

Crown Pastoral Land Tenure Review

Lease name: MT ALFORD

Lease number: PC 052

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.

August 05

Report in Accordance with Contract 50346

Preliminary Analysis of Public Submissions for Preliminary Proposal

File Ref: CON/50000/16/12757/00/A-ZNO-05 Submission No: QVV 650 Submission Date: 19/7/2004

Office of Agent: Christchurch

LINZ Case No:

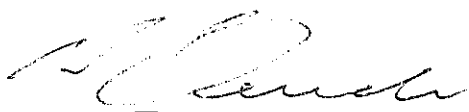
TR05/7

Date sent to LINZ: 25/7/2004

RECOMMENDATIONS

- (1) That the Commissioner of Crown Lands approves this report for tenure review of Pc 052 Mt Alford Pastoral Lease.

Signed by Contractor:



Barry Dench
Team Leader for Tenure Review

Approved/Declined by:

Name:
Date of decision: / /

(1) Details of lease:

Lease Name: Mt Alford

Location: Spoors Road and Alford Forest Settlement
Road, Alford Forest, Mid Canterbury

Lessee: Mt Alford Station Limited

(2) Public notice of preliminary proposal:

Date, publication and location advertised:

1 May 2004

- The Press Christchurch
- Otago Daily Times Dunedin

Closing date for submissions:

25 June 2004

(3) Details of submissions received:

A total of six submissions were received, including two late submissions.

(4) Analysis of submission:

4.1 Introduction:

Explanation of Analysis:

This is a preliminary analysis of submissions. The purpose of this preliminary analysis is to identify those issues raised which are appropriate for further consideration.

After such further consideration and appropriate consultation, a final analysis of submissions will be completed which will record the outcome of such consideration on each point and whether or not it has been approved for inclusion in the draft Substantive Proposal.

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 submission number of those submitters making that point.
- Provides a discussion of the point.
- The CCL decisions whether or not to allow/not allow for further consultation.

The decision to “**allow**” the point made by submitters is on the basis that the matter raised is a matter than can be dealt with under the Crown Pastoral Land Act 1998. Conversely, where the matter raised is not a matter that can be dealt with under the Crown Pastoral Land Act, the decision is to “**not allow**”. Those points that are ‘allowed’ will be given further consideration with respect to the proposal.

It should be noted that points relating to the Conservation Act, or any other statutory authority outside of the Crown Pastoral Land Act 1998 are not able to be considered by the Commissioner of Crown Lands.

4.2 Analysis:

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>
1	Full support for the overall proposal	No 5	Allow

One submission was received for full support for the allocation of land for full Crown ownership and control, Crown control and freehold disposal.

The submitter notes “the Preliminary Proposal as it stands will complete the soils conservation objectives inherent in the Soils and Water Conservation Plan agreement”.

The submitter “supports the Proposed Scenic Reserves R2, R3 and R4 (steep bush clad (Class VIII) streams) and R5 as natural extensions to the existing Alford Scenic Reserve. Is also satisfied that the proposal to freehold most of the property fits in well with technical advice required on the land use capability of the land, and is unlikely to result in any soil conservation issues of concern for the management of the land identified.”

As the retention of land in Crown ownership and for freehold disposal are two of the objects of the Crown Pastoral Land Act 1998 the point should be allowed so that these views can be taken into account in further consideration of the proposed designations.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>
2	Support retention of Reserves in full Crown Ownership and control	Nos. 3 and 6	Allow

Two submissions were received supporting the retention of R1, R2, R3, R4 and R5 (Reserve) in full Crown Ownership and control and in Crown control. Submission 3 notes that R1, R3 and R4 contain significant and valuable beech forest remnants along with range of other species including kowhai, putaputaweta, horopito, kanuka and broadleaf and although there is some gorse and broom present in places the remnants are a valuable conservation resource. This submission notes that R5 contains similar forest species as the adjacent Alford Scenic Reserve including kahikatea.

Submission 6 also notes that the forest species are a valuable indigenous resource which under full Crown ownership and control, could be improved.

As the retention of land in full Crown ownership and control and in Crown control is enabled by the Crown Pastoral Land Act 1998 the point should be allowed so that these views can be taken into account in further consideration of the proposed designations.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>
3	Include Mt Alford mid slopes and basins in Crown Ownership as part of a larger reserve.	Nos. 1, 3, 4 and 6	Allow

Four submissions were received which related to including Mt Alford mid slopes and basins in land retained in Crown Ownership as part of a larger reserve.

Submitter 1 notes that the proposed designations report included extending the existing Alford Scenic Reserve with a sizable new area on the slopes above the reserve up to Mt Alford. The submitter notes that only fragments of the land are now included in the proposal and contend that this is a retrograde step and submit that a larger reserve will be more viable both in ecological and landscaped terms.

Submitter 3 advocates “that the mid altitude slopes and basins of the eastern faces of Mt Alford should be included in a much larger reserve to be retained in full Crown ownership and control, that includes all the areas recommended for protection in R1, R2, R3, R4 and R5, but also all the area between and surrounding these proposed conservation areas. This total area is shown as RA on the attached map.”

The mid altitude eastern faces of Mt Alford are made up of gentle rolling slopes and basins containing extensive areas of red tussock and sizable wetland and although degraded to some extent by grazing both these vegetation communities are under-represented in conservation lands throughout the country and deserve protection.

Submitter 3 supports the retention of the forest remnants but contends protection of the wider area, taking in land between R1 and R2/R5 is desirable to provide aesthetic and ecological continuity and integrity, to protect landscape values and prevent unnecessary fragmentation of new conservation lands.

Submitter 6 also comments on the mid altitude eastern faces of Mt Alford comprise gentle rolling slopes and basins which contain extensive areas of red tussock grassland and an important wetland and advocates for there inclusion as part of a larger reserve.

Submitters 3 and 6 state that the existing proposed network of reserves and easements is unnecessarily complex and fragmented. Easements “b-o-p-q” and “m-n” would be unnecessary if reserve RA (submission 3 coding) was adopted.

Submitter 4 “also propose that the area delineated for full Crown ownership is expanded to a larger single area encompassing R2, R3, R4 and R5 and be contiguous with the existing Alford Scenic Reserve. The submitter considers that the present area is inadequate and in its present form the blocks will be more difficult to manage, will be ecologically less viable and with the exception of R2 none will be legally accessible by the public.

One of the objects of the Crown Pastoral Land Act is to (a) enable the protection of the significant inherent values of reviewable land –

- (i) By the creation of protective mechanisms; or (preferably)
- (ii) By the restoration of the land to full Crown ownership and control;

- and as these submissions promotes these objectives it should be allowed for further consultation and consideration.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>
4	Support freehold disposal of Cutty Grass Hut Block and Mt Alford south and northeast faces	No. 3	Allow

Submission 3 supports the proposal to freehold the land in the Cutty Grass Hut Block, as shown as area FA in the submitters map and to freehold the land on the south and northeast faces of the Mt Alford block shown as FB and FC on the map.

As the disposal of land is enabled by the Crown Pastoral Land Act 1998 the point should be allowed so these views can be taken into account in further consideration of the proposed designations.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>
5	Include areas along edge of North Branch of Ashburton River in land retained for full Crown ownership.	Nos. 3 and 6	Allow

Submitters 3 and 6 both contend that land bordering the North Branch of the Ashburton River has outstanding scenic, amenity and recreation values and submit that the creation of a 20 metre marginal strip along the banks of the river would be inadequate to protect these values and provide reasonable practical access to the river for public enjoyment.

Submitter 3 contends that the natural beauty of the river and its margins makes it very attractive recreational setting for walking, picnicking, swimming, fishing and kayaking and argues that “the preliminary proposal as advertised does not facilitate this and so is inconsistent with the objective in the CPLA to; *secure public access to and enjoyment of high country land*”.

Submitter 3 notes “the preliminary proposal as notified provides for no public access along the existing farm track (i-j) that provides the only existing practical access along the river valley. Similarly there is no access available from this track to the river at any point along its length.” The submitter advocates the retention of land between the river and farm track in full Crown ownership and control as a means of providing access and protection of the conservation values along the river margin. Submission 6 is along the same lines.

- As two of the objects of the Crown Pastoral Land Act are:
- (a) to enable the protection of the significant inherent values of reviewable land –
 - (i) By the creation of protective mechanisms; or (preferably)
 - (ii) By the restoration of the land to full Crown ownership and control;
 - and to
 - (b) make easier the securing of public access and enjoyment of reviewable land;

this point should be allowed for further consultation and consideration.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>
6	Include areas comprising a wetland adjacent to State Highway 72 and lands on Pudding Hill Range.	Nos. 1, 3 and 6	Not allow

Submissions 1, 3 and 6 advocate for the inclusion of bush and open slopes within the Pudding Hill Stream catchment and a small wetland adjacent to State Highway 72 in the review. Whilst these areas were noted in the Conservation Resources Report there is no agreement with the freehold owner to include the land in the review under section 30 Crown Pastoral Land Act.

As the additional land is not within the boundary of the land being considered in this particular preliminary proposal it is not a matter that the Commissioner of Crown Land can take into consideration.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>
7	Withdraw from negotiations if significant gains are not secured for conservation, recreation and landscape outcomes.	No. 3	Allow

The submission urges that the Crown withdraw from negotiations with the lessee if there is a failure to secure significant gains in terms of conservation, recreation and landscape outcomes suggested by the submitter and the property continue as a pastoral lease.

This point covers a number of issues raised in points 3, 5 and 9 and signals the submitters wish to see changes to the proposal.

As these go to the core of some of the objectives in the Crown Pastoral Land Act and while they are covered under other points in this report, the point should be allowed in conjunction with points 3, 5 and 9 for ~~consultation and~~ consideration.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>
8	Support the creation of public access easement	No. 1	Allow

The submitter notes support for this easement, assuming it is a practical route, in preference to the use of the Telecom vehicle track.

As one of the objects of section 24 of the Crown Pastoral Land Act is – to make easier the securing of public access and enjoyment of reviewable land, this point should be allowed so that these views can be taken into account in further consideration and consultation of the designations for public access.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>
9	Public access easement be extended from Mt. Alford Block to River and back to proposed reserve.	Nos. 1, 3, 4 & 6	Allow

Four submissions were received proposing the public access easement to be extended from Mt Alford Block to the river and then via an existing farm track back to proposed reserve. The current easement does not provide for a round trip.

Submissions 1 and 4 advocate for an extension in the access over Mt Alford and down the north western boundary fence of the Alford block and then via the existing farm track back to the start of "c-d". Submissions 3 and 6 also contend this should include both public access and for DoC management purposes in the event that the boundary of land for retention in Crown ownership exclude the track.

Submitter 6 states "this track should be managed for public foot and mountain bike access, as well as for vehicular access for DOC management and for the owner."

As one of the objects of section 24 of the Crown Pastoral Land Act is – to make easier – (i) the securing of public access and enjoyment of reviewable land, this point should be allowed so that these views can be taken into account in further consideration and consultation of the designations for public access.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>
10	Public access to Cutty Grass Block and lands beyond	Nos. 1 & 4	Allow

Submitter 1 advocates for access up the North Branch of the Ashburton River and its tributary the Swift River by noting “beyond the upper end of the Alford Block there is no present public access and it is important that a marginal strip be laid off along the river boundary of the Cutty Grass block at the time of freehold disposal.”

Submitter 4 is concerned that there is no apparent public access up the Ashburton River adjacent to the Cutty Grass block. They propose:

- The vehicle track (k-1) that is proposed for a DOC management easement be also designated an easement for public access, or
- A marginal strip be allocated on the North Branch Ashburton River adjacent to the Cutty Grass block.. This is most likely as the river bed is over 3 metres wide.

As one of the objects of section 24 of the Crown Pastoral Land Act is – to make easier the securing of public access and enjoyment of reviewable land, this point should be allowed so that these views can be taken into account in further consideration and consultation of the designations for public access.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>
11	Change to water supply easement concession	No. 2	Allow

The submission requests modification to clause 9.1 (f) of the easement concession and similarly to clause 9.1 (g) to permit the “installation and maintenance of the water supply off-take and pipeline” over both the proposed Scenic Reserve (R4) and part of the existing Alford Scenic Reserve. The submitter also requests changes to Schedule Two of the Proposal to provide for the extended provision for pipeline routes and off-take points, the points to be more precisely identified in the field.

As the provision of a concession is allowed under section 36(a) of the Crown Pastoral Land Act and in this case is to allow the installation and maintenance of a piped water supply for supply of stock water supply to land being disposed of by freehold disposal, the point should be allowed for further consideration and consultation.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>
12	Farm management easement concession over land adjacent to Alford Scenic Reserve and over track to Cutty Grass Block land.	Nos.3, 4 & 6	Allow

Submission 4 proposes an easement for farm management purposes along the sections of the vehicle track that pass through those parts (“b-e” and “f-h”) advocated for inclusion in the proposed reserve. This covers those sections of the track commencing at the junction of the Telecom track to where it enters the existing reserve and then emerges onto the reviewable land before finishing at the boundary of a small block in different freehold ownership.

Submitters 3 and 6 propose that farm management access be provided for along the farm track “i-j” with this being a consequence of the proposal to include the land between the river up to and including the track in Crown ownership.

This point arises as a consequence of Points 3 and 5. As the provision of a concession is allowed in the Crown Pastoral Land Act and in this case is to allow passage over land for farm management purposes, the point should be allowed for further consideration and consultation.

Discussion and conclusions:

Discussion relevant to each point has been made under each listed point for simplicity and clarity.

The submissions that come under the jurisdiction of the Crown Pastoral Land Act fall into several main themes:

- Support for the allocation of land between the Crown and freehold disposal from one submitter
- while several submissions, while supporting the allocation of areas in Crown ownership and access provisions, called for additional public access and for additional land to be retained by the Crown. Consequential to the latter several submissions

noted that a farm management easement may be required should the boundary of land in Crown ownership be extended.

- Public access to the Cutty Grass Hut and then points beyond along the route designated for DoC management purposes access and / or over a marginal strip adjacent to this land.
- One submission sought changes to one clause in the water supply easement concession and Schedule Two of the proposal.
- One point covering the inclusion of two areas outside of the pastoral lease boundaries falls outside of the Commissioner of Land jurisdiction for this tenure review.

REPORT IN ACCORDANCE WITH CONTRACT 50346

Preliminary Analysis of Iwi Submission for Preliminary Proposal

File Ref: CON/50000/16/12757/00/A-ZNO-05 Submission No: QVV 651 Submission Date: 19/7/2004
Office of Agent: Christchurch LINZ Case No: Date sent to LINZ: 9/8/2004

RECOMMENDATIONS

- (1) That the Commissioner of Crown Lands **notes** the receipt of this report for the review of Mt Alford Pastoral Lease.

Signed by Contractor:



Barry Dench
Team Leader for Tenure Review

Approved/Declined by:

Name:
Date of decision: / /

(1) Details of lease:

Name: Mt Alford

Location: Spoors Road and Alford Forest Settlement
Road, Alford Forest, Mid Canterbury

Legal Description: Rural Sections 36413, 36415 and 36416 and Part
Run 278

Area: 878.8141 hectares

(2) Details of Iwi Submission:

Received On: 24 June 2004

Received From: Takarei Norton
Natural Resources Unit Project Co-ordinator
Office of Te Runanga o Ngai Tahu

On Behalf Of: Te Runanga o Ngai Tahu and the relevant
Papatipu Runanga: Te Runanga o Arowhenua
and Te Taumutu

(3) Analysis of submission:

3.1 Introduction:

Explanation of Analysis:

This is a preliminary analysis of the submission. The purpose of this preliminary analysis is to identify those issues raised which are appropriate for further consideration.

After such further consideration and appropriate consultation, a final analysis of submissions will be completed which will record the outcome of such consideration on each point and whether or not it has been approved for inclusion in the draft Substantive Proposal.

The submission has been reviewed in order to identify the points raised and these have been numbered accordingly.

The following analysis:

- Summarises each of the points raised
- Provides a discussion of the point.

- The CCL decisions whether or not to allow/not allow for further consultation.

The decision to “allow” the point made is on the basis that the matter raised is a matter than can be dealt with under the Crown Pastoral Land Act 1998. Conversely, where the matter raised is not a matter that can be dealt with under the Crown Pastoral Land Act, the decision is to “not allow”. Those points that are ‘allowed’ will be given further consideration with respect to the proposal.

It should be noted that points relating to the Conservation Act, or any other statutory authority outside of the Crown Pastoral Land Act 1998 are not able to be considered by the Commissioner of Crown Lands.

3.2 Analysis:

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Decision</i>
1	Protection and access to two NZAA archaeological sites	Allow

There are two archaeological sites located on Mt Alford Pastora Lease; K36/3 – Terraces / pits and K36/2 – Source quarry. Ngai Tahu recommend that both sites are provided with an appropriate protection and access mechanism under the Crown Pastoral Land Act 1998 that meets the needs of Ngaio Tahu Whanui.

As this request relates to protection of significant inherent cultural and historic values, as provided in the Crown Pastoral Lands Act 1998 this point should be allowed to the extent that further consultation and consideration is required to ensure that the values are protected.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Decision</i>
2	Protection or access mechanisms for North Branch of the Ashburton River.	Allow

Ngai Tahu notes that the Ashburton River / Hakatere is of utmost cultural, spiritual and traditional importance to Ngai Tahu.

The river is a statutory acknowledgement under the Ngai Tahu Claims settlement Act 1998. The following information has been taken from NTCSA 1998:

“The Hakatere was a major mahinga kai fir Canterbury Ngai tahu. The main foods taken were tuna (eels), inaka (whitebait) and the giant kokopu.. Rats, weka, kiwi and waterfowl such as putakitaki (paradise duck) were also hunted along the river.

The tupuna had considerable knowledge of whakapapa, traditional trails and tauranga waka, places for gathering kai and other taonga, ways in which to use the resources of the river, the relationship of the people with the river and their dependence on it, and tikanga for the proper and sustainable utilisation of resources. All of these values remain important to Ngai Tahu today.

Ngai Tahu are concerned that there are no recommended protection or access mechanisms for the river.

Ngai Tahu request that the Commissioner provides an appropriate protection and access mechanism for the Ashburton / Hakatere under the Crown Pastoral Land Act that meets the needs of Ngai Tahu Whanui.

As this request relates to two of the objectives of the Crown Pastoral Land Act:

- (b) To enable the protection of significant inherent values of reviewable land; and
- (c) To make easier (i) The securing of public access to and enjoyment of reviewable land.

And this point promotes these objectives, namely protection of significant inherent cultural and historic values along with provision of access it should be allowed to the extent that further consultation and consideration is required.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Decision</i>
3	Protection or access mechanisms for the contributory streams	Allow

Ngai Tahu notes there are no protection or access mechanisms of the contributory streams of Mt Alford Pastoral Lease and request an appropriate protection and access mechanism for the contributory streams associated with Mt Alford that meets the needs of Ngai Tahu Whanui.

The submission notes from the Conservation Resources Report that *“Galaxiids and bullies were noted in the contributory streams but no survey of their numbers has been undertaken. Further that “Riparian protection is the most effective way of ensuring long term habitat protection for freshwater fish and other freshwater biota”*

As this request relates to two of the objectives of the Crown Pastoral Land Act:

- (b) To enable the protection of significant inherent values of reviewable land; and
- (c) To make easier (i) The securing of public access to and enjoyment of reviewable land.

As this point promotes these objectives it should be allowed to the extent that further consultation and consideration is required.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Decision</i>
4	Protection or access mechanisms of the wetlands	Allow

Ngai Tahu submits that there are two areas of wetlands on Mt Alford; Red tussock wetlands below Mt Alford and lowland Carex swamp at the junction of State Highway 72 and the road to Pudding Hill and seek protection for these as well as access thereto. This point is supported in the submission by the noting that many of the wetlands in Canterbury have been drained and it is significant that remaining areas are protected.

One of the wetlands is present within the reviewable land but the Carex swamp is on freehold land and not included in the tenure review.

This request relates to two of the objectives of the Crown Pastoral Land Act, namely;

- (b) To enable the protection of significant inherent values of reviewable land; and
- (c) To make easier (i) The securing of public access to and enjoyment of reviewable land.

And this point promotes these objectives, namely protection of significant inherent values along with provision of access it should be allowed in part to the extent that further consultation and consideration is required in respect of the wetland on slopes of Mt Alford. It should be “not allow” regarding the land on State Highway 72.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Decision</i>
5	Protection or access mechanisms of all significant areas of native vegetation	Allow

Ngai Tahu notes that the Conservation Resources Report records that there are a variety of areas on Mt Alford that contain areas of native vegetation such as beech forest. Their concern is not all areas of significant native vegetation have been provided with protection in the proposal.

The submission seeks an appropriate protection and access mechanism over all significant areas of native vegetation located on Mt Alford, that meets the needs of Ngai Tahu Whanui.

As this point promotes the protection of significant inherent values and access to the land, being two of the objectives under part 2 of the

Crown Pastoral Land Act it should be allowed to the extent that further consultation and consideration is required.

Discussion and Conclusions

Te Runanga o Ngai Tahu have provided a submission that takes into consideration the local Maori interest in the Mt Alford Proposal. Each point is discussed in detail in this analysis.

Four of the five points have a similar theme of the protection of significant inherent values characteristic of a natural resource and access to areas exhibiting these values. The remaining point relates to two sites recorded under the New Zealand Archaeological Association system that are of interest to Ngai Tahu.