

Crown Pastoral Land Tenure Review

Lease name: RICHMOND

Lease number: PT 087

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.

January

06

Report in Accordance with Contract 50346

Preliminary Analysis of Public Submissions for Preliminary Proposal

File Ref: CON/50000/16/12705/00/A-ZNO **Submission No:** QVV 741 **Submission Date:** 8/11/2005

Office of Agent: Christchurch

LINZ Case No:

Date sent to LINZ: 22/11/2005

RECOMMENDATIONS

- (1) That the Commissioner of Crown Lands approves this report for tenure review of Pt 087 Richmond Pastoral Lease.

Signed by Contractor:

Barry Dench
Team Leader for Tenure Review

Carolyn Latham
Tenure Review Consultant

Approved/Declined by:

Name:
Date of decision: / /

(1) Details of lease:

Lease Name: Richmond

Location: Lilybank Road, Lake Tekapo, 17 kilometres north of Tekapo township.

Lessee: Oskar Johannes Rieder and Karoline Rieder.

(2) Public notice of preliminary proposal:

Date, publication and location advertised:

20th August 2005

- The Press Christchurch
- Otago Daily Times Dunedin

Closing date for submissions:

17th October 2005

(3) Details of submissions received:

A total of twenty one 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.

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. | Nos1,2,3, 4,5,6,7,8, 9,10,11, 12,13,14, 15,16,18, 19 and 21 | Allow in part. |

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

1. Access to and through Ski Field Lease

Whilst there is support for the easement “e-f” along the lower section of the ski field road, nine submitters are concerned that public access beyond point ‘f’ is inadequate.

Submitter 6, whose views are supported by submitters 8 and 10, proposes “*That full public access, including by motor vehicle, up the skifield road from “e to “j be provided.”*” Submitter 12 also supports full vehicle access but with the concession that “*this should not rule out the ability of the lessee to charge a reasonable road toll on vehicles, for road maintenance, as is done for most skifield roads.*”

Submitters 1, 7 and 9 don't believe the proposal provides adequate access into conservation areas CA3 and CA4 for walking, mountain biking or horse trekking purposes, and they suggest a link between point 'j' and the north western point of CA3, shown marked in some submissions as "x-y-z". Submitter 1 explains "*It is of concern that CA4 and CA3 are disjointed and that the public has no right to access to CA3 from the proposed public access line, the public is effectively excluded from accessing the conservation area*" while submitter 7 contends that the ski field road does not provide access to CA4 to which easement "e-f-g" runs to the boundary of.

Submitter 5 believes "*The right of foot/ski and mountain bike access should be guaranteed to the entire ski field area (with the exception of the buildings)*" (see point 3), while submitter 14 feels "*public access by motor vehicle from the Lilybank Road to proposed Conservation Area CA4 along an amended e-f-g*" would be adequate.

2. Access to Foreshore

Fifteen submissions were received regarding public access to the Lake Tekapo foreshore from Lilybank Road. The general consensus amongst the majority of submitters was that one point of access over approximately 14 kilometres of foreshore was inadequate.

Submitter 8 supports the easement 'c-d' as proposed "*as it allows good access to the lake and its legal road on the foreshore.*"

Submitters 5, 6 and 10 propose one additional access point, with submitters 6 and 10 specifying "*additional public access be provided to the lake shore at a point approximately mid-way between CA1 and CA2.*"

Submitters 1, 2 and 3 feel one or two additional access points are required with submitter 2 suggesting "*an extra couple of access points to the lake, possibly at about a third of the way up from the start of the property and again at about half way.*" Submitter 3 feels "*two more legal access ways would be desirable close to the air strips*".

Submitter 13 doesn't believe "*the Preliminary Proposal has considered the desirability and potential economic and recreational gains from a multi-day walking track up either side of the lake and/or around the lake.*" They go on to request "*five more legal roads between Lilybank Road and the lake north of the homestead*".

Submitters 7, 9, 12, 15, 16, 18, 21 are critical of the proposed access to the foreshore and feel the public are being poorly served. Submitter 18 observes "*the proposal makes very poor provision for public access to and enjoyment of the lake side areas. It fails to recognise the paucity of accessible places to go to enjoy the district's lake shore areas, as much of the lake edges are rimmed by private land.*" Submitter 7

presses for “*a considerable number of legal access routes to ensure practical and convenient public access to the lake side.*”

3. Easement ‘a-b’ and ‘h-i’

Nine submissions were received specifically relating to the easement sections “a-b” and / or “h-i”. The submitters point out that ‘h-i’ runs through dense Matagouri scrub and ‘a-b’ is on the edge of a rocky bank, neither of which are considered suitable for reasonable foot and mountain bike access. Alternatives proposed include existing 4 wheel drive tracks and legal roads.

Submitter 5 sums up “*The access easement ‘h-i’ is impractical because of heavy matagouri, and an unmarked farm track that travels in a curve inside the proposed freehold area between points ‘h’ and ‘i’ is the preferred route.*” They also go on to say “*The access easement ‘a-b’ also does not give good access because it is on the edge of a gully and crosses several side gullies. We propose the farm track which roughly parallels the legal road and finishes close to point ‘b’.*”

Submitter 1 agrees and adds “*It also needs to be assured that both lines are at all times safe. The northern line ‘h-i’ would not protect the walker from deer if the farmer decided to turn this block into a deer paddock.*”

Submitters 7, 8, 9, 11, 13 and 18 make similar recommendations to the above, while submitter 12 elaborates further and suggests “*Tenure review is an opportunity to swap the legal roads for new legal roads on a more appropriate alignment, to ensure sensible foot and mountain bike access is provided, as well as ensuring access for those carrying a recreational hunting firearm. Negotiations with the lessee to this end are essential.*”

4. Additional access sought

Whilst additional access to the Lake Tekapo foreshore has been covered under sub heading 1, four submitters sought further public access to proposed and existing conservation lands.

Submitters 6 and 10 request “*an easement for public access on foot be provided along the route of the old pack track to Mesopotamia via Camp Stream.*”

Submitter 7 refers specifically to the Ski Field lease which they believe should be reviewed in conjunction with the Tenure Review. They state that “*The Richmond Range above the ski field and both north and south of it provides ideal ski touring country, and as conservation land should be freely accessible to the public. Conditions in the Tenure Review should ensure the right of free and practical access to these areas.*”

Submitter 4 believes the proposed easement for public access “*should also include provision for public access for recreational purposes by both horse and motorised vehicles.*” And further “*these right of access easements should cover all tracks, paths and roadways in the proposed conservation, covenant and freehold areas*”. However they also believe that “*It is reasonable to provide that such access may be managed in some way, however, permission for access should not be unreasonably withheld when requested.*”

5. Guidelines for provision of practical walking and mountain biking access

Submitter 1 believes firm guide lines are required for suitability of access and states “*Directing the public to walk or bike along a fence line for kilometres, through dense scrub and over boulders, through ravines and gorges is simply unacceptable.*”

The submitters comments appear to be referring to present state of easement routes “a-b” & “h-i”, which are matters dealt with by the Department of Conservation post tenure review but nevertheless relate to the objective of “to make easier- the securing of public access to and enjoyment of reviewable land”.

6. Public access in general

Submitter 19 does not specifically refer to Richmond Station and makes the broad comment “*I am concerned that in changing times these stations from leasehold to freehold, that: public access to the high country is established.*”

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, this point should be allowed in part 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.

Suggestions have been made seeking easements over conservation lands subject to minor restrictions. This is not valid and the sub-point is disallowed.

The suggestion to realign a legal road 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 and thus this sub-point can not stand.

Therefore submissions which propose actions that are not achievable within the Crown Pastoral land Act 1998 cannot be allowed for further consideration within this tenure review.

| <i>Point</i> | <i>Summary of Point Raised</i> | <i>Submission No.</i> | <i>Decision</i> |
|--------------|---|-----------------------|-----------------|
| 2 | An anomaly exists with the pastoral lease fence line at the ski field lease’s western-most point. | No.s 1 and 9. | Allow |

Two submissions were received concerning the location of the pastoral lease fenceline at the western corner of the ski field lease, and grazing of the ski field area in contradiction of the terms of the lease.

Submitter 1 points out *“The actual fenced area takes in the western corner of the ski field area. Either the ski field lease needs to be rewritten to permit grazing or the fenceline has to be realigned. With no fenceline existing or proposed along the boundary of the southwestern corner of the ski field area, this is a recipe for unintentional grazing of the conservation area.”*

Submitter 9 is concerned that *“the Ski field lease be properly fenced off from the freehold. It appears that this may not be the case in the western corner of the lease where it protrudes into the freehold.”* And further that *“Round Hill Ski-field lease area is fenced off and /or renegotiate lease with adjustments for grazing.”*

As indicated on the designations plan, all boundaries shown are indicative and for illustrative and discussion purposes only. Survey plan data supporting the boundary positions is researched thoroughly when the survey prescription is prepared and boundary anomalies corrected at that time. Therefore this point is allowed for further consideration.

| <i>Point</i> | <i>Summary of Point Raised</i> | <i>Submission No.</i> | <i>Decision</i> |
|--------------|--|--------------------------|-----------------|
| 3 | Wilding pine control required, review of ski field lease conditions & breaches in ski field lease. | Nos. 1, 3, 6, 7, 10 & 12 | Disallow |

Six submitters had concerns regarding the wilding pine spread on the Ski Field lease, breach in clause 6 of the lease agreement and that a building in disrepair should be removed, request that some of the conditions in the lease need to be reviewed for instance the right of trespass and need for preservation of natural landscape values.

Submitter 1 is concerned that *“the ski field has been in serious breach of clause 11 of its lease agreement for many years and allowed a block of wilding pines to spread.”*

Submitter 3 states *“Any exotic trees on the ski field area and/or which could be a source of wilding trees should be removed at the lessee’s expense.”*

Submitters 6 and 10 share the opinion *“That the lessee remove the wilding pines on the skifield area which is Conservation land.”*

Submitter 7 believes some of the conditions of the Ski Field lease need to be reviewed in conjunction with the Tenure Review. The submitter noted *“The need for preservation of the natural landscape values of the ski field lease areas should be enforced, and if not already in the lease suitable clauses should be added to the lease conditions.- For instance the wilding pine spread in this area should be controlled before it gets totally out of hand. In fact we would press for the removal of all pines within the lease area along with any other non native species. This should be a firm condition in the lease and be monitored by DoC.”*

Submitter 1 is concerned that *“The ski field is in serious breach of clause 6 of its lease agreement and that a building in disrepair should be removed.”*

Submitter 12 *“proposes that the trespass right on the ski field be negotiated out, as part of the tenure review, and that the public’s right to drive to the top of the ski field road be guaranteed.”*

Submitter 5 proposes that the ski field lease *“should be exchanged for a modern concession which provides public access rights on foot. The right of foot / ski and mountain bike access should be guaranteed to the entire ski field area , with the exception of the buildings, to the public land beyond in combinations with the easement “e-f-g”.*

As the Ski Field Lease is not reviewable land in terms of Richmond tenure review it is not a matter to be considered in this tenure review and the several issues should be taken up directly with the Department of Conservation who administer the lease. If wilding pine spread affected pastoral lease land the 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 disallowed..

| <i>Point</i> | <i>Summary of Point Raised</i> | <i>Submission No.</i> | <i>Decision</i> |
|--------------|--|-----------------------------------|-----------------|
| 4 | Objects to the boundary and/or designation of the proposed northern freehold block (Mt Gerald boundary to Coal River). | Nos. 1, 9, 11, 12, 13, 14 and 18. | Allow in part. |

Seven submissions were received regarding the proposed freehold block of land on the northern boundary of the pastoral lease. The submissions covered three main options; retaining the northern freehold block as Crown Pastoral Lease or other lease; retaining the northern freehold block as Conservation Area; or retaining parts of the northern freehold block for Conservation Area.

1. Retaining Northern Freehold Block as Crown Pastoral Lease

Submitters 1, 9 and 12 favour the land remaining as Crown Pastoral Lease or are non-specific regarding the type of lease for sheep grazing with restrictions. Submitter 1 states *“Thus the status quo for the farmer would be maintained, the public would have the opportunity to use the existing 4WD track for foot and mountain bike access without the possibility of danger from deer in the future.”* Submitter 9 additionally supports *“allowing one ecological corridor to facilitate public access from the Lilybank Road to the prime recreation land on the Two Thumb Range”*, and refers to *“valuable unmodified alpine landscape in this block and also tarns and wetland features.”*

Submitter 12 believes *“The idea of taking the block proposed for freeholding between CA2 and CA4 and leasing it back to the lessee as a grazing lease only, to protect a natural landscape corridor, should be considered.”*

2. Retaining Northern Freehold Block as Conservation Area

Submitters 11 and 13 believe the land should all be retained as conservation area making one big conservation area including CA2 and CA4. Submitter 11 states *“This area we feel should be included in CA4 as it contains significant inherent values and would provide a means to ensure a landscape sequence from lake to mountaintop.”* Submitter 13 refers to SIV’s in the area which they do not believe the Preliminary Proposal recognises, including wetlands, shrublands and a high diversity of native species. They also believe *“The proposed new fenceline ‘X-Y’ would create an obvious landscape scar and is an unnecessary cost to the Crown given the existing fenceline 800-1000 metres below it.”*

3. Retaining part of Northern Freehold as Conservation Area

Submitters 14 and 18 favour retaining parts of the land in Crown control as conservation area. Submitter 14 proposes to “*Extend CA4 to include native shrublands between Coal River and the Mt Gerald boundary, as identified in the CRR.*” Submitter 18 is in agreement and details “*A larger area could comprise CA2 and CA4 to include all of the Coal River valley landform, and most of the land to the north of Coal River, including the two large side valleys and the land in between. The existing fence could – in this case – be used in part as the new boundary.*”

Section 35 of the Crown Pastoral Land Act identifies the designations available for land held under reviewable instrument. Retention of land as Crown Pastoral Lease is not provided for in the Crown Pastoral Land Act unless the review is curtailed, therefore sub-point one is disallowed for further consideration.

However, as the retention of land in Crown ownership, creation of a grazing concession and for freehold disposal, plus the protection of the significant inherent values are objectives of the Act, the remainder of 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> |
|--------------|---|--|-----------------|
| 5 | Concern regarding future development if lakeshore land is freeholded, and inadequate area provided for public use on foreshore. | No.s 1, 7, 9, 11, 12, 13, 14, 15, 16, 18, 19 and 21. | Allow in part. |

Twelve submissions were received specifically relating to the proposed area of freehold land between Lilybank Road and the lake shore, and the provision of land for public use on the foreshore. The submissions fall into the following main themes.

1. Retaining part of the Land as Crown Pastoral Lease or public ownership

Whilst submitter 7 had general concerns about potential effects on landscape values at the proposal to freehold the lake foreshore to Lilybank Road and advocated either public ownership or freeholding with a conditions, submitters 1, 9, 11, 13, 14, 15 and 16 were more specific with their recommendations and felt the land should remain as Crown Pastoral Lease with restrictions.

Submitter 1 states *“Long term protection of the lake shore is only possible if the land remains in Crown ownership. This block, should then be leased back to the farmer with provisions suitable for the present type of use.”*

Submitter 9 agrees with the above and also suggests *“Another alternative would be for the Department of Conservation to purchase this land and fully protect it for public use.”*

Submitter 11 feels *“This area is worthy of retention as Crown pastoral lease land because of its landscape values and strategic importance as lakeshore land.”*

Submitter 13 believes *“The proposal fails to recognise the strategic importance and high SIV’s of lakeside land for public recreation, amenity and enjoyment for both present and future generations.”* In addition they feel that *“The proposal is inconsistent with the Government’s High Country objectives because it fails to provide a fair financial return to the Crown. It allows the lessee not the Crown to capitalise on the location value.”*

2. Potential for Future Subdivision

Submitters 1, 9, 13, 15, 16 and 18 were concerned by the perceived weaknesses in the Mackenzie District Plan and belief that the Lake Protection Area would not provide sufficient protection from future subdivision of the land.

Submitter 1 states *“It is of serious concern to see the entire lake shore block freeholded. With the Mackenzie District Plan being inherently weak, there is a recipe for subdivision and residential development all along the lake shore.”*

Submitter 13 points out that *“Subdivision activity has increased significantly since the CRR was prepared. Both the 2001 Landscape Assessment and the CRR were prepared prior to the recent development boom; do not adequately assess the impacts of subdivision development or the inadequacy of the district plan. Buildings are only a discretionary activity in the LPA so they require resource consent. If freeholded, all of the 5,982 hectare area will be at risk of subdivision.”*

Submitter 18 is also concerned that *“Building is discretionary in this district around lake shores, which means that consent can be applied for and granted, at the discretion of Council. Equally, more intensive farming and tree planting is likely. In this district, development of this nature is likely to be regarded as positive for its short term economic benefits. The longer term loss of landscape values and public access is likely to be the sacrifice paid for such gain.”*

Submitter 19 does not specifically refer to Richmond Station and makes a general observation “*I am concerned that in changing these stations from leasehold to freehold, that: the potential for subdivision development beyond the existing town site is carefully controlled.*”

3. Protective Mechanisms Required to Protect Water Quality

Submitters 14 and 21 proposed protective mechanisms be placed on any freehold title to preclude future subdivision which may have adverse effects on water quality.

Submitter 14 suggests “*if disposed of as freehold land, that land along the lake margin be subject to the creation of one or more protective mechanisms relating to the protection of the aquatic values of Lake Tekapo.*”

Submitter 21 notes “*Intensification of land use around the edge of Lake Tekapo may lead to increased nutrient loading to the lake and the rest of the catchment.*” They propose “*Land along the shore of Lake Tekapo should be subject to protective mechanisms if freeholded to ensure protection of water quality in the lake.*”

4. A Lakeside Reserve in Full Crown Ownership is Required

Submitters 9, 12, 14, 18 and 21 felt that the legal road and marginal strips along the lake shore shown on the designations plan were insufficient for public enjoyment of the area.

Submitter 9 suggests “*there should be a Lake shore reserve, wider than the current marginal strip, allowing full public enjoyment of this unique landscape.*”

Submitter 12 believes “*The legal road should be swapped for a movable marginal strip, probably 50 to 100 metres wide, to provide for amenity values.*”

Likewise submitter 14 proposes “*the frontage of Lake Tekapo be secured for public access by designating a strip of land of at least 40 metres in width from the highest operating level for Lake Tekapo, to be retained in full Crown ownership.*” Submitter 21 also supports retention of a formal strip of land by the Crown.

Submitter 18 feels “*Easier physical access and more appealing and spacious surrounds are likely to be gained by including land further back from the immediate water’s edge.*”

Section 35 of the Crown Pastoral Land Act identifies the designations available for land held under reviewable instrument. Retention of land as Crown Pastoral Lease is not provided for, therefore sub-point one is disallowed for further consideration.

However, 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 –
 - (ii) By the creation of protective mechanisms; or (preferably)
 - (iii) 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

Therefore the remainder of this 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> |
|--------------|---------------------------------------|--|-----------------|
| 6 | Rejects all or parts of the proposal. | No. 1, 9, 11, 13, 14, 15, 16, 17 and 20. | Allow |

Nine submissions were received rejecting the proposal in part or entirely. The majority of the submitters support the proposed conservation areas but feel they are not extensive enough nor are there sufficient protection mechanisms proposed for the freehold land, and believe the proposal should be rejected on this basis. Included in this group are those submitters who argue for no freehold disposal and instead have the continuation of parts as pastoral lease.

Submitter 1 rejects the proposal and states *“I do not believe that the present Tenure Review proposal addresses the needs of the public for long term landscape protection, for public access or for biodiversity protection.”*

Submitters 11, 13 and 16 share the opinion that *“the preliminary proposal is not consistent with CPLA and the Governments objectives for the High Country, and that unless suggested amendments are made the proposal should not proceed.”* Submitter 9 adds their belief that *“this proposal is flawed, and recommends that it be rejected and renegotiated, or some other mechanism be employed to protect this landscape for future generations.”*

Submitter 14 contends that *“the proposal falls well short of identifying specifically, let alone protecting many of the significant inherent values of the land, and also fails to provide adequately for the integrated management of land and water resources.”*

Submitter 17 does not specifically refer to Richmond station and makes very broad comments over an undefined area that they have “grave concerns in changing these stations from leasehold to freehold.”

Submitter 20 laments “Surely this...is not the object of tenure review, to give away from present public ownership such vast amounts of lowlands risking degradation and development?”

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

- (a) To enable the protection of the significant inherent values of reviewable land –
- (iv) By the creation of protective mechanisms; or (preferably)
- (v) By the restoration of the land concerned to full Crown ownership and control; and
 - (ci) to make easier –
- (ii) The securing of public access to and enjoyment of reviewable land

Therefore 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> |
|--------------|--|-----------------------|-----------------|
| 7 | The proposal provides no information on how freeholding would promote ecologically sustainable management. | Nos. 13 | Disallow |

The submitter challenged a statement in the public information pack sent to potential submitters regarding the promotion of ecologically sustainable management on land designated for freehold disposal and went on to say “continued grazing by sheep and deer, and development through fertiliser and oversowing is likely to degrade SIV’s including indigenous cover, landscape and wetland values, as has occurred elsewhere on the pastoral lease.” The submission also notes “freeholding of extensive areas of tussock grassland will not promote ecological sustainable management.”

The relevant section of the Crown Pastoral Land Act relating to this submission is:

24. Objects of Part 2 – The objects of the part are:

- (a) To:
 - (i) Promote the management of reviewable land in a way that is ecologically sustainable.
 - (ii) Subject to subparagraph (i), enable reviewable land capable of economic use to be freed from the management constraints

(direct and indirect) resulting from its tenure under reviewable instrument

The legislation clearly enables the freehold disposal of land capable of ecologically sustainable use as identified on the designations plan. As submitter 13 is not making a direct reference to any particular land area in the Richmond proposal and is touching on management of the land post conclusion of the review it is not a matter to be taken into account for this review.

Therefore this point is disallowed..

| <i>Point</i> | <i>Summary of Point Raised</i> | <i>Submission No.</i> | <i>Decision</i> |
|--------------|--|--|-----------------|
| 8 | The western boundary of CA3 should be extended further west, and encompass the Washdyke Creek. | No.s 2, 11, 13, 14, 15, 16, 18 and 21. | Allow |

Eight submissions were received concerning the location of the western boundary of Conservation Area CA3. The submissions cover extensions to the boundary to varying degrees, and in addition the majority of the submitters support the inclusion of Washdyke Stream with extended margins in CA3.

Submitter 2 observes *“I hope for convenience sake you haven’t decided to use the existing fence and thus save money on building another lower down. I would have expected the fence line at CA3 to be lower down more in line with CA4.”*

Submitter 18 feels the western boundary follows an appropriate line generally, but notes *“It should continue along the 1100m contour however rather than rising in altitude towards Coal River.”* They also make the comment *“The presence of an existing fence line is not a valid reason for persisting with a line where a better line is present”*.

Submitters 13, 14 and 16 believe the western boundary should be significantly adjusted further west. Submitter 13 seeks to include *“tall and short tussock grasslands and shrublands west of the snow fenline at around the 880 metres asl contour and between the fenceline and proposed lower CA3 boundary.”* Submitter 14 puts forth a range of options from *“extending the lower boundary of CA3 to include the remainder of the Class VII high erosion risk soils above the 1000m contour”*, to *“protecting the intactness of the inland basin landscape from Lake Tekapo shoreline to the top of the Richmond Range, either by the extension of CA3 to the lake shore, or through the placement of*

a protective mechanism to protect the significant inherent values of the landscape.”

Submitters 11, 13, 14, 15, 16 and 21 all sought to include the Washdyke Stream and its margins as an extension to CA3. Submitter 13 and 16 specify *“Protect Washdyke Stream and a 100 metre buffer either side for all of its length”*. Submitter 14 is concerned with maintaining water quality by restricting stock access and proposes *“That the marginal strip along Washdyke Stream be fenced as a condition of freeholding to protect the water quality of this stream and maintain downstream aquatic values”* at the same time as advocating for this land to be retained as conservation area.

As the retention of land in Crown ownership is an objective of the Crown Pastoral Land Act 1998 the point should be allowed so that these views can be taken into account in further consideration and consultation of the proposed designations.

| <i>Point</i> | <i>Summary of Point Raised</i> | <i>Submission No.</i> | <i>Decision</i> |
|--------------|--|-----------------------|-----------------|
| 9 | The provision of and standard of existing fences | No. 3, 7, 9 and 10. | Allow in Part |

Four submissions were received from submitters with concerns about the holders undertaking to maintain the retirement fence, this relating to current standards of retirement fencing, and the provision of new fences.

Submitter 3 notes *“The lessee has not honoured his agreement with the former Waitaki Catchment Commission that he would maintain the retirement fence and pay half the cost of this, and his stock have been regularly grazing the retirement for many years and the fence should be brought up to stock proof standard prior to freehold title being issued.”*

Submitter 10 feels that *“the lessee should honour his previous undertaking to maintain the retirement fence in terms of his agreement with the former Waitaki Catchment Commission.”*

Submitter 7 recommends strongly *“that this tenure review ensure that all boundary fencing is installed, or upgraded and maintained in a sound and effective condition to preserve the retirement areas by controlling all stock”* while submitter 9 *“wishes to see adequate fencing to protect retired land and in positions which are able to be maintained through heavy snow etc and adds it has some doubt that shifting the fence to 980 metres asl for the northern freeholded block will achieve that”*.

As part of the tenure review process all freehold boundaries that require fencing will be erected or upgraded by the Commissioner of Crown Lands to the standard of an “adequate fence”. As this point deals with two issues- the allegation that the holder has not honoured an agreement with the Catchment Commission is not a matter to be dealt with under tenure review and therefore “disallowed” however the suggestion to bring existing fences to an effective standard etc is a valid point and is therefore allowed for further consideration and consultation.

| <i>Point</i> | <i>Summary of Point Raised</i> | <i>Submission No.</i> | <i>Decision</i> |
|--------------|--|--|-----------------|
| 10 | Support for the overall proposal, conservation areas, and parts of the proposal. | No.s 5, 6, 8, 10, 11, 12, 13, 14, 15, 16, 18 and 21. | Allow |

Twelve submissions were received in support of the proposed Conservation Areas, Conservation Covenant, freehold disposal and parts of the proposal.

Submitters 6, 10, 11, 12, 15, and 16 fully support the proposed conservation areas, as summarised by submitter 6 “*We are in agreement with the proposals for full Crown ownership of areas labelled CA1, CA2, CA3 and CA4 on the proposed designation plan*”. Submitter 6 also noted “*we agree with the proposal to transfer 5,982 hectares to freehold ownership but subject to the following conditions. These conditions related to access and removal of wilding pines on the ski field area. Submitter 10 voiced similar comments.*”

Submitter 5 comments “*The land split between conservation and farmed areas is sensible and, with important ecological areas also protected, it provides a good balance to the proposed land use.*”

Submitter 8 endorses “*the overall proposal as it stands as far as the establishment of Conservation Areas, the conservation covenant, marginal strip and the sale of the balance of the land.*”

Submitter 13 supports “*the protection of CA1, CA2, CA3 and CA4 and the conservation covenant over the pond.*”

Submitter 14 acknowledges and supports the areas proposed to be protected “*as contributing to soil conservation management and the protection of the indigenous habitats and of the area.*”

Submitter 18 specifically fully supports “*The proposal to retain CA2 and CA4 as natural landscape areas for conservation purposes.*”

Submitter 21 specifically supports *“the designations that protect Coal Creek, which provides trout spawning and juvenile rearing habitat.”*

As the retention of land in Crown ownership and for freehold disposal plus making easier the securing of public access to and enjoyment of reviewable land are objectives of the Crown Pastoral Land Act 1998 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> |
|--------------|--|-----------------------|-----------------|
| 11 | Marginal strips should be considered on smaller waterways. | No.s 5, 14 and 21 | Allow in part |

Three submissions were received highlighting the importance of the protection of smaller waterways and Coal Creek on the property.

Submitter 5 notes *“Coal Creek does not presently have marginal strips and these would also give a good logical access route to both the conservation land and the lake shore. We propose marginal strips to both sides of Coal Creek.”*

Submitter 14 identifies *“a number of waterways that are of a width insufficient to qualify for marginal strips. They are, nevertheless, important in their own right and as tributary streams to Lake Tekapo. It is appropriate that some consideration be given to creating riparian margin buffer strips along all waterways flowing into Lake Tekapo to manage/avoid the future degradation of water quality within the lake and downstream water bodies*

Submitter 21 also notes *“There are other smaller waterways on the property that are of a size to warrant marginal strips, that are not identified on the plans. We consider the protection of these streams to be important, especially in relation to stock access restrictions and riparian management.”*

The submitters should be assured that marginal strips where appropriate 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.

This will only apply to land designated for freehold disposal and excludes Coal River where adjacent land is designated for restoration to full Crown ownership and control as conservation area.

Consequently the point is allowed in part to investigate if other waterways would qualify for indicative marginal strips. The formal process for setting off marginal strips is undertaken at the conclusion of tenure review under the Conservation Act and therefore outside the jurisdiction of the Commissioner of Crown Lands.

| <i>Point</i> | <i>Summary of Point Raised</i> | <i>Submission No.</i> | <i>Decision</i> |
|--------------|--------------------------------|-----------------------|-----------------|
| 12 | Easement concession | No. 1 & 13 | Allow |

Submission 1 takes issue with the designation ‘farm management purposes’ as applied to the easement concession “g-j”, as does submitter 13 who sums up *“Clause 2 of the ski field area lease does not permit farming on the lease area. We see no reason for farm use of the ski field road as any grazing of the lease area would be in breach of the lease agreement.”*

The creation of an easement concession is provided for in the Crown Pastoral Land Act. As the submitters are querying the use of the term “farm management purposes” this point should be allowed so this matter can be considered.

| <i>Point</i> | <i>Summary of Point Raised</i> | <i>Submission No.</i> | <i>Decision</i> |
|--------------|--|-----------------------|-----------------|
| 13 | Concern regarding future development of land to the east of Lilybank Road if it were freeholded. | No.9, 11, 13 and 18. | Allow in part |

Four submissions were received concerning the proposed freehold land between the lower boundary of CA3 and Lilybank Road. The majority are in favour of retaining this land as pastoral lease while one submitter favours protection mechanisms.

Submitters 13 and 16’s views are encompassed within submitter 11’s summary of this area *“Worthy of protection for its landscape value and as an easy public access for walking, botanising and geological studies. The views from here are outstanding and the incised gullies contain tussock and shrublands in good condition. If these lands are not protected by extending CA3 to the road they should be retained as pastoral lease land, rather than freeholded.”*

Submitter 9 believes *“The land to the east of the road should be protected so that the outstanding landscape values can be sustained while still allowing agricultural production. Subdivision and structures should be prohibited.”*

Submitter 18 notes *“I am concerned there is no covenant over most of the remaining freehold landscape, which also shares the expansive more natural high country character of the area north of Coal Creek. This area still has visual values even if modified and still contains native species on natural landforms.* The submitter then goes on to say *“covenant objectives should be to retain this area as extensively grazed grassland of a balance of native and exotic species through careful stock and land improvement management.”*

Section 35 of the Crown Pastoral Land Act identifies the designations available for land held under reviewable instrument. Retention of land as Crown Pastoral Lease is not provided for as an option unless the review was not proceeded with therefore this part of point 15 is disallowed for further consideration.

However, as the retention of land in Crown ownership and for freehold disposal, plus the protection of the significant inherent values are objectives of the Act, the remainder of this point should be allowed so that these views can be taken into account in further consultation and consideration of the proposed designations.

| <i>Point</i> | <i>Summary of Point Raised</i> | <i>Submission No.</i> | <i>Decision</i> |
|--------------|--|-----------------------|-----------------|
| 14 | Conditional public vehicular access should be available for hunters for removal of game. | No.12 | Disallow |

Submitter 12 has highlighted the difficulties involved in transporting out any game animals shot recreationally. They call for *“public vehicular access to be available for hunters eg as part of their DOC permitting system for this surrendered land, and that the access agreement allow for this.”*

As this is a matter for Department of Conservation to administer post tenure review, this point is disallowed for further consideration.

| <i>Point</i> | <i>Summary of Point Raised</i> | <i>Submission No.</i> | <i>Decision</i> |
|--------------|--|-----------------------------|-----------------|
| 15 | The southern boundary of CA2 should be extended further south to the ski field road. | No.s 11, 13, 14, 16 and 18. | Allow |

Five submissions were received proposing an extension to CA2 further south to the ski field road to include an area of fescue tussock and create a landscape corridor from lake to mountain top.

Submitter 13 notes *“The best area of fescue tussock on the property lies between Lake Tekapo, Coal River and the skifield road yet this is proposed for freeholding. The area is an integral part of the landscape sequence from the mountaintops to the lakeshore. Freeholding and changing land use which compromised existing vegetation cover would interrupt this sequence by creating an enclave of differently managed land between two conservation areas.”* Submitters 11 and 16 are in agreement with these comments.

Submitter 14 also recommends *“Extending CA2 to the south to include short tussock grasslands between the Coal River and the ski field road.”*

Submitter 18 believes *“The achievement of a corridor and altitudinal sequence of protected natural landscape from lake shore to range top would be an excellent outcome. In the preliminary proposal however, this opportunity is being missed. The high potential for the area north of the ski field road to return to a more natural state is being overlooked. The proposal divides up this area in an odd way which will not maintain the integrity of the landscape.”*

As the retention of land in Crown ownership is one of the objectives of the Crown Pastoral Land Act 1998 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> |
|--------------|--------------------------------|-----------------------|-----------------|
| 16 | CA1 should be extended. | No.s 13, 14 and 21. | Allow |

Three submissions were received proposing an extension to CA1 for a variety of reasons.

Submitter 13 seeks to *“Extend CA1 to encompass all of the area originally recommended by DoC’s ecologist. A much larger area needs to be provided to ensure that all potential habitat for the spotted or threatened scree skink is protected and to buffer the area from surrounding land uses.”*

Submitter 14 recommends *“Extending CA1 north to link with Washdyke Stream and south to the boundary of the pastoral lease to include a larger representative example of chronically threatened land environment E4.1a (and provide public access to this area of lakeshore).”*

Submitter 21 also recommends that *“CAI could be extended north to link with Washdyke Stream and south to the boundary of the lease to provide access to this area of lakeshore.”*

As the retention of land in Crown ownership plus the securing of public access to and enjoyment of reviewable land are objectives of the Crown Pastoral Land Act 1998 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> |
|--------------|--|-------------------------|-----------------|
| 17 | Tarns, kettleholes and wetlands should all be protected. | No.s 13, 14, 15 and 18. | Allow |

Four submissions were received proposing protection for tarns, kettleholes and wetlands in the freehold areas.

Submitter 13 believes *“From the Botanical Assessment and the CRR it does not appear that DoC staff have visited or described kettle tarns between the hummock and ridges of the moraine close to Boundary Creek.”* They request that the kettlehole tarns be inspected and assessed and their values protected.

Submitter 14 proposes *“Extending the protection provided by CAI to all permanent tarns on the lease by either incorporating all tarns into land to be retained in full Crown ownership; or ensuring that all tarns remaining on land designated as freehold are protected by conservation covenants sufficient in size to provide long-term protection of their inherent natural values and ecological integrity.”*

Submitter 15 comments *“The proposal seems only to protect the areas which have little value to farming, but leaves other areas of significant ecological value open to negative changes. These include tarns and other wetlands to the north of Round Hill skifield road, which deserve protection.”*

Submitter 18 suggests *“The kettle tarns at the south end of the property should be fenced off and included as part of a potential Boundary Stream conservation 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 –

- (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> |
|--------------|--|-----------------------|-----------------|
| 18 | CC1 needs a buffer zone around the pond to protect its ecological integrity. | No.s 16 and 18. | Allow |

Two submissions were received supporting the conservation covenant CC1 over a pond, provided a buffer zone was also included.

Submitter 16 fully supports “*the conservation covenant over the pond provided there is an adequate buffer zone around it to protect its ecological integrity from adjacent influences.*”

Submitter 18 agrees and states “*The covenant area needs to be large enough to ensure an appropriate physical and visual setting in the long term.*”

As the protection of significant inherent values by the creation of a protective mechanism is one of the objectives of the Crown Pastoral Land Act 1998 the point should be allowed so that these views can be taken into account in further consideration of the proposed designations.

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 several main themes:

- Proposed public access routes insufficient and unsuitable in places.
- Boundary clarification required at western point of ski field lease.
- Objections to boundary and/or designation of the proposed northern freehold block.
- Concern regarding future development particularly on lakeshore land and to the east of Lilybank Road.
- Inadequate area provided for public enjoyment of lakeshore.
- Boundary extensions proposed for CA1, CA2 and CA3.
- Protection for tarns, kettleholes and wetlands on freehold area and a buffer zone around CC1.
- Support for the conservations areas and parts of the proposal.

- Rejection of all or parts of the proposal.

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/50000/16/12705/00/A-ZNO **Submission No:** QVV 742 **SubmissionDate:** 22/11/2005

Office of Agent: Christchurch

LINZ Case No:

Date sent to LINZ: 22/11/2005

RECOMMENDATIONS

- (1) That the Commissioner of Crown Lands approves this report for tenure review of Pt 087 Richmond Pastoral Lease.

Signed by Contractor:

Barry Dench
Team Leader for Tenure Review

Approved/Declined by:

Name:
Date of decision: / /

(1) *Details of lease:*

Name: Richmond

Location: Lilybank Road, Lake Tekapo, 17 kilometres north of Tekapo township.

Lessee: Oskar Johannes Rieder and Karoline Rieder

(2) *Details of Iwi Submission:*

Received On: 27th September 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 |

Ngai Tahu considers that “*the values identified in the Ngai Tahu Cultural Values Report have been integrated into the Preliminary Proposal.*”

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 Richmond Preliminary Proposal. The main point is discussed in detail in this analysis.