

Crown Pastoral Land Tenure Review

Lease name: REDCLIFFE

Lease number: PC 141

Preliminary Report on Public Submissions

This document includes information on the public submissions received in response to an advertisement for submissions on the Preliminary Proposal. The report identifies if each issue raised is allowed or disallowed pursuant to the CPLA. If allowed the issue will be subject to further consultation with Department of Conservation, or other relevant party.

The report attached is released under the Official Information Act 1982.

October

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PRELIMINARY 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)

Redcliffe TENURE REVIEW NO 54

Details of lease

Lease name: Redcliffe
 Location: Double Hill Run Road, 32 kilometres north-west of Methven
 Lessee: William Hugh Duncan Ensor and Sarah Helen Ensor

Public notice of preliminary proposal

Date advertised: 5 November 2005
 Newspapers advertised in:

- The Press Christchurch
- Otago Daily Times Dunedin
- The Ashburton Guardian Ashburton

Closing date for submissions: 23 January 2006

Details of submissions received

Number received by closing date: seven (7)

Cross-section of groups/individuals represented by submissions:-

Sub #	Submitter	Address	Type of Organisation
1	Christchurch Tramping Club	P O Box 527 Christchurch	Non Government Organisation - Local
2	Environment Canterbury	P O Box 345 Christchurch	Local Government Organisation – Regional
3	Federated Mountain Club of New Zealand (Inc)	C/- G R K Hunter Kalaugher Road RD 21 Geraldine	Non Government Organisation – National
4	Peninsular Tramping Club	C/- 271 Centaurus Road Christchurch 8002	Non Government Organisation - Local
5	New Zealand Deerstalkers' Association Incorporated	P O Box 6514 Wellington	Non Government Organisation – National

6	Royal Forest & Bird Protection Society	P O Box 2516 Christchurch	Non Government Organisation – National
7	Geoff Clark	10 Smacks Close Papanui Christchurch 8005	Private individual

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. The process stops at this point for those points disallowed.

Further consultation with both the Minister of Conservation's delegate and the leaseholders has to be completed on all those points that were allowed.

In the Final Analysis of Public Submissions a recommendation to accept or not accept the point will later be 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 CPLA (Sections 24 and 25 of the Act).

Analysis

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
1	Support for the proposal to retain the land indicated for Crown ownership.	1, 2, 3, 5	Allow	

Rationale

Allow/Disallow

The submitters note that this outcome will protect land that was intended for surrender under the earlier Soil and Water Conservation Plan (SWCP). Submitter two also considers that protecting the large mountain area will make a major contribution to landscape protection of this important mountain backdrop. Submitter five underlines that the area to be protected has high recreational value for hunting and other outdoor recreation activities.

The point relates to objectives and outcomes which are covered by the CPLA; therefore the point is allowed.

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
2	Support the designated Scenic Reserve in Redcliffe Stream.	1	Allow	

Rationale

Allow/Disallow

The submitter contends that the gorge section of Redcliffe Stream has high ecological and landscape values of this area and as Crown land it will improve the Public access opportunities.

The point relates to objectives and outcomes which are covered by the CPLA; therefore the point is allowed.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
3	Ensure appropriate public access to Black Hill, Mt Hutt ranges and upper Swift River through both Redcliffe and Glenrock stations.	1,4, 6	Allow in part	

Rationale

Allow/Disallow

The submitters want good quality access to the newly proposed Crown land created from a number of reviews in the district. They note that with more than one property involved there are a number of Service Providers involved.

Improved public access is an object of the CPLA. However, the request for Service Providers to talk to each other is not directly a CPLA matter. The point is allowed in part.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
4	A better principle public access route is required to the proposed Conservation land.	1, 4, 5, 6	Allow	

Rationale

Allow/Disallow

The submitters believe that the Redcliffe Stream is not a practical and reasonably convenient route. A farm track would be satisfactory; or something equivalent to it.

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 should therefore be allowed.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
5	Use an old farm track above Redcliffe Stream for a public access route.	1, 4	Allow in part	

Rationale

Allow/Disallow

The submitters propose a public access route start on the freehold land and with some clearing of scrub will provide access to the paper road at Rat Hill Stream. The provision of access on freehold land cannot be considered under the CPLA and would need to be dealt with by a process outside of tenure review.

The securing of public access to reviewable land is an object of Part 2 of the Crown Pastoral Land Act. The point should therefore be allowed for the part that is on the pastoral lease land.

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	

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 is allowed to the extent that it relates to public access.

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	

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 is therefore allowed.

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	

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.

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	

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 is therefore allowed in part.

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	

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 should therefore be allowed.

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	

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 should therefore be allowed.

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	

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 is allowed in part.

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 is therefore disallowed.

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	

Rationale

Allow/Disallow

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

An assessment needs to be made as to whether s39 has been complied with and whether in any further work relating to s39, the proposal would be sufficiently different to warrant readvertising.

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	

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 is therefore allowed.

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	

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 should therefore be allowed.

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	

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 is therefore allowed.

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

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 is thus allowed.

Summary and Conclusion

Seven submissions were received. They were broadly in favour of the proposed outcome with respect to land areas being proposed for protection. Some submitters sought the protection of slightly more land, or more controls e.g. fencing or more stringent concession terms, on the land proposed to be retained by the Crown.

The main issue of contention related to public access, where all submitters identified a variety of alternative extra access routes that need to be further considered.

One submission contends that insufficient work has been done under s39 of the CPLA relating to the proposed Tourism Concession and that the Proposal should be readvertised. It would be appropriate to review this situation.

I recommend approval of this analysis and recommendations

For opus

Peer Reviewed



Tim Broad
Tenure Review Consultant

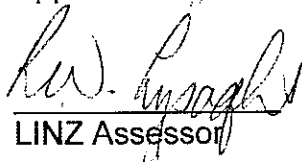
Date 21/4/06



Mike Todd
Senior Property Consultant

Date 21/4/06

Approved/Declined



LINZ Assessor

Date 26.4.06

PRELIMINARY ANALYSIS OF IWI SUBMISSIONS

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

REDCLIFFS TENURE REVIEW NO TR 54

Details of lease

Lease name: Redcliffs

Location: Double Hill Run Road, 32 kilometres north-west of Methven

Lessee: William Hugh Duncan Ensor and Sarah Helen Ensor

Public notice of preliminary proposal

Date advertised 5 November 2005

Newspapers advertised in:

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

Closing date for submissions: 23 January 2006

Details of submissions received

A copy of the proposal and information pack were sent to TRoNT on 8 November 2005.

Following this it was identified that the property had not been inspected by Runanga representatives as required by the TRoNT protocol.

This inspection was organised and took place on 20 March 2006. A cultural values report and formal response to the preliminary proposal were received on 21 July 2006.

ANALYSIS OF SUBMISSIONS

Introduction

The submission received has been reviewed in order to identify the points raised and these have been numbered accordingly.

The following analysis:

- Summarises each of the points raised along with the recorded number of the point.
- Discussion of the point.
- Recommendations whether or not to allow for further consultation.

The following approach has been adopted when making the recommendation to allow for further consultation:

The points raised have been analysed to assess whether they are matters that can be dealt with under the Crown Pastoral Land Act. Where it is considered that they are, the recommendation is to allow them.

Further consultation with both the Director General of Conservation's delegate and the leaseholders has to be completed on all those points that are allowed.

A recommendation to accept or not accept the point is made taking into account the views of all parties consulted and any other matters relevant to the review, balanced against the objects and matters to be taken into account in the Crown Pastoral Lands Act 1998 (Sections 24 and 25 of the Act).

Analysis

Point	Summary of point raised	Allow or disallow	Accept or not accept
1	The proposal as advertised appropriately integrates the values identified in the Cultural Values Report.	Allow	

Rationale

The preliminary proposal is considered by TRoNT to be an acceptable outcome and to this extent it is regarded as meeting the objects of the Part 2 of the Crown Pastoral Land Act. The point should therefore be allowed.

Summary and Conclusion

The submission received fully supports the proposal as advertised.

I recommend approval of this analysis and recommendations

For Opus

Peer Reviewed



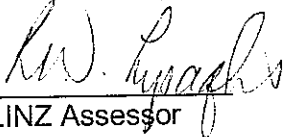
Mike Todd
Team Leader, Property Consultancy

Bob Webster
Tenure Review Consultant

Date 24/7/2006.

Date 24/7/06.

Approved/Declined



LINZ Assessor

Date 25.7.06