

Crown Pastoral Land Tenure Review

Lease name: MT POTTS

Lease number: PC 143

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.

July

06

FINAL ANALYSIS OF PUBLIC SUBMISSIONS

Statement Pursuant To Sec 45(a)(iii) Crown Pastoral Land Act 1998

MT POTTS TENURE REVIEW NO 209

Details of lease

Lease name: Mt Potts
 Location: Hakatere-Mt Potts Road approximately 87 km west of Ashburton
 Lessee: Mt Potts Station Ltd

Public notice of preliminary proposal

Date advertised: 22 October 2005
 Newspapers advertised in: The Press, The Otago Daily Times and The Ashburton Guardian
 Closing date for submissions: 20 December 2005

Details of submissions received

Number received by closing date: seven
 Number of late submissions: three (all accepted by J Barr LINZ on 22/12/05).

Details of submitters are:-

Sub #	Submitter	Address	Type of Organisation
1	Geoff Clarke	10 Smacks Close Papanui Christchurch 5	Private individual
2	Allan Evans	34 John Street Temuka	Private individual
3	Christchurch Tramping Club	P O Box 527 Christchurch	Non Government Organisation - Local
4	Environment Canterbury	P O Box 345 Christchurch	Local Government Organisation – Regional
5	Federated Mountain Club of New Zealand (Inc)	C/- G R K Hunter Kalaugher Road RD 21 Geraldine	Non Government Organisation – National
6	Canterbury Aoraki Conservation Board	C/- DoC Private Bag 4715 Christchurch	Government Organisation-Regional

7	Royal Forest & Bird Protection Society	P O Box 2516 Christchurch	Non Government Organisation – National
8	Fish & Game NZ	Central South Island Region P O Box 150 Temuka	Non Government Organisation – Regional
9	Kiwi Conservation Club	North Canterbury Branch Royal Forest & Bird Society P O Box 2389 Christchurch	Non Government Organisation - Local
10	New Zealand Deerstalkers' Association Incorporated	P O Box 6514 Wellington	Non Government Organisation – National

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 1998 (CPLA). 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 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 Substantive Proposal.

Analysis

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
1	Lack of access from CA4 into CA1 or CA2	1	Allow	Not accept

Rationale

Allow or disallow

This submitter expressed concern at the lack of public access over proposed freehold to proposed conservation land elsewhere. An object of the CPLA is to make easier the securing of public access to and enjoyment of reviewable land. 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. CA1 is a swamp, with a waterway on its western edge. It is not a recreational area and it would be almost physically impossible to cross on foot. It is not sensible or practical to link CA4 by an easement to CA2 or CA1.

The main access to CA2 will be one kilometer further up the road from the northern end of CA4. There is very easy access off c-d on to a farm track. CA1 can be accessed off CA2; noting that Deep Creek has to be crossed (which is a significant waterway).

So while there is not the direct access as requested, we consider that there would be no real demand for movement from CA4 to CA2 and CA1.

The point is therefore not accepted.

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
2	Protect margins of streams and any waterway crossed along easement g-f to have a bridge	1	Disallow	N/A

Rationale

Allow or disallow

The submitter is concerned about protection of the high water quality in the river channels and spring fed streams out of CA4. The easement g-f is over proposed conservation area and the conditions of the easement made can include the requirement for the erection of a farm bridge. However, the provision of public access infrastructure within conservation land to manage visitors and their effects is a matter for DoC post tenure review.

The point has been disallowed.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
3	Agree with the designations	2,3,5,10	Allow	Accept

Rationale

Allow or disallow

All submitters supported the land allocation proposal as outlined.

The submitters consider the proposed land allocation to be an acceptable outcome. As this matter relates to the processes and objects of the CPLA. The point has been allowed.

Accept or Not Accept

Following consultation with the DGC's delegate and the holder the proposed designations have been retained largely intact.

Since the preliminary proposal designations have been retained with very little modification, this point is accepted.

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
4	When Erewhon goes through Tenure Review, the freehold area to be combined with the freehold of Mt Potts to make one viable property.	2	Disallow	N/A

Rationale

Allow or disallow

The submitter contends that the proposed freehold of Mt Potts should be amalgamated with similar land on Erewhon next door, if it goes through Tenure review.

As this point applies to land that is outside of this review, has been disallowed.

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
5	The area is used for tramping and ski touring. These uses are not mentioned in proposal.	3	Allow	Accept

Rationale

Allow or disallow

The submitter says that the property is popular with recreational users. The enjoyment of reviewable land is an object of Part Two of the Crown Pastoral Land Act (CPLA).

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. While it is not recognized in the Preliminary Proposal (PP), it is recorded in the Conservation Resources Report (CRR). These peoples' needs are catered for in the proposal. Ski field clients are catered for in the Concession License area LA1 and the proposal will free up for public use all potential skiing and tramping areas on CA3.

The point is accepted in that the proposal will provide tramping and skiing opportunities as of right.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
6	Access through freehold to conservation land is inadequate in the southern part of the proposed freehold.	3,4,10	Allow	Not accept

Rationale

Allow or disallow

The submitters support the easement a-b in the upper region of the proposed freehold but

- Request foot and MTB access along the legal road (close to points 'h'- 'T') and that it be marked
- Request public walking access to Powerhouse Stream.

Because these are all in the same area they are treated as one point.

The submitters expressed concern at the lack of public access over proposed freehold in this area to proposed conservation land above. An object of the Act is to make easier the securing of public access to and enjoyment of reviewable land.

The point therefore has been allowed.

Accept or Not Accept

Following consultation with the DGC's delegate and the holder the proposed designations have been retained. The main carrying capacity of the farming operation is in the southern region of the proposed freehold. There is considerable deer fencing in that area, including over the legal road. The deer unit and the higher fences have the potential of making access and visitor safety problematic. The legal road is not a formed road.

Powerhouse Stream runs in a deep incised valley which is not appropriate as an access route. The lower section of Powerhouse Stream is in the middle of the homestead and tourist lodge complex and so any public access would have severe impacts on privacy and security issues.

Straight forward and handy access to the bottom of CA3 can be had up the true right of the lower Potts River. Visitors can use the easy leading spurs running up out of the valley on to the high terraces (these can be seen clearly in figure 1). It noted that there is also good access up the true left of the Potts River on the next door neighbour's property.



Figure 1 - Conservation area adjoining Potts River showing ease of access up spurs

No designation changes are justified here. The point is therefore not accepted.

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
7	Support the public access routes a-b and c-d.	3	Allow	Accept

Rationale

Allow or disallow

The submitter supports the access designations.

As the provision of access is an objective of the CPLA, the point has been allowed. ✓

Accept or Not Accept

Following consultation with the DGC's delegate and the holder the proposed designations have been confirmed as the most practical routes for public and management access to the proposed conservation designations.

The point is accepted and the preliminary proposal designations for these two easements are retained for the draft substantive proposal. ✓

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
8	Support public access at all times to LA1 for foot traffic along the ski field road.	3,4	Allow	Accept

Rationale

Allow or disallow

These submitters propose that access over the route outlined is necessary to give practical public access to LA1.

To make easier 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 easement a-b contained in the preliminary proposal allowed public access year round to LA1. The concession easement b-e is not exclusive to any person or party.

Following consultation with the DGC's delegate and the holder these proposals have been reconfirmed and the designations have been retained. All year round foot access is available on easement a-b and on CA3.

The desired out come will be met with the conditions in the draft substantive proposal. The point is therefore accepted.

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
9	Completely fence the upper boundary of the freehold land to prevent the movement of stock on to CA3	4	Allow	Accept

Rationale

Allow or disallow

These submitters expressed concern that the proposal would allow stock access to proposed conservation area CA3. The comments seek to minimise the risk of soil erosion on the hill country and damage to native vegetation. Soil and water values as well as native vegetation relate to ecological sustainability and the protection of significant inherent values (SIVs), which are relevant matters 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 the proposed designations have been retained. The entire boundary in question will be fenced either with established lines or new lines. ✓

The desired out come will be met with the conditions already in the Proposal. The point is therefore accepted.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
10	That CC1 be a conservation area with a grazing concession, rather than freehold with a covenant	4,6,7,9	Allow	Not accept

Rationale

Allow or disallow

The submitter recommends that CC1 be retained in Crown Control as a Conservation Area, with an option to have a grazing concession. They contend that the designation would provide better protection for the SIVs through conditional use of the land.

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

Following consultation with the DGC's delegate and the holder, the proposed designated area has been retained along with the addition of a new fence along the Deep Creek boundary. ✓

As shown in figure 2 below the land has well developed pasture in a location with high landscape values.

The surrounding wetlands are largely protected by CA1 and CA2. ✓



Figure 2 - South side of Mt Sunday looking back towards Mt Potts

CC1 has been intensively farmed along with over sowing and topdressing. Its natural vegetation has been heavily modified. The use of this area is critical to the maintenance of the size and quality of the cattle herd, thereby allowing the farm to be an economic unit post tenure review.

Following considerable discussion it was evident that the free holding and covenant approach was still the best outcome. An important farmed area can be used in confidence for the long term with controls via the covenant conditions. While the point has not been accepted, the east side fencing of CC1 is a palliative.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
11	CA4 be extended west to link directly with CA2 and fence its northern and southern boundaries	4,7	Allow	Accept in part

Rationale

Allow or disallow

The submitters say that by extending the area of CA4 the SIVs will be better protected.

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

Following consultation with the DGC's delegate and the holder the proposed designated area has been retained along with the addition of some new fencing.

The area west of CA4 is drier heavily modified pasture land and does not have SIVs: so it is not appropriate to designate it as conservation area. It is used as a stock route to avoid using the road and as such is an important link along that part of the proposed freehold.

As indicated in the Point 1 discussion, CA4 is a swamp not suitable for farming: cattle do not go in to it; there is more attractive grazing elsewhere.

The designation change is some new fencing at the northern part and southern end of CA4. The point is accepted in part (the fencing of parts of the designated area).

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
12	Lower reaches of permanently flowing streams draining Mt Potts to be fenced to prevent stock access.	4,8	Allow in part	Not accept

Rationale

Allow or disallow

The submitters identify that streams draining the Potts Range and flowing through the proposed freehold have very high water quality and healthy stream ecosystems. They contend that the margins of these streams should be fenced to exclude stock. Submitter 4 suggests these areas should be excluded from the proposed freehold. The other submitter is non specific as to the designations or terms sought.

The submitters have identified potential significant inherent values plus issues of ecological sustainability and recommended methods for protecting these. The protection of significant inherent values and ecological sustainability are objects of the CPLA and therefore that part of the point has been allowed.

Future land use and its impacts on water quality is not a matter for the Commissioner of Crown Land (CCL) under the CPLA; it is more correctly a matter for the Regional Council (Ecan) under the Resource Management Act (RMA).

Also, the fencing off of the margins of streams is not a matter for the CCL under the CPLA. However the beds of any stream that qualifies for marginal

strips will be come Crown owned. The management of marginal strips is a matter for DoC post tenure review. This part of the point therefore has been disallowed.

Accept or Not Accept

Following consultation with the DGC's delegate and the holder the proposed designations have been retained. It was considered that none of the streams were big enough to invoke a marginal strip. Their flow is below that where there would be aquatic SIVs to warrant a higher standard of protection. They are an important source of natural water for the cattle. Some are spring fed e.g. Powerhouse Stream, and most have reasonably stable beds in incised water courses.

The streams draining off Mt Potts area steep fast flowing waterways with rocky beds and stable rocky banks. Stock access is for drinking water. Unlike the river flats environment, the cattle are unlikely to stay and do any damage to the water quality through siltation etc.

The ecological sustainability of these streams is unlikely to be compromised by the continued farming practices with cattle.

No designation changes are required. The point is therefore not accepted.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
13	Terms of CC1 need to be changed to protect SIVs present in this area.	4,6,7	Allow	Not accept

Rationale

Allow or disallow

Changes requested by submitters are:-

- Reword Clause 3.1.1 to exclude cattle on Mt Sunday (4)
- Amend Clause 3.1.2 to prevent clearance of matagouri (4 & 7)
- Fence boundary of CC1 and Conservation Area (4)
- Define the Stock Units for each class of animal (4)
- Prevent exotic seed over sowing and fertilizer topdressing (6 & 7)
- Reduce upper stock limit (6 & 7)
- Require DoC consent for any new fencing or structures (7)
- Prohibit helicopter landings for scenic air tourism (7)
- Not permit the farming of goats (6)
- No spraying of any native vegetation (6)
- Reword clause 3.1.9 and 3.1.10 to be more specific to ensure all activities can be enforced (4)

They contend that these conditions will better protect the SIVs in CC1.

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

Following consultation with the DGC's delegate and the holder the proposed designations have been retained. The covenant is to be retained as discussed in Point 10.

The conditions suggested by the submitters are limitations that would be appropriate to protect botanical values. However, with the exception of two relatively small wetland areas, CC1 does not have botanical inherent values that are up to 'significant' standard.

The covenant conditions proposed are primarily to protect the recreational use and the landscape values on the area; along with ecologically sustainable farming. The conditions already included in the covenant area are considered appropriate for the purpose.

It is intended that all new Freehold/Conservation Area boundaries will be fenced in the review process.

No designation changes were considered necessary. The point is therefore not accepted.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
14	CC1 to be fully ring fenced	4,7	Allow	Accept

Rationale

Allow or disallow

The submitters want the livestock contained in CC1 so that they don't stray in to nearby conservation land or the riverbed. They argue that this will better protect the surrounding SIVs.

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

Following consultation with the DGC's delegate and the holder the proposed designations have been retained largely intact except to ensure that all boundaries between CC1 and conservation area will be fully fenced. ✓

The point is accepted and the draft substantive proposal will be modified to better specify the fencing to surround this area.

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
15	Easement Concession f-g conditions to be reworded to ensure farming operations do not impact on Deep Creek, its tributaries and wetlands along its route.	4	Allow	Not accept

Rationale

Allow or disallow

The submitter is concerned about maintaining water quality in the waterways on the conservation land. The submitter argues that by tightening the conditions the SIVs will be better protected e.g. fenced tracks, bridges and stating what adverse effects or activities should not occur.

The matter of the terms and conditions of a concession is a matter to be considered under the CPLA so long as the point relates to the objects of tenure review and is achievable through the CPLA tenure review process. The point has therefore been allowed for further consultation.

Accept or Not Accept

Following consultation with the DGC's delegate and the holder the proposed designations have been retained. The easement conditions will protect the waterways on this route. The Holder advised that cattle are not held in this area: they are only moved through it therefore laneway fencing is not needed. Bridging is not a tenure review matter; it is handled by DoC outside of the process.

The point is not accepted and the preliminary proposal designations for this access are retained for the draft substantive proposal. ✓

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
16	Fence the freehold/Marginal Strips boundary along side the lower Potts River and Deep Creek.	4	Allow in part	Accept

Rationale

Allow or disallow

The submitter wants to ensure livestock do not enter the bed of the Potts River and Deep Creek. The issue is the protection of water quality and the aquatic ecosystems. The submitter has identified significant inherent values of particular note in this review and recommended a method for protecting these.

However the issue of future land use and its impacts on water quality is not a matter for the CCL under the CPLA; it is more correctly a matter for the Regional Council (Ecan) under the Resource Management Act (RMA).

The management of marginal strips is a matter for the Department of Conservation (DoC) post tenure review.

The protection of significant inherent values and ecological sustainability are objects of the CPLA and therefore the point has been allowed in part.

Accept or Not Accept

Following consultation with the DGC's delegate and the holder the proposed designations have been retained. These localities are already fenced or will be fenced.

No designation changes are required. What is requested by the submitter will be met; the point is therefore accepted. ✓

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
17	DOC monitoring costs to be borne by lessees	6	Disallow	N/A

Rationale

Allow or disallow

The submitter considers carrying of monitoring costs by the Minister of Conservation to be unreasonable and that they should be covered by the lessees.

This point is not relevant to the CPLA. It is a post tenure review management issue. Therefore the point has been disallowed. ✓

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
18	All wetlands including Mt Sunday should be conservation land	6	Allow	Not accept ✓

Rationale

Allow or disallow

The submitter recommends the designation boundaries be changed and that all wetlands be included as conservation land together with Mt Sunday. The area is an integral part of the local biodiversity and landscape values.

The protection of significant inherent values is an object of the CPLA and therefore the point has been allowed.

Accept or Not Accept

Following further discussion on this point with the DGC's delegate and the holder the proposed designations have been retained. This matter has been fully investigated in many previous consultations. The covenant conditions will protect the landscape SIV of Mt Sunday and its immediate environs.

There is only one tourist operator regularly taking visitors to Mt Sunday and his activities are closely monitored to safeguard the area both on CA2 and CC1.

There are extensive wetlands nearby that are fully protected as conservation area e.g. CA1 and CA2. The issues are similar to those discussed in Point 10 and Point 21.

It is noted that there are two relatively small wetlands within the proposed covenant area. It is acknowledged that these will be modified by stock over time especially around the fringes.

The wetlands have been included with the covenant as they are a critical source of stock water. Including these in freehold ensures a more even distribution of grazing stock and alleviates the risk of stock mobbing into areas on the freehold which could be detrimental to the landscape values in the area.

On balance we consider the advantages of including these wetlands in the freehold outweigh the disadvantages given that the significant majority of wetlands within the vicinity are fully protected

No designation changes were justified from the evidence provided by the submitter. The point is therefore not accepted.

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
19	The native shrublands along the Mt Sunday road corridor be retained to protect the landscape values	6	Allow	Accept

Rationale

Allow or disallow

The submitter is concerned about the spraying of native vegetation on either side of this road. They want the native shrublands protected. The submitter contends that the vegetation is part of the high country landscape values and must be protected.

The protection of significant inherent values is an object of the CPLA and therefore the point has been allowed.

Accept or Not Accept

Following consultation with the DGC's delegate and the holder and an inspection, the proposed designations have been adjusted a little. The consensus was that the inherent values of most these shrublands will be protected by the CA2 designation. The easement concession to CC1 will run down a nearby fence line and no further vegetation control will take place on the Mt Sunday road corridor.

The point is accepted with the change taken in to the draft substantive proposal.

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
20	If CC1 was crown land, the lessee could seek a tourism concession with specific conditions	7	Allow	Not accept

Rationale

Allow or disallow

The submitter wants CC1 to be Crown land to better protect the SIVs. A Tourism Concession would be able to have conditions that prevented damage to the SIVs of Deep Creek, steams and wetlands.

The protection of significant inherent values is an object of the CPLA and therefore the point has been allowed.

Accept or Not Accept

Following consultation with the DGC's delegate and the holder the proposed designations have been retained. CC1 is not to become a conservation area; therefore the point is not relevant. It is noted that the tourism work is done by a third party operator under strict controls by the Holder. See the information provided in Points 10 and 18.

No designation changes are intended so the point is not applicable. The point is therefore not accepted. ✓

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
21	Add the tarns and wetlands of CC1 to CA2, limit the freehold to the actual hillock of Mt Sunday	7	Allow	Not accept

Rationale

Allow or disallow

The submitter says that if CC1 is retained, then the flats should be added to the Conservation Area CA2. The aim is to better protect the SIVs.

The protection of significant inherent values is an object of the CPLA and therefore the point has been allowed.

Accept or Not Accept

Following consultation with the DGC's delegate and the holder the proposed designations have been retained. CC1 is proposed freehold land and has a covenant with a list of conditions that will protect the landscape SIV and the tourism venture. There are very extensive wetlands nearby protected by the designated Conservation Areas CA1 and CA2. The issues are similar to Points Ten, Eighteen and Twenty. ✓

No designation changes are required to meet the concerns of the submitter. The point is therefore not accepted. ✓

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
22	"X-Y" to be fenced	7	Allow	Accept

Rationale

Allow or disallow

The submitter supports the erection of a new fence along the line X-Y. This will help prevent stock access in to CA2, therefore protecting the SIVs.

The protection of significant inherent values is an object of the CPLA and therefore the point has been allowed.

Accept or Not Accept

Following consultation with the DGC's delegate and the holder the proposed designations have been retained. This section of fence line will be erected.

The point is accepted and the preliminary proposal designation for this boundary fence is retained for the draft substantive proposal.

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
23	Extend CA4 or CA2 to meet the Hakatere-Potts Road. This will provide an area for public facilities e.g. parking, toilets and camping	7	Allow in part	Accept in part

Rationale

Allow or disallow

The submitter wants a car park, camping area and toilets provided in a location by the road.

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 has been allowed in respect of provision of a car parking area.

Accept or Not Accept

Following consultation with the DGC's delegate and the holder the proposed designations have been retained. The Holder said he was prepared to let the public park on proposed freehold land, just off the western side of the road at

the start of c-d and allow signage to be put in place. The provision of further public visitor facilities is a post tenure review matter handled by DoC.

A designation change for the car park is required. The point is therefore accepted for that part. ✓

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
24	Proposed freehold land to have a bond to ensure weeds are controlled	7	Disallow	N/A

Rationale

Allow or disallow

The submitter notes there are problem plants that require controlling e.g. willow and broom. It is considered that control and management of pest plants on the proposed freehold land through a bond is a post tenure review management issue, and can not be dealt with under the CPLA. ✓

The point is disallowed.

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
25	Ski field concession does not meet requirements of CPLA and Conservation Act and should be declined.	7	Allow	Not accept

Rationale

Allow or disallow

The submitter contends that the proposed concession fails to comply with s51 of the CPLA because there is no analysis of the environmental effects of the activity. They also suggest the concession should incorporate appropriate controls relating to enjoyment of the land by other users, effects on wildlife, and vegetation.

As well, the submitter claims that the concession provides no mechanism for monitoring or adjustment of conditions.

Since the submitter has raised concerns relating to values that can be taken in to account under the CPLA and the CPLA process does allow for these values to be taken in to account in formulating the term of a concession, the point has been allowed. ✓

Accept or Not Accept

Following consultation with the DGC's delegate and the holder the proposed designations have been retained.

An assessment of environmental effects has been completed and supplied by the DGC's delegate. This concluded that the potential adverse effect of the operation was minimal. ✓

The concession contains restrictions and requirements designed to both protect the values present and to monitor the environmental effects of the operation. The concession is not exclusive and does not preclude recreational use of the licence area by others. ✓

It is noted that the ski field operation is a present rather than a proposed use of the licence area which has been operating for some time. The proposed concession terms are considered to be comprehensive and to fully protect the values present on the land. The submitter's claims that the concession does not provide for monitoring or adjustment of the conditions of the concession are factually incorrect. ✓

There is no evidence supplied by either the submitter or any other party that the proposed concession activities have had a detrimental effect on any SIV's or that the operation is not ecologically sustainable. ✓

The submitter has failed to identify that there are any SIV's that would be negatively affected by this aspect of the proposal. The point is therefore not accepted. ✓

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
26	Alter the proposed terms and conditions of the Ski Field license.	7	Allow	Not accept

Rationale

Allow or disallow

The submitter is concerned about the potential effect of ski field activities on landforms, vegetation, and recreational experiences. The submitter considers the following amendments would be appropriate:

- Term to be 10 years (not 30 years)
- Amend description of the concession activity
- Change parts of Section 11 by adding "The grantor may decline such approval"
- Add to section 14 "The grantor may decline such approval"
- Alter Clause 6 re on-field accommodation
- Limit landing sites to the LA1 area

- Limit the number of landings per season
- Remove weeds e.g. gorse

The matter of the terms and conditions of a concession is a matter to be considered under the CPLA so long as the point relates to the objects of tenure review and is achievable through the CPLA tenure review process. The point has therefore been allowed for further consultation ✓

Accept or Not Accept

Following consultation with the DGC's delegate and the holder the proposed designations have been retained. The review process has set the Concession conditions that allow public use of the conservation area along which sustainable economic use.

The issues raised are considered to be either impractical, superfluous or already covered by the terms of the concession.

With regard to the term of the concession, the holders have already expended considerable capital and effort to establish this operation. A 30 year term is required to allow a reasonable return from this investment. No negative environmental effects from the operation have been identified and the concession is subject to monitoring and termination if negative effects that cannot be mitigated are identified in the future. There is no sound reason to limit the term of the concession to below 30 years. The same applies to limiting landing sites and the number of landings per season.

Clause 11 and 14 of the concession require Minister of Conservation consent so it is therefore clearly implied that the consent may not be given. There is no need to specifically state this in the document.

It is apparent that an expansion of the operation is of concern to the submitters. While the terms of the concession do not preclude such an expansion this would require additional facilities on the field which in turn would require Minister of Conservation consent. Furthermore any expansion of the operation would still have to comply with the terms of the concession and in particular the requirements of environmental protection in clause 13. It is considered that the terms of the concession fully protect the SIV's on the land from the effects of the proposed operation and any future changes to or expansion of that operation.

The submitter has failed to identify that there are any SIV's that would be negatively affected by this aspect of the proposal. The point is therefore not accepted. ✓

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
27	Include Fish & Game in consultation and development of the monitoring programme for the wetlands	8	Allow	Not Accept

Rationale

Allow or disallow

The submitter has not been involved to date in any consultation over the monitoring programme associated with the proposed grazing concession for flats. They wish to be part of developing the programme to ensure SIVs are protected.

The matter of the terms and conditions of a concession is a matter to be considered under the CPLA so long as the point relates to the objects of tenure review and is achievable through the CPLA tenure review process. The submitter is concerned with the protection of significant inherent values through monitoring as part of a concession. The point has therefore been allowed for further consultation

Accept or Not Accept

Following consultation with Fish & Game representatives and the DGC's delegate and the holder the proposed designations have been retained largely intact except for some alterations to ensure that in stream aquatic values are protected.

Fish & Games primary concerns were about cattle having access to the stream banks thereby causing erosion and siltation of the stream beds. Where cattle were able to get in to Deep Creek they caused pollution from their dung and urine and in winter they trod on game fish spawning beds. Deep Creek provides the spawning habitat for about three quarters of the salmon fishery in the Rangitata River. ✓

Following discussion it is proposed to fence off Deep Creek and provide an alternative water supply for cattle on CC1. Stock water will be provided by constructing a small water intake in the north-east corner of CC1 and diverting water into an existing race in the covenant area. ✓

Fish & Game also wanted to be involved in monitoring the wetlands in the area. The wetlands of interest to them are largely outside of the covenant area and now that the covenant is to be fenced there should be no stock impact on the areas of interest. Given their importance to recreational fisheries Fish & Game will continue to monitor the habitat in the streams adjoining the freehold. This is accepted by the holder but does not have any direct relevance to tenure review designations. ✓

Although the point is not accepted there have been some minor alterations to the preliminary proposal designations that take into account the concerns raised by Fish & Game about the potential impact of the proposal on adjoining waterways.

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
28	Provide a fenced walkway from the road to the top of Mt Sunday	9	Disallow	N/A

Rationale

Allow or disallow

The submitter implies that the SIVs will be better protected if the public access is channeled along a fenced walkway to Mt Sunday.

The provision of public access infrastructure to manage visitors and their safety is a matter for DoC post-tenure review.

Therefore the point is disallowed.

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
29	Allow recreational hunters with a hunting permit to have vehicle access up the ski field road	10	Allow	Not accept

Rationale

Allow or disallow

The submitter argues that recreational deerstalkers want vehicle access up the ski field road so that they can more readily transport out any game harvested. Allowing this point will encourage greater hunting pressure and associated reduction of noxious animals with the effect of helping the native vegetation to flourish.

The protection of significant inherent values and enabling public access are relevant matters under the CPLA and therefore the point has been allowed.

Accept or Not Accept

Following consultation with the DGC's delegate and the holder the proposed designations have been retained. This request was for an access provision that could not be policed i.e. it is not possible to allow some members of the public privileged access and exclude other recreational users. The road is

used very sparingly by concessionaire's vehicles to access the ski field. Normal access is by helicopter. The route is steep and narrow in a harsh alpine environment. The road is dangerous to use at any time and is expensive to repair and maintain.

It is noted that the holder may allow vehicle access to this track on a case-by-case basis and this is considered more appropriate than unrestricted public vehicle access (which is the only other practical designation). ✓

The submitters point if accepted would be impractical and is therefore not accepted.

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
30	Public should have walking access over LA1	10	Allow	Accept

Rationale

Allow or disallow

The submitter wants confirmation that public access to LA1 will be the same as to CA3, excluding the ski field buildings or lifts etc. An object of the Act is to make easier the access to and enjoyment of reviewable land.

The point therefore has been allowed.

Accept or Not Accept

Following consultation with the DGC's delegate and the holder the proposed designations have been retained. LA1 is conservation land and is available to the public. The DoC concession does not give any right to the ski field to prevent public access. ✓

The designation meets the request of the submitter. The point is therefore accepted.

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
31	Keep a station hut in the Upper Potts Valley for public use	10	Allow in part	Not accept

Rationale

Allow or disallow

The submitter notes that there is a station hut in the Upper Potts Valley and that after Tenure Review it will be on Crown land. It is believed that the hut would be valuable to keep

- For public use

- For heritage purposes as an example of a high country muster's hut.

The presence or otherwise of built structures such as huts is not a matter to be considered under the CPLA. Decisions about structures are normally dealt with by DOC in their subsequent management of the Crown land. ✓

However, this point relates to the enjoyment of the reviewable land, which is an object of the CPLA. As well, the submitter contends that the hut has heritage value and this is also something that can be allowed under the CPLA. ✓

The point has been allowed in part in this analysis, to ensure that the submitter's views may be taken in to account in deciding on the management of the land and the hut.

Accept or Not Accept

Following consultation with the DGC's delegate and the holder the proposed designations have been retained. The Potts hut is in the upper Potts River valley on the true left i.e. the Hakatere Station side of the river. It is on conservation land and it will be managed by DoC in its Visitor Asset Management programme. This is not a matter to the Mt Potts tenure review to consider. ✓

A designation change is not applicable. The point is therefore not accepted.

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 main points made by submitters are:-

- Need to improve public access to CA3 ✓
- Opposed to freeholding CC1 ✓
- Concerns regarding adequacy of proposed new fencing ✓
- Concerns regarding term and conditions of ski field concession. ✓

Of the points allowed some are not recommended for acceptance as the submitters failed to provide enough evidence based on the CPLA provisions for the need to change designations.

A few submissions were found to be impractical upon site inspection. ✓

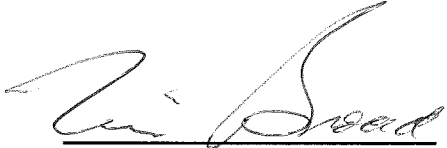
A number of points allowed concerning public access did not materialise in to changes to the Substantive Proposal because the outcomes required were considered to be present in the preliminary proposal. ✓

The points recommended for acceptance will result in a draft substantive proposal which is little changed from the preliminary proposal advertised.

I recommend approval of this analysis and recommendations

For Opus

Peer Reviewed



Tim Broad
Tenure Review Consultant

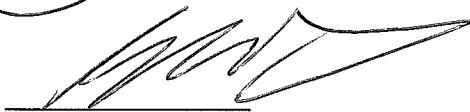


Mike Todd
Team Leader, Property Consultancy

Date 1-8-06

Date 1/8/2006

Approved/Declined



LINZ Assessor

Date 8-8-06

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