

Crown Pastoral Land Tenure Review

Lease name: MT COOK

Lease number: PT 132

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.

August

06

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)

Mount Cook TENURE REVIEW NO 326

Details of lease

Lease name: Mount Cook

Location: Braemar Mount Cook Station Road in the MacKenzie Basin

Lessee: Donald Mount Cook Burnett

Public notice of preliminary proposal

Date advertised: 8 October 2005

Newspapers advertised in:

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

Closing date for submissions: 6 December 2005

Details of submissions received

Number received by closing date: a total of 11 submissions were received

Cross-section of groups/individuals represented by submissions:

A total of 11 submissions were received. Details of submitters are:-

Sub #	Submitter	Address	Type of Organisation
1	Christchurch Tramping Club	P O Box 527 Christchurch	Non Government Organisation - Local
2	NZ Historic Places Trust	Southern Regional Office P O Box 4403 Christchurch	Non Government Organisation - Regional
3	Environment Canterbury	P O Box 345 Christchurch	Local Government Organisation - Regional
4	Allan Evans	34 John Street Temuka	Private individual

5	Canterbury Aoraki Conservation Board	C/- DoC Private Bag 4715 Christchurch	Government Organisation-Regional
6	Backcountry Skiers Alliance	P O Box 168 Alexandra	Non Government Organisation – Local
7	NZ Alpine Club Inc	P O Box 368 Timaru	Non Government Organisation – National
8	Federated Mountain Club of New Zealand (Inc)	C/- G R K Hunter Kalaugher Road RD 21 Geraldine	Non Government Organisation – National
9	New Zealand Deerstalkers' Association Incorporated	P O Box 6514 Wellington	Non Government Organisation – National
10	Royal Forest & Bird Protection Society	P O Box 2516 Christchurch	Non Government Organisation – National
11	Meridian Energy Ltd	Retail Operations Centre P O Box 2128 Christchurch	State Owned Enterprise

Number of late submissions refused/other: nil

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.

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 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.

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	Concur with the designation proposals outlined.	1,4,5, 6,8,9	Allow	Accept

Rationale

Allow/Disallow

All these submitters supported the land allocation proposal as outlined.

The Preliminary Proposal for this property is considered to be an acceptable outcome and to this extent it is regarded as meeting the objects of Part 2 of the Crown Pastoral Land Act. The point has therefore been allowed.

Accept or Not Accept

Following consultation with the DGC's delegate and the holder the proposed designations have been retained largely intact except for a key alteration to the northern end of the proposed freehold, to achieve better protection of SIVs via a Conservation Covenant.

The point is accepted and the preliminary proposal designations are retained for a draft substantive proposal with the modification as outlined above.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
2	Provide public access up the Jollie River Valley	1,5,7,9,10	Allow in part	Not Accept

Rationale

Allow/Disallow

These submitters expressed concern at the lack of public access over proposed freehold to proposed conservation land in the Jollie valley. Access up the Coxs Downs side of the Jollie River is on land outside of the Tenure Review, so this part should be disallowed. An object of the Act is to make easier the access to and enjoyment of reviewable land.

The point has therefore been allowed in part.

Accept or Not Accept

Any proposal to provide access up the Jollie River would require creation of an easement over existing freehold which is not reviewable land. It is therefore impossible to create such an access under the provisions of the Crown Pastoral Land Act 1998 and the point is not accepted.

The point was allowed to the extent that the submitters were seeking easier access to and enjoyment of the reviewable land. However, the point is not accepted as access over the reviewable land up the true right bank of the Jollie River was not practical or suitable.

It is noted that the desirability of providing access in to the Jollie River valley has been acknowledged by the holder. Outside of the tenure review process, a public and management purposes easement has been negotiated with the holder over an existing track on the adjoining Coxs Downs which he owns. This will provide very good public access into the Jollie River valley and is far superior to any access that could be achieved over the reviewable land. ✓

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
3	Provide public access over freehold land on a farm track to the Tasman River	1,3,5,7,9	Allow	Not accept

Rationale

Allow or disallow

These submitters expressed concern that no provision has been made for public access over proposed freehold land to proposed conservation land in the upper Tasman River valley.

The securing of public access to and enjoyment of reviewable land is an object of Part 2 of the Crown pastoral Land Act. The point has therefore been allowed.

Accept or Not Accept

The DGC's delegate was consulted on this and advised that public access for the western side of the property on the riverbed, legal roads and proposed conservation areas were sufficient. Fencing and tracking work is planned.

The holder advised that the up-valley access currently used by trampers and hunters is through his freehold in the vicinity of the homestead. This involves traversing several kilometres of farm track through farmed land including considerable 2 meter high elk fencing. The holder is not prepared to give as of right public access along this route as it would have an impact on farming activities. Public safety with the elk is a key issue.

The Holder asked that good signage be provided so that the public use the correct access. He will accept easements on formed tracks near the Tasman River where the land is existing freehold; thereby linking CA2 and CA3.

However, the access proposed by the submitters (using existing farm tracks) cannot be achieved through the tenure review process (as it includes land not in the review) therefore the point raised is not accepted.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
4	Provide public access up the face above the Homestead to The Big Hill DD and Big Hill No.2.	1,6,9	Allow in part	Not accept

Rationale

Allow or disallow

These submitters propose that access over the route outlined is necessary to give practical public access to CA1.

Access can only be considered over that part of The Big Hill that is in reviewable land. The freehold land section is not applicable.

The securing of public access to and enjoyment of reviewable land is an object of Part 2 of the Crown Pastoral Land Act. The point has been allowed in part.

Accept or Not Accept

Following consultation with the DGC's delegate and the holder it was agreed that public access to CA1 can be achieved via the Jollie River valley (off the southern end of the property) and also via the new easement over the

proposed freehold just north of Andrews Creek. The easement joins CA3 to the mid region of CA1. This removes the conflict of having to put public access over land that is already freehold.

In addition, the current farming practice is to run elk over the property. There are plans to expand the elk farming and so with these animals there are significant public safety considerations around the issue of access on the freehold land.

The access proposed by these submitters cannot be achieved in this location through the tenure review process (as it includes land not in the review) therefore the point raised is not accepted.

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
5	No potential impacts on historic heritage.	2	Allow	Accept

Rationale

Allow or disallow

Historic values may be considered to be SIVs in terms of the objects of the CPLA and are therefore relevant.

The Preliminary Proposal for this property is considered to be an acceptable outcome and to this extent it is regarded as meeting the objects of Part 2 of the Crown Pastoral Land Act. The point has been allowed.

Accept or Not Accept

Following consultation with the DGC's delegate and the holder it was agreed that the point is accepted and the conservation designations are retained for a draft substantive proposal with the Covenant modification as outlined in Point 1.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
6	All proposed freehold/conservation area boundaries to be fenced to prevent stock access to the proposed conservation area.	3,7,10	Allow	Accept

Rationale

Allow or disallow

These submitters expressed concern that the proposal would allow stock access to proposed conservation areas. The comments seek to minimise the risk of soil erosion on the hill country and damage to the wetlands and native

vegetation. Soil and Water values are SIV's and are therefore relevant matters to be considered under the CPLA.

The protection of Significant Inherent Values is an object of the Crown Pastoral Land Act 1998, and the point has therefore been allowed.

Accept or Not Accept

Following consultation with the DGC's delegate and the holder it was agreed that the new Covenant area will be fenced off at its southern end. This effectively prevents stock access from the proposed freehold land that will be farmed to the proposed covenanted land.

The point is accepted and the additional short length of fence (to meet an established fence line) is retained for a draft substantive proposal.

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
7	Exclude stream beds and margins from freehold and fence them.	3	Allow in part	Not accept

Rationale

Allow or disallow

The submitter identifies that streams draining the Burnett Range and flowing through the proposed freehold have very high water quality and healthy stream ecosystems. Mikes Stream in particular is identified as a water way containing a significant habitat for native fish species and macro-invertebrate populations.

The submitter proposes the following protection for these areas:

- The beds and margins of all streams be excluded from the proposed freehold
- The margins of all streams be fenced to exclude stock
- That marginal strips be laid of on suitable water ways

The creation of Marginal strips is a Conservation Act consideration and is not a matter to be considered under the CPLA. Therefore this part of the point is disallowed.

For the balance of the point the submitter has identified potential significant inherent values and recommended methods for protecting these. The protection of significant inherent values is an object of the CPLA and therefore the balance of the point has been allowed.

Accept or Not Accept

Following consultation with the DGC's delegate and the holder it was noted that the streams referred to by the submitter were deeply incised with stable

banks. As the land will be lightly farmed with elk, it would be unworkable from a farm management point of view to fence these waterways out.

The risk to the SIV's associated with the streams and their beds (danger of erosion/degradation) are seen as relatively slight. Fencing these areas out of the proposed freehold would be very expensive and would have a significant impact on the practicality of farming the land. Arguably the fences necessary would have a greater negative impact on the landscape than the benefits obtained from such an exercise.

On balance, it is considered that the negatives of fencing off these streams outweigh the possible benefits and so the point is not accepted. ✓

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
8	Extend proposed marginal strip on the Jollie River downstream to join road.	3	Disallow	N/A

Rationale

Allow or disallow

This point is not relevant for two reasons:-

- The land in question is existing freehold and not included in the Tenure Review
- The laying off of marginal strips is a Conservation Act matter not a CPLA matter ✓

Therefore the point has been disallowed.

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
9	The area being retained in Crown control should be extended to include all land north of McLeod Creek.	3	Allow	Not accept

Rationale

Allow or disallow

The submitter's position is that landscape SIVs on these areas justifies the

retention of the land by the Crown. Protection of SIVs is a relevant matter to be considered under the CPLA.

The point has therefore been allowed.

Accept or Not Accept

Following consultation with the DGC's delegate and the holder it was noted that the great majority of the land north of McLeod Creek was either Conservation area (CA1 & CA3) or was under the new Conservation Covenant that protects the SIVs present.

The proposed freehold north of McLeod Creek (where there is no covenant), was reconsidered and assessed not to contain values that were worth protecting by a conservation designation. It is considered that there would be little impact from continued farming on the landscape values. The point is therefore not accepted.

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
10	Formed roads outside of the legal road corridor to be incorporated in to the land to be retained by the Crown.	3	Disallow	N/A

Rationale

Allow or disallow

The submitter has identified that the formed road to the homestead on the property is not on the legal road line. While this is correct, the formed road is completely outside of the pastoral lease area and not subject to the Tenure Review.

As the areas referred to are outside of the reviewable land the point has been disallowed.

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
11	That the transfer of any land to freehold only be affected after the Coxs Downs access easement has been created.	5	Disallow	N/A

Rationale

Allow or disallow

The submitter seeks to provide seamless public access arrangements up the Jollie River. The arrangements with DoC are not part of the tenure review.

As the areas referred to are outside of the reviewable land the point has therefore been disallowed.

	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
12	There is an extensive pest plant problem on the property (particularly land to be freeholded). This endangers biodiversity and ecological values on land to become freehold, land to be surrendered and adjoining properties.	3,5,7,9,10	Disallow	N/A

Rationale

Allow or disallow

The submitters all expressed concern about the level of wilding conifer infestation on the property and the threat this represents to the proposed freehold land, the areas to be retained by the Crown and adjoining properties.

Most submitters wanted either an agreed strategy incorporated in tenure review agreement to deal with this issue post tenure review or a requirement that the holder remove the infestation prior to completion of tenure review.

It is considered that control and management of pest plants on the reviewable land is a post tenure review management issue. Therefore the management of land post-tenure review is not a matter the Commissioner of Crown lands can deal with.

The point has been disallowed.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
13	The location of fence T-U is appropriate.	5	Allow	Accept

Rationale

Allow or disallow

Fence line T-U is on the proposed freehold/conservation area boundary of CA1. This point is interpreted as supporting this boundary and to this extent as supporting the proposed land allocation.

The Preliminary Proposal for this property is considered to be an acceptable outcome and to this extent it is regarded as meeting the objects of Part 2 of the Crown Pastoral Land Act 1998. The point has therefore been allowed.

Accept or Not Accept

Following consultation with the DGC's delegate and the holder the conservation designations have been retained largely intact with only an alteration to the northern end of the proposed freehold to achieve better protection of SIVs via a Covenant and the fencing off the bottom of the covenant area.

The point is accepted and the Conservation designations are retained for a draft substantive proposal with the boundary line marked by T and U retained unaltered.

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
14	The designations of CA1, CA2 and CA3 are supported	5,10	Allow	Accept

Rationale

Allow or disallow

The submitters support the designation of the land comprising CA1 and the proposal for CA2 providing the moraine hillocks are included and the proposed new fence V-W runs behind them. CA3 is also supported but question the representation of the straight eastern edge. No reason is given with these statements how they relate to the terms of the Crown Pastoral Land Act 1998.

The protection of Significant Inherent Values is an object of the Crown Pastoral Land Act 1998, and the point has therefore been allowed.

Accept or Not Accept

Following consultation with the DGC's delegate and the holder the conservation designations have been retained largely intact; but with an important alteration to the designation of northern end of the proposed freehold to achieve better protection of SIVs via a Conservation Covenant with a set of special conditions (see Point 20).

The point is accepted and the designations are retained for a draft substantive proposal with the Conservation Areas CA1, CA2 and CA3 little changed.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
15	Matagouri scrublands in the vicinity of CA2 need protecting	5	Allow	Not accept

Rationale

Allow or disallow

The submitter has identified indigenous vegetation in this vicinity, although the precise location has not been specified.

The protection of Significant Inherent Values is an object of the Crown Pastoral Land Act, and the point has therefore been allowed.

Accept or Not Accept

The advice of the DGC's delegate is that the shrublands present are fragmented and in the face of the management difficulties a greater level of protection may cause the holder, it was considered that formal protection under a Crown Pastoral Land Act designation is not justified.

Our position is that any values that do exist (and arguably they are not significant anyway) will be retained by continued conservative farming. A conservation designation under the Crown Pastoral Lands Act 1998 is not considered necessary and the point is therefore not accepted.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
16	An additional public access route should be provided from CA3 up to CA1 at either McLeod, Waits, or Andrews Creek.	5,10	Allow	Accept

Rationale

Allow or disallow

The submitters have identified that a public access easement between CA1 and CA3 would be desirable to significantly improve access to CA1. This is similar to point 4, though a different route is proposed.

The securing of public access to and enjoyment of reviewable land is an object of Part 2 of the Crown pastoral Land Act 1998. The point has therefore been allowed.

Accept or Not Accept

When discussed with the holder he agreed that it was desirable to allow public access through the proposed freehold to conservation area one in this vicinity. It was suggested that a public access easement be created just west of Andrews Creek that would run up an old farm track beside the creek onto a prominent spur and then into the conservation area.

The possibility of an easement through the proposed freehold to the east of Andrews Creek was discussed but given the long term intention to run Elk on this land any easement would conflict with farming operations and Elk in particular pose a health and safety threat to the public if they were allowed to come into contact with pedestrians. The proposed easement is considered to give satisfactory access to the conservation area. The point is accepted.

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
17	A Conservation Covenant to be put over Big Hill to protect significant landscape values.	5	Allow	Not accept

Rationale

Allow or disallow

The submitter has identified Big Hill as containing significant landscape values and recommended a conservation covenant to control development and protect the landscape values in this block.

The protection of Significant Inherent Values is an object of the Crown Pastoral Land Act 1998, and the point has therefore been allowed.

Accept or Not Accept

The holder was consulted on this point and he maintained that he was very aware of the landscape values and did not consider any additional protection was justified.

A conservation covenant is not likely to offer substantially more protection to landscape values than the District plan and the Resource Management Act.

The greatest threat is increasing and high level infestation of wilding pines which in practice, are not able to be controlled by a conservation designation.

The point is therefore not accepted.

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
18	Extend CA1 down at the south-eastern end to include Big Hill.	6	Allow	Not accept

Rationale

Allow or disallow

The submitter suggests that CA1 should be extended to incorporate most of The Big Hill block, thereby improving public access.

To make easier the securing of public access is an objective of the CPLA. The point has therefore been allowed.

Accept or Not Accept

Following consultation with the DGC's delegate and the holder the point was seen to be similar to point 16 above.

It is considered that suitable public access is provided by the Andrews Creek easement (along with the Coxs Downs easement) and that the retention of additional land in Crown ownership for this purpose is not justified.

The point is therefore not accepted.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
19	Provide visitor facilities at the road end.	6,9,10	Allow in part	Not accept

Rationale

Allow or disallow

The submitters want a car park, signage, camping area and toilets provided at the road end near the Jollie River.

While these matters are generally post tenure review land management issues, the provision of an area for car parking may make public access easier.

Making public access easier is an objective of the CPLA and the point was therefore allowed in respect of provision of a car parking area.

Accept or Not Accept

Following consultation with the DGC's delegate and the holder as well as a detailed inspection of the possible car parks on the ground, the conservation designations have been retained largely intact with only minor alterations.

It is considered that there is sufficient useable space for parking in the proposed conservation area CA2 and there is no need to designate additional land for this purpose. The provision of visitor facilities can be considered in the future, after tenure review is completed, depending on the public usage of the area.

The point is not accepted.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
20	Extend CA1 to include the Rock Etam area and associated land.	5,10	Allow in part	Not Accept

Rationale

Allow or disallow

The submitter contends that this area has landscapes, shrub lands and tussock lands of significant value which should be retained by the Crown.

The burial place of T D Burnett is near Rock Etam. The land associated with the grave site is a Private Burial Ground by NZ Gazette 1948 p 823. This land is outside the reviewable land and therefore can not be deal with in the tenure review. So this point should be disallowed as to the land of the private burial ground.

The balance of the submission that deals with areas outside of the private burial ground is allowed for further consultation.

The protection of Significant Inherent Values is an object of the Crown Pastoral Land Act 1998, and the point was therefore allowed in part.

Accept or Not Accept

On review, the Holder and the DGC's delegate accepted the presence of SIVs in the area of interest; however it was not considered that the scale of protection of the values required a return to full Crown ownership and control. It was agreed that sufficient protection would be provided by a Conservation Covenant.

While it is accepted that the area in question has significant inherent values, the land is also capable of economic use. It is capable of sustaining a low level of grazing and it also has potential for commercial recreation such as rock climbing etc. The holder stated that he does not want to utilize the grazing potential of the land and actually wants to ensure that no commercial recreational use of the land takes place. Effectively he wants to retain the land as a buffer between public land and his father's burial place.

Some discussion took place with the holder as to the appropriate terms to include in the Covenant conditions, with the result that the covenant precludes grazing, plant removal, exotic tree planting, building, mining, burning, topdressing, oversowing, cultivation or any other disturbance. There is a requirement that noxious weeds and wilding pines be controlled.

While it is acknowledged that there is unlikely to be any economic use of this land and that the covenant actually precludes the most likely use (pastoral grazing) the SIV's identified on the land will be very well protected by the terms of the covenant, as it is not a requirement of the Act that economic uses are actually utilized, it is not considered that such a proposal conflicts with the objectives of the Crown Pastoral Land Act 1998. Such a proposition may not be considered to be a reasonable outcome if proposed on a large scale; but the area in this case is relatively small (133 hectares) and given the somewhat special circumstances, it is considered on balance to be the most suitable designation for this area.

The submitters' contention that this area contains SIVs is accepted. However the request that the SIVs should be protected by returning the area to full crown ownership and control is not accepted, as it is considered that the conservation covenant proposed will adequately protect the values present. As the submitters were asserting that the land should be an extension of CA1 and this designation is not supported for taking on to the substantive proposal, the point is not accepted.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
21	Extend CA3 to include all river flats to bottom of the hill faces.	5,10	Allow	Not accept

Rationale

Allow or disallow

Only part of the eastern boundary line of CA3 is an existing fence and it is not planned to fence the northern and southern parts. The submitter contends that the land between the proposed boundary and the bottom of the hill contains habitats and vegetation, as well as landscape values which represent significant inherent values.

The provision for protection of Significant Inherent Values is a consideration in the Crown Pastoral Land Act 1998, and the point has therefore been allowed.

Accept or Not Accept

This point has been addressed in the discussion around Point 9. On balance, the area retained for proposed freehold (without a covenant) will allow economic use to be made in an ecologically sustained way. While accepting there are values in this area, they were not considered significant enough to warrant a Conservation designation. The point is therefore not accepted.

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
22	DoC to ensure that CRRs have a correct analysis of District Plan Provisions.	10	Disallow	N/A

Rationale

Allow or disallow

The submitter is commenting on DoC preparation of Conservation Resource Reports (CRRs) and as this is not a matter to be considered under the Crown Pastoral Land Act 1998 the point has been disallowed.

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
23	Apply a landscape covenant to all land freeholded between Andrews and Micks Creek.	10	Allow	Not accept

Rationale

Allow or disallow

This is proposed by the submitter as a second and less favoured option to protect values identified in point 20 above.

The submitter is seeking covenant conditions that include prohibition of exotic forestry, burning, vegetation clearance and cultivation to all of the proposed freehold land, particularly the wedge of land between CA1 and CA3 between Andrew Creek and Micks Creek.

The protection of Significant Inherent Values is an object of the Crown Pastoral Land Act, and the point has therefore been allowed.

Accept or Not Accept

This point has issues similar to points 9 and 21. A reassessment has determined that the values that do exist are not significant. The land in this area has been modified by farming practices over many years.

The only risk to the landscape is a significant change of land use. Future land use changes will be governed by the Resource Management Act (RMA). It is not considered that a landscape covenant is required to protect the landscape values of this area and the point is therefore not accepted.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
24	There is no overlap with the operating easement of Meridian energy which overlays Lake Pukaki.	11	Allow	Accept

Rationale

Allow or disallow

The Tenure review does not contravene any previous legal issues with electricity generation.

The provision for complying with other statutes is a consideration in the Crown Pastoral Land Act 1998, and the point has therefore been allowed.

Accept or Not Accept

The point is noted and accepted. The issue has no bearing on the Tenure Review.

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
25	The tenure review should contain conditions on the freeholding that limits subdivision and the building of structures that could impinge on the natural landscape values.	7	Allow	Not accept

Rationale

Allow or disallow

The submitter has identified that all the land proposed for freeholding contains significant landscape values and suggests that limits be placed on future development of this area (i.e. through a covenant) to protect these values.

Landscape can be a significant inherent value. The protection of Significant Inherent Values is an object of the Crown Pastoral Land Act 1998, and the point has therefore been allowed.

Accept or Not Accept

The nature of the country and the way it is conservatively farmed with elk means that there is little risk of intensive farm assets being constructed. Future land use changes will be governed by the Resource Management Act. A conservation covenant designation under the Crown Pastoral Lands Act 1998 is not considered necessary over the whole area and the point is therefore not accepted.

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
26	The tenure review should record whether or not there are any station huts on the proposed crown land.	9	Disallow	N/A

Rationale

Allow or disallow

The presence or otherwise of built structures such as huts is not a matter to be considered under the Crown Pastoral Land Act. The point is therefore disallowed.

However, for the record there are no huts present on the land proposed for retention in Crown ownership or control.

Summary and Conclusion

A moderate number of submissions were received from a cross section of the community including conservation, recreation groups and the regional council. The submissions were generally supportive of the proposal with public access, weed control, fencing and landscape protection being the main issues raised.

Most submitters wished to see public access easements included in the review as they were concerned that the proposed conservation areas would not be accessible under the proposal as advertised. Concern was also expressed regarding the fencing of proposed boundaries and protection of the landscape values on the areas to be freeholded.

Of the points allowed many are not recommended for acceptance as the submitters have generally failed to provide evidence of significant inherent values (SIV's) or the effect of the designations on the SIV's identified. Some points allowed concerning public access related in part to existing freehold land not included in the review and could not be accepted. Never the less, useful improvements in access have been achieved both within the proposal and outside the review process with an access arranged on a neighbouring station.

The points recommended for acceptance will result in a draft substantive proposal which is little changed from the preliminary proposal advertised except for some alterations as outlined under points 1, 2, 6, 16 and 18.

I recommend approval of this analysis and recommendations:-

For opus

Peer Reviewed




Tim Broad
Tenure Review Consultant

Mike Todd
Senior Property Consultant

Date 12/7/06

Date 12/7/2006

Approved/Declined


LINZ Assessor

Date 19/7/06

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

subject to modifications in Folio 16

FINAL ANALYSIS OF IWI 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)

MOUNT COOK TENURE REVIEW NO TR 326

Details of lease

Lease name: Mount Cook
Location: Braemer – Mt Cook Station Road, 45 km from Tekapo
Lessee: Donald Mount Cook Burnett

Public notice of preliminary proposal

Date advertised 8 October 2005
Newspapers advertised in:
- The Press Christchurch
- Otago Daily Times Dunedin
- The Timaru Herald Timaru

Closing date for submissions: 6 December 2005

Details of submissions received

A copy of the proposal and information pack were sent to TRoNT on 20 October 2005. No reply was received by the closing date of submissions and Jeremy Barr instructed that we discuss the situation with TRoNT to determine why a submission had not been made.

The enquiry revealed that TRoNT had thought they had responded.

A brief response was eventually received on 30 January 2006.

Te Runanga, in consultation with Ngai Tahu, considered the proposal adequately provides (protection) for those values identified in the Cultural Values Report.

ANALYSIS OF SUBMISSIONS

Introduction

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

The following analysis:

- 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.
- Recommendations whether or not to allow for further consultation.

The following approach has been adopted when making the recommendation to allow 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. 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 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).

Those points accepted will be incorporated in to the Substantive proposal.

Analysis

Point	Summary of point raised	Allow or disallow	Accept or not accept
1	The proposal as advertised adequately provides for the values identified in the Cultural Values Report.	Allow	Accept

Rationale

The preliminary proposal is considered by TRoNT to be an acceptable outcome and to this extent it is regarded as meeting the objects of the Part 2 of the Crown Pastoral Land Act. The point has therefore been allowed.

The proposed designations have been largely retained, particularly the Conservation areas. A Covenant has been added to the northern end of the proposed freehold, and some associated fencing which will ensure that it is not grazed. The changes proposed are considered to enhance protection of the SIV's present on the property and hence the values referred to in the Cultural Values Report.

The point is accepted and the preliminary proposal designations are retained for the substantive proposal with the modifications outlined as above.

Summary and Conclusion

The submission received fully supports the proposal as advertised.

I recommend approval of this analysis and recommendations

For Opus

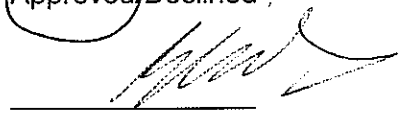
Peer Reviewed



Tim Broad
Tenure Review Consultant

Date 18-7-06

Approved/Declined,


LINZ Assessor

Date

21/7/06



Mike Todd
Senior Property Consultant

Date 17/7/2006.

Dr STEPHEN CHARLES URLICH
TENURE ASSESSOR
CROWN PROPERTY MANAGEMENT
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