

Summary Overview - Part Morning Star Beach Recreation Reserve - Vesting

The Minister of Conservation has publicly notified a proposal to vest a part of Morning Star Beach Recreation Reserve near Queenstown in Te Rūnanga o Ngāi Tahu.

Background

The Minister of Conservation received a request from Te Rūnanga o Ngāi Tahu (Te Rūnanga) to vest a part of the Morning Star Beach Recreation Reserve in them as an administering body.

The Morning Star Beach Recreation Reserve is a highly visible and well used reserve in the Queenstown area. It is home to a number of concessionaires, and a number of local organisations have an interest in the surrounding conservation lands.

The area of the reserve proposed for vesting is approximately 0.8 hectares and is currently leased to Shotover Jet Ltd, which is owned by Ngāi Tahu Tourism Ltd.

Please note that the application does not relate to areas of the reserve occupied by other parties.

Shotover Jet Ltd has operated from this site under a 30-year lease since 1993 and has been owned by Ngāi Tahu Tourism Ltd since 1999. The Shotover Jet occupation of part of the reserve includes a booking office/ reception centre, storage area, workshops, and an access road to the beach (see maps below).

In their application, Te Rūnanga state that the current lease arrangement they have with the Department fails to meet the true shared objectives of each party. They see the need for a new approach or arrangement that:

- enables outdoor activities for the enjoyment of the public,
- protects the public, and
- supports Ngāi Tahu's connection to the whenua as mana whenua and as kaitiaki.

Te Rūnanga seeks to develop, enable, and support ahi kā, whilst connecting their customers with the iwi and the proposed vesting area through the sharing of their stories.

They consider vesting the land will enhance the rangatiratanga of Ngāi Tahu in its takiwā, support the ability of Ngāi Tahu to develop, and will provide the iwi with a level of autonomy.

They see the achievement of this to be a significant example of Treaty partnership in action; a way to enhance that partnership and give effect to the principles of the Treaty of Waitangi by allowing Ngāi Tahu to be kaitiaki of this whenua. They will take on obligations to care for the whenua in a way that respects its whakapapa and the cultural and spiritual importance Ngāi Tahu place on the land.

The proposed decision on this vesting is subject to section 4 of the Conservation Act which requires the Department to give effect to the principles of the Treaty of Waitangi.

Otago Fish and Game Council and the Otago Conservation Board have already been consulted about the proposal. Neither consider that there will be any adverse impacts on the management of, and the interest of the public in, the reserve. Their support is based on:

- the section 4 outcomes being achieved through the vesting; and
- the potential for wider conservation gains because of collaboration between the Department and Te Rūnanga in managing conservation land beyond the boundary of the proposed vested area in the lower Shotover/Kimi-Ākau catchment.

The Otago Conservation Board want to see any decision to vest this parcel of land use the appropriate tools to ensure conservation outcomes are futureproofed.

Along with requesting to be the administering body of the proposed vesting area, Te Rūnanga are also seeking delegations of Ministerial powers relating to the 0.8ha proposed vesting area. They feel these will enable them to better achieve the outcomes listed above.

Te Rūnanga o Ngāi Tahu

Te Rūnanga o Ngāi Tahu, the tribal council, was established by the Te Rūnanga o Ngāi Tahu Act 1996 to be the tribal servant, protecting and advancing the collective interests of the iwi.

The executive functions of Te Rūnanga are carried out by the Office of Te Rūnanga which manages the representational activities, protects the rights of Ngāi Tahu Whānui and delivers social and cultural programmes. Ngāi Tahu Holdings Corporation manages commercial activities and assets.

The income from the jet boat operation contributes to Ngāi Tahu's ability to support charitable activities carried out for the benefit of Ngāi Tahu whānui.

More information about Te Rūnanga can be found on their website: <https://ngaitahu.iwi.nz/>

Vesting and Vesting process

Vesting a reserve does not change land ownership; the land remains subject to the Reserves Act. It is essentially an arrangement about who administers the land. This proposal involves transferring the administration responsibilities for part of the reserve, in trust, to Te Rūnanga.

These responsibilities include:

- Administrating, managing and controlling the reserve
- Ensuring appropriate public use, enjoyment, development, maintenance, protection and preservation of the reserve
- Preparing a Reserve Management Plan to be submitted to the Minister of Conservation for approval
- Complying with the conditions of the vesting
- Using the means at its disposal to manage the reserve.

Note the delegations being sought by Te Rūnanga include a range of powers the Minister would otherwise hold. They are seeking these as they believe it will better enable them to achieve the outcomes listed above

Proposed Conditions of the vesting

An administering body is required to prepare a management plan which includes a public comment phase and approval by the Minister, however some fundamental high-level matters are established at the outset as conditions of vesting.

Proposed conditions of this vesting are:

- Funds received by the vestee in its capacity as the administering body for that part of the Morning Star Beach Recreation Reserve are to be administered and applied in accordance with the requirements of the Reserves Act 1977. Pursuant to section 84 of the Reserves Act 1977 the Minister of Conservation authorises funds to be expended for the purposes of managing, administering, maintaining, protecting, improving, and developing the following reserves in addition to the Morning Star Beach Recreation Reserve:
 - a) Oxenbridge Tunnel Recreation Reserve
 - b) Arthurs Point Gorge Scenic Reserve
 - c) Tuckers Beach Recreation Reserve
 - d) Tuckers Beach Wildlife Management Reserve
 - e) such other reserves or land as may be approved by the Minister of Conservation from time-to-time in accordance with section 84 and/or section 85 of the Reserves Act 1977.

If you require more information:

For more information on the vesting proposal and the process, please refer to the 'Supplementary Info' document, also provided on the DOC website.

If you have any questions that are not answered by this sheet or the supplementary information, please email SLM@doc.govt.nz

Submissions

Please send written submissions on the proposal (including the grounds for any objection you may have) and an indication of whether you wish to be heard in support of your submission to:

Statutory Land Management Manager
Christchurch Service Centre
Private Bag 4715
Christchurch Mail Centre
CHRISTCHURCH 8140
Email SLM@doc.govt.nz

Submissions must be received by 5pm on 26 June 2022.

Once submitted, submitters' information is subject to the Official Information Act 1982 and may be released under that Act. If you wish to keep any part of your submission confidential, you need to state this in writing when making your submission.

Location of Morning Star Beach Recreation Reserve (highlighted in light blue)



Detail showing occupation of reserve area within red square on map above:



Area 1: DOC's Queenstown office, Cavell's Café, and Real Journeys rafting.

Area 2: DOC's workshop.

Area 3: **Proposed vesting area** comprising Shotover Jet booking office, workshop, coach park and access to beach. (Note this is an approximate representation only)

The red lines are easement alignments to the vesting area