

# **Crown Pastoral Land Tenure Review**

**Lease name: MATAURA VALLEY**

**Lease number: PS 090**

## **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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**ANALYSIS OF PUBLIC SUBMISSIONS  
FOR PRELIMINARY PROPOSAL  
MATAURA VALLEY PASTORAL LEASE**

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File Ref: CON/50214/09/12664/A-ZNO-05 Submission No: DN0227 Submission Date: 22/10/2003

Office of Agent: Dunedin

LINZ Case No: 1204 / 51 Date sent to LINZ: 24/10/2003

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**RECOMMENDATIONS**

1. That the Commissioner of Crown Lands **notes** the receipt of this report for land held under pastoral lease Ps090 Mataura Valley.

**Signed by Opus:**

**Peer Review:**

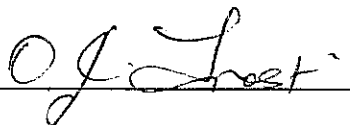
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Dave Payton  
Tenure Review Contract Manager

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Robin Whelan  
Consultant

**Approved/~~Declined~~ by:**

  
Name:

Date of decision: 07 / 11 / 03.

**1. Details of lease:**

**Lease Name:** Mataura Valley Station  
**Location:** Headwaters of the Mataura River, 10 kilometres west of Kingston  
**Lessees:** Christopher John Parker, David Francis Parker and Olive Robyn Parker

**2. Public notice of Preliminary Proposal:**

*Date, publication and location advertised:*

Saturday 19 July 2003.

- The Press Christchurch
- Otago Daily Times Dunedin
- The Southland Times Invercargill

*Closing Date for Submissions:*

19 September 2003.

**3. Details of Submissions received:**

A total of 4 submissions were received, one of which was received after the closing date. (Details of submitters, including the dates on which their submissions were received is included in Appendix 1).

**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 recorded number (shown in the appended tables) of the submitter(s) making the point.
- Discussion of the point.
- The CCL decisions whether or not to accept/not accept or 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 the 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 the points relating to the Conservation Act, or any other statutory authority outside of the Crown Pastoral Land Act 1998 are not to be considered by the Commissioner of Crown Lands.

(ii) To 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 consideration or consultation.

4.2 Analysis:

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
1	Support the proposal.	1	Accept	Allow

One submission was received which supported the overall proposal and in particular that public access will be provided for to the land proposed to be retained in Crown ownership and control via two marginal strips. No new information was provided.

The Preliminary Proposal for this property is considered to be an acceptable outcome and to this extent it is regarded as meeting the objects of the Crown Pastoral Land Act. The submission should therefore be accepted.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
2	New complimentary objective relating to establishment of a network of high country parks is particularly relevant.	2	Not Accept	Disallow

The submitter identified that the land proposed to be restored to full Crown ownership and control adjoins the existing Eyre Creek Conservation Area. It is acknowledged that the proposal does therefore have relevance in terms of the new complimentary objectives for tenure review agreed to by Cabinet in August this year. These complimentary objectives have however not yet been formalised in terms of the Crown Land Pastoral Land Act and until that occurs there is no statutory basis for considering other than the current objects of Part 2 of the Act. The submission should therefore be not accepted.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
3	Generally support proposed areas to be freeholded and position of fence lines.	2 & 4	Accept	Allow

The submitters generally support the proposed designation of land suitable for disposal in fee simple. Submitter 2 also supports the position of proposed fence lines, believing that they are practical and reasonably divide land with significant inherent values from modified land suitable for freeholding.

As one of the objects of Part 2 of the Crown Pastoral Land Act is to enable reviewable land capable of economic use to be freed from the management constraints resulting from its tenure under reviewable instrument this point should be accepted and allowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
4	Upper south west area of Futtah Gully comprises mostly indigenous vegetation and should be included in the Conservation Area.	2	Accept	Allow

The submitter has identified by ground inspection that the vegetation within this upper catchment area of Futtah Gully comprises a high proportion of indigenous species (some beech forest, widespread shrubland and tall tussock). Their suggestion is that this area be incorporated within the area proposed to be restored to full Crown ownership and control. They contend that this would also avoid erosion in this part of the catchment.

The Conservation Resources report records that the vegetation patterns within Futtah Gully are generally similar to those in Pig or Thomson Creek catchments however there is limited beech forest and the altitudinal sequences are not as great. Significantly the report also however states that "*this catchment was not surveyed in any great detail*" with an aerial overview and examination of a single subcatchment being relied upon to provide the descriptive information for this area. This point may therefore represent new information.

As one of the objects of Part 2 of the Crown Pastoral Land Act is to enable protection of significant inherent values this point should be accepted and allowed to enable further consideration or consultation to be undertaken. Please also see Point 10.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
5	Support proposed Conservation Area.	2 & 3	Accept	Allow

Two submissions were received which specifically supported the proposed designation of land to be restored to full Crown ownership and control. Submission 3

qualified their support by stating “*there may need to be slight amendments in the lower Pig and Thomson Creeks to ensure practical public access*”. This latter issue is also raised under Points 14, 17, 18, 22 & 24.

The submitters confirm that the land proposed to be restored to full Crown ownership and control is an acceptable outcome and to that extent this aspect of the proposal is regarded as meeting the objects of Part 2 of the Crown Pastoral Land Act. The submissions should therefore be accepted.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
6	Oppose any covenant between the holder and DoC that would lessen responsibility of landowner to prevent fire spreading into the proposed Conservation Area.	2	Not Accept	Disallow

The submitter raises this issue in response to comments made in the holder’s acknowledgement and Report on Consultation. The holders initially wished to limit their liability to possible over burning of the Conservation Area boundary. The possibility of a restrictive covenant between DoC and the holders to deal with this issue was discussed with the holders as a matter outside of tenure review but the parties have now accepted such a covenant is not necessary.

The issue of burning within one kilometre of Conservation land and the consequences of over burning of the boundary is a matter dealt with under the Conservation Act. The point raised is not therefore a relevant matter for the Commissioner to consider when making decisions in the context of the Crown Pastoral Land Act and it should not be accepted. This also relates to Point 7.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
7	Suggest 1km no burning buffer around Conservation Area.	2	Not Accept	Disallow

The submitter suggests this as a means to prevent any over burning intruding into the proposed conservation land.

The use and suppression of fire are important management issues for the land owner to consider and address with regard to the statutory constraints provided by the Forest and Rural Fires Act 1997. The issue of burning within one kilometre of Conservation land and the consequences of over burning of the boundary is also a matter specifically dealt with under the Conservation Act. The point raised is therefore not a relevant matter for the Commissioner to consider when making decisions in the context of the Crown Pastoral Land Act and it should not be accepted.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
8	Marginal strip on true right of Mataura River should be fenced to exclude stock from the riverbed and protection of all marginal strips is desirable to safe guard native fish habitat.	2	Not accept	Disallow

The submitter identifies the threat to a range of values associated with stock accessing riverbeds and riparian land.

It relevant to note that riparian land in the middle and upper reaches of Pig and Thomson Creeks are protected from any adverse effects from stock by virtue of their inclusion within the area proposed to be restored to full Crown ownership and control.

The Mataura riverbed together with the beds of the lower sections of Pig and Thomson Creeks comprise Crown land. These areas of Crown land are not included within the reviewable land. Similarly, marginal strips that adjoin these waterways are also not included within the reviewable land. As such the point raised is not a relevant matter for the Commissioner to consider when making decisions in the context of the Crown Pastoral Land Act and it should not be accepted. Please also see Point 11.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
9	Isolated gorse and broom in the bed of the Mataura River should be controlled.	2	Not accept	Disallow

The submitter believes that small patches of gorse and broom occurring within the riverbed should be controlled to prevent further spread, as the area is relatively weed free.

The Mataura riverbed is Crown land and is not included within the reviewable land. As such the point raised is not a relevant matter for the Commissioner to consider when making decisions in the context of the Crown Pastoral Land Act and it should not be accepted. Please also see Point 15.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
10	Olearia in Futtah Gully appears not to be represented in the Conservation Area. Covenant combined with fencing required to protect this together with other corridors of lower altitude remnant shrub land.	2	Accept	Allow

The submission states that the property is characterised by remnant shrublands along the steeper sides of Futtah Gully and Thomson and Pig Creeks. The presence

of some large Olearia in Futtah Gully is highlighted as being important as it may not be represented in the proposed Conservation Area. The presence of kowhai on the true right of Pig Creek is also highlighted.

It is also suggested that these lower altitude habitats and species are under-represented in protected conservation areas and therefore their protection via conservation covenants in combination with fencing is required to meet the new complimentary objective for Tenure Review relating to biodiversity.

The Conservation Resources report records that the vegetation patterns within Futtah Gully are generally similar to those in Pig or Thomson Creek catchments. Various Olearia species are recorded in the Conservation Resources report as occurring within the proposed Conservation Area but significantly the report also however states that the Futtah catchment “*was not surveyed in any great detail*” with an aerial overview and examination of a single subcatchment being relied upon to provide the descriptive information for this area.

The shrubland referred to in this point may therefore represent new information.

As one of the objects of Part 2 of the Crown Pastoral Land Act is to enable protection of significant inherent values this point should be accepted and allowed to enable further consideration or consultation to be undertaken. Please also see points 4 & 11.

This recommendation is made without accepting the view that protection of the lower altitude shrublands is justified to meet the new complimentary objective relating to biodiversity. The complimentary objectives have not yet been formalised in terms of the Crown Land Pastoral Land Act and until that occurs there is no statutory basis for considering other than the current objects of Part 2 of the Act.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
11	Creek in Futtah Gully is wide enough to require a marginal strip which would provide public access for fishing and the marginal strip could be fenced to protect remnant shrublands.	2	Not accept	Disallow

The submission states that “the healthy trout population” occurring in this creek will be accessible to anglers via the marginal strip to be created and that this marginal strip could also be fenced in parts to protect remnant shrublands.

Public access to the creek in Futtah Gully is not identified as being a specific issue in either the DoC Conservation Resources report or the Fish and Game Resources report. It is presumed that the creek will “qualify” for a marginal strip to be created in terms of Part IVA of the Conservation Act and therefore the issue relating to public access will be adequately dealt with.



Determination of marginal strips is undertaken in terms of the Conservation Act and as such is not a relevant matter for the Commissioner to consider when making decisions in the context of the Crown Pastoral Land Act. As such, this point and the additional point relating to fencing of the marginal strip should not be accepted. Please also see Point 8.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
12	Covenant preventing conifer plantings on proposed freehold is required to protect conservation land from wilding tree spread.	2	Accept	Allow

The submitter points out that there have been very extensive plantings of Douglas firs from the valley floor to approximately 800 m on the property across the valley and that land proposed to be freeholded on Mataura Valley would also be highly suitable for exotic forestry. They are concerned that any planting on this land would provide a seed source for dispersal on to the proposed and existing conservation lands by the prevailing north-west wind.

They suggest that a covenant preventing future conifer plantings on the proposed freehold is critical to the protection of the surrounding existing and proposed conservation land.

While the Resource Management Act provides controls to prevent, mitigate or avoid adverse effects of activities such as forestry on adjoining land, one of the objects of Part 2 of the Crown Pastoral Land Act 1998 is to enable the protection of significant inherent values of reviewable land. As such this point should be accepted and allowed to the extent that further consideration or consultation is to be undertaken.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
13	Provision for car parking required on true right of Mataura River above Cainard Bridge.	2	Accept	Allow

The submitter states that there does not appear to be a provision for car parking for those wishing to walk up the marginal strips of Pig and Thomson Creeks.

While not stated in the Preliminary Proposal car parking has been provided for outside of the reviewable land (by agreement with the holders and DoC) on the true left of the Mataura River at an area near the bridge previously used as the turning area for the school bus. This site was selected for safety reasons as all convenient places within the reviewable land are susceptible to periodic flooding.

This issue is related to one of the objects of Part 2 of the Crown Pastoral Land Act (securing of public access to the reviewable land) and as such the submission addresses a relevant matter and should be accepted and allowed to the extent that further consideration or consultation is to be undertaken.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
14	Marginal strip of Thomson Creek does not provide practical access to Conservation Area.	2 & 3	Accept	Allow

Two submissions were received questioning the practicality of using the marginal strip of Thomson Creek for public access to the proposed Conservation Area. One submitter advised that they attempted to walk up the marginal strip and found that the route becomes too rocky, deep and broken and the sides too steep and close to the creek to provide reasonable access.

The second submitter suggested that the Conservation Area boundary should be located to permit ease of access along the hillsides above the marginal strip. As one of the objects of Part 2 of the Crown Pastoral Land Act is to make easier the securing of public access to the reviewable land the submissions address a relevant matter and should therefore be accepted and allowed to the extent that further consideration or consultation is to be undertaken. Please also see Point 15.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
15	A public access easement is required to secure public access.	2	Accept	Allow

The submitter contends that the access provisions do not secure public access and this aspect of the proposal therefore does not meet the access objectives of Part 2 of the Crown Pastoral Land Act. They suggest that securing public access would be achieved by providing for the public to utilise the initial part of the route of the proposed management easement up Razorback Ridge with a minor extension to reach the proposed Conservation Area boundary at point C on the Proposed Designations plan.

They believe that the suggested easement would cause little disruption to stock and therefore no closure period would be required.

As one of the objects of Part 2 of the Crown Pastoral Land Act is to make easier the securing of public access to the reviewable land the submission addresses a relevant matter and should therefore be accepted and allowed to the extent that further consideration or consultation is to be undertaken. Please also see Point 24.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
16	A public access easement is required provide for enjoyment of the reviewable land.	2	Accept	Allow

The submitter contends that the access provisions do not provide for enjoyment of the reviewable land and the proposal therefore does not meet the access objectives of Part 2 of the Crown Pastoral Land Act. They suggest that enjoyment of the reviewable land would be achieved by providing a public access easement up the proposed Wether Ridge management easement, as this would allow a round trip if used in combination with the Razorback Ridge public easement suggested under Point 15.

They believe that the suggested easement would cause little disruption to stock and therefore no closure period would be required.

As one of the objects of Part 2 of the Crown Pastoral Land Act is to make easier the enjoyment of reviewable land the submission addresses a relevant matter and should therefore be accepted and allowed to the extent that further consideration or consultation is to be undertaken. Please also see Point 24.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
17	Eastern Conservation Area boundary in lower Pig Creek should be upslope of beech forest to provide ease of foot access to the ridge.	3	Accept	Allow

The submitter comments that DoC's negotiation of access for "management purposes" up the existing track on the nearby ridge indicates that the proposed boundary is unsatisfactory for access and that this must be rectified for public access.

As one of the objects of Part 2 of the Crown Pastoral Land Act is to make easier the securing of public access to and enjoyment of the reviewable land the submission addresses a relevant matter and should therefore be accepted and allowed to the extent that further consideration or consultation is to be undertaken.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
18	To ensure practical foot access the proposed new boundary fence on the north side of Pig Creek should be located back from the escarpment overlooking the creek.	3	Accept	Allow

The submitter correctly identifies that the proposed fence line traverses a steep face and it is acknowledged that care will be required when fixing the final alignment of the fence to ensure practical foot access is achieved.

As one of the objects of Part 2 of the Crown Pastoral Land Act is to make easier the securing of public access to and enjoyment of the reviewable land the submission addresses a relevant matter and should therefore be accepted and allowed to the extent that further consideration or consultation is to be undertaken.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
19	Concern that a sec 58 Land Act 1948 marginal strip appears to have been disestablished and this will need to be rectified during freeholding.	3	Not accept	Disallow

The submitter has identified that part of a sec 58 marginal strip identified on a 1992 SO plan is not depicted on a 1994 SO plan of the same area. They note that the sec 48 marginal strip has been replaced by the notation “Subject to S24 Conservation Act 1987 (Marginal Strip) upon disposition” and conclude that that the latter qualification implies that a marginal strip is yet to be established.

The section of the Mataura River concerned adjoins part of a former Pastoral Occupation Licence [POL] that was incorporated into the Mataura Valley pastoral lease in 1995. It is presumed that the sec 58 marginal strip was created on disposition of the land into the POL, or possibly a prior occupation licence, and when the land was redefined for incorporation into the Mataura Valley pastoral lease it was shown as “Subject to S24 Conservation Act 1987 (Marginal Strip) upon disposition”. The basis for replacing the sec 58 marginal strip with the sec 24 Conservation Act marginal strip is unclear but it is our view that the (S24 Conservation Act 1987) marginal strip already exists for this section of the river having been created on disposition of the land into the pastoral lease in 1995.

Marginal strips are not included within the reviewable land. As such the point raised is not a relevant matter for the Commissioner to consider when making decisions in the context of the Crown Pastoral land Act and it should not be accepted. Please also see Points 8, 11 & 20.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
20	Marginal strips are to be created along all qualifying waterways and existing fixed position strips should be exchanged for new moveable strips to ensure practical access.	3	Not accept	Disallow

It is a legal requirement that marginal strips be created on disposition along all qualifying waterways where they do not currently exist. These will be moveable strips and will presumably “replace” current fixed sec 58 marginal strips adjoining the reviewable land where the river has moved or subsequently moves to the extent that it no longer adjoins any part of the original fixed strip.

Marginal strips are not included within the reviewable land. Replacement of all sec 58 marginal strips with moveable strips is also outside the provisions of the Crown Pastoral Land Act. This is therefore not a relevant matter for the Commissioner to

consider when making decisions in the context of the Crown Pastoral land Act and it should not be accepted.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
21	If marginal strips do not provide assured access due to river movement then alternative arrangements must be made.	3	Accept	Allow

The submitter notes the reliance on existing fixed marginal strips for provision of public access to the proposed conservation area and comments that if these strips do not provide assured access due to river movement, (which they consider to be highly likely along the Mataura), then alternative arrangements must be made.

The northern boundary of the reviewable land adjoins marginal strip and my comments made under Point 20 are relevant for this point also. That is, there is certainty that marginal strips will be retained or created on disposition along all qualifying waterways. Moveable strips will presumably “replace” current fixed sec 58 marginal strips adjoining the reviewable land where the river has moved or subsequently moves to the extent that it no longer adjoins any part of the original fixed strip.

I am not aware of any significant topographic constraints that would prevent reasonable physical access over those sections of the marginal strip proposed to be utilised to again access to the reviewable land on the south bank of the Mataura River. This also applies to the adjoining land that may become marginal strip in these areas in the event that the Mataura River moved subsequent to disposition of the proposed freehold land.

It is possible that this may not however be the case for marginal strips associated with at least one of the tributary creeks. (Points 14 & 15 address the possibility that practical access may not be feasible via other specific marginal strips adjoining the reviewable land due to the incised nature of various sections of creek bed, whether the strips are moveable or not).

These earlier points and the current point are viewed as relating to the issue of ensuring practical public access is secured to the reviewable land. They are therefore relevant matters for the Commissioner to consider when making decisions in the context of the Crown Pastoral Land Act and should be accepted and allowed to enable further consideration and consultation to be undertaken.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
22	No provision has been made for securing of public access and enjoyment of the reviewable land	3	Not accept	Disallow

The submitter states that the marginal strips (being relied on to provide public access to the reviewable land) are on the south bank of the Mataura River and that these are separated from the formed legal road on the north bank utilised by the holder for access to property by Crown land riverbed. They point out that there are no legal rights of public access across the riverbed and that there are no statutory bars to prevent LINZ from selling the riverbed. They therefore contend that there is no provision for public access to the reviewable land.

They also state that the existing public access easement is up the north bank of the Mataura from the end of the legal road and that this does not secure public access on the basis that Landcorp freehold and the Crown land river bed separates the easement from the Mataura Valley pastoral lease and any marginal strips leading to the conservation land. The terms of this easement are also considered to be considerably worse than the easements normally arranged during tenure review.

The fact that DoC and LINZ are prepared to address the holders concerns about access over Crown land riverbed and marginal strips outside of the official tenure review process is regarded by the submitter as proof of a lack of rights of access.

They require proposals to be prepared that secure public access and enjoyment of the reviewable land, either inside or outside of the provisions of the Crown Pastoral Land Act and also that submitters be consulted on the adequacy of the revised proposals before any DSP is put to the holder.

The submitter is correct in pointing out the formed legal road utilised by the holder and public for access to the property is located on the north side of the Mataura River. The bridge that extends physical access across the Mataura River is part of the public network and is maintained by the Southland District Council. The bridge itself is clearly currently available for public use. Beyond the bridge itself it is possible that the formed access road does also physically cross Crown land riverbed before it reaches the marginal strip that provides public access to the reviewable land on the south side of the river.

It is correct that the existing public access easement up the north bank of the Mataura provides legal access to marginal strip on the north side of the Mataura and that this is separated from the reviewable land by Crown land riverbed and the marginal strip on the south side of the river. From a practical perspective public access is assured over the marginal strip and while real, the risk identified to security of public access over the Crown land riverbed is considered to be minor and has wider political implications beyond this review.

While it is also correct that the current public access easement does provide for closure periods this is consistent with provisions within the Conservation Act (Sec 13) whereby Conservation Areas can also be closed. The DGC's Delegate has confirmed that if they were to occur such closures would only ever be of a temporary nature for public safety or emergency purposes.

While clearly outside of the reviewable land, this existing public access easement is considered to provide the most practical and logical public access to reach the northern part of the proposed Conservation Area.

The holders requirement that DoC and LINZ issue access easements over marginal strip and Crown land riverbed outside of tenure review is in recognition that the holders can not rely on marginal strips for providing legal access and for their farming operations. This concern does not apply to public access over marginal strips as this use constitutes their primary purpose.

The holder’s requirement to formalise their access over Crown land riverbed is also seen as being necessary given the specific nature of the holder’s activity and purpose of this access as distinct from general public access. Notwithstanding this, the submitter is correct in stating that in terms of the Land Act 1948 there is no legal right for the public to utilise Crown land riverbed for access.

In summary, the submitter deals extensively with the issue of access over lands outside of the reviewable land, being marginal strip and Crown land riverbed. Access over these lands is encompassed within the legislative framework of the Land Act 1948 and Conservation Act respectively. The issue raised is therefore considered to outside the provisions of the Crown Pastoral Land Act and not a relevant matter for the Commissioner to consider when making decisions in the context of the Crown Pastoral Land Act. It should therefore not be accepted.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
23	Mataura Valley is likely to become highly valued for trampers and it is important to allow for long term recreation developments.	4	Accept	Allow

The submitter contends that while Mataura Valley Station alone is unlikely to attract many trampers in the near future the area is likely to become highly valued as the tops recover and as pressure from growing Queenstown based trampers grows. They state that freeholding is forever and appropriate provision for public interests (which are inferred in this submission to be public foot access) must be made during tenure review.

They also state that in the shorter term, the area provides access for trampers completing round trips of Mataura & Eyre Creek as well as providing recreational values in its own right.

It is recognised that the submitter is primarily interested in ensuring appropriate provision for public access for trampers. As one of the objects of Part 2 of the Crown Pastoral Land Act is to make easier the securing of public access to and enjoyment of the reviewable land the submission addresses a relevant matter and should therefore

be accepted and allowed to the extent that further consideration or consultation is to be undertaken.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
24	Allow public foot access along proposed management easements, and in particular the Wether Ridge easement.	4	Accept	Allow

The submitter is concerned that the two proposed easements are for management access only.

They also state that the upper Pig and Thomson Creeks are ill-suited to fast foot travel and fence lines H-F [it is suspected that the submitter means E-F here] and G-I preclude easy tops travel and the proposed lack of public access down Ewe and Wether ridges means such travel cannot be guaranteed.

They request that the proposal incorporate provision to allow recreationalists to traverse the proposed management easements on foot and in particular the section of the Wether Ridge easement marked h-g-f-e b-a, accepting conditions in line with those proposed for the Department of Conservation.

As one of the objects of Part 2 of the Crown Pastoral Land Act is to make easier the securing of public access to and enjoyment of the reviewable land the submission addresses a relevant matter and should therefore be accepted and allowed to the extent that further consideration or consultation is to be undertaken. Please also see Point 25.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
25	Proposed fence E-F should be sited to allow good access within the Conservation Area from Wether Ridge into easily negotiated parts of Pig and Thomson Creeks.	4	Accept	Allow

The submitter points out the advantages of ridge travel in this area and that practical foot access along the route of proposed fence E-F is required regardless of whether public access is secured for the Wether Ridge easement.

As one of the objects of Part 2 of the Crown Pastoral Land Act is to make easier the securing of public access to and enjoyment of the reviewable land the submission addresses a relevant matter and should therefore be accepted and allowed to the extent that further consideration or consultation is to be undertaken. Please also see Point 24.

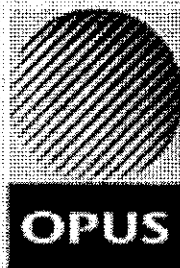


**5. Discussion and conclusion:**

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

The predominant area of interest for submitters relates to public access. This issue has been broken down into a number of specific points within this report to enable each submitters concerns to be acknowledged and considered by the Commissioner of Crown Lands.

**ANALYSIS**  
**OF**  
**Te RUNANGA O NGAI TAHU**  
**SUBMISSIONS**  
**MATAURA VALLEY**



**1. Details of lease:**

**Lease Name:** Mataura Valley Station  
**Location:** Headwaters of the Mataura River, 10 kilometres west of Kingston  
**Lessees:** Christopher John Parker, David Francis Parker and Olive Robyn Parker

**2. Details of Submission received:**

**Received On:** 15 October 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 Hokonui, Te Runanga o Oraka-Aparima, Te Runanga o Awarua and Te Runanga o Waihopai

**3. Analysis of Submission:**

**3.1 Introduction:**

*Explanation of Analysis:*

The submission has been reviewed in order to identify the points raised and these have been numbered accordingly.

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

(ii) To 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 consideration or consultation.

4.2 Analysis:

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
1	Mataura River is classified as a Statutory Acknowledgement under the Ngai Tahu Claims Settlement Act.	1	Not accept	Disallow

The submission states that the Mataura River is of immense cultural, spiritual and traditional importance to Ngai Tahu. It is also pointed out that there is a pounamu trail associated with the Mataura River and that the marginal strip along the side of this river will provide for access so that people can walk alongside the ara tawhito.

The Mataura River bed and associated marginal strip are not included within the reviewable land. As such the point raised is not a relevant matter for the Commissioner to consider when making decisions in the context of the Crown Pastoral Land Act and it should not be accepted.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
2	Ngai Tahu should have foot and vehicle access along the proposed management easements.	1	Accept	Allow

The submission states that Ngai Tahu should also have vehicle access across the proposed (management) access easements, as this will provide an opportunity for Ngai Tahu to walk along these to experience what it would be like to walk along the pounamu trail.

They also state that that while the proposed access via the marginal strips is suitable for some there are other people who are unable to walk along these routes. It is pointed out that cultural activities for Ngai Tahu involve people of all ages and that it is essential that kaumatua and rangatahi are able to access the proposed Conservation Area for cultural purposes.

In this regard they recommend that a process is developed with DoC and the lessee to provide for vehicle access for members of Ngai Tahu Whanui to access the proposed Conservation Area and that Ngai Tahu has the same vehicle access arrangements as those of the Department of Conservation.

The access rights that are sought are possibly already in place at least to some extent under the terms of the proposed easement for management purposes. More specifically, the definition of "Transferee" included in the proposed easement

documentation provides for the "Transferees invitees" and given that there is a protocol in place between the Department of Conservation and TRoNT, it is possible this issue may, implicitly rather explicitly, already be accommodated.

In undertaking Part 2 of the Crown Pastoral Land Sec 25 requires the Commissioner to take into account the principles of the Treaty of Waitangi. The submission therefore addresses a relevant matter and should be accepted and allowed to the extent that further consideration or consultation is to be undertaken

**5. Discussion and conclusion:**

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

The predominant area of interest for submitter relates to access and more particularly, the right for Ngai Tahu to also have the same vehicle access arrangements over the proposed management access easements as the Department of Conservation.