

Crown Pastoral Land Tenure Review

Lease name: BEN LEDI

Lease number: PO 199

Preliminary Report on Public Submissions

This document includes information on the public submissions received in response to an advertisement for submissions on the Preliminary Proposal. The report identifies if each issue raised is allowed or disallowed pursuant to the CPLA. 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.

September 06

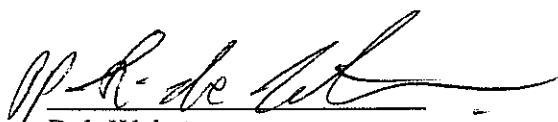
**PRELIMINARY ANALYSIS OF PUBLIC SUBMISSIONS
FOR PRELIMINARY PROPOSAL
BEN LEDI PASTORAL LEASE**

File Ref: PRY-C60-12497-TNR-PO199-A/02 Submission No: DN0278 Submission Date: 5 September 2006
Office of Agent: Dunedin LINZ Case No: TR07/33 Date sent to LINZ: 6 September 2006

RECOMMENDATIONS

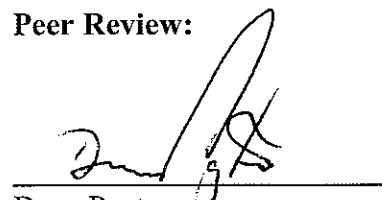
1. That the Commissioner of Crown Lands **notes** the receipt of this report for land held under Ben Ledi pastoral lease.
2. That the Commissioner of Crown Lands **approves** the recommendations in this report to allow or disallow the points raised in the submissions received.
3. That the Commissioner of Crown Lands **authorises** further consultation with the Director General of Conservations delegate on those points allowed.

Signed by Opus:



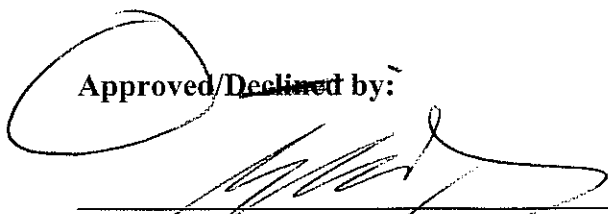
Bob Webster
Tenure Review Consultant

Peer Review:



Dave Payton
Tenure Review Consultant

Approved/Declined by:



Name:

Date of decision: 13 19 06

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

1. Details of leases:**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.**2. Public notice of Preliminary Proposal:*****Date, publication and location advertised:***

Saturday 17 June 2006

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

Closing Date for Submissions:

14 August 2006

3. Details of Submissions received:

A total of 15 submissions were received. Extensions of time were granted by LINZ for submissions 7 and 8. Both submissions were received on 15th August 2006.

Details of submitters are in Appendix 1.

4. Preliminary Analysis of Submissions:**4.1 Introduction:*****Explanation of Analysis:***

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

The following analysis:

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

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

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

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

4.2 Analysis:

| <i>Point</i> | <i>Summary of Point Raised</i> | <i>Submission No.</i> | <i>Allow or disallow</i> |
|--------------|--|-----------------------|--------------------------|
| 1 | Class 7 land should not be used for farming. | 1 | Allow |

Rationale

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 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.

| <i>Point</i> | <i>Summary of Point Raised</i> | <i>Submission No.</i> | <i>Allow or disallow</i> |
|--------------|--|-----------------------|--------------------------|
| 2 | Unqualified support for aspects of the proposal. | 2, 4, 8 | Allow |

Rationale

Submitter 2 provided unqualified support for all aspects of the proposal. Submitter 4 fully supported the creation of Conservation Area CA1. 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.

| <i>Point</i> | <i>Summary of Point Raised</i> | <i>Submission No.</i> | <i>Allow or disallow</i> |
|--------------|---|-----------------------|--------------------------|
| 3 | Public access should be provided up Maerewhenua Spur. | 3, 4, 6, 7, 8 | Allow |

Rationale

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 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.

| <i>Point</i> | <i>Summary of Point Raised</i> | <i>Submission No.</i> | <i>Allow or disallow</i> |
|--------------|--|-----------------------|--------------------------|
| 4 | Further land should be protected, particularly lower altitude wildlands. | 3 | Allow |

Rationale

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.

| <i>Point</i> | <i>Summary of Point Raised</i> | <i>Submission No.</i> | <i>Allow or disallow</i> |
|--------------|--|-----------------------|--------------------------|
| 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 |

Rationale

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.

| <i>Point</i> | <i>Summary of Point Raised</i> | <i>Submission No.</i> | <i>Allow or disallow</i> |
|--------------|--|-----------------------|--------------------------|
| 6 | Access should be provided into area CA1 from the adjoining legal road, via such means as stiles over fences. | 4 | Allow |

Rationale

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.

| <i>Point</i> | <i>Summary of Point Raised</i> | <i>Submission No.</i> | <i>Allow or disallow</i> |
|--------------|--|-----------------------|--------------------------|
| 7 | Horse trekkers and hunters should be allowed to continue to access the area. | 4 | Disallow |

Rationale

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.

| <i>Point</i> | <i>Summary of Point Raised</i> | <i>Submission No.</i> | <i>Allow or disallow</i> |
|--------------|--|-----------------------|--------------------------|
| 8 | More of the crest of Maerewhenua Spur should be protected by covenant. | 4 | Allow |

Rationale

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.

| <i>Point</i> | <i>Summary of Point Raised</i> | <i>Submission No.</i> | <i>Allow or disallow</i> |
|--------------|---|-----------------------|--------------------------|
| 9 | Public walking access should be provided to the conservation covenants. | 4, 6, 8 | Allow |

Rationale

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 Maerwhenua Spur road.

Submitters 6 and 8 argued that one of the benefits of public access up the Maerwhenua 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.

| <i>Point</i> | <i>Summary of Point Raised</i> | <i>Submission No.</i> | <i>Allow or disallow</i> |
|--------------|--|-----------------------|--------------------------|
| 10 | Conservation protection should be extended along the south facing slopes of Maerwhenua Spur between CA1 and CC1, the proposed covenant CC1, and forest remnants in the South Branch of the Maerwhenua River. | 6, 7 | Allow |

Rationale

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 Maerwhenua Spur from CA1 down to covenant CC1, and including the woody remnants in the steep sided gorge of the Maerwhenua 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 fencelines 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 Maerwhenua 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.

| <i>Point</i> | <i>Summary of Point Raised</i> | <i>Submission No.</i> | <i>Allow or disallow</i> |
|--------------|--|-----------------------|--------------------------|
| 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 |

Rationale

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 11, 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.

| <i>Point</i> | <i>Summary of Point Raised</i> | <i>Submission No.</i> | <i>Allow or disallow</i> |
|--------------|--|-----------------------|--------------------------|
| 12 | Extend CC2 further up the North Branch | 7 | Allow |

Rationale

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.

| <i>Point</i> | <i>Summary of Point Raised</i> | <i>Submission No.</i> | <i>Allow or disallow</i> |
|--------------|---|-----------------------|--------------------------|
| 13 | Retain in Crown ownership the margins of the South Branch of the Maerewhenua River. | 7 | Disallow |

Rationale

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.

| <i>Point</i> | <i>Summary of Point Raised</i> | <i>Submission No.</i> | <i>Allow or disallow</i> |
|--------------|--|-----------------------|--------------------------|
| 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 |

Rationale

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.

4.3 Summary of submissions:

While only eight submissions were received, the submitters covered a range of interests, including both 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.

PRELIMINARY ANALYSIS OF IWI SUBMISSIONS

Statement Pursuant to Sec 45(a)(i) & (ii) Crown Pastoral Land Act 1998

BEN LEDI TENURE REVIEW NO TR 113

Details of lease

Lease name: Ben Ledi
Location: East side of Kakanui Mountains, accessible from Danseys Pass Road, approximately 25 kilometres southwest of Duntroun.
Lessees: 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
- Otago Daily Times Dunedin
- The Southland Times Invercargill
Closing date for submissions: 14 August 2006

Details of submissions received

A copy of the proposal and information pack were sent to TRoNT on 15 June 2006. No reply was received by the closing date of submissions.

TRoNT were reminded to respond to the proposal on 28 August 2006 by Opus.

TRoNT subsequently provided a brief response which was received on 1 September 2006 and is analysed in this report.

Introduction

The approach taken in the analysis of submissions is to review each submission in order to identify the points raised and then number these points accordingly. Where submitters make similar points these are given the same number.

The following analysis:

- Summarises any points raised
- Discusses all points raised.
- Recommendations whether or not to allow for further consultation.

The following approach is adopted in a preliminary analysis when making a recommendation to allow for further consultation:

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

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

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

Analysis

| Point | Summary of point raised | Allow or disallow |
|---|---|-------------------|
| 1 | Te Runanga o Ngai Tahu supports the Preliminary Proposal. | Allow |
| <p>Rationale</p> <p>TRoNT have analysed the Preliminary Proposal and Ngai Tahu Cultural Values Report and note the proposed marginal strip provides for protection of ecological and values associated with the Maerewhenua River and that it also provides access for Ngai Tahu Whanui to walk along what was a traditional trail.</p> <p>The objects of the Crown Pastoral Land Act include the protection of significant inherent values, which can include cultural values. The view expressed is thus relevant under the Crown Pastoral Land Act, and is thus allowed for further consideration.</p> | | |


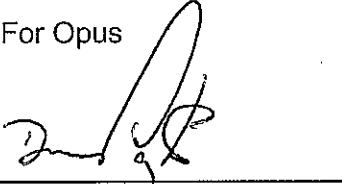
Summary and Conclusion

The submission received supports the proposal as advertised.

I recommend approval of this analysis and recommendations

For Opus

Peer Reviewed



Dave Payton
Tenure Review Contract Manager

Simon deLautour
Tenure Review Consultant
Date 6/09/06

Date 6/9/06

Approved/Declined



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

LINZ Assessor

Date 13/9/06