Kei Mua I Te Aroaro O Te Rōpū Whakamana I Te Tiriti O Waitangi

Before the Waitangi Tribunal **WAI 2180**

In the matter of	**the Treaty of Waitangi Act 1975**
And	
In the matter of	**The Taihape: Rangitīkei Ki Rangipō District Inquiry**

Submissions for interested parties Big Hill Station Limited/Bill Glazebrook

23 March 2020

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MEM-005952-11-1020-V1:CSC

May it please the Court:

1 This submission is made for Big Hill Station Limited/Bill Glazebrook according to the timetable directions.

2 Big Hill Station Limited supports the applicants' (for Te Koau A / Awarua) claims against the Crown. It does not agree that on remedy (for land lock) the applicants or the Crown should focus on private land or formed access as that fails to meet the wider best interests of the applicants long-term, and creates a conflict with general land interests whose owners have no responsibility for the Crown's acts and omissions.

3 Big Hill Station Limited opposes any use of its private farm tracks to facilitate access based on the DoC easement. While it will continue with agreements made from time to time with the trustees it will nonetheless contest any Crown effort to use that easement to resolve applicants' claims. It says such an approach is impractical, lacking in foresight, and a "plaster" not a cure.

4 The following section of this submission was authored by Mr Bill Glazebrook for Big Hill Station Limited.

1. Along with the owners of land locked land I believe we have been negatively impacted by Government policy as the intense frustration of being landlocked long term by those landowners effected the rationality of solutions sought, so that those solutions are directed and based more on possible paths of least resistance rather than what might be considered the correct or rightful solutions when the logical, sensible and practical steps of the Te Ture whenua Act (TTW)are applied.

2. Also negatively impacted in so far as I believe the MLC process is open to abuse by way of potential applicants threatening to or actually

making an application to a Maori Land court in an attempt to bluff or to coerce a favourable response for the potential applicant/applicant.

3. I believe this was the original motivation behind the MLC application No A20030006377 / A20130010918 by Hape Lomax and others, it is this application has placed the focus on access to Te Koua A and Awarua Hinemanu blocks via Big Hill Station farm track.

4. The frustration at this time was mostly keenly felt by Wero Karena from Omahu and for him the access from the Eastern side of the ranges would be most advantageous to his own interests.

5. I believe he required the assistance of Hape Lomax as his own background and standing with the trust did not allow him to legitimately make an application himself. In Hape Lomax he found a willing participant, a self-confessed rebel given a cause so to speak, who has opined often about the one time he was left waiting at the gate through human error, it has only been that one time.

6. At the time the application was lodged it was not clear what the application wanted, by whom or by what route, the scant details of the application is what leads me to believe it was a bluff.

7. It was later proven the funds were there to award costs for the respondent if the application failed. It appeared the application was deficient in both advice or research, as what I believe was an unbelievably poorly presented bluff was applied to the Court to blackmail a response from us to give a select few access across our land.

8. Then with the application being properly and respectively responded to in terms of both advice and research, the application had to evolve so to clarify what it sought from us as landowners and who the

applicants actually were or who they represented, this "morphing" was accepted by the MLC.

9. The frustration of not gaining any reliable level of access was felt keenly by the trustees of the blocks and after a considerable period of time both trusts agreed to support the application.

10. From our perspective this exposed further deficiency in the application in terms of those now different applicants not having made any significant attempts to seek resolution prior to the date of the application.

11. There has been evidence provided to the Rangitikei Inquiry (RI) that refers to the cost of applying the process of the TTW act being an impediment to the success of applications to resolve landlocked status, this was not the issue with the MLC application for our farm track.

12. The funds were then misappropriated or went missing.

13. As record will show the application was dismissed or delayed with no explanation, but upon reflection of the wording of the dismissal prior knowledge of the impending (RI) may have been a consideration.

14. As the RI has progressed it appears to have suggested remedies for the access rather than to inquire why the remedies have not been established.

15. It would be of great concern should the inquiry be seen as an instrument to circumnavigate the requirements of TTW act for any one particular landlocked situation.

16. Regarding our experience with the MLC and the RI we have submitted that the requirements of the TTW act cannot be overlooked or

circumnavigated, it is essential to reach a fair and correct solution to consider at least:

- where the access was before the land became land locked;
- what the circumstance were and the reasons land transacted left titles landlocked;
- historically what adjoining land is the landlocked land most aligned to, and
- associated impact to those who own the land over which access is sought.

17. That all the information has to be gathered and considered before any options for the correct solution can be found.

18. This does have a significant cost with an added deterrent being that even with all the information to hand the solution itself is too much to be financially realistic.

19. It is in this capacity the Crown has the opportunity of funding the requirements of the Act for both claimants, respondents and affected parties to research all the facts for the Court to consider.

20. Should the Crown be found at fault or accept it has an obligation to achieve access to all private titles, the correct solution will realise the best long-term value for the landlocked owners, not the solution that offers the cheapest result for the Crown.

21. I believe if the funding was available for the TTW act requirements to be applied to Te Koua A and Awarua Hinemanu Trusts that it would be found that every aspect of these properties - whether that aspect be geographical, historical, political or from the aspect of practical

utilisation of the land - suggests their rightful access is from the Rangitikei side of the ranges.

22. The Crown would then have a secondary role in funding the effect of that rightful access.

23. It is the cost to achieve this rightful access that is so financially daunting for the Land locked owners which has led them to consider any access scenario no matter its relevance or how poor it may compare to that of rightful access.

24. So out of this frustration they have supported and perhaps even invented argument to justify why they have sought a seemingly easier achieved point of access.

25. I.e. the combination of a paper road and a Government department easement through Big Hill Station looks like a much easier fruit to pick.

26. As per the site visit it is obvious that the paper road was not intended for vehicular access and was likely made without consideration to motor vehicles as we know them today, it is clear that the avoidance of flooding rivers was given priority over avoiding steep terrain. The unformed paper road cannot offer a solution any more favorable than the Crown utilising its land adjacent to Mangleton Road.

27. There has been evidence provided to the Tribunal that practical access exists via the farm track through Big Hill Station and DOC land up to the top of Awarua Hinemanu and Te Koua A.

28. This option provides access to the location that is the highest elevation, most remote and subject to the most difficult weather conditions of any point of the landlocked lands.

29. In the event it is accepted that these are Rangitikei lands why impose Rangitikei people to travel all the way to Omahu and have to travel

halfway back again just to get to the most difficult part of their properties.

30. The Big Hill Station track option that is favored by the crown (Fluery) is possibly the most cost effective, and convenient solution for the Crown but would be so difficult to maintain during all seasons and in all-weather that access would be near useless as a base from which to establish commercial facilities.

31. In favoring this option, the Crown is prioritising its own interests above providing the best value or rightful access for the landowners of the land locked land and is made without consideration to research as is required by the TTW.

32. I believe such research will prove this option does not address the root cause of the issue and will only perpetuate the injustice to which those owners have been subjected.

33. If the Crown has accepted responsibility for default of its obligations under the Treaty that has left the Te Koau A and Hinemanu Awarua annexed and isolated from its rightful access, whether that access is via associated titles or from public roads, then it has the obligation to remedy that and would appear to have the assets to do so.

34. The Awarua Hinemanu title exists separately from the other titles by a historical mistake and should be considered part of or amalgamated with the other titles and as such does not warrant being considered a separate title requiring its own particular access.

35. If the mistake had not been made in the first place the title would not have existed and by default access for the land would have been via the other titles it should have been part of originally.

36. We consider ourselves negatively impacted or victimized by historical oversights that have led to property owners being isolated from their land.

37. We ourselves have become compromised by the effects of poor Crown function, as in keeping with our obligations to fulfill our role as trustees of our own titles we are charged with defending the safety of staff and our own property rights, this at times has been translated as being obstructive to the landlocked owners objectives but we have been motivated by the necessity of protecting our own interests rather than intentionally compromising theirs.

38. At the time of the MLC application being dismissed we sought costs of $115,000 which did not consider my time and resources, the MLC awarded $25,000 for which we have not been paid.

39. I have attempted to find interest-based solutions but as have submitted before the motivation from the attending parties inevitably becomes position based requiring full and unrestricted access.

40. I have made myself available to the Tribunal process and have engaged legal counsel to assist in that process.

41. It is galling to think that through all the years and cost that the access issue to these lands has been laid at our door while the Crown has been quietly watching on, more to protect its own position and prioritising the assets of its Departments rather than considering what a rightful solution might be.

5 One of the claimant's suggestions made is the establishment of a Commission to get Maori landowners and third parties to agree on access failing which the next option is mediation (see for example Ms Sykes' submission on Wai 2180 of 13 February 2020. That is not a model Big Hill Station Limited sees as doing anything other than moving land lock problems onto yet another

entity, and leaving general landowners in a state of ongoing uncertainty about the use and control of their own lands. There are some land lock circumstances which simply do not sensibly bear access by way of general land, and as Mr Glazebrook in his own section of this submission points out what needs to happen here is for the Crown to address the overall claims of the applicants rather than to focus on solutions impacting general landowners for convenience rather than long-term remedy.

23 March 2020

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