

Crown Pastoral Land Tenure Review

Lease name: TENAHAUN

Lease number: PC 020

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 04

PRELIMINARY ANALYSIS

OF

PUBLIC SUBMISSIONS

TENAHAUN



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**ANALYSIS OF PUBLIC SUBMISSIONS
FOR PRELIMINARY PROPOSAL
TENAHAUN PASTORAL LEASE**

File Ref: CON/50000/16/12744/00/A-ZNO **Submission No:** CH0330 **Submission Date:** 30 August 2004

Office of Agent: Christchurch

LINZ Case No:

Date sent to LINZ: 1 September 2004

RECOMMENDATIONS

1. That the Commissioner of Crown Lands **notes** the receipt of this report for land held under pastoral lease Pc 020 Tenahaun.
2. That the Commissioner of Crown Lands **approves** the recommendations in this report to allow or disallow the points raised in the submissions received.
3. That the Commissioner of Crown Lands **authorises** further consultation with the Director General of Conservations delegate on those points allowed.

Signed by Opus:

Peer Review:

Mike Todd
Property Consultant

Rob Churcher
Property Consultant

Approved/Declined by:

Name:

Date of decision: / /

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.

4. Preliminary 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, the recommendation is to allow them.

4.2 Analysis:

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>
1	Support inclusion of wetland areas CA2 & CA3 in full Crown Ownership and Control	1	Allow

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.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</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

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 accepted.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</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

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.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</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

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.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>
5	Supports the retention of CA 1 in Crown ownership and control.	1	Allow

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.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</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

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.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</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

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.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</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

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.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</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

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.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</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 east a wider strip should apply through the gorge section of the river.	1	Allow

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.

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

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.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>
12	Supports the establishment of a marginal strip and fencing adjacent to Pudding Valley Creek and Hinds River South Branch	2	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.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</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

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.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</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

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.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</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

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.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</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

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.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>
17	Support fencing of areas CA2 and CA3.	2	Allow

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.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>
18	Fencing of CA2 and CA3 should be extended to link the wetlands to fenced stream margins.	2	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.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Recommended Decision</i>
19	Notes the presence of a number of pest plants and animals and outlines control requirements.	2	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.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Recommended Decision</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

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.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Recommended Decision</i>
21	Agree with proposals outlined in Preliminary Proposal.	3&4	Allow

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.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Recommended Decision</i>
22	Areas proposed for retention in Crown control are generally acceptable provided suitable access to these areas is available.	5	Allow

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.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Recommended Decision</i>
23	Concerned that public access to proposed conservation areas proposed 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

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.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Recommended Decision</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

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.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Recommended Decision</i>
25	Would like to see the catchment area of the Montalto Water Supply protected.	7	Allow

The submitters are anxious to improve the quality of the water entering the Montalto water supply scheme but 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.

APPENDIX I

List of Submitters

APPENDIX II

Points Raised by Submitters

APPENDIX III

Copies of Submissions

PRELIMINARY ANALYSIS

OF

IWI SUBMISSION

TENAHAUN



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Appendices:

I Copy of Submission

**ANALYSIS OF IWI SUBMISSION
ON PRELIMINARY PROPOSAL
TENAHAUN PASTORAL LEASE**

File Ref: CON/50000/16/12744/00/A-ZNO **Submission No:** CH0231 **Submission Date:** 31 August 2004

Office of Agent: Christchurch

LINZ Case No:

Date sent to LINZ: 1 September 2004

RECOMMENDATIONS

1. That the Commissioner of Crown Lands **notes** the receipt of this report for land held under pastoral lease Pc 020 Tenahaun.
2. That the Commissioner of Crown Lands **approves** the recommendations in this report to allow or disallow the points raised in the submission received.

Signed by Opus:

Peer Review:

Mike Todd
Property Consultant

Rob Churcher
Property Consultant

Approved/Declined by:

Name:

Date of decision: / /

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.

4.2 Analysis:

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Recommended Decision</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

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.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Recommended Decision</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

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.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Recommended Decision</i>
3	Ngai Tahu supports conservation areas CA2 and CA3	Allow

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.

APPENDIX I

Copy of Submission