

## **Crown Pastoral Land Review of Other Crown Land**

**Lease name: Wyuna**

**Lease number: PO 299**

### **Preliminary report on public submissions**

This document includes information on the public submissions received in response to an advertisement for submissions on the preliminary proposal. The report identifies if each issue raised is allowed or disallowed pursuant to the CPLA. If allowed the issue will be subject to further consultation with Department of Conservation, or other relevant party.

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

**December 03**

(1) *Details of lease:*

*Lease Name:* Wyuna

*Location:* Queenstown-Glenorchy Road, Glenorchy

*Lessee:* Pisidia Holdings Limited and Cabo Limited

(2) *Details of Iwi Submission:*

*Received On:* 28 August 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 Otakou, Kati Huirapa ki Puketeraki  
and Te Runanga o Moeraki.

(3) *Analysis of submission:*

*3.1 Introduction:*

This is a preliminary analysis of the submission. The purpose of this preliminary analysis is to identify those issues raised which are appropriate for further consideration.

After such further consideration and appropriate consultation, a final analysis of the submission will be completed which will record the outcome of such consideration on each point and whether or not it has been approved for inclusion in the draft Substantive Proposal.

The following analysis:

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

The decision to “**allow**” a point is on the basis that the matter raised is a matter that can be dealt with under the Crown Pastoral Land Act 1998. Conversely, where the matter raised is not a matter that can be dealt with under the Crown Pastoral Land Act, the decision is to “**not allow**”. Those points that are ‘allowed’ will be given further consideration with respect to the proposal.

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.

### 3.2 Analysis:

| <i>Point</i> | <i>Summary of Point Raised</i>  | <i>Decision</i> |
|--------------|---|-----------------|
| 1            | That the DGC delegate provides a map outlining the exact location of archaeological site. (NZAA number S 123/1) | Allow           |

Ngai Tahu have noted that the Conservation Resources Report states that there is one Maori site recorded on Wyuna pastoral lease, an early occupation site (NZAA number S123/1).

On one of the maps appended to the Conservation Resources Report this site appears to be located near the vicinity of proposed area R1 (Recreation). Since supplying this submission Ngai Tahu have made an inspection of the general location of the Maori site.

This point relates to protection of significant inherent cultural and historical values, as provided for in the Crown pastoral Land Act, and as such should be allowed for further consultation with the Director-General of Conservations delegate.

| <i>Point</i> | <i>Summary of Point Raised</i>   | <i>Decision</i> |
|--------------|--|-----------------|
| 2            | That the DGC delegate provides a written letter to Te Runanga o Ngai Tahu outlining the proposed protection and access mechanism for this archaeological site. | Allow           |

The submission requests that the DGC delegate provides a written letter to Te Runanga o Ngai Tahu outlining the proposed protection and access mechanism for archaeological site – NZAA number S123/1.

As this point relates to the protection of significant inherent cultural and historical values, as provided for in the Crown pastoral Land Act, it should be allowed for further consultation with the Director-General of Conservations delegate.

| <i>Point</i> | <i>Summary of Point Raised</i>   | <i>Decision</i> |
|--------------|--|-----------------|
| 3            | That the Commissioner resources an archaeological survey of the Wyuna Pastoral Lease, in particular areas where there are registered archaeological sites and the land that runs along the lakeshore of Lake Wakatipu. | Allow           |

The submission requests that the Commissioner resources an archaeological survey of the Wyuna Pastoral Lease, in particular areas where there are registered archaeological sites and the land that runs along the lakeshore of Lake Wakatipu.

Ngai Tahu are concerned that there maybe unregistered archaeological sites on Wyuna pastoral lease. They note that the New Zealand Historic Places Trust records show that there are three recorded archaeological sites that are very close to the boundary of Wyuna Pastoral Lease. Given that there is a degree of inaccuracy over the locations of these archaeological sites there are concerns that these archaeological sites may even be in proposed freehold land.

Ngai Tahu have also spoken with an archaeologist and are concerned that the land alongside the lakeshore may also contain archaeological values. Ngai Tahu state that these areas may also contain unregistered archaeological sites given the proximity to Lake Wakatipu. They state that an archaeological survey is required to identify any archaeological sites that might be on the pastoral lease that are unregistered.

Ngai Tahu notes that no further Maori sites were identified in the preparation of the Conservation Resources Report. The submission states that this was primarily because the survey concentrated on the rugged hill country where the scheelite mining was carried out.

As this request relates to the protection of significant inherent cultural and historical values, as provided for in the Crown Pastoral Lands Act this point should be allowed to the extent that further consultation and consideration is required, to ensure the property has been adequately surveyed.

| <i>Point</i> | <i>Summary of Point Raised</i>   | <i>Decision</i> |
|--------------|--|-----------------|
| 4            | That an Accidental Discovery Find Protocol is included on the title of proposed freehold land. | Not Allow       |

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.

| <i>Point</i> | <i>Summary of Point Raised</i>   | <i>Decision</i> |
|--------------|--|-----------------|
| 5            | That the Recreation Reserve along Lake Wakatipu is retained in Crown control as a reserve as per Section 35 (b)(ii) of the Crown Pastoral Land Act 1998. | Allow           |

The submission requests that the Recreation Reserve along Lake Wakatipu is retained in Crown control as a reserve as per Section 35 (b)(ii) of the Crown Pastoral Lands Act 1998. The submission states that granting a grazing license on this area would allow the lessee to continue farming while ensuring Crown ownership of the land, and therefore protecting access for Ngai Tahu and the public.

It is the view of Ngai Tahu that the disposal of Recreation Reserve along Lake Wakatipu will decrease the conservation and historic values of the area, and therefore in direct conflict with Section 56 of the Crown Pastoral Lands Act 1998. (Note: Section 56 of the Crown Pastoral Lands Act relates to areas of Conservation Area and not Reserve. Section 35(2)(b)(ii) is also not applicable, rather the submitter should have quoted section 38(1)(b) of the Crown Pastoral Land Act)

Analysis of public submissions has raised an issue regarding Exch 1. Investigation into the Proposed Designations Plan used in the Preliminary Proposal for Wyuna pastoral lease show a difference in regards to where the road lies in relation to the lake edge. The Proposed Designations Report shows the road lying adjacent to the lake edge while the plans used in the Preliminary Proposal for Wyuna tenure review show an area of land existing between the present road and lake edge. Fieldwork will be required to confirm where the road lies in relation to the lake edge.

Ngai Tahu have stated that:

- It is difficult to understand why this Recreation Reserve is now surplus to requirement when no additional recreation reserve land has been included.
- The increase in demand for tourism and recreation at Lake Wakatipu means that there would be an increase in demand for recreation reserves along the lakeside of Lake Wakatipu. If anything there is a need to retain as much Crown land as possible around Lake Wakatipu.

This point is an access issue that relates to the objects of the Crown Pastoral Lands Act and should be allowed to the extent that further consultation and consideration is required.

| <i>Point</i> | <i>Summary of Point Raised</i> | <i>Decision</i> |
|--------------|--------------------------------|-----------------|
| 6            | Written response requested.    | Allow           |

Ngai Tahu requests a written response outlining whether the Commissioner will meet each recommendation raised in this submission.

It should be noted that this is just a preliminary analysis. Points **allowed** in this analysis are then to be considered further. This will require further consultation. There will be a further final analysis which identifies which points have been accepted for inclusion in the draft Substantive Proposal, and the reasons behind such decisions. Ngai Tahu will be provided with a copy of the approved final analysis

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

Te Runanga o Ngai Tahu have provided a submission that takes into consideration the local Maori interest in the Wyuna tenure review. Each point is discussed in detail in this analysis. Concern has been raised regarding the discovery and protection of archaeological sites.

Since providing this submission Ngai Tahu have visited Wyuna and had a further inspection of the area. It is unclear as to whether or not an additional submission will be provided by Te Runanga o Ngai Tahu.

**(4) Details of lease:**

**Lease Name:** Wyuna  
**Location:** Queenstown-Glenorchy Road, Glenorchy  
**Lessee:** Pisidia Holdings Limited and Cabo Limited

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

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

*Saturday 28 June 2003*

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

***Closing date for submissions:***

22 August 2003

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

A total of 24 submissions were received by the closing date and 20 late submissions were received.

**(7) Analysis of submission:**

***4.1 Introduction:***

***Explanation of Analysis:***

This is a preliminary analysis of submissions. The purpose of this preliminary analysis is to identify those issues raised which are appropriate for further consideration.

After such further consideration and appropriate consultation, a final analysis of submissions will be completed which will record the outcome of such consideration on each point and whether or not it has been approved for inclusion in the draft Substantive Proposal.

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.
- Provides a discussion of the point.
- The CCL decisions whether or not to allow/not allow for further consultation.

The decision to “**allow**” the point made by submitters is on the basis that the matter raised is a matter that can be dealt with under the Crown Pastoral Land Act 1998. Conversely, where the matter raised is not a matter that can be dealt with under the Crown Pastoral Land Act, the decision is to “**not allow**”. Those points that are ‘allowed’ will be given further consideration with respect to the proposal.

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.

#### 4.2 Analysis:

| <i>Point</i> | <i>Summary of Point Raised</i>  | <i>Submission No.</i>        | <i>Decision</i> |
|--------------|---|------------------------------|-----------------|
| 1            | General support for the proposed allocation of land for full Crown ownership and control. | Nos. 4,7,10, 12, 25, 37 & 43 | Allow           |

Seven submissions were received which indicated support for the proposed allocation of land to be restored to or retained in full Crown ownership and control.

As the retention of land in full Crown ownership is enabled by the Crown Pastoral Land Act 1998 the point should be allowed so that these views can be taken into account in further consideration of the proposed designations.

| <i>Point</i> | <i>Summary of Point Raised</i>                                      | <i>Submission No.</i> | <i>Decision</i> |
|--------------|---|-----------------------|-----------------|
| 2            | Support for the proposal of the freeholding of pastoral lease land. | Nos. 4, 21, 23 & 25   | Allow           |



Four submissions were received which supported the proposal of the freeholding of pastoral lease land.

Submitter 23 stated that the transfer by way of freehold disposal of the land north of Shepherd’s Hut Creek which is presently Recreation Reserve represents a rational reallocation of the boundaries of Wyuna which is consistent with the way in which the land is held to the south of Shepherd’s Hut Creek.

As the disposal of land is enabled by the Crown Pastoral Land Act 1998 it should be allowed so that these views can be taken into account in further consideration of the proposed designations.

| <i>Point</i> | <i>Summary of Point Raised</i> | <i>Submission No.</i> | <i>Decision</i> |
|--------------|--------------------------------|-----------------------|-----------------|
| 3            | Support for concessions.       | Nos. 19 & 21          | Allow           |

Two submissions were received which indicated support for the concessions provided. Submitter 21 made a general statement while Submitter 19 was more specific and indicated support for grazing concessions only. This submission acknowledged that some grazing by sheep as in CA3 and CA5 is desirable to control summer growth and prevent fire risk.

As the Crown Pastoral Land Act 1998 allows for the creation of concessions, this point should be allowed so that these views can be taken into account in further consideration of the proposed designation and concessions.

| <i>Point</i> | <i>Summary of Point Raised</i>      | <i>Submission No.</i>   | <i>Decision</i> |
|--------------|-------------------------------------|-------------------------|-----------------|
| 4            | Support for the proposed easements. | Nos. 7, 10, 20, 25 & 43 | Allow           |

Five submissions were received which provided support for the proposed easements. Submitter 10 made a general statement while the other four submissions were more specific.

Submitters 7, 25 and 43 welcomed the walk to Trig G. Submitters 25 and 43 also welcomed the access for walking and vehicle for management purposes marked ‘k’ to ‘l’ and ‘b’ to ‘c’ on the proposed plan.

Submitter 20 qualified their support for the Mt Judah easement by suggesting that the use should be limited to access on foot and horseback riding. They argued that excluding 4 wheel drive vehicles and motorbike access would help ensure the safety of walkers and riders, and that the restriction would also help retain the peace and tranquillity enjoyed by these users.

In contrast, 25 submissions were received which advocated vehicle access on Mt Judah Road. Taking this opposition into consideration this point should be 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            | Support that provision has been made for several short walks off the Glenorchy Road. | Nos.4,5               | Allow           |

Submitter 4 was pleased that provision had been made for several short walks off the Glenorchy Road. Submitter 5 gave specific support for access to Trig G.

As this matter can be dealt with under the Crown Pastoral Land Act 1998 it should be allowed for further consideration and consultation. One of the objects of Part 2 of the Crown Pastoral Lands Act is to make easier the securing of public access to and enjoyment of reviewable land

| <i>Point</i> | <i>Summary of Point Raised</i>          | <i>Submission No.</i>  | <i>Decision</i> |
|--------------|---|--|-----------------|
| 6            | Public vehicle access on Mt Judah Road. | Nos.<br>1,2, 4,5,6,<br>7, 8,<br>14,15,16,<br>19,21,25,26,<br>28,29,30,31,<br>32,33,34,35,<br>36, 37 & 43 | Allow           |

Twenty five submissions were received which requested public vehicle access on Mt Judah Road.

Mt Judah Road is currently signposted and has been used in the past by the local community to access the high altitude lands. The Queenstown Lakes District Council (Submitter 37) has requested that public four-wheel drive vehicles be permitted on Judah Road in its entirety. They also note that significant public money has been spent establishing and maintaining this road.

Submitter 30 requested that the Minister of Conservation management purposes easement (“a-b”) terms be amended to provide public access on foot, or on or accompanied by horse, or by motor vehicles on the proposed easement route. Public access by way of foot, horse and non-motorised vehicle to the Judah Road is provided in the proposal starting at point “k” and moving along “k-l” and after traversing the

proposed conservation area emerges onto Judah Road at point marked as “b” on the plan.

Vehicle (4WD) access on Mt Judah Road is requested on the basis that it would provide:

1. More readily available access to the high mountain lands for high country recreational users. Concern has been raised that there is only limited road access available to the Richardson Mountains.
2. An opportunity to protect, maintain, access and potentially utilise the Crown owned mineral assets in this tenure review. Submitter 19 stated that they believed the road would qualify for designation as a historic road.
3. Elderly and young children access to the high country.

Concern has been raised by submitters that a future landowner may restrict access on Mt Judah Road.

The issue of administration and maintenance of Mt Judah Road will need to be addressed if vehicle use is permitted. Submitter 4 suggested that to provide vehicle access this route should become a legal road.

While the Crown Pastoral Lands Act does not cater for the creation of a legal road, the securing of appropriate public access to and enjoyment of reviewable land is appropriate with respect to the objects of the Act, and consequently this point should be allowed to the extent that further consideration or consultation should be undertaken on the matter of appropriate public access.

| <i>Point</i> | <i>Summary of Point Raised</i>      | <i>Submission No.</i>   | <i>Decision</i> |
|--------------|-------------------------------------|---|-----------------|
| 7            | That additional access be provided. | Nos.<br>1,4,5,6,7,8,<br>10,12,14,16,<br>17,18,22,25,<br>27,28,30,31,<br>32,33,34,35,<br>36, 37 & 43 | Allow in part   |

Twenty five submissions were received which requested that additional access to conservation and reserve lands be provided.

The access routes that have been requested are as follows:

- a. Along Stone Burn linking proposed conservation areas CA1 and CA3. Thirteen submissions were received requesting this additional access be provided. Submitter 31 suggested this access may be provided by the creation of a marginal strip.

It has been noted that this is the traditional southern (and quicker) approach to Mts Larkin, Judah and Alaska. An easement across this freehold land perhaps utilising the existing 4WD track or the establishment of a marginal strip along both sides of Stone Creek bed would allow continued access to the new conservation land.

- b. Access to Trig D Chinamans Flat. Twelve submissions were received which requested access to Trig D on Chinamans Flat from the Glenorchy-Paradise Road.

There is a popular tramping trip from the Glenorchy-Paradise Road to Trig D on to Chinamans Flat. It has been noted that many of the visitors to Glenorchy will not have vehicles and hence will not be able to easily access more distant walking tracks. An easement up the northern boundary (below Chinamans Flat) would give excellent access to a good view point, and be within walking distance of the Glenorchy Walkway. The Glenorchy Riding Club also requested a bridle path to the 700m “Trig D” on the fort. While the majority of these submissions sought non motorized access, submitters 30 and 31 sought public vehicle access.

- c. Further Access in Chinamans Flat area.
  - Submitters 4, 7 and 30 requested foot access across Chinamans Flat to Mt McIntosh. Submitter 7 suggested this should be via Precipice Creek.
  - Submitter 12 requested access to the protected wetlands area on Chinamans Flat and that this should be linked to Precipice unformed legal road and the CA5 area via “Trig R” on the front face above Chinamans.
  - Submitter 16 requested access from the Trig Station 700 metres (D) to both CA5 and along Chinamans Flat to Precipice Creek.
  - Submitter 22 suggested that the proposed boundary of CA5 along the northern edge of Chinamans Flat needed to be checked to ensure that practical safe foot access can be provided. Submitters 22 and 43 requested legal access up Precipice Creek.
  - Submitter 30 requested access to the base of Chinamans Flat and along the 4WD track that zig zags up the side of the Old Man (Trig R) just above Chinamans Flat. They also proposed that these routes should allow for motorised access.

- Submitters 31,32,33, and 34 and 35 requested hiking access to wetland area past Trig D (700 metres) at the base of Chinamans Flat. They also requested 4WD, hiking and horse trek access through land to be disposed of as freehold land on the 4WD track zig zagging up the face above Chinaman’s flat to the trig marked R boundary with area CA5.
  - Submitter 37 also requested foot access from Glenorchy – Paradise Road to Trig D (700 metres) north to Precipice Creek to enable access to CA5. This is the same general request made by several submitters.
- d. Unrestricted public access be granted on proposed route “d”-“e”. Eight submitters requested that foot, bicycle or horse access be permitted on this route also. In addition, submitter 18 requested that this route be dedicated as a public road. Submitter 28 requests that full vehicle, foot and stock access be secured along this route and beyond along points “e”-“f” and from point “f” to Lake Wakatipu.
- Submitter 22 asserted that while “d” – “e” is billed as providing public (motor) vehicle access, this right is not conveyed by the terms of the easement. They stated that its terms (2.1) are confined to “on foot, on or accompanied by horses, or by non-motorised vehicle powered by person or persons”. They suggested that provision for “motor vehicle” should be added and that there should be no provision for locking of gates. This request for motor vehicle access is already provided for in Special Easement Terms clause 9.2. However, clause 9.2 actually removes the right for the public to use non motorised or foot access. It is also noted that clause 9.3 similarly removes those rights from DOC for management purposes. These clauses should be reviewed.
- e. Submitter 12 requested that easement “i”-“j” be made available as a bridle path and suggested that it is appropriately linked to the R4 area running parallel to it and that the R4 areas are linked by an appropriate route through the Exch 1 area.
- f. Submitters 12 and 22 requested linkage between the eastern R4 area and the CA2 area so that a circular route bridle path access way can be formed.
- g. Linkage between CA2 and CA1 and that the CA1 area is linked to the Battery via the water race. (Submitter 12).
- h. Submitter 17 requested that legal vehicle access be created along the existing road between the Glenorchy-Queenstown Road, close to the Bucklerburn Bridge, up onto the top of the Old Man, to the existing TV translator for its repair and

maintenance. Submitter 28 also requested that motorised vehicle, foot and horse access be granted on an easement from points “G”-“H”, “H”-“E” and point “E” to the top of the Old Man. The submission appears to be using capital letters taken from the new fences required to advocate for a new route.

- i. Five submitters requested walking access in the southern part of the property from R4 to the south-western tip of CA2.
- j. Submitter 8 noted that access from point “e” to the recreation reserves R3 and CA4 at the point of the ‘peninsula’ may become an issue when required for use by the community when the community is not using the larger R3 block.
- k. Five submitters requested 4WD, hiking and horse trekking access through land to be disposed of as freehold land on the 4WD track zig zagging up the front face of Mt Judah to the ‘Casey’s mine’ area at conservation area CA3 boundary. Submitter 35 sought vehicle and mining access along this route.
- l. Submitter 33 requested an easement across land to be disposed of as freehold land to allow access to the take off site at Trig D and Trig R for the Paragliding Club. They state that their members are community conscious people who enjoy a good relationship with the existing Leaseholder. Their concern is maintaining access into the future, should as happened elsewhere, the land be acquired or managed by a less amicable farmer.
- m. Submitter 43 requested a mountain bike route should be created over the power line track.
- n. Submitters 22 and 43 requested the creation of a network of routes including up Teds Spur. Submitter 22 requested that access be provided via Little Stone Creek or its environs as this would provide easy access to the lower boundary of conservation area CA2 leading to Stone Peak.
- o. Submitter 30 proposed that horse riding access be provided across R2 to the lakefront area R4.

The multitude of submissions are seeking extended public access over both reviewable land, reserve the subject of “exchange” under section 38(1)(c) Crown Pastoral Land Act and reserve designated to remain as reserve, subject to grazing and farming concessions. One of the objects of the Crown Pastoral Land Act is to make easier the securing of public access to and enjoyment of reviewable land. To this end the submissions should be accepted and allowed for further consideration.

While reserve land is not included in the definition of ‘reviewable land’ in the Crown Pastoral Land Act, it is considered that by its inclusion in the tenure review such land should be reviewed in the same manner as reviewable land. As the provision of public access is one of the Objects of the Crown Pastoral Land Act 1998, these points should be allowed for further consideration.

| <i>Point</i> | <i>Summary of Point Raised</i>                                   | <i>Submission No.</i> | <i>Decision</i> |
|--------------|--|-----------------------|-----------------|
| 8            | To protect an established walking track – The Glenorchy Walkway. | Nos. 31, 32, & 34     | Allow           |

Three submissions were received which collectively requested protection of an established walking track – The Glenorchy Walkway – that surrounds the Glenorchy town boundary. This is a loop track that includes the lagoon board walk, waterfront track and track around the terraces above town. The track is shown on a map in an appendix of Submission No. 31.

The track is partly outside of the land under review but to the extent that the route is over the land in the review the point is allowed for further consideration.

| <i>Point</i> | <i>Summary of Point Raised</i>   | <i>Submission No.</i> | <i>Decision</i> |
|--------------|--|-----------------------|-----------------|
| 9            | That public access is not secured and road dedications are required on Wyuna | 22 & 43               | Not Allow       |

In summary, submitter 22 claimed that the proposed ‘protective mechanism’ does not ‘secure access’ in that such easements can be extinguished or modified without public input. They proposed that access should be provided by the creation of public roads. Submission 43 supported a similar approach.

In order to secure access the submitter requested a number of road dedications on Wyuna. The submitter contended that the only form of secure public access in New Zealand is public road.

The Crowns obligation is to ‘make easier the securing of public access to and enjoyment of reviewable land’. The Act provides a number of mechanisms to enable enjoyment of land with significant inherent values. One of these is to provide access to this land by way of easement over freeholded land. It is clearly anticipated that the creation of easements is an adequate method of securing access to meet the objects of the Act.

Creating a legal road would involve the local authority and would take the process outside the ambit of the Act. There is no provision in the Act for the creation of roads.

As the submitter has proposed actions which are not achievable within the Crown Pastoral land Act 1998 this point cannot be allowed for further consideration within this tenure review.

| <i>Point</i> | <i>Summary of Point Raised</i>     | <i>Submission No.</i>              | <i>Decision</i> |
|--------------|------------------------------------|------------------------------------|-----------------|
| 10           | Marginal strips being implemented. | Nos.2,4,7, 22, 25,29,31, 32,34 &43 | Not Allow       |

Ten submissions were received in regards to when, where and how marginal strips are to be implemented on Wyuna pastoral lease.

Submitter 4 suggested that marginal strips should be formalised before the final land transfer.

Other submitters request assurance that marginal strips will be laid off on all qualifying waterways when freehold title is raised. Submitter 22 referred to the process that was used at the renewal of the Wyuna lease, and expressed a lack of confidence that LINZ will comply with the law in this tenure review concerning the creation of marginal strips.

Submitters were also interested as to which waterways would qualify for marginal strips. Submitters 7 and 31 requested marginal strips up Stony Burn and Precipice Creek, which if implemented would provide access to proposed conservation land. Submitter 7 also requested marginal strip access up Buckler Burn.

Submitters 2 and 29 expressed concern over the legislation contained in the Conservation Law Reform Act 1990, with respect to the exchange of fixed marginal strips with movable strips.

Submitters should be assured that marginal strips where appropriate will be created on the disposition of the land. This is a legislative requirement, governed by part 4 of the Conservation Act 1987 and is a matter for the Director General of Conservation to administer. Outside of this, the submitters have not sought any other actions which can be provided within this tenure review under the Crown Pastoral Land Act. Consequently these points are not allowed. The desirability of the early identification of stream sections that should attract marginal strips is a generic matter being investigated outside of this particular review.



| <i>Point</i> | <i>Summary of Point Raised</i>   | <i>Submission No.</i>  | <i>Decision</i> |
|--------------|--|------------------------|-----------------|
| 11           | Protect those features associated with historic scheelite and gold mining and access be provided to these sites. | Nos. 7, 8, 15, 19 & 37 | Allow           |

Five submissions were received which requested protection of those features associated with historic scheelite and gold mining and/or access be provided to these sites.

Submitters 8 and 19 requested vehicle access to the battery site on the Mt Judah Road. They noted that the proposed access easement to the battery site is suitable only for those people capable of walking over rough and steep mid-altitude country.

Submitter 19 considered that not enough emphasis has been given to the significance and uniqueness of the scheelite mining as part of New Zealand’s history and particularly Glenorchy’s history. They requested an assurance that the remaining mining relics and the Scheelite battery and associated machinery will not be removed from the area.

The Queenstown and District Historical Society (submitter 7) has requested the establishment of an Historic Reserve to include those features associated with historic scheelite and gold mining, classified in accordance with the provisions of Section 18 of the Reserves Act 1977 to provide freedom of entry and access to the public and management of the flora and fauna to protect historic features. They also requested retention in Crown ownership of the disused Battery and the associated land immediately surrounding it, adjacent to the Mt Judah Road, and furthermore that the Battery be included in any historic reserve established under the Reserves Act 1977. The Queenstown Lakes District Council (submitter 37) requested that a ‘Historic Reserve’ be designated to preserve and protect significant heritage sites and features within parts of CA3 and CA5 and parts of land proposed to be freehold.

The New Zealand Historic Places Trust (submitter 15) has requested that historical gold mining sites be retained for management by the Department of Conservation. As to whether or not these sites lie within the land proposed for management by the Department of Conservation or not are uncertain and will need to be determined with further consultation.

Submitter 15 also requested that the battery and the associated scheelite-mining site should be retained for management by the Department of Conservation and that access to these two sites be provided. They requested that access be provided and formalised by

way of an easement to two scheelite mining sites which lie on line proposed for freehold disposal.

Submitter 15 has noted that there is anecdotal evidence that there are gold mining remains at Chinaman’s Flat, which is proposed for disposal to freehold. It is therefore of concern that there is an absence of any survey or reporting on the historic resources in this area. This means the Trust is unable to assess what significance any sites in this area may have in the context of the Wyuna pastoral lease.

As the Crown Pastoral Lands Act enables the protection of significant inherent historical values of reviewable land this point should be allowed for further consultation and consideration.

| <i>Point</i> | <i>Summary of Point Raised</i>  | <i>Submission No.</i>                           | <i>Decision</i> |
|--------------|---|---|-----------------|
| 12           | That provision is made for the protection of, access to, and utilisation of the Crown owned mineral assets in this tenure review. | Nos. 3,11,13, 14, 17, 35,37,38, 39, 41, 42 & 44 | Allow           |

Twelve submissions were received that requested that provision be made for the protection of, access to, and utilisation of the Crown owned mineral assets in this tenure review.

In general, these submitters argued that there is a valuable mineral resource in this area, largely of gold and scheelite, and that the potential for future exploration and mining should be retained. They submitted that this economic mineral potential should be given increased consideration alongside privatisation values or conservation values.

Submitters 3,13,14,17,35, 38 and 42 argued that the mining areas should be retained in Crown control for the purpose of protecting future mining options. Submitters varied in their views as to the extent of land for which such a designation would be appropriate. Submitter 35 included a map which showed an area encompassing all of CA2, CA3, CA5, and approximately half the land proposed to be freeholded.

The Crown Pastoral Land Act does not appear to intend that future mining potential should be taken into account in determining the appropriate land tenure. The Crown Minerals Act defines the process whereby mining licences may be obtained. Mining licences may be issued, independent of tenure, over freehold or conservation land.

It is also not clear whether there is any appropriate designation under the Crown Pastoral Land Act which could be used to protect future mining options.

To enable uncertainties to be cleared up, this point is allowed for further consideration and analysis.

Submitter 44 expressed dissatisfaction with the current process and argued for some form of provisions to ensure that existing permit holders retain the right to carry out exploration and mining activities after tenure review. The point is allowed to the extent that the impact of tenure review on existing permit holders will be investigated and clarified.

| <i>Point</i> | <i>Summary of Point Raised</i>  | <i>Submission No.</i>                    | <i>Decision</i> |
|--------------|---|--|-----------------|
| 13           | Lands proposed for retention in Crown ownership and control should not be a transference of ownership of these lands to DOC | Nos. 3, 11, 13, 14, 17, 28, 38, 41, & 42 | Allow           |

Nine submissions were received which stated that lands proposed for retention in Crown ownership and control should not be a transference of ownership of these lands to the Department of Conservation.

These submissions suggest that transference to the Department of Conservation would effectively prevent the realisation of any future mining potential, and suggest it would be more appropriate to retain the land in some other form of Crown control.

The land concerned has significant inherent values and the appropriate designation for the protection of such land is generally accepted as Full Crown ownership and Control, or Crown Control, administered by the Department of Conservation. This ownership does not legally preclude a mining application. Any application for mining in the area could be evaluated at the time of the application against all other uses and values of the land. However, due to the apparent significance of the mineral resource in this area, the matter will be allowed for further consideration and analysis.

| <i>Point</i> | <i>Summary of Point Raised</i>   | <i>Submission No.</i>       | <i>Decision</i> |
|--------------|--|-----------------------------|-----------------|
| 14           | That in all other current and future tenure reviews, the significance of mining resources be considered. | Nos. 3, 11, 39, 41, 42 & 44 | Not Allow       |

Six submissions were received from mining interests which requested that in all other current and future tenure reviews the significance of mining resources be considered.

Requests made included the following:

- That the process of High Country Tenure Review should include Crown Minerals/Ministry of Economic Development as an equal partner with the Department of Conservation and Land Information New Zealand (Submitters 39, 41 and 42)
- That equal values be assigned to conservation and mineral values. (Submitters 39, 41 and 42)
- Seek the inclusion of a Minerals Management Strategy for pastoral lease land in the review programme. (Submitter 11)
- Mechanisms be created to identify and account for Crown minerals, their protection and preservation of public access to them, within the high country tenure review process. (Submitters 3, 41 and 42)
- That the holders of mining privileges be consulted fully early in the review process. (Submitter 3)

These are generic issues relating to the tenure review process rather than the Wyuna tenure review in particular. As such they cannot be allowed for further consideration in this Wyuna tenure review. LINZ may consider such issues and take such action as deemed appropriate outside of the Wyuna tenure review.

| <i>Point</i> | <i>Summary of Point Raised</i>  | <i>Submission No.</i> | <i>Decision</i> |
|--------------|---|-----------------------|-----------------|
| 15           | The Preliminary Proposal makes insufficient provision for land to be freeholded to the leaseholder. | 23                    | Not Allow       |

Submitter 23 stated an opinion that overall the Preliminary Proposal makes insufficient provision for land to be freeholded to the leaseholder. The submitter was concerned that the allocation between land to be returned to or retained in Crown ownership and control and land to be disposed of be freehold disposal may set a precedent for the tenure review of Mount Creighton.

The Crown Pastoral Land Act does not require the consideration of the effects of proposals on the tenure reviews of other properties not included in the review. The point is therefore not allowed.

| <i>Point</i> | <i>Summary of Point Raised</i> | <i>Submission No.</i> | <i>Decision</i> |
|--------------|--------------------------------|-----------------------|-----------------|
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|----|--|----|-------|
| 16 | The wetland north east of Trig Station 700m should be fenced off from stock. | 37 | Allow |
|----|--|----|-------|

Submitter 37 stated that the wetland (Wildlife Management Reserve) north-east of Trig Station 700 m should be fenced off from stock. The reasons provided for this are:

- The wetland north-east of Trig Station 700 (D) is a rare and significant natural feature that should be preserved.
- Stock currently badly pug and foul the wetland.

As this matter can be dealt with under the Crown Pastoral Land Act 1998 it should be allowed for further consideration and consultation.

| <i>Point</i> | <i>Summary of Point Raised</i>            | <i>Submission No.</i> | <i>Decision</i> |
|--------------|---|-----------------------|-----------------|
| 17           | Landscape Protection Covenants Requested. | Nos. 4,5,25,36 & 43   | Allow           |

Five submissions were received where Landscape Protection Covenants were requested.

Three submitters requested a protection covenant on the backdrop area surrounding the town proposed for freeholding. They believe that the area should be free of development and that an outstanding natural landscape is a significant inherent value worthy of protection. It was noted that the benefits of a covenant would be that subsequent reviews of the district plan would not affect the terms and conditions of the covenant. Submitter 25 also stated that given the wilding tree problem around Queenstown any proposal to plant conifers would need to be closely looked at to ensure the same scenario is not repeated in this area.

Submitter 4 requested that a Landscape Protection Covenant be registered on the Title for the Buckler Burn Terraces (north and south) to prevent high/low density residential subdivision, lifestyle blocks, exotic forestation, erection of commercial premises or other structures not essential for farming practices.

Submitter 36 requested that a landscape covenant at least be placed on the Exchange 1 Area if it is to be freeholded so as to ensure it does not become developed for housing.

Submitter 4 requested that all stated areas of regenerating forest and scrub within or bordering the new freehold land should be protected by a binding Landscape Protection Covenant and secure fencing. They argued this on the basis that even if the current lessees treat the

landscape and special areas sympathetically, there is no guarantee that any future owners will do the same.

Covenants provide one means within the Crown Pastoral Land Act for the protection of significant inherent values. Consequently these points should be allowed for further consideration.

| <i>Point</i> | <i>Summary of Point Raised</i>          | <i>Submission No.</i> | <i>Decision</i> |
|--------------|---|-----------------------|-----------------|
| 18           | That shrub weed problems be dealt with. | Nos. 25, 36 & 43      | Not Allow       |

Three submissions were received which requested that shrub weed problems be dealt with.

Submitters 25 and 43 stated that in regards to Areas CA1, CA4 and the Recreation Reserves it would be important to control and preferably eliminate the broom growing on some of these areas to prevent the further spread of this serious plant pest.

Submitter 36 stated that with regards to the proposed Exchange 1 land there is a current shrub-weed problem, particularly with Spanish heath, on this block should be dealt with to ensure it does not become a source of infestation for other land in the area.

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 allowed.

| <i>Point</i> | <i>Summary of Point Raised</i>  | <i>Submission No.</i> | <i>Decision</i> |
|--------------|---|-----------------------|-----------------|
| 19           | Propose that all land between the present road and lake edge remain in public ownership to allow free access to the shore and lake. | Nos. 6,8,14, & 27     | Allow           |

Four submissions were received that proposed that all land between the present road and lake edge remain in public ownership to allow free access to the shore and lake.

Investigation into the Proposed Designations Plan prepared by the Department of Conservation and the plans used in the Preliminary Proposal for Wyuna pastoral lease show a difference in regards to where the road lies in relation to the lake edge. The Proposed Designations Report shows the road lying adjacent to the lake edge while the plans used in the Preliminary Proposal for Wyuna tenure

review show an area of land existing between the present road and lake edge. Fieldwork will be required to confirm where the road lies in relation to the lake edge.

This point should be allowed to the extent that further investigation or consultation should be carried out regarding the boundary.

| <i>Point</i> | <i>Summary of Point Raised</i>                                     | <i>Submission No.</i> | <i>Decision</i> |
|--------------|--|-----------------------|-----------------|
| 20           | That land proposed for freehold disposal be retained by the Crown. | Nos 17, 24, 30 & 43   | Allow           |

Four submissions were received which requested that different areas of land proposed for freehold disposal be retained by the Crown.

Submitter 24 has requested that Wyuna be retained in its entirety by the Crown and be jointly administered by the Department of Conservation, Queenstown Lakes District Council, and the local community on a case by case basis. The submitter suggests such Crown retention of all of Wyuna on the basis of its unique value to the public related to its location.

Submitter 17 has requested that proposed freehold land on the north side and down hill of the Judah Road be included in CA5 and/or CA3 (between the Battery b and c). The reasons provided for this are that the land only has minimal grazing value. They also state that freeholding this area would allow the lessees to control the road into the back country. They consider that for stock management, it would be more practical to have the boundary fence above the road (south side) as this would ensure less stock disturbance and problems with gates across the roadway.

Submitter 30 has requested that the recreation reserve R4 stretch the whole length of the waterfront and be of adequate width (possibly crossing the road on to the Land on the east side of the Queenstown-Glenorchy Road). They also request that the reserve area be extended south along the land fronting the Lake to link with the southern part of R4 (Recreation). This area is marked on the plan appended to their submission.

Submitter 43 stated that the wetland on the terrace opposite Ted's Spur deserves protection. They note that this has previously been considered for protection at some stages in the tenure review process. The submitter has visited the area and has noted that there are grey duck, paradise shell duck, scaup, black swan, mallard and Canadian goose present. They have indicated that the area is surrounded by coprosma species, manuka, broadleaf and matagouri. They suggest that if stock were removed this area would gradually regenerate into

native woodland. The submitter stated that protection of the remaining wetlands is important and this area deserves protection.

Submitter 43 has also requested that shrublands and beech remnants in Precipice Creek and Shepherds Creek be recognized under the Crown Pastoral Lands Act as having significant inherent values and that this area be protected by a covenant or be returned to full Crown ownership and control. They indicated that in this area there are some large beech trees and manuka dominated shrublands.

As the Crown Pastoral Land Act provides for the retention of land included in the review in Crown ownership, and the reasons given by the submitters relate to protection of significant inherent values, or public access, these points should be allowed for further consideration or consultation.

| <i>Point</i> | <i>Summary of Point Raised</i>  | <i>Submission No.</i> | <i>Decision</i> |
|--------------|---|-----------------------|-----------------|
| 21           | That the grazing concessions for the Mt Judah Block and Mt McIntosh Block be reduced. | Nos 4, 25, 37 & 43    | Allow           |

Three submissions were received which supported the three year grazing concession for the Mt McIntosh Block and requested that the 10 year grazing concession for the Mt Judah Block (CA3) be reduced to 3 years. Submitters state that removal of stock would enable the regeneration of native vegetation on the entire Judah block.

Submitter 4 also stated that

- This block contains some very rugged steep country that regularly rises above the 1000 metres contour, beyond which economically sustainable farming activity is unlikely and that a 10 year permit may well threaten soil stability and landscape value in the future.
- The area also contains many abandoned mines and machinery that largely remain as they were left. Wandering stock, burn-off scarring and pasture modification could compromise the otherwise authentic experience of this mining history and iconic New Zealand ‘high country’.

The Queenstown Lakes District Council (submission 37) has requested that sheep grazing concessions not be granted on areas CA3 and CA5. The main reason for this is that this would allow the “high degree of naturalness above 1000m” to flourish, and be enjoyed by recreationalists.



The submitters are advocating the removal of stock or a phased removal as a means of promoting the management of reviewable land in a way that is ecologically sustainable. As the Crown Pastoral Land Act enables the creation of grazing concessions, and the arguments raised relate to the objectives of the Crown Pastoral Land Act, the point is allowed for further consideration.

| <i>Point</i> | <i>Summary of Point Raised</i>                     | <i>Submission No.</i> | <i>Decision</i> |
|--------------|--|-----------------------|-----------------|
| 22           | That the concessions granted for CA2 be monitored. | 36                    | Allow           |

One submission was received in regards to the concessions granted for area CA2 being monitored. It is proposed that there will be a ten year guided walks and horse trekking concession and a ten year heliskiing and heliboarding concession granted for this area. The submitter states that the monitoring of the former activities will be important to ensure the maintenance of the present natural values.

The point relates to the detail of the protection of significant inherent values in the area, and thus has relevance with respect to the objectives of the Crown Pastoral Land Act. It is thus allowed for further consideration.

| <i>Point</i> | <i>Summary of Point Raised</i>   | <i>Submission No.</i> | <i>Decision</i> |
|--------------|--|-----------------------|-----------------|
| 23           | Opposition to any concession being granted for heli-skiing, heli-boarding and a possible boutique ski-field. | 4                     | Allow           |

Submitter No. 4 was opposed to any concession being granted which would permit heli-skiing, heli-boarding and/or a possible boutique ski-field. The basis for this opposition is that they contend that there is already provision for them in the general Wakatipu Mount Aspiring National Park area. The submitter was concerned about potential noise pollution, earthworks, helicopter landings, environmental pollution, rubbish collection, and vegetation damage. The submitter stated that commercial activity of this nature compromises the protection and preservation of the significant and natural inherent values (including natural quiet) of the area.

The point relates to the protection of significant inherent values, particularly its wilderness qualities, as reflected in the terms of a proposed concession. It is thus relevant to the objectives of the Crown Pastoral Land Act and is allowed for further consideration.

| <i>Point</i> | <i>Summary of Point Raised</i>  | <i>Submission No.</i> | <i>Decision</i> |       |
|--------------|---|-----------------------|-----------------|-------|
| 24           | Zones CA5, CA3 and CA2 should remain available for recreational hunting in addition to the uses proposed. | Nos 2 & 29            | Accept          | Allow |

Submitters 2 and 29 have requested that areas CA5, CA3 and CA2 remain available for recreational hunting in addition to the uses proposed. Submission 2 stated that feral goats continue to provide interest to recreational hunters at Wyuna, in part because the spectacular terrain combines, with the goats, to provide physical challenges of the chase.

In the grazing concession documents for both CA5 and CA3 clauses exist under Schedule 2, Special Conditions, Hunting which state that:

*The Grantor reserves the right to authorise hunters who hold a valid hunting permit issued by the Department of Conservation to hunt on the Land.*

Hunting will also be permitted in Area CA2.

The point relates to the public enjoyment of the reviewable lands subsequent to the conclusion of the review and thus falls within the objects of the Act. It should thus 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> |       |
|--------------|--|-----------------------|-----------------|-------|
| 25           | Unrestricted public access requested on conservation lands (alterations requested in grazing concessions to permit this) | Nos. 22, 30, & 34     | Accept          | Allow |

Submitter 30 has requested that the grazing concessions for proposed areas CA3 and CA5 allow public access to the entirety of these areas and that such access be available on foot, mountain bikes, on or accompanied by horse. In the grazing concession for proposed area CA3 the submitter requested that public access be confirmed by replacing the word “Mt Judah” in Schedule 3 Item 1c with “Land” i.e. CA3 and the word “possibly” deleted on the basis that this will allow unrestricted public access to the whole of CA3 by horse, foot and mountain bike. The submitter while raising the issue for grazing concession labelled “CA5”, made the observation after noting Clause 20.1 that “*we gather public access in any form will not be restricted during the term of the grazing concession*”.

Submitter 22 also considered that the terms of the grazing concession left the use of horses beyond point ‘c’ as uncertain. Submitter 22 stated that if horse use is to be available as of right over the portion of the road subject to easement, then it must also be available over the balance of the road.

Submitter 34 submitted that when the Conservation Management Strategy is developed for the area – that the recreational activities 4WD, horse trekking, *trails and trail biking* should be recognised as *allowable activities* on the extensive network of bridal paths and bulldozed tracks as mainly represented in the CA5 and CA3 areas.

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

| <i>Point</i> | <i>Summary of Point Raised</i>   | <i>Submission No.</i> | <i>Decision</i> |
|--------------|--|-----------------------|-----------------|
| 26           | Request assurance that the corridor of conservation land will provide access to the upper country on the true left of Precipice Creek. | 14                    | Not Allow       |

This point appears to relate to a corridor of reserve land adjacent to existing freehold land, all downslope of the land under review. They stated that this corridor extends through two of the three lower properties, and that if an esplanade strip was created on the bottom property this would give legal access from the Glenorchy/Routeburn Road. The submitter requested assurance that this corridor will be available for access.

As none of the land appears to be on Wyuna, or other land included in the review, this point cannot be allowed..

| <i>Point</i> | <i>Summary of Point Raised</i>  | <i>Submission No.</i> | <i>Decision</i> |
|--------------|---|-----------------------|-----------------|
| 27           | No provision for car parking in conjunction with the access to any of the conservation areas. | Nos 8 & 14            | Allow           |

Two submissions were received regarding car parking. Submitter 8 noted that there does not appear to be any provision for parking to be provided in conjunction with the access to any of the conservation areas. Submitter 14 noted that no provision had been made for a designated car park for the walkway up the Mt Judah Road.

The designations map fails to show an area on the road reserve where a public car park will be created. It will be located next to point ‘k’ on Plan Inset 1 of the Wyuna preliminary proposal plans. Another car park presently exists in Recreation Reserve Area – R4, on the Glenorchy-Queenstown Road.

As provision for future carparking is a matter associated with the provision of vehicle parking as part of the object to make easier- the securing of public access to and enjoyment of reviewable land it is a valid point and is allowed for future plan drafting.

| <i>Point</i> | <i>Summary of Point Raised</i>               | <i>Submission No.</i> | <i>Decision</i> |
|--------------|--|-----------------------|-----------------|
| 28           | Larger area of reserve lands made available. | Nos 12 & 15           | Allow           |

Submitter 15 requested that Recreation Reserve Area 1 be extended to include NZAA site S123/1. This early Maori occupation site appears to lie within the small triangle of proposed freehold land, immediately alongside proposed recreation reserve R1. The submitter had no concerns about the site continuing to be grazed by sheep. The submitter stated that with the future development pressures likely in this area, the site would be better protected through management by the Department of Conservation.

As Submission 15 deals with the protection of significant inherent cultural values this meets the objectives of the Crown Pastoral Lands Act and should be allowed for further consideration or consultation.

Submitter 12 suggested a greater, rather than lesser, area of land be made available as reserve lands due to community needs, and that a consolidated approach and a management plan be made to accommodate these needs, now and into the future. The submission appears to relate to the area R3 (Recreation)/Farming. This is concerned with the protection of inherent values of a recreational nature and is thus relevant with respect to the objects of the Crown Pastoral Land Act. It is thus allowed for further consideration.

| <i>Point</i> | <i>Summary of Point Raised</i>   | <i>Submission No.</i>                     | <i>Decision</i> |
|--------------|--|---|-----------------|
| 29           | Community interest in regards to use of Reserve areas R2 and R3, and area CA4. | Nos. 5,8,9,12, 14, 22, 28, 30,31, 32 & 37 | Allow           |

Eleven submissions were received which showed interest in regards to the use of the reserve areas. The general feeling of submitters was support for the proposal that present reserve areas will continue to be

retained as reserve. A number of different issues have been raised by the submitters and are detailed as follows:

a. Community Use of Reserve Areas R3 and CA4

Submitter 9 has requested that recreation reserve areas R3 and CA4 be considered for a golf course for the Glenorchy township. Submitter 37 has requested that land within R3 (Recreation)/Grazing and CA4/Grazing be designated for the Glenorchy Riding club and other Glenorchy sporting clubs that currently have no land to base their activities from. Submitter 28 requested that area R3 lake edge be made available for a public jetty and that motorised vehicle, foot and stock access be secured to that future jetty.

b. Requesting Immediate Use of Reserve Areas R3 and CA4 by Community Groups

Submitters 5 stated that there is an immediate need for the Glenorchy Pony Club to have use of the Reserve Areas R3 and CA4. Submitter 12 also suggested this land be available for that use and submitters 12 and 30 requested that the area labelled R3 and R3/CA4 be made available for immediate and ongoing recreation and community use. Submitter 28 requested that recreational reserve R3 be set-aside for recreational purposes immediately.

c. Farming Concession (R3(Recreation)/Farming) to become a Grazing Concession

Submitters 31 and 32 have stated that even though grazing/farming concessions allow for public use of these lands – there is a public perception, reinforced by the farming type appearance, that these lands are mainly for farming purposes. They consider that this perception and access issues relating to grazing/farming concessions hinders public interest in planning use of these lands. The submitter considers that the Minister should adjust the proposed Farming concessions to be Grazing concessions and that the term of the concessions should be reduced as another way of addressing the community’s concerns regarding farm use dominating the conservation/recreation reserve lands.

d. Lesser Term on Grazing Concessions over R3 and CA4.

Two submitters have requested a lesser term on the grazing concession for recreation reserve area R3 (Recreation/Grazing) and CA4/Grazing. Submitter 5 has stated that the term of the lease is likely to leave the community exposed to liability for compensation if the grazing is removed due to the community needing exclusive use. They also state that in order to grant a lease longer than 30 years the Minister of Conservation must be *...satisfied that there are exceptional circumstances (Section 55 Crown Pastoral Land Act 1998)*. Submitter 14 would like to see a term of five years for any grazing lease. The regular re evaluation of the recreational needs of the community that this term would provide would be of benefit to all parties. They also state that any activities that may require regular or occasional use of the recreational reserve are likely to need only part of the reserve and it

is also likely that grazing is not incompatible with most recreational activities.

e. Change in wording of Concession Documents over R3 and CA4

A change in concession wording has been requested by submitters 5, 31 and 32 to modify Clause 10 of the grazing concession to include the words *and is not needed by the community* after ‘surplus to requirements’.

f. Concessions be Granted to Community Interests over R3 and CA4.

Submitter 12 requested that the grazing concession and farming concession for R3/CA4 be considered for the community and go under public tender process for a lesser term than 33 years. Submitter 28 requested that ownership of reserve area R3 be given to the Queenstown Lakes District Council or a community group with the potential to sub lease grazing to an interested party for fundraising purposes. Submitter 30 requested that the concession on R3/CA4 and R3 be put out to public tender on the basis of ‘use to community’ and not ‘monetary value’. They suggested this would provide Glenorchy Riding Club an opportunity to secure a long-term base and grazing within close proximity to the Township. Submitters 31 and 32 also stated that The Minister can designate the land under CPLA section 38(2) to remain a reserve subject to the granting of a specified lease under section 73 Reserves Act 1977, which identifies that, if the Minister considers it in the public interest he can lease recreation reserves for purposes other than farming/grazing. i.e. The community could tender in a public process to lease the conservation and reserve lands and manage them based on the intent of its Community Plan.

g. R2 – Recreation Reserve

Submitter 30 has requested that the grazing concession for R2 (Recreation)/Grazing be reduced and/or introduce an option for the Grantor to break the concession early. Submitter 22 has requested that no grazing concession be granted over recreation reserve R2. The open grassed portion of the airstrip should be vested in the Queenstown Lakes District Council as a local purpose reserve. The balance, being the wooded and scrubby portion nearer the lake, should remain as recreation reserve and be free of any grazing concessions. It primarily has amenity values.

Submitter 12 supported the special conditions of the concession but noted that the described accessway was not marked.

h. Concessionaire not to have first option or disposal rights (R3, CA4, and R2)

Submitter 30 considered that there should not be any concession, side letter, or the like, offering the Concessionaire either: - a first option to any grazing rights or preferential disposal of R3. In relation to the

concessions over R3 and R2, submitters 31 and 32 questioned the validity of the argument in the summary of the preliminary proposal section 3.4.1 which justified the concessions as ‘...*an interim measure to allow a phase in of a change in farming system on land designated for freehold disposal*...’. The submitters question the runholders reliance on obtaining concessions for these lands, observing that the runholder had, prior to tenure review, advertised an intention to subdivide and diversify income.

One of the objectives of the Crown Pastoral Land Act is to make easier the securing of public access and enjoyment of reviewable land. While existing recreation reserve in the strict sense is not reviewable land, since it has been included in the tenure review it must be treated in the same manner as reviewable land. These submitters are concerned with what they see as the potential for public enjoyment of such land, and possible short or long term loss of such enjoyment due to the grazing and farming concessions. As such these points are relevant and are allowed for further consideration.

| <i>Point</i> | <i>Summary of Point Raised</i>  | <i>Submission No.</i> | <i>Decision</i> |
|--------------|---|-----------------------|-----------------|
| 30           | Support the granting of concessions CA3 and CA5, but these should not be at the expense of free access by the general public. | Nos. 7,12,21,22 & 25  | Allow           |

Four submissions were received in regard to this point.

Submitters 7 and 21 supported the guided walks and horse trekking concessions but felt that these should not be at the expense of free access by the general public.

Submitter 25 supported the walking, horse riding and heliskiing/heliboarding concessions but had a proviso that these concessions must not in any way restrict or hinder the general public’s enjoyment of this area.

Submitter 22 was concerned that with reference to the Health and Safety in Employment Act and the Occupiers Liability Act within the grazing and other concessions. The submitter contended that this may imply to the concessionaires that they are empowered to restrict or deny public use of the conservation areas and reserves. The submitter requested that there be express provisions put into all concession documents that, for the avoidance of doubt, the Occupiers Liability act does not apply and also that notwithstanding licensees obligations under the Health and Safety in Employment Act, non-client members of the public have free and unrestrained use of conservation areas and reserves at all times.

Clarification of concession documents by the Department of Conservation will be required in order to address the concerns raised in these submissions. This point should be 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> |
|--------------|---|-----------------------|-----------------|
| 31           | Major concessions should be dealt with through the normal DOC concession application process. | 4                     | Not Allow       |

One submission was received which stated that it is inappropriate that major concessions should be included in tenure review proposals. The submission states that they should be dealt with through the normal Department of Conservation concession application process with opportunity for public submissions.

Amongst the reasons listed by the submitter included a concern that lessees may use existing permits to claim economic and sustainable use of relevant land. When the Substantive Proposal for the Wyuna tenure review is implemented the recreation permits presently granted by Land Information New Zealand will be cancelled and the recreation permits will need to be reapplied for from the Department of Conservation.

The point relates to the procedure by which concessions should be issued, and the contention is that they should not be issued within tenure review. However, the Crown Pastoral Lands Act does allow for the economic use of the land through the granting of concessions, so long as relevant criteria are met. As such, this point cannot be allowed for further consideration in the Wyuna review.

| <i>Point</i> | <i>Summary of Point Raised</i>                                      | <i>Submission No.</i> | <i>Decision</i> |
|--------------|---|-----------------------|-----------------|
| 32           | Request confirmation that legal access is provided to the airstrip. | 14                    | Allow           |

Submitter 14 stated that although there appears to be an easement to the airstrip it is not spelt out in the Review. The submission suggests that the airstrip is of great importance to the community both in a commercial and social sense and that legal access is essential. The submitter requests confirmation that legal access will be provided.

Provision of public access to the land under review is one of the objects of the Crown pastoral Land Act and thus this point is allowed for further consideration.

| <i>Point</i> | <i>Summary of Point Raised</i> | <i>Submission No.</i> | <i>Decision</i> |
|--------------|--------------------------------|-----------------------|-----------------|
|--------------|--------------------------------|-----------------------|-----------------|



|    |  |                |       |
|----|--|----------------|-------|
| 33 | That the Queenstown Lakes District Council should administer the Glenorchy Airstrip. | Nos 20,22 & 28 | Allow |
|----|--|----------------|-------|

Three submissions were received in regard to the airstrip located in current recreation reserve over which a grazing concession is proposed (R2 Recreation/Grazing). The submissions requested that the airstrip should remain and be put into Queenstown Lakes District Council control. Submitter 20 stated that the Glenorchy Airstrip should be subject to a Council management plan to ensure use and noise effects are managed in line with the Glenorchy Community Plan. Submitter 20 stated that at present frequent and unregulated commercial flights from the strip significantly impact on the peace the area affords residents and visitors alike.

Submitter 22 requested that no grazing concession be granted over recreation reserve R2. They believe that the intensity of use of the airstrip is such that it has become dangerous for stock to be present and that those commercially benefiting from use of this public amenity should mow the strip if required, so enabling the exclusion of stock.

These arguments relate to the appropriate use of land under review. The points are allowed so that they can be considered at least to the extent of their relevance to the proposed concession over the land.

| Point | Summary of Point Raised  | Submission No. | Decision |
|-------|--|----------------|----------|
| 34    | Council should not be required to compensate grazing concession concessionaire in any form for loss of grazing in Area R2. | 37             | Allow    |

The Queenstown Lakes District Council submission states that they wish to support a clause in the grazing license for the land occupied by the Glenorchy airfield (located within “R2 (Recreation)/Grazing”).

The paragraph referred to is found in Schedule 2, Special Conditions, Land Management Clause of the Grazing Concession. It states:

*‘That should the Queenstown Lakes District Council or other agency acting as the airport authority satisfy the Grantor that it requires exclusive use of an area of the Land for an airstrip then the Concessionaire shall upon receiving not less than one month’s notice from the Grantor surrender taking place the fee payable by the Concessionaire shall reduce to such amount as the Grantor in her discretion deems fit and proper.’*

The Council submits that when a request is made for grazing to cease that the concessionaire is not required to be compensated by Council in any form for loss of grazing.

Since the Queenstown Lakes District Council could be directly affected by the terms of the proposed concession, this point should be allowed to the extent that their support for the Condition should be noted.

| <i>Point</i> | <i>Summary of Point Raised</i>  | <i>Submission No.</i> | <i>Decision</i> |
|--------------|---|-----------------------|-----------------|
| 35           | Concern regarding adequate protection from periodic burn-offs on adjoining freehold land. | 4                     | Not Allow       |

One submission was received in which the submitter did not agree that a fence line along the boundary of the Stone Creek Beech Forest (and others on the property) would provide adequate protection from periodic burn offs on adjoining freehold land. The submitter stated that a buffer or ‘no-burn’ zone should be established to ensure that regenerating shrubs and manuka are not threatened by this farming practice.

The area discussed is proposed for retention in Crown ownership and control. It is intended that this land will be administered and managed by the Department of Conservation. The adjacent freehold land owner will be required to provide notification to the Department of Conservation of any intended ‘burn-off’ on their adjacent freehold land and a buffer or ‘no-burn’ zone exists.

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

| <i>Point</i> | <i>Summary of Point Raised</i>  | <i>Submission No.</i> | <i>Decision</i> |
|--------------|---|-----------------------|-----------------|
| 36           | Inaccuracy in southern boundary. Some of the land included for Wyuna pastoral lease is part of Mt Creighton pastoral lease. | 23                    | Allow           |

One submission was received which stated there was an inaccuracy in the plans in the Preliminary Proposal for Wyuna.

On Plan Inset 2 the land south of Shepherd’s Hut Creek is marked as a Recreation Reserve to be retained by the Crown as Recreation Reserve. The submission states that the some of this land has been formally incorporated into the Mount Creighton pastoral lease and some will be the subject of a claim by Mount Creighton Station Limited that it should have been recorded as part of the land incorporated into Mount

Creighton’s pastoral lease as a consequence of a land exchange between the then owners of Mount Creighton and the Crown in 1984.

Further investigation is required into the boundaries mentioned in this submission. This point should be allowed to the extent that further consideration and consultation is required.

| <i>Point</i> | <i>Summary of Point Raised</i>  | <i>Submission No.</i> | <i>Decision</i> |
|--------------|---|-----------------------|-----------------|
| 37           | The tenure review process discriminates against the public by not allowing consultation prior to the first cut of the Preliminary Proposal of the review. | 24                    | Not Allow       |

One submission was received in which the submitter stated that they felt that the process of tenure review was fundamentally flawed in that it discriminated against the public by not allowing consultation prior to the ‘first cut’ of the preliminary proposal of the review.

Section 43 of the Crown Pastoral Lands Act requires the preliminary proposal to be publicly advertised and allows members of the public to make submissions at that time. Under section 47 the Commissioner is not permitted to put a substantive proposal to any holder of a reviewable instrument without having considered all written submissions relating to the preliminary proposal received on or before the closing date for submissions and to late or oral submissions.

This point relates to a generic tenure review process issue and is not a matter for resolution within the Wyuna tenure review under the Crown Pastoral Land Act processes. The point is thus not allowed, although the submitter is welcome to pursue the point independently of this review.

| <i>Point</i> | <i>Summary of Point Raised</i>   | <i>Submission No.</i> | <i>Decision</i> |
|--------------|--|-----------------------|-----------------|
| 38           | To protect water race rights for a registered water race going across lands to be disposed of as freehold on the front face of Mt Judah from Stone Creek to the Glenorchy Battery. | Nos. 31,32,34 & 35    | Allow           |

Four submissions were received which requested an easement to protect water race rights for a registered water race going across lands to be disposed of as freehold on the front face of Mt Judah from Stone Creek to the Glenorchy Battery. The water race is shown on a map appendix in Submission No. 31.

Submissions 31 and 35 state that the Glenorchy Battery is currently being refurbished by mine history enthusiasts and is 90% operational. The battery is powered by water from the race and is soon to be reinstated. The submitters request that the water race be physically protected as it is on land to be disposed of as freehold.

The Glenorchy Battery Association has current water rights and resource consent. Copies of the resource consents are attached as appendices to Submission No. 35.

This matter has not previously been considered by the Commissioner of Crown Lands in the tenure review process. This point should be allowed to the extent that further consideration or consultation be undertaken.

| <i>Point</i> | <i>Summary of Point Raised</i>   | <i>Submission No.</i> | <i>Decision</i> |
|--------------|--|-----------------------|-----------------|
| 39           | That suitable land within Wyuna should be designated for a site for Glenorchy township wastewater effluent disposal. | 37                    | Not Allow       |

A submission was received from the Queenstown Lakes District Council requesting that suitable land within Wyuna Station be designated for a site for Glenorchy Township wastewater effluent disposal.

The reasons given for this request were:

- Glenorchy township is in need of land to be used for wastewater effluent disposal site for its growing population. Whilst options have been considered to date, no obvious or suitable site has been identified.
- Wyuna Station land appears to be suitable for the above.
- This land is particularly suitable for effluent disposal because of its proximity to Glenorchy township and its flat gradient.

The request made by the Queenstown Lakes District Council lies outside the objectives or provisions of the Crown Pastoral Lands Act and cannot be allowed within this tenure review.

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

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

A large number of submissions expressed views in relation to public access. This 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.

Many submitters were also concerned with the future use of existing reserve and conservation land that has been included in the review, with particular concern over the terms of the proposed concessions over that land. The fact that such land areas have been included in the review means that submissions relating to such land should be treated in the same manner as submissions relating to the reviewable land.

The New Zealand Mining Industry and individual mineral professionals although late in providing their submissions provided detailed information supporting their cases. These submissions were generally concerned with what they see as the potential loss of opportunities for future mining in those areas designated for Department of Conservation control. However, the Crown Pastoral Land Act does not allow for the protection of future mining options. If mining licences are sought in the future, an application can be made under the Crown Minerals Act.