

Crown Pastoral Land Tenure Review

Lease name: MESOPOTAMIA

Lease number: PT 057

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.

February

06

Report in Accordance with Contract 50346

Preliminary Analysis of Public Submissions for Preliminary Proposal

File Ref: CON/50000/16/12695/00/A-ZNO Submission No: QVV 744 Submission Date: 2/12/2005

Office of Agent: Christchurch


LINZ Case No:

Date sent to LINZ: 20/12/2005
30/01/2006 & 10/2/2006

RECOMMENDATIONS

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

Signed by Contractor:



Barry Dench
Team Leader for Tenure Review

Carolyne Latham
Tenure Review Consultant

Approved/Declined by:

Name:
Date of decision: / /

(1) Details of lease:

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

(2) Public notice of preliminary proposal:

Date, publication and location advertised:

24th September 2005

- The Press Christchurch
- Otago Daily Times Dunedin

Closing date for submissions:

22nd November 2005

(3) Details of submissions received:

A total of twenty three submissions were received.

(4) Analysis of submission:

4.1 Introduction:

Explanation of Analysis:

This is a preliminary analysis of submissions. The purpose of this preliminary analysis is to identify those issues raised which are appropriate for further consideration.

After such further consideration and appropriate consultation, a final analysis of submissions will be completed which will record the outcome of such consideration on each point and whether or not it has been approved for inclusion in the draft Substantive Proposal.

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 submission number of those submitters making that point.
- Provides a discussion of the point.
- Discusses the CCL decisions whether or not to allow/disallow for further consultation.
- Summarises sub-points allowed 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.

4.2 Analysis:

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>
1	Issues concerning public access.	Nos1,2,4, 5,6,7,8, 9,10,11, 12,13,14, 15,16,17, 18,19,20, 22 and 23	Allow in part.

Twenty one submissions were received covering a range of access issues. The issues fall into the following main themes:

1. Access to CA3

Eleven of the submitters feel the proposed main access route to the boundary of CA3 and the Sinclair Range via Scour Stream marginal strips is inadequate due to the condition of the strips and deer fencing crossing the Scour Stream at several points. The majority urge for the DoC management easement ‘a-b-c’ to be made available for public use on foot or mountain bike.

Submitter 2 asks incredulously "*Where is the public access to CA3???*"

Submitter 6 notes "*that the Sinclair Range is unique within the lease because it provides top quality tramping for visitors of medium fitness.*" However they feel the condition of the marginal strips along Bush Stream, Scour Stream and Moonlight Stream in terms of contour, vegetative cover and location (for the latter) effectively precludes the public from most of the Sinclair Range. They therefore submit that "*a foot and mountain bike (non-motorised) access easement should additionally be provided for along the proposed management purposes easement a-b-c.*"

Submitters 7, 12, 13, 15, 18 and 23 point out the presence of a boundary deer fence on the Rangitata Gorge Road, several deer fences crossing the Scour Stream and the absence of stiles to negotiate these fences. Submitter 23 summarises "*The marginal strip up Scour Stream is unusable because of both dense scrub and several deer fences which cross it. A practicable alternative for foot and mountain bike access should be provided along the proposed management easement 'a-b-c'.*" Submitter 13 is also of the view that "*Mountain bike and walking access must be permitted on the existing farm track marked orange on the map*", and recommends further that "*The presence of deer in the marginal strip is not an acceptable farming practice, hence the deer fence needs to be re-aligned.*"

Submitter 10 seeks an alteration to the DoC management easement "*to include from time to time other parties required to help control game on various areas that have been set aside, but where no mention of hunting has been made.*"

Submitter 17 erroneously points out that "*The Scour Stream has no marginal strip set aside to allow for public access over freehold land.*" They go on to recommend that "*A DoC easement along the Scour for management purposes should be redesignated to allow public access.*"

2. Access to and along Rangitata River and over adjacent lands

Eleven submitters feel that continuous four wheel drive access up the true right of the Rangitata River is essential.

Submitter 4, 11, 12, 13 and 16 share submitter 22's opinion that "*There needs to be contiguous vehicular access to the end of area CA1.*" Submitters 11 and 22 suggest "*This could be done by connecting the sections of existing public road, including any bridges and culverts (compensation for such may be appropriate), and the road vested in and maintained by the local authority.*" However submitter 16 has some concerns regarding the ongoing safety and maintenance of the old iron bridge if utilised for public use and proposes two options "*Firstly some method of public funding may be*

needed to be considered for the ongoing public use of the bridge as it would seem unfair for the entire cost to fall on the run holder. Or secondly, the public access route may need to bypass the bridge and a track bulldozed down the shingle fan to the river would be sufficient to allow for ongoing public access on foot and motorised transport." They go on to say that *"From there on we feel the public use will be predominantly for the more adventurous person and 4WD clubs, and as such these people are prepared to tackle a more difficult route rather than use the bridge, so this will not deter from ongoing public access."*

Submitters 6 and 7 support use of the bridge and existing track to point "j", and the suggestion of submitter 6 that *"An easement for public access along the formed track at the northern end of CC3 would eliminate the need for new tracks to be cut to Black Mountain Hut."* They also have some concerns regarding access during times of flood as the channels of the Rangitata River run right against the bank at the foot of CC3, and submitter 7 proposes that *"a foot access easement be created along the existing farm track through CC3 to allow people to exit the valley in times of flood."*

Submitter 7 adds another option for traversing Bush Stream in the event that the bridge and existing track are unavailable, suggesting that *"the legal road from point "f" across Bush Stream to the legal road on the other side of the stream and then onto point "j" should be made legal access for all vehicle, horse, mountain bike and foot traffic. This would need to be partly formed and marked, and a covenant or condition included that requires any river training work that could block this road to include reinstating or providing vehicle standard access to make the route viable."*

Submitter 14 has queries regarding the existing public roads and requests confirmation *"that the existing public roads marked 'legal roads', and Rangitata Gorge Rd remain public roads. Also that the three legal roads into the bed of Bush Stream, as well as the new route marked f-g-h, are all available to the public."* They also question *"Will the section of public legal access and the attached section j-k be maintained as a public road?"*

Submitter 17 makes a more general statement that *"because of the highly mobile nature of the Rangitata riverbed and the lower reaches of the streams in this area, any provisions for access need to provide long-term security of access."*

Submitter 18 seeks to *"Transfer ownership and maintenance responsibilities for the Bush Stream bridge to the Crown or the District Council."* They believe the preferred route is *"to extend the existing legal road for the Rangitata Gorge Road across Bush Stream to Brabazon Down, down the true left bank of Bush Stream (but set back far enough to prevent undercutting by the river) to connect with the*

existing legal road on Brabazon Down and to Black Birch Stream.” They also suggest that “Providing a generous area of conservation land on Brabazon Downs at the road end with appropriate facilities eg toilets, may also reduce the intrusion on the landholder and prevent problems with inappropriate toileting and car parking on private land.” The reasoning for this request is that “The PP fails to consider strategic importance of Brabazon Downs and Black Birch fan in controlling access further up the valley, and it also fails to provide any areas which are easily accessible by two wheel drive vehicles wanting to camp or picnic on a day trip.” They believe that alternative areas for stock shelter post shearing exist elsewhere on the proposed freehold, however it could be considered to “allow seasonal grazing for a short period by a limited number of sheep through a concession with a term of 5 years.”

Two of the sub-points made by Submitter 18 in the previous paragraph are examined in other parts of this report. The suggestion regarding limiting stock numbers and length of term is discussed in more detail under Point 6- page 17/ paragraph 2, and the point regarding provision of public parking and other public facilities at Brabazon Downs is noted in Point 3 (page 15 under points for further consideration)

Submitter 10 commenting on needs of recreational hunters noted they “*would prefer the easements made more liberal to allow our members to reach the upper limits of some of these areas in the top of the Black Mountain Range, Alma Spur, the Growler, Big Spur, Camp Creek and Carneys Creek*”.

Submitter 12 is specifically concerned with public access to and across Conservation Covenanted areas and proposes that “*In all future Tenure reviews, that the option of public access to and across protective mechanisms be positively considered, especially where the covenants protect significant inherent values.*” Concerning Mesopotamia they seek “*public access to and across CC3, if it is kept as freeholdable land.*”

3. Access to High Terrace, Moonlight Valley, Angel Spur, Felt Hut (and on to Bullock Bow Saddle) along with other parts of the Sinclair Range (eastern and southern parts)

Ten submissions were received concerning access to High Terrace, Moonlight Valley, Angel Spur, Felt Hut and on to the Bullock Bow Saddle in CA2. The majority of the submitters proposed public foot and mountain bike access along the DoC management easement track from ‘b-d’

Submitters 4, 5, 7, 9 and 23 share the view of submitter 6 who summarises “*The vehicular track b-d has long been a traditional and significant foot access route from the Rangitata Gorge Road to Bullock Bow Saddle. The Forest Creek marginal strip route is slower, more*

difficult and less scenic than the vehicular track. We submit that a foot and mountain bike access easement should additionally be provided along the proposed management easement a-b-d."

Submitter 6 in advocating for public access along route "a-b-d" mentions that *"the only practical routes for short stay visits on the range (Sinclair) are directly from the Rangitata Gorge Road to the east. However the three access routes closest to the road are all marginal strips and none are suitable, naming Bush Stream because of the very steep and bluffy northern and north-western aspects of the range, Scour Stream is unsuitable because the margins are thick with scrub including matagouri and Moonlight Stream because it is a long way up Forest Creek and travel in the stream margins is difficult"*.

Submitter 10 seeks an alteration to the DoC management easement *"to include from time to time other parties required to help control game on various areas that have been set aside, but where no mention of hunting has been made."*

Submitter 13 observes *"Public walking and mountain bike access has been strategically blocked off for access over Bullock Saddle from Forest Creek to Royal Hut"* and asks for the proposal to *"Please include appropriate public access."* They note further that *"access from Forest Creek to Angel Spur is difficult due to the landform, steep escarpments prevent reasonable access"* and request that *"reasonable foot access is available."*

Submitter 14 is unsure whether the finger of land bound by the new fenceline 'N-O' on one side and Forest Creek on the other side, and outlined in pink on the plan, is CA2 or CA3. However the plan clearly shows this area falls within Conservation Area 2.

Submitter 18 points out that *"Forest Creek is not a viable alternative because while it has a broad stream bed, access from stream bed up onto Angel Spur involves steep escarpments which are very difficult for anyone but very agile trampers to climb up."* Their recommendation is to *"Create an easement or preferably a legal road to allow foot and mountain bike access up the current farm track beside Scour Stream as far as Felt Hut."*

Submitter 12 is seeking public motorised access in addition to foot access. They note that *"Even for walking access up Forest Creek, the little bit of freehold that blocks access up the next stream west of Moonlight Stream looks like a device to stop walking access, and stop Felt Hut being available to the public"*. They ask for *"public vehicular and foot access via a-b-d to Bullock Bow Saddle."*

4. General Access Issues

Eleven submissions were received concerning miscellaneous access issues.

One submission was received from submitter 12 with support from submitter 19, concerning marginal strips. They want 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.”* This subject is covered in further detail under point 14 which deals specifically with marginal strip issues.

Submitter 23 is concerned with the wording of the concession over access for hunters to CA1 and CA2 and comments that *“Access for hunters to conservation areas 1 and 2 is also conditional on access being granted by the concessionaire. This is a most unsatisfactory situation. This is to be public, not private land, for which access permission should be vested in the Crown.”* Submitters 7, 12 and 19 make similar objections.

Submitters 4 and 10 are concerned with the practicability of public access routes. Submitter 10 points out that *“it should be borne in mind that these marked routes are not always available due to the physical problems of floods and washouts.”* Likewise, submitter 4 stresses *“that wherever access is specified it needs to be practical. Often ‘paper roads’ or ‘legal roads’ may not be practical due to impassable creeks, wash outs or steep banks etc. In these cases there is usually an alternative that has been developed by use, and this should be part of the Tenure Review document.”*

Submitters 1 and 8 specifically request increased vehicular access. Submitter 1 states *“the tenure review should also include provision for managed public access by horse and motorised vehicles over all tracks, paths and roadways in proposed conservation and freehold areas (including the areas covered by conservation covenants).”* Submitter 8 believes *“The process of the Pastoral Lease reviews is shifting the management of many traditional routes, or sections of them, to the Department of Conservation along with policies of minimising or eliminating the use of public vehicles on these lands. This is a major waste of a tremendous and unique asset and an imposition on those who may not be able to walk these areas. Any plan for Mesopotamia lands must include provision for continued and future possible use of all existing vehicle routes by vehicles, including private vehicles.”*

Submitters 11 and 22 believe that *“Public land should have the automatic presumption of unfettered access on foot, vehicle, air, boat or whatever means is necessary to practically access the land or water*

in question. From there, any restrictions should be on the provision of and identified and quantifiable need for restriction.” They also specify “All access easements and public roads should specifically be designated as including the carriage of firearms.”

Submitter 13 notes that previous tenure review documents specify the type of public access and requests *“Please specify the type of public access.”*

Submitter 14 notes that Forest Creek will obviously be a main access way into the back of Mesopotamia and is concerned about access to the huts along this valley. *“The huts should be treated as future public assets and be discussed with the run-holders on that basis.”* The submitter does not specifically mention Felt Hut that is located on land designated for freehold disposal. The matter of the ownership of land and the hut at Felt Stream, that is linked to public access, is discussed in more detail under Point 8.

Submitter 17 repeatedly calls for further investigation into access routes, recommending *“That a more comprehensive assessment of public access and public recreational values for land within the Mesopotamia lease is undertaken and that the objective of providing practical and secure access to Crown Land and to and along waterways be afforded priority.”*

5. Support for proposed access routes

Submitter 16 is satisfied with the proposed access to the Rangitata and Havelock Rivers, *“The public access provisions in the proposal do allow in our view good on going public access by motor vehicle (4WD). In the main this access is through to the rivers using either easement ‘f-g-h’ or ‘j-k’ as per the plan.”*

Submitter 20 believes *“the proposed easements together with the existing marginal strips provide suitable access for the public to the conservation land.”*

In summary the submissions outlined above cover a range of issues some of which do not meet the criteria for being “allowed”.

Submissions which propose actions that are not achievable within the Crown Pastoral Land Act 1998, or where the submitter has made comments based on an apparent misunderstanding of the designations, designation maps and conditions that have already been included in the preliminary proposal cannot be allowed for further consideration within this tenure review.

Submitter 13’s sub-point concerning the presence of deer in marginal strips appears to relate to the potential for degradation of water quality

and damage to stream boundaries. As this is a matter for Department of Conservation management post-tenure review, it is disallowed for further consideration in this analysis.

Concern has been expressed regarding ownership of huts in the 'back of Mesopotamia'. Assuming the submitter is referring to the huts located along Bush Stream, this area is designated for retention in Crown control as conservation area and the huts will therefore come under the stewardship and management of Department of Conservation at the conclusion of tenure review. The same will apply to the submitter's further query regarding the Growler Hut. Therefore this sub-point is disallowed for further consultation.

Suggestions to realign, maintain and/or extend legal roads, and transfer ownership of the bridge would involve the local authority and would take the process outside the ambit of the Crown Pastoral Lands Act.

There is no provision in the Act for the creation or surveying of roads, or acquiring of roading infrastructure and thus this sub-point is disallowed. There seems to be a common misperception amongst the submitters that part of the road marked Rangitata Gorge Road on the designations plan is a legal road when in fact it is not. The submitters are referring to a gravelled lane track running immediately north of the homestead freehold area (north side of RS 2750) shown on Plan Sheet 2 of 3. This is a farm track leading to the leaseholder owned old iron bridge crossing Bush Stream where it fans out to meet the Rangitata River, and continues across to re-join the legal road at point "j" on the plan. All other legal roads shown, whether formed or unformed, are available for public use.

Whilst one of the submitters was of the belief there was no marginal strip identified on Scour Stream (this related to public access), the plan does in fact clearly show that the marginal strip is already set off.

The submission querying the lack of specification of mode of public access should be referred to the easement document forming part of the proposal (Appendix 4 of the public information pack) which provides these details. Therefore this sub-point is disallowed.

One sub-point querying the type of access relates to the easements being in gross under section 36(3)(b) Crown Pastoral Land Act. Under this method the easements are not described as for example "public access to Conservation Area", this description would apply to an appurtenant easement where the instrument could be registered against both the "dominant" and the "servient" tenements. As future conservation land will probably not have a Certificate of Title an appurtenant easement is not appropriate. This sub-point is therefore disallowed.

Suggestions have been made seeking easements over conservation lands subject to minor restrictions. This is not valid as conservation land has a general right of access the mode of which is subject to Department of Conservations management strategy and the sub-point is disallowed.

One sub-point queries whether the easement section "j-k" will be maintained as a public road. As is clearly shown on the designations plan, the route "j-k" is an easement in gross for use by the Minister of Conservation for management purposes, Central South Island Fish and Game Council for management purposes, and public for access purposes. It is not designated as a legal road, which in any case would then involve the local authority and take the process outside of the ambit of tenure review as discussed above. As the maintenance of easement section "j-k" is a matter for the holder and Department of Conservation post-tenure review and does not involve the local authority, this sub-point is disallowed for further consideration.

A valid sub-point was raised concerning the wording of the grazing, tourism activities and commercial filming and photography concession (Appendix 6 of the public information pack), Schedule 2, Part (B) Tourism Activities, where it is not clear under which circumstances hunters will be responsible for obtaining access permission from the Concessionaire. This sub-point is allowed for further consideration and consultation into the exact intent of this clause.

Submitter 10 makes a valid sub-point regarding access for Association members called upon by Department of Conservation to assist in wild animal control however this may be able to be catered for under the present easement terms and conditions for designated control operations. Therefore this sub-point should be allowed for further consultation and consideration.

As one of the objectives of section 24 of the Crown Pastoral Land Act is – to make easier – (i) the securing of public access and enjoyment of reviewable land, the remaining sub-points should be allowed so that these views can be taken into account in further consideration and consultation of the practicality, adequacy and ease of use of the easement routes, and public access over proposed conservation area.

Sub-points allowed for further consideration

- The intent of the wording of Schedule 2, Part (B) Tourism Activities, in the concession document.
- Easement conditions to allow hunters to traverse Department of Conservation management purposes access easement, and provision to carry firearms.
- Foot, mountain bike and vehicular access over "a-b-d".
- Provision of continuous four wheel drive access to CA1
- Access to and across the proposed covenants CC2 & CC3.

- Vehicular access throughout the property.
- Practicality of the routes proposed.
- Support for proposed access routes.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>
2	A problem plant control strategy is required.	No.s 15, 17 and 18.	Disallow

Three submissions were received expressing concern about the potential for future spread of invasive weeds.

Submitter 15 notes that *“several plant species are found on the pastoral lease which have the potential to become invasive weeds.”* They ask that *“there be provisions put in place to control and prevent the spread of invasive weeds.”*

Submitter 17 recommends that *“some strategy or requirement for control of problem plants should be incorporated into the tenure review agreement to manage this issue, where practicable.”*

Submitter 18 believes stronger commitments are needed for weed control and that *“The proposal needs to include a bond for weed control and/or covenant conditions to require control of weeds such as crack willow, gorse broom and rowan on the proposed freeholded land.”*

The point relates to future management of the land subsequent to the conclusion of the review but not to objectives of the Act itself. It is therefore outside of the provisions of the Crown Pastoral Land Act and is disallowed for further consideration and consultation.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>
3	Issues relating to conservation covenants CC1, CC2 and CC3.	Nos. 2, 12, 13, 15, 17, 18, 19 and 20.	Allow

Eight submissions were received concerning issues relating to the proposed conservation covenants. Submitter 20 was in full support of CC1, CC2 and CC3 whilst the remaining submitters generally didn't feel the covenants offered adequate protection. Some submitters felt that land in CC3 should instead be restored to Crown control.

1. CC1

Submitter 2 believes CC1 should be retained as Crown land so that *“some attempt can be made to restore the remnants, or let them revert back, and not just preserve them.”*

Submitter 15 doesn't believe the covenant is extensive enough and requests *“that all of the beech forests along both sides of Scour Stream be included in the covenant and that the entire area be fenced to protect and restore ecological values.”* Submitter 18 also supports this whilst submitter 17 goes further and recommends *“Extending CC1 to include the marginal strip of Scour Stream from the legal road to the boundary of CA3 and protect a larger example of remnant native vegetation on ‘At Risk’ dry foothill land environment E4.2b with its mix of beech forest remnants, matagouri shrubland and short tussock grassland. Require the fencing of the marginal strip to remove stock access from the stream and streamside vegetation.”* This sub-point is discussed further under point 14 dealing specifically with marginal strips.

2. CC2

Submitter 17 proposes an extension into Brabazon Downs *“Extend CC2 or CA2 to protect ‘At Risk’ dry foothills habitats and wetlands areas.”*

Submitter 18 also supports an extension to *“Create a wide corridor of conservation land across Brabazon Down from Bush Stream to connect with proposed CC2.”* However they favour retaining CC2 as conservation area and further suggest that *“This would provide an appropriate area for road end car parking, toilet facilities, a picnic and camping area.”* This sub-point also links in with public access and has been discussed in further detail under point 1, sub-point 2 *“Access to and along Rangitata River”*.

3. CC3

Submitter 2 objects to the proposal for CC3 *“You state you're trying to protect the natural environment under this covenant, on land that is medium to steep hill sides!”* They favour returning the land to Crown ownership.

Submitter 17 questions the practicality of the proposed fenceline along the upper boundary of CC3. They note that *“The boundary fence line traverses some very steep and high altitude country and includes some faces that are highly vulnerable to erosion and have limited capacity to sustain an intact vegetation cover under grazing pressure. It is likely to be prone to snow and rock damage.”* They recommend *“Extending*

the lower boundary of CA2 to include the remainder of the Class VII high erosion risk soils above the 1000m contour."

Submitter 18 believes *"the new fence line is likely to create an obvious landscape scar."* They seek *"the protection of all of CC3 as conservation land with a five year grazing lease"* but then notes *"as a minimum if freeholding proceeds: (a) ensure the Black Mountain hut wetland is securely fenced against access and from stock in CC3 and (b) extend CA2 to include the two most south eastern gullies on Black Mountain Range to connect CA2 with the Rangitata River and protect an altitudinal sequence of vegetation and habitats"*. As noted above the submitters primary concerns are *"to ensure the Black Mountain hut wetland is protected and that CA2 is extended to protect an altitudinal sequence of vegetation and habitats."* This is also discussed under Point 12.

Submitter 13 also feels *"The effects of such a fence line will provide a massive scar in this landscape"* and recommends *"appropriate advice be sought from a landscape professional with high country landscape experience. However such a fence may not be practical or desirable on the landscape."*

Submitter 12 mirrors the above comments in stating *"this has high landscape values because of its location on the river faces. Yet the covenant allows it to be oversowed, topdressed and fenced. Also , a major fence is shown to be required to protect the covenant. The cost of this is likely to be greater than the value of the land"*. The submitter suggests *"replacing the covenant with surrender, a summer grazing lease and no ridgeline fencing to be supplied"*

Submitter 15 *"does not believe a covenant that allows spraying, grazing and other activities will protect the ecological values of that area"* and puts forward the request *"that all the land around the Black Mountain wetland, the feeder streams and the dense matagouri shrublands below the upper farm track, along the faces of the range and the two gullies north of Black Birch Stream, should be retained as conservation area"*.

Section 36 (1) of the Crown Pastoral Land Act makes provision for qualified designations applying to land that is to be restored to or retained in Crown control. These include the granting of a specified concession, special lease or grazing permit to a person specified in the proposal. Therefore the sub-point suggesting CC3 be protected as conservation land with a five year grazing lease is valid and allowed for further consideration and consultation.

As section 24 of the Crown Pastoral Land Act states:

- (a) To-
 - (i) promote the management of reviewable land in a way that is ecologically sustainable; and

- (ii) Subject to subparagraph (i), to enable reviewable land capable of economic use to be freed from the management restraints (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 to full Crown ownership and control; and
- (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

are objectives of the Act, and creation of a concession for grazing purposes is permitted under the Act, the point is allowed so that these views can be taken into account in further consideration of the proposed designations.

Sub-points allowed for further consideration

- Retention of CC1 and CC2 as Crown land.
- Extension of CC1 and CC2.
- Fencing of CC1 and marginal strips of Scour Stream, and other wetlands within the conservation covenant areas.
- Provision of public car parking and other public facilities in CC2.
- Creation of a corridor of conservation across Brabazon Down, linking CA2, Bush Stream and CC2.
- Extension of CA2 into CC3 to make fencing the boundary more practical, and to create an altitudinal sequence of vegetation and habitats.
- Retention of CC3 as Crown land with a grazing concession.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>
4	Suggest the Government buy Mesopotamia outright.	No. 2	Disallow

Submitter 2 prefers looking at this proposal again and feels that “*it would be better to look to Government to acquire the station in its entirety as has happened in the Ahuriri*”.

The Crown Pastoral Land Act requires consideration of a number of matters for tenure review including meeting the objects set out in section 24, and section 35 identifies the designations available for land held under a reviewable instrument. Outright purchase of land by the Crown is not provided for, therefore the outcome sought by the

submitter could only be achieved outside of the tenure review process. The point is therefore disallowed for further consideration.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>
5	Supports the holder continuing to control or have knowledge of all hunters/trampers on the Station.	No. 3	Allow

Submitter 3 has been hunting on Mesopotamia Station for over 15 years and never been denied access, and believes the Holders should still have considerable involvement in control of access. They make the observation that *"Mesopotamia Station has the right approach towards hunters and with their booking system there are no double-ups with huts and every hunting group has their own area to hunt (this is done at no extra charge). You know that when you book a hut there will be no-one else there. This system is far better than DoC's policy of first in first served."*

They go on to say that *"with this system the land owner knows the whereabouts of various groups should the need arise to contact or help them. I believe that the holders should continue to control or at least have knowledge of all hunters and/or trampers on the station even if it is in Crown control, and that this would be a better situation for the hunters/trampers."*

Section 36 of the Crown Pastoral Land Act details qualified designations available for land to be restored to or retained in Crown control. Section 36(1)(a) deals with the granting of a specified concession to a person specified in the proposal, such as that being mentioned by this submission. While the point relates to management of the conservation area post tenure review it is nevertheless a valid point regarding suggested arrangements under an instrument being created under the review. The point should be allowed for further consultation and consideration.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>
6	Issues relating to the proposed concession.	No. 2, 4, 6, 7, 11, 12, 13, 14, 15, 17, 18, 19, 22 and 23.	Allow in part

Fourteen submissions were received concerning various aspects of the proposed grazing, tourism activities and commercial filming and

photography concession. All but one submitter felt the term of the concessions was too long with the preference being for 5-10 years with regular monitoring. The issues have been categorised under the type of concession.

1. Grazing concession over CA1

Eight submissions were received dealing with two main issues.

(a) Farm management activities

Submitters 7, 12, 15, 18 and 23 did not support the carrying out of farm management activities on conservation land and submitter 2 has queried on-going grazing by stating "*Why still allow grazing. You have already stated it should be returned to Crown ownership and given reasons for it, under the Pastoral Land Act*". Submitter 19 supports the submission provided by submitter 12. Submitter 12 (and 19) questions "*why a 30 year grazing lease is proposed over CA1, with oversowing and topdressing, when this face has high scenic and landscape values.*" Submitters 7 and 23 concur, stating respectively "*It is inappropriate to permit oversowing and top dressing and clearance of vegetation on conservation land*" and "*the provision for oversowing and topdressing should not be granted on Crown owned and managed land.*"

Submitters 15, 17 and 18 have questioned the appropriateness of a grazing concession for both sheep and cattle from a long-term ecologically sustainability perspective, and submitter 17 suggests that grazing not be carried out although goes on to recommend conservation land "*concession conditions (including grazing) must ensure these areas are managed to maintain the values for which they have been protected.* This includes possibly fencing the upper boundary. They should include the obligation to undertake a monitoring program and Ministerial right of review to adjust stock numbers and general concession conditions if necessary".

In addition to oversowing and topdressing, submitters 15 and 18 object to clause 5 in Schedule 2 (A) Grazing, which permits the chemical or mechanical clearing of briar, and submitter 18 proposes "*the chemical clearance of briar by spot spraying ground methods with no aerial or mechanical spraying or clearance*" plus suggests new conditions be inserted into the grazing concession document "*which require control of broom, gorse and other weeds in consultation with DoC and using a control program agreed to by DoC*".

(b) Fencing

Submitter 13 notes there is no fence line keeping stock in on the concession area and recommends to "*Install fence lines to control stock on all grazing land.*"

Submitter 17 calls for "*Reviewing the grazing concession for CA1 to either exclude grazing, or to fence the upper boundary between CA1 and CA2.*" In addition they believe concession conditions "*should include the obligation to undertake a monitoring programme and Ministerial right of review to adjust stock numbers and concessions if necessary*" and that "*any concession for grazing over conservation land requires the exclusion of stock access to water bodies.*"

2. Tourism activities, commercial filming and photography concession

Thirteen submissions were received concerning two main sub-points within the tourism concession issue.

(a) Public hunting on CA3.

Twelve submissions opposed the exclusion of public hunting on CA3 with particular concern for future game management. However submitter 14 feels restricted access could work and suggests "*There must be some access for recreational hunters to this land. Recreation hunter access could be provided during say the month of November with a restriction on the taking of bulls over three years old. This would allow the retention of trophy animals but provide for hunter harvesting and population control as per the Tahr Plan.*" They also felt that "*There should be a concession fee for each trophy bull harvested by the leasee's clients taken off such Conservation lands. Such fees should be recorded as a credit against the management costs of the Tahr Plan.*"

Submitters 2, 7, 12 (and 19) and 23 also do not support the exclusion of public hunters from CA3. Submitter 23 believes "*This is unprecedented for public lands, for which hunting permits surely must be issued by the Crown's agent (DoC) and certainly not by the concessionaire. This would be tantamount to having a private safari park on conservation land.*" These submitters also object to clause 3 in section B of Schedule 2 concerning the requirement to obtain permission for access from the concessionaire. This subject has been discussed in further detail in point 1, sub-point 4, and in the justification for allowing this sub-point.

Submitter 13 believes an exclusive hunting concession on public land is unacceptable and recommends to "*Amend the agreement to a non exclusive hunting concession.*"

Submitters 11 and 22 refer to clause 20.1 of the concession document, which states that 'Nothing expressed or implied in this Document shall be construed as: (a) conferring on the Concessionaire any right of exclusive occupation or use of the land', to back their claim that "*they do not believe the public can be excluded from hunting in this area within the current concession and policy environment.*" Submitter 2

endorses these comments. Submitters 11 and 22 also point to the DoC Deer Control Policy 2001 which they believe applies equally to tahr and chamois, to support their belief that *“the restrictions proposed could only be imposed following a review of legislation to allow the formulation of properly constituted game management plans. In their current form these restrictions may create unintended precedents for future tenure reviews.”*

Submitter 15 believes *“the concessions appear to go against the intent of the Tenure Review Process, because the conservation land is being used for de facto private purposes.”* They also feel *“the requirement that tahr be maintained at ‘an acceptable level’ is too vague, and that the maximum number permitted should be no more than 2 animals per square kilometre as to be consistent with the Himalayan Tahr Control Plan. And, the Department of Conservation retain its monitoring and control rights if numbers are no longer consistent with the Control Plan.”*

Submitter 18 agrees with the above and adds *“The public hunting ban effectively privatises the most accessible conservation land and forces anyone wanting to hunt there to do it commercially through the concessionaire. This sets a poor precedent for conservation land.”*

Submitter 17 can find no clear reasoning for excluding public recreational hunting from CA3. They note that *“the Himalayan Tahr Control Plan (DoC, 1993) recognises the Rakaia/Rangitata catchments as one of two areas that have ‘the greatest recreational hunting popularity’ for tahr hunting in New Zealand. The plan also states that guiding concessions on conservation areas can incorporate sole concession rights ‘but not to the exclusion of recreational hunters generally’.* They recommend that *“numbers are closely monitored by DoC and the concessionaire with the right to review the terms of the concession and the opportunities for public hunting within a shorter timeframe than the proposed 30 year term.”*

(b) Limitations requested on concession activities

Submitter 7 calls for additional clauses in the concession activity section stipulating *“ – specific landing sites for helicopters, and – specifying which parts of the land will be used for the various activities.”* They also would like to see greater clarification over combined use of the huts in Schedule 2, part (C) General Conditions, and suggest clause 2 be amended to *“When other users are present at huts the concessionaire shall leave sufficient bunk space for them up to a maximum of half the number of bunks in the hut.”*

Submitter 6 also expressed concern that Schedule 2 (C) clause 2 covering the Concessionaire’s use of the Growler, Dog Kennel, Royal and Crooked Spur huts is vaguely worded and has the potential to

cause conflict with other users. Instead the submitter endorses submitter 7's proposal regarding bunk space and suggests that the Concessionaire be limited to no more than 50% of bed space when a hut is full, that according to the submitter is common and accepted practice in concession documents.

In addition submitter 6 seeks limitations on track use and maintenance submitting that *"the schedule of Concession document should explicitly state the specific tracks which the Concessionaire may drive on, and maintain. We further submit that any upgrading of tracks should be permitted only with the consent of the Grantor"*, and also expressed concerns about General Conditions for grazing and tourism activities. In particular Schedule 2 (C) clause 4 that allows the concessionaire to maintain existing tracks and seeks a change whereby *"the concession document should explicitly state the specific tracks that the Concessionaire may maintain and that any upgrading of tracks should be permitted only with the consent of the Grantor"*.

Submitter 6 further notes *"Aircraft activity is a significant intrusion into the enjoyment of conservation lands by recreational users. We submit that the schedules stipulate upper limits on flight activity in designated flight zones within the proposed lands under Crown control."*

Submitters 12 (and 19) believe the tourism concession must not be exclusive and state *"There is certainly room for more than one concessionaire."*

Submitters 12 and 13 question what environmental constraints will be imposed on the concessionaire for different activities and submitter 12 notes that *"Horse trekking and motor vehicle use, at high densities, cause bad erosion and degradation. What levels of use is DOC proposing? Guided horse trekking should be restricted to formed tracks only, because of the environmental damage they cause. Also, aircraft noise can be disturbing to the enjoyment of wildlands. What constraints on aircraft noise are envisaged?"* Submitter 19 supports the submission provided by submitter 12.

Submitter 13 supports a non exclusive concession with monitoring and suggests *"An Environmental Impact Assessment be prepared for tourism activities and aircraft landing sites be agreed with noise and or operating limits agreed."*

Submitter 18 proposes extensive new conditions: limiting aircraft operations; restricting horse trekking; reducing guided mountain biking and tramping trip numbers and party size numbers *"This could be done by averaging the number of clients Mesopotamia Station has had on each activity over the last three years and using this as the limit."* They then go on to call for *"deleting any concession for commercial filming;"* citing the lack of any conditions or controls in the

concession on the scale of filming and its impacts, “ *and prohibiting the assignment or transfer of any of the concessions to a third party.* ” They also support limiting the concessionaire to 50% of bunk space in the huts.

Submitter 23 is mainly concerned with helicopter access and suggests “ *A limited number of specified landing sites for helicopters should be stipulated over CA3.* ” However they also believe “ *the provision for oversowing and topdressing on this conservation area should be excluded.* ”

3. General and other comments about terms and conditions in concession document.

Submitter 6 has expressed a concern regarding the potential for damage to the landscape and impact on other users from the effect of clause 10.5 that allows the concessionaire to “ *take onto or use vehicles on the land* ” and seeks a change whereby vehicle access “ *should be limited to stated tracks only* ”.

Submitter 15 alleges “ *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 has 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 is not valid and should be disallowed. 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 has 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 is disallowed for further consultation.

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 the submissions raise a series of sub-points regarding various issues the point should be allowed in part so that these views can be taken into account in further consultation and consideration of the concession.

Sub-points allowed for further consideration

- Length of term of the concession.
- Appropriateness of grazing CA1.
- Appropriateness of oversowing, topdressing and vegetation clearance on CA1.
- Fencing CA1 and wetlands.
- Monitoring the effect of grazing CA1.
- Conditions added to the concession requiring a weed management programme on CA1.
- Public hunting and access to CA3.
- Monitoring and control of Tahr numbers in CA3.
- Restrictions on aircraft landing sites and flight frequencies, hut use, horse trekking, vehicle use, tramping trips and party sizes, track maintenance and commercial filming.

<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

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

Submitters 20 and 21 are in full support of the proposal. Submitter 21 summarises *"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 supports 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 believes *"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 is in agreement, and submitter 7 also feels *"The actual division between Conservation land and Freehold land is mostly reasonable and rational."*

Submitters 12 and 19 agree *"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 support the establishment of CA1, CA2, CA3 and CA4. Submitter 18 elaborates *"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 *"applauds the retirement of over 21,000 hectares and believes this an extremely good deal as it does not allow ongoing grazing."* Likewise, submitter 17 feels *"This is seen as a very good outcome for soil conservation and the proposal is to be commended."*

As 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

the point should be allowed so that these views can be taken into account in further consideration of the proposed designations.

<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.

Eight submissions were received concerning the freeholding of land in the High Terrace, Moonlight Stream and Felt Hut areas. The main objections relate 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 notes *"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 suggest *"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 go on to state that if freeholded, a covenant with extensive restrictions and a requirement for independent monitoring should be included. They also believe 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 supports 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) point 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 request 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 asks 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 propose a new boundary between points “N and R”, but support 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 is 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 makes 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 is 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 are an unnecessary expense, as justification for retaining land in Crown ownership is not in itself a valid reason and this sub-point is disallowed.

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 should be disallowed.

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, touch on these objectives this point should be allowed in part so that these views can be taken into account in further consideration of the proposed designations.

Sub-points allowed for further consideration

- Extension to boundary of CA3 to include various parts of this area.
 - 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.
 - Protective covenants on freeholded land in this area.
- Protection of wetlands from stock.

<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

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

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

Submitters 15 and 18 request 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 reaches 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 has not been fulfilled is not correct and can not 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 disallowed for further consideration. 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 Act provides for the granting of a specified concession to a person specified in the proposal, along with the creation of an easement for public access and for Minister of Conservation management purposes. 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. It should be allowed in part for further consideration.

Sub-points allowed for further consideration

- 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.

<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

Two submissions were received pointing out the area's historical importance for hunting. Submitter 12 points 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 notes support for submitter 12.

The submitters would appear to be referring to the restrictions imposed by the tourism concession on hunting in CA3. They are claiming a historical attachment to the area for the purposes of hunting game. As 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 – this point is allowed for further consideration and consultation.

<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

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

Submitter 15 notes *“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 endorses this statement.

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

As the wetland extends beyond the pastoral lease the point should be allowed in part to cover the reviewable land only.

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 should be allowed in part to cover the pastoral lease land, being the only land covered by this review, so that these views can be taken into account in further consideration of the proposed designation.

<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

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

Submitter 17 believes 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 notes *“Proposed fencelines and repairs fail to exclude stock from wetlands eg south of beech forest and at the base of High Terrace.”* They also stipulate that *“if freeholding proceeds, Black Mountain hut wetland must be securely fenced against stock access and from stock in CC3.”*

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

and as these submissions promote these objectives this point should be “Allowed” for further consultation and consideration

<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

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

Submitter 17 proposes *“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.”*

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

and as this submission promotes these objectives this point should be “Allowed” for further consultation and consideration.

<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

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, referring 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 want 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 recommends *"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 suggest 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 but in itself is not a matter coming under the Commissioner's jurisdiction for tenure review. This sub-point is therefore disallowed.

Submitter 4's sub-point concerning the extension of marginal strips to the ridge lines is 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. On the 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 disallowed for further consultation and consideration.

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 disallowed in its entirety.

Discussion and conclusions:

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

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

- Proposed public access routes insufficient and unsuitable in places.
- Conservation covenants generally not offering adequate protection to significant inherent values.
- Support for the holder to continue having involvement in public access to conservation areas.
- Terms and conditions of the grazing, tourism activities, commercial filming and photography concession.
- Support for the conservation areas and parts of the proposal.
- Boundary extensions to CA3 in the Moonlight Stream, High Terrace and Butler Downs areas.
- Rejection of all or parts of the proposal.
- Protection of hunting recreational significant inherent values.
- Boundary extension proposed for CA4.
- Protection for marginal strips and wetlands.
- Creation of another conservation or covenanted area to protect a 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 preliminary analysis have been provided above.

REPORT IN ACCORDANCE WITH CONTRACT 50346

Preliminary Analysis of Iwi Submission for Preliminary Proposal

File Ref: CON/50000/16/12695/00/A-ZNO Submission No: QVV 751 Submission Date: 20/12/2005

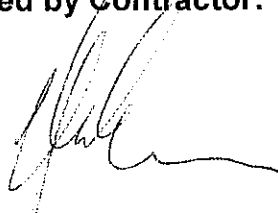
Office of Agent: Christchurch

LINZ Case No: T206/102a Date sent to LINZ: 20/12/2005

RECOMMENDATIONS

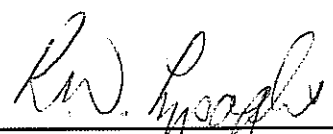
- (1) That the Commissioner of Crown Lands approves this report for tenure review of Pt 057 Mesopotamia Pastoral Lease.

Signed by Contractor:

pp. 

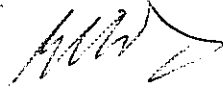
Barry Dench
Team Leader for Tenure Review

Approved/Declined by:



Name:
Date of decision: 23/1/06

I recommend approval



16.1.06

(1) Details of lease:

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

(2) Details of Iwi Submission:

Received On: 1st 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 preliminary analysis of the submission. The purpose of this preliminary analysis is to identify those issues raised which are appropriate for further consideration.

After such further consideration and appropriate consultation, a final analysis of submissions will be completed which will record the outcome of such consideration on each point and whether or not it has been approved for inclusion in the draft Substantive Proposal.

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

The following analysis:

- Summarises each of the points raised
- Provides a discussion of the point.
- The CCL decisions whether or not to allow/disallow for further consultation.

The decision to “**allow**” the point made 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.

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 ✓

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

The objects of the Crown Pastoral Lands Act 1998 seek to:

1. protect the significant inherent cultural and historical values of Crown land, and
2. enable reviewable land capable of economic use to be freed from the management constraints (direct and indirect) resulting from its tenure under reviewable instrument.

Therefore this point should be allowed so that these views can be taken into account in further consideration of the proposed designations.

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.