

## **Crown Pastoral Land Tenure Review**

**Property: Mt Oxford**

### **Report on public submissions**

This document includes information on the public submissions received in response to an advertisement for submissions on the tenure review preliminary proposal. The analysis determines if an issue is accepted or not accepted as meeting the objectives of part 2 of the Crown Pastoral Land Act (CPLA) 1998, and if further consideration and consultation should be allowed or disallowed, as per Section 45 CPLA 1998.

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

**September 03**

REPORT IN ACCORDANCE WITH

Contract 50231

Analysis of Public Submissions for Preliminary Proposal

File Ref: CON/50231/00/12771/A-ZNO-02 Submission No: QVV 611 Submission Date: 13/08/2003

Office of Agent: Christchurch

LINZ Case No: *R04/37* Date sent to LINZ: 15/08/2003

RECOMMENDATIONS

- (1) That the Commissioner of Crown Lands **notes** the receipt of this report for Mt Oxford "Other Crown Land".

Signed by Contractor:

Barry Dench  
Team Leader for Tenure Review

Approved/Declined by:

*subject to amendment to Part 4  
by addition of words "relates to access that  
being inserted between "that could",  
in the last paragraph, by:*

*O. J. Frost*  
Name: OWEN JOHN FROST  
Date of declslon: *29/02/03.*

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**(1) Details of lease:**

**Lease Name:** Mt Oxford

**Location:** At the end of Sladdens Bush Road,  
approximately 8 kilometres northwest of  
Oxford.

**Legal Description:** Run 225 and Rural Sections 36848 and 42115  
Blocks XIV and XV Upper Ashley and II and III  
Oxford Survey Districts.

**Area:** 1779.8833 hectares

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

***Date, publication and location advertised:***

*Saturday 14 June 2003*

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

***Closing date for submissions:***

8 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 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/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 3 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 consideration or consultation.

4.2 Analysis:

Point	Summary of Point Raised	Submission No.	Decision	
			Accept	Allow
1	Proposed division of the land is supported	1, 5 & 7	Accept	Allow

Three submissions were received which supported the proposed designations into Crown land to be retained as conservation land and land suitable for disposal in fee simple. No new information was provided.

Submission 4 qualifies their support by stating "However we wish to see: A section 97 sustainable management covenant to prevent a land use to exotic forestry (in order to protect the significant inherent value of neighbouring Crown land)". A similar comment was made in respect of land in the southern tributaries of Big Ben Stream. This submission made a third qualification regarding public access. Please see Points 2, 3, 16 and 20.

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Mt Oxford "Other Crown Land"  
Analysis: Public Submissions

The preliminary proposal for Mt Oxford "Other Crown Land" is based on the Objects of Part 3 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>	
			Accept	Allow
2	Shrublands within the freehold need to be protected by covenant	1 & 4		

Two submissions were received which stated that shrublands within the freehold need to be protected by covenant. Submission 4 requested a section 97 Crown Pastoral Land Act sustainable management covenant to protect the regenerating shrub lands in the southern tributaries of Big Ben Stream. Submission 1 acknowledges that the areas of regenerating shrublands in the southern tributaries of Big Ben Stream are recorded in the Department of Conservation's Conservation Resources Report and its attached values map.

As one of the objects of Part 3 of the Crown Pastoral Lands Act 1998 is to enable the protection of the significant inherent values of Crown land 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>	
			Accept	Allow
3	Proposed freehold land needs to be protected by a covenant to prevent potential forestry	1 & 4		

Two submissions were received which stated that proposed freehold land needs to be protected by a covenant to prevent potential forestry. Submission 4 requested a section 97 Crown Pastoral Land Act sustainable management covenant to prevent a change of land use to exotic forestry (in order to protect the significant inherent landscape value of neighbouring Crown land). Submission 1 noted that a forestry company has stated interest in buying the former pastoral lease land.

They consider that if afforestation "spills over" on to the potential freehold it would modify the natural landscape of the upper Ashley Gorge and the Mt Oxford plateau to a much greater degree than the traditional grassland farming.

They suggest that land be covenanted prior to disposal so that forestry is prevented.

As one of the objects of Part 3 of the Crown Pastoral Lands Act 1998 is to enable the protection of the significant inherent values of Crown land 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>	
4	Marginal strips still need to be laid off.	1 & 3	Accept	Allow

Two submissions were received which stated that marginal strips still need to be laid off.

Submission 1 states that the marginal strips along Big Ben Stream have not yet been laid off. Both submissions state that these marginal strips should have been implemented when the lease was renewed in 1994. They both contend that marginal strips were not laid off because of pressure from the former lessee. They seek assurance that marginal strips will be created along all qualifying waterways when freehold title is raised as a consequence of tenure review.

Submission 3 accepts that 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 <sup>re-looked at</sup> allowed to the extent that further consideration or consultation is required.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
5	That the whole area be retained in full Crown ownership and control.	2	Accept	Allow

One submission was received which stated that as the land has little productive value in its present state that a far better and more practical solution is to keep the whole area in Crown ownership and develop it for recreational and conservation uses.

The submission recognises the ecological and recreational inherent values associated with the land. It also states that the land proposed for disposal as "fee simple" is of poor quality when compared with other land in the Waimakariri District and is unlikely to produce a significant return to the Crown when sold. It also states that the land proposed for disposal as "fee simple" will be difficult to farm.

The submitter would like to see the land retained in full Crown ownership and control and believe that this would provide a return to all citizens.

As one of the objects of Part 3 of the Crown Pastoral Lands Act 1998 is to promote the management of Crown land in a way that is ecologically sustainable this point should be accepted and allowed to the extent that further consideration or consultation is to be undertaken.

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Mt Oxford "Other Crown Land"  
Analysis: Public Submissions

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
6	A poled route is required off Mt Oxford into the Ashley Saddle.	2	Accept	Allow

One submission was received which requested a poled route off Mt. Oxford into Ashley Saddle. The submission states that as north-west face of Big Ben is too steep for comfortable tramping and the views from the top are very worthwhile and different from those obtainable from the top of Mt Oxford, the track should run from the Ashley Saddle over the top of Big Ben. They also state that the proposed boundary should be relocated clear of the ridge-line and clear of the summit leaving these features clear for the best walking tracks.

As one of the objects of Part 3 of the Crown Pastoral Lands Act 1998 is to make easier the securing of public access to and enjoyment of Crown land 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>	
7	Join Run 225 and RS 42115 and if these cannot be joined establish an easement down Big Ben between Run 225 and RS 42115	2	Accept	Allow

One submitter stated that they were opposed to the physical separation of Run 225 and RS 42115 as together they form one feature and the best and most practical routes between the Coopers Creek car park and Big Ben. They have also stated that if there are very good reasons why these titles cannot be "joined" then an easement should be established down Big Ben between Run 225 and RS 42115.

The submission appears to be seeking a change in boundary to allow a merging of the areas designated for retention in full Crown ownership and control between the land south of Big Ben Saddle and the balance sitting north of the upper catchment of Big Ben Stream with the objective of having a continuous band of land to allow through access from Coopers Creek.

As one of the objects of Part 3 of the Crown Pastoral Land Act 1998 is to make easier the securing of public access to and enjoyment of Crown land this point should be accepted and allowed to the extent that further consideration or consultation is to be undertaken.

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Mt Oxford "Other Crown Land"  
Analysis: Public Submissions

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
8	Concern raised regarding the public trespassing over neighbouring land.	2	Not Accept	

The submission stated:

*"If horses are to be permitted or encouraged to use this area careful planning will be required and the end of Sladdens Bush Road will be the only place they will be able to access the area. Permission will not be given for horses to cross our land at the Coopers Creek Car Park. This area is small and already overcrowded with trampers' cars and there is no room for horse-floats."*

As the Coopers Creek Car Park or the neighbouring land is not within the boundary of the land being considered in this particular Preliminary Proposal it is not a matter that the Commissioner of Crown Lands can take into consideration. On this basis the submission is not accepted.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
9	Boundary fence in bush be restored to its former state and cost be incurred by the owner of the land.	6	Not Accept	

The submission states that the fence was broken through in four places some years ago by the previous tenant while putting in bulldozed tracks. The submitter requests that this fence be repaired to its former state as there will be no further need for the track in the future. They also state that the cost for fence repairs would lie with the owner of the land or be charged against the previous tenant.

This point relates to the responsibility the submitter contends lies with the Crown as neighbour under the Fencing Act for a secure boundary fence. Fencing may be necessary to enable the protection of significant inherent values but falls outside of the provisions in the Crown Pastoral Land Act for achieving this aim.

This point should be not accepted.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
10	Neighbour burning land	6	Not Accept	

The submitter states:



*"From time to time I need to burn my block and wish to advise that I intend to do so in the future."*

As the neighbouring land is not within the boundary of the land being considered in this particular Preliminary Proposal it is not a matter that the Commissioner of Crown Lands can take into consideration, rather the submitter is raising an issue covered by protocols affecting burning of vegetation on land adjacent to conservation areas

As this is not a matter to be addressed under the Crown Pastoral Land Act the point is not accepted.

Point	Summary of Point Raised	Submission No.	Decision	
			Accept	Allow
11	Department of Conservation access through neighbouring property	6	Accept	Allow

The submitter states that *"if the Department of Conservation wish to retain the track for access purposes then there is clearly needs to be discussion between the Department and myself as part of this track is on my land and unauthorized"*. The submission relates to the provision of access within and to the property and is relevant to objects in Part 3 the Crown Pastoral Land Act in respect of those parts of the track within the "unused Crown land".

Notwithstanding that parts of the track are said to be outside of the property and not covered by the Crown Pastoral Land Act on balance the submission be accepted to enable further consideration.

Point	Summary of Point Raised	Submission No.	Decision	
12	Department of Conservation management plans for proposed conservation land.	6	Not Accept	

The submission states *"if the Department of Conservation is to take over the land on the West side of our boundary, I need to know what the departments plans and policies might be going forward as to the future management of those grasslands and reverting scrub and shrublands."*

*I would submit that if they wish to retain grassland areas as grassland then they need to have an active fire and burn off plan in place for that to be accomplished.*

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Analysis: Public Submissions

*If it is not, then I would submit overtime the whole area will revert to scrub and shrubland ie the whole area to be retained by the Crown"*

The point relates to future management of the land subsequent to the conclusion of the review but not to objectives of the Act itself. It is therefore outside of the provisions of the Crown Pastoral Land Act and is not accepted.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
13	Request to be informed about the sale process involving the proposed freehold land and the timelines involved.	6	Not Accept	

Section 86 (5)(b)(ii) Crown Pastoral Land Act provides "land to be designated as suitable for disposal in fee simple under the Land Act 1948"

Section 94. Disposal- when an approved plan relating to land that a substantive proposal designates as-

- (a) Land suitable for disposal by special lease; or
- (b) Land suitable for disposal in fee simple under the Land Act 1948; or
- (c) Both-

has been registered or (in the case of land held under an occupational licence) when the licence expires, whichever is the later, the Commissioner must try to dispose of it accordingly.

The sale process will take place pursuant to the Land Act 1948 and therefore is not relevant to the Crown Pastoral Land Act 1998. For these reasons this submission is not accepted.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
14	Provision be made for earth scientists to carry out research.	7	Accept	Allow

The submitter supports the retention of the bulk of the property in Crown ownership and suggests that provision be made for access for earth scientists to carry out research. As one of the objects of the Crown Pastoral Land Act is to make easier the securing of public access to and enjoyment of Crown land this submission is accepted.

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Analysis: Public Submissions

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
15	Agree with the proposed location and routes of public access proposed over the new freehold.	1 & 5	Accept	Allow

Both submissions support the routes for public access shown marked as "a-c" & "b-d". As one of the objectives of Part 3 of the Crown Pastoral Land Act is to make easier the securing of public access to and enjoyment of Crown land the submissions are accepted.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
16 & 17	Submit that proposal does not secure access and that the easement routes should be made more secure by dedication as roads.	1, 3, 4 & 5	Accept	Allow

Submissions 1 and 3 contend that the provision of public access by easements is not secure and that the routes should be by way of a dedicated strip as a road. Submitter 3 while contending that public access should not be by way of easements states that Section 93 provides for implementation of a designation "for some specified Crown purpose". Section 93 appears to be incorrectly quoted in that this section covers the creation of protective mechanisms including easements.

Submissions 4 and 5 called for a dedicated road as an extension to Sladdens Bush Road, to be set aside instead of easements

Since the contentions relate to the Crown Pastoral Land Act 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>	
18	The proposed access should be confined to lands of the Crown and proposed freehold.	3	Accept	Allow

The submission supports the provision of access but advocates for the route to be limited to those parts of the "unused Crown land" not already in road reserve. The Land Status Check notes that SO Plan 10886 denoted roads coloured burnt sienna as legal by Section 110A of the Public Works Act 1928 and the plan shows the road reserve as being on the eastern boundary of Rural Section 42115.

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Analysis: Public Submissions

One of the objects of the Crown Pastoral Land Act is to make easier the securing of public access to and enjoyment of Crown land. To this extent the submission is relevant and should be accepted.

Point	Summary of Point Raised	Submission No.	Decision	
			Accept	Allow
19	The easement document does not prescribe width.	3	Accept	Allow

The submission notes that the easement document omits mention of the width of the easement width. This point relates to the provision of public access which is relevant to Part 3 of the Crown Pastoral Land Act. It is therefore accepted and allowed to enable further consideration and amendment to the easement document.

Point	Summary of Point Raised	Submission No.	Decision	
			Accept	Allow
20	Public access via Sladdens Bush Road needs to be secured, realigned and signposted when secure	1, 2, 4, 5 & 6	Accept	Allow

Submission 1 notes that the *"proposal does not deal with the provision of public access over a formed track that crosses adjoining land"* and further *"that the Commissioner has an duty to pursue the provision of secure access. The ideal solution would be legalising the line of the track where it departs from the existing legal road"*

Submission 2 makes the same point by stating *"the Crown should ensure, as part of this development, that access to the southern boundaries of the Big Ben Block (ie RS 42115 and Run 225) are secured"*. This appears to cover access from both Sladdens Bush Road and Mountain Road. Following the same line of thought submission 4 wishes to see *"the realignment of and rededication of public roads from Sladden Bush Road and Mountain Road to Big Ben Saddle instead of easements to fully secure public access"* although the proposal does not provide for easements over other than the Crown land under review.

Submission 5 makes specific mention of a "trespassers prosecuted" sign and washouts on Sladdens Bush Road and asks that all issues related to this access be resolved as part of this review. Submission 1 also expresses concern about the trespassing sign. The remaining submission (no.6) asks that the Department of Conservation clarify the access position from Adams Hut to the start of their "public access routes" marked dotted line orange.

All submissions express concern about the doubtful access situation and wish to see a resolution to ensure secure access from the end of the formed section at Adams Hut (the point where road is formed to local

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Analysis: Public Submissions

authority standards) . The point relates to the provision of public access that is relevant to the Crown Pastoral Land Act. It is therefore accepted and allowed to enable further consideration.

Point	Summary of Point Raised	Submission No.	Decision	
			Accept	Allow
21	Preventing public vehicle use of the proposed easement.	2		

This submission makes the statement " *This area has been a very popular hunting destination for many years and quad bikes etc are ideally suited to the present track system*" and poses the question " *has any thought been given to this*".

One of the objects in Part 3 of the Crown Pastoral Land Act is to make easier- the securing of public access to and enjoyment of Crown land. To this extent the submission is relevant and should be accepted.

Point	Summary of Point Raised	Submission No.	Decision	
			Accept	Allow
22	The boundary down Big Ben Stream to the Ashley River should be defined and a track formed from Big Ben Saddle to the Middle Bridge on the Lees Valley Road.	2		

The submission asks that the boundary be defined and track formed to provide a link to Middle Bridge for the purpose of providing through access to Lees valley Road including it appears access over adjacent freehold land. The matter of the track is also mentioned in "points 9 & 11" where submitter 6 notes that a former lessee pushed a track partly into his land. Submitter 6 holds all the land adjacent to Crown land designated for retention in full Crown ownership and control and thus practical access as far as Middle Bridge would be partly over his area.

One of the objects in Part 3 of the Crown Pastoral Land Act is to make easier- the securing of public access to and enjoyment of Crown land. To this extent the submission is relevant and should be accepted.

Point	Summary of Point Raised	Submission No.	Decision	
			Accept	Allow
23	Is it intended (by DOC) to get foot, or horse, or bike access to the tracks from the eastern point down at the Ashley	6		

	River?			
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This submission is related to Point 22 and is being asked by the adjacent land holder.

As one of the objects in Part 3 of the Crown Pastoral Land Act is to make easier- the securing of public access to and enjoyment of Crown land. To this extent the submission is relevant and should be accepted.

*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 concerns to be acknowledged and considered by the Commissioner of Crown Lands.

Table 1  
Mt Oxford - List of Submitters

Sub No.	Date Received	Submitter	Representative	Address	
1	27-Jun-03	Federated Mountain Clubs of NZ (Inc.) ✓	David Henson ✓	PO Box 1604	WELLINGTON
2	29-Jul-03	George and Jennifer Jason Smith ✓		Mountain House 110 Mountain Road R D 1	OXFORD
3	05-Aug-03	Public Access New Zealand ✓	Bruce Mason ✓	R D 1	CENTRAL OTAGO
4	07-Aug-03	Royal Forest and Bird Protection Society of NZ Inc. ✓	Simon Johnson	PO Box 2516 Christchurch Mail Centre	CHRISTCHURCH
5	08-Aug-03	Peninsula Tramping Club (Inc.) ✓	Terry Thomsen	271 Centaurus Rd	CHRISTCHURCH
6	08-Aug-03	Robert Johnston ✓		Ashley Gorge Station	OXFORD
7	10-Aug-03	Dr. Chris Pearson ✓		IDOT Admin Bldg Rm 005	UNITED STATES OF AMERICA

Table 2

Mt Oxford "Other Crown Land" - Nature of Submissions

Point Raised	Submitter	No. of Subs	Point Raised
1	1, 5, 7	3	Proposed division of the land is supported
2	1, 4	2	Shrublands within the freehold need to be protected by covenant
3	1, 4	2	Proposed freehold land needs to be protected by a covenant to prevent potential forestry
4	1, 3	2	Marginal strips still need to be laid off
5	2	1	That the whole area be retained in full Crown ownership and control
6	2	1	A poled route is required off Mt Oxford into the Ashley Saddle
7	2	1	Join Run 225 and RS 42115 and if these cannot be joined establish an easement down Big Ben between Run 225 and RS 42115
8	2	1	Concern raised regarding public trespassing on neighbouring land.
9	6	1	Boundary fence in bush be restored to its former state and cost be incurred by the owner of the land
10	6	1	Neighbour burning land
11	6	1	DOC access through neighbouring property
12	6	1	DOC management plans for proposed conservation land
13	6	1	Request to be informed about the sale process involving the proposed freehold land and the timelines involved
14	7	1	Provision be made for earth scientists to carry out research
15	1, 5	2	Agree with the proposed location and routes of public access proposed over the new freehold
16	1, 3, 4, 5	4	Submit that the easement routes should be made more secure by dedication as roads
17	3	1	The proposal does not 'secure' access
18	3	1	The proposed access should be confined to lands of the Crown and proposed freehold
19	3	1	The easement document does not prescribe width
20	1, 2, 4, 5, 6	5	Public access via Sladdens Bush Road needs to be secured and signposted when secure
21	2	1	Preventing public vehicle use of the proposed easement
22	2	1	The boundary down Big Ben Stream to the Ashley River should be defined and a track formed from Big Ben Saddle to the Middle Bridge on the Lees Valley Road
23	6	1	Is it intended (by DOC) to get foot, or horse, or bike access to the tracks from the eastern point down at the Ashley River?





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REPORT IN ACCORDANCE WITH

Contract 50231

Analysis of Iwi Submission for Preliminary Proposal

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File Ref: CON/50231/09/12771/A-ZNO-02 Submission No: QVV 010 Submission Date: 12/08/2003

Office of Agent: Chrlatchurch

LINZ Case No: 12-04/35 Date sent to LINZ: 12/08/2003

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RECOMMENDATIONS

- (1) That the Commissioner of Crown Lands **notes** the receipt of this report for the review of Mt Oxford "Other Crown Land".

Signed by Contractor:

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Barry Dench  
Team Leader for Tenure Review

Approved/~~Declined~~ by:



Name: OWEN JOHN FROST  
Date of decision: 22/02/03

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**(1) Details of lease:**

**Name:** Mt Oxford

**Location:** At the end of Sladdens Bush Road, approximately 1.8 kilometres along part public road/track from Adams Hut (locked gate) and from there approximately 8 kilometres to Oxford.

**Legal Description:** Run 225 and Rural Sections 36848 and 42115 Blocks XIV and XV Upper Ashley and II and III Oxford Survey Districts.

**Area:** 1779.8833 hectares

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

**Received On:** 10 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 Te Ngai Tuahuriri.

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**(3) Analysis of submission:**

**3.1 Introduction:**

The following analysis:

- Summarises each of the points raised
- Discussion of the point.
- The CCI 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 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.

3.2 Analysis:

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Decision</i>	
✓	Support for the areas recommended to be included in Department of Conservation lands	Accept ✓	Allow ✓

In the Mt Oxford Cultural Values Report Ngai Tahu recommended that the following lands be included in the Department of Conservation lands:

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- The catchments of the Keats Stream, Oxford Creek and Big Ben Stream
- The land surrounding the Ashley River/Rakahuri
- Areas of indigenous vegetation on Mt Oxford property

Ngai Tahu acknowledges and supports that these areas have been included in the proposed area to be retained in full Crown ownership and control as conservation area.

The submission provides no new information.

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

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Decision</i>	
✓	Support for proposed protective mechanisms.	Accept ✓	Allow ✓

In the Mt Oxford Cultural Values Report Ngai Tahu recommended that the following areas or matters required protective mechanisms:

- The catchments of the Keats Stream, Oxford Creek and Big Ben Stream.
- All freshwater resources of Mt Oxford Property. In particular, Ashley River/Rakahuri, Keats Stream, Oxford Creek and Big Ben Stream.
- All areas of indigenous vegetation on Mt Oxford property.

Ngai Tahu acknowledges and supports that these areas or matters have received protective mechanisms in the Mt Oxford Preliminary Proposal.

The submission provides no new information.

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

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Decision</i>	
✓3	Consultation with the Department of Conservation requested in regards to how the proposed conservation land will be jointly managed.	Not Accept	✓

Te Runanga o Ngai Tahu seeks joint management of proposed areas of Crown ownership. Ngai Tahu expect that the Department of Conservation will contact Te Ngai Tuahuriri and Te Runanga o Ngai Tahu explaining how the Department will jointly manage the proposed Conservation land in partnership with Ngai Tahu.

This submission relates to a request to hold consultation with the Department of Conservation in respect of future management of land. It is outside of the provisions of the Crown Pastoral Land Act 1998 and is a matter for the Director-General of Conservation to address.

This point should be not be accepted.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Decision</i>	
4/✓	Ngai Tahu seeks to have vehicle access over easements "a-b-c" and "b-d" for management and mahinga kai purposes.	Accept ✓	Allow ✓

Ngai Tahu seek to have vehicle access over proposed easements "a-b-c" and "b-d" for joint management purposes and secondly for mahinga kai (food resources) purposes. The submission states:

*"If Ngai Tahu is 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

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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	Written response requested.	Accept	Allow

Ngai Tahu have suggested that Land Information New Zealand provide a written response to Ngai Tahu outlining whether this request, stated under point 4, will be included in the Mt Oxford Preliminary Proposal. This issue relates to the submitters request for vehicle access for joint management purposes and mahinga kai purposes.

This point should be accepted and allowed to the extent that further consultation is to be undertaken.

***Discussion and Conclusions***

Te Runanga o Ngai Tahu have provided a submission that takes into consideration the local Maori interest in the Mt Oxford Preliminary Proposal. Each point is discussed in detail in this analysis.

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30 June 2003

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CHRISTCHURCH

Tēnā koe Barry

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### PRELIMINARY PROPOSAL FOR MT OXFORD

Te Rūnanga o Ngāi Tahu and Te Ngāi Tūāhuriri has considered the information in the Mount Oxford Preliminary Proposal. I refer to the Cultural Values Report that was jointly prepared by Te Ngāi Tūāhuriri and Te Rūnanga o Ngāi Tahu.

Each recommendation from the Mt Oxford Cultural Value Report is outlined followed by a general comment.

#### 1. Areas recommended to be included in Department of Conservation Lands

- The catchments of the Keats Stream, Oxford Creek and Big Ben Stream.
- The land surrounding the Ashley River/Rakahuri.
- Areas of indigenous vegetation on Mt Oxford property.

This recommendation has been achieved under the Mt Oxford Preliminary Proposal.

#### 2. Areas for which Ngāi Tahu seeks management or ownership

- Te Rūnanga o Ngāi Tahu seeks joint management of proposed areas of Crown ownership.

We expect that the Department of Conservation will contact Te Ngāi Tūāhuriri and Te Rūnanga o Ngāi Tahu explaining how the Department will jointly manage the proposed Conservation land in partnership with Ngāi Tahu.

#### 3. Areas or matters that require protective mechanisms

- The catchments of the Keats Stream, Oxford Creek and Big Ben Stream.
- All freshwater resources on Mt Oxford Property. In particular, Ashley River/Rakahuri, Keats Stream, Oxford Creek and Big Ben Stream.
- All areas of indigenous vegetation on Mt Oxford Property.

This recommendation has been achieved under the Mt Oxford Preliminary Proposal.

4. Areas or matters that require access mechanisms

- All areas of indigenous vegetation and all freshwater resources identified on the Mt Oxford Property.

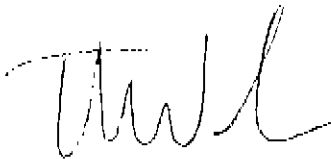
The Mt Oxford Preliminary Proposal states that the Department of Conservation will have vehicle access for management purposes over Easements "a - b - c" and "b - d", and that the public component of the easement is for foot, on horses, or by non-motorised vehicle.

Ngāi Tahu seeks to have vehicle access over easements "a - b - c" and "b - d" for management and mahinga kai purposes. If Ngāi Tahu is going to jointly manage the proposed conservation areas with the Department then Ngāi Tahu is going to require vehicle access to the proposed conservation areas.

There will be times in Ngāi Tahu when Ngāi Tahu will want to visit the proposed conservation areas for cultural purposes. It is imperative that these people have the right to visit these conservation areas. In particular, there are members of Ngāi Tahu Whānui such as kaumatua and children who may not be able to walk to these areas and will require vehicle access. It is important that these Ngāi Tahu members also have the opportunity to participate in cultural activities within this proposed conservation area.

We suggest LINZ prepare a written response to Ngāi Tahu outlining whether this request will be included in the Mt Oxford Preliminary Proposal.

Heoi anō



Takerei Norton  
**Kairuruku Pūrero Ngā Rawa Taiao**  
*Natural Resources Unit Project Co-ordinator*

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cc Te Ngāi Tūāhuriri Resource Management Committee  
Mike Clare (Canterbury Conservancy, Department of Conservation)