

Crown Pastoral Land Tenure Review

Lease name: THE GORGE

Lease number: PT 004

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.

May 04

PRELIMINARY ANALYSIS

OF

PUBLIC SUBMISSIONS

THE GORGE



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The Gorge Pastoral Lease

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ANALYSIS OF PUBLIC SUBMISSIONS
FOR PRELIMINARY PROPOSAL
THE GORGE PASTORAL LEASE

File Ref: CON/50000/16/12671/00/A-ZNO **Submission No:** CH0218 **Submission Date:** 05 April 2004

Office of Agent: Christchurch

LINZ Case No:

Date sent to LINZ: 29 April 2004

RECOMMENDATIONS

1. That the Commissioner of Crown Lands **notes** the receipt of this report for land held under pastoral lease Pt 004 The Gorge.
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:

Bill Ross
Property Consultant

Mike Todd
Property Consultant

Approved/Declined by:

Name:

Date of decision: / /

1. Details of lease:

Lease Name: Scotsburn

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 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	More of the property should be retained by the Crown, on the basis of proportions	1 & 2	Disallow

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.

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.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>
2	Concern that slopes and gullies along the Orari Gorge that contain SIV’s are proposed for freehold.	1 & 5	Allow

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.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>
3	Comments relating to the Scotsburn lease and the Scotsburn tenure review.	1,2 & 8	Disallow

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.

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

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.

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.

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

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.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>
6	Provide public access from the Orari catchment into Scotsburn Stream.	1 & 6	Allow

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).

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.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>
7	Scotsburn catchment contains SIV’s above the proposed conservation area.	2	Allow

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).

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	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

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.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>
9	Shag Stream catchment contains SIV’s above the proposed conservation area.	2	Allow

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 fushia, ribbonwood and wineberry with kowhai and comprosma also abundant and giving way to snow tussock, celmissia, 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.

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

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.

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

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.

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

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>
13	Concern at extent of new 4WD tracking in the Shag Stream Catchment and the effect of this on SIV’s.	2	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.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>
14	Supports the proposal that existing stands of bush be restored to full Crown ownership.	3	Allow

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.

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

Signifiant 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.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>
16	Concur with the proposals outlined.	4	Allow

Submitter 4 supported the proposal as outlined.

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.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>
17	The area has good recreational value for walking tracks.	5	Allow

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.

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.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>
18	Supports the designation of the freehold and conservation areas.	6	Allow

The submitter supports these designations of the freehold and conservation areas as contained in the proposal

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.

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

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.

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	Inclusion of a public access easement from Scotsburn Stream onto and along ridgeline	8	Allow

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.

APPENDIX I

List of Submitters

APPENDIX II

Points Raised by Submitters

APPENDIX III

Copies of Submissions

PRELIMINARY ANALYSIS

OF

IWI SUBMISSION

THE GORGE



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Preliminary Analysis of IWI Submission CPL Preliminary Proposal Standard 8

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I Copy of Submission

**ANALYSIS OF IWI SUBMISSION
ON PRELIMINARY PROPOSAL
THE GORGE PASTORAL LEASE**

File Ref: CON/50000/16/12671/00/A-ZNO **Submission No:** CH0219 **Submission Date:** 28 April 2004

Office of Agent: Christchurch

LINZ Case No:

Date sent to LINZ: 29 April 2004

RECOMMENDATIONS

1. That the Commissioner of Crown Lands **notes** the receipt of this report for land held under pastoral lease Pt 004 The Gorge.
2. That the Commissioner of Crown Lands **approves** the recommendations in this report to allow or disallow the points raised in the submission received.
3. That the Commissioner of Crown Lands approves further consultation with Te Runanga O Ngai Tahu to establish concisely what their desired outcomes from this review are.

Signed by Opus:

Peer Review:

Bill Ross
Property Consultant

Mike Todd
Property Consultant

Approved/Declined by:

Name:

Date of decision: / /

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.

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	<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

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.

It is apparent that further consultation (which may also require an inspection) is 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.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Recommended Decision</i>
2	Ngai Tahu seeks an access arrangement with the lessee, that is suitable for both the lessee and Ngai Tahu	Allow

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.

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.

APPENDIX I

Copy of Submission