

Crown Pastoral Land Tenure Review

Lease name: MT POTTS

Lease number: PC 143

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 Crown Pastoral Land Act. 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.

July

06

PRELIMINARY ANALYSIS OF PUBLIC SUBMISSIONS

Statement Pursuant To Sec 45(a)(iii) Crown Pastoral Land Act 1998 (for Part 2 reviews, or Sec 88(d) for Part 3 reviews)

Mt Potts TENURE REVIEW NO 209

Details of lease

Lease name: Mt Potts

Location: Hakatere-Mt Potts Road approximately 87 km west of Ashburton

Lessee: Mt Potts Station Ltd

Public notice of preliminary proposal

Date advertised: 22 October 2005

Newspapers advertised in: The Press, The Otago Daily Times and The Ashburton Guardian

Closing date for submissions: 20 December 2005

Details of submissions received

Number received by closing date: seven

Number of late submissions: three (all accepted by J Barr LINZ on 22/12/05).

Number of late submissions refused/other: nil

ANALYSIS OF SUBMISSIONS

Introduction

Methodology

Each of the submissions received has been reviewed in order to identify the points raised and these have been numbered accordingly. Where submitters have made similar points these have been given the same number.

The following analysis:

- Summarises each of the points raised along with the recorded number (shown in the appended tables) of the submitter(s) making the point.
- Discussion of the point.
- Recommendations whether or not to allow for further consultation.

The following approach has been adopted when making the recommendation to allow for further consultation:

The points raised have been analysed to assess whether they are matters that can be dealt with under the Crown Pastoral Land Act 1998 (CPLA). Where it is considered that they are, the recommendation is to allow them.

Conversely where the matter raised is not a matter that can be dealt with under the CPLA, the decision is to disallow. The Process stops at this point for those points disallowed.

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Further consultation with both the Director General of Conservation's delegate and the leaseholders has to be completed on all those points that were allowed.

A recommendation to accept or not accept the point is made taking into account the views of all parties consulted and any other matters relevant to the review, balanced against the objects and matters to be taken into account in the Crown Pastoral Lands Act 1998 (Sections 24 and 25 of the Act).

Analysis

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
1	Lack of access from CA4 into CA1 or CA2	1	Allow	

Rationale

Allow or disallow

This submitter expressed concern at the lack of public access over proposed freehold to proposed conservation land elsewhere. An object of the CPLA is to make easier the securing of public access to and enjoyment of reviewable land.

The point therefore should be allowed.

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
2	Protect margins of streams and any waterway crossed along easement g-f to have a bridge	1	Disallow	

Rationale

Allow or disallow

The submitter is concerned about protection of the high water quality in the river channels and spring fed streams out of CA4. The easement g-f is over proposed conservation area and the conditions of the easement made can include the requirement for the erection of a farm bridge.

However, the provision of public access infrastructure within conservation land to manage visitors and their effects is a matter for DoC post tenure review.

The point is disallowed.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
3	Agree with the designations	2,3,5,10	Allow	

Rationale

Allow or disallow

All submitters supported the land allocation proposal as outlined.

The submitters consider the proposed land allocation to be an acceptable outcome. As this matter relates to the processes and objects of the CPLA the point should be allowed.

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
4	When Erewhon goes through Tenure Review, the freehold area to be combined with the freehold of Mt Potts to make one viable property.	2	Disallow	

Rationale

Allow or disallow

The submitter contends that the proposed freehold of Mt Potts should be amalgamated with similar land on Erewhon next door, if it goes through Tenure review.

As this point applies to land that is outside of this review, it is disallowed.

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
5	The area is used for tramping and ski touring. These uses are not mentioned in proposal.	3	Allow	

Rationale

Allow or disallow

The submitter says that the property is popular with recreational users.

The enjoyment of reviewable land is an object of Part Two of the Crown Pastoral Land Act (CPLA).

The point is therefore allowed.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
6	Access through freehold to conservation land is inadequate in the southern part of the proposed freehold.	3,4,10	Allow	

Rationale

Allow or disallow

The submitters support the easement a-b in the upper region of the proposed freehold but

- Request foot and MTB access along the legal road (close to points 'h'- 'T') and that it be marked
- Request public walking access to Powerhouse Stream.

Because these are all in the same area they are treated as one point.

The submitters expressed concern at the lack of public access over proposed freehold in this area to proposed conservation land above. An object of the Act is to make easier the securing of public access to and enjoyment of reviewable land.

The point therefore should be allowed.

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
7	Support the public access routes a-b and c-d.	3	Allow	

Rationale

Allow or disallow

The submitter supports the access designations.

As the provision of access is an objective of the CPLA, the point is allowed.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
8	Support public access at all times to LA1 for foot traffic along the ski field road.	3,4	Allow	

Rationale

Allow or disallow

These submitters propose that access over the route outlined is necessary to give practical public access to LA1.

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To make easier the securing of public access to and enjoyment of reviewable land is an object of Part 2 of the Crown Pastoral Land Act.

The point should therefore be allowed.

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
9	Completely fence the upper boundary of the freehold land to prevent the movement of stock on to CA3	4	Allow	

Rationale

Allow or disallow

These submitters expressed concern that the proposal would allow stock access to proposed conservation area CA3. The comments seek to minimise the risk of soil erosion on the hill country and damage to native vegetation. Soil and water values as well as native vegetation relate to ecological sustainability and the protection of significant inherent values (SIVs), which are relevant matters to be considered under the CPLA.

The point is therefore allowed.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
10	That CC1 be a conservation area with a grazing concession, rather than freehold with a covenant	4,6,7,9	Allow	

Rationale

Allow or disallow

The submitter recommends that CC1 be retained in Crown Control as a Conservation Area, with an option to have a grazing concession. They contend that the designation would provide better protection for the SIVs through conditional use of the land.

The protection of Significant Inherent Values is an object of the Crown Pastoral Land Act, and the point is therefore allowed.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
11	CA4 be extended west to link directly with CA2 and fence its northern and southern boundaries	4,7	Allow	

Rationale

Allow or disallow

The submitters say that by extending the area of CA4 the SIVs will be better protected.

The protection of Significant Inherent Values is an object of the Crown Pastoral Land Act, and the point is therefore allowed.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
12	Lower reaches of permanently flowing streams draining Mt Potts to be fenced to prevent stock access.	4,8	Allow in part	

Rationale

Allow or disallow

The submitters identify that streams draining the Potts Range and flowing through the proposed freehold have very high water quality and healthy stream ecosystems. They contend that the margins of these streams should be fenced to exclude stock. Submitter 4 suggests these areas should be excluded from the proposed freehold. The other submitter is non specific as to the designations or terms sought.

The submitters have identified potential significant inherent values plus issues of ecological sustainability and recommended methods for protecting these. The protection of significant inherent values and ecological sustainability are objects of the CPLA and therefore that part of the point is allowed.

Future land use and its impacts on water quality is not a matter for the Commissioner of Crown Land (CCL) under the CPLA; it is more correctly a matter for the Regional Council (Ecan) under the Resource Management Act (RMA).

Also, the fencing off of the margins of streams is not a matter for the CCL under the CPLA. However the beds of any stream that qualify for marginal strips will be come Crown owned. The management of marginal strips is a matter for DoC post tenure review. This part of the point is therefore disallowed.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
13	Terms of CC1 need to be changed to protect SIVs present in this area.	4,6,7	Allow	

Rationale

Allow or disallow

Changes requested by submitters are:-

- Reword Clause 3.1.1 to exclude cattle on Mt Sunday (4)
- Amend Clause 3.1.2 to prevent clearance of matagouri (4 & 7)
- Fence boundary of CC1 and Conservation Area (4)
- Define the Stock Units for each class of animal (4)
- Prevent exotic seed over sowing and fertilizer topdressing (6 & 7)
- Reduce upper stock limit (6 & 7)
- Require DoC consent for any new fencing or structures (7)
- Prohibit helicopter landings for scenic air tourism (7)
- Not permit the farming of goats (6)
- No spraying of any native vegetation (6)
- Reword clause 3.1.9 and 3.1.10 to be more specific to ensure all activities can be enforced (4)

They contend that these conditions will better protect the SIVs in CC1.

The protection of Significant Inherent Values is an object of the Crown Pastoral Land Act, and the point is therefore allowed.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
14	CC1 to be fully ring fenced	4,7	Allow	

Rationale

Allow or disallow

The submitters want the livestock contained in CC1 so that they don't stray in to nearby conservation land or the riverbed. They argue that this will better protect the surrounding SIVs.

The protection of Significant Inherent Values is an object of the Crown Pastoral Land Act, and the point is therefore allowed.

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
15	Easement Concession f-g to be reworded to ensure farming operations do not impact on Deep Creek, its tributaries and wetlands along its route.	4	Allow	

Rationale

Allow or disallow

The submitter is concerned about maintaining water quality in the waterways on the conservation land. The submitter argues that by tightening the conditions the SIVs will be better protected e.g. fenced tracks, bridges and stating what adverse effects or activities should not occur.

The matter of the terms and conditions of a concession is a matter to be considered under the CPLA so long as the point relates to the objects of tenure review and is achievable through the CPLA tenure review process. The point is therefore allowed for further consultation.

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
16	Fence the freehold/Marginal Strips boundary along side the lower Potts River and Deep Creek.	4	Allow in part	

Rationale

Allow or disallow

The submitter wants to ensure livestock do not enter the bed of the Potts River and Deep Creek. The issue is the protection of water quality and the aquatic ecosystems. The submitter has identified significant inherent values of particular note in this review and recommended a method for protecting these.

However the issue of future land use and its impacts on water quality is not a matter for the CCL under the CPLA; it is more correctly a matter for the Regional Council (Ecan) under the Resource Management Act (RMA).

The management of marginal strips is a matter for the Department of Conservation (DoC) post tenure review.

The protection of significant inherent values and ecological sustainability are objects of the CPLA and therefore the point is allowed in part.

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
17	DOC monitoring costs to be borne by lessees	6	Disallow	

Rationale

Allow or disallow

The submitter considers carrying of monitoring costs by the Minister of Conservation to be unreasonable and that they should be covered by the lessees.

This point is not relevant to the CPLA. It is a post tenure review management issue. Therefore the point is disallowed.

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
18	All wetlands including Mt Sunday should be conservation land	6	Allow	

Rationale

Allow or disallow

The submitter recommends the designation boundaries be changed and that all wetlands be included as conservation land together with Mt Sunday. The area is an integral part of the local biodiversity and landscape values.

The protection of significant inherent values is an object of the CPLA and therefore the point is allowed.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
19	The native shrublands along the Mt Sunday road corridor be retained to protect the landscape values	6	Allow	

Rationale

Allow or disallow

The submitter is concerned about the spraying of native vegetation on either side of this road. They want the native shrublands protected. The submitter contends that the vegetation is part of the high country landscape values and must be protected.

The protection of significant inherent values is an object of the CPLA and therefore the point is allowed.

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
20	If CC1 was crown land, the lessee could seek a tourism concession with specific conditions	7	Allow	

Rationale

Allow or disallow

The submitter wants CC1 to be Crown land to better protect the SIVs. A Tourism Concession would be able to have conditions that prevented damage to the SIVs of Deep Creek, streams and wetlands.

The protection of significant inherent values is an object of the CPLA and therefore the point is allowed.

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
21	Add the tarns and wetlands of CC1 to CA2, limit the freehold to the actual hillock of Mt Sunday	7	Allow	

Rationale

Allow or disallow

The submitter says that if CC1 is retained, then the flats should be added to the Conservation Area CA2. The aim is to better protect the SIVs.

The protection of significant inherent values is an object of the CPLA and therefore the point is allowed.

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
22	"X-Y" to be fenced	7	Allow	

Rationale

Allow or disallow

The submitter supports the erection of a new fence along the line X-Y. This will help prevent stock access in to CA2, therefore protecting the SIVs.

The protection of significant inherent values is an object of the CPLA and therefore the point is allowed.

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
23	Extend CA4 or CA2 to meet the Hakatere-Potts Road. This will provide an area for public facilities e.g. parking, toilets and camping	7	Allow in part	

Rationale

Allow or disallow

The submitter wants a car park, camping area and toilets provided in a location by the road.

While these matters are generally post Tenure Review land management issues, the provision of an area for car parking may make public access easier.

Making public access easier is an objective of the CPLA and the point is therefore allowed in respect of provision of a car parking area.

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
24	Proposed freehold land to have a bond to ensure weeds are controlled	7	Disallow	

Rationale

Allow or disallow

The submitter notes there are problem plants that require controlling e.g. willow and broom. It is considered that control and management of pest plants on the proposed freehold land through a bond is a post tenure review management issue, and can not be dealt with under the CPLA.

The point is disallowed.

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
25	Ski field concession does not meet requirements of CPLA and Conservation Act and should be declined.	7	Allow	

Rationale

Allow or disallow

The submitter contends that the proposed concession fails to comply with s51 of the CPLA because there is no analysis of the environmental effects of the activity. They also suggest the concession should incorporate appropriate controls relating to enjoyment of the land by other users, effects on wildlife, and vegetation.

As well, the submitter claims that the concession provides no mechanism for monitoring or adjustment of conditions.

Since the submitter has raised concerns relating to values that can be taken in to account under the CPLA and the CPLA process does allow for these values to be taken in to account in formulating the term of a concession, the point is allowed.

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
26	Alter the proposed terms and conditions of the Ski Field license.	7	Allow	

Rationale

Allow or disallow

The submitter is concerned about the potential effect of ski field activities on landforms, vegetation, and recreational experiences. The submitter considers the following amendments would be appropriate:

- Term to be 10 years
- Amend description
- Change parts of Section 11
- Add a part to section 14
- Alter Clause 6
- Limit landing sites to the LA1 area
- Limit the number of landings per season
- Remove weeds e.g. gorse

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The matter of the terms and conditions of a concession is a matter to be considered under the CPLA so long as the point relates to the objects of tenure review and is achievable through the CPLA tenure review process. The point is therefore allowed for further consultation

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
27	Include Fish & Game in consultation and development of the monitoring programme for the wetlands	8	Allow	

Rationale

Allow or disallow

The submitter has not been involved to date in any consultation over the monitoring programme associated with the proposed grazing concession for flats. They wish to be part of developing the programme to ensure SIVs are protected.

The matter of the terms and conditions of a concession is a matter to be considered under the CPLA so long as the point relates to the objects of tenure review and is achievable through the CPLA tenure review process. The submitter is concerned with the protection of significant inherent values through monitoring as part of a concession. The point is therefore allowed for further consultation

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
28	Provide a fenced walkway from the road to the top of Mt Sunday	9	Disallow	

Rationale

Allow or disallow

The submitter implies that the SIVs will be better protected if the public access is channeled along a fenced walkway to Mt Sunday.

The provision of public access infrastructure to manage visitors and their safety is a matter for DoC post-tenure review.

Therefore the point is disallowed.

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
29	Allow recreational hunters with a hunting permit to have vehicle access up the ski field road	10	Allow	

Rationale

Allow or disallow

The submitter argues that recreational deerstalkers want vehicle access up the ski field road so that they can more readily transport out any game harvested. Allowing this point will encourage greater hunting pressure and associated reduction of noxious animals with the effect of helping the native vegetation to flourish.

The protection of significant inherent values and enabling public access are relevant matters under the CPLA and therefore the point is allowed.

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
30	Public should have walking access over LA1	10	Allow	

Rationale

Allow or disallow

The submitter wants confirmation that public access to LA1 will be the same as to CA3, excluding the ski field buildings or lifts etc. An object of the Act is to make easier the access to and enjoyment of reviewable land.

The point therefore should be allowed.

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
31	Keep a station hut in the Upper Potts Valley for public use	10	Allow in part	

Rationale

Allow or disallow

The submitter notes that there is a station hut in the Upper Potts Valley and that after Tenure Review it will be on Crown land. It is believed that the hut would be valuable to keep

- For public use
- For heritage purposes as an example of a high country muster's hut.

The presence or otherwise of built structures such as huts is not a matter to be considered under the CPLA. Decisions about structures are normally dealt with by DOC in their subsequent management of the Crown land.

However, this point relates to the enjoyment of the reviewable land, which is an object of the CPLA. As well, the submitter contends that the hut has heritage value and this is also something that can be allowed under the CPLA.

The point is allowed in part in this analysis, to ensure that the submitter's views may be taken in to account in deciding on the management of the land and the hut.

Summary and Conclusion

A moderate number of submissions were received from a cross section of the community including conservation, recreation groups and the regional council.

The main points made by submitters are:-

- Need to improve public access to CA3
- Opposed to freeholding CC1
- Concerns regarding adequacy of proposed new fencing
- Concerns regarding term and conditions of ski field concession.

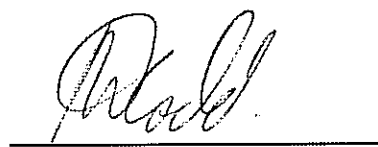
I recommend approval of this analysis and recommendations

Peer Reviewed



Tim Broad
Tenure Review Consultant

Date 21/4/06



Mike Todd
Senior Property Consultant

Date 21/04/06


~~Approved/Declined~~

LINZ Assessor

Date 26.4.06

Dr STEPHEN CHARLES URLICH
TENURE ASSESSOR
CROWN PROPERTY MANAGEMENT
C/LINZ, CHRISTCHURCH

ANALYSIS OF IWI SUBMISSIONS

Statement Pursuant To Sec 45(a)(iii) Crown Pastoral Land Act 1998 (for Part 2 reviews, or Sec 88(d) for Part 3 reviews)

Mt Potts TENURE REVIEW NO TR 209

Details of lease

Lease name: Mt Potts

Location: Hakatare Potts Road, on the north side of the upper Rangitata River; 47 km west of Mt Somers township and 87 km from Ashburton.

Lessee: Mt Potts Station Limited

Public notice of preliminary proposal

Date advertised 22 October 2005

Newspapers advertised in:

- The Press Christchurch
- Otago Daily Times Dunedin
- The Ashburton Guardian Ashburton

Closing date for submissions: 20 December 2005

Details of submissions received

A copy of the proposal and information pack was sent to TRoNT on 31 October 2005.

No reply was received by the closing date of submissions and on enquiry TRoNT advised that they had got confused with the Mt Peel tenure review and had thought they had responded.

A brief response was eventually received on 23 March 2006.

Upon review of the Cultural Values Report, Te Runanga o Ngai Tahu said that they were satisfied that the values identified had been appropriately integrated into the Mt Potts proposal.

ANALYSIS OF SUBMISSIONS

Introduction

Each of the submissions received has been reviewed in order to identify the points raised and these have been numbered accordingly. Where submitters have made similar points these have been given the same number.

The following analysis:

- Summarises each of the points raised along with the recorded number (shown in the appended tables) of the submitter(s) making the point.
- Discussion of the point.
- Recommendations whether or not to allow for further consultation.

The following approach has been adopted when making the recommendation to allow for further consultation:

The points raised have been analysed to assess whether they are matters that can be dealt with under the Crown Pastoral Land Act. Where it is considered that they are, the recommendation is to allow them.

Further consultation with both the Director General of Conservation's delegate and the leaseholders has to be completed on all those points that were allowed.

A recommendation to accept or not accept the point is made taking into account the views of all parties consulted and any other matters relevant to the review, balanced against the objects and matters to be taken into account in the Crown Pastoral Lands Act 1998 (Sections 24 and 25 of the Act).

Analysis

Point	Summary of point raised	Allow or disallow	Accept or not accept
1	The proposal as advertised adequately provides for the values identified in the Cultural Values Report.	Allow	

Rationale

The preliminary proposal is considered by TRoNT to be an acceptable outcome and to this extent it is regarded as meeting the objects of the Part 2 of the Crown Pastoral Land Act. The point should therefore be allowed.

Summary and Conclusion

The submission received fully supports the proposal as advertised.

I recommend approval of this analysis and recommendations

For Opus

Peer Reviewed



Tim Broad
Tenure Review Consultant

Mike Todd
Senior Property Consultant

Date 31/3/06.

Date 31.03.2006.

Approved/Declined*



LINZ Assessor

Date 7/4/06

Dr STEPHEN CHARLES URLICH
TENURE ASSESSOR
CROWN PROPERTY MANAGEMENT
C/-LINZ, CHRISTCHURCH