general policy on national parks, in particular especially 6(b), 6(c)(i) and 6(l)(IV).	Disagree - the lands included in the Kauri National Park Proposal are assessed as meeting the criteria for inclusion in a national park in accordance with the General Policy for National Parks 2005 and the National Park Act 2008. Specifically: Criteria 6 (b) the lands in the investigation area meet the criteria for size Criteria 6 (c)(i) the lands in the investigation area are capable of regeneration Criteria 6 (i) (iv) the lands in the investigation area contain natural features, including the pristine Waipoua and Wairau River systems and iconic giant kauri.
	also pg 39 – Social, Cultural, Economic, Recreational assessment, see also page 85 Visitor impacts Pp 44, 77, 85 – Rakau Rangatira	Concerns about negative impacts of increased tourism	Acknowledged - A cohesive and integrated management plan, which documents strategies for a collective approach to managing the proposed national park, would enable Te Roroa, the wider community, DOC and all other relevant local, regional and national agencies to work together proactively and effectively to maximise opportunities, allow all affected parties to benefit, and address any implications arising. Rakau Rangatira is also a key collaborative project with iwi/agencies/communities to mitigate and improve visitor flows and infrastructure issues.
Pg 21 - section 4.3(d) of the General Policy on National Parks specifying the eradication of pest species.	Objects to the notion that under national park status pests (pigs) should be subject to eradication as they are the only significant hunting resource	Disagree - Hunting introduced pigs and goats for food is in accordance with DOC's pest management strategies, and will not be affected by national park status. Te Roroa are aware of, and agree with, section 4.3(d) of the General Policy on National Parks specifying the eradication of pest species.	
NEW ZEALAND HISTORIC PLACES TRUST BY EMAIL, 15 JULY 2011	Pp82-83 Overview of Submissions	Supportive of national park proposal.	Support for national park noted.
	Pg 87 6.3.3 Major themes that lie outside the scope of the investigation – cogovernance	Sees co-governance with Te Roroa as "desirable"	Support noted, but co-governance beyond scope of investigation.

	Pg 86 Wāhi Tapu, Wāhi Taonga	Notes unique historic and cultural qualities of investigation area meet the criteria for the establishment of a new national park	Acknowledged - As part of the Rakau Rangatira project, DOC is working closely with Te Roroa to identify appropriate cultural and historical heritage that is available for public interpretation around the main stands of kauri. Further work will be undertaken with both Te Roroa and the NZHPT to find appropriate ways to protect and enhance cultural, archaeological and historical heritage within the proposal.
NEW ZEALAND INSTITUTE OF FORESTRY BY EMAIL 18 JULY 2011	Pp82-83 Overview of Submissions	Supportive of national park proposal.	Support for national park noted.
	Pg 45 Concessions	Wishes to have continued access to lands in investigation area for the acquisition of breeding material (including seeds, genetic material and vegetative material) from kauri and other indigenous species in the park; and for purposes of harvesting and restocking of harvested stands.	Acknowledged - Policy 11 of the General Policy for National Parks – Concessions and permits, including for scientific research will continue to be allowed should the proposed Kauri National Park proceed, provided conservation values are protected. Te Roroa Manawhenua Trust and DOC (in accordance with the Deed of Settlement, Settlement Act and the Te Tarehu protocol) currently work together to assess concession applications; national park status will not change this. There is an anticipated increase in applications for concessions should the proposed Kauri National Park advance.
NEW ZEALAND NATIVE FORESTS RESTORATION TRUST (ADJACENT LANDOWNER) BY EMAIL, 28 JULY 2011	Pp82-83 Overview of Submissions	Conditional support for Kauri National Park Proposal	Conditional support for Kauri National Park Proposal
	Pg 87 6.3.3 Major themes that lie outside the scope of the investigation – inclusion of private lands in national park	Wishes to see multiple tenure lands included in national park to fulfil restoration and management needs	Inclusion of private lands beyond scope of investigation.
	Pg 87 6.3.3 Major themes that lie outside the scope of the investigation – cogovernance	Co-governance including community is essential for national park	Support noted, but co-governance beyond scope of investigation.
	Pg 86, 6.3.2 – Funding	Adequate resources must be provided for restoration and management	Acknowledged - A number of the areas in the proposed park are already identified as priority areas for DOC, including icon visitor destinations (Waipoua Forest) and high priority ecosystems (Trounson, Waipoua and Maitahi). This high priority status will ensure that these areas are managed to protect key values, and that visitor facilities, such as car parks, toilets and walking tracks, are maintained to a high standard. If additional funding was allocated as part of establishing the park, this would enhance existing work programmes and help make the new park a national conservation showcase close to Auckland.
NGAKURU, WILL BY EMAIL,	Pp 82-83 Overview of submissions	Not supportive of national park proposal	Opposition to national park proposal noted
	Pg 87 6.3.3 Major themes that lie outside the scope of the investigation – cogovernance	Co-governance with Te Roroa essential for national park	Support noted, but co-governance beyond scope of investigation.
NORTHLAND CONSERVATION BOARD	Pp 82-83 Overview of submissions	Support in principle for national park proposal	Support in principle for national park proposal
	Pg 86, 6.3.2 – Funding	Concerns that sufficient resources are provided to the Department to manage a National Park.	Acknowledged - A number of the areas in the proposed park are already identified as priority areas for DOC, including icon visitor destinations (Waipoua Forest) and high priority ecosystems (Trounson, Waipoua and Maitahi). This high priority status will ensure that these areas are managed to protect key values, and that visitor facilities, such as car parks, toilets and walking tracks, are maintained to a high

			standard. If additional funding was allocated as part of establishing the park, this would enhance existing work programmes and help make the new park a national conservation showcase close to Auckland.
	Pp 47, 77, 85, 86 Rakau Rangatira project	Concerns at the impact on the conservation values of the proposed site from an increase and potential exploitation of the area from visitors.	Acknowledged - Rakau Rangatira project includes improvement of visitor experiences and infrastructure and mitigation of any negative impacts
NORTHLAND FISH AND GAME COUNCIL BY EMAIL, 8 AUGUST 2011	Pp 82-83 Overview of submissions	Support for national park proposal	Support for national park proposal noted
NORTHLAND REGIONAL COUNCIL BY EMAIL 18 JULY 2011	Pp 82-83 Overview of submissions	Support for national park proposal	Support for national park proposal noted
	Pg 84, 6.3.1 Tourism and Economic Benefits, see also pg 39, 4.3 – Social, Cultural, Economic, Recreational assessment	Can see the potential benefits of national park particularly tourism	Potential economic benefits of national park noted
	Page 63 criteria 6(j) Foreshore and the Coastal Marine Area – see maps also at page 59 (Wairau River) and page 60 (Ohae Stream)	Query as to whether any part of the Coastal Marine Area is included - In particular confirmation of whether or not the proposal includes that part of the Wairau or Ohae Rivers (or any other area) within the CMA.	Foreshore is specifically excluded from the investigation. The seaward boundary of the proposal in the Wairau River catchment lies upstream of the coastal marine area boundary. As land titles are defined by the river (where this is non-navigable), application of the <i>ad medium filum aquae</i> rule means the lower part of the river bed is now owned by Te Roroa as a result of the Settlement Act. If the bed of the Ohae Stream is included in the park, the boundary would coincide with the cross-river boundary (at about the ford).
	Pg 87 6.3.3 Major themes that lie outside the scope of the investigation – cogovernance	Supportive of co-governance	Support noted, but co-governance beyond scope of investigation.
NEW ZEALAND TRANSPORT AGENCY BY EMAIL, 21 JULY 2011	Pp 82-83 Overview of submissions	Neutral with regards to national park proposal	Neutral position noted
	Pg 77 Chapter 5.4	NZTA looks forward to working collaboratively with the Department and others to put in place an appropriate transport system, and create the community participation and development goals that all seek for the area and region	The Department also looks forward to continuing to work closely with NZTA in particular on the Rakau Rangatira project to improve visitor experiences in and around Waipoua Forest. The project models a collaborative approach with other infrastructure and service providers, including the Far North and Kaipara District Councils, Northland Regional Council, Destination Northland, and the New Zealand Transport Agency.
PANCKHURST, DAVE BY EMAIL, 12 JULY 2011	Pp 82-83 Overview of submissions	Conditional support for national park proposal	Conditional support for national park proposal noted
	Pg 87 6.3.3 Major themes that lie outside the scope of the investigation – cogovernance	Supportive of a DOC, iwi, community shared management model	Support noted, but co-governance and management of national park beyond scope of investigation
	Pg 35 Criteria 6(b): Size and fragmentation	Supports Waipoua Forest's inclusion in national park, and Trounson Kauri Park Scenic Reserve, but unsure of other outliers	The parcels of land are related by their relationship with the iconic kauri and their physical proximity. Integrating them into one national park protects the ecological integrity and biodiversity values of habitat that stretches from the coast to upland forests and provides important wildlife corridors.
ROYAL FOREST AND BIRD PROTECTION SOCIETY (FOREST AND BIRD), NATIONAL OFFICE, AUCKLAND	Pp 82-83 Overview of submissions	Opposed to national park proposal	Opposition noted
	Pp25-35 Discussion of criteria, pg 5 Conclusions	Pp1-2 Meets criterion 6 (a) (i) scenery, 6 (a) (ii) ecosystems, natural features	Agree – the report concludes that the tracts of land investigated meet these criteria.
	Pp 36-39 Discussion of criteria 6 (c)	Pp3 Unclear whether this national park	Disagree - Criteria 6(c)(i): Approximately forty

		proposal meets criteria for: Criteria 6(c)(i): Modified areas capable of regeneration;	percent of the investigation area has been modified, but is capable to some extent of regeneration, including the rare gumlands of the Maitahi Wetland Scientific Reserve, and Ohae and Kawerua in the western parts of the Waipoua Forest tract. Adjoining Waipoua Forest to the south, the Gorrie, Donnelly's Crossing and Marlborough Road Scenic Reserves are also regenerating native forest areas.
	Pp 36-39 Discussion of criteria 6 (c), pg 71 4.10 Conclusions	Pp3 Unclear whether this national park proposal meets criteria for: Criteria 6(c)(ii): Features that have no equivalent in a national park	Disagree - The Waipoua Forest Tract contains the last largely unlogged kauri forests in the area, along with a complex mosaic of shrublands and forests, including kauri. Forest in Trounson Kauri Park Scenic Reserve is of high quality and Maitahi Wetland Scientific Reserve, an isolated relict wetland ecosystem, is ecologically valuable and historically interesting and contributes significantly to the overall proposal, providing a rare example of remnant gumland. The tracts of land investigated provide a unique series of ecological and landscape features that are not otherwise represented in any existing national park in New Zealand, particularly the majestic kauri.
	Pg 35 Criteria 6(b): Size and fragmentation, see also pg 71, Chapter 4.10 Findings and Recommendations	Forest & Bird considers that as this national park proposal is less than 20% of that recommended by the NZCA in 1995, it is insufficient to meet criterion 6 (b) - size	Disagree - While it is small in relative terms to other national parks, it is perfectly formed, providing a perfect mix of outstanding ecological, historic and landscape features found only in Northland..
	Pg 87 6.3.3 Major themes that lie outside the scope of the investigation – inclusion of private lands in national park Pg 87 – Alternatives to National Park status	Wants to see inclusion of lands in private tenure in national park or option of National Reserve	Inclusion of private lands or option of national reserve beyond scope of investigation.
	pg 86 Wider boundaries for proposed Kauri National Park, pg 13 2.4 Rationale for Selection of lands	Wants to see expansion of a Kauri National Park as other Iwi settle their treaty claims.	General Policy for National Park also allows for additional land to be added at a later date following Treaty settlements and Te Roroa have consistently put forward that they support, through due process, the opportunity for further parcels of land to be added to the park as advances with other Treaty settlements are completed.
ROYAL FOREST AND BIRD PROTECTION SOCIETY (FOREST AND BIRD), THAMES-HAURAKI BRANCH BY MAIL, 15 JULY 2011	Pp 82-83 Overview of submissions	Support for national park proposal	Support for national park proposal noted
	Pg 42 criteria 6 (e) economic implications	Notes ability to store carbon in national park as it will not be harvested	Agree - Commercial forestry operations are not possible because Waipoua Forest and the surrounding public conservation land are held for conservation purposes.
ROYAL FOREST AND BIRD PROTECTION SOCIETY (FOREST AND BIRD), UPPER COROMANDEL BRANCH BY MAIL, 5 JULY 2011	Pp 82-83 Overview of submissions	Support for national park proposal	Support for national park proposal noted
	Pg 84, 6.3.1 Tourism and Economic Benefits, see also pg 39, 4.3 – Social, Cultural, Economic, Recreational assessment	National Park status will enhance the area for tourism	Potential economic benefits of national park status noted
	Pp 36-39 Discussion of criteria 6 (c), pg 71 4.10 Conclusions	National Park status will provide a Park with a completely different focus to the other National Parks within New Zealand.	Agree - The Waipoua Forest Tract contains the last largely unlogged kauri forests in the area, along with a complex mosaic of shrublands and forests, including kauri. Forest in Trounson Kauri Park Scenic Reserve is of high quality and Maitahi Wetland Scientific Reserve, an isolated relict wetland ecosystem, is ecologically valuable and historically interesting and contributes significantly to the overall

			proposal, providing a rare example of remnant gumland. The tracts of land investigated provide a unique series of ecological and landscape features that are not otherwise represented in any existing national park in New Zealand, particularly the majestic kauri
ROYAL FOREST AND BIRD PROTECTION SOCIETY (FOREST AND BIRD), NORTHERN BRANCH, WHANGAREI BY EMAIL 16 JULY 2011	Pp 82-83 Overview of submissions	Against national park proposal	Opposition noted
	Pg 86, 6.3.2 – Funding	Concerns about whether the Department will be given necessary resources to establish and maintain a national park especially as staff numbers are being reduced in Department	Acknowledged - A number of the areas in the proposed park are already identified as priority areas for DOC, including icon visitor destinations (Waipoua Forest) and high priority ecosystems (Trounson, Waipoua and Maitahi). This high priority status will ensure that these areas are managed to protect key values, and that visitor facilities, such as car parks, toilets and walking tracks, are maintained to a high standard.
	Pp76 Kauri Dieback, pg 77 Rakau Rangatira, and pg 86 Kauri Dieback Disease/PTA	Concerns raised vis a vis PTA about potential for an increased risk posed by increased visitor numbers to the National Park and therefore the importance of managing the risk.	Acknowledged - A key focus of the Rakau Rangatira project is to ensure that the upgrade of visitor facilities (boardwalks, new track layout) improves protection of the iconic kauri trees. This work is integrated closely with the Kauri Dieback Management Team.
	Pg 87 6.3.3 Major themes that lie outside the scope of the investigation – cogovernance, WAI 262 report	Supports co-governance findings of WAI 262 report	Support noted, but co-governance and WAI 262 report beyond scope of this investigation
	Pg 51, 4.4.2 Joint Working Group process	Why was there no consultation with iwi prior to release of public discussion paper?	A Joint Working Group of Te Roroa and DOC worked together in accordance with the provisions of Te Tarehu protocol of the Settlement Act on this investigation, including the public discussion paper
RURU JACINTA BY EMAIL, 17 JULY 2011	Pp 82-83 Overview of submissions	Conditional support for national park proposal	Conditional support for national park proposal noted
	Pg 87 6.3.3 Major themes that lie outside the scope of the investigation – cogovernance	Supports co-governance model for national park implemented	Support for co-governance noted but outside scope of investigation.
RUSSELL LAND CARE TRUST BY EMAIL, 17 JULY 2011	Pp 82-83 Overview of submissions	Support for national park proposal	Support for national park proposal noted
	pg 86 Wider boundaries for proposed Kauri National Park, pg 13	Wants to see other parcels of conservation land – Russell Forest etc included in a kauri national park	Acknowledged - General Policy for National Park also allows for additional land to be added at a later date following Treaty settlements and Te Roroa have consistently put forward that they support, through due process, the opportunity for further parcels of land to be added to the park as advances with other Treaty settlements are completed.
RUST, SEABOURNE AND YANAKOPOLOS, DIANE BY MAIL, 7 JULY 2011	Pp 82-83 Overview of submissions	Support for national park proposal	Support for national park proposal noted
	pg 86 Wider boundaries for proposed Kauri National Park	Wants to see other parcels of conservation land – Waima, Waoku Plateau	Acknowledged - General Policy for National Park also allows for additional land to be added at a later date following Treaty settlements and Te Roroa have consistently put forward that they support, through due process, the opportunity for further parcels of land to be added to the park as advances with other Treaty settlements are completed.
	Pp 47, 77, 85, 86 Rakau Rangatira project	Concerns about negative impacts of	Acknowledged - Rakau Rangatira is a key project to

		increased visitors	mitigate increase in visitor numbers, management and infrastructure issues.
	Pg 84 Funding for pest control and conservation management	Concerns about adequate funding for national park	Acknowledged - A number of the areas in the proposed park are already identified as priority areas for DOC, including icon visitor destinations (Waipoua Forest) and high priority ecosystems (Trounson, Waipoua and Maitahi). This high priority status will ensure that these areas are managed to protect key values, and that visitor facilities, such as car parks, toilets and walking tracks, are maintained to a high standard.
SCOTT, GERAINT BY EMAIL, 14 JUNE 2011	Pp 82-83 Overview of submissions	Support for national park proposal	Support for national park proposal noted
SHEPHERD, PETER BY EMAIL, 19 JULY 2011	Pp 82-83 Overview of submissions	Support for national park proposal	Support for national park proposal noted
	pg 86 Wider boundaries for proposed Kauri National Park	Wants to see other parcels of conservation land in Northland included in Kauri National Park	Acknowledged - General Policy for National Park also allows for additional land to be added at a later date following Treaty settlements and Te Roroa have consistently put forward that they support, through due process, the opportunity for further parcels of land to be added to the park as advances with other Treaty settlements are completed.
STANILAND, JOHN BY EMAIL, 18 JULY 2011	Pp 82-83 Overview of submissions	Support for national park proposal	Support for national park proposal noted
	pg 86 Wider boundaries for proposed Kauri National Park	Wants to see other parcels of conservation land in Northland included in Kauri National Park –particularly Pukekaroro Scenic Reserve near Kaiwaka	Acknowledged - General Policy for National Park allows for additional land to be added at a later date following Treaty settlements and Te Roroa have consistently put forward that they support, through due process, the opportunity for further parcels of land to be added to the park as advances with other Treaty settlements are completed.
STRATERRA BY EMAIL, 22 JULY 2011	Pp 82-83 Overview of submissions	Support for national park proposal	Support for national park proposal noted
	Pg 84 Funding for pest control and conservation management	Notes higher priority for management by the Department, which is important because of the risks of pests and diseases	A number of the areas in the proposed park are already identified as priority areas for DOC, including icon visitor destinations (Waipoua Forest) and high priority ecosystems (Trounson, Waipoua and Maitahi). This high priority status will ensure that these areas are managed to protect key values. If additional funding was allocated as part of establishing the park, this would enhance existing work programmes and help make the new park a national conservation showcase close to Auckland.
	Pg 84, 6.3.1 Tourism and Economic Benefits, see also pg 39, 4.3 – Social, Cultural, Economic, Recreational assessment	Notes potential for more tourism with positive flow-on benefits to the Northland economy.	Potential economic benefits of national park noted
	Pp39, 43 Criteria 6 (e) economic implications	Notes these benefits can be achieved with no loss in terms of alternative resource-based economic opportunities	Agree
TE ROROA MANAWHENUA TRUST (TANGATA WHENUA AND ADJACENT LAND OWNER) BY HAND 18 JULY 2011	Pp 82-83 Overview of submissions	Against national park proposal	Opposition noted

	Pg 63 Criteria 6(j): Foreshore and the coastal marine area	Pg 3, para 1.2.5., Concern that under Section 11 of the National Parks Act, foreshore excluded from a national park investigation can be disposed of by the Crown.	Acknowledged - Foreshore was specifically excluded from investigation to allow Te Roroa to seek determination of customary title or customary rights in the marine and coastal area in accordance with the Marine and Coastal Area (Takutai Moana) Act. Section 11(1) of the NPA provides that no land in a national park can be excluded from that park except by special Act of Parliament. For foreshore to be excluded from a national park it would first have to be investigated and made national park, which is contrary to the current proposal.
	Pg 60-61, Criteria 6 (j) Rivers	Disagrees with page 33 of Kauri National Park Proposal Public Discussion Paper that the Waipoua riverbed downstream from State Highway 12 should become part of the proposed Kauri National Park as most of that riverbed was not sold to the Crown, but rather became the boundary between Crown land and Waipoua 2 Block, the Waipoua Native Reserve. Under customary law the unsold riverbed continues to belong to Te Roroa; under common law the presumption of <i>ad medium filium</i> , ownership to mid-stream applies.	Acknowledged - The lower reaches of the Waipoua River run through Te Roroa lands to the west of the proposal, but between SH12 and Te Roroa's Te Taiawa covenant, the legal boundary of the Waipoua Forest is defined by the river. Te Roroa owns the land opposite and by application of the <i>ad medium filium aquae</i> rule, each owns the river to its midline. The most appropriate option for this boundary is to exclude the wet riverbed.
	Pg 14, 2.4.2. Outstanding Treaty of Waitangi Claims	All Treaty of Waitangi claims affecting the proposal have been satisfactorily settled.	Acknowledged - Despite careful selection of land to include in this proposal, two current Treaty claims relate to the investigation area.
	Page 2.4 – Rationale for Selection Page 66 - Criteria 6(i)(i) Avoiding adverse effects, also pg 85-86 Wāhi tapu/wāhi taonga	All discrete wāhi tapu sites and cultural sites of importance have been excluded from the proposal to the satisfaction of Te Roroa	The selection of lands to include in this investigation was made by a joint DOC and Te Roroa Manawhenua Trust working group, set up in 2009 as a requirement of section 59 of the Settlement Act. The Department is currently working with Te Roroa (outside of current investigation process) to address protection of cultural and historic values in Waipoua Forest and coastal area
	Page 2.4 – Rationale for Selection	The boundaries of the proposed Kauri National Park, or its replacement, are acceptable to Te Roroa.	The selection of lands to include in this investigation was made by a joint DOC and Te Roroa Manawhenua Trust working group, set up in 2009 as a requirement of section 59 of the Settlement Act. Any review of the boundaries of this national park proposal would also include a Joint Working Group process in accordance with 5.6.3 of Te Tarehu Protocol.
	Pg 85 Tourism and Economic Benefits – need for detailed cost-benefit analysis, see also pg 39 – Social, Cultural, Economic, Recreational assessment	A satisfactory costs/benefits analysis of the proposal, or its replacement, encompassing all socio-economic effects and which demonstrates benefits over costs has been obtained.	Concern regarding need for detailed cost-benefit analysis noted
	Pg 85 Tourism and Economic Benefits – need for detailed cost-benefit analysis, see also pg 39 – Social, Cultural, Economic, Recreational assessment	A satisfactory Environmental Impact Assessment of the proposal, or its replacement has been obtained.	Concern regarding need for detailed cost-benefit analysis noted
	Pg 87 6.3.3 Major themes that lie outside the scope of the investigation – cogovernance,	Government has provided a commitment to Crown/Te Roroa co-governance in the proposal, or its replacement.	Te Roroa's view on co-governance and management of national park are acknowledged but outside the scope of this investigation
	Pg 87 6.3.3 Major themes that lie outside the scope of the investigation – cogovernance, WAI 262 report	Government has accepted the recommendations of the Waitangi Tribunal in the WAI 262 Report.	Support noted, but consideration of WAI 262 report beyond scope of this investigation

	Pp 68 Statutory Planning for Conservation	A review of the Northland Conservation Management Strategy has been completed.	Acknowledged but this investigation process is a statutory process under the National Parks Act. A review of the Northland CMS will not be completed until June 2014 in accordance with the statutory process outlined in the Conservation Act.
	Page 2.4 – Rationale for Selection	Page 4 - 6.2 THAT once the proposal, or its replacement is able to progress further an amended discussion paper be compiled under the joint authorship of Te Roroa and Department of Conservation.	The selection of lands to include in this investigation was made by a joint DOC and Te Roroa Manawhenua Trust working group, set up in 2009 as a requirement of section 59 of the Settlement Act. This Joint Working Group process can be reconvened as appropriate.
TE RUNANGA O NGATI HINE BY EMAIL, 19 JULY 2011	Pp 82-83 Overview of submissions Pg 87 6.3.3 Major themes that lie outside the scope of the investigation – cogovernance,	Against national park proposal without full approval of hapu and mana i te whenua, support for co-governance	Opposition to national park in current form noted. Co-governance and management of national park are acknowledged but outside the scope of this investigation
TE RUNANGA O TE RARAWA, BY HAND, 6 JULY 2011	Pp 82-83 Overview of submissions Pg 87 6.3.3 Major themes that lie outside the scope of the investigation – cogovernance,	Against national park proposal unless provision for co-governance	Opposition to national park in current form noted. Co-governance and management of national park are acknowledged but outside the scope of this investigation
TE URI O HAU BY EMAIL, 15 JULY 2011	Pp 82-83 Overview of submissions Pg 87 6.3.3 Major themes that lie outside the scope of the investigation – cogovernance,	Support Te Roroa in whatever decisions they make with regards to management for this proposal	Opposition to national park in current form noted. Co-governance and management of national park are acknowledged but outside the scope of this investigation
TOORENBURG, LOUIS BY EMAIL, 18 JULY 2011	pg 86 Wider boundaries for proposed Kauri National Park	Wants to see inclusion of Waima Forest in national park proposal	Acknowledged - General Policy for National Park allows for additional land to be added at a later date following Treaty settlements and Te Roroa have consistently put forward that they support, through due process, the opportunity for further parcels of land to be added to the park as advances with other Treaty settlements are completed.
WAIPOUA FOREST TRUST (ADJACENT LANDOWNER) BY EMAIL, 25 AUGUST 2011	Pp 82-83 Overview of submissions	Conditional support for national park proposal	Conditional support for national park proposal noted
	Pg 87 6.3.3 Major themes that lie outside the scope of the investigation – cogovernance, inclusion of private lands in national parks, national reserve	Page 21 Recommendation 1 - 3 Would like to see amendment to National Park Act legislation to allow for co-governance, including tripartite iwi-Waipoua Forest Trust/New Zealand Native Forest Trust-Department management model r	Support for co-governance and management noted, but co-governance, and management of national park outside scope of investigation
	Pg 87 6.3.3 Major themes that lie outside the scope of the investigation – inclusion of private lands in national parks, national reserve	Page 21 Recommendation 4 – 6, 15 Also wants inclusive tenure for national park – private lands, lands in other titles, national reserve option	Inclusion of private lands, or lands in other tenure, or establishment of a national reserve beyond scope of investigation.
	Pg 84 Funding for pest control and conservation management	Page 21 Recommendation 7-10 Wishes to see guaranteed funding for restoration and national park	Acknowledged - A number of the areas in the proposed park are already identified as priority areas for DOC, including icon visitor destinations (Waipoua Forest) and high priority ecosystems (Trounson, Waipoua and Maitahi). This high priority status will ensure that these areas are managed to protect key values, and that visitor facilities, such as car parks, toilets and walking tracks, are maintained to a high standard. If additional funding was allocated as part of establishing the park, this would enhance existing

			work programmes and help make the new park a national conservation showcase close to Auckland.
	Pp 47, 77, 85, 86 Rakau Rangatira project	Pp9-11 Concerns about impact of increased recreation on sensitive sites in investigation area including wāhi tapu and ecologically sensitive areas	Noted - Rakau Rangatira a key project to mitigate environmental and infrastructure issues.
	Page 66 - Criteria 6(i)(i) Avoiding adverse effects, also pg 85-86 Wāhi tapu/wāhi taonga		Acknowledged - Department currently working with Te Roroa (outside of current investigation process) to address protection of cultural and historic values in Waipoua Forest.
WATKINS, TONY BY EMAIL, 16 JULY 2011	Pp 82-83 Overview of submissions	Support for national park proposal	Support for national park proposal noted
WEST COAST TE TAI POUTINI CONSERVATION BOARD BY EMAIL, 15 JULY 2011	Pp 82-83 Overview of submissions	Support for national park proposal	Support for national park proposal noted
	Pg 66, 67 - Criteria 6(i)(v): Efficient management	Queried inclusion of Maitahi Wetland Scientific Reserve due to lack of public access and distance from main Waipoua Forest Tract	Further investigation confirmed that Maitahi Wetland Scientific Reserve has open access. The Maitahi Wetland Scientific Reserve is currently managed as an integral and integrated ecosystem with other public conservation lands in the proposal.
WINCH, MICHAEL	Pp 82-83 Overview of submissions	Conditional support for national park proposal	Conditional support for national park proposal noted
	pg 86 Wider boundaries for proposed Kauri National Park	Once Treaty claims are settled, wants to see inclusion of Puketi-Omahuta in national park proposal	Acknowledged - General Policy for National Park allows for additional land to be added at a later date following Treaty settlements and Te Roroa have consistently put forward that they support, through due process, the opportunity for further parcels of land to be added to the park as advances with other Treaty settlements are completed.
	Pg 84 Funding for pest control and conservation management	Wishes to see guaranteed funding for restoration and national park, particularly given Department funding cuts	Acknowledged - A number of the areas in the proposed park are already identified as priority areas for DOC, including icon visitor destinations (Waipoua Forest) and high priority ecosystems (Trounson, Waipoua and Maitahi). This high priority status will ensure that these areas are managed to protect key values, and that visitor facilities, such as car parks, toilets and walking tracks, are maintained to a high standard. If additional funding was allocated as part of establishing the park, this would enhance existing work programmes and help make the new park a national conservation showcase close to Auckland.

TE ROROA DEED OF SETTLEMENT: SCHEDULES**1: RELATIONSHIP REDRESS: TE TAREHU****TE TAREHU****1. Description of Area**

- 1.1 The area over which Te Tarehu is created is part of the area known as the Waipoua Forest as shown A on SO 354589.

2. Preamble

- 2.1 Pursuant to section [] of the [Settlement Legislation] (clause 8.15.2 of the Deed of Settlement), the Crown acknowledges the statement by Te Roroa of their cultural, spiritual, historic and/or traditional values relating to Waipoua Forest, as set out below.
- 2.2 For the avoidance of doubt, the DOC Protocol (clause 8.1 of the Deed of Settlement) applies in relation to Te Tarehu. Where the provisions of the DOC Protocol and Te Tarehu are inconsistent, the provisions of Te Tarehu prevail.

3. Te Roroa Values

- 3.1 Waipoua Forest is a taonga and wahi tapu to Te Roroa of fundamental cultural, ecological and religious significance, parts of which were regarded by Te Roroa tupuna as "wahi tino tapu, whenua rahui".
- 3.2 In the Waipoua Valley, the settlement pattern encompassed three zones: the pa on the high ridges, the fertile lower slopes and river terraces, and the coastal flats. Topographical features were made more indelible by stories of tupuna involved in naming the many places.
- 3.3 The isolation of Waipoua has been a contributing factor to the unassailed position Te Roroa has held in respect of their manawhenua, manamoana and manatupuna.
- 3.4 Waipoua Forest contains specific taonga and wahi tapu including the kauri trees, urupa and kainga tupuna, as well as traditional resources.
- 3.5 Te Roroa are the kaitiaki of Waipoua Forest and everything in it and assert that they maintain tino rangatiratanga over the Forest.

4. Protection Principles

- 4.1 The following Protection Principles are directed at the Minister of Conservation avoiding harm to, or the diminishing of, the Te Roroa Values related to Te Tarehu:
- 4.1.1 Protection of wahi tapu, indigenous flora and fauna and the wider environment within Waipoua Forest;
- 4.1.2 Recognition of the mana, kaitiakitanga and tikanga of Te Roroa within Waipoua Forest;

TE ROROA DEED OF SETTLEMENT: SCHEDULES

1: RELATIONSHIP REDRESS: TE TAREHU

- 4.1.3 Respect for Te Roroa tikanga within Waipoua Forest;
- 4.1.4 Encouragement of respect for the association of Te Roroa with Waipoua Forest;
- 4.1.5 Accurate portrayal of the association of Te Roroa with Waipoua Forest; and
- 4.1.6 Recognition of the relationship of Te Roroa with wahi tapu, and wahi taonga.

5. Actions by the Director-General of Conservation in relation to specific principles

5.1 Pursuant to clause 8.15.11 of the Deed of Settlement, the Director-General has determined that the following actions will be taken by the Department of Conservation in relation to the specific principles.

5.2 Information

- 5.2.1 Departmental staff, contractors, conservation board members, concessionaires and the public will be provided with information about the Te Roroa Values and the existence of the Tarehu Overlay Area and will be encouraged to respect the Te Roroa association with Waipoua Forest;
- 5.2.2 The Department will work with Te Roroa on the design and location of new signs to discourage inappropriate behaviour, including fossicking, the modification of wahi tapu sites and disturbance of other taonga;
- 5.2.3 The public will be informed that the removal of all rubbish and wastes from Waipoua Forest is required;
- 5.2.4 Te Roroa's association with Waipoua Forest will be accurately portrayed in all new Departmental information and educational material; and
- 5.2.5 Te Roroa Governance Entity will be consulted regarding the provision of all new Departmental public information or educational material, and the Department will only use Te Roroa's cultural information with the consent of the Governance Entity.

5.3 Land and forest management

- 5.3.1 Significant earthworks and disturbances of soil and/or vegetation will be avoided wherever possible;
- 5.3.2 Where significant earthworks and disturbances of soil and/or vegetation cannot be avoided, Te Roroa Governance Entity will be consulted and particular regard will be had to its views, including those relating to koiwi (unidentified human remains) and archaeological sites; and
- 5.3.3 Any koiwi (human remains) or other taonga found or uncovered by the Department will be left untouched and Te Roroa Governance Entity informed as soon as possible to enable Te Roroa to deal with the koiwi or taonga in accordance with their tikanga, subject to any procedures required by law.

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5.3.4 The Department will work with the Governance Entity when drafting a section of the Northland Conservation Management Strategy (CMS) that applies to the Waipoua Forest, including:

- (a) identification of the effects (including adverse and cumulative effects) of different uses of the forest (including concessions);
- (b) how any adverse effects will be managed or minimised (e.g. through the identification of thresholds and limits for different uses of the forest); and
- (c) the care and management of wahi tapu and Te Roroa taonga within the forest.

5.3.5 If the CMS requires the preparation of a Conservation Management Plan for Waipoua Forest, the Department will work with Te Roroa when drafting that Plan.

5.4 Concessions

5.4.1 The Department will:

- (a) provide to the Governance Entity copies of all applications or renewals of applications in the Tarehu Overlay Area;
- (b) seek the input of the Governance Entity when assessing all applications or renewals of applications in the Tarehu Overlay Area by:
 - providing for the Governance Entity to indicate within five Business Days whether applications have any impacts on Te Roroa's cultural, spiritual and historical values; and
 - if the Governance Entity indicates that an application has an impact on Te Roroa's cultural, spiritual and historical values, allowing a reasonable specified timeframe (of at least a further 15 Business Days) for comment;
- (c) have regard to the potential impact of any concession application on the Te Roroa Statement of Values and the Protection Principles and take reasonable steps to avoid or minimise any impact
- (d) prior to a concession being publicly notified, provide separate written notification to the Governance Entity;
- (e) prior to the Minister of Conservation or his/her delegated representative issuing concessions to carry out activities on land managed by the Department within the Waipoua Forest, and following consultation with the Governance Entity, take all reasonable steps to ensure that the concessionaire is informed of Te Roroa tikanga and values;
- (f) when the Minister of Conservation or his/her delegated representative issues concessions giving authority for other parties to carry out

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activities on land administered by the Department, the Department will recommend to the Minister of Conservation or his/her delegated representative to include within the terms of the concession provision for the concessionaire to carry out the activities according to the standards of conservation practice outlined in the ICOMOS New Zealand Charter 1993;

- (g) if requested by the Governance Entity, provide an explanation of the factors recommended to the Minister of Conservation or his/her delegated representative that were taken into account in reaching a decision on any particular concession application; and
- (h) if Te Roroa and the Department are unable to agree on a specific concession application, the Conservator will, if requested by Te Roroa, consider Te Roroa's views before the Minister of Conservation or his/her delegated representative makes a decision on the application.

5.5 Cultural Materials

- 5.5.1 Unless there are special circumstances agreed to by both parties, the Governance Entity shall have access to all cultural materials that become available as a result of departmental operations such as track maintenance or clearance, or culling of species, or when materials become available as a result of roadkill or otherwise through natural causes.
- 5.5.2 After discussion with the Governance Entity, the Department will consider an authorisation under section 30(2) of the Conservation Act to collect certain plants, or a recommendation to the Minister of Conservation for a concession application under Part 3B of the Act, for the Governance Entity to collect other materials of cultural significance on an ongoing basis (e.g. for five year periods), with any terms and conditions necessary to protect conservation values.

5.6 Kauri National Park

- 5.6.1 The Department will immediately inform the Governance Entity of any work by the Department towards changing the legal status of land within the Waipoua Forest, including for the purposes of a National Park (for example, immediately upon the commencement of any work by the Department leading to a recommendation under section 7(2) of the National Parks Act 1980 or any investigation or re-confirmation of an earlier investigation requested by the NZCA under section 8 of that Act).
- 5.6.2 If the Department is requested by the Minister, the NZCA or the Northland Conservation Board to provide a recommendation with regard to any change of land status or new management body for Waipoua Forest, it will convene a working group comprised equally of the Department and the Governance Entity (with other members to be co-opted as may be agreed) to draft a report (including recommendations) to the Director-General.

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- 5.6.3 If the status of the Waipoua Forest changes (e.g. to a National Park) the Department will work with the Governance Entity when developing any new management plan (or equivalent document).