

Crown Pastoral Land Tenure Review

Lease name:

MT PEEL & WAIKARI HILLS

Lease number: PT 138 & PT 137

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.

February

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)

Mt Peel & Waikari Hills TENURE REVIEW NO 148

Details of lease

Lease name: Mt Peel & Waikari Hills

Location: Rangitata Gorge Road, Peel Forest, Mid Canterbury

Lessee: Mount Peel Holdings Limited & Waikari Hills (1989) Limited

Public notice of preliminary proposal

Date advertised: 25 June 2005

Newspapers advertised in:

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

Closing date for submissions: 19 August 2005

Details of submissions received

Number received by closing date: a total of 6 submissions were received

Cross-section of groups/individuals represented by submissions:

A total of 6 submissions were received. Details of submitters are:-

Sub #	Submitter	Address	Type of Organisation
1	Federated Mountain Club of New Zealand (Inc)	34 John Street Temuka	Non Government Organisation - National
2	NZ Historic Places Trust	Southern Regional Office P O Box 4403 Christchurch	Non Government Organisation - Regional
3	Christchurch Tramping Club	P O Box 527 Christchurch	Non Government Organisation - Local
4	NZ Alpine Club Inc	P O Box 786 Christchurch	Non Government Organisation - National

5	Geoff Clark	10 Smacks Close Papanui Christchurch 5	Private individual
6	Environment Canterbury	P O Box 345 Christchurch	Local Government Organisation - Regional

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.

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 proposals outlined.	1,2,3,4,5, 6	Allow	
<p><i>Rationale</i></p> <p>Allow/Disallow</p> <p>All submitters supported the proposal as outlined.</p> <p>The Preliminary Proposal for these properties 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	Set aside marginal strips on the true right bank of the Rangitata River and Lynn Creek.	1,3,6	Disallow	
<p><i>Rationale</i></p> <p>Allow/Disallow</p> <p>The provision of marginal strips is not an issue that can be dealt with under the Crown Pastoral Land Act. It is a statutory function of the Department of Conservation under Part IVA of the Conservation Act. The point therefore should be disallowed.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
3	Identifies a number of historic places with a high degree of historical and cultural significance. These are not currently proposed for protection and covenants are recommended to protect them.	2	Allow (in part)	

Rationale

Allow or disallow

Historical and cultural values may be SIV's and the protection of SIV's is an object of the CPLA and the point should therefore be allowed. However the places identified in the submission with the exception of the hut in Lynn Stream are not on land which is in the tenure review and cannot therefore be considered. Therefore the point can only be accepted as far as the hut in Lynn Stream is concerned.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
4	Potential for rock gorges to contain rock art.	2	Allow (in part)	

Rationale

Allow or disallow

Maori rock art would be a SIV in the context of the CPLA however none was identified at this location during the conservation resources survey or the cultural values report supplied by TRoNT. The submitter has only identified the location as having potential to contain rock art and has recommended a survey of the area to specifically look for rock art. Nevertheless rock art is a SIV and as the protection of SIV's is an object of the CPLA the point should be allowed but only for the small area identified which was not already recommended for retention in full Crown ownership.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
5	Secure public access up Lynn Stream.	3	Disallow	
<p><i>Rationale</i></p> <p>Allow or disallow</p> <p>This submission refers to the lower reaches of Lynn Stream which are freehold land and not included in the review. The point raised cannot be dealt with by the CPLA and the point is therefore disallowed.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
6	Provide public access up the ridgeline to Horse Spur. This would open up a number of round trip options for non-motorised travel.	3	Allow	
<p><i>Rationale</i></p> <p>Allow or disallow</p> <p>The comments from Submitter 3 requested public access on the vehicles for management purposes easement (route a-b).</p> <p>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.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
7	Retain public access to Long Spur.	3 & 4	Allow	

Rationale

Allow or disallow

The comments from Submitter 3 and 4 requested public access be allowed to continue on the freehold and proposed freehold land.

The submitters were not clear about the proposed route and we are therefore unsure if there is a practical route over the land contained in the tenure review however 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
8	Environment Canterbury has a legal interest in the two leases through the registered Land Improvement Agreement.	6	Disallow	

Rationale

Allow or disallow

The comments on the LIA from Submitter 6 are noted. This is a not a matter that is relevant to Section 24 of the Crown Pastoral Land Act and the point is disallowed.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
9	The proposal will enhance soil and water conservation on the properties.	6	Allow	

Rationale

Allow or disallow

Soil and Water values are SIV's and are therefore relevant matters to be considered under the CPLA. The point is therefore allowed.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
10	Include native vegetation on acutely threatened valley floor flora environment in southeast corner of lease.	6	Allow	

Rationale

Allow or disallow

The submitter identified that this vegetation in the context of the land environment within which it was contained was a SIV.

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 numbers	Allow or disallow	Accept or not accept
11	Include the Raules Gulley shrublands in CA1.	6	Allow	

Rationale

Allow or disallow

The submitter identified that these shrublands represented a SIV's in a chronically threatened environment and therefore recommendation that they be included in the full Crown ownership and control designations.

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 numbers	Allow or disallow	Accept or not accept
12	Include the shrubland along Boundary Stream in CA1.	1,3,6	Allow	

Rationale

Allow or disallow

The submitter identified that these shrublands represented a SIV's in a chronically threatened environment and therefore recommendation that they be included in the full Crown ownership and control designations.

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 numbers	Allow or disallow	Accept or not accept
13	Extend CA1 at northern end to include vegetation SIVs.	6	Allow	

Rationale

Allow or disallow

The submitter identified that these shrublands represented a SIV's in acutely threatened and critically under protected environments and therefore recommended that they be included in the full Crown ownership and control designations.

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 numbers	Allow or disallow	Accept or not accept
14	Move conservation designation boundary to spur on the true left of Parson Stream to ensure that the Lynn Stream Catchment is protected and managed consistently.	6	Allow	Accept

Rationale

Allow or disallow

The submitters position was that the in stream biodiversity values of Lynn stream could be compromised by having a large area of the headwaters in freehold ownership and recommended a change to the conservation designation boundary to incorporate the entire catchment in the conservation designation.

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 numbers	Allow or disallow	Accept or not accept
15	An additional public access route should be provided along Chapmans Creek to the Rangitata River.	6	Disallow	

Rationale

Allow or disallow

The submitter proposed that a public access easement be provided through existing freehold from the Rangitata River Road to the Rangitata River and the conservation estate by creating a corridor of conservation land along Chapmans Creek.

The land contained in the review does not provide a contiguous chain of ownership from the road to the river and it would therefore not be possible to achieve the recommended outcome through using the provisions of the Crown Pastoral Land Act, and the point is disallowed.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
16	Retain legal road on western boundary of Waikari hills and mark as a public access way (walking only)	6	Allow (in part)	

Rationale

Allow or disallow

Retention or otherwise of unformed legal roads is not a matter for consideration under the CPLA. However the securing of public access is an object of the Crown Pastoral Land Act. It is therefore proposed that the point raised be allowed so far as marking of the access is concerned as this would help achieve an object of the CPLA if implemented

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
17	Provide additional vehicle access to the conservation area.	6	Allow	

Rationale

Allow or disallow

The submitter contends that much of the conservation area is very difficult country to access and some vehicle access for recreational purposes should be considered where it will not adversely affect management or conservation values.

The submitter has not specified where they think such an arrangement might be feasible however the securing of public access is a consideration in the Crown Pastoral Land Act, and therefore the point is allowed.

Summary and Conclusion

A modest number of submissions were received from a cross section of the community including conservation and recreation groups and the regional council.

Most submissions were generally supportive of the proposal with public access being the only common issue raised. The large amount of existing freehold included in the review seems to have encouraged some submitters to voice aspirations for access well beyond the extent of the pastoral lease boundaries which was not the intent of including the freehold.

The submissions received did not identify any significant gaps or omissions in the proposal as advertised nor did they identify any risks associated with completion of the tenure review.

The only substantial submission received was from the regional council which commented on the proposal under the headings of

- Soil Conservation
- Indigenous Vegetation, Habitat and Wetlands
- Surface Water & Ground Water Resources
- Public Access

This single submission accounts for most of the allowed points set out earlier in this report.

I recommend approval of this analysis and recommendations



Tim Broad
Tenure Review Consultant

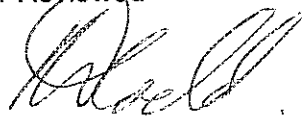
Date _____

Approved/Declined _____

LINZ Assessor

Date _____

Peer Reviewed



Mike Todd
Senior Property Consultant

Date 23/9/2005

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)

Mt Peel & Waikari Hills TENURE REVIEW NO TR148

Details of lease

Lease name: Mt Peel & Waikari Hills
Location: Rangitata Gorge Road, Peel Forest, Mid Canterbury
Lessee: Mount Peel Holdings Limited & Waikari Hills (1989) Limited

Public notice of preliminary proposal

Date advertised 25 June 2005
Newspapers advertised in:
- The Press Christchurch
- Otago Daily Times Dunedin
- The Timaru Herald Timaru

Closing date for submissions: 19 August 2005

Details of submissions received

A copy of the proposal and information pack were sent to TRoNT on 28 June 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.

Upon enquiry it was revealed that TRoNT had no record of the proposal being received. This was put down to staff resourcing issues and a further copy of the material was made available with a submission eventually received on 21 October 2005.

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).

Analysis

Point	Summary of point raised	Allow or disallow	Accept or not accept
1	Support proposed land allocations as detailed in the preliminary proposal	Allow	
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 should therefore be allowed.			

Summary and Conclusion

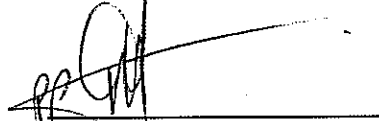
The submission received fully supports the proposal as advertised.

I recommend approval of this analysis and recommendations

Peer Reviewed



Tim Broad
Tenure Review Consultant



Mike Todd
Senior Property Consultant

Date

Date

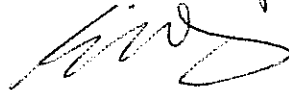
Approved/Declined



LINZ Assessor

Date 22/11/05

I recommend approval



21/11/05

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