

# **Crown Pastoral Land Tenure Review**

**Lease name: THE GORGE**

**Lease number: PT 004**

## **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.

**February 05**

**REPORT**  
**ON**  
**PUBLIC SUBMISSIONS**  
**THE GORGE**



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- I Consultation with Director General of Conservation
- II Consultation with Holder

## ANALYSIS OF PUBLIC SUBMISSIONS

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

#### THE GORGE PASTORAL LEASE – TENURE REVIEW NO. 325

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**File Ref:** CON/50000/16/12671/00/A-ZNO **Submission No:** CH0218 **Submission Date:** 16 Dec 2004

**Office of Agent:** Christchurch

**LINZ Case No:**

**Date sent to LINZ:** 3 February 2005

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#### **1. Details of lease:**

**Lease Name:** The Gorge

**Location:** Peel Forest, Mid Canterbury

**Lessees:** Geoffrey Thomas O’Carroll as to a ½ share and Thomas William O’Carroll and Pamela Ann O’Carroll as to a ½ share.

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

*Date, publication and location advertised:*

Saturday 31 January 2004.

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

*Closing Date for Submissions:*

29 March 2004.

#### **3. Details of Submissions received:**

A total of 8 submissions were received. Details of submitters are:-

Sub #	Submitter	Address	Type of Organisation
1	South Canterbury Branch, Royal Forest and Bird Society of New Zealand Inc	29a Nile Street Timaru	Non Government Organisation - Regional
2	Central Office, Royal Forest and Bird Society of New Zealand Inc	Box 2516, Christchurch	Non Government Organisation - National
3	South Canterbury Section NZ Alpine Club	P O Box 368 Timaru	Non commercial recreational users
4	The Geraldine Tramping Club	76 Pye Rd RD 21 Geraldine	Non commercial recreational users
5	Geoff Clark	10 Smacks Close Papanui Christchurch 5	Individual
6	Federated Mountain Club of New Zealand (Inc)	34 John Street Temuka	Non Government Organisation - National
7	Orari River Protection Group	C/- 52 Connolly Street Geraldine	Non Government Organisation - Regional
8	The Geraldine Tramping Club	76 Pye Rd RD 21 Geraldine	Non commercial recreational users

#### 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, the recommendation is to allow them.

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). Points that will be included in the substantive proposal are accepted. Points that are not going to be included in the substantive proposal are not accepted.

**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	More of the property should be retained by the Crown, on the basis of proportions	1 & 2	Disallow	Not Accept
<p><b>Rationale</b></p> <p><b>Allow/Disallow</b>                      Submitter 2 refers to a new objective for tenure review to receive a fair and financial return to the Crown on it’s high country land assets. This is an objective that at the time of writing has been proposed but not promulgated and therefore cannot be considered. It is noted that even if it could be considered the area split between freehold and land to be retained is not a basis for determining if the Crown has received a fair financial return on it’s high country assets. Both submitters argued, purely on a statistical basis of area proportions, that the Crown was not retaining enough land. As a consequence of these matters the point cannot in itself be allowed for further consideration. However both submitters went on to produce further justification for their position that more land should be retained in Crown ownership and these are covered under other points in the submission.</p> <p>The requirement for the Crown to receive a fair financial return on it’s high country assets is not an object of Part 2 of the Crown Pastoral Land Act nor at the time of writing has it been confirmed as a complimentary objective of tenure review. The point therefore should be disallowed.</p> <p><b>Accept/Not Accept</b>                      This point was disallowed in the preliminary analysis and is therefore automatically not accepted.</p>				

<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 slopes and gullies along the Orari Gorge that contain SIV's are proposed for freehold.	1 & 5	Allow	Not Accept

**Rationale**

**Allow/Disallow**

Submitter 1 identified areas of native bush and shrublands and tussock grasslands along the banks of the gorge, in the Shag stream catchment and along the pack track said to contain significant inherent values.

Both submitters objected to the freehold designation on these faces and requested that the values identified be protected.

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.

**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.

No marginal strip will be created because there is legal road between the lease land and the river. Most of the riverside vegetation is within the 20 metre wide legal road and is not subject to Tenure review as it is not in reviewable road.

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>
3	Comments relating to the Scotsburn lease and the Scotsburn tenure review.	1,2 & 8	Disallow	Not Accept
<p><b>Rationale</b></p> <p><b>Allow/Disallow</b> This submitters included references to the Scotsburn tenure review in their submissions. The Gorge and Scotsburn while adjoining properties are separate reviews and therefore comments on Scotsburn are not relevant to The Gorge and points made should be disallowed.</p> <p><b>Accept/Not Accept</b> This point was disallowed in the preliminary analysis and is therefore automatically not accepted.</p>				

<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	Opposition to transfer of river flats in Scotsburn Stream to freehold and want entire stream valley retained by Crown for ecological and landscape cohesion and to ensure that public access is maintained	1 & 2	Allow	Accept
<p><b>Rationale</b></p> <p><b>Allow/Disallow</b> This is a similar point to that raised at No. 7 but differs in the justification for the retention in Crown ownership includes landscape values. The submitters have suggested that whole catchment protection is desirable to protect landscape values with a natural transition from forest to shrubland to short tussock and finally snow tussock. They argue that the proposal to fence the forest edge will create an unnatural and distinct separation between forest and pasture. Submitter 1 also considered that retention of this area was important to ensure public access up the stream valley was maintained.</p> <p>Landscape values are SIV’s and the provision of public access is an object of Part 2 of the Crown Pastoral Land Act and therefore the point should be allowed.</p> <p><b>Accept/Not Accept</b> The area was revisited and following further discussion with the DGC’s delegate and the holder it was considered that the significant landscape values needed to be protected on the freeholded land in that area. Therefore a covenant is proposed to protect the values identified. Public access is already ensured within the marginal strips of the Scotsburn Stream itself. This point is accepted for inclusion in the DSP.</p>				



<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	The lease is highly visible from surrounding land and has significant inherent values (landscape), which is outside of the areas designated for protection that should be protected.	1 & 5	Allow	Accept

**Rationale**

**Allow/Disallow**

Two submitters identified the leases as having significant landscape values not proposed for protection. Submitter 5 identified these values as being on the front faces while Submitter 2 did not identify a specific area where these values existed but asked that the values be protected by retention in Crown ownership or appropriate protective covenants.

Landscape can be a significant inherent value and as the protection of significant inherent values is an object of part 2 of the Crown Pastoral Land Act the point should be accepted.

**Accept/Not Accept**

Full coverage of the upper Scotsburn Stream 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 had significant inherent landscape values and it would be good to be able to protect more of this area via a covenant.

The point was discussed with the holder and it was eventually agreed that a representative area be covenanted between the upper Shag Stream and the land to be retained in full Crown ownership in the upper Scotsburn Stream. This issue has been addressed in the DSP.

<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	Provide public access from the Orari catchment into Scotsburn Stream.	1 & 6	Allow	Not Accept
<p><b>Rationale</b></p> <p><b>Allow/Disallow</b>                      Submitter 1 suggested access along the ‘Pack’ track, up Shag Stream gully and over the ridge into Scotsburn Stream. Submitter 6 suggested access to the Scotsburn Stream over The Gorge albeit by a slightly different route (using the same tracks proposed for the management purposes easement).</p> <p>The securing of public access to and enjoyment of reviewable land is an object of Part 2 of the Crown pastoral Land Act. The point should therefore be allowed.</p> <p><b>Accept/Not Accept</b>                      This topic was further discussed with the holder. It was agreed that there is provision for public access on the property; and that it is adequate as it is possible for walkers to move from the Orari catchment through the property to the Scotsburn catchment via the easements, legal road and the Scotsburn Stream itself. The submitters wanted public access through the middle of the property which would be difficult to manage i.e. too disruptive for farm management. Therefore it was not accepted for inclusion in the DSP.</p>				

<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	Scotsburn catchment contains SIV’s above the proposed conservation area.	2	Allow	Accept
<p><b>Rationale</b></p> <p><b>Allow/Disallow</b>                      The submitter asserts that the SIV’s in the Scotsburn catchment extend beyond the reach of the established forest. The SIV’s present on proposed freehold designation are described as regeneration of forest and mixed shrublands in the gullies extending well beyond the proposed conservation area boundary. Short tussock (which is in moderate condition and would recover if grazing was removed) on the lower to mid slopes and snow tussock and celmisia on upper slopes (above 700m).</p> <p>The protection of SIV’s is an object of Part 2 of the Crown Pastoral Land Act therefore the point should be allowed.</p> <p><b>Accept/Not Accept</b>                      The issues here are more specific than point five; but the outcome has been handled in the same way. The covenant will protect the vegetation in the area identified, so the point is accepted.</p>				

<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	Provide public access up ridgeline to northern boundary of property. This would open up a number of round trip options for walkers and trampers.	2 & 3	Allow	Not Accept

***Rationale***

**Allow/Disallow**

Submitter 2 and 3 requested public access to and along this ridge as it offered an alternative route to/from the main Mt Peel Ridge and access to a number of possible round trips utilising adjoining conservation areas. This would be subject to similar access being provided on adjoining properties that are in tenure review.

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

**Accept/Not Accept**

This issue was further debated with the holder. It was agreed that there were other round trips for walkers and trampers already provided for in the area (Peel Forest Park), and which were less disruptive to farm management than these proposals. Note also that the ridge access would not actually provide any round trips, as that would require land on adjoining Pastoral Lease (Lochaber) being retained for conservation through tenure review. The point was not accepted for inclusion in the DSP.

<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	Shag Stream catchment contains SIV’s above the proposed conservation area.	2	Allow	Accept

**Rationale**

**Allow/Disallow**  
 The submitter asserts that the SIV’s in the Shag Stream catchment extend beyond the area proposed for protection. The SIV’s present on proposed freehold designation are described as mixed shrublands in the mid catchment dominated by fuchsia, ribbonwood and wineberry with kowhai and compositae also abundant and giving way to snow tussock, celmisia, flax and shield fern in the upper catchment.

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 points five and seven, this issue has been addressed with the addition of the covenant area in the head of Shag Stream. The point is accepted and changes made to the DSP.

<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	The un-named stream on the true left of Coopers Spur contains similar SIV’s to the Shag Stream catchment but is not proposed for protection.	2	Allow	Accept

**Rationale**

**Allow/Disallow**  
 The submitter has identified that this catchment contains similar ecological values, vegetation types and conditions as the Shag Stream catchment but is not proposed for protection.

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 Conservation Resources Report and therefore not designated in the draft preliminary proposal. However when inspected the DGC’s delegate acknowledged that the habitat had significant SIV’s 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 containing the best values at the true left end of Coopers Spur should be included in the land to be retained in full Crown ownership. The point has been accepted for the DSP.

<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	The margins of the Orari River through the gorge have SIV's that extend beyond the protection of a standard 20 metre marginal strip and a wider marginal strip is recommended to accommodate these values.	2 & 3	Allow	Not Accept

**Rationale**

**Allow/Disallow**

The submitters identify outstanding geological, scenic, amenity and recreation values along the gorge sections of the river as well as intact native vegetation. 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**

The margins of the Orari River through the Gorge are legal road. Therefore no marginal strip will be laid off on disposition as the reviewable land does not adjoin the waterway.

It is considered that due to the nature and topography of the river bank through the gorge that a lateral 20 metre strip does in fact adequately protect the river margin which contains the most significant SIVs.

As land containing SIVs is outside of the reviewable land the point is not accepted for inclusion in the DSP.

<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	Advocate a whole property purchase by the Crown as it is not considered that tenure review can deliver a practical outcome for all parties.	2 & 5	Disallow	Not Accept

**Rationale**

**Allow/Disallow**

The submitters view is that the areas that should be retained by the Crown for the protection of SIV’s should be extended to such an extent that the holder would not proceed with tenure review and therefore they advocate the Crown purchasing the entire property as a means to achieving the objects of Part 2 of the Crown Pastoral Land Act.

A property purchase is not a tenure review, it is a separate process and therefore this point is not relevant to the consideration of a tenure review by the Commissioner of Crown Lands. It is therefore recommended that the point be disallowed.

**Accept/Not Accept**

This point was disallowed in the preliminary analysis and is therefore 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	Concern at extent of new 4WD tracking in the Shag Stream Catchment and the effect of this on SIV’s.	2	Disallow	Not Accept

**Rationale**

**Allow/Disallow**

The submitters expressed concern at the placement of a 4WD track recently constructed in the Shag Stream catchment noting that it had a detrimental effect on landscape and other SIV’s in this area.

Tracking and other earth disturbance are discretionary consent matters under the CPLA and therefore this point is not relevant to the consideration of a tenure review by the Commissioner of Crown Lands. The point is therefore disallowed as part of The Gorge tenure review, but the matter is being considered under pastoral administration processes.

**Accept/Not Accept**

This point was disallowed in the preliminary analysis and is therefore 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>
14	Supports the proposal that existing stands of bush be restored to full Crown ownership.	3	Allow	Accept
<p><b>Rationale</b></p> <p><b>Allow/Disallow</b> This part of the Preliminary Proposal for this property is considered 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><b>Accept/Not Accept</b> 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) 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.</p>				

<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	Corridors between the blocks proposed for protection on the Orari that are allowed to regenerate in order that the blocks are more sustainable.	3	Allow	Not Accept
<p><b>Rationale</b></p> <p><b>Allow/Disallow</b> Significant inherent values can encompass the concepts of potential, linkages and buffers. The issue raised is therefore relevant with respect to the objects of part 2 of the Crown Pastoral Land Act and is thus allowed for further consideration.</p> <p><b>Accept/Not Accept</b> There are corridors of vegetation in the legal roads adjoining the property. Setting apart corridors would require the designating of land with no identified values. This would be unacceptable to the holder and difficult to justify in terms of the objects of the Crown Pastoral Land Act 1998. It would greatly encumber the farm management of the proposed freehold land and incur significant additional implementation costs for the Crown. Further it is considered that the vegetation in the fenced off blocks retained in crown ownership will be sustainable. This point is not accepted for inclusion in the DSP.</p>				

<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	Concur with the proposals outlined.	4	Allow	Accept
<p><b>Rationale</b></p> <p><b>Allow/Disallow</b></p> <p>Submitter 4 supported the proposal as outlined.</p> <p>The Preliminary Proposal for this property is considered 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><b>Accept/Not Accept</b></p> <p>The general statement of support is accepted.</p>				

<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	The area has good recreational value for walking tracks.	5	Allow	Not Accept
<p><b>Rationale</b></p> <p><b>Allow/Disallow</b></p> <p>The submitter has stated that the area should be retained and that walking tracks be developed from Peel Forest Park into the property. It is noted that The Gorge is not contiguous with Peel Forest Park and such a proposal would rely on complimentary outcomes on other tenure reviews. That aside, recreational values as well as improving public access are objects of the CPLA.</p> <p>As the issues identified are at least in part relevant to objects of part 2 of the Crown Pastoral Land Act the point should be allowed.</p> <p><b>Accept/Not Accept</b></p> <p>It is not considered that the provision of a network of walking tracks over the property justifies the retention of the entire property as proposed. The existing access is considered to be adequate for the purposes of allowing both public and DoC management access. As The Gorge is not contiguous with the Peel Forest park the proposal is impractical and it is not accepted for inclusion in the DSP.</p>				



<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	Supports the designation of the freehold and conservation areas.	6	Allow	Accept
<p><b>Rationale</b></p> <p><b>Allow/Disallow</b> The submitter supports these designations of the freehold and conservation areas as contained in the proposal</p> <p>This part of the Preliminary Proposal for this property is considered 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><b>Accept/Not Accept</b> 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.</p>				

<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	Statement that the lease contains significant areas of ecological importance and asks that the tenure review proactively identifies these areas and ensures that they are maintained through the process.	7	Disallow	Not Accept
<p><b>Rationale</b></p> <p><b>Allow/Disallow</b> The submitter has made the above statement however there is no indication of whether or not they support or oppose the proposal (or any aspect of the proposal) as advertised. This being the case no particular point is raised.</p> <p>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.</p> <p><b>Accept/Not Accept</b> This point was disallowed in the preliminary analysis and is therefore automatically not accepted.</p>				

<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	Inclusion of a public access easement from Scotsburn Stream onto and along ridgeline	8	Allow	Not Accept

**Rationale**

**Allow/Disallow**  
 This submission was received late and is included in this analysis on the instructions of the Commissioner of Crown Lands delegate received on 28 April 2004.

The submitter proposes a public access easement from the conservation area up onto the main ridge and then along this ‘to take advantage of the added scope of walking tracks in the Peel Forest Park’. As per point 17 above it is noted that the Gorge and the park are not contiguous however the proposal above would probably be considered an attractive recreation proposition in itself even though as it stands it would be a there and back walk. The recreational and public access issues raised in the point are relevant in terms of the object of part 2 of the CPLA.

As the issues identified are at least in part relevant to objects of part 2 of the Crown Pastoral Land Act the point should be accepted.

**Accept/Not Accept**

This point was discussed with the DGC’s delegate and the holder. Overall it was considered that the public access provided in the DPP was adequate. The proposed easement would not give access to any specific place i.e. round trip or conservation land. A key issue was the need for the farm to be allowed to operate without hindrance from visitors moving through the centre of the property; therefore it is not accepted for inclusion in the DSP.

**5. Summary and conclusions**

A useful number of submissions were received from a cross section of the community including conservation groups, recreation groups and a private individual.

Many were on issues that are outside of the Crown Pastoral Land Act 1998; and as they had been disallowed in the preliminary analysis they were automatically excluded from influencing the draft substantive proposal.

Some supported the designations outlined in the preliminary proposal, although some concern was expressed by a number of submitters that the proposed designations did not adequately protect enough of the significant inherent values on the property in the Orari River and gorge, and in the Scotsburn catchment; or did not provide a greater variety of public access.

The recommendations were reviewed with the DGC’s delegate and the holder. Most of the submissions appear to be concerned with the river and its margins and the landscape values of the gorge, and we are confident that the designations proposed 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 after consultation with the DGC’s delegate and the holder it is proposed to provide additional protection in the form of the covenant on areas at the head of the Scotsburn Stream and Shag Stream, and the return to full Crown ownership of the area off the south eastern end of Coopers Spur.

Public access is available up the main waterways, and further provision of access would either conflict with running the farm, or would not provide any effective linkage to external conservation areas.

**6. Recommendation**

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

**Signed by Opus:**

**Peer Review:**

\_\_\_\_\_  
Bill Ross  
Property Consultant

\_\_\_\_\_  
Mike Todd  
Property Consultant

**Approved/Declined by:**

\_\_\_\_\_  
Name:  
Date of decision:     /     /

# APPENDIX I

## Consultation with Director General of Conservation

## **APPENDIX II**

### **Consultation with Holder**

**REPORT**  
**ON**  
**IWI SUBMISSION**  
  
**THE GORGE**



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### *Appendices:*

- I Further consultation with iwi**
- II Consultation with DoC**
- III Consultation with Holder**

## ANALYSIS OF IWI SUBMISSION

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

#### THE GORGE PASTORAL LEASE

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**File Ref:** CON/50000/16/12671/00/A-ZNO **Submission No:** CH0238 **Submission Date:** 22/12/2004

**Office of Agent:** Christchurch

**LINZ Case No:**

**Date sent to LINZ:**

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#### **1. Details of lease:**

**Lease Name:** The Gorge

**Location:** Peel Forest, Mid Canterbury

**Lessees:** Geoffrey Thomas O'Carroll as to a ½ share and Thomas William O'Carroll and Pamela Ann O'Carroll as to a ½ share.

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

*Date, publication and location advertised:*

Saturday 31 January 2004.

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

*Closing Date for Submissions:*

29 March 2004.



### **3. Details of Submission received:**

A submission dated 23 March 2004 was received on 1 April 2004. This submission requested that iwi be allowed to inspect the property to provide further advice on what values existed and how they should be protected. Another inspection was completed and additional advice provided by iwi on 21/5/2004.

### **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.

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 is based on these criteria:-

**Accept:** the outcome of an accept decision will be that the point is included in the draft Substantive Proposal. To arrive at this decision the point is evaluated with respect to

- The objects and matters to be taken into account in the Crown Pastoral Lands Act 1998 (Sections 24 and 25 for Part 2 reviews or Sections 83 and 84 for Part 3 reviews) and
- 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.

**Not Accept:** the outcome of a Not Accept decision will be that the point is not included in the draft Substantive Proposal, based on consideration of the above criteria. Note that those points that are disallowed in the preliminary analysis are automatically Not Accepted.

**4.2 Analysis:**

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Allow or disallow</i>	<i>Accept or Not Accept</i>
1	<p>The Gorge is part of the ancestral maunga that is of immense importance to local Ngai Tahu hapu and therefore contains significant inherent cultural values.</p> <p>The Runanga are unsure what is the best way to protect these values and request an inspection of the lease to determine these matters.</p>	Allow	Accept
<p><b>Rationale</b></p> <p><b>Allow/Disallow</b></p> <p>Cultural values have been identified on the lease, which may be significant inherent values. TRONT propose an inspection of the lease to determine if and how these values should be protected in terms of the objects of Part 2 of the CPLA.</p> <p>It is apparent that further consultation (which may also require an inspection) was required to determine what values exist on the lease and the best proposals for the protection of these in terms of the objects of the Act.</p> <p><b>Accept/Not Accept</b></p> <p>An iwi inspection in May 2004 considered both access and additional SIV protection. A further area of land was identified for protection on the point of Coopers Spur.</p> <p>Following consultation with the DGC’s delegate and the holder, along with an inspection of the site, it was established that the SIV’ in this area are confined to the shady or eastern side of Coopers Spur. The area is designated for retention in full crown ownership in the DSP, thereby allowing the issue to be accepted.</p>			

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Allow or disallow</i>	<i>Accept or Not Accept</i>
2	Ngai Tahu seeks an access arrangement with the lessee, that is suitable for both the lessee and Ngai Tahu	Allow	Not Accept
<p><b>Rationale</b></p> <p><b>Allow/Disallow</b></p> <p>TRONT propose an access arrangement (presumably an easement) but have not elaborated on what they are trying to access or what terms they would like included.</p> <p>Further consultation is required to determine what route any access should take and what terms are required (for example - vehicle or pedestrian). Improving public access is an object of Part 2 of the CPLA and therefore the point raised should be allowed.</p> <p><b>Accept/Not Accept</b></p> <p>The property was inspected by iwi in May 2004. In a letter dated 21 May 2004 they advised that they were now happy with the access provision of the DPP and with drew their request for their own access arrangement. Therefore the point is not accepted for inclusion in the DSP.</p>			

**5. Summary and conclusion**

The IWI submission raised two points which questioned the designations proposed in the Preliminary Proposal. One of which is to be bought down into the Draft Substantive Proposal, and the other was placated through discussion without a change required in the DSP.

**6. Recommendations**

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

**Signed by Opus:**

**Peer Review:**

\_\_\_\_\_  
Tim Broad  
Property Consultant

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Bill Ross  
Property Consultant

**Approved/Declined by:**

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Name:

Date of decision:     /     /

# APPENDIX I

## Further consultation with iwi

## APPENDIX II

### Consultation with DoC

## **APPENDIX III**

### **Consultation with holder**