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Stacey Wrenn  
South Marlborough Operations Manager  
Department of Conservation  
[swrenn@doc.govt.nz](mailto:swrenn@doc.govt.nz)  
Cc. [molesworth-allocation@doc.govt.nz](mailto:molesworth-allocation@doc.govt.nz)



## **Federated Mountain Clubs of New Zealand Inc.**

### **Feedback on the Molesworth Recreation Reserve concession tender process**

Kia ora Stacey,

#### **Introduction**

Federated Mountain Clubs of New Zealand was founded in 1931 and advocates for the backcountry and outdoor recreation on behalf of over 23,000 members in 93 clubs as well as individual supporters.

Our organisation has strong interest in the Molesworth Recreation Reserve as an area of diverse strong recreation opportunities. Relatedly, the present tender concession process is of interest.

This letter is to: acknowledge the tender document's elements of caution, including its indicating any concession would be primarily for a licence and that a concession is not a certain outcome of the process; and urge the process ensures accord with the provisions of relevant statutory instruments.

#### **Statutory environment**

Overall statutory substantive and procedural intent relating to Molesworth is clear, especially in relation to the Reserves Act's s17 (Recreation reserves).

#### **Reserves Act and recreation reserves**

The Reserves Act's s3 (General purpose of this Act) states its purpose of preservation and management of natural and recreational values for the benefit and enjoyment of the public.

FMC acknowledges the tender concession document's characterisation of recreation reserves at 1.16, as well as the Act's s17's (Recreation reserves) caveats to such reserves' management for recreation and sporting activities and protection of the natural environment.

We note, however, s17(1): ... *with emphasis on the retention of open spaces and on outdoor recreational activities, including recreational tracks in the countryside.* This strongly suggests that, in the final accounting in administration of recreation reserves, priority should go to protection of natural and recreation values in the reserves.

## **Conservation Act**

Decision-making guidance is clear in the title of s17SB (Minister may decline application that is obviously inconsistent with Act etc); tender and concession application success will depend on alignment with relevant statutory tools' provisions.

## **Conservation General Policy**

There is considerable policy within Conservation General Policy relevant to the Molesworth concession tender. Particularly salient is 11.1 (a): *Any application for a concession or other authorisation will comply with, or be consistent with, the objectives of the relevant Act, the statutory purposes for which the land is held, and any conservation management strategy or plan.*

## **Molesworth Management Plan**

Absence of a new approved plan for Molesworth brings awkwardness to the concession tender process because either: any new concession could be a poor fit for a plan approved after the concession; or a plan approved down the track could be back-formed, inappositely, to accommodate the concession.

Assuming the tender concession process – for a concession of up to 30 years - is to proceed regardless, FMC believes it should be undergone with close regard to the relevant higher-level statutory instruments and building on Molesworth's present direction of travel.

This trajectory is well-described in the 2013 plan's 2.6.1 (Recreational use), where ongoing growth in several recreational spheres is referenced in the then-new plan.

A 4.8 (Recreation) outcome is: *2. Recreation opportunities on Molesworth continue to be enhanced.*

All this is in line with the direction given by Cabinet when in 2005 vesting Molesworth as a recreation reserve. In addition to protecting natural and human heritage there, a principle guiding the reserve's management was to be: *Recreation opportunities must be enhanced.*

The plan's policies, however, establish clear restrictions which would almost certainly be inappropriately constraining in a new approved plan in the present environment of increasing recreational use at Molesworth. That that plan does not yet exist poses difficulty.

As noted above, the least-worse solution is to be closely guided by the higher statutory tools and the current direction of travel at Molesworth, which itself accords with those statutory tools.

(We note the Canterbury Conservation Management Strategy's policy on Molesworth (2.3.22) is *Manage the Molesworth Recreation Reserve, within Canterbury, in accordance with the Molesworth Management Plan 2013.* The Nelson/Marlborough Conservation Management Strategy was published in 1996, before Molesworth became public conservation land.)

## **What now**

The extents of spatial and temporal recreational exclusions enabled under the expiring concession have increasingly caused public concern as recreational use has developed. Given the concession tender process is taking place prior to approval of a Molesworth management plan, need for care, as outlined above, and need for public visibility of that care, are important.

Kā mihi,

Jan Finlayson

Executive member, Top of South committee

Federated Mountain Clubs of New Zealand