

Crown Pastoral Land Tenure Review

Lease name: SIMONS HILL

Lease number: PT 046

Preliminary Report on Public Submissions

This document includes information on the public submissions received in response to an advertisement for submissions on the Preliminary Proposal. The report identifies if each issue raised is allowed or disallowed pursuant to the CPLA. If allowed the issue will be subject to further consultation with Department of Conservation, or other relevant party.

The report attached is released under the Official Information Act 1982.

May

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Report in Accordance with Contract 50346

Preliminary Analysis of Public Submissions for Preliminary Proposal

File Ref: CON/50000/16/12692/00/A-ZNO-03 **Submission No:** QVV 653 **Submission Date:** 21/7/2004

Office of Agent: Christchurch

LINZ Case No:

Date sent to LINZ: 9/8/2004

RECOMMENDATIONS

- (1) That the Commissioner of Crown Lands approves this report for tenure review of Pt 046 Simons Hill.

Signed by Contractor:

Barry Dench
Team Leader for Tenure Review

Approved/Declined by:

Name:
Date of decision: / /

(1) Details of lease:

Lease Name: Simons Hill
Location: State Highway 8, Tekapo
Lessee: Simons Hill Station Limited

(2) Public notice of preliminary proposal:

Date, publication and location advertised:

- The Press Christchurch
- Otago Daily Times Dunedin

Closing date for submissions:

12 July 2004.

(3) Details of submissions received:

A total of seven submissions were received, including two late submissions.

(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.
- The CCL decisions whether or not to allow/not allow 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 “**not allow**”. 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	Support for retention of 407 ha in Crown ownership	Nos 1 and 3	Allow

Two submissions were received for full support for the allocation of 407 hectares for full Crown ownership.

Submitter 1 states “the Branch is pleased that 407 ha will be retained in Crown Ownership and designated as conservation lands.”

Submitter 3 quotes “I fully support the proposal to retain the east side of Simons Hill as conservation land. The protection of this area in perpetuity is a very positive outcome from the tenure review of the lease.”

As the retention of land in full Crown ownership and control and in Crown control is enabled by 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>
2	Query whether all habitats/landscapes have been included in proposed Crown Ownership land	Nos. 1 and 5	Allow

Two submissions were received questioning whether all ecological habitats and landscapes have been included in the areas to be retained by the Crown.

Submitter 1 notes *“that 6,029.5083 ha will be disposed of by freehold disposal and question if all the significant ecological habitats and landscapes have been included in the areas to be retained by the Crown.”* This theme is carried over to Point 3.

Submitter 5 submits *“the proposed conservation area (CA1) does not adequately protect the full range of indigenous habitats and environments present within the pastoral lease.”*

As one of the objects of Part 2 of the Crown Pastoral Land Act is (b) to enable the protection of the significant inherent values of reviewable land by the means set out in section 24 (b) and as these submissions query whether the proposal has taken consideration of the habitats and landscape values 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>
3	Protection of landscape, flora and fauna values on Pukaki Flats, Simons Hill and House Hill	Nos. 1, 3 and 5	Allow

Three submissions were received which related to landscapes such as Simon’s Hill and House Hill, and especially the Pukati River Flats and advocated protection either in full Crown ownership and control or a protective covenant.

Submission 1 notes that *“ Simons Hill pastoral lease forms part of the outstanding landscapes of the MacKenzie Basin which in itself one of the country’s most outstanding landscapes”* and also notes *“the Branch maintains that the landscapes and visual qualities of Simons Hill are highly significant and that special significance has not been fully brought out in this Preliminary Proposal, as there appears to be a not particularly high regard for the maintenance and protection of these outstanding features and overall landscapes”*.

This submitter seeks protection either by retention of land in full Crown ownership and control or by a protective landscape covenant and supports this view by noting *“The Pukati River Flats are also an important natural feature with high landscape values. And, an area had been identified in the New Zealand Protected Natural Area Programme – Mackenzie Ecological Region as being a significant fescue tussock grassland. While the situation may have changed since the study was carried out if this grasslands still remains then it should not be freeholded but retained to protect its inherent natural values.”*

“The reported tussock flats between Simons and House Hills, to the Branch would seem worthy of being retained in Crown Ownership as the area between these two features contains tussock grasslands of good visual quality.”

Submitter 3 “does not support the proposal to dispose of the Pukaki Flats and permit them to be freeholded. They *“submit that if the flats are allowed to be freeholded, then the ecology and landscape values will not be sustained due to the inevitable development for more productive pasture. Furthermore the opportunity for enhancing their natural values in the future will be permanently lost.”*

In order to retain the landscape integrity of the Basin as an outstanding natural landscape, it is essential that the floor of the Basin – the outwash plains – be protected and enhanced as natural landscape. Submitter 3 recommends they be retained in Crown Ownership.

Submitter 5 expresses *“there is no provision in the preliminary proposal for protection of any areas of short tussock grassland and herb field that presently occupy the dry river terraces and outwash plains of the pastoral lease.”* They submit *“that another conservation area should be established to protect a large representative area of short tussock grassland and associated vegetation on the river terrace and outwash plains landform of the Simons Hill pastoral lease, as part of the tenure review.”*

As one of the objects of the Crown Pastoral Land Act is to (b) 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 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>
4	Retention of wetlands and native vegetation in Crown ownership and recreational hunting opportunities.	No.s 1, 2, 5 and 7	Allow

Four submissions were received pertaining to the inclusion of wetland areas and native vegetation in Crown Ownership.

Submitter 1 states that *“the wetland area is an important habitat for native wildlife including the endangered black stilt and other vulnerable species* and advocates for retention of all the wetlands in Crown ownership as an important issue to the submitter.

Submitters 2 and 5 submit that the area of wetland proposed for inclusion within the conservation area (CA1) appears to be only a part of a larger wetland area. They submit that the conservation area CA1 be extended to include the whole of the wetland area described in the conservation resources report, as well as a buffer zone of adjoining dry land vegetation.

Submitter 7 deals with recreational hunting opportunities on the wetland and hill area. The wetland area provides habitat for Canada geese and paradise shelduck, and hunting opportunity. There is a chukor population on the property that may provide upland game hunting opportunity.

Two of the objects of the Crown Pastoral Land Act is to (b) 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 to make easier-

- (c) (i) The securing of public access to and enjoyment of reviewable land

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>
5	Marginal strip or alternatively a strip of Crown land to be provided along Mary Burn and be fenced	Nos. 1, 2 and 7	Allow

Three submissions were received relating to the importance of Mary Burn as a feature of the Mackenzie Basin and also with regard to access along the stream.

Submitter 1 asks that access be provided along the whole length of this important waterway, by retaining a strip of Crown land along its margins in the event that it not qualify for a marginal strip.

Submitter 2 notices there is no provision for a marginal strip and fencing to protect the wetland and associated spring fed stream draining into the Mary Burn. And submits that this should be in place and asks that the marginal strip is fenced to prevent heavy livestock from accessing Mary Burn.

Submitter 7 requests a marginal strip on the Mary Burn within and where it bounds the property.

- Three of the objects of Part 2 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 inherent values of reviewable land; and
 - (c) The securing of public access to and enjoyment of reviewable land.

As the submissions promote these ideals 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	Support for all access routes	No 1	Allow

Submitter 1 supports all access routes.

As one of the objects of section 24 of the 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 so that these views can be taken into account in further consideration and consultation of the designations for public access.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>
7	Extend area of land retained in Crown ownership	No.s 1, 4 and 5	Allow

Two submissions were received requesting that the area of CA1 be extended and one submission advocated for stands of kowhai and other significant native vegetation to remain in Crown ownership.

Submitter 4 is concerned with the disproportionate separation of this pastoral lease of 6435 ha, which is very highly in favour of freehold disposal (6029 ha), as compared with the area proposed for restoration to full Crown ownership and control (407 ha).

Submitter 4 believes that important inherent values to be obtained with two limited extensions to “CA1”. This covers an extension to the south, using the prominent ridge crest as the western boundary so as to include the two small catchments and the toe of the slope as far as the track shown on the map, this would increase the extent of currently very limited contact of “CA1” with the Tekapo River. In addition widening the “CA1” area at its northern end to include the two north and north east flowing streams (with the sharp, curving ridge as the western boundary), would add considerable diversity, long-term viability, and integrity to this proposed conservation area.

Submitter 5 suggests that “CA1 should also be extended along to the north face of Simons Hill to include the area of prostrate kowhai shrubland and short tussock grassland described in the Conservation Resources Report.

Submitter 1 noted that Simons Hill itself contains significant stands of the prostrate kowhai along with other interesting species and advocates for the areas where the stands of Kowhai and other significant native vegetation exist to remain in Crown ownership.”

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

- (ii) By the restoration of the land concerned to full Crown ownership and control;

and as these submissions promote this 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>
8	Affect on water quality in event of land being developed	No. 5	Allow

The submitter notes that extensive land development and intensification of farming should that occur on land for freehold disposal, will lead to a reduction in water quality in the wider Mackenzie basin and further downstream.

The submitter contends that retaining substantial land areas in full public ownership is probably the best way to control land use activities so as to protect water quality where this opportunity exists.

Downstream water quality could be regarded as relating to ecological sustainability and has relevance through section 24(a)(1) of the Crown Pastoral Land Act to promote the management of the land in a way that is ecologically sustainable. The point should be allowed for further consideration.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>
9	General support of proposal	Nos. 2 & 6	Allow

Submission 2 generally supports the proposal subject to some specific issues related to the Rabbit and Land Management Property Plan, protection of wetland and waterways including the stream berm and removal of *Pinus contorta*.being considered and attended to.

Submission 6 notes that they are content with the preliminary proposal for Simons Hill.

As the retention of land in Crown ownership and for freehold disposal plus the securing of public access to and enjoyment of reviewable land are objects 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>
10	Proposed access to Mary Burn, wetlands area and hill area for recreational fishing and hunting.	No 7	Allow

The submitter requests access to three locations, namely

- motor vehicle access to the Mary Burn for anglers where the pylons cross it and at the irrigation intake.
- to the wetland area for Canada geese and paradise shelduck hunting. (this could be provided from the same vehicle track that gives access to Mary Burn).
- access to the hill area for upland game hunting and from the road to the west of the Tekapo River where it bounds the property.

As one of the objects 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 so that these views can be taken into account in further consideration and consultation of the designations for public access.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>
11	Adjustments to stocking rates and grazing use of areas to be freeholded	No. 2	Not Allow

The submitter seeks to have changes to stocking rates and grazing use of areas being disposed of as an amendment to the Rabbit and Land Management Property Plan entered into with the holder. This point relates to the ongoing management of the land to ensure sustainable use including lands assessed as having a high rabbit proneness.

This submission deals with the situation that will need to be addressed by the Regional Council under their agreement with the land holder, after the review is concluded covering future management of the land but not to considerations in the Act. While it touches on promotion of the management of reviewable land in a way that is ecologically sustainable it nevertheless is not a matter that the Commissioner has jurisdiction for after the completion of the tenure review process.

It is therefore outside of the provisions of the Crown Pastoral Land Act and is “Not Allow”

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>
12	Removal of Pinus Contorta from the property	No. 2	Not Allow

Submitter 2 notes the presence of Pinus contorta and Pinus radiata. The former poses a considerable treat to low-stature ecosystems, especially where there is minimal animal grazing. The submitter requests that provision is made to remove Pinus contorta from the property.

The point relates 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. This submission deals with the situation coming under the Regional Councils Regional Pest Management Strategy Biodiversity Pests that encourages landowners to remove *P. contorta*.

It is therefore outside of the provisions of the Crown Pastoral Land Act and is “Not Allow”

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:

- Unqualified support for the proposal from one submission and general support for the proposal from one other submitter, subject to a request for several matters to be attended to.
- Support for the retention of 407 hectares in Crown ownership yet several submissions wished to see a larger area retained by the Crown. This includes additional wetland, part of the hill areas along with parts of the Pukaki Flats.
- Protection of landscape, flora and fauna values over a wider area with some submissions particularly concerned about the expansive area of arid flats.
- Protection of margins of the Mary Burn as well as water quality of the waterway itself plus protection of remaining wetlands. Public access along the margins of the Marty Burn either within a likely marginal strip or in its absence a Crown strip was also advocated for.
- Concern about risk of deteriorating water quality should the land have extensive land development and intensification of farming
- Support for the easements in the proposal yet a call for additional public access for recreational fishing and hunting purposes.

Some submissions covered issues that fell outside of the tenure review process including two matters that are related to future land use:

- Removal of *Pinus contorta*
- Adjustments to stocking rates and land use under the Rabbit Management and Land Management Property Plan.

REPORT IN ACCORDANCE WITH CONTRACT 50346

Preliminary Analysis of Iwi Submission for Preliminary Proposal

File Ref: CON/50000/16/12692/00/A-ZNO-03 **Submission No:** QVV 654 **Submission Date:** 5/8/2004
Office of Agent: Christchurch **LINZ Case No:** **Date sent to LINZ:** 9/8/2004

RECOMMENDATIONS

- (1) That the Commissioner of Crown Lands **notes** the receipt of this report for the review of Simons Hill pastoral lease..

Signed by Contractor:

Barry Dench
Team Leader for Tenure Review

Approved/Declined by:

Name:
Date of decision: / /

(1) Details of lease:

Name:	Simons Hill
Location:	State Highway 8, Tekapo
Legal Description:	.Part Run 268 and Sections 1-2 SO Plan 15758, Section 1-3 SO Plan 15759, Section 1 SO Plan 15760, Sections 1-2 SO Plan 15761, Sections 1-3 SO Plan 15762, Sections 1-2 SO Plan 15763, Section 1 SO plan 15764, Sections 1-4 SO Plan 15831, Sections 1-3 SO Plan 16730 and Sections 1-2 SO Plan 16731
Area:	6436.5083 hectares

(2) Details of Iwi Submission:

Received On:	12 July 2004
Received From:	Takarei Norton Natural Resources Unit Project Co-ordinator Office of Te Runanga o Ngai Tahu
On Behalf Of:	Te Runanga o Ngai Tahu and the relevant Papatipu Runanga: Te Runanga o Arowhenua and Te Runanga o Waihao.

(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/not allow 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 “**not allow**”. 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 conservation area “CA1”	Allow

Ngai Tahu supports that area shown labelled as “CA1” has been included in the proposed area to be retained in full Crown ownership and control as conservation area. The submission makes the following comments:

“Ngā awa (rivers) were valued as a source of food and as huarahi (trails). Ngā awa provided the habitat for freshwater native fish; these provided valuable foods source. The fish found in these streams would be Tuna (eel), Kanakana, Upland Bully (Gobiomorphus breviceps), Common Bully (Gobiomorphus cotidianus), Alpine Galaxid (Galaxias paucispondylus). Water birds captured, while nesting and moulting in these areas also provided a source of protein and feathers for clothing. Revegetation of these areas is a priority for Ngāi Tahu, to encourage the fish and bird numbers to increase again.

Wai repo (wetlands) were once abundant throughout the Manahuna area. Most have now been drained and converted to pasture resulting in the loss of many species and the depletion of others. My people relied heavily on the plant; bird and fish life these areas provided and have as a result lost the basis of a traditional way of life through drainage, pastures and grazing by stock.

Raupō is the construction material for mokihī; it was also used for the walls of the whata, medicinally and as a food source. Raupō root (Koareare) was beaten and baked, and a type of cake made from the raupo pollen (pukapuka). Raupō taken from this awa would have built

the mokihi to float preserved kai down the Waitaki River for the wintertime.

Raupō also provides an important habitat for juvenile fish, birds and invertebrates, within the waterways, ponds and wetlands, while holding the moisture during dry times.”

Ngai Tahu supports proposed Conservation Area 1 from the Preliminary Proposal which assist in the protection of the wetland habitat associated with the Mary Burn Stream.

As one of the objects of the Crown Pastoral Lands Act 1998 is to protect the significant inherent values of Crown land this point should be allowed..

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Decision</i>
2	Marginal strips on Mary Burn	Not Allow

Ngai Tahu notes that the maps attached to the Preliminary Proposal state that a marginal strip would apply where the property abuts or crosses the Mary Burn (indicative) and go on to add “It is essential that a marginal strip is provided to protect the instream / mahinga kai values associated with the Mary Burn stream, which also provided a mechanism for access”

The creation of marginal strips is outside of the provisions of the Crown Pastoral Land Act 1998. It should be noted that later in the tenure review process when surveying is undertaken marginal strips will be laid off where applicable. It appears that Mary Burn will qualify for a marginal strip.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Decision</i>
3	Archaeological sites possibly on property	Allow

Ngai Tahu advise in their submission that there is a possibility of archaeological / cultural sites located on Simons Hill Station and seek the opportunity to discuss with LINZ the possibility of organising an archaeological survey of the pastoral lease.

As this request relates to protection of significant inherent cultural and historic values, as provided in the Crown Pastoral Lands Act this point should be allowed to the extent that further consultation and consideration is required to ensure the property has been adequately surveyed.

Discussion and Conclusions

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