

Crown Pastoral Land Tenure Review

Lease name: TENAHAUN

Lease number: PC 020

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.

January 05

**REPORT
ON
PUBLIC SUBMISSIONS**

TENAHAUN



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Tenahaun Pastoral Lease

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- I Consultation with Director General of Conservation
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ANALYSIS OF PUBLIC SUBMISSIONS

STATEMENT PURSUANT TO SECTION 45(a)(iii) CROWN PASTORAL LAND ACT 1998

TENAHAUN - TENURE REVIEW NO. 52

File Ref: CON/50000/16/12744/00/A-ZNO Submission No: CH0233 Submission Date: 8 December 2004

Office of Agent: Christchurch

LINZ Case No:TR05/57

Date sent to LINZ: 17 December 2004

1. **Details of lease:**

Lease Name: Tenahaun

Location: Rangitata Gorge, Mid Canterbury

Lessees: Peter Colin Wright and Janet Rosamond Wright.

2. **Public notice of Preliminary Proposal:**

Date, publication and location advertised:

Saturday 26 June 2004.

- The Press Christchurch
- The Otago Daily Times Dunedin

Saturday 3 July 2004.

- The Ashburton Guardian Ashburton

Closing Date for Submissions:

27 August 2004.

3. **Details of Submissions received:**

A total of 7 submissions were received. Details of submitters are in Appendix 1.

Sub #	Submitter	Address	Type of Organisation
1	Central Office, Royal Forest and Bird Society of New Zealand Inc	Box 2516, Christchurch	Non Government Organisation - National
2	Environment Canterbury	Box 345 Christchurch	TLA
3	The Geraldine Tramping Club	76 Pye Rd RD 21 Geraldine	Non commercial recreational users
4	Federated Mountain Club of New Zealand (Inc)	34 John Street Temuka	Non Government Organisation - National
5	South Canterbury Branch, Royal Forest and Bird Society of New Zealand Inc	29a Nile Street Timaru	Non Government Organisation - Regional
6	Paul & Helen Tarbotton	Montalto RD 8 Ashburton	Individuals
7	Montalto Water Supply C/- Dr Anthony Taylor	PO Box 584 Ashburton	Non Government Organisation - Regional

4. Analysis of Submissions:

4.1 Introduction:

Explanation of Analysis:

Each of the submissions received has been reviewed in order to identify the points raised and these have been numbered accordingly. Where submitters have made similar points these have been given the same number.

The following analysis:

- Summarises each of the points raised along with the recorded number (shown in the appended tables) of the submitter(s) making the point.
- Discussion of the point.
- Recommendations whether or not to allow for further consultation.

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

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

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).

4.2 Analysis:

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Allow or disallow</i>	<i>Accept or Not Accept</i>
1	Support inclusion of wetland areas CA2 & CA3 in full Crown Ownership and Control	1 & 2	Allow	Accept

Rationale

Allow/Disallow

This part of the Preliminary Proposal for this property is considered by these submitters to be an acceptable outcome and to this extent it is regarded as meeting the objects of Part 2 of the Crown Pastoral Land Act. The point should therefore be allowed.

Accept/Not Accept

The point raised on these submissions support this part of the preliminary proposal. As noted above it is considered that the point raised (designation of land to be retained in full Crown Ownership and control) is a matter that is relevant to Sections 24 and 25 of the Crown Pastoral land Act 1998. Further consultation with the DGC’s delegate and the holder confirms that this point should be accepted for inclusion of the draft substantive proposal.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Allow or disallow</i>	<i>Accept or Not Accept</i>
2	Concern that all of the wetlands in CA2 and CA3 may not be protected as the areas identified seem too small.	1	Allow	Not Accept

Rationale

Allow/Disallow

These wetlands contain important significant inherent values. The areas were established from a GIS system using GPS co-ordinates of agreed ground marks. It is thought that the areas given in the preliminary proposal are a fair representation of the areas proposed for retention in full Crown ownership, however they should be checked to ensure that no error has occurred.

The protection of significant inherent values is an object of part 2 of the Crown Pastoral Land Act and therefore the point should be allowed.

Accept/Not Accept

This is a matter that is relevant to Sections 24 and 25 of the Crown Pastoral Land Act and the DGC's delegate has recommended further investigation of the area. However the holder is of the view that all wetland's in this area have already been agreed and marked on the ground as being within the area proposed for retention in full Crown ownership and control. I concur with the holder's view and comment that it is extremely difficult to gauge an area by sight. Notwithstanding what the eventual areas surveyed may be all of the land containing SIV's is fully protected and no further investigation is considered necessary. In further discussion with the DGC's delegate he has agreed with this position.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Allow or disallow</i>	<i>Accept or Not Accept</i>
3	Support freeholding of highly modified alluvial flats at rear of property and generally supportive of proposed boundary between freehold and CA1.	1	Allow	Accept

Rationale

Allow/Disallow

This part of the Preliminary Proposal for this property is considered by this submitter to be an acceptable outcome and to this extent it is regarded as meeting the objects of Part 2 of the Crown Pastoral Land Act. The point should therefore be allowed.

Accept/Not Accept

The point raised on these submissions support this part of the preliminary proposal. As noted above it is considered that the point raised (designation of land to be retained in Crown Ownership and control and freeholding of land capable of economic use) is a matter that is relevant to Sections 24 and 25 of the Crown Pastoral land Act 1998. Further consultation with the DGC's delegate and the holder confirms that this point should be accepted for inclusion of the draft substantive proposal.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Allow or disallow</i>	<i>Accept or Not Accept</i>
4	Flats at rear of property have significant recreational value as access routes to further up the valley, Brown Saddle or the Rangitata River. Supports the creation of the proposed public and management access easements	1	Allow	Accept

Rationale

Allow/Disallow

This part of the Preliminary Proposal for this property is considered by this submitter to be an acceptable outcome and to this extent it is regarded as meeting the objects of Part 2 of the Crown Pastoral Land Act. The point should therefore be allowed.

Accept/Not Accept

The point raised on these submissions support this part of the preliminary proposal. As noted above it is considered that the point raised (the securing of public access to and enjoyment of reviewable land) is a matter that is relevant to Sections 24 and 25 of the Crown Pastoral land Act 1998. Further consultation with the DGC's delegate and the holder confirms that this point should be accepted for inclusion in the draft substantive proposal.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Allow or disallow</i>	<i>Accept or Not Accept</i>
5	Supports the retention of CA 1 in Crown ownership and control.	1	Allow	Accept

Rationale

Allow/Disallow

This part of the Preliminary Proposal for this property is considered by this submitter to be an acceptable outcome and to this extent it is regarded as meeting the objects of Part 2 of the Crown Pastoral Land Act. The point should therefore be allowed.

Accept/Not Accept

The point raised on these submissions support this part of the preliminary proposal. As noted above it is considered that the point raised (designation of land to be retained in Crown Ownership and control) is a matter that is relevant to Sections 24 and 25 of the Crown Pastoral land Act 1998. Further consultation with the DGC’s delegate and the holder confirms that this point should be accepted for inclusion of the draft substantive proposal.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Allow or disallow</i>	<i>Accept or Not Accept</i>
6	Qualified support for the easement concession over Brown saddle but does not think the concession should apply to all of CA1	1	Allow	Not Accept

Rationale

Allow/Disallow

It appears that the submitter is not concerned about the easement concession proposed over the existing track but considers that the designation somehow reduces the protection over the balance of the land in the CA1 designation. It is considered that this is a perceptual problem rather than a real one and is caused by the wording of the Act. The balance of CA1 does in fact have the highest level of protection affordable under the Act (Crown ownership and control).

The protection of significant inherent values is however an object of Part 2 of the Crown pastoral Land Act. The point should therefore be allowed.

Accept/Not Accept

While it is accepted that the matter raised is relevant in terms of sections 24 and 25 of the Crown Pastoral Land Act it is not considered that the designation as proposed in the preliminary proposal in anyway undermines the protection of the SIV’s in the designation area. The concession in effect only applies to the track marked in blue on the designation plan but is recorded against the entire area. This is an idiosyncrasy of the Crown Pastoral Land Act and appears to have been misinterpreted by the submitter. Further consultation with the DGC’s delegate and the holder confirm this view.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Allow or disallow</i>	<i>Accept or Not Accept</i>
7	The Rangitata River, gorge and surrounding land contain significant natural, recreational, landscape and scenic values. Concerned that creation of two small reserves, access easement and standard marginal strips along the river edge is insufficient to protect these values. Propose that all the land through the gorge below the existing track is retained in full Crown ownership to protect these values.	1,2&5	Allow	Not Accept

Rationale

Allow/Disallow

The submitter has identified a number of values that they believe to be significant inherent values and which they are concerned are not adequately protected by the designations proposed in the preliminary proposal.

The protection of SIV's is an object of Part 2 of the Crown Pastoral Land Act therefore the point should be allowed.

Accept/Not Accept

This area was the subject of extensive consultation with the holders before the preliminary proposal was advertised. It is considered that the designations proposed in the preliminary proposal do in fact protect the majority of the values in the river gorge.

It is acknowledged that there are values present outside of the protected areas but these are largely landscape values that will be protected by the inaccessibility and nature of the terrain.

It is noted also that a marginal strip will be created along the length of the gorge and as the riverbanks in this area are generally very steep a 20 metre lateral marginal strip does in fact protect a significant area.

Further consultation with the holder and the DGC's delegate confirms the view that these issues have been fully debated and that the proposed designations are adequate to protect the SIV's present.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Allow or disallow</i>	<i>Accept or Not Accept</i>
8	Regenerating forest extends over much of the slopes above the existing track through the gorge. Bush is best in gullies but extends well beyond in many areas and provides a natural vegetation sequence from valley floor to tops. Propose that this area be added to CA1.	1&2	Allow	Not Accept

Rationale

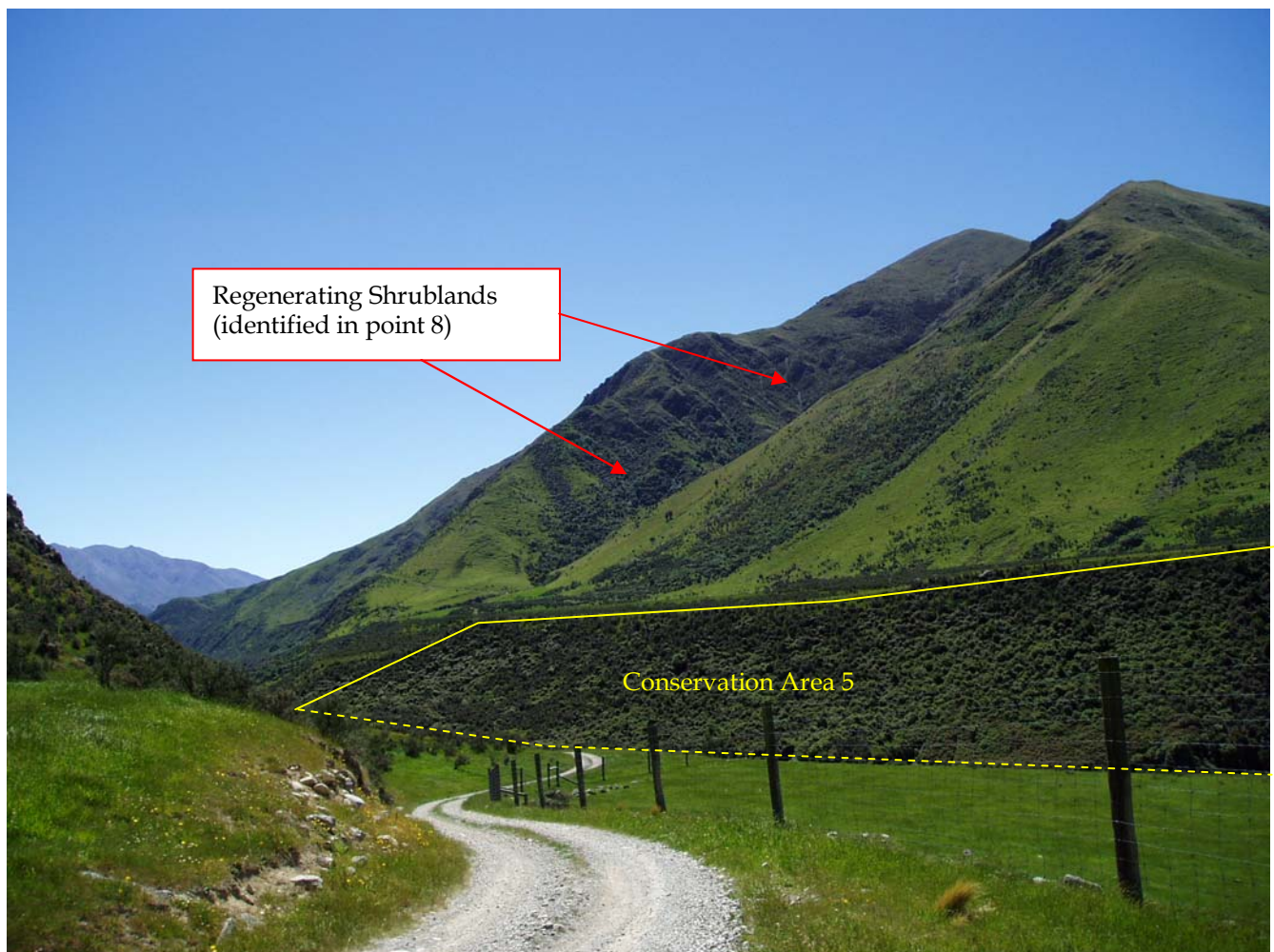
Allow/Disallow

The submitters have identified values that they believe are significant and that are not protected by the designations proposed within the preliminary proposal.

The protection of SIV's is an object of Part 2 of the Crown Pastoral Land Act therefore the point should be allowed.

Accept/Not Accept

Like the areas in point 7 above this area was extensively discussed and debated in arriving at the position adopted for the preliminary proposal. The values identified by the submitter are acknowledged however as can be seen in the photograph below the values are reasonably dispersed across these faces with land that has good pastoral capability.



The actual areas containing the values are primarily contained within very steep rocky sites and gullies that afford considerable natural protection to the values identified in the submission. For this reason and the fact that the land with values is intermingled with land containing productive values it is considered that no formal protection is necessary.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Allow or disallow</i>	<i>Accept or Not Accept</i>
9	Disappointed that the proposed public access through the gorge is foot access only. Want to see horses and mountain bikes included in this access, which could form an important part of a loop track through to the Ashburton Valley. Consider this needs to be added to satisfy the objects of the CPLA.	1	Allow	Accept in part - as relates to mountain bikes

Rationale

Allow/Disallow

The submitter asserts that the terms of the easement designation proposed is insufficient to satisfy the objects of the CPLA.

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

Accept/Not Accept

This point was also extensively debated with the leaseholders in preparing the preliminary proposal. They did not want to see horses and mountain bikes using this track as they considered it would cause them significant management problems as the track is very narrow and difficult to negotiate. They were concerned that stock be moved through the gorge and meeting a mountain biker or horse rider coming the other way would be forced over the bank and into the river in some places causing them unacceptable losses. There was also an issue of safety for public using the track.

These issues are valid however on further consultation with the DGC's delegate he did not think that public safety was in itself a valid reason to preclude adding mountain bikes and horses to the easement (this is more a management issue).

In discussing this further with the holder and the DGC's delegate it was pointed out that the track is actually impassable to the average mountain biker and they would have to carry their bikes through. This precludes stock meeting bikers coming at speed in the opposite direction and it is possible for bikers to actually get off the track and allow stock to pass. It is desirable to include mountain bikes in the easement to link with the easements on the flats at the back of the property.

The track itself is too narrow to allow a horse to actually be turned around in most places and it is also impossible for a horse and rider to pass stock going in the opposite direction on the track. It is therefore still considered impractical to include horses in the easement.

The securing of public access to and enjoyment of reviewable land is an object of Part 2 of the Crown Pastoral Land Act, therefore and for the reasons outlined above it is considered that the easement through the gorge should be expanded to include mountain bikes in addition to walkers.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Allow or disallow</i>	<i>Accept or Not Accept</i>
10	Rangitata River used extensively for recreation. It is a major River whose mana demands more than a standard 20 metre marginal strip, at the very least a wider strip should apply through the gorge section of the river.	1	Allow	Not Accept

Rationale

Allow/Disallow

A similar point to that raised in 7 above, the submitters identify outstanding scenic, amenity and recreation values along the gorge sections of the river as well as intact native vegetation. It is argued that these values extend beyond the protection of a standard marginal strip and will not therefore be protected by the current tenure review proposals.

While consideration of marginal strip requirements is not a tenure review matter the values identified are SIV's and as such should be considered for protection in terms of the tenure review rather than by extension of marginal strips.

The protection of SIV's is an object of Part 2 of the Crown Pastoral Land Act therefore the point should be allowed.

Accept/Not Accept

As noted in point 7 it is considered that due to the nature and topography of the river bank through the gorge that a lateral 20 metre marginal strip does in fact adequately protect the river margin. The Department of Conservation does not advocate or support an increased width for the marginal strip through the gorge and it is not considered additional protection in terms of a CPLA designation is justified.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Allow or disallow</i>	<i>Accept or Not Accept</i>
11	Proposal protects sensitive areas and overall is not likely to compromise any significant soil conservation values	2	Allow	Accept

Rationale

Allow/Disallow

This part of the Preliminary Proposal for this property is considered by this submitter to be an acceptable outcome and to this extent it is regarded as meeting the objects of Part 2 of the Crown Pastoral Land Act. The point should therefore be allowed.

Accept/Not Accept

The point raised in this submission supports this part of the preliminary proposal. As noted above it is considered that the point raised (designation of land to be retained in Crown Ownership and control) is a matter that is relevant to Sections 24 and 25 of the Crown Pastoral land Act 1998. Further consultation with the DGC’s delegate and the holder confirms that this point should be accepted for inclusion of the draft substantive proposal.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Allow or disallow</i>	<i>Accept or Not Accept</i>
12	Supports the establishment of a marginal strip and fencing adjacent to Pudding Valley Creek and Hinds River South Branch	2	Disallow	Not Accept

Rationale

Allow/Disallow

The submitter supports marginal strip creation as shown on the Preliminary Proposal. It is noted that the submitter appears to have assumed that marginal strips will be fenced. These areas are already fenced and further fencing of marginal strips is not proposed as part of the tenure review for this property view.

Consideration of marginal strip requirements is not a tenure review matter. It is therefore recommended that the point be disallowed.

Accept/Not Accept

As the decision has been made to not allow this point it is automatically not accepted.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Allow or disallow</i>	<i>Accept or Not Accept</i>
13	Proposed conservation areas go some way to protecting indigenous vegetation and habitats, particularly low altitude/valley floor vegetation and wetland habitats	2	Allow	Accept

Rationale

Allow/Disallow

This part of the Preliminary Proposal for this property is considered by this submitter to be an acceptable outcome and to this extent it is regarded as meeting the objects of Part 2 of the Crown Pastoral Land Act. The point should therefore be allowed.

Accept/Not Accept

The point raised in this submission supports this part of the preliminary proposal. As noted above it is considered that the point raised (designation of land to be retained in Crown Ownership and control) is a matter that is relevant to Sections 24 and 25 of the Crown Pastoral Land Act 1998. Further consultation with the DGC's delegate and the holder confirms that this point should be accepted for inclusion of the draft substantive proposal.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Allow or disallow</i>	<i>Accept or Not Accept</i>
14	Concern that a significant native shrubland site containing Canterbury Pink Broom is proposed for freeholding. This site is a gully on the eastern side of the Moorhouse Range.	2	Allow	Accept

Rationale

Allow/Disallow

The submitters have identified values that they believe are significant and that are not protected by the designations proposed within the preliminary proposal.

The protection of SIV's is an object of Part 2 of the Crown Pastoral Land Act therefore the point should be allowed.

Accept/Not Accept

This area was examined closely during consultation with the holder for the preliminary proposal. The problem being that protecting this entire gully would have removed a significant area of productive land from grazing.

The area happens to be part of the area identified in point 25 and in further discussion with the holder and the DGC's delegate the holder has acknowledged that the area should in fact be removed from pastoral production to protect the botanical values present and the water supply catchment on the condition that the financial settlement negotiated for the preliminary proposal is reviewed to take into account the additional land to be included in the full Crown ownership designation.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Allow or disallow</i>	<i>Accept or Not Accept</i>
15	The proposed conservation areas do not contain examples of all classes of natural ecosystems and landscapes as required under the Reserves Act 1977 and NZ Biodiversity Strategy (2001). Propose an extension of CA1 to include a representative area of dry terrace habitat, a habitat type not currently included in any of the proposed protected areas	2	Allow	Accept

Rationale

Allow/Disallow

The submitter asserts that the preservation of all classes of ecosystems and habitats falls within the definition of significant inherent values and that the proposed Preliminary Proposal does not achieve this, as it does not contain any areas of the dry alluvial terrace at the back of the property.

The protection of SIV's is an object of Part 2 of the Crown Pastoral Land Act therefore the point should be allowed.

Accept/Not Accept

This area was not identified in the original conservation resources report as the vegetation has been highly modified by grazing, however when consulted the DGC's delegate acknowledged that the habitat was underrepresented in protected areas nationally and it would be good to be able to protect some of this area.

The point was discussed with the holder and it was eventually agreed that a representative area of some 23 hectares between Moorhouse stream and the fenced blocks on the flats should be included in the land to be retained in full Crown ownership.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Allow or disallow</i>	<i>Accept or Not Accept</i>
16	Forest remnant that is a significant example of a formerly widespread habitat located in 'Chapmans Stream' should also be fenced and protected either as public land or as a conservation covenant.	2	Allow	Not Accept

Rationale

Allow/Disallow

The submitters have identified values that they believe are significant and that are not protected by the designations proposed within the preliminary proposal.

The protection of SIV's is an object of Part 2 of the Crown Pastoral Land Act therefore the point should be allowed.

Accept/Not Accept

This is a relatively small and isolated remnant located in the very steep margins of the headwaters of Chapmans Stream. The area of bush is small and it has been modified reducing it's ecological value. It is not considered that there are any real risks to this bush, which is protected by isolation and topography. The DGC's delegate has agreed in consultation along with the leaseholder that no formal protection of this area is required.



<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Allow or disallow</i>	<i>Accept or Not Accept</i>
17	Support fencing of areas CA2 and CA3.	2	Allow	Accept

Rationale

Allow/Disallow

This part of the Preliminary Proposal for this property is considered by this submitter to be an acceptable outcome and to this extent it is regarded as meeting the objects of Part 2 of the Crown Pastoral Land Act. The point should therefore be allowed.

Accept/Not Accept

The point raised on these submissions support this part of the preliminary proposal. As noted above it is considered that the point raised (designation of land to be retained in Crown Ownership and control) is a matter that is relevant to Sections 24 and 25 of the Crown Pastoral land Act 1998. Further consultation with the DGC's delegate and the holder confirms that this point should be accepted for inclusion in the draft substantive proposal.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Allow or disallow</i>	<i>Accept or Not Accept</i>
18	Fencing of CA2 and CA3 should be extended to link the wetlands to fenced stream margins.	2	Disallow	Not Accept

Rationale

Allow/Disallow

The submitter has proposed extending the fencing to link the wetlands with fenced stream margins. To the best of my knowledge the streams associated with these wetlands are not fenced. An examination of the plan enclosed by the submitter shows an extension of the southeastern end of the wetland on the Nabob Stream and it is assumed that this is the extension referred to in the submission.

No reason is given for this proposed extension and no values have been previously identified in this area. As there is no justification for the proposal in terms of the objects of the Part 2 of the Crown Pastoral Land Act the point should be disallowed.

Accept/Not Accept

As the decision has been made to not allow this point it is automatically not accepted.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Allow or disallow</i>	<i>Accept or Not Accept</i>
19	Notes the presence of a number of pest plants and animals and outlines control requirements.	2	Disallow	Not Accept

Rationale

Allow/Disallow

The existence of pest plants and animals and their associated control requirements is a management issue and not a consideration in tenure review.

As no points have been raised which are relevant to the objects of Part 2 of the Crown Pastoral Land Act the point is disallowed.

Accept/Not Accept

As the decision has been made to not allow this point it is automatically not accepted.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Allow or disallow</i>	<i>Accept or Not Accept</i>
20	Notes the presence of a geological feature, the "Balmacaan Formation". A rock type restricted to the locality of the Moorehouse Range.	2	Allow	Not Accept

Rationale

Allow/Disallow

The submitters have identified values that they believe are significant on the property. The location or extent of these values have not been identified and it is not possible to tell whether they are within the proposed protected areas but it appears from the general tone of the submission that they are not.

The protection of SIV's is an object of Part 2 of the Crown Pastoral Land Act therefore the point should be allowed.

Accept/Not Accept

This was not identified in the conservation resources report for this property and when consulted the DGC's delegate advised that most of the Moorhouse range was made up of this rock type and it was not considered that any special form of protection was needed. I concur with this view. Although restricted in locality this feature is not particularly rare nor is it considered that there are any identifiable risks to the value identified by the submitter.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Allow or disallow</i>	<i>Accept or Not Accept</i>
21	Agree with proposals outlined in Preliminary Proposal.	3&4	Allow	Accept

Rationale

Allow/Disallow

These submitters are in agreement with the designations as set out in the Preliminary Proposal for this property. They consider (at least from their point of view) the proposal meets the objects of Part 2 of the Crown Pastoral Land Act. The point should therefore be allowed.

Accept/Not Accept

The point raised in these submissions support the preliminary proposal. As noted above it is considered that the point raised (designation of land) is a matter that is relevant to Sections 24 and 25 of the Crown Pastoral land Act 1998. Further consultation with the DGC’s delegate and the holder confirms that this point should be accepted for inclusion in the draft substantive proposal.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Allow or disallow</i>	<i>Accept or Not Accept</i>
22	Areas proposed for retention in Crown control are generally acceptable provided suitable access to these areas is available.	5	Allow	Accept

Rationale

Allow/Disallow

This part of the Preliminary Proposal for this property is considered by this submitter to be an acceptable outcome and to this extent it is regarded as meeting the objects of Part 2 of the Crown Pastoral Land Act. The point should therefore be allowed.

Accept/Not Accept

The point raised in these submissions support the preliminary proposal. As noted above it is considered that the point raised (designation of land and public access to reviewable land) is a matter that is relevant to Sections 24 and 25 of the Crown Pastoral land Act 1998.

It is considered that the access provided for in the preliminary proposal is suitable and as the submitter has made no further comment on the access proposals it is assumed that they were also comfortable with the proposal and perhaps making the point that they did not want to see public access reduced by the time the review reached substantive proposal. Further consultation with the DGC’s delegate and the holder confirms that this point should be accepted for inclusion in the draft substantive proposal.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Allow or disallow</i>	<i>Accept or Not Accept</i>
23	Concerned that public access to proposed conservation areas could pose a serious fire risk during dry periods and propose public access be denied any time the district fire risk is high	6	Allow	Not Accept

Rationale

Allow/Disallow

This submission relates to the terms of the proposed public access easements contained within the Preliminary Proposal.

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

Accept/Not Accept

The DGC’s delegate is of the view that fire risk is a management issue for the department to control post tenure review and is not of itself an issue that should be considered when proposing designations. I concur with this point of view and do not consider that any provision needs to be included in the public access easement as DoC retain the ability to close public access to a conservation area at any time they consider it is justified because of fire risk.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Allow or disallow</i>	<i>Accept or Not Accept</i>
24	Concerned that public access easement i-j as proposed adjoins their property and it is critical that stock disturbance during lambing is minimised. Therefore they would like to see the easement closed during this time (mid August to mid October).	6	Allow	Not Accept

Rationale

Allow/Disallow

This submission relates to the terms of the proposed public access easements contained within the Preliminary Proposal.

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

Accept/Not Accept

It is not considered that the proposed easement will have any significant impact on the adjoining property. The leaseholders themselves have not requested a closure period for their own lambing and after consultation with the DGC’s delegate and holder it is not proposed to alter the public access easement for the draft substantive proposal.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Allow or disallow</i>	<i>Accept or Not Accept</i>
25	Would like to see the catchment area of the Montalto Water Supply protected.	7	Allow	Accept

Rationale

Allow/Disallow

The submitters are anxious to improve the quality of the water entering the Montalto water supply scheme byt having the catchment area destocked. They have suggested that tenure review would be a suitable vehicle for this purpose.

The water resource in the land can fall within the definition of a significant inherent value. The protection of SIV's is an object of Part 2 of the Crown Pastoral Land Act therefore the point should be allowed.

Accept/Not Accept

As noted earlier this area is similar to that identified in point 14 although the values identified by the two submitters are completely different.

The holder advised that they had had some discussion with the operators of the Montalto water supply regarding retiring part of the catchment for the water scheme. After further discussion it was acknowledged by the holder that it was appropriate to retire most of this catchment to protect the botanical values present and the water quality of the catchment.

The holder has agreed to this on the condition that the financial settlement agreed to in the preliminary proposal be reviewed to acknowledge the additional area to be retained by the Crown and the resulting loss in carrying capacity of the farm.

The following photographs illustrate the areas proposed for addition to the Conservation Area 1 designation in the draft substantive proposal.



Lower part of the catchment – Montalto water supply scheme intakes are at the bottom of the streams in the left and right of the picture.



Upper part of the catchment- This is the area containing the pink broom identified in point 14.

7. SUMMARY AND CONCLUSION

A modest number of submissions were received from a wide cross section of the community including conservation groups, local authorities and private individuals.

The overall trend was to support the designations outlined in the preliminary proposals although some concern was expressed by a number of submitters that the proposed designations did not adequately protect significant inherent values in the Rangitata Gorge area of the property.

The recommendations for this area were reviewed with the DGC's delegate and the holder. Most of the submissions appear to be concerned with the river and it's margins and the landscape values of the gorge and we are confident that the designations proposed along with the marginal strips created will adequately protect these values and no changes are proposed in the draft substantive proposal regarding this area.

The public submissions did highlight a couple of areas containing values that were not identified in the conservation resources report and subsequent consultation with the DGC's delegate and the holder. These areas (dry river terraces and the Montalto water supply scheme catchment) have been discussed with the holder and DGC's delegate and

proposals formulated for their protection (at least in part) in the draft substantive proposal.

A number of submissions also identified small areas of forest or shrubland remnants located on the upper slopes of the gorge and Chapmans Stream. While acknowledging that these do exist it was established in consultation for the preliminary proposal with the leaseholder and DGC's delegate that these areas were of generally lesser value due to isolation and or modification, were at little risk due to their location and the topography of the terrain and therefore no formal protection was considered necessary. None of the submissions received brought up any new information in regard to these areas and it is not therefore proposed to alter the draft substantive proposal in regard to these areas.

6. RECOMMENDATION

1. That the Commissioner of Crown Lands **approves** the analysis and recommendations in this report.

Signed by Opus:

Peer Review:

Mike Todd
Property Consultant

Bill Ross
Property Consultant

Approved/Declined by:

Name:
Date of decision: / /

APPENDIX I

Consultation with Director General of Conservations Delegate

APPENDIX II

Consultation with Leaseholder

REPORT
ON
IWI SUBMISSION

TENAHAUN



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Tenahaun Pastoral Lease

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Appendices:

- I Copy of DGC Consultation**
- II Copy of Holder Consultation**

ANALYSIS OF IWI SUBMISSION

STATEMENT PURSUANT TO SECTION 45(A)(iii) CROWN PASTORAL LAND ACT 1998

TENAHAUN - TENURE REVIEW NO. 52

File Ref: CON/50000/16/12744/00/A-ZNO Submission No: CH0234 Submission Date: 14 January 2005

Office of Agent: Christchurch LINZ Case No: TR05/60 Date sent to LINZ: 14 January 2005

1. **Details of lease:**

Lease Name: Tenahaun

Location: Rangitata Gorge, Mid Canterbury

Lessees: Peter Colin Wright and Janet Rosamond Wright

2. **Public notice of Preliminary Proposal:**

Date, publication and location advertised:

Saturday 26 June 2004.

- The Press Christchurch
- Otago Daily Times Dunedin

Saturday 3 July 2004

- Ashburton Guardian Ashburton

Closing Date for Submissions:

27 August 2004.

3. **Details of Submission received:**

A submission dated 18 August 2004 was received on 20 August 2004.

4. Preliminary Analysis of Submissions:

4.1 Introduction:

Explanation of Analysis:

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

The following methodology was used to analyse each point:

- A summary of each of the points raised along with the recorded number (shown in the appended tables) of the submitter(s) making the point.
- Discussion of the point.
- Recommendations whether or not to allow for further consultation.

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

The points raised have been analysed to assess whether they are matters that can be dealt with under the Crown Pastoral Land Act. Where it is considered that they are, the recommendation is to allow them. *approved base TR 05/20. 7 Sept. 04*

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).

4.2 *Analysis:*

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Allow or disallow</i>	<i>Accept or Not Accept</i>
1	The Rangitata River has immense cultural, traditional and historical significance to Ngai Tahu. Ngai Tahu supports the marginal strip that will be provided for the Rangitata River and also supports the Proposed Conservation Areas CA4 and CA5, which will provide extra protection.	Allow	Accept
<p>Rationale</p> <p>Allow/Disallow</p> <p>This part of the Preliminary Proposal for this property is considered by Ngai Tahu to be an acceptable outcome and to this extent it is regarded as meeting the objects of Part 2 of the Crown Pastoral Land Act. The point should therefore be allowed.</p> <p>Accept/Not Accept</p> <p>The point raised supports this part of the preliminary proposal. It is considered that the point raised (protection of significant inherent values and designation of land to be retained in full Crown Ownership and control) is a matter that is relevant to Sections 24 and 25 of the Crown Pastoral land Act 1998. Further consultation with the DGC's delegate and the holder confirms that this point should be accepted for inclusion in the draft substantive proposal.</p>			

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Allow or disallow</i>	<i>Accept or Not Accept</i>
2	The Hinds River has immense cultural, traditional and historical significance to Ngai Tahu. Ngai Tahu supports the marginal strip that will be provided for the Hinds River.	Allow	Accept
<p>Rationale</p> <p>Allow/Disallow</p> <p>This part of the Preliminary Proposal for this property is considered by Ngai Tahu to be an acceptable outcome and to this extent it is regarded as meeting the objects of Part 2 of the Crown Pastoral Land Act. The point should therefore be allowed.</p> <p>Accept/Not Accept</p> <p>The point raised supports this part of the preliminary proposal. It is considered that the point raised (protection of significant inherent values) is a matter that is relevant to Sections 24 and 25 of the Crown Pastoral land Act 1998. Further consultation with the DGC's delegate and the holder confirms that this point should be accepted for inclusion in the draft substantive proposal.</p>			

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Allow or disallow</i>	<i>Accept or Not Accept</i>
3	Ngai Tahu supports conservation areas CA2 and CA3	Allow	Accept
<p>Rationale</p> <p>Allow/Disallow</p> <p>This part of the Preliminary Proposal for this property is considered by Ngai Tahu to be an acceptable outcome and to this extent it is regarded as meeting the objects of Part 2 of the Crown Pastoral Land Act. The point should therefore be allowed.</p> <p>Accept/Not Accept</p> <p>The point raised supports this part of the preliminary proposal. It is considered that the point raised (protection of significant inherent values and designation of land to be retained in full Crown Ownership and control) is a matter that is relevant to Sections 24 and 25 of the Crown Pastoral land Act 1998. Further consultation with the DGC's delegate and the holder confirms that this point should be accepted for inclusion in the draft substantive proposal.</p>			

5. **SUMMARY AND CONCLUSION**

The IWI submission raised a small number of points all of which supported the designations proposed in the Preliminary Proposal and all of which are proposed to be bought down into the Draft Substantive Proposal essentially unchanged.

6. **RECOMMENDATION**

That the Commissioner of Crown Lands **approves** the analysis and recommendations in this report.

Signed by Opus:

Peer Review:

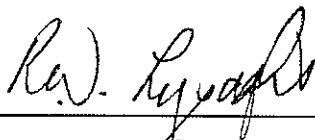


Mike Todd
Property Consultant



Tim Broad
Property Consultant

Approved/Declined by:



Name:

Date of decision: 4 / 2 / 105