

Crown Pastoral Land Tenure Review

Lease name: REDCLIFFE

Lease number: PC 141

Final Report on Public Submissions - Part 2

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

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
6	Support the laying off of Marginal Strips on Hutt Stream.	1,4	Allow in part	Accept

Rationale

Allow/Disallow

While the laying off of marginal strips is not part of the CPLA (it is part of the Conservation Act), the submitters see their provision as aiding access, which is an object of the CPLA. The tenure review process allows for the consideration of marginal strip requirements; but it is not an object of the CPLA as such.

The submitter's views can be taken in to account under the CPLA in considerations relating to whether the standard width marginal strip will provide adequate access.

Therefore the point was allowed to the extent that it relates to public access.

Accept/Not Accept

As noted in point 1 above the practicality of using Hutt Stream and its marginal strips for access was investigated and found to be quite adequate.

The point is accepted.

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
7	Fence the entire upper boundary of the proposed freehold.	2	Allow	Not Accept

Rationale

Allow/Disallow

The submitter says that the upper boundary of the land proposed for freeholding should be fenced completely to prevent the movement of stock on to the steeper, erosion prone faces of the Mt Hutt range. This relates to ecological sustainability and is therefore relevant to be considered under the CPLA.

Ecological sustainability is an object of the CPLA, and the point was therefore allowed.

Accept/Not Accept

The entire proposed boundary has been inspected with both the holder and the DGC's delegate.

The boundaries as shown on the designations plan contain a combination of existing fences, proposed new fences and natural boundaries. All parties involved in the inspection of the boundaries are satisfied that they are as stock proof as they can practicably be.

The unfenced natural boundaries are extremely steep bluffs and while it is not possible to say that they are absolutely stock proof any stock trespass onto proposed conservation land is likely to be minimal. Even if it was technically feasible to fence these lines it is doubtful that a traditional fence would be more effective than the natural boundaries themselves.

The proposed fencing is considered to be the most practical, economic and effective way of containing stock on the designated freehold land and the point is therefore not accepted.

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
8	Location GR K35 923558 should be field checked for vegetation SIVs.	2	Allow	Not Accept

Rationale

Allow/Disallow

The submitter has identified that about 20 ha of river flat (at the bottom of Terrible Gully by the Rakaia River) is a chronically threatened LENZ environment and may also contain important grey scrub. A LENZ environment is not a SIV. A field check is recommended to determine if the vegetation present contains SIVs that may justify the retention of the land by the Crown.

SIVs worthy of protection is a relevant matter to be considered under the CPLA. The point is therefore allowed.

Accept/Not Accept

This area was inspected with a representative of the DGC's delegate. It was found to contain a number of native species with matagouri and cabbage trees most common. However the predominant vegetation over the entire area was gorse.

It was noted that prior to our inspection much of the area had been aerial sprayed with much of the vegetation dead or dying. Figure 4 below shows this area and the vegetation present.



Figure 2 - Vegetation in area identified by submitter (note primarily gorse)

It is noted that the DGC's delegate indicated that the DoC standard operating procedures do provide for a LENZ environment be classed as a SIV provided certain criteria as to level of modification and indigenous vegetation are met.

On inspection the area no significant indigenous vegetation was found and it appears that the area was incorrectly described in the database referred to by the submitter therefore the point is not accepted

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
9	Protect streams off Mt Hutt range where they cross the proposed freehold.	2	Allow in part	Not Accept

Rationale

Allow/Disallow

The submitter recommends that all the streams named flowing off the Mt Hutt range be fenced off and their beds and margins be held in Crown land. They argue that water quality needs protection from future land use. This issue is more correctly addressed under the Resource Management Act (RMA).

Fencing off 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 become Crown owned. Marginal strips can not be made from freehold land.

The quality and quantity of surface and ground water may relate to ecological sustainability and the matter should be reviewed.

The promotion of ecological sustainability is an object of the CPLA and the point was therefore allowed in part.

Accept/Not Accept

This point was discussed with the holder. He pointed out that all stream flowing through the proposed freehold were steep, fast flowing with rocky beds and banks. Stock may come to the streams to drink but would not stay in the stream beds. Also due to the nature of the banks they would not break these down or trample mud into the stream water. His position was that continued stock access to these streams would have no measurable effect on the quantity or quality of the water in the streams.

It is also noted that at least in the case of the major streams on the property virtually the entire catchments and much of the streams themselves are within proposed conservation area. The submitter has failed to identify how the proposed designation will directly affect water quality and ecological sustainability.

On balance we concur with the views of the holder. Even assuming a moderate intensification of pastoral use after tenure review, continued stock access to the streams in the proposed freehold will have a negligible affect on the quality of the water coming out of these streams. The point is therefore not accepted.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
10	Allow public access on the main farm track to the upper Redcliffe Stream.	1, 2, 3, 4, 5, 6	Allow	Not Accept

Rationale

Allow/Disallow

The submitters want access up a-b and c-d as shown on the Preliminary Proposal designation plan. Submitter two suggests that public foot access should be provided along this route. Submitter three says that there should be public vehicle access along this route (where a fee may have to be paid to the owner). Submitter five believes that hunters with a permit be allowed to have vehicle access to increase the hunting pressure on the public land.

An object of Part 2 of the CPLA is to make easier the securing of public access to and enjoyment of reviewable land. So public access is a matter for the Commissioner of Crown Land (CCL) consideration under the Act.

The point was therefore allowed.

Accept/Not Accept

This access was discussed with the holder. He confirmed that he would not give a public access easement over that portion of the track on existing freehold land. This land is not included in the review and therefore it was pointless pursuing the matter.

Notwithstanding the above it is considered that the access to and through SR1 is adequate for public foot access (admittedly less so for mountain bikes and horses) and arrives at the exact same point on the CA1 boundary.

Indeed for walkers the route through SR1 is more sheltered and has more scenic interest than the main farm track and for these reasons we consider it to be superior to the track requested by the submitters.

Given that it is not possible within the tenure review process to create the access requested by the submitters the point is not accepted.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
11	Provide foot access up to Terrible Gully over the proposed freehold land.	2, 4, 5, 6	Allow	Accept

Rationale

Allow/Disallow

The submitter requests that public foot access be allowed up the farm track on the proposed freehold land east of the lower Terrible Gully to the end of the new fence line Point V. This would allow round trips over the Crown land.

An object of Part 2 of the CPLA is to make easier the securing of public access to and enjoyment of reviewable land. So public access is a matter for the Commissioner of Crown Land (CCL) consideration under the Act.

The point was therefore allowed.

Accept/Not Accept

This point overlaps with point 3 above and is fully discussed there.

The point is accepted and a public access easement is provided for in the draft substantive proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
12	The effects of the Tourism Concession be monitored and ensure that public use is unrestricted.	2,6	Allow in part	Not Accepted

Rationale

Allow/Disallow

The submitters want the terms of the Tourism Concession better defined with measurable terms and conditions. Also, that the Crown monitors the effects of the Concession activity to make sure that public use is not restricted. Submitter six suggests that the Concession should limit vehicle use to formed tracks, prohibit the use of aircraft for concession activities and that a clause should be added to indicate that machinery should not be used to maintain tracks.

S39 and s51 (2) CPLA requires a consideration of the effects of a concession and any measures that should be taken to avoid, remedy or mitigate any

adverse effects. The submitters' comments are thus relevant under the CPLA s51 (2) (e) and the point is therefore allowed for further consideration.

The matter of the Terms and Conditions of a concession is not a matter for the CCL under the CPLA.

The point was allowed in part.

Accept/Not Accept

Both the DGC's delegate and holder were consulted on this point. The DGC's delegate commented that it was never intended that the concession restrict public access in any way while the holder commented that he was happy with the wording of the proposed concession as it was and further observed that aircraft landings were common in the high country and he didn't think it was appropriate to exclude their use in this concession.

As noted in the allow/disallow section above the only matter for consideration of the Commissioner are the effects of the concession and measures to avoid, mitigate or remedy any adverse effects.

It is noted that the proposed concession is a tourism concession and at the present time the holder does not operate a tourism business on the property. The concession has been requested to give the holder the option of starting such a business post tenure review. The specific activities allowed under the concession are guided tramping and guided hunting.

Both of these activities are viewed as very low impact on the property and considered against the restriction of clauses 7.0 to 23.0 of the concession document there is virtually no realistic prospect of an adverse effect occurring on the land as a result of the operation of the concession. Certainly almost everything identified by the submitters is covered by these conditions.

As the submitters have not identified anything in the concession which specifically requires further consideration in terms of s51 (2) of the Crown Pastoral Land Act 1998 the point is not accepted.

B

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
13	The Tourism Concession should not include land deemed to have been surrendered in 1986.	5,6	Disallow	

Rationale

Allow/Disallow

The submitter argues that the Soil and Water Conservation Plan (SWCP) surrendered land has to be excluded from the Tourism Concession. The SWCP land is included in this Tenure Review.

The submitters have provided no reason, relevant to matters that need to be taken in to account under the CPLA, as to why it should be excluded from the proposed concession.

The point was therefore disallowed.

A

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
14	Renotify the Preliminary Proposal with more detail in the Tourism Concession	6	Allow	Not Accept

Rationale

Allow/Disallow

The submitter wants changes in the Concession to ensure it fits with s39 of the CPLA. The issue raised was thus a matter that can be taken in to account under the CPLA and was therefore allowed for further consideration.

An assessment needed to be made as to whether s39 had been complied with and whether in any further work relating to s39, the proposal would be sufficiently different to warrant re-advertising.

Accept/Not Accept

A review of the file shows that section 39 has been complied with and that this information was part of the preliminary proposal. It is noted that this was not included in the summary of the proposal released for public comment and as noted by the submitter was also not included in the information released under the Official Information Act prior to advertising the proposal.

The Commissioner may wish to consider a change to the process to ensure that this information reaches the public domain as part of the advertising process, however this is a matter of policy.

It is clear from a review of the file that all statutory processes have been complied with and therefore the point is not accepted.

A

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
15	Alter proposed Crown/Freehold boundary in the region of Hutt Stream	6	Allow	Not Accept

Rationale

Allow/Disallow

The submitter says that the vegetation SIVs in Hutt Stream and the unnamed stream further south are not protected well enough. They want the boundary shifted down the slope. As well the eastern boundary of CA1 at Hutt Stream should connect with the Marginal Strip (to ensure ease of access).

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

Accept/Not Accept

As noted previously in this report Hutt Stream was inspected prior to meeting with the holder. As is the case with all stream running of the Hutt Range there is very little vegetation with the stream bed itself. The margins generally contain a mixture of kowhai and matagouri shrublands. No detailed survey was completed but by observation these are thought to be largely within the marginal strips that will eventually be laid off this stream.

Likewise the stream to the south has some scrub within the ravine that it runs through. This is not considered to be significant being mostly low stature matagouri.

This point was discussed with the holder who commented that the inclusion of Hutt Stream was mainly to ensure that the land to the south would not be landlocked and that both Hutt Stream and the stream to the south were almost totally within the conservation area with only small pieces proposed for freeholding.

Following inspection of the streams and discussion with the holder the point is not accepted. No significant vegetation was identified within the areas proposed for freeholding.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
16	Provide a Public Access easement from the Hutt Stream marginal strip to CA1.	2, 6	Allow	Not Accept

Rationale

Allow/Disallow

The submitter wants formal public access up Hutt Stream to the proposed Crown land.

An object of Part 2 of the CPLA is to make easier the securing of public access to and enjoyment of reviewable land. So public access is a matter for the Commissioner of Crown Land (CCL) consideration under the Act.

The securing of public access to reviewable land is an object of Part 2 of the Crown Pastoral Land Act. The point was therefore allowed.

Accept/Not Accept

It appears that this point comes from a misinterpretation of the designation plan in the preliminary proposal. It was always intended that the Hutt Stream marginal strip extend the full length of the stream to the conservation area boundary. The holders have been consulted regarding this and accept that this is the case. There is therefore no need to put an easement in this area to ensure that public access is provided (refer point 1 above) and the point is not accepted.

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
17	Land above the road should be removed from grazing	7	Allow	Not Accept

Rationale

Allow/Disallow

The submitter says for soil conservation reasons, no land above the road should be grazed. Soil water quality and erosion prevention relate to ecological sustainability.

The promotion of ecological sustainability is an object of the Crown Pastoral Land Act, and the point was therefore allowed.

Accept/Not Accept

This was discussed with the holder who rejected the submitter's assertion outright. He pointed out that the majority of the land proposed for freeholding is in very good condition with little erosion evident.

We concur with the holders position. Almost all of the land above the road is very well vegetated with a surprisingly deep coverage of soil and little erosion. It is acknowledged that parts of the Mt Hutt range are severely eroded however these are by and large within the conservation area.

The only areas of significantly erosion in the proposed freehold designation are very steep faces at the northern end which have been included to obtain practical fence lines. These faces are sufficiently steep and barren that there is little prospect of domestic stock moving onto them and adding to the erosion which is clearly not related to pastoral use of the land.

The submitters point is not accepted. No evidence of a link between stocking and potential erosion on this land was provided.

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
18	Alter the boundary of SR1.	7	Allow	Not Accept

Rationale

Allow/Disallow

The submitter suggests a better eastern boundary of SR1 would be made by following the natural boundaries of Jack Stream and along either the escarpment or vegetation line as shown on the map.

The point relates to appropriate boundaries for better protection of SIVs and was thus allowed.

Accept/Not Accept

The holder was consulted regarding this point. His comment was that the proposed boundaries for this area follow existing fence lines and as such are the obvious and practical boundaries to use. Adopting the natural boundaries as suggested by the submitter would add little notable native vegetation to the reserve while meaning that the main farm track, which goes through these areas, would require a concession easement.

We concur with the holder's position, the two gullies in question contain quite thick scrub but they do not contain any vegetation which is significant. It is noted also that the submitters proposal would require at least 2 kilometres of additional fencing. Given that no specific SIV's have been identified that would

be protected by the proposed change and the significant additional costs that would be created the point is not accepted.

Summary and Conclusion

Seven submissions were received and eighteen separate points identified. Of these 17 were allowed and seven have been accepted for inclusion in the draft substantive proposal for this review.

Many of the points in the submission related to a perceived lack of public access to the proposed conservation designations. These points have been accepted and a number of public access easements incorporated into the draft substantive proposals.

Of the points not accepted most were considered to be either impractical, factually incorrect and/or to lack sufficient supporting information on the significant inherent values (SIV's) present or the effect of the proposal on the SIV's identified.

The points recommended for acceptance will result in a draft substantive proposal which is little changed from the preliminary proposal advertised except for the additional public access outlined in points 3, 4, 5 and 11 of this report

I recommend approval of this analysis and recommendations

For Opus



Mike Todd
Team Leader, Property Consultancy

Date 24/7/2006.

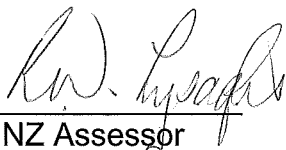
Peer Reviewed



Bob Webster
Tenure Review Consultant

Date 24/7/06.

Approved/~~Declined~~



LINZ Assessor

Date 26.7.06