

## **Crown Pastoral Land Tenure Review**

**Lease name: MT PEEL &  
WAIKARI HILLS**  
**Lease number: PT 138 & PT 137**

### **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.

**June**

**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.
- 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. 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 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).

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 proposals outlined.	1,2,3,4,5, 6	Allow	Accept

*Rationale*

**Allow/Disallow**

All submitters supported the proposal as outlined.

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 has been allowed.

**Accept or Not Accept**

This point may be better represented as the submitters concurring with the conservation designations proposed (given that some of them then went on to suggest additional land be retained by the Crown).

The points below cover those submitters' individual recommendations for the retention of additional land.

Following consultation with the DGC's delegate and the holder as well as a detailed inspection of the proposed boundaries on the ground the conservation designations have been retained largely intact with only relatively minor alterations to the boundaries to achieve practical fence lines having been made.

The point is accepted and the conservation designations are retained for a draft substantive proposal with only minor modifications as outlined above.

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	N/A

*Rationale*

**Allow/Disallow**

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 has been disallowed.

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)	Not Accept

*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 has been allowed as far as the hut in Lynn Stream is concerned.

**Accept or Not Accept**

The DGC's delegate was consulted regarding this hut. He was not able to uncover any evidence that the hut has significant historic value.

The holder advised that there are actually two huts on the site. One was constructed on site in the 1950's and the other was constructed in the 1920's and moved to the current site from Stew Point around 20 years ago. Both are typical huts of their period (in terms of design and construction) and are in good condition.

The submitter did not provide any evidence that the huts have any historical significance. The DGC's delegate has found no evidence that such values exist and does not believe that they do. The holder has provided evidence that the huts are not especially old or unusual in design and construction.

As there is no evidence to support the submitters contention that the hut(s) in Lynn Stream has historical significance the point is not accepted.

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)	Not Accept

*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 has been allowed but only for the small area identified which was not already recommended for retention in full Crown ownership.

**Accept or Not Accept**

No rock art was identified in the conservation resources survey for this property. The cultural values report did not identify any rock art on the property and was silent as to the potential of the area for rock art.

The holder was consulted regarding this point. His family have farmed the property for several generations and he was not aware of any rock art ever having been found on the property.

It is further noted that virtually all of the rocky gorges identified as being potential locations for rock art are included in the proposed conservation area designations, thus even if there is undiscovered rock art on the property it is almost certainly within the area proposed for protection by retention in full Crown ownership and control.

No rock art has been identified on the property and therefore the submitter has not identified any actual SIV's for protection. The point is therefore not accepted.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
5	Secure public access up Lynn Stream.	3	Disallow	N/A

*Rationale*

**Allow or disallow**

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 has therefore been disallowed.

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	Not Accept

*Rationale*

**Allow or disallow**

The comments from Submitter 3 requested public access on the vehicles for management purposes easement (route a-b).

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 have therefore been allowed.

**Accept or Not Accept**

Public access up Horse Spur has been the subject of considerable discussion with the holder leading up to the putting of the PP. The submitters proposal that the track a-b be used for public access was proposed but rejected by the holder on the basis that the track has very steep drop offs and the conflict between stock movement and public access would be unmanageable in practice.

Given that this track crosses existing freehold (not included in the review) before reaching the reviewable land and the holder would not agree to an easement over the freehold there was little point in pursuing the matter further.

An alternative has been proposed by the holder which will provide access across his existing freehold to the conservation area boundary just to the south of Horse Spur. From this point the public will be able to follow the

proposed conservation/freehold boundary up to Horse Spur. While this route is in practice more difficult for access (being unformed) than the track proposed by the submitter it is a viable alternative provided some formation work is carried out during or after the implementation of the review. As the land subject to the alternative easement proposed is not reviewable land these matters are being addressed contemporaneously by the DGC's delegate.

The access proposed by the submitter cannot be achieved through the tenure review process (as it includes land not in the review) therefore the point raised is not allowed.

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

*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 were therefore unsure if there was 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 therefore was allowed.

**Accept or Not Accept**

The submitters noted that in the past Long Spur has been used for tramping excursions into the Tara Haoa ranges and requested that a public access easement be created to allow access to this spur.

The DGC's delegate was consulted on this and advised that it had been assumed that Lynn Stream would provide adequate access to Long Spur. In consultation with the holder it is apparent that Lynn Stream will not provide practical access to this spur as it stands. Such access would require formation of a track along side the stream and around a number of natural obstacles such as waterfalls. This may be an option post tenure review but is a management decision rather than a tenure review decision.

The holder advised that the access currently used by trampers is through his freehold in the vicinity of the homestead. This involves traversing several kilometres of farm track through very intensively farmed land including a long section of deer lane. The holder is not prepared to give as of right public access along this route as it would have a huge impact on farming activities.



He indicated that he considered the status quo of access by consent was sufficient and working well with access seldom refused.

The access proposed by the submitter (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 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	N/A

*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 was 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	Accept

*Rationale*

**Allow or disallow**

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

**Accept or Not Accept**

The point made by the submitter is that retirement and protection of the proposed conservation areas will protect and enhance soil and water values. As no changes to the designations were suggested and as outlined under point 1 above only minor modifications are proposed the point is accepted.

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	Not Accept

*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 was allowed.

**Accept or Not Accept**

The submitters point appears to be based solely on an interpretation of a LENZ environment. The position of both the DGC's delegate and the holder is that all native vegetation in the area indicated is within the proposed conservation area. The only exceptions are a few larger isolated trees which are growing within developed pasture.

An inspection of the area confirmed this is the case.

As no significant inherent values have been identified on this area the point is not accepted.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
11	Include the Raules Gulley shrublands, bed & margin of the stream in CA1.	6	Allow	Not Accept

*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 was allowed.

**Accept or Not Accept**

The shrublands in the stream margins were noted in consultation leading up to the putting of a PP. It was identified and agreed that marginal strips would be created over this stream. This effectively means that the bed of the stream and a 20 metre margin either side remain in Crown ownership and no other form of protection was considered necessary.

The holder was consulted on this point and maintained that all the values would be included in the stream bed or marginal strips once created and did not consider any additional protection was justified.

The area has been inspected and while no detailed survey or measurements were taken the holders view that the marginal strip offers adequate protection to the shrublands present is concurred with.

Given that the values identified are protected under the provisions of part IVA of the Conservation Act 1987 a conservation designation under the Crown Pastoral Lands Act 1998 is not considered necessary and the point is therefore not accepted.

<b>Point</b>	<b>Summary of point raised</b>	<b>Submission numbers</b>	<b>Allow or disallow</b>	<b>Accept or not accept</b>
12	Include the shrublands, bed & margin of Boundary Stream in CA1.	6	Allow	Not Accepted

*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 was allowed.

**Accept or Not Accept**

The position with this stream is similar to point 11 above with the major difference being that Boundary Stream is not as incised as Raules Gully and is used by the holder for access into the surrounding blocks.

The holders position is the same – that marginal strips adequately protect any SIV's present. 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 protected by Part IVA of the Conservation Act 1987. 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
13	Extend CA1 at northern end to include vegetation SIVs.	6	Allow	Not Accept

*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 was allowed.

**Accept or Not Accept**

This area was discussed at some length with the holder during consultation leading up to the PP. The lower faces of this hill country contains good grazing short tussock grasslands while at higher altitude the vegetation is tall tussock grasslands. These faces are very heavily dissected by unstable gullies making the line between land most suitable for grazing and the land most suitable for pastoral farming impossible to fence. On balance it was considered that the SIV's present were extensively represented elsewhere on the property and the most practical boundary was up a ridge line to the existing boundary fence.

The submitter has suggested that the boundary of this area be changed to incorporate tussock grassland and shrubland SIV's as identified in the conservation resources report for the property. They have not introduced any new information regarding SIV's on the property and it is considered that the original justification for the boundary is valid.

As the SIV's present in this area have been considered previously and found to not require protection the point raised is not accepted.

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	Not 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 was allowed.

**Accept or Not Accept**

All of the land on the true left of Parson Stream is existing freehold. The land is included in the review but the holder confirmed that he has no intention of selling the land.

It is noted that the only reason this land is included in the review is because it is part of a larger title incorporating land at the bottom end of the Lynn Stream which was identified as having SIV's.

The area identified by the submitter and is extensive. There is some shrublands in the Parson Stream margins but overall the area is modified tussock grasslands and is not considered to have SIV's. The stream itself forms a relatively small part of the Lynn Stream catchment. There is no evidence that current tenure of the land is compromising the values of the lower stream and it is not considered that leaving the land as freehold will have any significant affect on these values.

As the submitter has not identified any link between the recommendation and the risk to SIV's identified the point raised is not accepted.

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	N/A

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 was 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	Disallow	N/A

Rationale

**Allow or disallow**

Retention or otherwise of unformed legal roads is not a matter for consideration under the CPLA. The point was therefore disallowed.

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	Not accepted

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 was allowed.

### **Accept or Not Accept**

All existing vehicle tracks into the proposed conservation areas cross through existing freehold (not included in the review). The holder was consulted on this point but is not prepared to give an easement for public vehicle access across any of these tracks as he did not consider they were of a suitable standard.

It was noted by the holder that the boundaries of the conservation areas are in most places quite close to formed public roads and that even if access for vehicles was granted people would not be able to go anywhere (i.e. there are no through routes) which made him question the motives for requesting vehicles access.

As it is not possible to negotiate public vehicle access across existing freehold to the reviewable land the point raised is not accepted for inclusion in a draft substantive proposal.

### **Summary and Conclusion**

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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 accounted for most of the allowed points set out earlier in this report.

Of the points allowed most are not recommended for acceptance as the submitters have generally failed to provide evidence of SIV's or the effect of the designations on the SIV's identified. The points allowed relating to public access all related to (at least in part) existing freehold land not included in the review and could not be accepted.

The points recommended for acceptance will result in a draft substantive proposal which is essentially unchanged from the preliminary proposal advertised except for minor alterations as outlined under point 1.

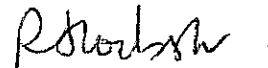
I recommend approval of this analysis and recommendations

Peer Reviewed



Mike Todd  
Senior Property Consultant

Date 10-5-2006.



Bob Webster  
Tenure Review Consultant

Date

Approved/Declined



LINZ Assessor

Date 11/05/06

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



**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.
- 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. 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 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).

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 that the point is not included in the draft substantive proposal.

**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	Accept

Rationale

**Allow/Not Allow**

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 was therefore allowed.

**Accept/Not Accept**

The submission supports the designations proposed in the proposal. No significant changes to the substantive proposal have been made therefore the point should be accepted.

**Summary and Conclusion**

The submission received fully supports the proposal as advertised.

I recommend approval of this analysis and recommendations

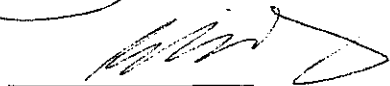
Peer Reviewed



Mike Todd  
Senior Property Consultant

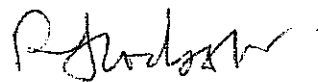
Date 26/5/2006

Approved/Declined



LINZ Assessor

Date 29/5/06



Bob Webster  
Tenure Review Consultant

Date 26/5/2006

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