



## **Crown Pastoral Land Tenure Review**

Lease name : *CHETWYND*

Lease number : PT 099

### **Analysis of 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.

*May*

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**ANALYSIS  
OF  
PUBLIC SUBMISSIONS**

**CHETWYND**



**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)**

**CHETWYND TENURE REVIEW NO 340****Details of lease**

Lease name: Chetwynd pastoral lease

Location: Albury Range, approximately 5 kilometres south-west of Fairlie

Lessee: Ian Geoffrey Callaghan as to a 3/5 share and Sonia Frances Callaghan as to a 2/5 share

**Public notice of preliminary proposal**

Date advertised: Saturday 14<sup>th</sup> May 2011

**Newspapers advertised in:**

- The Press Christchurch
- The Otago Daily Times Dunedin
- The Timaru Herald Timaru

Closing date for submissions: 11 July 2011

**Details of submissions received**

Number received by closing date: 7

Cross-section of groups/individuals represented by submissions:

Submissions were received from non government environmental and recreation groups, Crown entities and a private individual.

Number of late submissions refused/other: Nil

## 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:

1. Summarises each of the points raised along with the recorded number (shown in the appended tables) of the submitter(s) making the point.
2. Discusses each point.
3. Recommends whether or not to **allow** the point for further consideration.
4. If the point is **allowed**, recommends whether to **accept** or **not accept** the point for further consideration.

The points raised have been analysed to assess whether they are matters that are validly-made, relevant to the tenure review and can be properly considered under the Crown Pastoral Land Act 1998 (CPLA). Where it is considered that they are the decision is to **allow** them. Further analysis is then undertaken as to whether to **accept** or **not accept** them.

Conversely where the matter raised is not a matter that is validly-made or relevant or can be properly considered under the CPLA, the decision is to **disallow**. The process stops at this point for those points disallowed.

The outcome of an **accept** decision will be that the point is considered further in formulation of the draft SP. To arrive at this decision the point must be evaluated with respect to the following:

The objects and matters to be taken into account in the CPLA; and

Whether the point introduces new information or a perspective not previously considered; or

Where the point highlights issues previously considered but articulates reasons why the submitter prefers an alternative outcome under the CPLA, or

Is a statement of support for aspects of the Preliminary Proposal which can be considered by the Commissioner when formulating the designations for a Substantive Proposal.

How those accepted points have been considered will be the subject of a Report on Public Submissions which will be made available to the public. This will be done once the Commissioner of Crown Lands has considered all matters raised in the public submissions in formulating a Substantive Proposal.

**Analysis**

The submissions have been numbered in the order in which they were received, points have been arranged so similar points are grouped together.

Appendix III provides a table of the points raised by the various submitters.

<b>Point</b>	<b>Summary of point raised</b>	<b>Submission numbers</b>	<b>Allow or disallow</b>	<b>Accept or not accept</b>
1	Statements of support for aspects of the proposal.	1, 2, 3, 5, 7	Allow	Accept
Rationale for Allow or Disallow				

Submitter 1 states they agree with the proposal which appears satisfactory for conservation and for the present lessees.

Submitter 2 endorsed the proposed designations of Crown land for both CA1 and CA2 by stating that these areas be retained as public conservation land. They have suggested changes to the conditions of the grazing concession, covered in point 4 below. They generally support the proposed freehold area but have concerns about some parts in the upper reaches which are Class VII land, covered in point 5 below.

Submitter 3 fully supports CA1 but suggested changes to the conditions of the easement concessions, covered in point 9 below. They were generally supportive of CA2 but suggested changes to the conditions of the grazing concession, covered in point 4 below. They supported the proposed public access easements over the freehold land, but did recommend more freehold land be added to CA1, covered in point 5 below.

Submitter 5 supports the proposed conservations areas and considers they are useful additions to the existing conservation areas in the vicinity.

Submitter 7 supports the proposal because of the conservation areas CA1 and CA2 being retained by the Crown which they consider have recreational interest, biodiversity values and the land involved is mostly unsustainable for pastoral grazing.

The above statements of support are validly made, are relevant to the tenure review and can be properly considered under the Crown Pastoral Land Act 1998 (CPLA). Most of the statements of support related to the proposed conservation areas where the significant inherent values being protected were discussed. The protection of significant inherent values relates to Section 24(b) of the CPLA. General statements of support for the proposal relate to Sections 24(a) and 24(c) of the CPLA. These statements of support have therefore been allowed for further consideration.

Rationale for Accept or Not Accept

Statements of support for aspects of the proposal can be considered by the Commissioner when formulating the designations for a Substantive Proposal. The point has therefore been accepted for further consideration in the formulation of the Substantive Proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
2	The CRR be provided to research bodies that may have an interest in studying the area.	2	Disallow	N/A
Rationale for Allow or Disallow				

Submitter 2 considers that Chetwynd's fauna and botanical suit within CA1 presents an intriguing picture and could offer some interesting research opportunities. They suggest the Conservation Resources Reports be forwarded to research bodies that may have an interest in further study of aspects of the area.

The Department of Conservation's Conservation Resources Report is produced under Part 2 of the Crown Pastoral Land Act 1998 for the purpose of Tenure Review. The use of this report for purposes other than Tenure Review is not a matter that can be considered under the CPLA and therefore the point is disallowed.

The comments made by the submitter will however be referred to DoC and LINZ for their consideration outside of the tenure review process.

Rationale for Accept or Not Accept
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N/A

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
3	The efficiency of the proposed fencing plan of CA1 should be monitored.	2	Disallow	N/A
Rationale for Allow or Disallow				

Submitter 2 suggests the need to monitor some of the proposed boundaries of CA1 to ascertain that stock exclusion by the natural features such as escarpments rather than by fencing is occurring. They also request fences be installed if stock incursions do take place.

The submitter's concern relates to the proposed fencing plan where it is not proposed to construct a continuous seven wire fence along the entire boundary to the proposed freehold land. For example, one section (W-X) is a two wire cattle fence above the top edge of the Tramway Stream scarp, designed to allow sheep grazing just inside CA1 for ease of public access, while at the same time it is considered sheep will not venture too far into CA1 given the gorge drops off steeply towards the south. Another section along part of the northern boundary of the proposed freehold land (true right of Coal Stream) is not proposed to be fenced, and will instead rely on the steep terrain and dense shrublands to form a stock barrier.

We can only concern ourselves with the protection of SIVs as it translates to appropriate designations in a tenure review outcome. We cannot setup a designation to ensure

monitoring inside the boundary of CA1, and CA1 is not subject to a grazing concession. In addition, the submitter is not requesting an alternative designation, they are happy with the designation, they are simply suggesting how DoC should manage these boundaries of CA1 after tenure review.

The point is considered to be a post tenure review land management issue for DoC and not a relevant matter able to be dealt with by the CPLA.

This point has therefore been disallowed for further consideration within tenure review but the comments made by the submitters will be referred to the Department of Conservation to take into account in determining future management of CA1.

Rationale for Accept or Not Accept
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N/A

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
4	Amend the conditions of the grazing concession over CA2.	2, 3, 5	Allow in part (being Sub-points a and b)	Accept (Sub-points a and b)

Rationale for Allow or Disallow
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**Sub-point (a)**

The term of the concession should be reduced:

Submitter 2 The grazing concession over CA2 be reduced to a maximum period of 5 years and the easement concession (j-k), as outlined in point 9 below, be amended to reflect the same 5 year term. The submitter refers to a single period of a maximum of 5 years. It is interpreted (given the current proposal of 10 years allows for a renewal of a further 10 years) the submitter's reference to a single period is that they do not wish for a right of renewal after their proposed term of 5 years has expired. The submitter also highlights the risk of ongoing transfer of a variety of foreign organisms by stock which is interpreted as a reason they are advocating a reduction in the duration of the grazing concession

**Sub-point (b)**

Monitoring of the concession should occur and the right of renewal be based on the results with the ability to adjust stocking rates if monitoring shows grazing is having a detrimental effect on the values:

Submitter 2 has requested that the Department of Conservation monitor the grazing concession and the right to adjust stock rates be reserved. The submitter does not state that stocking rates be adjusted in relation to monitoring detecting detrimental effects on the values but it is interpreted this is what they intend.

Submitter 3 has stated that renewal of the grazing concession should not be of a right but be subject to the results of monitoring which should show that stock grazing is at a level

which allows the maintenance of the natural vegetation cover and the integrity of the soil, or even their enhancement.

Submitter 5 has also suggested grazing will need to be monitored with the ability to reduce grazing if monitoring indicates damage to natural values.

The grazing concession document does include a provision for monitoring and states that the Grantor may set up and design and undertake a monitoring program. The submitters are requesting that this monitoring definitely occur rather than be at the discretion of the Grantor if considered necessary.

Sub-points a and b relate to the protection of ecological significant inherent values. Section 24(b) of the CPLA relates to the protection of significant inherent values, so these sub-points have been allowed for further consideration.

### **Sub-point (c)**

The grazing concession should not be transferred to a new owner:

Submitter 3 has also suggested the grazing concession not be automatically transferred if the concession holder's adjoining property is sold. It is interpreted the submitter is requesting that the concession not be transferred to a new owner should the proposed freehold land be sold prior to the grazing concession expiring.

This sub-point is considered to be a post tenure review land management issue for DoC and not a relevant matter able to be dealt with by the CPLA. It has therefore been disallowed for further consideration within Tenure Review but the comments made by the submitter will be referred to the Department of Conservation to take into account in determining the future management of the concession.

Rationale for Accept or Not Accept
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### **Sub-points (a) and (b)**

These sub-points relate to objects and matters that can be taken into account in the CPLA, as discussed above. The term of the concession and monitoring provisions are matters that have been previously considered, however the submitters' have articulated reasons why they prefer an alternative outcome. They discuss the transfer of foreign organisms in the form of seeds and spores by stock movement which they suggest could be enhanced post tenure review by the transfer from freehold areas. They also highlight the area is Class VII land which has limitations for pastoral grazing and that weeds need to be carefully controlled.

These sub-points have therefore been accepted for further consideration in the formulation of the Substantive Proposal.

### **Sub-point (c)**

N/A



Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
5	Parts of the proposed freehold land be retained as conservation land and added to CA1.	2, 3, 6	Allow	Accept
Rationale for Allow or Disallow				

Submitter 2 points out there is an area of Class VII land around the upper reaches of the proposed freehold and states that this class of land has severe limitations/hazards under perennial vegetation and is usually not suited for grazing. In their view the area should be retained as conservation land and added to CA1.

Submitter 3 presents two options. Their preferred option, option A as shown on Map 1 of their submission shows the north facing slope above the true right of the southern tributary of Coal Stream. They state that because this north facing slope contains areas that have been classified as Class VII land and vegetation values it should be retained in Crown control and added to CA1. This option also includes the south facing slope, south of the legal road extending through to the eastern boundary of the property which is part of the catchment of both Coal Stream and Tramway Stream. The submitter considers this slope is important to include into CA1 to maintain the quality of the waterways as the area would not be subject to inputs and therefore nutrient run off would be prevented. This option utilises an existing fence line and the proposed extension of CA1 adopts this as the eastern boundary north of the legal road.

Option B as shown on Map 2 (if the preferred option A is not accepted) includes most of the same area but with slightly less land going into CA1 and instead a new fence proposed across the proposed freehold conservation area boundary. Details about the submitters fencing requests in relation to this extension of CA1 are outlined in point 12 below.

A better interpretation of the area within option A and B the submitter is referring to are obtained from the maps rather than from the text within their submission.

If neither option A or B is accepted the submitter requests that the area of native trees, isolated stands of mountain ribbonwood, shrubs growing along the stream and the stream itself be protected and included within CA1.

Submitter 3 has further commented later in their submission in relation to access, they suggest the extension to CA1 south of the legal road should be adopted if legal roads do not provide practical access.

Submitter 6 in point 15 below has suggested public access should be over the existing track from "b-c-d" and "c-g". They suggest this should be achieved by way of an easement (covered in point 15 on additional easements) or by moving the proposed conservation boundary northwards to include the track where practicable. This corresponds to the area south of the legal road and just north of Tramway Stream Gorge scarp.

The point relates to promoting the management of reviewable land in a way that is ecologically sustainable which is an object of tenure review under Section 24(a)(i) CPLA.

The point also relates to the protection of ecological significant inherent values. Section 24(b) of the CPLA relates to the protection of significant inherent values, so this point has been allowed for further consideration.

**Rationale for Accept or Not Accept**

The point relates to objects and matters that can be taken into account in the CPLA, as discussed above. The areas proposed for Crown retention are matters that have been previously considered, however the submitters' have articulated reasons why they prefer an alternative outcome. They state parts of the proposed freehold are Class VII land with limitations for pastoral use, it contains vegetation values including native shrublands and trees and low altitude tussock grasslands. They also consider retention in Crown ownership would protect the quality of stream systems and would provide greater security of access for the area south of the legal road.

The point has therefore been accepted for further consideration in the formulation of the Substantive Proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
6	Additional fencing be constructed along streams that run through the proposed freehold areas.	2, 3	Allow	Accept

**Rationale for Allow or Disallow**

Submitter 2 is concerned about stock access to streams in areas designated for freehold disposal. They are concerned about all streams within the proposed freehold land and consider stock need to be excluded from them to ensure the objects of Section 24(a)(i) is met to promote the management of the land in a way that is ecologically sustainable.

Submitter 3 has requested that if the options outlined above in point 5 for additional proposed freehold land to be added to CA1 is not accepted then the area of natives trees, isolated stands of mountain ribbonwood, shrubs growing along the stream and the stream itself should still be fenced to exclude stock, cattle in particular. Although the submitter has not highlighted where this area is, it is interpreted from Map 2 and the labelling in the key that this is the circular shaped area shown on that map which is also mentioned in point 12 below where this submitter highlights the need for areas of new fencing.

The point relates to the protection of ecological significant inherent values. Section 24(b) of the CPLA relates to the protection of significant inherent values, so this point has been allowed for further consideration.

**Rationale for Accept or Not Accept**

The point relates to objects and matters that can be taken into account in the CPLA, as discussed above. The submitter has introduced a point which has not been previously considered, and they have also articulated reasons why they prefer an alternative outcome. Those reasons included, to ensure the proposed freehold land is managed in a

way that is ecologically sustainable and a particular focus on an area of native trees and shrublands which line a small stream to protect and maintain the quality of the stream waters.

The point has therefore been accepted for further consideration in the formulation of the Substantive Proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
7	The access easements be amended to provide year round practical access for public and conservation management purposes.	2	Allow	Accept
Rationale for Allow or Disallow				

Submitter 2 has stated they are uncomfortable with the proposed closure periods and request the access easements should provide year round practical access for public and conservation management purposes. They consider the public and conservation managers should not be denied access to public conservation land because of a private operator's management matters.

Securing of public access to the reviewable land is an object of tenure review under Section 24(c)(i) of the CPLA and therefore the point has been allowed for further consideration.

Rationale for Accept or Not Accept

The point relates to objects and matters that can be taken into account in the CPLA, as discussed above. While appropriate access and closure periods is a matter that has been previously considered, the submitter has articulated reasons why they prefer an alternative outcome.

The point has therefore been accepted for further consideration in the formulation of the Substantive Proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
8	The legal roads through and around Chetwynd be used for public access and marked where appropriate.	2, 3, 5, 6	Disallow	N/A
Rationale for Allow or Disallow				

Submitter 2 wants legal roads through and around Chetwynd to remain open for present and future access requirements and be marked where appropriate.

Submitter 3 has recommended that legal roads are used for public access and conservation management access where practical.

Submitter 5 suggests (in conjunction with point 13) the legal road will need to be marked if the public are unable to utilise the existing farm track between “c-e”.

Submitter 6 in their submission to have public access provided over the existing farm tracks and / or move the conservation area boundary as outlined in points 5 and 13 have requested that if these are not agreeable then wants public access along the legal road flagged with appropriate marker posts.

Legal roads are outside the property and are therefore not part of the land under review. They are consequently not matters that can be considered under the CPLA and therefore the point is disallowed.

Rationale for Accept or Not Accept

N/A

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
9	Amend the conditions of the easement concessions to reduce the term proposed for two of the three easements, and concession j-k be reviewed after 10 years	2, 3	Allow	Accept

Rationale for Allow or Disallow

Submitter 2 in relation to point 4 above where they want the grazing concession amended to a maximum period of 5 years has requested the easement concession “j-k” also be amended to 5 years.

Submitter 3 has suggested the term of easement concession “h-i” for the purposes of a water supply should be limited to 33 years and only renewed if the possible impacts are not significant.

Submitter 3 has also suggested easement concession “j-k” through the grazing concession should be reviewed after 10 years.

The point relates to the protection of significant inherent values. Section 24(b) of the CPLA relates to the protection of significant inherent values, so this point has been allowed for further consideration.

Rationale for Accept or Not Accept

The point relates to objects and matters that can be taken into account in the CPLA, as discussed above. While the term of easement concessions are matters that have been

previously considered the submitters have articulated reasons they prefer an alternative outcome.

Easement concession “j-k” is linked to the term of the grazing concession over CA2, being 10 years with one right of renewal (20 years in total), as it provides stock and farm management access. It is logical that reduction in the term of the grazing concession will automatically translate to a corresponding reduction in the term of this easement concession. Submitter 2 highlighted this linkage which represents a reason to reduce the term of this easement if the duration of the grazing concession is reduced as advocated in point 4.

Easement concession “h-i” is in perpetuity to allow the owner to install and maintain a water pipeline. Submitter 3 suggests the term should be limited to 33 years and only renewed if the possible impacts of the easement are not significant. This is recognised as being a reason for an alternative outcome.

The point has therefore been accepted for further consideration in the formulation of the Substantive Proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
10	The easement concessions will need to be extended if CA1 area is increased as outlined in point 5.	3	Allow	Accept
Rationale for Allow or Disallow				

Submitter 3 endorses an extension of the farm management easement concession “j-k” if their request to extend conservation area CA1 covered in point 5 above is accepted. They further comment that they understand that public use of these easement concessions would be allowed where they pass over conservation land.

The point relates to the granting of a specified concession to a person specified in the proposal over land to be restored to or retained in Crown control. Section 36(1)(a) of the CPLA relates to the granting of a specified concession, so this point has been allowed for further consideration.

Rationale for Accept or Not Accept
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The point relates to objects and matters that can be taken into account in the CPLA, as discussed above. The submitter has introduced a point which has not been previously considered.

The point has therefore been accepted for further consideration in the formulation of the Substantive Proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
11	The open areas of intact tussock grasslands over parts of the proposed freehold land be assessed for possible protection by QE II trust.	3	Allow	Accept
Rationale for Allow or Disallow				

The point relates to the appropriate protection of significant inherent values, in this case tussock grasslands. Section 24(b) of the CPLA relates to the protection of significant inherent values, hence this point has been allowed for further consideration.

#### Rationale for Accept or Not Accept

The point relates to objects and matters that can be taken into account in the CPLA, as discussed above. A small area located between the legal road and a southern tributary of Coal Stream was assessed as documented in the CRR as containing tussock grassland SIVs. Consideration was given to the protection of this area and it was subsequently freeholded unencumbered as agreed by all parties. The area was not considered for protection by a Queen Elizabeth National Trust Covenant and therefore the submitter has introduced a perspective not previously considered.

The point has therefore been accepted for further consideration in the formulation of the Substantive Proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
12	New fencing is required if CA1 area is increased as outlined in point 5.	3	Allow	Accept
Rationale for Allow or Disallow				

Submitter 3 has in point 5 above requested an extension to CA1 which would require a new fence to be constructed as shown on Map 2 for their option B. This means the proposed fence line R-S is no longer required. They have further commented that proposed fence line X-W would still be acceptable to keep people and stock separated along the stream scarp.

Map 2 also includes an additional circular shaped area and is labelled in the key for the map but is not discussed in the text. It is interpreted from the map this is the area of native trees, isolated stands of mountain ribbonwood along the stream submitter 3 requested be fenced in point 6 above.

The point is essentially in response to the suggestion to extend CA1 as covered in point 5 above and therefore relates to promoting the management of reviewable land in a way that is ecologically sustainable which is an object of tenure review under Section 24(a)(i) CPLA. The point also relates to the protection of ecological significant inherent values.

Section 24(b) of the CPLA relates to the protection of significant inherent values, so this point has been allowed for further consideration.

**Rationale for Accept or Not Accept**

The point relates to objects and matters that can be taken into account in the CPLA, as discussed above. Because the point is linked to extending CA1 which is a matter that has been previously considered, and the submitter has articulated reasons why they prefer an alternative outcome as outlined in point 5 above, the point has been accepted for further consideration in the formulation of the Substantive Proposal.

<b>Point</b>	<b>Summary of point raised</b>	<b>Submission numbers</b>	<b>Allow or disallow</b>	<b>Accept or not accept</b>
13	Additional public access easements be provided.	3, 5, 6	Allow	Accept

**Rationale for Allow or Disallow**

Submitter 3 has requested an additional public access easement from McLeans Road end to the proposed conservation area in Coal Stream catchment. This easement route is shown on Maps 1 and 2 of their options A and B outlined above in point 5 requesting an extension of CA1. The submitter has not explained how their proposed easement links to any physical access to the boundary of the property, however the map shows it links to a legal road. The submitter has not explained why they want this additional easement.

Submitter 5 is requesting the public access easement be along the existing farm tracks. They provide the example of easement “c-e” along an existing farm track of which the first part of it “c-d” is only for doc management access and a section for public access is proposed over a route “f-g-d” which is not formed. They have stated it would seem sensible to enable public foot access (including for hunters carrying rifles) along the same formed farm track. They have also referred to the use of legal roads which is discussed in point 8 above.

Submitter 5 has further suggested there should be foot access across to CA1 in the vicinity of “X” from the legal road line or from the farm track if this is accepted as providing public foot access.

Submitter 6 also suggests using the existing tracks and has commented the proposed public access easement appears to be an ill-defined line. They acknowledge there maybe some reluctance from the landholder to use the track but suggest the practicality of keeping people off the track also needs to be acknowledged. They have specified public access should be from “b-c-d” and “c-g” by way of an easement and/or by moving the proposed conservation boundary northwards to include the track where practicable, which is discussed in point 5 above.

Securing of public access to the reviewable land is an object of tenure review under Section 24(c)(i) of the CPLA and therefore the point has been allowed for further consideration.

**Rationale for Accept or Not Accept**

The point relates to objects and matters that can be taken into account in the CPLA, as discussed above. The submitters' have introduced a point which has not been previously considered, being an additional public access easement near Coal Stream. In addition, while public access easements are matters that have been previously considered, the submitters have articulated reasons they prefer an alternative outcome.

The point has therefore been accepted for further consideration in the formulation of the Substantive Proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
14	The farm management easement concessions be available for public access.	3	Disallow	N/A
Rationale for Allow or Disallow				

Submitter 3 has requested that easement concession j-k and h-i also be available for access by the general public.

The point relates to access on conservation land over which public access is normally permitted as of right under the Conservation Act. The issue of whether public access would be restricted is therefore considered to be a post tenure review land management issues for DoC and not a relevant matter able to be dealt with under the CPLA.

This point has been disallowed for further consideration within tenure review but the comments made by the submitter will be referred to DoC for their consideration in determining the future management of CA1.

Rationale for Accept or Not Accept
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N/A

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
15	Owners of the freehold land be made aware archaeological sites are subject to the Historic Places Act 1993 and recommends lwi identify any lwi heritage sites within the proposed freehold.	4	Allow in part (being Sub-point b)	Not Accept (Sub-point b)
Rationale for Allow or Disallow				

#### Sub-point (a)

Sites subject to the Historic Places Act 1993:



The submitter states no further protection measures are required for the two archaeological sites located within the proposed freehold other than the standard protection offered under the Historic Places Act. They suggest current and future owners should be made aware that work affecting archaeological sites is subject to the archaeological authority process under the Historic Places Act 1993.

While protection of historic sites is a matter able to be considered under the CPLA with retention in Crown ownership or use of a covenant being options, the submitter is not advocating use of those options as being necessary. Other mechanisms to make freehold owners aware of their responsibilities under the Historic Places Act 1993 are not able to be considered under the CPLA. The sub- point is therefore disallowed.

**Sub-point (b)**

Consult with Iwi to identify historic sites:

The submitter notes there are a number of Maori archaeological sites recorded in the area south of Chetwynd Pastoral Lease, the nearest being rock shelters and rock art sites located approximately three kilometres from the lease area. They recommend consultation with Te Runanga o Ngai Tāhu to identify any areas of Maori Heritage value within the proposed freehold land.

The sub-point relates to consultation with the iwi authority and the protection of significant inherent values. Section 44 of the CPLA specifies the requirement to consult with the iwi authority and section 24(b) of relates to the protection of significant inherent values. This sub-point has therefore been allowed for further consideration.

Rationale for Accept or Not Accept
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**Sub-point (a)**

N/A

**Sub-point (b)**

Consultation with Ngāi Tahu is a statutory requirement of the CPLA. An Iwi inspection was carried out and the Cultural Values Report resulting from that inspection did not identify any significant Iwi sites and there was no mention of rock shelters and rock art sites. In addition the Iwi submission received during the advertising process did not identify or mention any rock shelters and rock art sites.

Although the point relates to the objects and matters that can be taken into account in the CPLA, as discussed above, it does not introduce new information or a perspective not previously considered, nor does it provide reasons for an alternative outcome.

The sub-point has therefore not been accepted for further consideration in the formulation of the Substantive Proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
16	Provide legal physical public access provisions to the property from the adjoining land.	6	Disallow	N/A
Rationale for Allow or Disallow				

Submitter 6 is seeking to have provision made for legal physical public access to the Conservation Areas from O'Neills Road. They note that while there is a legal road west from O'Neills Road which provides legal access to the property, the physical access to the lease deviates from the legal road and is therefore not legal over its entire extent.

This point relates to access outside the property which is not part of the land under review. It consequently is not a matter that can be considered under the CPLA and therefore the point is disallowed.

Rationale for Accept or Not Accept

N/A

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
17	Provision made for a gate or a style on any fence erected across the marginal strip at "R".	6	Disallow	N/A
Rationale for Allow or Disallow				

Submitter 6 points out that a marginal strip is to be created on the true right of Coal Stream upon disposition and have requested that if the proposed new fence "R-S" is constructed across the marginal strip then it must not impede public access along the marginal strip.

This point relates to marginal strips which are outside the reviewable land and is therefore not a matter that can be considered under the CPLA, the point is disallowed.

Rationale for Accept or Not Accept

N/A

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
18	The easements need to be adequately marked by DoC.	7	Disallow	N/A
Rationale for Allow or Disallow				

This point is considered to be a post tenure review land management issue for doc and not a relevant matter able to be dealt with by the CPLA.

This point has therefore been disallowed for further consideration within tenure review but the comments made by the submitter will be referred to the Department of Conservation to take into account in determining the future management of easements.

Rationale for Accept or Not Accept
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N/A

### Summary and Conclusion

Overview of analysis:
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Seven submissions were received from non government environmental organisations , recreation groups and Crown entities.

Overall, the most common response was support for aspects of the proposal. Five out of the total of seven submitters expressed statements of support for various aspects of the proposal.

Three submitters suggested changes to the proposed grazing concession, related to reducing its term and requesting that monitoring occur.

Three submitters requested additional land be designed for Crown retention as conservation land over what is currently proposed to be designated as freehold land. They provided significant detail including maps of the specific areas proposed for retention and outlined the values they consider require protection.

There was also a request by three submitters for additional public access easements to be provided. Much of the focus here was on public access easements being permitted over existing farm tracks, the use of which is largely proposed to be restricted to DoC management access provisions only.

Four submitters requested that existing legal roads be used and marked as public access routes. This point was disallowed because legal roads are outside the reviewable land.

From the 18 points derived 11 were allowed (either fully or in part) for further consideration. 10 of the allowed points and sub-points were accepted for further consideration in the formulation of the draft Substantive Proposal.

Generic issues:
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The key generic issues identified are:

- Parts of the proposed freehold land contain significant inherent values and is also not considered suitable for pastoral use due to its land Class and should therefore be retained by the Crown
- Concerns related to the conditions of the proposed grazing concession

- Public access easements need to be provided over the most physically practical routes.

Gaps identified in the proposal or tenure review process:

No gaps in the proposal were identified by the submitters.

Risks identified:

No risks identified.

General trends in the submitters' comments:

Discussed under generic issues above.

List of submitters:

A list of submitters is included in Appendix II and a summary of the points raised by submitters is included in Appendix III.

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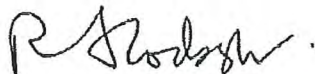
I recommend approval of this analysis and recommendations



Simon deLautour – Tenure Review Consultant

Date 14/10/2011

Peer reviewed by



Bob Webster – Tenure Review Consultant

Date 14/10/2011

*Accepted*  
~~Approved/Declined~~



Commissioner of Crown Lands

**Jeremy Barr**

Programme Manager Tenure Review  
Crown Property & Investment  
Land Information New Zealand

Date 16/11/2011

**Appendices:**

- I Copy of Public Notice
- II List of Submitters
- III Points Raised by Submitters
- IV Copy of Annotated Submissions