

# **Crown Pastoral Land Tenure Review**

**Lease name: MESOPOTAMIA**

**Lease number: PT 057**

## **Final Report on Public Submissions Pt 2**

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.

**April**

**08**

Submitter 15 alleged *“that the Preliminary Proposal appears to give the lessee many of the benefits of a Pastoral Lease on land retained for conservation without having to pay rental and at the same time gain 6,000 hectares of freeholded land. And has the privileged use of land, by way of concessions for considerable private benefit, which, at the same time, the very same land has been retained for conservation purposes”*.

Submitter 17 recommended *“a 3-5 year review of the tourism activities concession with the right of the grantor to review the terms and conditions of the concession to address any evidence of adverse effects on the significant conservation values identified”*.

The sub-point challenging the right to the creation of the concession was not valid and was not accepted. Section 36(1)(a) of the Crown Pastoral Land Act permits the granting of a specified concession to a person specified in the proposal and therefore the Mesopotamia concession is a legitimate use of this provision. Inference in the allegation of “without having to pay rental” that the concessionaire is getting use of the land at no charge is incorrect as Schedule 1 of the concession sets out the fee structure.

The sub-point objecting to oversowing and topdressing on CA3 had no foundation as Schedule 2, clause A, of the grazing concession allowing this applies only to CA1, and oversowing and topdressing is not permitted on CA3. Therefore this sub-point was disallowed for further consultation.

**Sub-points allowed for further consideration and outcome of further consultation.**

- Length of term of the concession

The majority of the submitters supported a considerably reduced term for the concession with the preference being 5-10 years.

During consultation, consensus was reached that the 30 year term of the concession should be reduced to a 20 year term, with no right of renewal. Certainty of long term tenure was a key point for the holder in securing the existing farming and tourism business, given that such a substantial proportion of the pastoral lease is designated to conservation. From a conservation perspective, the conditions and provisions for monitoring the effects of the concession give assurance that the significant inherent values will be protected.

- Appropriateness of grazing CA1
- Appropriateness of oversowing, topdressing and vegetation clearance on CA1

A number of submitters questioned the appropriateness of the proposed farm management activities on conservation land.

On further discussion of the grazing concession, it was agreed by the parties that oversowing and topdressing would not be permitted on CA1, and that chemical clearance of briar, gorse and broom would be restricted to spot spraying only, with no mechanical clearance permitted.

In terms of the appropriateness of grazing CA1, the stocking rate specified at a maximum of 300 stock units per annum is minimal, and an environmental monitoring programme by the Department of Conservation will ascertain the ongoing effects of grazing on the conservation values of the land. The area lends itself to a grazing concession due to the steep slopes running up to impenetrable bluffs and screes providing a natural barrier to stock intrusion into the adjacent conservation area.

- Fencing CA1 and wetlands

Refer to point 12 for discussion on fencing wetlands. The submitters calls to fence the boundary of CA1 and CA2 were duly considered, however a number of factors including practicality, visual impact, cost and actual necessity, led to a consensus that the terrain offered a significant barrier to stock and that stock retrieval would be the responsibility of the holder closely monitored by the Department of Conservation.

- Monitoring the effect of grazing CA1

As discussed above, submitters concerns regarding on-going monitoring can be alleviated by the concession document which, in addition to the special conditions listed in schedule 2 part (A), provides for protection of the environment under clause 10 and a programme to monitor the environmental effects of the concession activity on the land under clause 16.

- Conditions added to the concession requiring a weed management programme on CA1

Submitters concerns regarding weed control can be alleviated by the concession document which specifies under special conditions, schedule 2 part (A), that the Grantor will inspect the land at the commencement of the concession period for the presence of weeds and pests in order to set up an operational weed and pest control plan for the Concessionaire to implement. This plan to be reviewed every 3 years at the Concession Fee Review date.

- Public hunting and access to CA3

It was obvious from the nature of the submissions received regarding this sub-point that clauses 2(B) and 2(C) in schedule 1 were not clear in their intentions. However, as noted earlier in this report, as a result of further consultation CA3 is no longer subject to an exclusive tourism and hunting concession and has been merged with CA2 which is subject to a non-exclusive tourism activities and commercial filming and photography concession.

- Monitoring and control of Thar numbers in CA3

As discussed above, CA3 is now part of CA2 and subject to a non-exclusive tourism activities and commercial filming and photography concession.

Concerns expressed regarding control of thar numbers in this area are addressed by clause (C) point 1 of schedule 2 of the concession document which specifies that the Grantor ie. Department of Conservation, is responsible for controlling thar numbers in CA1 and CA2 which now also includes that area previously known as CA3. Thar numbers are specified as being maintained at a level in keeping with current DoC policies, with DoC reserving the right to bring numbers down to a figure appropriate to current control policies if necessary.

- Restrictions on aircraft landing sites and flight frequencies, hut use, horse trekking, vehicle use, tramping trips and party sizes, track maintenance and commercial filming

A number of suggestions were put forward by submitters wishing to restrict and limit the Concessionaire's activities. However the original concession document already specified limitations on most of these activities in Schedule 2, as well as providing for monitoring of the effects of the concession activities on the land. For example, whilst aircraft landing sites and flight frequencies have not been restricted, Client Activity Return forms record aircraft activity as part of the monitoring process.

In terms of track maintenance, the concession specifies that the Concessionaire may maintain any existing tracks within the concession area, but any other works of any kind require permission from the Department of Conservation.

Whilst Schedule 2 of the concession document has been restructured for clarity, the only minor change in relation to this sub-point is the limiting of hunting party size to six people per trip, including the guide.

Objectives of the Crown Pastoral Land Act 1998 include:

24(b)(i) To enable the protection of the significant inherent values of reviewable land-

(ii) by the restoration of the concerned to full Crown ownership and control ;plus  
To make easier the securing of public access to and enjoyment of reviewable land.

Secondly the granting of a concession is permitted under the legislation. As a result of further consultation, the concession document has been altered accordingly and some changes accommodated. Therefore this point has been accepted in part for inclusion in the proposal.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
7	Support for all or parts of the proposal.	Nos. 6, 7, 12, 13, 15, 16, 17, 18, 19, 20, 21, 23.	Allow	Accept

Twelve submissions were received expressing support for all or parts of the proposal.

Submitters 20 and 21 were in full support of the proposal. Submitter 21 summarised *"We fully support all aspects of the preliminary Proposal. We believe it is well balanced and practical."*

Submitter 16, apart from one minor issue, also supported the proposal stating *"The proposal gives a good balanced solution in our view to the ongoing needs of the commercial farming activities with the natural, scenic and conservational values. The contribution to the conservation estate as outlined is sound and makes sense."*

Submitter 23 believed *"the overall rationalisation between areas with high conservation/ecological and recreation values plus spectacular landscape values, and areas to be freeholded was expected and is appropriate."* Submitter 6 was in agreement, and submitter 7 also felt *"The actual division between Conservation land and Freehold land is mostly reasonable and rational."*

Submitters 12 and 19 agreed *"that CA1, CA2, CA3, all being areas of poor soil, or scree, on steep faces, and at altitudes usually above 1100 metres, are not capable of economic management in a way that is ecologically sustainable, and must be surrendered."*

Submitters 15 and 18 supported the establishment of CA1, CA2, CA3 and CA4. Submitter 18 elaborated *"these lands have high ecological,*

*landscape and recreation values, are steep and generally LUC Class VII and VIII so are unsuitable for farming."*

Submitters 13 applauded *"the retirement of over 21,000 hectares and believes this an extremely good deal as it does not allow ongoing grazing."* Likewise, submitter 17 felt *"This is seen as a very good outcome for soil conservation and the proposal is to be commended."*

The objectives of the Crown Pastoral Land Act are-

- (a) To-
  - (i) Promote the management of reviewable land in a way that is ecologically sustainable
  - (ii) Subject to subparagraph (i), to enable reviewable land capable of economic uses to be freed from the management constraints (direct and indirect) resulting from its tenure under reviewable instrument; and
- (b) To enable the protection of the significant inherent values of reviewable land-
  - (i) By the creation of protective mechanisms; or (preferably)
  - (ii) By the restoration of the land concerned to full Crown ownership and control;
- (c) Subject to paragraphs (a) and (b) to make easier-
  - (i) The securing of public access to and enjoyment of reviewable land; and
  - (ii) The freehold disposal of reviewable land

Therefore this point is accepted and will be taken into account in the proposal. Other issues raised in conjunction with submitters overall support for the proposal have been dealt with elsewhere in this report.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
8	Proposes land in the Moonlight Stream, High Terrace area and Butler Downs be retained as conservation land or at least be subject to a covenant.	No.s 6, 7, 12, 14, 15, 17, 18 and 19.	Allow in part.	Accept in part.

Eight submissions were received concerning the freeholding of land in the High Terrace, Moonlight Stream and Felt Hut areas. The main objections related to the blocking of public access to Bullock Bow Saddle via Felt Hut (this is also discussed in point 1), the cost of fencing a convoluted finger of land, and protection of landscape values, forest remnants and wetlands.

Submitter 18 noted *"The southern end of High Terrace and the slopes in Moonlight Stream catchment are steep, prone to erosion and unsuitable for continued grazing. The proposed boundary does not follow landforms or any logical line, it seems designed to retain control of the 4WD track and would privatise access to Bullock Bow Saddle. The fencelines and repairs fail to exclude stock from wetlands south of the beech forest and at the base of High Terrace. Weak forestry controls in the Timaru District Plan make High Terrace vulnerable to forestry plantings and wilding spread."*

They suggested *"Amending the boundary near point 'Q' so that all land south of this point becomes part of CA3. Provide the leaseholder with an easement to access Felt Stream for concession purposes, and if essential consider freeholding the Felt Hut site."* They went on to state that if freeholded, a covenant with extensive restrictions and a requirement for independent monitoring should be included. They also believed that *"The boundary of CA3 close to the northern end of proposed "Q-R" should be extended far enough north and east to include all of the Butler Downs forest or if freeholded be protected by an additional conservation covenant and fenced to allow future regeneration."*

Submitter 15 also supported the retention of High Terrace and land in the Moonlight Catchment and *"If ownership is wanted of the Felt Hut by the lessee, then a small area of the hut site could be disposed of as freehold land."*

Submitters 12 (and 19) pointed out *"there is a significant cost to the Crown in fencing for this small, very steep area west of High Terrace running down to Forest Creek at its junction with Moonlight stream."* They requested that this area not be freeholded thus also removing the private land blockage to Bullock Bow Saddle and retaining Felt Hut on conservation land, and further that *"surrendering all land from point "Q" south would save enormous new fencing costs."* Submitter 14 asked the question *"Why has special provision been made to have Felt Hut included in the freeholded land rather than on conservation lands."*

Submitters 6 and 7 proposed a new boundary between points "N and R", but supported the freeholding of the Felt Hut site as summarised by submitter 6 *"The concessionaire's activities should be safeguarded with freeholding of the Felt Hut site and an easement along the road to the hut."* However submitter 6's preference was that *"the delineation of Crown land from freehold land should be at Moonlight Creek, with all land to the west of the creek being included in land under Crown control."*

Submitter 17 made a brief reference to *"retaining the high terrace area between Butlers Downs and Moonlight Creek in Crown ownership so that any future land use maintains the significant inherent values for*

*the land*" but their statement was not backed up with a recommendation or proposed boundary change on the plan.

Arguments put forward suggesting that cost of fence repairs or new fencing were an unnecessary expense, as justification for retaining land in Crown ownership is not in itself a valid reason and that sub-point was not accepted and will not be included in the proposal.

If wilding tree spread affected the proposed freehold land the sub-point would relate to future management of the land subsequent to the conclusion of the review but not to considerations that need be taken into account for tenure review. It would therefore be outside of the provisions of the Crown Pastoral Land Act and not be included in the proposal.

**Sub-points allowed for further consideration and outcome of further consultation.**

- Extension to boundary of CA3 to include various parts of this area

A number of submitters were in support of retaining all or part of the proposed freehold land in the vicinity of point "Q" and south to High Terrace, Moonlight and Felt Streams, for the purposes of access and protection of perceived SIV's.

The boundary line referred to is now that of CA2 and freehold, with CA3 being merged into CA2 and the wetland adjacent to Rangitata River changing designations from CA4 to CA3 accordingly.

Access issues in this area have already been discussed under point 1 and much of the reasoning behind the consensus reached in terms of access also applies to the location of boundaries in this area.

Land in the High Terrace area is in native pasture induced by domestic animal grazing. The tussock cover is in average to good condition. While the Moonlight to Felt Stream area is steeper and south facing, it provides a good balance of land for the purposes of freeholding for pastoral farming, and which the holder was adamant about retaining.

An existing fenceline "R-Q" forms the western boundary of this area and will require some upgrading and repair work. However, on further discussion a consensus was reached regarding the enclave of land at the head of Felt Stream where Felt Hut is located, that the proposed new fence "P-R" encircling this area was not required. Instead, a short existing internal fence that runs directly in a straight line between "P" and "R" will, with some minor repair work, serve as the boundary fence at this point saving a considerable amount of new fencing. Within the unfenced Felt Hut loop is a small fenced horse paddock, otherwise no stock will be in this area.



As a result of boundary definition work, the Felt Hut area has also been reduced to accommodate the formation of an access path along the side of the hill south of Felt Stream within the conservation area. This gives effective public access from Forest Stream to the track at point "d" and Bullock Bow beyond.

- Inclusion of Felt Hut in conservation area or alternatively taking out a small area at the hut site as freehold tenure while retaining other land at High Terrace and the Moonlight catchment as conservation area.

The consensus was for the Felt Hut area to remain designated for freehold disposal, and in fact the hut additionally holds notable historic ties for the holder's family.

In response, the DGC delegate put forth a proposal to site a public hut to the east of Moonlight Stream up on the terrace, which would involve a minor boundary change to create such a site. However this proposal was firmly rejected by the holder for the same farm management reasons that public access along the track was not favoured. With a public hut located in such close proximity to the freehold boundary and existing track, it was felt that the public would inevitably end up making their way to the track and gaining access to High Terrace and the deer farm unit beyond.

- Protective covenants on freeholded land in this area, and protection of wetlands from stock.

Further investigation was carried out to determine whether any significant inherent values existed that warranted a protection mechanism such as a covenant, however none were identified. Similarly, there were no wetlands evident that would merit protection from stock by fencing.

The objects of section 24 of the Crown Pastoral Land Act include:

- (b) To enable the protection of the significant inherent values of reviewable land –
  - (i) By the creation of protective mechanisms; or (preferably)
  - (ii) By the restoration of the land concerned to full Crown ownership and control; and
- (c) to make easier –
  - (i) The securing of public access to and enjoyment of reviewable land
  - (ii) The freehold disposal of reviewable land.

As several of the sub-points, including the ownership of Felt Hut, touched on these objectives this point was allowed in part so that these views could be taken into account in further consideration of the proposed designations. Some changes, including a slight boundary change and removal of the proposed new fence "P-R", will be

incorporated into the proposal and therefore this point is accepted in part.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
9	Rejects all or parts of the proposal.	No. 12, 15, 18 and 19.	Allow in part	Not Accept

Four submissions were received rejecting all or parts of the proposal.

Submitters 12 (and 19) claimed that *“Section 39 of the CPLA is not fulfilled and significantly more information on proposed concessions on surrendered land is required.”* They sought *“Re-advertising the PP with this information provided.”* Submitter 19 also stated *“Unfortunately the preliminary proposal for Mesopotamia Pastoral Lease is not fair and balanced.”* Submitters 15 and 19 also contended that section 39 requirements do not appear to have been met.

Submitters 15 and 18 requested that *“the proposed concessions for all the activities be declined. An environmental assessment be required and prepared by the concessionaire, which outlines and assesses the potential environmental effects and there be a requirement for the renotification of the concession proposals which is open for public input.”* Submitter 15 reached the conclusion *“In view of the considerable discrepancies with this Review, we ask that this preliminary Proposal be dropped and the whole process be renegotiated with the issues raised and requests made included as a baseline for any such renegotiations.”*

The sub-point alleging that section 39 Crown Pastoral Land Act had not been fulfilled is not correct and cannot stand. The formal proposal contains this information under Schedule Two whereas the submitter appears to be referring to the summary of the proposal provided to interested parties where the specific information was not set out. The issuing of a concession is a statutory process administered by the Minister of Conservation.

The call for an environmental assessment to be prepared by the concessionaire is not accepted as the Minister of Conservation in agreeing to the concession has considered the environmental effects of granting the concession. The issuing of a concession is a statutory process in the Conservation Act administered by the Minister of Conservation. Therefore, this is not a matter the Commissioner of Crown Lands can consider.

The objects of section 24 of the Crown Pastoral Land Act include:

- (b) To enable the protection of the significant inherent values of reviewable land –

- (i) By the creation of protective mechanisms; or (preferably)
- (ii) By the restoration of the land concerned to full Crown ownership and control; and
- (c) to make easier –
  - (i) The securing of public access to and enjoyment of reviewable land

Also the Crown Pastoral Land Act provides for the granting of a specified concession to a person specified in the proposal under section 36 (1)(a), along with the creation of an easement for public access and for Minister of Conservation management purposes under section 36(3)(b) of the Act. The legislation also provides for the creation of an easement for Fish and Game Council management purposes.

This point is related to a number of other points put forward by some submitters and is conditional on them, and on this basis was allowed for further consideration in part.

**Sub-points allowed for further consideration and outcome of further consultation.**

- The preliminary proposal is not fair or balanced.
- The proposed concessions for all activities be declined.
- The preliminary proposal be dropped and renegotiated based on issues raised by submitters.

The broad contentions made that the proposal was not consistent with the Crown Pastoral Land Act and Government objectives for the high country, nor that it addressed the needs of the public for long term landscape protection, access and biodiversity protection, are not accepted. Nor is the contention that the proposal falls well short of identifying specifically, let alone protecting many of the significant inherent values and fails to provide adequately for the integrated management of land and water resources.

The terms of the proposed concession have been revised and significant changes made to address some of the concerns raised by submitters.

Tenure review involves a process where each property is examined in a process involving a range of professional people specialising in their particular fields along with extensive consultation with the holder, Director-General of Conservation and other groups. The proposal is the outcome of that extensive consultation process.

Specific issues raised in public submissions are dealt with elsewhere in this report, however in consideration of this point the views expressed are not accepted.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
10	This whole area has historical importance for hunting.	No.s 12 and 19.	Allow	Not Accept

Two submissions were received pointing out the area's historical importance for hunting. Submitter 12 pointed out that *"DoC has a major apparent conflict of interest on this matter. Although it is the Crown's manager of the publicly owned big game resource, it prefers not to see this as a public recreation resource, nor manage it as such. This is because DoC has become a botanic preservation agency, irrespective of its legislative responsibilities to be a balanced recreation and protection agency."* Submission 19 noted support for submitter 12.

The submitters would appear to be referring to the restrictions imposed by the tourism concession on hunting in CA3 which as a result of further consultation are no longer applicable, CA3 now being merged into CA2. They are claiming a historical attachment to the area for the purposes of hunting game.

Future public hunting on CA1 and CA2 will be subject to the usual DoC permitting system and is therefore a matter to be dealt with by DoC post tenure review.

Section 24 of the Crown Pastoral Land Act enables the protection of the significant inherent values of the reviewable land – in this case the recreational significant inherent values – however on consideration of the factors above, this point is not accepted for inclusion in the proposal.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
11	Proposes an extension to CA4.	No.s 15, 17 and 18.	Allow in part	Not Accept

Three submissions were received proposing an extension to the wetland CA4.

Submitter 15 noted *"This wetland is more extensive than the area proposed for protection. Red tussock wetlands are important regionally and even nationally. CA4 should be extended to include all of the red tussock in this area. The integrity of Deep Stream, in this area and downstream should be maintained and protected from stock intrusion."* Submitter 18 endorsed this statement.

Submitter 17 felt that *“CA4 is unlikely to be ecologically sustainable if the Deep Stream and wetlands are not adequately buffered from any adjacent land use.”* They recommended *“extending CA4 to include the remaining branches, wetland buffers and spring sources of Deep Stream.”*

The wetland referred to has been re-designated from CA4 to CA3 as a result of CA3 (being the front faces of the Sinclair Range) being merged into CA2.

As the wetland extends beyond the pastoral lease the point was allowed in part to cover the reviewable land only. However on re-inspection and discussion at length, it was felt that the public may be confused regarding the existing freehold boundary with the wetland vegetation being partly on existing freehold, and the consensus reached was that no change to the boundary was required.

As the enabling of the protection of significant inherent values of reviewable land- (ii) by the restoration of the land concerned to full Crown ownership and control is one of the objectives of the Crown Pastoral Land Act 1998, the point was allowed for further consideration, however on further inspection and discussion it was not accepted for inclusion in the proposal.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
12	All wetlands in the proposed freehold and grazing concession CA1 should be fenced.	No. 17 and 18.	Allow	Not Accept

Two submissions were received requesting the fencing of wetlands in the proposed freehold and grazing concession area.

Submitter 17 believed that *“any concession for grazing over conservation land requires the exclusion of stock access to water bodies.”* This also ties in with point 14 which discusses fencing of marginal strips.

Submitter 18 noted that *“Proposed fencelines and repairs fail to exclude stock from wetlands eg south of beech forest and at the base of High Terrace.”* They also stipulated that *“if freeholding proceeds, Black Mountain hut wetland must be securely fenced against stock access and from stock in CC3.”*

Points 3 and 8 also refer to fencing of wetlands, particularly in the High Terrace and Black Mountain hut areas. As discussed under point

8, no wetlands in the High Terrace area were judged significant to warrant fencing from stock and this sub-point was not accepted.

With regard to the Black Mountain hut wetland, the consensus reached on re-investigation of the area was that fencing would not be undertaken under the tenure review implementation work, however DoC would monitor the situation post-review under the conditions of the conservation covenant.

No other wetlands on the proposed freehold or grazing concession over CA1 were identified as requiring fencing from stock.

As two of the objects of the Crown Pastoral Land Act are -

- (a) To-
  - (i) Promote the management of reviewable land in a way that is ecologically sustainable;
- (b) To enable the protection of the significant values of reviewable land –
  - (i) By the creation of protective mechanisms; or (preferably)
  - (ii) By the restoration of the land concerned to full Crown ownership and control

Whilst this point is not accepted for inclusion in the proposal for tenure review purposes, the point concerning Black Mountain hut wetland is acknowledged by the Department of Conservation and under the conservation covenant there will be on-going monitoring of the area with fencing at a later date if deemed necessary.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
13	Create another conservation or covenanted area to protect a native scrub and herbfield habitat on the south side of Bush Stream fan.	No.17	Allow	Not Accept

One submission was received identifying an 'At Risk' scrub and herbfield habitat adjacent to the Rangitata Gorge farm track.

Submitter 17 proposed *"Creating another conservation area or covenant to protect the mosaic of native Mossfield, Raoulia herbfield, matagouri and porcupine scrub shrubland described on the south side of the Bush Stream fan in the CRR."*

The area was duly inspected by all parties however no such vegetative cover was found within the reviewable land. The Bush Stream fan in

this area is very wide and the land in question may be on existing public riverbed area.

As one of the objects of the Crown Pastoral Land Act is to (b) enable the protection of the significant values of reviewable land –

- (iii) By the creation of protective mechanisms; or (preferably)
- (iv) By the restoration of the land concerned to full Crown ownership and control

this point was allowed for further consideration, however as no SIV's were identified on the reviewable land this point is not accepted for inclusion in the proposal.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
14	Issues relating to marginal strips.	No.4, 12, 17 and 19.	Disallow	Not Accept

Four submissions were received concerning marginal strips, with the main issues being the suggestion to fence marginal strips; re-designation of marginal strips from 'fixed' to 'moveable'; and clarification required on the exact locations of marginal strips.

Submitter 4 felt access to the tops and passes at the head of various streams was not clearly outlined in the proposal, and referred specifically to marginal strips *"In places "Marginal Strips" are marked on the plans but do not extend to the ridge lines. In areas marked CA1 and CA2 this may not be essential but if extended to the ridge lines would make the issue absolutely clear."*

One submission was received from submitter 12 with support from submitter 19. They wished to see *"all future tenure reviews include all fixed marginal strips, so that they can be swapped for movable marginal strips via tenure review. There is also the opportunity for movable marginal strips that are wider than 20 metres, where this would help get round cliffs or bluffs."*

Submitter 17 recommended *"Maintaining the quality of water in water bodies and the protection of in-stream habitat values where those water bodies are identified as having significant inherent natural values by fencing of all marginal strips along the Scour, Bush, Black Birch and Alma Streams where these streams flow adjacent to, or within the land proposed to be freeholded."* They suggested further that fencing be required to *"prevent stock access onto the Rangitata riverbed and the alluvial fans of the lower Bush, Black Birch and Alma Streams."*

The suggestion to fence marginal strips is a matter for the Director-General of Conservation to consider under the Conservation Act post tenure review but in itself is not a matter coming under the Commissioner's jurisdiction for tenure review. This sub-point is therefore not accepted and will not be included in the proposal.

Submitter 4's sub-point concerning the extension of marginal strips to the ridge lines was unclear. Marginal strips have been defined on the current pastoral lease, however they will have no practical purpose on land proposed to be designated Conservation Area once the tenure review is implemented. On land designated for freehold disposal, marginal strips will be created on the disposition of the land taking place at the conclusion of the tenure review. This is a legislative requirement, governed by Part 4A of the Conservation Act 1987 and is a matter for the Director General of Conservation to administer. It is therefore outside the jurisdiction of the Commissioner of Crown Lands and is not accepted for the tenure review.

The submission concerning the application of 'moveable' marginal strips to determine if they are more appropriate than 'fixed' marginal strips is a post-tenure review matter for the Department of Conservation and therefore not a matter that can be considered under the Crown Pastoral Lease Act.

This point is therefore not accepted in its entirety for inclusion in the proposal. However it should be noted that all waterways have been inspected and a Qualifying Waterways Report received from the consulting surveyor setting out which waterways will qualify for marginal strips post-tenure review. In addition to those marginal strips already marked on the plan, an un-named tributary on the northern side of lower Scour Stream has been identified as qualifying for marginal strips on completion of the tenure review.

#### ***Discussion and conclusions:***

Discussion relevant to each point has been made under each listed point for simplicity and clarity.

The submissions that came under the jurisdiction of the Crown Pastoral Land Act fell into numerous main themes:

#### ***Considered and accepted for inclusion in the proposal:***

- Support for:
  - Changes to the designation of the front faces of the Sinclair Range and Mt Sinclair, previously CA3, now merged into CA2 and subject to a non-exclusive tourism activities and



- commercial filming and photography concession, instead of a tourism concession restricting public hunting access.
- Reducing the term of the concession from 30 years to 20 years with no right of renewal.
  - Limiting guided hunting parties to 6 people including the guide.
  - DoC to be responsible for controlling thar numbers on the land previously known as CA3, now part of CA2.
  - Some formation work by DoC and possibly the installation of personnel gates in the deer fences crossing Scour Stream by the holder at DoC's request, post-tenure review.
  - Four wheel drive public access from Rangitata Gorge Rd over:
    - (a) easement "l-m" to be formed by the holder; semi-formed and formed legal road to point "f" (and down to Rangitata River over easement "f-g-h", and to the Cemetery Reserve over easement "g-i").
    - (b) Over semi-formed and formed legal road across the Bush Stream fan to point "j" (with a side track over Crown riverbed up the south side of Bush Stream to be formed as far as the Old Iron Bridge track where a car park will be located).
    - (c) Coming out of Bush Stream fan - easement "j-j1" across paddock; crossing unformed legal road "j1-j2"; easement "j2-j3" across paddock and formed track; crossing legal road "j3-j4"; and easement "j4-k" along formed track.
    - (d) Over Crown riverbed in Rangitata River partially on formed and semi-formed track from point "k" on the south side of the Black Birch Stream to point "n" near Black Mountain wetland. With the understanding that the existing track within the freehold is available informally in flood situations.
    - (e) Over easement "n-o" on existing track; legal road "o-p" on existing track; and easement "p-q" on existing track to northern proposed freehold boundary.
  - DoC management and Central South Island Fish and Game management access by vehicle to Rangitata River over easement routes "l-m", "f-g-h" and "j-k".
  - CC3 boundary to alter slightly by cutting off the finger of CA2 adjacent to Black Birch Stream and realigning along a line that provides contour barriers to stock intrusion, resulting in an increase in the area of CC3 of approximately 82 hectares.
  - CC3 to remain unfenced.
  - CA2 boundary to alter slightly with finger of conservation land adjacent to Brabazon Downs going down Bush Stream to be included in land for freehold disposal.
  - A new boundary fence required between CA2 and Brabazon Downs approximately 2 metres west of the existing defunct fence.
  - Chemical spraying of briar, gorse and broom on CC3 to be permitted, mechanical clearance not permitted.
  - Oversowing and top dressing not to be permitted on CA1, and chemical clearance of briar, gorse and broom to be restricted to spot spraying only.

- A small boundary adjustment in the Felt Hut area slightly increasing the size of CA2 by approximately 5 hectares, to allow the formation of a public access path along the side of the hill south of Felt Stream within the conservation area, giving effective access to the track at point "d" and Bullock Bow beyond.

*Considered and not accepted for inclusion in the proposal:*

- A condition in the easement to allow hunters to traverse the DoC management purposes easement, carrying firearms, for the purposes of game control.
- Public foot, mountain bike and vehicular access over "a-b-d".
- Public access across CC3 to CA2.
- Public access across the old iron bridge over Bush Stream.
- Public vehicular access over all existing vehicle tracks on the proposed freehold area.
- Formal public access along the stock track within CC3 adjacent to Rangitata River, however the track is to be available informally at times when access over the river bed is not practical due to flooding.
- Retention and extension of CC1 and CC2 as Crown Land.
- Provision of public car parking and other public facilities in CC2.
- Fencing of marginal strips.
- Fencing of other wetlands including the Black Mountain wetland.
- Extending CA2 into CC3.
- Retention of CC3 as Crown Land with a grazing concession.
- Any formal control of public conservation areas by an individual or privately owned company.
- Fencing boundary between CA1 and CA2.
- Other than the size of hunting party's and the restrictions already specified, no other restrictions on the Concessionaire's activities are to be included in the concession document.
- Changes to the proposed freehold boundaries in the Butler Downs, High Terrace, Moonlight and Felt Stream areas other than a minor adjustment near Felt Hut.
- Protective covenants in this area.
- The proposal is not consistent with the Crown Pastoral Land Act 1998 and Government objectives for the high country.
- That CA3 (now part of CA2) has historical importance for hunting and therefore unrestricted hunting access should be provided. Notwithstanding this, the area has been re-designated to CA2 and the previous restricted public hunting access clause in the concession no longer applies as discussed above.
- Extending the boundary of CA4 (now CA3).

- Creation of another conservation or covenanted area to protect a perceived native scrub and herbfield habitat on the south side of Bush Stream fan.

A number of submissions covered a range of issues that fell outside of the tenure review process, and explanations for not allowing their inclusion in this analysis have been provided above. These included:

- Concern regarding the presence of deer in marginal strips. Creation, fencing, moving and any other issues relating to marginal strips.
- Matters concerning realigning/maintaining/extending legal roads and transfer of ownership of the Old Iron Bridge.
- Creation or surveying of roads, or acquiring of roading infrastructure, or swapping of a legal road for another.
- Maintenance of unformed legal roads as public roading.
- Maintenance of public access easement routes.
- A problem plant control strategy.
- The suggestion that the Government buy Mesopotamia outright.
- Public vehicle access on proposed conservation area.
- Vulnerability of High Terrace to forestry plantings and wilding spread.
- An environmental assessment to be prepared by the Concessionaire.
- The issuing of a Department of Conservation concession.
- Issues relating to areas that are not within the boundary of the reviewable land.

Attachment:

Holder consultation notes dated 18<sup>th</sup> September 2007.

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**REPORT IN ACCORDANCE WITH CONTRACT 50346**

**Final Analysis of Iwi Submission for Preliminary Proposal**

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File Ref: PRY-C60-12695-TNR-PT057 Submission No: QVV 812 Submission Date: 5/6/2007

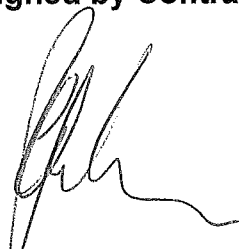
Office of Agent: Christchurch LINZ Case No: T208/01 Date sent to LINZ: 5/6/2007

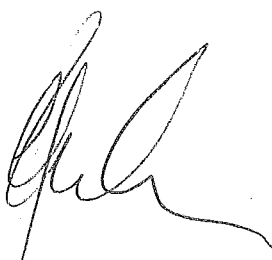
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**RECOMMENDATIONS**

- (1) That the Commissioner of Crown Lands approves this report for tenure review of Pt 057 Mesopotamia Pastoral Lease.

**Signed by Contractor:**

sp.   
\_\_\_\_\_  
Barry Dench  
Team Leader for Tenure Review

  
\_\_\_\_\_  
Carolyne Latham  
Tenure Review Consultant

**Approved/Declined by:**

I recommend approval  
 10/7/07

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

Dr STEPHEN CHARLES URLICH  
TENURE ASSESSOR  
CROWN PROPERTY MANAGEMENT  
C/-LINZ, CHRISTCHURCH

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**(1) Details of lease:**

**Name:** Mesopotamia  
**Location:** Rangitata Gorge Road, Peel Forest, Geraldine  
**Lessee:** Mesopotamia Station Ltd

**(2) Details of Iwi Submission:**

**Received On:** 1<sup>st</sup> December 2005  
**Received From:** David O'Connell  
Manager Kaupapa Taiao  
Office of Te Runanga o Ngai Tahu  
**On Behalf Of:** Te Runanga o Ngai Tahu

**(3) Analysis of submission:**

**3.1 Introduction:**

*Explanation of Analysis:*

This is a final analysis of the submission received. The purpose of this final analysis is to determine whether to accept or not accept the points raised in the submission, to record the outcome of the consideration on each point and whether or not it has been approved for inclusion in the Substantive Proposal.

The following analysis:

- Summarises each of the points raised.
- Provides a discussion of the point.
- Records the CCL decision whether or not to allow/not allow the point for further consultation.
- Records the CCL decision whether to accept the point for inclusion in the proposal.

The following approach has been adopted when making the decision:

- (i) To allow / disallow for further consultation:

The decision to “**Allow**” the point made by submitters is on the basis that the matter raised is a matter than can be dealt with under the Crown Pastoral Land Act 1998. Conversely, where the matter raised is

not a matter that can be dealt with under the Crown Pastoral Land Act, the decision is to “**Disallow**”. Those points that are ‘allowed’ will be given further consideration with respect to the proposal.

It should be noted that points relating to the Conservation Act, or any other statutory authority outside of the Crown Pastoral Land Act 1998 are not able to be considered by the Commissioner of Crown Lands.

(ii) To accept/ not 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 must be evaluated with respect to the following criteria:

- The objectives and matters to be taken into account in the Crown Pastoral Land Act (sections 24 & 25) and;
- The views of all parties consulted and any other matters relevant to the review, balanced against the objectives and matters to be taken into account in the Crown Pastoral Land Act 1998.

**3.2 Analysis:**

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Decision</i>	
1	Support for the proposal in its current form.	Allow	Accept

Following consultation with the Runanga with interests in this area, Ngai Tahu concluded that “*the proposal adequately reflects and provides for those significant and inherent values identified in the Ngai Tahu Cultural Values Report.*”

As the retention of land in full Crown ownership and control, Crown control and freehold disposal along with creation of protective covenants and easements are enabled by the Crown Pastoral Land Act 1998, after due consideration of the view put forward the point supported by the submitter will be included in the proposal.

***Discussion and Conclusions***

Te Runanga o Ngai Tahu has provided a submission that takes into consideration the local Maori interest in the Mesopotamia Preliminary Proposal. The main point is discussed in detail in this analysis.