

Crown Pastoral Land Tenure Review

Lease name : *CHETWYND*

Lease number : PT 099

Public Submissions part 2

These submissions were received as a result of the public advertising of the Preliminary Proposal for Tenure Review.

These submissions are released under the Official Information Act 1982.

May

12



Patron:
*His Excellency The Honourable
Sir Anand Satyanand, GNZM, QSO
Governor-General of New Zealand*

Southern Regional Office
PO Box 4403
Christchurch

Our Ref: 22015-001

07 July 2011

Bob Webster
Tenure Review Consultant
Opus International Consultants Limited
PO Box 1482
CHRISTCHURCH 8140



Dear Mr Webster

Chetwynd Pastoral Lease – Preliminary Proposal for Tenure Review

Thank you for the opportunity for NZ Historic Places Trust (NZHPT) to comment on the Preliminary Proposal for the Chetwynd Tenure Review. NZHPT is an autonomous Crown Entity with responsibilities under the Historic Places Act 1993 to promote the identification, protection, preservation and conservation of the historical and cultural resources of New Zealand.

As you are aware, the 2003 Amendments to the Resource Management Act added a definition of historic heritage, where previously there was no definition, and elevated historic heritage to a matter of national importance, to where now there is a requirement to recognise and provide for the protection of historic heritage from inappropriate subdivision, use and development (Section 6 (f)).

Desk-top study by the NZ Historic Places Trust identified there are no registered historic places, historic areas, wāhi tapu or wāhi tapu areas in the Chetwynd Pastoral Lease. Chetwynd is located in the Rural Zone of the Mackenzie District Plan and there are no heritage items at this location identified in the District Plan.

The Department of Conservation (DOC) Conservation has provided NZHPT with their Historic Resources Report for the Chetwynd Pastoral Lease (October 2010). The archaeological survey commissioned by DOC identified two archaeological sites within the proposed freehold area of the lease, which have now been recorded in the New Zealand Archaeological Association Site Recording Scheme. These sites are:

Fence (J38/210)
Sheepyard (J38/209)

NZHPT agrees with the archaeologist's significance assessment of these sites. No further protection measures are required other than the standard protection offered under the Historic Places Act. 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. If any activity, such as earthworks, fencing or landscaping, may modify, damage or destroy any archaeological site(s), an authority (consent) from NZHPT must

be obtained for the work prior to commencement. It is an offence to modify, damage or destroy a site for any purpose without an authority. The Historic Places Act 1993 contains penalties for unauthorised site damage.

The Historic Resources Report also notes the importance of the nearby Tengawai River to Ngāi Tahu, part of which is a scheduled nohoanga entitlement area under the Ngāi Tahu Claims Settlement Act 1998. There are also a number of Maori archaeological sites recorded in the area south of the Chetwynd Pastoral Lease, the nearest being rock shelters and rock art sites located approximately three kilometres from the lease area. We assume that you will be undertaking consultation with Te Runanga o Ngai Tāhu and NZHPT recommends that this is undertaken to identify any areas of Maori Heritage value within the area of proposed freehold land.

Thank you for the opportunity for us to provide our input at this stage. Please contact me if you have any questions.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Malcolm Duff', followed by a long horizontal line extending to the right.

Malcolm Duff

General Manager Southern



Federated Mountain Clubs of NZ (Inc)

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Chetwynd Tenure Review

Federated Mountain Clubs represents clubs and individuals involved back country recreation with a particular focus on mountainous areas.

We note the proposals and the values listed in the conservation values report.

Federated Mountain Clubs fully supports the aims : *“to promote the management of reviewable land in a way that is ecologically sustainable..... to enable the protection of the significant inherent values of the reviewable land.....and to make easier the securing of public access to and enjoyment of reviewable land”* (Crown Pastoral Land Act 1998, S.24).

Transfer to Crown ownership and control

We see all the proposed conservation areas and reserves as being useful additions to the existing conservation areas and reserves in the vicinity. We agree with this aspect of the proposals.

As tenure review is undertaken on adjoining pastoral runs the main ridge will be a useful recreational asset. It will cover walks and some hunting opportunities.

We note the proposed grazing concessions over some of the land that will be transferred to the conservation estate. Grazing will need to be monitored and the ability will need to be retained to reduce grazing if monitoring indicates damage to natural values.

Access Easements

The area to be allocated to protection has legal roads providing access. There are however two areas we feel where better access for the public should be provided:

- A public foot access easement along the line between 'c' and 'e' on the plan. Currently the proposal is for this easement to provide access to the grazing concession and for management purposes. We note the easement is proposed as the existing farm track does not follow the legal road line. It would seem sensible to us to enable public foot access (including for hunters carrying rifles) along the same track. Otherwise at some point the legal road will need to be marked. Those with GPS

equipment will be able to follow the roadline without difficulty. It seems to us that it would be easier for all if access were provided for up the farm track.

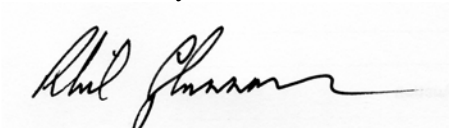
- There should also be foot access across to the CA1 block in vicinity of 'X' on the plan from the legal roadline (or from the farm track if this is accepted as providing public foot access. This would provide access into Tramway Stream and the forested area in the lower catchment.

Conclusion

The Preliminary Proposal for the tenure review of Chetwynd Station contains many good clauses which will result in valuable gains for public recreation and conservation. We urge that the improved access arrangement noted above be included in the final agreement.

Finally, we appreciate this opportunity to comment on the Preliminary Proposal. We would be happy to be involved in further discussions regarding any of the issues discussed in this submission.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Phil Glasson', written over a light grey rectangular background.

Phil Glasson
Secretary



WALKINGACCESS
ARA HĪKOI AOTEAROA

7 July 2011

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Re: Preliminary Proposal for Tenure Review of Chetwynd Pastoral Lease Pt 099

Thank you for providing an opportunity to comment on the preliminary proposal for the tenure review of Chetwynd pastoral lease. As you will appreciate, this is the first opportunity that the New Zealand Walking Access Commission (the Commission) has had to comment on this proposal. We have not had the opportunity to undertake a ground inspection.

In this submission, the Commission seeks to have provision made for legal, physical public access to the conservation areas from O'Neills Road and also provision for public access along the length of the existing 4WD tracks to the conservation areas.

A. Introduction

Purpose Objective and Functions of the NZ Walking Access Commission

The Walking Access Act 2008 (sections 3, 9 and 10) sets out the purpose and objective and functions of the NZ Walking Access Commission.

Central to its role is the Commission's leadership in negotiating and provision of free, certain, enduring and practical walking access to the outdoors for the New Zealanders and visitors.

Focus of Submission is Public Access

The Commission's submission on Chetwynd Preliminary Proposal is designed, as envisaged by the Act, to achieve appropriate and enduring access in this popular area of New Zealand.

The Commission's submission reinforces the objectives of the Crown Pastoral Land Act 1998, in particular section 24(c) which is to make easier the securing of public access to and enjoyment of reviewable land. Specifically, our submission addresses the public access and public enjoyment matters specified in subsection (2)(c) and (d) of Section 40 of the Crown Pastoral Land Act 1998.

B. Submission

Existing public access

We note that much of the western boundary of the lease adjoins legal road, and that a legal road effectively bisects the property, with another extension to the north.

These legal roads are clearly depicted on the designations plan, and provide legal access to

the lease in the south-west corner, in the west and north-west areas, and on the north-eastern and eastern boundaries.

While the legal road west from O'Neills Road to the eastern boundary provides legal access to the pastoral lease, the physical access to the lease deviates from the legal road for some 45 metres east of the boundary, where it passes through the neighbouring Rural Section 31248 (CB26F/1179). Therefore, the current physical access to the pastoral lease is not legal over its entire extent.

Proposed public access

The provision of public access to the Albury Range is identified as being a key outcome of the tenure review, and access to the Albury Range is strongly supported by the Commission.

The Summary of the Preliminary Proposal makes no reference to the fact that the physical access to the lease boundary from O'Neills Road is not legal along its full extent. Nor does the Preliminary Proposal make provision to address this legality problem.

While there is a formed 4WD track which could provide public access to the Albury Range from 'a - e' on the designation plan, the proposal prevents public use of the section of the track from 'b - g'.

Public access is proposed through the lower portions of the property (i.e. 'a - b - f' in CA1, and 'f - g - d - e' in Freehold), and while the upper portion 'd - e' is proposed as being on the farm track, the lower portion 'f - g - d' is proposed as an easement on what appears to be an ill-defined line.

We note that the Qualifying Waterways Report of April 2008 has determined that much of Tramway Stream and Coal Stream will be subject to Section 24 Conservation Act upon disposition. Most of the margins of these streams will be within the proposed Conservation Area. A section of the true right bank of Coal Stream, from "R" downstream to the boundary of Rural Section 23235 will generate a marginal strip within the proposed freehold block.

Desirable public access

The public does not have legal access to the property over the full length of the formed track from O'Neills Road. Legal physical access to the boundary of the property is essential otherwise the public access proposed in the review will be of no practical value.

The Commission seeks to have:

1. *Provision made for ensuring enduring, certain, practical and legal access to the property's eastern boundary.*

The marginal strip to be created on the true right of Coal Stream upon disposition will provide legal public access from "R" downstream to the freehold boundary, and we note that a new fence is proposed from "R-S". If a fence is proposed across the marginal strip it must not impede public access along the marginal strip (a style would enable access).

The Commission seeks to have:

2. *Provision made for a gate or a style on any fence that may be erected across the marginal strip at "R", to facilitate public access to the marginal strip to be created upon disposition.*

Desirable public access needs to be practical and on logical lines. There is an existing legal road to the Albury Range, but we are not aware of the practicality of using that road for foot

or non-motorised access. There is also an existing farm track in the vicinity which we presume would provide practical foot and non-motorised access. The review proposes a third route from "b - f" on the conservation side of a new fence, and then from "f - g - d" through proposed freehold.

We are concerned with the proliferation of possible routes, and also with the difficulty that may arise in trying to have the public walk on a possibly less than desirable line, within sight of an obviously more desirable line.

The most logical access for the public is on the existing farm track, not just from "d - e" and "g - j", but also from "b - c - d" and "c - g". Some reluctance on the part of the landholder to the use of this track may be understandable, but the practicality of keeping people off the track also needs to be acknowledged. We note that part of the track is already included in proposed conservation area at the eastern boundary where an easement concession for farm management purposes is proposed "a - b".

The Commission seeks to have:

3. *Public access provided on the existing farm track, not just from "d - e" and "g - j", but also 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, or*
4. *If the proposal in 3, above, is not agreeable then the Commission seeks to have public access along the legal road flagged with appropriate marker posts.*

C. Other

The Commission notes that an alternative solution exists for the location of the boundary of CA1, east of 'T'. If it were to be aligned with the legal road and retained as conservation land then it would reduce the need to create a plethora of access easements for public and management access. An appropriate grazing concession could then be offered over that land, south of the legal road, which is currently shown as proposed freehold.

Thank you for the opportunity to make a submission on the Preliminary Proposal for tenure review of Chetwynd pastoral lease. We request advice in due course as to how the points we have raised have been analysed and what, if any, amendments are subsequently proposed to the Preliminary Proposal designations.

Yours sincerely



Mark Neeson
Chief Executive.



Council of Outdoor Recreation Associations of New Zealand Inc

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11 July 2011

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CORANZ Submission: Chetwynd Tenure Review (Fairlie, Sth Canty)

The Council of Outdoor Recreation Associations of New Zealand (CORANZ) makes the following submission in support of this pastoral lease tenure review.

The Council of Outdoor Recreation Associations (CORANZ) is a national umbrella Council for national and regional outdoor sporting and recreational associations. These include New Zealand Salmon Anglers Association, NZ Federation of Freshwater Anglers, Public Access New Zealand, New Zealand Four Wheel Drive Association, Jet Boating New Zealand, NZ Bowhunters Association, Option 4 (a recreational sea fishing trust), and the Marlborough Recreational Fishing Association. The total number of people belonging to our eight associations numbers approximately 12,000.

Our member bodies and their members are interested in adequate public access to the areas being retained in public ownership, for both walking and mechanised access, and in the recreational value of the retained land, and any roads, tracks, and any other facilities available on that retained land, as well as its suitability for the different types of recreation our members undertake.

1 General description of the Proposal:

The Chetwynd pastoral lease is 791 ha. **CA1 (608.5 Ha)** is to be allocated to DOC as conservation area, and **CA2 (40 ha)** similarly, but subject to a grazing concession.

CA1 is subject to an easement concession for farm access a-b, j-k and an easement concession for water supply h-i. CA1 protects important native shrubland. The Land use capability rating is almost entirely VII, with a small amount of VIII, not suitable for sustainable grazing. It consists of a sub-alpine zone (900 m up to 1320m) and a montane zone (below 900m).

The **subalpine zone** is dominated by tussock-lands and shrub-lands. It provides walking and mountain-biking opportunities along the Albury Range, and is strategically important for providing public access to the range. It provides parts of the upper catchments of Tramway Stream, and Coal Stream. Legal roads run along the ridges bounding these two streams.

The Montane Zone contains the lower catchments of Coal Stream, and Tramway Stream. These contain remnant and strongly re-generating native shrublands. Protects an altitudinal sequence from 560 m to 1323 m. Both subareas make significant contribution to the landscape qualities of the range. CA1 is to be fenced to stop grazing of the vegetation.

142.7 Ha of lower land to be freeholded.

2 CORANZ Assessment:

2.1 Open space and landscape and recreational values

The open nature of CA1 and CA2 make them attractive for walking and tramping, with views to the surrounding countryside. CA1 and CA2 provide conservation areas in the Albury Range. This range, judging by the attractive open space and stream values of CA1 and CA2, should also be present on the remainder of the range, and should also provide attractive open space, and opportunities for tramping, horse-riding and cycling ridges, even FWD routes in dry weather, and recreational hunting for chamois, deer, and wild pigs.

2.2 Lease difficult or unsuitable for sustainable agriculture:

Most of CA1 and CA2 is unsustainable for agricultural land use or grazing, being of Land Use categories VIII (unsuitable) or VII (erosion prone and unsustainable for production/grazing). Hence it is sensible and sustainable for the Crown to re-purchase CA1 and CA2, to add recreational and biodiversity values, and protect the more interesting native shrub-land and tussock-land values that will develop.

2.3 Guaranteed public access:

The unformed public roads through CA1 and CA2, plus the easements, should provide all-weather public access. These tracks will need to be adequately marked by DOC.

3 Conclusions and recommendations:

CORANZ supports this proposed tenure review, because it provides a new area of conservation land that is of significant recreational interest in its own right.

The new conservation areas provide the opportunity to re-purchase additional wild lands on the Albury Range, eg from the adjacent West Hills, Manahune and Silver Hill pastoral leases.

CA1 and CA2 provide attractive recreational opportunities that will appeal to regional, national and overseas recreational users, and should grow if other nearby lessees go through tenure review.

Thank you for the opportunity to comment. Please contact me if you have any matters you want to discuss.

Best regards

Dr Hugh Barr
Secretary, CORANZ