

Crown Pastoral Land Tenure Review

Lease name: BEN LEDI

Lease number: PO 199

Final Report on Public Submissions

This document builds on the Preliminary Report on public submissions. The analysis determines if an issue that was allowed, and further consulted on, is accepted or not accepted for inclusion in the Substantive Proposal and to what extent. The report complies with the requirements of Section 45 Crown Pastoral Land Act 1998.

The report attached is released under the Official Information Act 1982.

October

08

FINAL 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)

BEN LEDI TENURE REVIEW

Details of lease

Lease name: Ben Ledi

Location: East side of Kakanui Mountains, accessible from Danseys Pass Road, approximately 25 kilometres southwest of Duntroon.

Lessee: Ian Hamish Anderson, Margaret Catherine Anderson and Thomas Bryan McCone.

Public notice of preliminary proposal

Date advertised: Saturday 17 June 2006

Newspapers advertised in:	The Press	Christchurch
	The Otago Daily Times	Dunedin
	The Timaru Herald	Timaru

Closing date for submissions: 14 August 2006

Details of submissions received

Number received by closing date: 15 submissions were received. Extensions of time were granted by LINZ for submissions 7 and 8. Both submissions were received on 15th August 2006.

Number of late submissions refused: Nil

Details of submitters are in Appendix 1.

ANALYSIS OF SUBMISSIONS

Introduction

Methodology:

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

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
2	Unqualified support for aspects of the proposal.	1, 2, 3, 4, 6, 7, & 8	Allow	Accept

Rationale

Allow/Disallow

Submitter 1 supported the proposal apart from Class 7 land being used for farming (Point 1). Submitter 2 provided unqualified support for all aspects of the proposal. Submitters 3, 4 & 6 fully supported the creation of Conservation Area CA1. Submitter 7 supported creation of CA1 as being a good outcome for soil conservation. Submitter 8 provided full support for CA1, CC1 and CC2.

Support for the proposal can be taken into account in any further review of the proposal, along with points made suggesting alterations. This point is therefore allowed for further consideration.

Accept or Not Accept

Following consultation with the holder and DGC's delegate some aspects of the proposal relating to conservation covenants supported by submitters under this point are proposed to be amended.

Details of the proposed amendments are included under various other points discussed within this report.

It is relevant to note the proposed amendments all contribute to improving the robustness of the conservation covenants and overall conservation outcome of the proposal. The submitters support for the proposal recorded under this point is therefore not expected to be affected by the proposed amendments.

The point is accepted acknowledging some proposed amendments to the conservation covenants are considered to result in an improvement to the conservation outcome associated with the overall proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
3	Public access should be provided up Maerewhenua Spur.	3, 4, 6, 7, 8	Allow	Accept

Rationale

Allow/Disallow

Submitter 3 suggested access should be provided up the Maerewhenua Spur for horse trekkers and the walking public. Submitter 4 suggested access should be for hikers, cyclists, horse trekkers, and for the public via motorised vehicles in circumstances such as educational groups. Submitters 6 and 8

The following analysis:

- Summarises each of the points raised along with the recorded number (shown in the appended tables) of the submitter(s) making the point.
- Discussion of the point.
- Records the decision made as to whether or not to allow for further consultation.
- Records further consultation undertaken on the allowed points.
- Recommends whether or not to accept the allowed points.

The following approach was adopted when making the decision to allow for further consultation:

The points raised were analysed to assess whether they were matters that could be dealt with under the Crown Pastoral Land Act 1998 (CPLA). Where it was considered that they were, the decision was to allow them.

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

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

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

The outcome of an accept decision will be that the point is included in the draft substantive proposal, conversely the outcome of a not accept decision is will be that the point is not included in the draft substantive proposal.

Analysis

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
1	Class 7 land should not be used for farming.	1	Allow	Not Accept
<p>Rationale</p> <p>Allow/Disallow</p> <p>The submitter stated that he did not agree with Class 7 land being used for farming even if it is current farming practice. Since land classes relate to the</p>				

capability of the land to support farming, this may be interpreted as relating to ecological sustainability, which is a matter that can be taken into account under the CPLA. The matter is therefore allowed for further consideration.

Accept or Not Accept

Further assessment of land use capability information identified there is approximately 600 hectares of Class VII land comprising the upper slopes of four separately fenced blocks on both the sunny and dark faces of the Maerewhenua Spur.

Consultation with the holder and inspection confirmed the country involved is part of a larger area which is capable of ecologically sustainable economic use. It also confirmed the Class VII country comprises long relatively steep sided spurs and as such, altitudinal or contour fencing is not a practical option for grazing management. Existing subdivision fencing is therefore considered to provide the most practical means to enable appropriate grazing management of the land concerned. ✓

In terms of future management it is recognised that removal of the wether flock post tenure review will assist in reducing the level of grazing currently occurring on the Class VII country.

It is also noted that approximately 150 hectares of the Class VII land is included within CC1. That area is consequently afforded a level of formal protection, particularly from burning which is considered to be the main threat to the objective of better ensuring ecologically sustainable management of the land concerned.

Furthermore, following consultation with the holder and the DGC's delegate an additional covenant has been proposed to provide protection for the significant inherent landscape values associated with the land above 900m on the dark face between CA1 and CC1. That proposal provides a similar level of formal protection from burning in particular as provided in CC1 for approximately an additional 100 hectares of Class VII land. ✓ CC3

In regard to the main risks to ecologically sustainable management of soil and water resources it is reasonable to expect grazing and pastoral management of the Class VII country will continue to be undertaken in a prudent manner without the requirement for any additional formal protection mechanism.

It is concluded it is impractical to entirely exclude grazing on the Class VII land and that continued prudent pastoral management of that country poses a low risk to ecological sustainability.

The point is therefore not accepted and no change in the preliminary proposal designations is proposed in regard to this issue in the draft substantive proposal. ✓

suggested there should be walking access along this route, with submitter 8 adding the proviso that it should be cleared with the landowner. Submitter 7 suggested the route should allow for walking as a minimum, but possibly also mountain biking, ski touring and horse riding.

Submitter 3 suggested this route would provide lower level access to the Kakanui Range crest. They also noted that the east and west Maerewhenua River, along which marginal strips already exist, are steep and gorged. Submitters 6 and 8 also made comments suggesting that the marginal strip alternatives would be less satisfactory. Submitter 4 noted that the route was 'precarious in places' but argued that it should be maintained as an enduring access to the Conservation Area. They also stated acceptance that the route might be closed for farming purposes at times.

This matter relates to public access to the reviewable land, and has therefore been allowed for further consideration.

Accept or Not Accept

The public submissions highlighted the desire of the public to have the Maerewhenua Spur available for public access with 5 of the 8 submitters requesting this.

Reassessment of this public access option has involved consideration of additional advice obtained from the DGC's delegate and further detailed consultation with the holder.

The DGC's delegate confirmed there would be an advantage in securing limited public foot, bicycle and horse access up the Maerewhenua Spur. The cost and desirability of securing as of right public 4WD access over this route even for specific users, such as educational groups, as suggested by submitter 4, is however considered to be an unreasonable expectation given the precarious nature of the route in places and the significant potential impact on the farming operation. Landowner control of 4WD access is considered to be the best way to manage public vehicle access in this case.

The DGC's delegate's advice also clarified the following:

- This route would not attract a high demand given the other more strategically important access options onto the Kakanui Mountains that are expected to flow out of other tenure reviews in the area and on the western side of the Kakanui Mountains.
- The spring - summer period is the most suitable time for public access as winter access is impractical due mainly to the steep, wet and dangerous nature of sections of the track. Also, in winter there are better access options onto the Kakanui Mountains for people involved in ski touring.
- Members of the public using the 11 km access track up the

Maerewhenua Spur would likely be doing so as part of a well planned trip involving the wider Kakanui Mountains, rather than as a short walk. Therefore it would likely be a planned activity for which they would have researched and on that basis it was felt public access could be restricted. It was subsequently determined that open public access for the four month period from 1 December to 31 March would encompass the full expected period of peak public usage. It is considered reasonable that public access at other times of the year would be at the land owner's discretion. ✓

Further consultation with the holder again highlighted the significant potential impact of public access on his farming operation.

However, following detailed consideration of farm management issues, including lambing/calving and periods involving large scale stock movements up and down the Maerewhenua Spur, together with the type of access suggested by submitters, it was concluded an easement providing for public access along the Maerewhenua Spur is appropriate and acceptable on the following basis:

- It is limited to foot, bicycle and horse access. This accommodates the range of access suggested by 4 of the 5 submitters. ✓
- It is open for the 4 month period between 1 December and 31 March each year. This is consistent with aspects of views expressed by submitters 4 & 8. ✓
- The land owner will have the right to place temporary signs on the easement notifying the public of stock movements and requesting care and consideration. This is also consistent with aspects of views expressed by submitters 4 & 8. ✓

With inclusion of provision for legal public access as outlined above, it is considered the submitters' core concerns have been addressed. ✓

This provision also more completely enables the object of securing public access to and enjoyment of the reviewable land to be met by the proposal. ✓

The point is therefore accepted.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
4	Further land should be protected, particularly lower altitude wildlands.	3	Allow	Accept

Rationale

Allow/Disallow

Submitter 3 suggested protecting further lower altitude wildland areas to provide a range of ecosystems and habitats, including broadleaf forest in the Maerewhenua River (branch not specified). While no specific locations were identified, the point is taken as a view that the submitter would like to see a greater area of lower altitude ecosystems and habitats protected in general. This relates to the protection of significant inherent values and has therefore been allowed for further consideration.

Accept or Not Accept

Following consultation with the DGC's delegate and the holder it was agreed reinspection of two lower altitude sites was warranted to enable further consideration of the ecological values occurring within those areas and also the justification for extending the area of formal protection.

The two areas inspected were the broadleaf forest in the North Branch of the Maerewhenua River and the dark face opposite to the Pisgah Downs boundary in the lower section of the South Branch of the Maerewhenua River.

Reinspection of the area containing broadleaf forest in the North Branch of the Maerewhenua River confirmed the shrublands and forest remnants extend considerably further upstream than the southern boundary of CC2 as depicted within the Preliminary Proposal. Protection of those additional areas of shrubland and broadleaf forest is considered to be justified. Consequently it was agreed the southern boundary of CC2 should be extended approximately 2 km further upstream to more accurately reflect and encompass the area containing significant inherent values. (This issue is addressed in detail under point 12).

Reinspection of the steep dark face opposite the Pisgah Downs boundary in the lower section of the South Branch of the Maerewhenua River confirmed the presence of modified shrubland. The best areas of shrubland were however identified as being located within the marginal strip and on the adjoining freehold property. It was determined that most of the face above the marginal strip is in rough exotic pasture and those areas with indigenous shrublands do not have either the size or the linkages to make them worthwhile on their own for protection consideration.

The point is accepted and the boundary of CC2 is proposed to be altered within the draft substantive proposal as outlined above (and also under point 12).

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
5	That the legal road which travels the crest of the Kakanuis from Danseys Pass to Ben Ledi and further along the range should be maintained for 4WD access.	4, 5	Disallow	N/A

Rationale

Allow/Disallow

This point relates to land which is not included in review land, and thus there is no means of achieving the proposed outcome as part of the tenure review, which is recognised by the submitters. The point has therefore been disallowed from further consideration in this review.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
6	Access should be provided into area CA1 from the adjoining legal road, via such means as stiles over fences.	4	Allow	Not accept

Rationale

Allow/Disallow

The submitter was concerned with access to area CA1 from the legal road which runs along the south-west boundary of CA1, by such means as stiles over the fence. Fencing and access along the boundary of the review land is a matter that can be taken into account under the CPLA and the matter has therefore been allowed for further consideration.

Accept or Not Accept

In consultation the DGCs delegate advised that depending on tenure review outcomes on adjoining properties it is possible the existing fencing may be removed in the future.

This is however considered to be a post tenure review DoC management issue which the Department has now been made aware of

The point is therefore not accepted and no change in the preliminary proposal designations are proposed in regard to this issue in the draft substantive proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
7	Horse trekkers and hunters should be allowed to continue to access the area	4	Disallow	N/A

Rationale

Allow/Disallow

Submitter 4 suggested that horse trekkers and hunters should be allowed to continue to access the area, as has been permissible so far, and that hunters should have some means of getting a vehicle to a starting point.

No indication is provided as to what actual access or designation is being sought beyond the current arrangements. The matter is therefore disallowed for further consideration. The issue of access along Maerewhenua Spur is covered elsewhere.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
8	More of the crest of Maerewhenua Spur should be protected by covenant.	4	Allow	Accept

Rationale

Allow/Disallow

It is suggested that more of the crest of the spur should be protected by covenant, to protect flora, fauna and natural landscape. The submitter suggested that the crest should be protected as far as Conservation Covenant 1, although it is not clear from which direction. However, the point does provide an indication of the submitters views on suitable outcomes in this general area. The point relates to the protection of significant inherent values and has therefore been allowed for further consideration.

Accept or Not Accept

Following further investigation it was noted that protection of the significant inherent ecological and landscape values identified within the Conservation Resources Report along the Maerewhenua Spur were largely catered for within the areas proposed for protection in the Preliminary Proposal.

The main area lacking any formal protection was confirmed however as being the dark face between CC1 and CA1. This area was interpreted as being the focus of the submitters concerns. Further consultation with the DGC's delegate and the holder resulted in consensus being reached for a conservation covenant for that area above 900m. The covenant provides for protection of indigenous flora and the natural landscape by restricting certain

land use activities, in particular burning, earthworks, tree planting and intensive grazing. ✓

The point is therefore accepted and the area above 900m on the dark faces between CA1 and CC1 (approximately 190 ha) is proposed to be protected via a conservation covenant (CC3) within the draft substantive proposal. ✓

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
9	Public walking access should be provided to the conservation covenants.	4, 6, 8	Allow	Accept in part

Rationale

Allow/Disallow

Submitter 4 contended that public walking access should be provided to both the covenants to observe the significant native vegetation, and that the marginal strips seem to present difficulties as walking tracks. The submitter argued that access to CC1 should be provided via a detour from the Maerewhenua Spur road. ✓

Submitters 6 and 8 argued that one of the benefits of public access up the Maerewhenua Spur, (covered under a separate point) would be better access to the CC1 area. ✓

Submitter 6 also identified an existing vehicle track which could be used to provide alternative walking access to CC2. It is noted that submitter 6 suggests these two areas should be retained as Conservation land rather than protected only by covenants. Submitter 8 suggested that a clause should be added to CC2 indicating that occasional requests for access to CC2 should be granted where they do not interfere with the farming operation. ✓

These arguments relate to the provision of public access to the reviewable land and it is therefore a matter can be taken into account under the CPLA. The point has therefore been allowed for further consideration. ✓

Accept or Not Accept

Consultation with the DGC's delegate confirmed it is not normal practice to provide public access to conservation covenants unless special circumstances apply. ✓

In this instance it was determined public access along the track on the spur (as addressed under point 3) would enable people to look down into the covenant area CC1. The steep contour would make public access extremely difficult within CC1 and the DGCs delegate advised he did not believe public access to be necessary other than along the track on the spur. ✓

Public access to CC2 was also recognised as being difficult due to the steep contour and distance from any existing farm tracks. The DGC delegate advised there could however be an opportunity to provide access to this area as a result of proposals being promoted for the adjoining tenure review, if and when that occurs.

The option of retaining the land in Crown ownership rather than providing for protection of the significant inherent values via covenants as suggested by submitter 6 is dealt with under points 10 and 11.

Based on the DGC delegates' advice and the practical limitations to achieving reasonable public access to or within the covenant areas it is considered provision for such access is not necessary or justified by any special circumstances. It is however considered the proposal to provide for public access along the Maerewhenua Spur (point 3) will address in part the submitters wish for access to observe the significant inherent botanical values particularly within CC1.

The point has therefore been accepted in part.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
10	Conservation protection should be extended along the south facing slopes of Maerewhenua Spur between CA1 and CC1, the proposed covenant CC1, and forest remnants in the South Branch of the Maerewhenua River.	6, 7	Allow	Accept in part

Rationale

Allow/Disallow

Submitter 6 contended that all the above areas should be retained in Crown ownership as Conservation Area, creating an altitudinal sequence from valley floor to ridge crest. The submitter argued that the south slopes of Maerewhenua Spur from CA1 down to covenant CC1, and including the woody remnants in the steep sided gorge of the Maerewhenua River, contain identified significant inherent values and also some areas of land that cannot be farmed in an ecologically sustainable manner. The submitter argued that the current boundary has been selected on the basis of existing fence lines rather than conservation values.

Submitter 7 argued for protection of approximately the same area, either by covenant (extending CC1), or by retaining the area as Conservation Area (extending CA1). The submitter was particularly concerned with water quality,

and argued that any protection should ensure stock are excluded from tributary streams and waterways. The submitter also identified shrubland and forest vegetation values down near the Maerewhenua South Branch River. Concerns relating specifically to the conservation covenants are covered under later points.

The point relates to ecological sustainability and the protection of significant inherent values, which are matters that can be taken into account under the CPLA, and therefore the point is allowed for further consideration.

Accept or Not Accept

The extent and nature of significant inherent ecological and landscape values occurring on the dark face between CA1 and CC1 was reviewed. That review together with reinspection concluded:

- The face includes areas of bluffs and Class VII country that are not considered practical to fence out from the larger area of the face which is capable of ecologically sustainable economic use.
- The face contains landscape and some related botanical significant inherent values.
- Most of the forest remnants outside of the proposed conservation covenant CC1 are largely self protecting as they are located on country which is extremely steep and typically represent refuges from fire and stock grazing.
- Presence of forest remnants outside of refuge areas on the lower part of the face mainly occur within and adjacent to the riparian margins of the South Branch of the Maerewhenua River.
- Most of the riparian shrublands are afforded a degree of protection by being contained within the existing marginal strip which is outside of the reviewable land. Fencing of the marginal strip is outside current LINZ policy and fencing of small areas adjacent to the marginal strip was confirmed by the DGC's delegate as being neither practical nor justified.
- There is a slight risk to ecological sustainability in terms of soil and water conservation associated with the Class VII land in the upper part of the face. This together with the presence of landscape and botanical significant inherent values justify further formal protection of the face above the 900 metre contour via a conservation covenant. (CC3, as outlined under point 8).

Woody remnants occurring in the steep sided gorge of the South Branch of the Maerewhenua River referred to by Submitter 6 were reinspected and were found to be predominantly located within the marginal strip and on the adjoining freehold property as outlined under point 4.

Use of a conservation area designation to provide for the protection of significant inherent values occurring within CC1 and the adjacent area of the face extending along to CA1 was reassessed as suggested by both Submitters. (This sub point is also dealt with under point 11).

It was concluded use of a protective mechanism is appropriate in this instance due to:

- the extensive and discontinuous nature of the significant inherent values. ✓
- the conditions of the covenants will enable protection for the significant inherent values. ✓
- the significant inherent values do not require active conservation management. ✓
- public interest in access is expected to be low, and ✓
- a high proportion of the area is capable of economic pastoral use and the holder is not prepared to relinquish long term utilisation of that area as he considers it to be an extremely valuable and important component of his farming operation. ✓

Submitter 6 expressed concern that existing fencing rather than conservation values has been used as the basis to define the current CC1 conservation covenant boundary. ✓

It is apparent that two of the proposed boundaries utilise existing fence lines. Analysis of those boundaries confirmed a definite correlation between the fence lines and outer margin of the core conservation values. While there are small isolated areas containing significant inherent values beyond those fenced boundaries the DGC's delegate confirmed this to be an acceptable outcome. Inability to achieve protection of all small and mostly isolated areas occurring within a much larger area capable of economic use is considered to be an acceptable outcome. This is based on the understanding the tenure review process will not necessarily result in all areas capable of economic use being freeholded unencumbered and not all areas containing significant inherent values being protected. ✓

The two unfenced boundaries were also confirmed to be based on the outer margin of the core conservation values occurring on the face. ✓

An additional conservation covenant (CC3) extends the area of conservation protection on the face between CC1 and CA1 above 900 metres. This amendment to the Preliminary proposal is considered to largely address the point raised by the submitters. ✓

The point has therefore been accepted in part.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
11	The conservation covenants do not provide adequate protection and either their terms should be modified or these areas should be retained as Conservation Areas.	6, 7	Allow	Accept

Rationale

Allow/Disallow

Submitters 6 and 7 both regarded CC1 as part of a larger area of land on the south side of Maerewhenua Spur that warranted protection, either as Conservation Area, or by covenants with modified conditions to offer more protection than the currently proposed conditions. While the values of the wider area are considered under point 10, the submitters raise a number of specific concerns about the currently proposed covenants, which warrant separate consideration.

In relation to CC2, submitter 6 argued that without fencing, the vegetation will be browsed by stock and regeneration will not be able to occur. The submitter suggested that CC2 should be fenced off and retained as Conservation Area.

Submitter 7 was concerned that the covenants allow for continued grazing, and that the monitoring programme needs to specify in more detail the values and effects to be monitored and should specify a review period, of no more than three years. They also suggested the terms should allow for the discontinuation of land uses if they are shown to be adversely affecting values.

Submitter 7 was also concerned that CC1 allows for the holder to construct a 30 metre wide access way, which they contended could have an adverse effect on habitat or water quality. They also expressed concern at the condition which allows topdressing and the sowing of seed in CC2.

The protection of significant inherent values is a matter that can be taken into account under the CPLA and the matter is therefore allowed for further consideration.

Accept or Not Accept

Following further consultation with the DGC's delegate and the holder it was agreed aspects of the covenants should be reviewed to better reflect the objectives of the document particularly in relation to accidental burning which was accepted as being the main threat to protection of identified significant inherent values. Additional special conditions have now been included within the covenants to minimise the risk of accidental burning. Also, in the event

any part of the covenant area is burnt the additional conditions enable the effected area to be destocked until the tussock and shrubland values recover. ✓

Submitters' concern that regeneration of vegetation and shrublands in particular is at risk from continued grazing by stock was evaluated and it was concluded that stock grazing does not pose a significant risk to the sustainability of significant inherent botanical values due to the following: ✓

- There is an explicit requirement within the Covenant Special Conditions that grazing occur in a way that does not adversely affect the values being protected. ✓
- It is also acknowledged within the Special Conditions that stock numbers carried will likely reduce over time due to the expansion of shrublands and tall tussock. ✓
- In regard to CC1 it is accepted that cattle only graze the lower margin or fringe of the covenant area due mainly to the broken and steep nature of the country. ✓
- In regard to CC2 the area is steep and the shrublands are also therefore largely self protecting. Reinspection identified that animal browsing of marble leaf, broadleaf and mountain wineberry evident on the fringe area is not typical of the whole area and could be attributed to deer or even possums rather than stock. ✓

The desirability of fencing CC2 as suggested by submitter 6 is considered to be questionable and not able to be supported as it could create stock difficulties against the fence and certainly maintenance issues into the future. Also, due to the steep topography it is apparent the fence would need to be constructed along the old water race which forms the eastern boundary of the covenant area. This would raise issues relating to potential effects of necessary earthworks on the formation of the historic water race. ✓

The option of retaining CC2 as a conservation area as suggested by Submitter 6 was also re-evaluated. Following consultation with the DGC's delegate and the holder it was agreed a conservation covenant with suitable provisions represents the appropriate mechanism to enable protection of the conservation values due mainly to the discrete, narrow and steep nature of the area involved. ✓

Suggestions made by Submitter 7 in regard to the monitoring programme were reviewed by the DGC's delegate who agreed photopoint monitoring will only record general trends in vegetation and not provide robust information on the condition of all significant inherent values. He also however clarified this approach has been taken due to the significant cost of more comprehensive monitoring. It is accepted this ultimately represents a management decision for the Department of Conservation as the agency responsible for paying the costs of monitoring. ✓

Concerns expressed by Submitter 7 about the condition enabling the land owner to maintain a 30 metre wide access strip were also reviewed with the DGC's delegate. This provision was accepted as being necessary to enable stock to be mustered from an otherwise largely inaccessible and extremely steep area near the fenced northern boundary of the covenant. As no earthworks or soil disturbance is anticipated to be required in maintaining the access strip it is considered this provision does not represent any particular threat to either the habitat or water quality as suggested by submitter 7.

The DGC's delegate also confirmed that ongoing topdressing and oversowing of seed, which is of concern to Submitter 7, does not represent a particular risk to the tall tussock and shrubland values within CC2 if stocking is not increased. That aspect is controlled by existing provisions within the covenant document and there is consequently no real justification or need to prevent those activities.

In summary, the point is accepted, specifically to the extent the terms of the conservation covenant are proposed to be modified to provide additional protection and a large section of the face between CC1 and CA1 is proposed to be protected by an additional conservation covenant (CC3) as outlined under point 8.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
12	Extend CC2 further up the North Branch	7	Allow	Accept

Rationale

Allow/Disallow

The submitter suggested that CC2 should be extended further up the North Branch of the Maerewhenua River to cover all the significant area identified in the CRR. The plan attached to their submission labels the area as containing threatened shrubland and hardwood forest habitat.

This issue relates to the protection of significant inherent values and is therefore a matter that can be considered under the CPLA. The point is therefore allowed for further consideration.

Accept or Not Accept

This issue is also addressed under point 4.

An aerial and ground inspection confirmed the shrublands and forest remnants extend considerably further upstream than the southern boundary of the covenanted area that was proposed within the Preliminary Proposal.

It was determined the disused water race which traverses the face at approximately the 580 metre contour represents an appropriate amended covenant boundary. This results in all of the land below the race being covenanted until the race meets the marginal strip further up the valley. ✓

This amendment extends the covenant area approximately 2 kilometres upstream to where the shrublands become largely confined to the existing marginal strip. ✓

It is also noted this amendment extends the covenanted area considerably further upstream than the boundary suggested by the submitter and also well beyond the extent of the area identified as containing significant inherent natural values in the Conservation Resources Report. ✓

The point is therefore accepted.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
13	Retain in Crown ownership the margins of the South Branch of the Maerewhenua River.	7	Disallow	N/A

Rationale

Allow/Disallow

The submitter suggested retaining the margins of the South Branch Maerewhenua River in Crown ownership up to the boundary of CA1, fencing these margins, and providing easements for stock access where required. ✓

The actual margins of this river have already been reserved by marginal strip under Sec 24 Conservation Act and therefore this land is not subject to this tenure review. The point is therefore disallowed.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
14	There should be a landscape covenant to protect most of the area remaining as freehold from undue earth-works, structures or forestry.	6	Allow	Accept in part

Rationale

Allow/Disallow

The map attached to submission 6 shows a suggested landscape covenant over most of the remaining pastoral lease outside the areas the submitter considers should be retained by the Crown as Conservation Area. The submitter contended that the district plan offers no protection for the landscape.

Landscape can be a significant inherent value, and the protection of significant inherent values is a matter that can be taken into account in the CPLA. Therefore the matter is allowed for further consideration.

Accept or Not Accept

The submitter has suggested that a landscape covenant is required to protect virtually all of the proposed freehold area.

It is not considered appropriate or necessary to apply a protective mechanism over land which has not been identified as containing significant inherent values.

As discussed under point 8, the main area identified as containing significant inherent landscape values in the Conservation Resources Report and which is not currently afforded protection involves the shady faces between CA1 and CC1. Further consultation with the DGC's delegate and the holder resulted in consensus being reached for a conservation covenant for that area above 900m. The covenant provides for protection of the natural landscape by restricting certain land use activities, in particular burning, earthworks, tree planting and intensive grazing as suggested by the submitter.

The point is therefore accepted in part with the area above 900m on the dark faces between CA1 and CC1 (approximately 190 ha) proposed to be protected via a conservation covenant (CC3) within the draft substantive proposal.

Summary and Conclusion

Overview of analysis:

While only eight submissions were received, the submitters covered a range of interests, including recreation and environmental groups, as well as Environment Canterbury.

By far the most common concern related to public access, with five of the eight submissions seeking public access along Maerewhenua Spur to the areas recommended for protection. Two detailed submissions sought an expansion of the area to be protected along the south-east slopes of Maerewhenua Spur to include land from near the South Branch Maerewhenua River, up to the crest of the Maerewhenua Spur

From the 14 points derived from the submissions 11 were allowed for further consideration and 9 of those were accepted or accepted in part

The points recommended for acceptance will result in a draft substantive proposal which has changed appreciably in response to points raised in the public submission process. Proposed changes relate particularly to suggested amendments to public access, terms of the existing conservation covenant and extension of the area encompassed by protection mechanisms.

The main changes to the proposal are:

- inclusion of provision for public foot, bicycle and horse access along the Maerewhenua Spur,
- the creation of an additional conservation covenant (CC3) which provides for the protection of indigenous flora and the natural landscape for approximately 190 hectares, and
- provisions within the covenant for CC1 and CC2 have been modified to better reflect the objectives of the document.

Acceptance of these proposed amendments will result in a Tenure Review proposal that more completely meets the objects of Part 2 of the Crown Pastoral Land Act 1998.

I recommend approval of this analysis and recommendations:-

For Opus

Dave Payton
Tenure Review Contract Manager

Peer Reviewed

Simon deLautour
Tenure Review Consultant

Approved/Declined

LINZ Assessor Pursuant to a delegation from the Commissioner of Crown Lands

Date 1/11/07

Please be very detailed in your explanations of access arrangements to the TRQA lot 5 in p. 10 of report

Dr STEPHEN CHARLES URLICH
TENURE ASSESSOR
CROWN PROPERTY MANAGEMENT
CHRISTCHURCH

I recommend approval

31.10.07