

## **Crown Pastoral Land Tenure Review**

**Lease name: GLENFOYLE**

**Lease number: PO 364**

### **Final Report on Public Submissions**

This document builds on the Preliminary Report on public submissions. The analysis determines if an issue that was allowed, and further consulted on, is accepted or not accepted for inclusion in the Substantive Proposal and to what extent. The report complies with the requirements of Section 45 Crown Pastoral Land Act 1998.

The report attached is released under the Official Information Act 1982.

**March**

**05**

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**REPORT IN ACCORDANCE WITH**

**Contract 50231**

**Analysis of Public Submissions for Preliminary Proposal**

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**File Ref:** CON/50231/09/12604/A-ZNO-04 **Submission No:** QVV 607 **Submission Date:** 7/08/2003

**Office of Agent:** Christchurch

**LINZ Case No:**

**Date sent to LINZ:** 20/08/2003

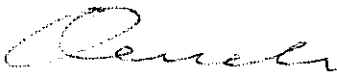
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**RECOMMENDATIONS**

- (1) That the Commissioner of Crown Lands **notes** the receipt of this report for tenure review of Po 364 Glenfoyle pastoral lease.

**Signed by Contractor:**



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Barry Dench  
Team Leader for Tenure Review

**Approved/Declined by:**



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Name: ROBERT JOSEPH WEBSTER

Date of decision: 27 8/03

**(1) Details of lease:**

**Lease Name:** Glenfoyle

**Location:** The property is located on Glenfoyle Road, 18 kilometres from Wanaka, and 45 kilometres from Cromwell.

**Lessee:** Glenfoyle Limited

**(2) Public notice of preliminary proposal:**

**Date, publication and location advertised:**

*Saturday 7 June 2003*

- The Press Christchurch
- Otago Daily Times Dunedin

**Closing date for submissions:**

4 August 2003

**(3) Details of submissions received:**

A total of 6 submissions were received by the closing date and 1 late submission was received.

**(4) Analysis of submission:**

**4.1 Introduction:**

*Explanation of Analysis:*

Each of the submissions received has been reviewed in order to identify the points raised and these have been numbered accordingly. Where submitters have made similar points, these have been given the same number.

The following analysis:

- Summarises each of the points raised along with the submission number of those submitters making that point.
- Discussion of the point.
- The CCL decisions whether or not to accept/not accept or allow/allow for further consultation.

The following approach has been adopted when making the decision:

- (i) To accept/not accept:

The decision to “**accept**” the point made by submitters is on the basis that the matter raised is a relevant matter for the Commissioner to consider when making decisions in the context of meeting the objectives of Part 2 of the Crown Pastoral Land Act 1998. Conversely, where the matter raised is not relevant in terms of the Commissioner’s consideration, the decision is to “**not accept**”.

It should be noted that points relating to the Conservation Act, or any other statutory authority outside of the Crown Pastoral Land Act 1998 are not able to be considered by the Commissioner of Crown Lands.

- (ii) To allow/allow for further consultation:

Where the decision has been made to accept, a further decision has been made to “**allow**” those points that require further consultation or consideration.

**4.2 Analysis:**

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
1	Believe that the proposal is satisfactory	1	Accept	Allow

One submitter indicated that although they hadn’t visited the area in consideration they had perused the proposal and believed that the proposal was satisfactory.

The preliminary proposal for Glenfoyle tenure review is based on the Objects of Part 2 of the Crown Pastoral Land Act 1998 and this point should be accepted.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
2	Support the proposed designation of land to be restored to Crown control as a conservation area.	3	Accept	Allow

One submitter supported the designation of about 435 hectares as land to be restored to Crown control as a conservation area. No additional information was provided.

As one of the objects of Part 2 of the Crown Pastoral Lands Act 1998 is to enable the protection of the significant inherent values of reviewable land this point should be accepted

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
3	Support that the LINDIS RAP A11 and part of RAP A10 are to be joined together to form a larger conservation area.	4 & 6	Accept	Allow

Two submitters supported the proposal that the LINDIS RAP A11 and part of RAP A10 are joined together to form a larger conservation area. Submission 4 stated that this was positive recognition of the importance of the conservation values contained in these two RAP’s. No additional information was provided.

As one of the objects of Part 2 of the Crown Pastoral Lands Act 1998 is to enable the protection of the significant inherent values of reviewable land this point should be accepted.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
4	Support the proposed conservation covenant.	3 & 4	Accept	Allow

Two submitters expressed support for the area of Kanuka forest referred to as “CC1” on the plan receiving protection by means of a conservation covenant. No additional information was provided.

As one of the objects of Part 2 of the Crown Pastoral Lands Act 1998 is to enable the protection of the significant inherent values of reviewable land this point should be accepted.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
5	Support the proposed easements	3	Accept	Allow

One submitter expressed support for the proposed easements. No additional information was provided.

As one of the objects of Part 2 of the Crown Pastoral Lands Act 1998 is to make easier the securing of public access to and enjoyment of reviewable land this point should be accepted.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
6	That an area of high altitude land not be freeholded.	2, 4,5 & 6	Accept	Allow.

Four submissions were received which requested that an area of high altitude land not be freeholded.

Submissions 2 & 5 request that the entire northeast corner of the Pastoral Lease, encompassing the summits of Great Rock and Bluenose be added to the region to be protected. Submitter 5 maintains that complete catchments should be reserved. Submissions 4 & 6 request that the area above about 1000m surrounding Mt Bluenose not become freehold land but be added to that to be returned to full Crown ownership and control.

The area surrounding Mt Bluenose contains inherent values. The FMC Early Warning Report (1999) stated that:

*“An area of ridge crest above about 1000m in the vicinity of Bluenose which, by analogy with comparable vegetation over the boundary to the north, would regenerate to Hebe/Celmisia sub-alpine heath or cushionfield in the absence of grazing.”*

As one of the objects of Part 2 of the Crown Pastoral Lands Act 1998 is to enable the protection of the significant inherent values of reviewable land this point should be accepted and allowed to the extent that further consultation is to be undertaken.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
7	Oppose the freehold disposal of the land in the farm access tracks in the proposed conservation area.	5 & 6	Accept	Allow.

Two submissions were received which acknowledged a need for access for farm management purposes across parts of the conservation area, but advocate strongly that this should be provided for by way of an easement concession.

Submission 5 noted that the conservation area would be held under full Crown ownership and control if not for access tracks through the area being proposed for freehold status.

The other submission (6) noted that the problem they foresaw with freehold disposal of the land in the tracks is that public access could be denied by some future owner. It should be noted that this contention does not recognise the proposed public foot access easement over the northern tracks.

Submitter 5 noted that the freeholding of the tracks shown as “e-f”, “g-h”, “e-m” and “n-j” would lead to the situation of having to create easements for public passage through a conservation area, with a consequently ridiculous provision dealing with “trespassing” off the freehold tracks onto a conservation area. (Appendix 7 at 8.1.5). This point is valid in respect that Clause 8.1.5 has no point and should be deleted from public access easement document Code CHCRO – 42726.

As one of the objects of Part 2 of the Crown Pastoral Lands Act 1998 is to make easier the securing of public access to and enjoyment of reviewable land this point should be accepted and allowed to the extent that further consultation is to be undertaken.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
8	That the landscape be protected under a binding covenant registered on the freehold title.	4 & 6	Accept	Allow.

Two submitters request that the landscape values of faces visible from State Highway 8A (Tarras – Luggate Road) and State Highway 6 (Cromwell-Luggate Road) be protected under a binding covenant registered on the freehold title.

Both submitters note that although the area is recognised as an Outstanding Natural Landscape in the Queenstown Lakes District (QLD) Plan, this does not provide sufficiently secure protection. This is because District Plans are subject to change by Councils at regular intervals. Use of a covenant would protect the landscape. A covenant would protect the landscape from such things as undue earthworks, structures, roads, subdivision or afforestation. Submitter 4 noted that forestry could be considered a legitimate use for the lower land if the importance of the landscape was reflected in the covenant.

As one of the objects of Part 2 of the Crown Pastoral Lands Act 1998 is to enable the protection of the significant inherent values of reviewable land by the creation of protective mechanisms; this point should be accepted and allowed to the extent that further consultation is to be undertaken.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
9	There are no marginal strips currently laid off within the property.	5	Accept	Allow.

The submitter states that there are no marginal strips currently laid off within the property. They seek assurance that marginal strips will be

created along all qualifying waterways when freehold title is raised as a consequence of tenure review. They are aware that the laying off of marginal strips at this point in the tenure review process is disallowed from consideration but they believe such direction to be wrong in law.

This is a concern that should be allowed to the extent that further consultation is required.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
10	Support that provision is made for the access route along the crest of Grand View Range.	5	Accept	Allow

One submission was received which agreed that it was strategically important that provision be made for the access route – public easement ‘c-e-k-l-d’ along the crest of Grand View Range. They also agreed that use should be confined to foot, horse and cycle.

As one of the objects of Part 2 of the Crown Pastoral Lands Act 1998 is to make easier the securing of public access to and enjoyment of reviewable land this point should be accepted.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
11	The necessity of having two easements, one ‘appurtenant’ and the other ‘in gross’.	5 & 6	Accept	Allow

Two submitters question the necessity of having two easements, one ‘appurtenant’ and the other ‘in gross’.

The reasoning for creation of an appurtenant and easement in gross is firstly to provide access to the edge of the proposed conservation area, being the “dominant land” and secondly to provide a through route to and from properties outside of the reviewable land.

As one of the objects of Part 2 of the Crown Pastoral Lands Act 1998 is to make easier the securing of public access to and enjoyment of reviewable land this point should be accepted.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
12	In this proposal no provision has been made for any public access to the crest of the Grand View Range.	4, 5 & 6	Accept	Allow



Three submissions were received which pointed out that in this proposal no provision has been made for any public access to the crest of the Grand View Range. Access will in future be provided for through adjoining tenure review properties with linking easements along the ridge of the Grand View Range assuming a successful outcome for these adjoining lands. Concern has been raised that if no such provision is provided for in adjoining properties then this access will provide no access at all. These submitters want guaranteed public access to the range crest.

Submitter 6 noted that there is legal road access from Tarras-Luggate Road (State Highway 8A). This passes the Glenfoyle Homestead and then crosses farm to more or less coincide with easement point “d” at the start of the Grand View Range easement. The legal road is largely unformed and although it provides legal access, is not practical. Practical public access should be achieved in the longer term, assuming a successful outcome to the adjacent reviews. Submission 6 advocates for the provision of alternative routes to the ridge crest, as a means of securing guaranteed public access under this review and if that was not achieved they wished to see the review terminated.

As one of the objects of Part 2 of the Crown Pastoral Lands Act 1998 is to make easier the securing of public access to and enjoyment of reviewable land this point should be accepted and allowed to the extent that further consultation is to be undertaken.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
13	That the unformed Glenfoyle Rd be utilised and opened up for public use if alternative access on to the range crest cannot be negotiated from the south.	4, 5 & 6	Accept	Allow

Three submissions were received that requested that the unformed Glenfoyle Road be utilised and opened up for public use if alternative access on to the range crest could not be negotiated from the south. Submission 5 notes that they do not advocate opening this up for public use unless alternative access to the range crest can't be negotiated from the south. Submissions 4 and 5 suggest amending the realignment in its lower section so as to maintain the privacy of the homestead area although as noted above submission 5 saw this as applying only if access was not secured to the Grand View Range crest from the south.

It should be noted that Sandy Point pastoral lease adjoins Glenfoyle pastoral lease on its southern boundary and access will tentatively be provided for from within this pastoral lease. It should also be noted that the same lessee of Glenfoyle pastoral lease holds Sandy Point pastoral lease.

As one of the objects of the Crown Pastoral Lands Act 1998 is to make easier the securing of public access to and enjoyment of reviewable land this point should be accepted and allowed to the extent that further consultation is to be undertaken.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
14	There should be provision for public foot and non-motorised vehicle access over the DOC management access route marked ‘a-b-k-e’ on the Plan or a similar route.	6	Accept	Allow

The submitter notes that there is a proposed easement for Minister of Conservation management purposes from Glenfoyle Road to the edge of the conservation area. They submit that there should be provision for public foot, and non-motorised vehicle access over the same or a similar route. They state that access over Sandy Point is less satisfactory than the Glenfoyle Road. They note that multiple points of access to and from the range crest are needed to provide for a variety of round trips and for an escape route in the event of severe weather. (Note: The formed part of Glenfoyle Road passes the farm homestead and then crosses over land in an east to southeast direction. It is unformed for the most part. The management purposes easement commences beyond the homestead and is over land on formed tracks)

. They also suggest two ways in which the route can be altered so as to avoid passing too close to the Glenfoyle homestead.

As one of the objects of the Crown Pastoral Lands Act 1998 is to make easier the securing of public access to and enjoyment of reviewable land this point has been accepted and allowed to the extent that further consultation is to be undertaken.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
15	The proposed ‘protective mechanism’ does not ‘secure access’.	5	Accept	Allow

In summary, the submitter claims that the proposed ‘protective mechanisms’ do not ‘secure access.’ One of the objects of the Crown Pastoral Lands Act 1998 is to make easier the securing of public access

to and enjoyment of reviewable land. This submission should be accepted and allowed to the extent that further consultation is to be undertaken.

The submitter refers to the express terms of the draft easement documents.

- The submitter states:

Exclusion of schedules

*Whilst the Ninth Schedule of the Property Law Act 1952 is expressly excluded from the terms of the easements, section 126G of that Act is not. Section 126G allows modification or extinguishment of easements through the courts, at the initiative of either parties to their creation or one alone. There is no ability for public notification or objection. This omission constitutes a fundamental failure to “secure” public rights of passage, as required by the CPLA.*

(For purposes of clarity it should be noted that Section 126G states:

*126G. Power for Court to modify or extinguish easements and covenants-*

*(1) Where land is subject to an easement or a positive covenant or a restrictive covenant, a Court may from time to time, on the application of the occupier of the land, by order, modify, or wholly or partially extinguish the easement or covenant upon being satisfied-*

*(a) That, by reason of any change since the creation of the easement or covenant-*

- (i) In the nature or extent of the user of the land to which the benefit of the easement or covenant is annexed or of the user of the land subject to the easement or covenant; or*
- (ii) In the character of the neighbourhood; or*
- (iii) In any other circumstances of the case that the Court considers relevant,-*

*The easement or covenant ought to be modified or wholly or partially extinguished; or*

*(b) That the continued existence of the easement or covenant in its present form would impede the reasonable user of the land subject to the easement or covenant in a different manner or to a different extent from that which could have*

*been reasonably foreseen by the original parties at the time of the creation of the easement or covenant; or*

- (c) That every occupier of full age and capacity of the land to which the benefit of the easement or covenant is annexed has agreed to the easement or covenant being modified or wholly or partially extinguished, or by his or her acts or omissions may reasonably be considered to have abandoned or waived the easement or covenant wholly or in part; or*
- (d) That the proposed modification or extinguishment will not substantially injure the persons entitled to the benefit of the easement or covenant.*
- (2) Without limiting subsection (1) of this section, on an application under that subsection in relation to an easement of vehicular right of way, a Court may make an order modifying or excluding the operation of any of the provisions of Schedule 9 to this Act.*
- (3) Where any proceedings are instituted to enforce an easement or a positive covenant, any person against whom the proceedings are instituted may, in those proceedings, apply to the Court for an order under this section.*
- (4) Notice of any application made under this section shall, if the Court so directs, be given to the territorial authority (within the meaning of the Local Government Act 1974) of the district in which the land is situated, and to such other persons and in such manner, whether by advertisement or otherwise, as the Court may direct.*
- (5) An order under this section shall, when registered in accordance with the succeeding provisions of this section, be binding on all persons, whether of full age or capacity or not, then entitled or thereafter becoming entitled to the benefit of the easement or covenant, and whether or not those persons are parties to the proceedings or have been served with notice.*
- (6) In the case of land under the Land Transfer Act 1952, the District Land Registrar may of his or her own motion, and on the application of any person interested in the land shall, make all necessary amendments and entries in the register book for giving effect to the order in respect of all grants, certificates of title, and other instruments affected thereby and the duplicates thereof, if and when available.*
- (7) In the case of other land, a memorandum of the order shall be endorsed on such of the instruments of title as the Court directs.] )*

- The submitter states:

Temporary Suspension

*“The Transferee may, at any time in exercise of her/his powers, temporarily close all of part of the Easement Area for such period as she/he considers necessary.”*

The submitter is concerned that there is no account for the Department of Conservation’s future actions and there is no certainty of secure public access.

- Under “Dispute Resolution” the submitter states that there is no provision for public involvement in resolving any disputes between the Transferee and the freehold landowner. The submitter is concerned that any member of the public is therefore dependant upon the Department of Conservation to uphold the public interest and that there has to be provision for the Department of Conservation to be publicly accountable for its handling of disputes.

In consideration of the terms and conditions of the draft easement documents the above mentioned points should be allowed by the Commissioner to the extent that further consultation is to be undertaken.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
16	The granting of these ‘protective mechanism’ for the purpose of public access is ultra vires the powers contained in the Crown Pastoral Lands Act.	5	Accept	Allow

The submitter submits that the granting of these ‘protective mechanism’ (proposed easements) for the purpose of public access is ultra vires the powers contained in the Crown Pastoral Lands Act and must not be implemented. The basis of this claim is that under the scheme of the Crown Pastoral Lands Act 1998 that protective mechanisms, including easements, are only applicable over natural resources and that this easement areas are not a natural resource.

Since the argument specifically relates to the Crown Pastoral Land Act 1998 it is accepted for consideration and allowed to the extent that the argument should be considered.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
17	That the Crown retain ownership of the currently proposed ‘easement areas’ as public roads.	5	Accept	Allow

The submitter states that there is an obligation for the Crown to retain ownership of the currently proposed ‘easement areas’ but as public highway under Section 35(2)(a)(iii) Crown Pastoral Land Act 1998.

The submitter advocates that rather than public access easements, secure public access be provided by way of designation of access strips under Section 35(2)(a)(iii) land to be restored to full Crown ownership and control, for some specified Crown purpose. The submitter contends that such strips be designated by the Commissioner of Crown Lands as a “public highway” for foot, horse and cycle passage and notes “*If and when a substantive proposal is put to the holder, authority for this designation would continue via section 46(1)-46. Substantive proposal may be put to holders – (1) If a preliminary proposal has been put to the holder of 1 or more reviewable instruments and notified under section 43, the Commissioner may in writing put to the holder a substantive proposal that is the same as or a modified version of the preliminary proposal.*”

This point should be allowed to allow consideration of Section 35 (2)(a)(iii) as an alternate means of providing public access to meet the objective “to make easier – (i) the securing of public access to and enjoyment of reviewable land.”

For this reason this submission is accepted and allowed to the extent that the argument should be considered.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
18	Need to provide for future access link to Lindis Highway.	5 & 6	Accept	Allow

Two submitters state that there is a need to provide for a future access link to Lindis Highway. Submitter 6 states that:

*“Provision should be made now for future foot, horse and non-motorised vehicle use of the farm track which weaves in and out of the proposed conservation area in the Camp Creek catchment. We state future use because completion of this route will depend on a review of the Bargour Lease at some time in the future. That would extend the range of round trips which should become available.”*

Submission 5 also offers an alternative access route but maintains preference for the above-mentioned route.

As one of the objects of Part 2 of the Crown Pastoral Lands Act 1998 is to make easier the securing of public access to and enjoyment of reviewable land this point should be accepted and allowed to the extent that further consultation is to be undertaken.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
19	There seems to be no provision to fence the boundary of the proposed conservation area.	7	Accept	Allow

The submitter is concerned that there seems to be no provision to fence the boundary of the proposed conservation area of 435 hectares, given its importance for both shrubland and endangered fauna. The kanuka-manuka shrubland provides valuable habitat for Otago skink and Grand skink. The submitter acknowledges that both would benefit greatly from the total exclusion of stock.

The submitter states that the various easement provisions proposed for this block will undermine its security for its various conservation values unless the one to be made available for farm management is securely gated at either end (assuming the main block is to be perimeter fenced). He also notes that the eastern outlier of this block appears to have a very tenuous connection with the main block and recommends that this continuity be adequate to provide ecological connectivity across the apparent bottleneck.

The submitter notes that the 20 hectares of proposed covenant under the Reserves Act, is probably less justified for fencing. The submitter notes that the 20 hectares of proposed covenant under the Reserves Act, is probably less justified for fencing.

As one of the objects of Part 2 of the Crown Pastoral Lands Act 1998 is to enable the protection of the significant inherent values of reviewable land this point is accepted and allowed to the extent that further consultation is to be undertaken.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
20	Endorse the formal provision for public access to the Covenant area.	7	Accept	Allow

The submitter states that they endorse the formal provision for public access to the 20 hectare block protected by a conservation covenant.

They note that although the map on the plan does not indicate the public access easement “c-e-k-l-d” actually makes contact with the covenant area, they assume that it does.

The public access easement “c-e-k-l-d” does not make contact with the 20 hectare block protected by a conservation covenant. As the assumption is incorrect this point is not accepted but on the basis that the submitter has assumed that provision has been made for public access the matter of public access to the covenant area should be reconsidered.

Since this relates to the objective “to make easier-(i) The securing of public access to and enjoyment of reviewable land” the point should be accepted and allowed for further consideration..

### ***Discussion and Conclusions***

Discussion relevant to particular points has been made above under each point for simplicity and clarity.

The public access issue has been broken down into a number of specific points within this report to allow for each submitters concern to be acknowledged and considered by the Commissioner of Crown Lands.



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**REPORT IN ACCORDANCE WITH**

**Contract 50231**

**Analysis of Iwi Submission for Preliminary Proposal**

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File Ref: CON/50231/09/12604/A-ZNO-04 Submission No: QVV 608 Submission Date: 7/08 /2003

Office of Agent: Christchurch

LINZ Case No:

Date sent to LINZ: 20/08/2003

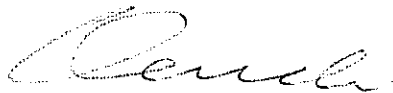
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**RECOMMENDATIONS**

- (1) That the Commissioner of Crown Lands **notes** the receipt of this report for tenure review of Po 364 Glenfoyle pastoral lease.

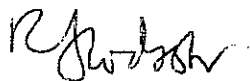
**Signed by Contractor:**



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Barry Dench  
Team Leader for Tenure Review

**Approved/Declined by:**



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Name: ROBERT JOSEPH WEBSTER

Date of decision: *25/8 03*

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**(1) Details of lease:**

**Lease Name:** Glenfoyle

**Location:** The property is located on Glenfoyle Road, 18 kilometres from Wanaka, and 45 kilometres from Cromwell.

**Lessee:** Glenfoyle Limited

**(2) Details of Iwi Submission:**

**Received On:** 4 July 2003

**Received From:** Takarei Norton  
Natural Resources Unit Project Co-ordinator  
Office of Te Runanga o Ngai Tahu

**On Behalf Of:** Te Runanga o Ngai Tahu and the relevant Papatipu Runanga: Te Runanga o Otakou, Kati Huirapa Runanga ki Puketeraki and Te Runanga o Moeraki

**(3) Analysis of submission:**

**3.1 Introduction:**

The following analysis:

- Summarises each of the points raised
- Discussion of the point.
- The CCL decisions whether or not to accept/not accept or allow/allow for further consultation.

The following approach has been adopted when making the decision:

- (i) To accept/not accept:

The decision to “**accept**” the point made is on the basis that the matter raised is a relevant matter for the Commissioner to consider when making decisions in the context of meeting the objectives of Part 2 of the Crown Pastoral Land Act 1998. Conversely, where the matter raised is not relevant in terms of the Commissioner’s consideration, the decision is to “**not accept**”.

It should be noted that points relating to the Conservation Act, or any other statutory authority outside of the CPLA 1998 are not able to be considered by the Commisisoner of Crown Lands.

(ii) To allow/allow for further consultation:

Where the decision has been made to accept, a further decision has been made to “allow” those points that require further consultation.

3.2 Analysis:

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Decision</i>	
1	No fencing of the Crown conservation area or the area protected by a conservation covenant.	Accept	Allow

The submission states that it appears that there is no intention to fence either the Crown conservation area, or the area protected by a conservation covenant. Ngai Tahu states that they wish to see these areas designated for conservation protected from grazing animals, including the wild goats that frequent the area. It is the contractors belief that these are domestic and not wild goats.

As one of the objects of Part 2 of the Crown Pastoral Lands Act 1998 is to enable the protection of the significant inherent values of reviewable land this point is accepted and allowed to the extent that further consultation is to be undertaken.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Decision</i>	
2	Areas of native scrub and subalpine plants with striking rock formations are not included.	Accept	Allow

The submission states that there are areas of native scrub and subalpine plants with striking rock formations that are not included in the areas proposed for protection. As one of the objects of Part 2 of the Crown Pastoral Lands Act 1998 is to enable the protection of the significant inherent values of reviewable land this point is accepted.

Further consultation will be required with Ngai Tahu to clarify which areas this point relates to. This point is allowed to the extent that further consultation is to be undertaken.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Decision</i>	
3	The vegetation of the upper Camp Stream will be enhanced by this proposal, thus promoting the health of the downstream waterways.	Accept	Allow

The submission points out that the vegetation of the upper Camp Stream will be enhanced by the proposal, thus promoting the health of the downstream waterways. As one of the objects of the Crown Pastoral Lands Act is to promote the management of reviewable land in a way that is ecologically sustainable this submission is accepted.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Decision</i>	
4	Ngai Tahu seeks to have vehicle access over the enclosed easements for management and mahinga kai purposes.	Accept	Allow

Ngai Tahu seek to have vehicle access over the enclosed easements for management and mahinga kai (food resources) purposes. The submission states:

*“If Ngai Tahu are going to jointly manage the proposed conservation areas with the Department then Ngai Tahu is going to require vehicle access to the proposed conservation areas.”*

The submission indicates that there will be times when Ngai Tahu will want to visit the proposed conservation areas for cultural purposes. There are members of Ngai Tahu Whanui such as kaumatua and children who may not be able to walk to the proposed conservation areas and will require vehicle access.

As one of the objects of Part 2 of the Crown Pastoral Lands Act 1998 is to make easier the securing of public access to and enjoyment of reviewable land this point is accepted and allowed to the extent that further consultation is to be undertaken.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Decision</i>	
5	Protocols for possible future investigations and discoveries should be included in the proposal in the event that further Maori archaeological discoveries are made in the general area.	Not Accept	

The submission relates to the establishment of agreements concerning any future archaeological discoveries. While the Crown Pastoral Land Act allows for the protection of known existing significant inherent values, it does not allow for agreements related to unknown archaeological sites. Other existing statutory processes address such issues

*Discussion and Conclusions*

Te Runanga o Ngai Tahu have provided a submission that takes into consideration the local Maori interest in the Glenfoyle Pastoral Lease. Each point is discussed in detail in this analysis. Further consultation will be required with Ngai Tahu in regards to Ngai Tahu providing specific detail regarding their interest.