

Crown Pastoral Land Tenure Review

Lease name : GODLEY PEAKS

Lease number : PT 017

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**

GODLEY PEAKS



ANALYSIS OF PUBLIC SUBMISSIONS

Statement Pursuant To Sec 45(a)(iii) Crown Pastoral Land Act 1998

GODLEY PEAKS TENURE REVIEW NO 266

Details of lease

Lease name:	Godley Peaks pastoral lease.
Location:	15 km north of Lake Tekapo township, between the Cass and Godley River valleys
Lessee:	Verity Farms NZ

Public notice of preliminary proposal

Date advertised:	17 th October 2015
Newspapers advertised in:	
- The Press	Christchurch
- The Otago Daily Times	Dunedin
- The Timaru Herald	Timaru
Closing date for submissions:	23 rd December 2015.

Details of submissions received

Number received by closing date:	15
Number of late submissions received/accepted:	Nil.
Cross-section of groups/individuals represented by submissions:	
Five submissions were received from national or regional organisations, and ten submissions were received from private individuals. Eight of the ten individual submissions expressed interests relating to recreational hunting.	
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 [i.e. relates to the right property and tenure review], 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 cannot 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.

Except for testing each point against the above criteria, the Analysis of Submissions does not consider the merit of the points. The consideration of the merit of each accepted point is subsequently undertaken as part of the formulation of the Substantive Proposal, and is recorded in the Report on Public Submissions.

Analysis

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

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

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
1	CC1 should be retained as conservation land.	1, 2, 3, 4, 8, 9, 13, 14, 15	Allow	Accept

Submitters 1, 2, 3, 4, and 13 were opposed to what they described as a “land swap” of the area designated as CC1 to the station. Most of them referred to it as a ‘gifting’ to the station. They stated that it would “close out public access to the main streambeds from Crown area CA1 to the Godley riverbed”. Most of these submissions related particularly to public hunting access.

Submitter 8 was also concerned about access to CA1 in the Godley Valley. The submitter suggested the addition of access to CA1 at Hogget Stream, or preferably the Crown retention of the whole area with a grazing license in the Godley Valley for a period of 10 years. This submitter also suggested retirement from grazing for this area on the basis of water quality, with fencing of the streams as an alternative.

Submitters 9 and 15 were also concerned about stock access to riverbanks and conservation land in the Godley Valley and also suggested the CC1 area should not be freeholded and could be managed under a grazing license, allowing the future assessment of grazing impacts.

Submitter 14 also suggested that CA1 should be extended out to the Godley River boundary, due to significant inherent values in that area, including the Godley Wetland, streams with high habitat and macro-invertebrate diversity, invertebrate values, and matagouri. They suggested a 5 year grazing concession could be offered.

Rationale for Allow or Disallow

The point relates to public access over the review land, water quality, which is an ecological sustainability issue, and the protection of significant inherent values, which are all relevant matters to consider in tenure review under s24 CPLA.

Rationale for Accept or Not Accept

The point relates to the objects and matters to be taken into account in the CPLA, and while the option of not freeholding this area has been previously considered, the submitters suggested an alternative outcome to the current proposal, with reasons relating to public access. The point has therefore been accepted for further consideration.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
2	Public access should be enabled along the farm track from the Cass River bridge to point ‘a’.	1, 2, 4, 13, 14	Allow	Accept

Submitters 1, 2, and 4 were opposed to access across the station being prohibited via the existing farm track from point ‘a’ to the Cass River bridge (near C). They stated that the proposal affected

safe access by 4X4 vehicle, and considered that the proposal would effectively lead to a loss of public hunting areas, and a gain to paying foreign hunters.

Submitter 13 also suggested the access from the Cass River bridge to 'a' should be via the existing farm track.

Submitter 14 suggested that there should be poled non-motorized access along routes with proposed conservation management access easements for weekends and public holidays, which would imply that they want such access along the existing farm track from the Cass River bridge to point 'a'. Beyond point 'a' the proposal already provides for both conservation access and non motorised public access on the same routes.

Rationale for Allow or Disallow

The point relates to public access over the review land which is a matter that can be taken into account under s24(c)(i) CPLA, and has therefore been allowed.

Rationale for Accept or Not Accept

The point relates to the objects and matters to be taken into account in the CPLA. The option of enabling public access along the existing vehicle track was considered earlier in the review, but the submitters suggested an alternative to the preliminary proposal designation, with reasons relating to enabling safe four wheel drive access to public land. The point has therefore been accepted for further consideration.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
3	Greater access should be provided up to CA1 in the Godley River valley.	1, 2, 3, 4, 9, 10, 11, 13, 15	Allow	Accept

Submitters 1, 2, 3, 4, and 13 suggested there should be public access by easements on all streams from the Crown area CA1 into the Godley riverbed. As indicated in point 2, most of the submitters were concerned about the potential loss of access to public hunting areas, and a gain to paying foreign hunters.

Submitters 9 and 15 considered that the only access to CA1 in the Godley River valley appeared to be at Pollock Stream, which they considered was inadequate, considering the fifteen kilometre length of the valley. They proposed access at Sutherlands Creek, Ribbonwood Creek, Pollock Stream, Kea Gully, and Manning Stream.

Submitter 10 suggested access should be provided up to CA1 in approximately the location of the label 'CC1' on the designation plan, given the length of the Godley River Valley.

Submitter 11 suggested that if public access to the proposed CA1 is not already provided by marginal strips, then access should be secured to CA1 via Ribbonwood Creek, Pollock Stream, Kea Gully, and Manning Stream.

Rationale for Allow or Disallow

The point relates to public access over the review land which is a matter that can be taken into account under s24(c)(i) CPLA, and has therefore been allowed.

Rationale for Accept or Not Accept

The point relates to the objects and matters to be taken into account in the CPLA, and while public access options have already been explored for the Godley valley, the option of easements along all streams is a perspective not previously considered. The point has therefore been accepted for further consideration.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
4	Better public access should be provided to the Mistake River valley.	1, 2, 4, 5, 6, 8, 9, 10, 11, 13, 14, 15	Allow in part	Accept in part

Point 4a:

Public access should be provided along the same route as the DOC management easement 'e-f' and 'g-h'.

A number of submitters suggested the conservation management access easements 'e-f' and 'g-h' should also enable public access. Submitters 1, 2, 4, and 13 suggested there should be 4X4 driving access from the Cass River bridge via station tracks on the route generally from 'e' to 'h'. As indicated in point 2, most of the submitters provided reasoning related to safe access by 4X4 vehicle, and a view that the proposal would effectively lead to a loss of public hunting areas, and a gain to paying foreign hunters. Submitter 6 suggested that the easement should enable public walking access, and submitter 8 suggested that easements leading to both Mistake Creek and the Cass Valley should enable foot hunters and horse trekkers.

Submitters 9 and 15 proposed that there should at least be public walking access along the route of the proposed DOC easement up to the Mistake Valley. Submitter 15 further suggests that this should be public 4X4 vehicle access.

Submitter 11 considered that accessing the Mistake River valley via 'c-d' and then across CA1 would be impractical. They suggested that public access to this area was important as it was likely to be one of the main destinations for hunters. The submitter proposed that there should be public 4x4 vehicle access and access accompanied by horses into the Mistake River valley. The submitter did not specify any specific route, but it is assumed they intended the same route as the DOC management easement, as that is the only existing track.

Submitter 14 also suggested that there should be poled non-motorized access along routes with proposed conservation management access easements for weekends and public holidays, which would imply that they want such access along the easement 'e-f' and 'g-h', which one assumes is what they refer to as the old bulldozed track.

Point 4b:

Public access should be provided via a poled route.

Submitter 5 noted that to get to the Mistake Valley under the current proposal a tramper would first need to walk to point 'd', and they suggested a more direct poled route to the Mistake Valley should be provided.

Submitter 10 also favoured a separate poled route, from near the homestead up the next spur south of the unformed legal road. The submitter would ideally like four wheel drive access but recognizes that funding may not be available to form a track.

Point 4c:

Submitter 11 suggested that public access should be provided by extending the existing legal road.

Submitter 6 also noted the lack of public access on the conservation management easements 'e-f' and 'g-h', and suggested an easement should be created to join up the unformed legal road running down from the Mistake Valley, across to the other legal road near the airstrip.

Submitter 11 also suggested the same linkage between legal roads to ensure the integrity of the unformed roading network into the future. They suggested the linkage across the gap should be designated as land to be set apart for roading purposes.

Point 4d:

Access to Mistake Creek valley via Mistake Creek:

Submitter 11 suggested that if public access to CA1 was not provided by marginal strip, then public access should be provided along that waterbody.

Rationale for Allow or Disallow

These points relate to public access over the review land, which is a matter that can be taken into account under s24(c)(i) CPLA. The mechanisms suggested can all be enabled under the CPLA, except for the suggestion under 4c that existing legal roads could be joined by extending the legal roads, which is not a tenure review mechanism. The points have therefore been allowed in part.

Rationale for Accept or Not Accept

The points relate to the objects and matters to be taken into account in the CPLA. Public access options into the Mistake Valley were considered earlier in the review, however the submitters suggested alternatives to the preliminary proposal designation, for reasons relating to more practical public access. To the extent that the points have been allowed, the points have therefore been accepted for further consideration.

Submitter 11 suggested setting land apart for roading purposes (4d) which can be enabled under s35(2)(iii) CPLA.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
5	Public motorised access should be provided from the Cass River bridge to the Godley River valley	5, 7, 9, 10, 11, 15	Allow	Accept

A number of submitters noted the considerable distance from the southern end of the lease at the Cass River bridge, and the Godley River valley and northern extent of the Godley River valley and CA1.

Submitter 5 stated that it was unrealistic to expect people to walk all the way from the car park at the Cass River to the upper reaches of the Godley River valley. They stated that the current proposal would effectively deny all but the most determined reasonable access to adjacent Crown lands and much of the upper Godley River valley. They pointed out that access via Lillybank required crossing the Godley River, which can be hazardous. They stated that they were not opposed to a charge being levied for vehicle access. Submitter 5 was non specific about the route or method by which public access should be provided.

Submitter 7 suggested public motorized access should be provided up to point 'r'. At the southern end they consider that the existing road through the property may be inappropriate, and that public motorized access should be provided along the lake shore within RR up to about 'a'. Between 'a' and 'b' they suggest the land should be part of CA1 rather than freehold (point 8), and north of 'b' they suggest the easement should allow public motorized access. If necessary, they consider there could be DOC controlled gate at about point 'R'.

Submitters 9 and 15 proposed 4X4 vehicle access up the true right hand side of the Godley River from the end of the public road as far as Rankin Stream, in land currently proposed as CA1. It is implicit that the submitters would require motorized access up to this end of the valley in some form.

Submitter 10 considered that it is likely that the lake edge ('RR') would be suitable for motorcycles and Quad vehicles, and they would like to see motorized access enabled along the farm track easement beyond that, into the Godley River Valley. They argued that accessing the Godley via a river crossing of the Godley would be unsafe for a large part of the year.

Submitter 11 pointed out that the Godley River valley was of high recreational interest, and that it was approximately 35km from The Cass River to Rankin Stream near the northern boundary of the lease. They proposed that public 4x4 access and access accompanied by horses should be provided from the Cass River to the northern extent of the land proposed to be designated as freehold, and that this should be a fundamental outcome of the review (see point 9).

Rationale for Allow or Disallow

The point relates to public access over the review land which is a matter that can be taken into account under s24(c)(i) CPLA, and has therefore been allowed.

Rationale for Accept or Not Accept

The point relates to the objects and matters to be taken into account in the CPLA. While public access provisions have already been considered, the submitters have suggested changes to the proposal, with reasons related to appropriate public access. The point has therefore been accepted for further consideration.

As indicated above, some submitters further suggested motorised access over land proposed as recreation reserve or conservation area. While management of such land is arguably a post tenure review matter, designations have yet to be finalised, and consequently comments relating to access across any of the review land need to be taken into account. In addition, resolution of the practicality of motorised access along the lakeshore area from the Cass up to point 'a' would be an important aspect for consideration in any review of options.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
6	The lake shore access from the Cass River bridge should be of a standard that would at least allow mountain bike and motorbike access.	5	Disallow	N/A

Submitter 5 suggested that if public motorized access was not enabled (see point 5), then the lake shore access from point 'c' should be of a standard that would at least allow mountain bike and motorbike access.

Rationale for Allow or Disallow

The point relates to the post tenure review management of proposed reserve land. This is not a matter that can be taken into account under the CPLA, and the point has therefore been disallowed.

Rationale for Accept or Not Accept

N/A

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
7	Statements of support for aspects of the proposal	6, 7, 8, 9, 10, 11, 12, 14, 15	Allow	Accept

Submitter 6 considered that the proposal would lead to a valuable addition to the conservation estate and would significantly improve public access in the Mackenzie Basin, although they expressed concerns about access covered in other points. The submitter strongly supported CA1.

Submitter 7 generally supports CA1, CA2, and RR1, and their boundaries, with some exceptions mentioned under other points.

Submitter 8 was pleased to see that public access was provided on the road/track above Lake Tekapo providing access to the Godley.

Submitters 9 and 15 supported the principle that access ways to hunting areas should allow for the carrying of firearms. Given that this is already provided for in the easement document under Special Conditions clause 12, the comment is taken as a statement of support for that aspect of the current proposal.

Submitter 10 supports the recreation reserve 'RR' as an acceptable access route, given that the station through which the existing track/road passes is a working farm. The submitter also supports the proposed "traffic" control measures on the easement along the lake from 'a' to 'b', the proposed car park near the Cass River bridge, and the proposed access to the Cass River.

Submitter 11 supports the creation of the easement up the Cass River valley ('c-d').

Submitter 12 considered that in general terms the proposal was satisfactory with regard to meeting many of the conservation and recreational needs of that part of the MacKenzie Basin occupied by the lease. The submitter also suggested that if the existing access for conservation management needs to be shifted, that access will continue to be made available. Given that this is already provided for in the easement document under Special Easement terms clause 18, the comment is regarded as a statement in support of the current proposal.

Submitter 14 supported CA1 due to its significant inherent values, although suggested the area be extended, covered elsewhere. They also supported the proposed 30 year concession for telecommunications. Submitter 14 supported the freeholding of the general land area designated for freehold disposal south of the Mistake Creek area, the adoption of the recreation reserve 'RR', and the easement providing access to the Cass River.

Rationale for Allow or Disallow / Accept or Not Accept

Statements of support for aspects of the preliminary proposal can be considered by the Commissioner when formulating the designations for a Substantive Proposal. The point has therefore been allowed and accepted.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
8	The thin strip of land proposed for freehold disposal near Lake Tekapo, between 'a' and 'b', should not be freeholded.	7	Allow	Accept

Submitter 7 suggested that the narrow strip of land proposed to be freeholded between 'a' and 'b' would contain essentially the same ecosystems as the land proposed as CA1 above it, and that it is not necessary to designate that strip as freehold just to enable farm access to CC1. The submitter contends that the reason for this freehold strip is to deny practical access to the Godley Valley. They suggest that strip should be retained under Crown ownership with farm access enabled via an easement concession. They also contend that this would overcome the need for about 1km of fencing from near 'a' up to 'Y'.

Rationale for Allow or Disallow

The point relates to public access over the review land, and the appropriate designation of land, which is a matter that can be taken into account under s24(c)(i) CPLA, and has therefore been allowed.

Rationale for Accept or Not Accept

The point relates to the objects and matters to be taken into account in the CPLA. While the appropriate designation of this access strip has already been considered, the submitter has suggested an alternative designation, relating to appropriate and secure public access. They have also articulated reasons for that alternative designation outcome. The point has therefore been accepted for further consideration.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
9	The Godley Peaks tenure review process should be stopped is the objects of the CPLA cannot be met.	9, 11, 14	Allow	Accept

Submitter 9 considers that the public access provisions in the Godley Peaks proposal are so bad that the review should be stopped. They consider that the leaseholder has successfully pushed public access, without any 4wd access, to the edges of the property.

Submitter 11 suggested that if public 4x4 access could not be enabled from the Cass River to the northern extent of the land proposed to be freeholded in the Godley Valley then the review would be so deficient in meeting the objects of section 24(c) CPLA that the review should not proceed.

Submitter 14 also suggested the review should be stopped under section 33 CPLA if the objects of the Act's objects are unable to be met.

Rationale for Allow or Disallow

The stopping of a tenure review can be properly considered under s33 CPLA. The point has therefore been allowed.

Rationale for Accept or Not Accept

Public access, and whether a review should be stopped, are both matters that can be considered under the CPLA. Stopping the review due to inadequate access provisions has not been previously considered before, and consequently the point is accepted for consideration.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
10	New public 4X4 access routes will need to be found/formed in the Godley riverbed to connect with the proposed easements over the review land.	9, 15	Disallow	N/A

Rationale for Allow or Disallow

This point is disallowed because it relates to land outside the land under review, and therefore cannot be considered under the CPLA.

Rationale for Accept or Not Accept

N/A

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
11	Adjustments should be made to easement terms relating to public use of the section between 'a' and 'b'.	9, 11, 15	Allow in part	Not Accept

Submitters 9 and 15 suggested the easement document should clarify the reasons for any closure of the easement between 'a' and 'b', with as little restriction as possible, and that any lambing closure should be for a period not exceeding 6 weeks. They also suggested a lake-side road-use timetable and access and maintenance fees could be negotiated between the station owners and the New Zealand Deerstalkers Association.

Submitter 11 suggested the easement document should make it clear that closure for stock movements only related to stock movements between 'a' and 'b'.

Rationale for Allow or Disallow

The point mainly relates to public access over the review land which is a matter that can be taken into account under s24(c)(i) CPLA, and has therefore been allowed. However any agreements between a future landowner and the Deerstalkers Association are outside of the tenure review process and this part of the point has therefore not been allowed.

Rationale for Accept or Not Accept

That part of the point which has been allowed relates to the objects and matters to be taken into account in the CPLA. However, the basis for easement closure have already been considered and documented in the easement, and the submitter has not introduced anything that has not been

previously considered, nor in fact suggested any specific differences to the current terms and conditions, which do document the basis of closure, and allow for easement closure for lambing from 15th October to 1st December. The point has therefore not been accepted for further consideration..

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
12	Provision should be made for an airstrip in the Angus Flats or Pollock Stream area.	9, 15	Allow	Accept

Submitters 9 and 15 considered that an airstrip should be enabled in the Godley River valley within proposal to cover situations where the Godley River was not crossable and the easement was closed.

Rationale for Allow or Disallow

The point relates to public access over the review land which is a matter that can be taken into account under s24(c)(i) CPLA, and has therefore been allowed.

Rationale for Accept or Not Accept

The point relates to the objects and matters to be taken into account in the CPLA, and the concept of an airstrip has not been previously considered. The point has therefore been accepted for further consideration.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
13	Access to the Cass River valley would be better provided from point 'e' across the paddocks to 'd'.	9, 15	Allow	Accept

Submitters 9 and 15 suggested access to the Cass River valley would be better defined from point 'e' across the paddocks to 'd', in addition to or as an alternative to 'c-d'.

Rationale for Allow or Disallow

The point relates to public access over the review land which is a matter that can be taken into account under s24(c)(i) CPLA, and has therefore been allowed.

Rationale for Accept or Not Accept

The point relates to the objects and matters to be taken into account in the CPLA, and the submitter has suggested a route that has not received consideration during consultation leading up to the current proposal. The point has therefore been accepted for further consideration.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
14	The New Zealand Deerstalkers Association could arrange their own access provisions with the landholder.	9	Disallow	N/A

Submitter 9 suggested that NZDA could arrange their own access arrangements with the landholder, given that their members are bound by a code of conduct.

Rationale for Allow or Disallow

Private arrangements between non-government organisations and landholders are outside the scope of tenure review. The point has therefore been disallowed.

Rationale for Accept or Not Accept

N/A

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
15	The New Zealand Deerstalkers Association would be willing to assist in the process of defining acceptable access provisions within the tenure review, including being further consulted over their submission.	9	Allow	Accept

NZDA stated that they have a wide membership and extensive advocacy resources, and would be willing to assist in the process of defining acceptable access provisions within the tenure review.

Rationale for Allow or Disallow

The point relates to public access over the review land which is a matter that can be taken into account under s24(c)(i) CPLA, and s26 CPLA also enables the Commissioner to consult any person or body the Commissioner thinks fit in developing a preliminary or substantive proposal. The point has therefore been allowed

Rationale for Accept or Not Accept

The point relates to the objects and matters to be taken into account in the CPLA, and involving the NZDA in tenure review consultation, including further consultation with them over their submission, is not a matter that has been previously considered. The point has therefore been accepted, for referral to the Commissioner as to whether this party should be further consulted under s26 CPLA.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
16	Adjustments to covenant CC1.	10	Allow	Accept

Submitter 10 has some reservations about the potential removal of matagouri enabled within the covenant, suggesting that it could alter the appearance of the area. The submitter also suggests further fencing of grazing areas to keep stock out of riverbeds.

Rationale for Allow or Disallow

The point relates to the protection of significant inherent values by protective mechanism over the review land which is a matter that can be taken into account under s24(b)(i) CPLA, and has therefore been accepted for further consideration.

Rationale for Accept or Not Accept

The point relates to the objects and matters to be taken into account in the CPLA, and the submitter is potentially suggesting adjustments to covenant conditions for reasons relating to SIV protection. The point has therefore been accepted for further consideration.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
17	The easement in the Godley Valley should be rerouted in places.	10, 14	Allow	Accept

Submitter 10 suggested that to avoid any issue with the easement passing near huts in the area of the John Scott School facility, the route could be rerouted out onto the river flats, rejoining the track at about the location of the label 'CC1'.

Submitter 14 suggested that the track through CC1 should be re-formed on stable ground to increase the distance from existing huts, and that easements should be created where existing tracks do not align with legal road.

Rationale for Allow or Disallow

The point relates to public access over the review land which is a matter that can be taken into account under s24(c)(i) CPLA, and has therefore been allowed.

Rationale for Accept or Not Accept

The point relates to the objects and matters to be taken into account in the CPLA, and the submitter has suggested an alternative outcome, for reasons as indicated. The point has therefore been accepted for further consideration.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
18	Easement 'c-d' should allow public access accompanied by horses	11	Allow	Accept

Submission 11 suggested that easement 'c-d' should allow horses as there was no obvious reason why they should be excluded, and horse trekking was an increasingly popular activity.

Rationale for Allow or Disallow

The point relates to public access over the review land which is a matter that can be taken into account under s24(c)(i) CPLA, and has therefore been allowed.

Rationale for Accept or Not Accept

The point relates to the objects and matters to be taken into account in the CPLA, and the submitter has suggested an alternative outcome for reasons as stated above. The point has therefore been accepted for further consideration.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
19	Legal road issues	6, 11	Disallow	N/A

Submitter 6 was concerned with access into the Mistake River valley (see point 4) and observed that any of the suggested Mistake Valley access routes depended on access along the road to Godley Peaks Station, which they considered as not on a legal alignment in places. They suggested that this should be sorted out as part of the tenure review process and that any such sections of the road which are not on legal road should be made legal alignments.

Submitter 11 suggested that in parallel with tenure review that LINZ should investigate the legality of the road from the Cass River bridge, to and along Lake Tekapo, and along the Godley River valley through to the northern boundary of the pastoral lease. The submitter suggested that it may be determined that the existing track actually represents the legal road true alignment.

Rationale for Allow or Disallow

While the point does relate to land included in the review, the situation concerned is a roading anomaly which is not appropriately dealt with in tenure review. The point has therefore been disallowed from tenure review consideration but may be a matter which LINZ or DOC wish to take up in parallel with the tenure review process. Clearly resolution of this issue would have great relevance to appropriate access provisions within the tenure review.

Rationale for Accept or Not Accept

N/A

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
20	A fence should be constructed between 'r' at Angus Hut and the Godley River	12	Allow	Accept

Submitter 12 suggested that a fence should be constructed between 'r' at Angus Hut and the Godley River to create a necessary boundary to prevent stock from moving from the proposed freehold land CC1 further north into CA1.

Rationale for Allow or Disallow

Removing livestock grazing relates to the protection of significant inherent values over the review land which is a matter that can be taken into account under s24(b)(i) CPLA, and has therefore been accepted for further consideration.

Rationale for Accept or Not Accept

The point relates to the objects and matters to be taken into account in the CPLA, and while fencing of CA1 has been considered, the submitter has suggested an adjustment to the proposal for the reasons indicated. The point has therefore been accepted for further consideration.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
21	The DOC monitoring programme identified for the covenant CC1 should be mandatory rather than optional.	12	Allow	Accept

Submitter 12 suggested that the DOC monitoring programme identified for the covenant CC1 should be mandatory rather than optional, by the replacement of the words “may” with “will” in covenant CC1 Schedule 2 Special Conditions.

Rationale for Allow or Disallow

Monitoring the ecological integrity of a covenant relates to the appropriate protection of significant inherent values over the review land which is a matter that can be taken into account under s24(b)(i) CPLA, and has therefore been accepted for further consideration.

Rationale for Accept or Not Accept

The point relates to the objects and matters to be taken into account in the CPLA, and making the monitoring mandatory is not a matter that has received specific attention. The point has therefore been accepted for further consideration.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
22	The commercial recreation concessions proposed over CA1 should be for a shorter 5 year duration with more modest client numbers.	14	Allow	Accept

Submitter 14 suggested that the commercial recreation concessions proposed over CA1 should be for a shorter 5 year duration with more modest client numbers, due to the fact that they are in place to ease the transition to the smaller freehold property, and the fact that the land is proposed to be retained for public conservation purposes.

Rationale for Allow or Disallow

Commercial recreation concessions can be enabled under s36(1)(a) CPLA and the consideration of appropriate terms is part of the tenure review process. The point has therefore been allowed.

Rationale for Accept or Not Accept

The point relates to the objects and matters to be taken into account in the CPLA, and although the terms of the concession have been previously considered, the submitter has suggested some adjustments for the reasons stated above. The point has therefore been accepted for further consideration.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
23	The proposed freehold land in the area of the lower Mistake River should be retained as conservation land and become part of CA1.	14	Allow	Accept

Submitter 14 stated that the lower Mistake River had declining coral broom and diverse invertebrate fauna, and that the Mistake River swamp was a wetland of ecological and presentative importance, and that highly significant shrubland invertebrate habitat exists from 800m up the Mistake. On this basis, they suggested that the lower Mistake area, and it would appear all proposed freehold land extending north from this area to CA1, should be retained as conservation land.

Rationale for Allow or Disallow

The point relates to the protection of significant inherent values is a matter that can be taken into account under s24(b) CPLA, and has therefore been accepted for further consideration.

Rationale for Accept or Not Accept

The point relates to the objects and matters to be taken into account in the CPLA, and the submitter has suggested an alternative boundary for reasons as stated above. The point has therefore been accepted for further consideration.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
24	CA2 could alternatively be protected by covenant over freehold	14	Allow	Accept

Submitter 14 considered that the significant inherent values in the CA2 area were overstated, and that the area could alternatively be freeholded with protection by covenant, with an easement for public access.

Rationale for Allow or Disallow

The point relates to the protection of significant inherent values is a matter that can be taken into account under s24(b) CPLA, and has therefore been accepted for further consideration.

Rationale for Accept or Not Accept

The point relates to the objects and matters to be taken into account in the CPLA, and the submitter has suggested an alternative designation for the reason that the values in that area may not warrant Crown retention. The point has therefore been accepted for further consideration.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
25	Provision should be made for compensatory land contributions from the adjacent property to be made should proposed 'RR' be physically compromised by natural or other processes.	14	Disallow	N/A

It is assumed the submitter is seeking to ensure the retention of a 50 wide lakeside strip 'RR' despite any possible erosion of this land area by the streams or lake.

Rationale for Allow or Disallow

The CPLA makes no provision for the future movement of reserve boundaries. Consequently the point cannot be dealt with in tenure review, so 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
26	An outwash above the homestead should be protected by covenant, to be designated by those with expertise in landscape significance.	14	Allow	Not Accept

Rationale for Allow or Disallow

The protection of landscape values by covenant is a relevant matter for tenure review under s24(b)(i) CPLA. The point has therefore been allowed.

Rationale for Accept or Not Accept

The point relates to the objects and matters to be taken into account in the CPLA. This outwash surface has long been identified and already considered in the development of the proposal, and while the submitter has suggested an alternative outcome to the current proposal, they have provided no reason for doing so. The point has therefore not been accepted.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
27	All public conservation land created by this tenure review should be specifically classified as part of the process.	14	Allow	Accept

The submitter identified that simply retaining land as conservation area only gives the land a stewardship classification, and such land can be exchanged, thereby potentially losing its protection. The submitter suggests all land being retained should be appropriately classified according to its values and purpose.

Rationale for Allow or Disallow

This point relates to the appropriate designation of land, and is therefore a matter that can be considered under the CPLA. The point has therefore been allowed.

Rationale for Accept or Not Accept

The point relates to the objects and matters to be taken into account in the CPLA and the submitter has suggested an alternative designation and has given a reason, that they consider stewardship land has little conservation status. The point has therefore been accepted for further consideration.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
28	AATH is opposed, and oversight is needed on the possible conflict between commercial and recreational hunting on public land.	9, 15	Allow	Accept

Submitters 9 and 15 note that the proposal includes a concession to Godley Peaks which they assume will include aerially assisted trophy hunting (AATH). They state that recreational hunters are opposed to this activity as it is unethical and ruins any recreational hunting. They state that the possible conflict between commercial and recreational activity needs oversight.

Rationale for Allow or Disallow

This point relates to the enjoyment of the land by the public, which is a relevant matter for consideration under section 24(c)(i) CPLA. The application for such a concession over existing conservation land would normally be open for public comment. The public submission process under section 43 CPLA is the equivalent opportunity for public comment on a concession to be created as part of the tenure review. The point has therefore been allowed.

Rationale for Accept or Not Accept

The point relates to the objects and matters to be taken into account in the CPLA and the submitter has suggested either the exclusion or better management of AATH, which could be reviewed in relation to the detail of the concession document. The point has therefore been accepted for further consideration.

Summary

Overview of analysis:

Fourteen submissions were received, with 5 received from regional or national organisations, and 9 submissions from individuals, 7 of whom expressed concerns relating to hunting interests. Overall, the level of support for the Godley Peaks proposal was relatively mild. Most submitters expressed significant concern in relation to what they saw as deficient public access provisions.

Appendix III lists the points raised by each submitter.

Generic issues:

There was a consistent and recurring concern expressed by submitters in relation to what they saw as inadequate public access into the Godley River valley and Mistake River valley. Due to the long distances involved in accessing the Godley, and the presence of a road/farm track into that area, many submitters considered that the proposal failed to provide practical and appropriate access, which many considered should include motorised access. The Mistake River valley was also identified as an area of public interest, and sought specific public access to that area.

Some submitters considered that freeholding land in the Godley River valley was inappropriate, but this appeared as a relatively lesser concern compared to public access issues.

Gaps identified in the proposal or tenure review process:

One issue that may warrant further investigation in parallel with tenure review is an investigation of the legal status of the road running the length of the property. This is covered in point 19.

Risks identified:

Some submitters contended that the proposal was so deficient in relation to public access that the review should be stopped.

General trends in the submitters' comments:

The general trend in submitters comments was not particularly favourable towards this review, largely due to public access concerns.

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.

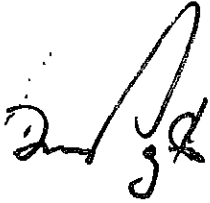
I recommend approval of this analysis and recommendations:



Bob Webster – Tenure Review Consultant

Date: 26/1/2016

Peer reviewed by



David Payton – Opus Tenure Review Contract Manager

Date: 26/1/2016

Approved/Declined *noted*



Commissioner of Crown Lands

Date: 21/04/2016

Appendices:

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