

Crown Pastoral Land Tenure Review

Lease name: MT COOK

Lease number: PT 132

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.

May

06

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.
- 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.

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 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).

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	
<p><i>Rationale</i></p> <p>Allow/Disallow</p> <p>All submitters supported the land allocation proposal as outlined.</p> <p>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 should therefore be allowed.</p>				

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	

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 therefore should be allowed in part.

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	

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 on 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 should therefore be allowed.

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	

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 should therefore be allowed in part.

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

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 should therefore be allowed.

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	

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, and the point is therefore allowed.

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	

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 is allowed.

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	

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 must be 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	

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 is therefore allowed.

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	

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 must be 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	

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 must be 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 freehold). This endangers biodiversity and ecological values on land to become freehold, land to be surrendered and adjoining properties.	3,5,7,9,10	Disallow	

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 is 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	

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. The point should therefore be allowed.

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	

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 VW 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 CPLA.

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

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

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 is therefore allowed.

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	

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. The point should therefore be allowed.

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	

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, and the point is therefore allowed.

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	

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 is therefore allowed.

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)	

Rationale

Allow or disallow

The submitters wanted 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 is therefore allowed in respect of provision of a car parking area.

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	

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, and the point is therefore allowed in part.

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	

Rationale

Allow or disallow

The boundary line of CA3 is not an existing fence and it is not planned to fence that line. 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, and the point is allowed.

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	

Rationale

Allow or disallow

The submitter is commenting on DoC preparation of Conservation Resource Reports and as this is not a matter to be considered under the CPLA the point is therefore 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	

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 is therefore allowed.

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	

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, and the point is allowed.

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	

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, and the point is therefore allowed.

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	

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.

Public access and protection of identified landscape values (and to a lesser extent indigenous vegetation values) are the major issues revealed in the submissions that require further consideration and consultation prior to putting a substantive proposal.

I recommend approval of this analysis and recommendations

For opus

Peer Reviewed

Tim Broad
Tenure Review Consultant

Mike Todd
Senior Property Consultant

Date

Date

Approved/Declined

LINZ Assessor

Date_____