

# **Crown Pastoral Land Tenure Review**

**Lease name: RICHMOND**

**Lease number: PT 087**

## **Final Report on Public Submissions**

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

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

**June**

**06**

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**Report in Accordance with Contract 50346**

**Final Analysis of Public Submissions for Preliminary Proposal**

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File Ref: PRY-C60-12705-TNR-PT087 Submission No: QVV 794 Submission Date: 19/5/2006

Office of Agent: Christchurch LINZ Case No: Date sent to LINZ: 24/5/2006

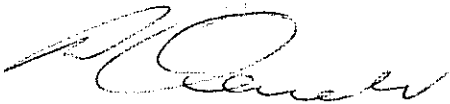
TROG/179

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**RECOMMENDATIONS**

- (1) That the Commissioner of Crown Lands approves this report for tenure review of Pt 087 Richmond Pastoral Lease.

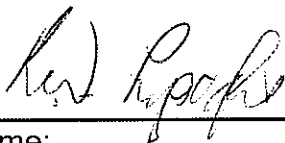
**Signed by Contractor:**



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Barry Dench  
Team Leader for Tenure Review

**Approved/Declined by:**



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Name:  
Date of decision: 30/5/06

**(1) Details of lease:**

**Lease Name:** Richmond

**Location:** Lilybank Road, Lake Tekapo, 17 kilometres north of Tekapo township.

**Lessee:** Oskar Johannes Rieder and Karoline Rieder.

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

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

20<sup>th</sup> August 2005

- The Press Christchurch
- Otago Daily Times Dunedin

***Closing date for submissions:***

17<sup>th</sup> October 2005

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

A total of twenty one submissions were received.

**(4) Analysis of submission:**

***4.1 Introduction:***

*Explanation of Analysis:*

This is a final analysis of submissions. The purpose of this final analysis is to determine whether to accept or not accept the points raised in submissions for inclusion in the 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.
- Records the CCL decision whether or not to allow/disallow the point for further consultation.
- Records the CCL decision whether to accept the point for inclusion in the proposal.

The following approach has been adopted when making the decision:

(i) To allow / disallow for further consultation:

The decision to “**Allow**” the point made by submitters is on the basis that the matter raised is a matter than 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 “**Disallow**”. 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.

(ii) To accept/ not accept:

The outcome of an “**Accept**” decision will be that the point is included in the draft Substantive Proposal. To arrive at this decision the point must be evaluated with respect to the following criteria:

- The objectives and matters to be taken into account in the Crown Pastoral Land Act (sections 24 & 25) and;
- The views of all parties consulted and any other matters relevant to the review, balanced against the objectives and matters to be taken into account in the Crown Pastoral Land Act 1998.

**4.2 Analysis:**

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
1	Issues concerning public access.	Nos 1,2,3, 4,5,6,7,8, 9,10,11, 12,13,14, 15,16,18, 19 and 21	Allow in part.	Accept in Part

Nineteen submissions were received covering a range of access issues. The issues fall into the following main themes:

1. Access to and through Ski Field Lease

Whilst there was support for the easement “e-f” along the lower section of the ski field road, nine submitters were concerned that public access beyond point ‘f’ was inadequate.

Submitter 6, whose views were supported by submitters 8 and 10, proposed *“That full public access, including by motor vehicle, up the skifield road from “e to “j” be provided.”* Submitter 12 also supported full vehicle access but with the concession that *“this should not rule out the ability of the lessee to charge a reasonable road toll on vehicles, for road maintenance, as is done for most ski field roads.”*

Submitters 1, 7 and 9 did not believe the proposal provided adequate access into conservation areas CA3 and CA4 for walking, mountain biking or horse trekking purposes, and they suggested a link between point ‘j’ and the north western point of CA3, shown marked in some submissions as “x-y-z”. Submitter 1 explained *“It is of concern that CA4 and CA3 are disjointed and that the public has no right to access to CA3 from the proposed public access line, the public is effectively excluded from accessing the conservation area”* while submitter 7 contended that the ski field road did not provide access to CA4 to which easement “e-f-g” runs to the boundary of.

Submitter 5 believed *“The right of foot/ski and mountain bike access should be guaranteed to the entire ski field area (with the exception of the buildings)”*(see point 3), while submitter 14 felt that *“public access by motor vehicle from the Lilybank Road to proposed Conservation Area CA4 along an amended e-f-g”* would be adequate.

## 2. Access to Foreshore

Fifteen submissions were received regarding public access to the Lake Tekapo foreshore from Lilybank Road. The general consensus amongst the majority of submitters was that one point of access over approximately 14 kilometres of foreshore was inadequate.

Submitter 8 supported the easement ‘c-d’ as proposed *“as it allows good access to the lake and its legal road on the foreshore.”*

Submitters 5, 6 and 10 proposed one additional access point, with submitters 6 and 10 specifying *“additional public access be provided to the lake shore at a point approximately mid-way between CA1 and CA2.”*

Submitters 1, 2 and 3 felt that one or two additional access points were required with submitter 2 suggesting *“an extra couple of access points to the lake, possibly at about a third of the way up from the start of the property and again at about half way.”* Submitter 3 felt *“two more legal access ways would be desirable close to the air strips”*.

Submitter 13 didn't believe *"the Preliminary Proposal has considered the desirability and potential economic and recreational gains from a multi-day walking track up either side of the lake and/or around the lake."* They went on to request *"five more legal roads between Lilybank Road and the lake north of the homestead"*.

Submitters 7, 9, 12, 15, 16, 18, 21 were critical of the proposed access to the foreshore and felt the public was being poorly served. Submitter 18 observed *"the proposal makes very poor provision for public access to and enjoyment of the lake side areas. It fails to recognise the paucity of accessible places to go to enjoy the district's lake shore areas, as much of the lake edges are rimmed by private land."* Submitter 7 pressed for *"a considerable number of legal access routes to ensure practical and convenient public access to the lake side."*

### 3. Easement 'a-b' and "h-i"

Nine submissions were received specifically relating to the easement sections "a-b" and / or "h-i". The submitters pointed out that 'h-i' runs through dense Matagouri scrub and 'a-b' is on the edge of a rocky bank, neither of which were considered suitable for reasonable foot and mountain bike access. Alternatives proposed included existing 4 wheel drive tracks and legal roads.

Submitter 5 summed up *"The access easement 'h-i' is impractical because of heavy matagouri, and an unmarked farm track that travels in a curve inside the proposed freehold area between points 'h' and 'i' is the preferred route."* They also went on to say *"The access easement 'a-b' also does not give good access because it is on the edge of a gully and crosses several side gullies. We propose the farm track which roughly parallels the legal road and finishes close to point 'b'"*.

Submitter 1 agreed and added *"It also needs to be assured that both lines are at all times safe. The northern line 'h-i' would not protect the walker from deer if the farmer decided to turn this block into a deer paddock."*

Submitters 7, 8, 9, 11, 13 and 18 made similar recommendations to the above, while submitter 12 elaborated further and suggested *"Tenure review is an opportunity to swap the legal roads for new legal roads on a more appropriate alignment, to ensure sensible foot and mountain bike access is provided, as well as ensuring access for those carrying a recreational hunting firearm. Negotiations with the lessee to this end are essential."*

### 4. Additional access sought

Whilst additional access to the Lake Tekapo foreshore has been covered under sub heading 1, four submitters sought further public access to proposed and existing conservation lands.

Submitters 6 and 10 requested *“an easement for public access on foot be provided along the route of the old pack track to Mesopotamia via Camp Stream.”*

Submitter 7 referred specifically to the Ski Field lease which they believed should be reviewed in conjunction with the Tenure Review. They stated that *“The Richmond Range above the ski field and both north and south of it provides ideal ski touring country, and as conservation land should be freely accessible to the public. Conditions in the Tenure Review should ensure the right of free and practical access to these areas.”*

Submitter 4 believed the proposed easement for public access *“should also include provision for public access for recreational purposes by both horse and motorised vehicles.”* And further *“these right of access easements should cover all tracks, paths and roadways in the proposed conservation, covenant and freehold areas”*. However they also believed that *“It is reasonable to provide that such access may be managed in some way, however, permission for access should not be unreasonably withheld when requested.”*

#### 5. Guidelines for provision of practical walking and mountain biking access

Submitter 1 believed firm guide lines were required for suitability of access and stated *“Directing the public to walk or bike along a fence line for kilometres, through dense scrub and over boulders, through ravines and gorges is simply unacceptable.”*

The submitters comments appeared to be referring to present state of easement routes “a-b” & “h-i”, which are matters dealt with by the Department of Conservation post tenure review but nevertheless relate to the objective of “to make easier- the securing of public access to and enjoyment of reviewable land”.

#### 6. Public access in general

Submitter 19 did not specifically refer to Richmond Station and made the broad comment *“I am concerned that in changing times these stations from leasehold to freehold, that: public access to the high country is established.”*

Suggestions have been made seeking easements over conservation lands subject to minor restrictions. This was not valid and the sub-point was disallowed for further consideration.

The suggestion to realign a legal road would involve the local authority and would take the process outside the ambit of the Crown Pastoral Lands Act. There is no provision in the Act for the creation or

surveying of roads and thus this sub-point can not stand. The call by several submitters for public access through the ski field lease including the wish to gain access to conservation area CA3 is not accepted as this land is held by a different lessee and not included in the tenure review. In that respect the Commissioner does not have jurisdiction on this particular matter. Public access to CA3 will continue to be via an easement from Lilybank Road to the southern tip of this land.

Sub-points covering matters under the Commissioner's jurisdiction have been reconsidered and changes will be made to the proposal.

Public access arrangements on the ski field road will comprise a public access easement from Lilybank Road for foot, non-motorised vehicles and motor vehicles as far as a locked gate where public car parking will be provided within proposed conservation area and from there to the ski field lease will be by foot and non-motorised vehicle only. The road, batter slope above and a margin below the road will be freeholded and a public access easement created over the full width to allow access at any point between the two parts of CA4,

After further consultation the feeling was that access on or being accompanied by horses was not appropriate on the ski field road easement relabelled "c-d-d1-e". This is because of the fear that horses would be affected by persons on mountain bikes possibly with negative consequences for horse and rider.

Public motor vehicle access on the ski field road easement will terminate at the locked gate (point "d" on the plan) this confirming the arrangement in the Preliminary Proposal. This is due to concerns held by the ski field operator that motor vehicle access beyond this point may or will lead to a higher risk of vandalism to buildings, plant and machinery at the ski field and secondly would pose an unacceptable risk to the public when the road is not in a safe condition.

Submissions seeking additional public access points to Lake Tekapo is not accepted however improved access will be achieved from an expanded area of conservation area CA1 in the proposal. It is felt that access over CA1 and CA2 will provide adequate access to the lake, at each end of the property, coupled with the legal road.

The sub- point concerning perceived impracticality with easement "h-i" to the northern section of the property is accepted and a change in route (now labelled "f-g-h") providing practical public foot, by horse, non-motorised vehicle, and by motor vehicle for part of the route as far as a car park will be included in the proposal. Concerns regarding access along "a-b" have been considered and some changes will be incorporated into the proposal to ensure the route is suitable for foot and non-motorised vehicles. This easement will however still follow the southern boundary but will scout around areas of scrub and more



difficult contour. After further consultation the feeling was that access on or being accompanied by horses was not appropriate on the southern route "a-b". This is because of the fear that horses would be affected by persons on mountain bikes possibly with negative consequences for horse and rider on the steeper sections albeit over short stretches, along with some risk on entering or exiting the easement at Lilybank Road where the egress onto the road is down a small but medium slope bank and the road formation quite narrow and access through fences.

Request for a public foot easement along the old pack track to Mesopotamia via Camp Stream is not accepted and will not be included in the proposal. Camp Stream is within land designated for retention in Crown control as conservation area so an easement would not be required.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
2	An anomaly exists with the pastoral lease fence line at the ski field lease's western-most point.	No.s 1 and 9.	Allow	Not Accept

Two submissions were received concerning the location of the pastoral lease fenceline at the western corner of the ski field lease, and grazing of the ski field area in contradiction of the terms of the lease.

Submitter 1 pointed out *"The actual fenced area takes in the western corner of the ski field area. Either the ski field lease needs to be rewritten to permit grazing or the fenceline has to be realigned. With no fenceline existing or proposed along the boundary of the southwestern corner of the ski field area, this is a recipe for unintentional grazing of the conservation area."*

Submitter 9 was concerned that *"the Ski field lease be properly fenced off from the freehold. It appears that this may not be the case in the western corner of the lease where it protrudes into the freehold."* And further that *"Round Hill Ski-field lease area is fenced off and /or renegotiate lease with adjustments for grazing."*

This matter has been checked in the field and confirmed that an area at the western tip of the ski field lease is fenced in with and is adjacent to land designated for freehold disposal. The point however while being acknowledged is not within the Commissioner of Crown Lands

jurisdiction in that the ski field lease is held by a different legal entity and not included in the tenure review. For this reason the point is not accepted and will not be included in the proposal.

Point	Summary of Point Raised	Submission No.	Decision	
3	Wilding pine control required, review of ski field lease conditions & breaches in ski field lease.	Nos. 1, 3, 6, 7, 10 & 12	Disallow	Not Accept

Six submitters had concerns regarding the wilding pine spread on the Ski Field lease, breach in clause 6 of the lease agreement and that a building in disrepair should be removed, request that some of the conditions in the lease need to be reviewed for instance the right of trespass and need for preservation of natural landscape values.

Submitter 1 was concerned that *“the ski field has been in serious breach of clause 11 of its lease agreement for many years and allowed a block of wilding pines to spread.”*

Submitter 3 stated *“Any exotic trees on the ski field area and/or which could be a source of wilding trees should be removed at the lessee’s expense.”*

Submitters 6 and 10 shared the opinion *“That the lessee remove the wilding pines on the skifield area which is Conservation land.”*

Submitter 7 believed some of the conditions of the Ski Field lease needed to be reviewed in conjunction with the Tenure Review. The submitter noted *“The need for preservation of the natural landscape values of the ski field lease areas should be enforced, and if not already in the lease suitable clauses should be added to the lease conditions.- For instance the wilding pine spread in this area should be controlled before it gets totally out of hand. In fact we would press for the removal of all pines within the lease area along with any other non native species. This should be a firm condition in the lease and be monitored by DoC.”*

Submitter 1 was concerned that *“The ski field is in serious breach of clause 6 of its lease agreement and that a building in disrepair should be removed.”*

Submitter 12 *“proposes that the trespass right on the ski field be negotiated out, as part of the tenure review, and that the public’s right to drive to the top of the ski field road be guaranteed.”*

Submitter 5 proposed that the ski field lease *“should be exchanged for a modern concession which provides public access rights on foot. The right of foot / ski and mountain bike access should be guaranteed to the*

*entire ski field area , with the exception of the buildings, to the public land beyond in combinations with the easement "e-f-g".*

As the Ski Field Lease is not reviewable land in terms of Richmond tenure review it is not a matter to be considered in this tenure review and the several issues should be taken up directly with the Department of Conservation who administer the lease. If wilding pine spread affected pastoral lease land the point would relate to future management of the land subsequent to the conclusion of the review but not to considerations that need be taken into account for tenure review. It would therefore be outside of the provisions of the Crown Pastoral Land Act and the point is not accepted

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
4	Objects to the boundary and/or designation of the proposed northern freehold block (Mt Gerald boundary to Coal River).	Nos. 1, 9, 11, 12, 13, 14 and 18.	Allow in part.	Accept in Part

Seven submissions were received regarding the proposed freehold block of land on the northern boundary of the pastoral lease. The submissions covered three main options; retaining the northern freehold block as Crown Pastoral Lease or other lease; retaining the northern freehold block as Conservation Area; or retaining parts of the northern freehold block for Conservation Area.

1.Retaining Northern Freehold Block as Crown Pastoral Lease

Submitters 1, 9 and 12 favoured the land remaining as Crown Pastoral Lease or were non-specific regarding the type of lease for sheep grazing with restrictions. Submitter 1 stated *"Thus the status quo for the farmer would be maintained, the public would have the opportunity to use the existing 4WD track for foot and mountain bike access without the possibility of danger from deer in the future."* Submitter 9 additionally supported *"allowing one ecological corridor to facilitate public access from the Lilybank Road to the prime recreation land on the Two Thumb Range"*, and referred to *"valuable unmodified alpine landscape in this block and also tarns and wetland features."*

Submitter 12 believed *"The idea of taking the block proposed for freeholding between CA2 and CA4 and leasing it back to the lessee as a grazing lease only, to protect a natural landscape corridor, should be considered."*

## 2. Retaining Northern Freehold Block as Conservation Area

Submitters 11 and 13 believed the land should all be retained as conservation area making one big conservation area including CA2 and CA4. Submitter 11 stated *"This area we feel should be included in CA4 as it contains significant inherent values and would provide a means to ensure a landscape sequence from lake to mountaintop."* Submitter 13 referred to SIV's in the area which they did not believe the Preliminary Proposal recognised, including wetlands, shrublands and a high diversity of native species. They also believed *"The proposed new fenceline 'X-Y' would create an obvious landscape scar and is an unnecessary cost to the Crown given the existing fence line 800-1000 metres below it."*

## 3. Retaining part of Northern Freehold as Conservation Area

Submitters 14 and 18 favoured retaining parts of the land in Crown control as conservation area. Submitter 14's proposal was to *"Extend CA4 to include native shrublands between Coal River and the Mt Gerald boundary, as identified in the CRR."* Submitter 18 was in agreement and detailed *"A larger area could comprise CA2 and CA4 to include all of the Coal River valley landform, and most of the land to the north of Coal River, including the two large side valleys and the land in between. The existing fence could – in this case – be used in part as the new boundary."*

Section 35 of the Crown Pastoral Land Act identifies the designations available for land held under reviewable instrument. Retention of land as Crown Pastoral Lease is not provided for in the Crown Pastoral Land Act unless the review is curtailed, therefore sub-point 1 is not accepted..

Sub-point 2 calling for the balance of the land as far as Lilybank Road to be retained in Crown ownership has been considered and not accepted. It will not be included in the proposal.

Sub-point 3 has been accepted in part and a change in boundary included in the proposal. The boundary of CA4 will be moved to the existing fence approximately 800 metres west of the original line. Land west of the existing fence does not have significant inherent values of an extent to warrant retention in Crown ownership and is capable of economic use as freehold tenure.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
5	Concern regarding future development if lakeshore land is freeholded, and inadequate area provided for public use on foreshore.	No.s 1, 7, 9, 11, 12, 13, 14, 15, 16, 18, 19 and 21.	Allow in part.	Accept in Part

Twelve submissions were received specifically relating to the proposed area of freehold land between Lilybank Road and the lake shore, and the provision of land for public use on the foreshore. The submissions fell into the following main themes.

1. Retaining part of the Land as Crown Pastoral Lease or public ownership

Whilst submitter 7 had general concerns about potential effects on landscape values at the proposal to freehold the lake foreshore to Lilybank Road and advocated either public ownership or freeholding with conditions, submitters 1, 9, 11, 13, 14, 15 and 16 were more specific with their recommendations and felt the land should remain as Crown Pastoral Lease with restrictions.

Submitter 1 stated *“Long term protection of the lake shore is only possible if the land remains in Crown ownership. This block, should then be leased back to the farmer with provisions suitable for the present type of use.”*

Submitter 9 agreed with the above and also suggested *“Another alternative would be for the Department of Conservation to purchase this land and fully protect it for public use.”*

Submitter 11 felt *“This area is worthy of retention as Crown pastoral lease land because of its landscape values and strategic importance as lakeshore land.”*

Submitter 13 believed *“The proposal fails to recognise the strategic importance and high SIV’s of lakeside land for public recreation, amenity and enjoyment for both present and future generations.”* In addition they felt that *“The proposal is inconsistent with the Government’s High Country objectives because it fails to provide a fair financial return to the Crown. It allows the lessee not the Crown to capitalise on the location value.”*

2. Potential for Future Subdivision

Submitters 1, 9, 13, 15, 16 and 18 were concerned by the perceived weaknesses in the Mackenzie District Plan and belief that the Lake Protection Area would not provide sufficient protection from future subdivision of the land.

Submitter 1 stated *"It is of serious concern to see the entire lake shore block freeholded. With the Mackenzie District Plan being inherently weak, there is a recipe for subdivision and residential development all along the lake shore."*

Submitter 13 pointed out that *"Subdivision activity has increased significantly since the CRR was prepared. Both the 2001 Landscape Assessment and the CRR were prepared prior to the recent development boom; do not adequately assess the impacts of subdivision development or the inadequacy of the district plan. Buildings are only a discretionary activity in the LPA so they require resource consent. If freeholded, all of the 5,982 hectare area will be at risk of subdivision."*

Submitter 18 was also concerned that *"Building is discretionary in this district around lake shores, which means that consent can be applied for and granted, at the discretion of Council. Equally, more intensive farming and tree planting is likely. In this district, development of this nature is likely to be regarded as positive for its short term economic benefits. The longer term loss of landscape values and public access is likely to be the sacrifice paid for such gain."*

Submitter 19 did not specifically refer to Richmond Station and made a general observation *"I am concerned that in changing these stations from leasehold to freehold, that: the potential for subdivision development beyond the existing town site is carefully controlled."*

### 3. Protective Mechanisms Required to Protect Water Quality

Submitters 14 and 21 proposed protective mechanisms be placed on any freehold title to preclude future subdivision which may have adverse effects on water quality.

Submitter 14 suggested *"if disposed of as freehold land, that land along the lake margin be subject to the creation of one or more protective mechanisms relating to the protection of the aquatic values of Lake Tekapo."*

Submitter 21 noted *"Intensification of land use around the edge of Lake Tekapo may lead to increased nutrient loading to the lake and the rest of the catchment."* They proposed *"Land along the shore of Lake Tekapo should be subject to protective mechanisms if freeholded to ensure protection of water quality in the lake."*

### 4. A Lakeside Reserve in Full Crown Ownership is Required

Submitters 9, 12, 14, 18 and 21 felt that the legal road and marginal strips along the lake shore shown on the designations plan were insufficient for public enjoyment of the area.

Submitter 9 suggested *“there should be a Lake shore reserve, wider than the current marginal strip, allowing full public enjoyment of this unique landscape.”*

Submitter 12 believed *“The legal road should be swapped for a movable marginal strip, probably 50 to 100 metres wide, to provide for amenity values.”*

Likewise submitter 14 proposed *“the frontage of Lake Tekapo be secured for public access by designating a strip of land of at least 40 metres in width from the highest operating level for Lake Tekapo, to be retained in full Crown ownership.”* Submitter 21 also supported retention of a formal strip of land by the Crown.

Submitter 18 felt *“Easier physical access and more appealing and spacious surrounds are likely to be gained by including land further back from the immediate water’s edge.”*

Section 35 of the Crown Pastoral Land Act identifies the designations available for land held under reviewable instrument. Retention of land as Crown Pastoral Lease is not provided for, therefore sub-point one is not accepted for inclusion in the proposal.

Sub-point 2 deals with concerns held about the effects of possible future subdivision of the lakeside land on landscape values. This matter has been considered and it is felt that there are insufficient grounds in terms of the objectives of the Act for imposing formal landscape protection measures over developed farm land under the Crown Pastoral Land Act against an activity that may happen after the tenure review is completed. The local authority District Plan has rules and processes governing subdivision and other activities and any concerns held by submitters would need to be taken up with the Council. The sub-point is therefore not accepted and will not be included in the proposal.

Concerns expressed under sub-point 3 and seeking protective measures against future land use such as effect on water quality have been noted however the suggested measures are not accepted for inclusion in the proposal. Current and future land use is a matter for the land holder subject to rules under the District Plan and Regional Authority.

Sub-point 4 seeking additional measures for public access is not accepted as such and will not be included in the proposal. However as noted in Point 1 (page 7) improved access to the lake will be achieved by the increased area designated for retention by the Crown as conservation area from Boundary Stream to Washdyke Stream.

Currently there is an unformed legal road running alongside the lake for the full frontage except for an area of existing freehold land. This is considered to be sufficient coupled with public conservation area at the north and south ends of the property.

The suggestion for a lakeshore reserve wider than the current marginal strip is not valid in the respect it is a legal road nor is the suggestion to swap the legal road for a movable marginal strip. The latter is not accepted as matters governing marginal strips come under the Conservation Act and are therefore outside of the Commissioners jurisdiction.

Point	Summary of Point Raised	Submission No.	Decision	
6	Rejects all or parts of the proposal.	No. 1, 9, 11, 13, 14, 15, 16, 17 and 20.	Allow	Not Accept

Nine submissions were received rejecting the proposal in part or entirely. The majority of the submitters support the proposed conservation areas but felt they are not extensive enough nor were there sufficient protection mechanisms proposed for the freehold land, and believed the proposal should be rejected on this basis. Included in this group were those submitters who argued for no freehold disposal and instead have the continuation of parts as pastoral lease.

Submitter 1 rejected the proposal and stated *"I do not believe that the present Tenure Review proposal addresses the needs of the public for long term landscape protection, for public access or for biodiversity protection."*

Submitters 11, 13 and 16 shared the opinion that *"the preliminary proposal is not consistent with CPLA and the Governments objectives for the High Country, and that unless suggested amendments are made the proposal should not proceed."* Submitter 9 added their belief that *"this proposal is flawed, and recommends that it be rejected and renegotiated, or some other mechanism be employed to protect this landscape for future generations."*

Submitter 14 contended that *"the proposal falls well short of identifying specifically, let alone protecting many of the significant inherent values of the land, and also fails to provide adequately for the integrated management of land and water resources."*

Submitter 17 did not specifically refer to Richmond Station and made very broad comments over an undefined area that they have *"grave concerns in changing these stations from leasehold to freehold."*



Submitter 20 lamented *“Surely this...is not the object of tenure review, to give away from present public ownership such vast amounts of lowlands risking degradation and development?”*

The broad contentions made that the proposal was not consistent with the Crown Pastoral Land Act and Government objectives for the high country, addressed the needs of the public for long term landscape protection , access and biodiversity protection are not accepted. Nor is the contention that the proposal falls well short of identifying specifically, let alone protecting many of the significant inherent values and fails to provide adequately for the integrated management of land and water resources.

Tenure review involves a process where each property is examined in a process involving a range of professional people specialising in their particular fields along with extensive consultation with the holder, Director-General of Conservation and other groups. The proposal is the outcome of that extensive consultation process.

Specific issues raised in public submissions are dealt with elsewhere in this report .

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
7	The proposal provides no information on how freeholding would promote ecologically sustainable management.	Nos. 13	Disallow	Not Accept

The submitter challenged a statement in the public information pack sent to potential submitters regarding the promotion of ecologically sustainable management on land designated for freehold disposal and went on to say *“continued grazing by sheep and deer, and development through fertiliser and oversowing is likely to degrade SIV’s including indigenous cover, landscape and wetland values, as has occurred elsewhere on the pastoral lease.”* The submission also noted *“freeholding of extensive areas of tussock grassland will not promote ecological sustainable management.”*

The relevant section of the Crown Pastoral Land Act relating to this submission is:

**24. Objects of Part 2 – The objects of the part are:**

- (a) To:
  - (i) Promote the management of reviewable land in a way that is ecologically sustainable.
  - (ii) Subject to subparagraph (i), enable reviewable land capable of economic use to be freed from the management constraints

(direct and indirect) resulting from its tenure under reviewable instrument

The legislation clearly enables the freehold disposal of land capable of ecologically sustainable use as identified on the designations plan. As submitter 13 is not making a direct reference to any particular land area in the Richmond proposal and is touching on management of the land post conclusion of the review it is not a matter to be taken into account for this review.

Therefore this point is not accepted..

Point	Summary of Point Raised	Submission No.	Decision	
8	The western boundary of CA3 should be extended further west, and encompass the Washdyke Creek.	No.s 2, 11, 13, 14, 15, 16, 18 and 21.	Allow	Not Accept

Eight submissions were received concerning the location of the western boundary of Conservation Area CA3. The submissions covered extensions to the boundary to varying degrees, and in addition the majority of the submitters supported the inclusion of Washdyke Stream with extended margins in CA3.

Submitter 2 observed *"I hope for convenience sake you haven't decided to use the existing fence and thus save money on building another lower down. I would have expected the fence line at CA3 to be lower down more in line with CA4."*

Submitter 18 felt the western boundary followed an appropriate line generally, but noted *"It should continue along the 1100m contour however rather than rising in altitude towards Coal River."* They also made the comment *"The presence of an existing fence line is not a valid reason for persisting with a line where a better line is present"*.

Submitters 13, 14 and 16 believed the western boundary should be significantly adjusted further west. Submitter 13 sought to include *"tall and short tussock grasslands and shrublands west of the snow fece cline at around the 880 metres asl contour and between the fenceline and proposed lower CA3 boundary."* Submitter 14 put forth a range of options from *"extending the lower boundary of CA3 to include the remainder of the Class VII high erosion risk soils above the 1000m contour"*, to *"protecting the intactness of the inland basin landscape from Lake Tekapo shoreline to the top of the Richmond Range, either by the extension of CA3 to the lake shore, or through the*

*placement of a protective mechanism to protect the significant inherent values of the landscape.”*

Submitters 11, 13, 14, 15, 16 and 21 all sought to include Washdyke Stream and its margins as an extension to CA3. Submitter 13 and 16 specified *“Protect Washdyke Stream and a 100 metre buffer either side for all of its length”*. Submitter 14 was concerned with maintaining water quality by restricting stock access and proposed *“That the marginal strip along Washdyke Stream be fenced as a condition of freeholding to protect the water quality of this stream and maintain downstream aquatic values”* at the same time as advocating for this land to be retained as conservation area.

The call by several submitters to increase the area being retained in Crown ownership has been considered. The proposed freehold land is fenced into large blocks and in mixed tussock grassland, partially depleted. The present boundary is considered to be the most practical line to establish a boundary that could be maintained easily and accessed from the north and south ends .

While the land contains inherent values there is considerable merit in retaining the present boundary as a practical solution. It is felt that protection of landscape and other values will be met without the need for formal measures or retaining the land in Crown ownership under the Crown Pastoral Land Act yet permit the continuation of extensive pastoral farming as a ecologically sustainable use.

The call by several submitters for Washdyke Stream and its margin to be set aside as conservation area or fenced to protect water quality is not accepted as being necessary.

For the above reasons the point is not accepted and will not be included in the proposal.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
9	The provision of and standard of existing fences	No. 3, 7, 9 and 10.	Allow in Part	Accept in Part

Four submissions were received from submitters with concerns about the holders undertaking to maintain the retirement fence, this relating to current standards of retirement fencing, and the provision of new fences.

Submitter 3 noted *“The lessee has not honoured his agreement with the former Waitaki Catchment Commission that he would maintain the retirement fence and pay half the cost of this, and his stock have been regularly grazing the retirement for many years and the fence should*

*be brought up to stock proof standard prior to freehold title being issued."*

Submitter 10 felt that *"the lessee should honour his previous undertaking to maintain the retirement fence in terms of his agreement with the former Waitaki Catchment Commission."*

Submitter 7 recommended strongly *"that this tenure review ensure that all boundary fencing is installed, or upgraded and maintained in a sound and effective condition to preserve the retirement areas by controlling all stock"* while submitter 9 *"wishes to see adequate fencing to protect retired land and in positions which are able to be maintained through heavy snow etc and adds it has some doubt that shifting the fence to 980 metres asl for the northern freeholded block will achieve that"*.

As part of the tenure review process all freehold boundaries that require fencing will be erected or upgraded by the Commissioner of Crown Lands to the standard of an "adequate fence". As this point deals with two issues- the allegation that the holder has not honoured an agreement with the Catchment Commission is not a matter to be dealt with under tenure review and therefore "not accepted", however the suggestion to bring existing fences (where these will ultimately be boundary fences) to an effective standard etc is a valid point. The fence from boundary with the ski field lease to Washdyke Stream is in sound condition and does not need attention whereas the older station fence running south from Washdyke Stream will be upgraded to a higher standard as part of the implementation phase of this review.. The existing fence forming the western boundary of CA4 that is in a fair to poor state will also be brought up to a stock proof standard.

This latter sub-point is accepted and as noted will be included in the proposal.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
10	Support for the overall proposal, conservation areas, and parts of the proposal.	No.s 5, 6, 8, 10, 11, 12, 13, 14, 15, 16, 18 and 21.	Allow	Accept in Part

Twelve submissions were received in support of the proposed Conservation Areas, Conservation Covenant, freehold disposal and parts of the proposal.

Submitters 6, 10, 11, 12, 15, and 16 fully supported the proposed conservation areas, as summarised by submitter 6 *"We are in*

*agreement with the proposals for full Crown ownership of areas labelled CA1, CA2, CA3 and CA4 on the proposed designation plan".* Submitter 6 also noted *"we agree with the proposal to transfer 5,982 hectares to freehold ownership but subject to the following conditions.* These conditions related to access and removal of wilding pines on the ski field area. Submitter 10 voiced similar comments.

Submitter 5 commented *"The land split between conservation and farmed areas is sensible and, with important ecological areas also protected, it provides a good balance to the proposed land use."*

Submitter 8 endorsed *"the overall proposal as it stands as far as the establishment of Conservation Areas, the conservation covenant, marginal strip and the sale of the balance of the land."*

Submitter 13 supported *"the protection of CA1, CA2, CA3 and CA4 and the conservation covenant over the pond."*

Submitter 14 acknowledged and supported the areas proposed to be protected *"as contributing to soil conservation management and the protection of the indigenous habitats and of the area."*

Submitter 18 specifically fully supported *"The proposal to retain CA2 and CA4 as natural landscape areas for conservation purposes."*

Submitter 21 specifically supported *"the designations that protect Coal Creek, which provides trout spawning and juvenile rearing habitat."*

With the exception of the submissions that while supporting the proposal qualified this subject to access and removal of wilding pines on the ski field area, the point is accepted and will be taken into account in the proposal. Matters concerning the ski field area are outside the jurisdiction of the Commissioner of Crown Lands and are not accepted for the purposes of this review.

As a result of consideration and consultation regarding other points raised in public submissions some changes will be made to the proposal such as expanding conservation area CA1 and CA4 yet reducing the area of CA2. Other changes to be made will include replacing the easement concession for the holders for ski field management purposes with a freeholded corridor subject to a public and Minister of Conservation management purposes easement, and amending the route of the easement serving the northern conservation area.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
11	Marginal strips should be considered on smaller	No.s 5, 14 and 21	Allow in part	Not Accept

	waterways.			
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Three submissions were received highlighting the importance of the protection of smaller waterways and Coal Creek on the property.

Submitter 5 noted that *“Coal Creek does not presently have marginal strips and these would also give a good logical access route to both the conservation land and the lake shore. We propose marginal strips to both sides of Coal Creek.”*

Submitter 14 identified *“a number of waterways that are of a width insufficient to qualify for marginal strips. They are, nevertheless, important in their own right and as tributary streams to Lake Tekapo. It is appropriate that some consideration be given to creating riparian margin buffer strips along all waterways flowing into Lake Tekapo to manage/avoid the future degradation of water quality within the lake and downstream water bodies*

Submitter 21 also noted *“There are other smaller waterways on the property that are of a size to warrant marginal strips, that are not identified on the plans. We consider the protection of these streams to be important, especially in relation to stock access restrictions and riparian management.”*

The submitters should be assured that marginal strips where appropriate will be created on the disposition of the land taking place at the conclusion of the tenure review. This is a legislative requirement, governed by Part 4A of the Conservation Act 1987 and is a matter for the Director General of Conservation to administer.

This will only apply to land designated for freehold disposal and excludes the upper and far western sections of Coal River where adjacent land is designated for restoration to full Crown ownership and control and Crown control as conservation area, and where the lower / mid section appears to be within an area of Crown land .

Consequently waterways were further investigated to see if others would qualify for indicative marginal strips and if not qualifying to consider if these streams should have marginal buffer strips to protect against degradation of water quality. As a result it was established that no other streams would qualify for indicative marginal strips and it is felt that buffer strips would not be required.

The formal process for setting off marginal strips is undertaken at the conclusion of tenure review under the Conservation Act and therefore outside the jurisdiction of the Commissioner of Crown Lands.

For the above reasons the point is not accepted and will not be included in the proposal.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
12	Easement concession	No. 1 & 13	Allow	Accept

Submission 1 took issue with the designation 'farm management purposes' as applied to the easement concession "g-j", as does submitter 13 who sums up *"Clause 2 of the ski field area lease does not permit farming on the lease area. We see no reason for farm use of the ski field road as any grazing of the lease area would be in breach of the lease agreement."*

This point has been accepted however will not be included in the proposal due to consensus being reached in consultation with the holder that the concession running through CA4 be replaced with a freehold corridor including the present ski field access road, subject to a public access and Minister of Conservation management purposes easement. This action has been taken to provide better security to the holder regarding access to the ski field and maintenance of the roadway.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
13	Concern regarding future development of land to the east of Lilybank Road if it were freeholded.	No.9, 11, 13 and 18.	Allow in part	Not Accept

Four submissions were received concerning the proposed freehold land between the lower boundary of CA3 and Lilybank Road. The majority were in favour of retaining this land as pastoral lease while one submitter favoured protection mechanisms.

Submitters 13 and 16's views were encompassed within submitter 11's summary of this area *"Worthy of protection for its landscape value and as an easy public access for walking, botanising and geological studies. The views from here are outstanding and the incised gullies contain tussock and shrublands in good condition. If these lands are not protected by extending CA3 to the road they should be retained as pastoral lease land, rather than freeholded."*

Submitter 9 believed that *"The land to the east of the road should be protected so that the outstanding landscape values can be sustained while still allowing agricultural production. Subdivision and structures should be prohibited."*

Submitter 18 noted *"I am concerned there is no covenant over most of the remaining freehold landscape, which also shares the expansive more natural high country character of the area north of Coal Creek. This area still has visual values even if modified and still contains native species on natural landforms. The submitter then went on to say "covenant objectives should be to retain this area as extensively grazed grassland of a balance of native and exotic species through careful stock and land improvement management."*

Section 35 of the Crown Pastoral Land Act identifies the designations available for land held under reviewable instrument. Retention of land as Crown Pastoral Lease is not provided for as an option unless the review was not proceeded with therefore this part of point 15 is not accepted..

The other sub-points suggested protection of the landscape and other values by either extending CA3 or by a covenant. After consideration it is felt that neither measure was required to protect the landscape values and these will not be included in the proposal

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
14	Conditional public vehicular access should be available for hunters for removal of game.	No.12	Disallow	Not Accept

Submitter 12's point highlighted the difficulties involved in transporting out any game animals shot recreationally. They called for *"public vehicular access to be available for hunters eg as part of their DOC permitting system for this surrendered land, and that the access agreement allow for this."*

As this is a matter for Department of Conservation to administer post tenure review, this point is not accepted and will not be included in the proposal.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
15	The southern boundary of CA2 should be extended further south to the ski field road.	No.s 11, 13, 14, 16 and 18.	Allow	Not Accept

Five submissions were received proposing an extension to CA2 further south to the ski field road to include an area of fescue tussock and create a landscape corridor from lake to mountain top.



Submitter 13 noted that *“The best area of fescue tussock on the property lies between Lake Tekapo, Coal River and the skifield road yet this is proposed for freeholding. The area is an integral part of the landscape sequence from the mountaintops to the lakeshore. Freeholding and changing land use which compromised existing vegetation cover would interrupt this sequence by creating an enclave of differently managed land between two conservation areas.”* Submitters 11 and 16 were in agreement with these comments.

Submitter 14 also recommended *“Extending CA2 to the south to include short tussock grasslands between the Coal River and the ski field road.”*

Submitter 18 believed *“The achievement of a corridor and altitudinal sequence of protected natural landscape from lake shore to range top would be an excellent outcome. In the preliminary proposal however, this opportunity is being missed. The high potential for the area north of the ski field road to return to a more natural state is being overlooked. The proposal divides up this area in an odd way which will not maintain the integrity of the landscape.”*

The submitters suggestions for moving the boundary south were based on several threads, including the wish to have a continuous area of conservation land from the lake to the mountains plus retention of short tussock grassland in the conservation estate. As a result of consultation concerning this point (see also point 4) in determining appropriate boundaries, it was decided that retention of the higher altitude mixed tussock (i.e. land adjacent to CA4) was of greater importance resulting in a reduction of CA2 to the lake side edge of Lilybank Road to enable land on the east side of the road being freeholded . The latter is capable of economically sustainable use.

The point is therefore not accepted and will not be included in the proposal.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
16	CA1 should be extended.	No.s 13, 14 and 21.	Allow	Accept

Three submissions were received proposing an extension to CA1 for a variety of reasons.

Submitter 13 sought to *“Extend CA1 to encompass all of the area originally recommended by DoC’s ecologist. A much larger area needs to be provided to ensure that all potential habitat for the spotted or threatened scree skink is protected and to buffer the area from surrounding land uses.”*

Submitter 14 recommended *“Extending CA1 north to link with Washdyke Stream and south to the boundary of the pastoral lease to include a larger representative example of chronically threatened land environment E4.1a (and provide public access to this area of lakeshore).”*

Submitter 21 also recommended that *“CA1 could be extended north to link with Washdyke Stream and south to the boundary of the lease to provide access to this area of lakeshore.”*

After further consideration this point has been accepted in full for the reasons advanced and will be included in the proposal. This will greatly increase the amount of land available for public enjoyment including access to the lake as well as protection of the significant inherent values identified.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
17	Tarns, kettleholes and wetlands should all be protected.	No.s 13, 14, 15 and 18.	Allow	Not Accept

Four submissions were received proposing protection for tarns, kettleholes and wetlands in the freehold areas.

Submitter 13 believed *“From the Botanical Assessment and the CRR it does not appear that DoC staff have visited or described kettle tarns between the hummock and ridges of the moraine close to Boundary Creek.”* They requested that the kettlehole tarns be inspected and assessed and their values protected.

Submitter 14 proposed *“Extending the protection provided by CA1 to all permanent tarns on the lease by either incorporating all tarns into land to be retained in full Crown ownership; or ensuring that all tarns remaining on land designated as freehold are protected by conservation covenants sufficient in size to provide long-term protection of their inherent natural values and ecological integrity.”*

Submitter 15 commented *“The proposal seems only to protect the areas which have little value to farming, but leaves other areas of significant ecological value open to negative changes. These include tarns and other wetlands to the north of Round Hill skifield road, which deserve protection.”*

Submitter 18 suggested *“The kettle tarns at the south end of the property should be fenced off and included as part of a potential Boundary Stream conservation area.”*

The kettle tarns were not mentioned in the Conservation Resources Report as warranting protective measures. The point has been

investigated and after consultation it was felt that no specific measures would be required. The point is not accepted and will not be included in the proposal.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
18	CC1 needs a buffer zone around the pond to protect its ecological integrity.	No.s 16 and 18.	Allow	Accept

Two submissions were received supporting the conservation covenant CC1 over a pond, provided a buffer zone was also included.

Submitter 16 fully supported *“the conservation covenant over the pond provided there is an adequate buffer zone around it to protect its ecological integrity from adjacent influences.”*

Submitter 18 agreed and stated *“The covenant area needs to be large enough to ensure an appropriate physical and visual setting in the long term.”*

The matters raised have been accepted. The boundaries have been extended, based on a re-inspection, and will be slightly beyond the main pond to take in small buffer areas partly in wetland vegetation. This will be included in the proposal.

***Discussion and conclusions:***

Discussion relevant to each point has been made under each listed point for simplicity and clarity.

The submissions that come under the jurisdiction of the Crown Pastoral Land Act fell into several main themes:

*Considered and accepted for inclusion in the proposal:*

- Support for:
  - Changes to the easement providing access from Lilybank Road to conservation area CA4.
  - Fine tuning of the easement route providing access from Lilybank Road to conservation area CA3, to ensure it is practical for foot and non-motorised vehicle access.
  - Extending conservation area CA4 further to the west.
  - Extending conservation area CA1 to take in all land between Boundary Stream, Washdyke Stream, Lake Tekapo and Lilybank Road .

- Replacement and part upgrading of existing fences to be boundaries with conservation area CA3 and CA4. Also new fences for CA2.
  - Providing buffer around a farm pond subject to a conservation covenant to protect its ecological integrity.
- *Considered and accepted however will not be included in the proposal:*
- Correction to wording in easement concession to delete mention of “farm management purposes”. The easement concession has been replaced with a freeholded corridor subject to a public access and Minister of Conservation management purposes easement.
- *Considered and not accepted for inclusion in the Proposal:*
- Public access across the ski field lease to link CA3 and CA4.
  - Public access across other parts of the ski field lease.
  - Additional public access routes between Lilybank Road and Lake Tekapo.
  - Fencing of part of ski field lease boundary to provide stock barrier for freeholded land.
  - Public access easement along route of old pack track.
  - Landscape protection covenant over land between lake Tekapo and Lilybank Road
  - Protective mechanism for land adjacent to Lake Tekapo for purposes of protection of water quality in Lake Tekapo.
  - Additional provision for public access along the shore of Lake Tekapo.
  - Extension of conservation area CA3 to the west and along the margins of Washdyke Stream. Also fencing of Washdyke Stream to protect water quality.
  - Marginal strips on smaller waterways.
  - Expanded conservation area or alternatively a landscape covenant over land on east side of Lilybank Road.
  - Extending conservation area CA2 further south as far as ski field road
  - Extending conservation area CA1 or other measures as a means of protecting tarns, kettleholes and wetland on land east of Lilybank Road.

A number of submissions covered a range of issues that fell outside of the tenure review process, and explanations for not including them in this analysis have been provided above. These include:

- Public access over the adjacent ski field lease to link CA3 & CA4 and over other parts of the lease.
- Creation of legal roads and the swapping of a legal road for another.
- Creation of easements over proposed conservation areas.
- Matters concerning the ski field lease including wilding tree control and standard of one particular building
- Renegotiation of the terms and conditions of the ski field lease.
- Retaining parts of the reviewable land as “pastoral lease”.
- Swapping of legal road adjacent to Lake Tekapo with a movable marginal strip.
- Lessee undertakings with the former Waitaki Catchment Commission under the Land Improvement Agreement
- Creation of marginal strips
- Public vehicle access on proposed conservation area.

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**REPORT IN ACCORDANCE WITH CONTRACT 50346**

**Final Analysis of Iwi Submission for Preliminary Proposal**

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File Ref: PRY-C60-12705-TNR-PT087 Submission No: QVV 793 Submission Date: 19/5/2006

Office of Agent: Christchurch

LINZ Case No:

Date sent to LINZ: ~~20~~5/2006

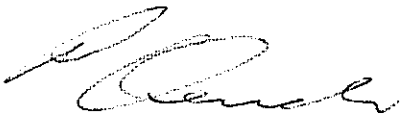
TROG/179

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**RECOMMENDATIONS**

- (1) That the Commissioner of Crown Lands approves this report for tenure review of Pt 087 Richmond Pastoral Lease.

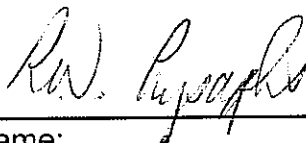
**Signed by Contractor:**



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Barry Dench  
Team Leader for Tenure Review

**Approved/Declined by:**



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Name:  
Date of decision: 30/5/06

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(1) *Details of lease:*

*Name:* Richmond

*Location:* Lilybank Road, Lake Tekapo, 17 kilometres north of Tekapo township.

*Lessee:* Oskar Johannes Rieder and Karoline Rieder

(2) *Details of Iwi Submission:*

*Received On:* 27<sup>th</sup> September 2005

*Received From:* David O'Connell  
Manager Kaupapa Taiao  
Office of Te Runanga o Ngai Tahu

*On Behalf Of:* Te Runanga o Ngai Tahu

(3) *Analysis of submission:*

*3.1 Introduction:*

*Explanation of Analysis:*

This is a final analysis of the submission received. The purpose of this final analysis is to determine whether to accept or not accept the points raised in the submission, to record the outcome of the consideration on each point and whether or not it has been approved for inclusion in the Substantive Proposal.

The following analysis:

- Summarises each of the points raised.
- Provides a discussion of the point.
- Records the CCL decision whether or not to allow/not allow the point for further consultation.
- Records the CCL decision whether to accept the point for inclusion in the proposal.

The following approach has been adopted when making the decision:

(i) To allow / disallow for further consultation:

The decision to “**Allow**” the point made by submitters is on the basis that the matter raised is a matter than 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 “Disallow”. 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.

(ii) To accept/ not accept:

The outcome of an “Accept” decision will be that the point is included in the draft Substantive Proposal. To arrive at this decision the point must be evaluated with respect to the following criteria:

- o The objectives and matters to be taken into account in the Crown Pastoral Land Act (sections 24 & 25) and;
- o The views of all parties consulted and any other matters relevant to the review, balanced against the objectives and matters to be taken into account in the Crown Pastoral Land Act 1998.

**3.2 Analysis:**

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Decision</i>	
1	Support for the proposal in its current form.	Allow	Accept

Ngai Tahu considered that “*the values identified in the Ngai Tahu Cultural Values Report have been integrated into the Preliminary Proposal.*”

As the retention of land in full Crown ownership and control, Crown control and freehold disposal along with creation of a protective covenant and easement’s are enabled by the Crown Pastoral Land Act 1998, after due consideration of the view put forward the point supported by the submitter will be included in the proposal.

***Discussion and Conclusions***

Te Runanga o Ngai Tahu has provided a submission that takes into consideration the local Maori interest in the Richmond Preliminary Proposal.