

## **Crown Pastoral Land Tenure Review**

**Lease name: BLAIRICH**

**Lease number: PM 026**

### **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

TR 095

PRELIMINARY ANALYSIS OF PUBLIC SUBMISSIONS

**1. Introduction**

Each of the submissions received has been reviewed in order to identify the points raised and these have been numbered accordingly. Where submitters have made similar points, these have been given the same number.

The following analysis summarises each of the points raised along with the recorded number of the submitter(s) making the point. The rationale for the decision whether to allow/disallow the point follows.

The decision to “**Allow**” the point made by submitters is on the basis that the matter raised is a relevant matter for the Commissioner of Crown Lands (CCL) to consider when making decisions in the context of the Crown Pastoral Land Act 1998 (CPL Act). Conversely, where the matter raised is not relevant in terms of the Commissioner’s consideration, the decision is to “**Disallow**”.

**2. Analysis**

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Sub No.s</b>	<b>Decision</b>
1	<i>Agreement with level of proposed access.</i>	1	Allow

*Rationale for allowing point 1*

The level of public access is a relevant matter under section 24(c)(i) Crown Pastoral Land Act 1998 (CPLA) and the point is therefore allowed.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Sub No.s</b>	<b>Decision</b>
2	<i>Support for boundaries in terms of fencelines.</i>	1	Allow

*Rationale for allowing point 2*

The proposed extent of areas to be designated in accordance with the tenure review is a relevant matter under the CPLA and the point is therefore allowed.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Sub No.s</b>	<b>Decision</b>
3	<i>Support for covenants</i>	1	Allow

*Rationale for allowing point 3*

Sound land management, as provided for under the terms of the covenants, is a relevant matter under section 24(a)(i) CPL Act.

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<b>Point</b>	<b>Summary of Point Raised</b>	<b>Sub No.s</b>	<b>Decision</b>
4	<i>Weed and pest management should be co-ordinated.</i>	1	Disallow

The degree of co-ordination of weed and pest management between the owner of the proposed freehold land and the Department of Conservation (DoC), as an administering body of the covenants and land proposed for full Crown ownership and control, is not a relevant matter under the CPLA. Therefore this point is disallowed.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Sub No.s</b>	<b>Decision</b>
5	<i>Concerns regarding standard covenant terms: ownership and breaches of covenants are the responsibility of future owners and guidelines are required in regards to gifting or sale.</i>	1	Disallow

*Rationale for disallowing point 5*

The covenant document is a standard template developed by DoC, and its standard conditions are a DoC responsibility. However, this comment will be passed on to DoC for their information.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Sub No.s</b>	<b>Decision</b>
6	<i>Public access required from 'h' up the Omaka River, to the DoC boundary.</i>	2	Allow

*Rationale for allowing point 6*

The provision of access is a relevant matter under section 24(c)(i) CPLA, therefore this point is allowed.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Sub No.s</b>	<b>Decision</b>
7	<i>Public access required from 'h' along the farm road to the boundary at the 'Beehive hut'.</i>	2	Allow

*Rationale for allowing point 7*

The matter of public access is a relevant matter under section 24(c)(i) CPLA and the point is therefore allowed

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Sub No.s</b>	<b>Decision</b>
8	<i>Public access required from Awatere Valley Road to 'c'.</i>	2	Allow

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### *Rationale for allowing point 8*

The provision of access is a relevant matter under section 24(c)(i) CPLA, therefore this point is allowed.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Sub No.s</b>	<b>Decision</b>
9	<i>Access required from 'w' downstream to the public access easement.</i>	2	Allow

### *Rationale for allowing point 9*

The provision of access is a relevant matter under section 24(c)(i) CPLA, therefore this point is allowed.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Sub No.s</b>	<b>Decision</b>
10	<i>Land currently proposed to be freehold subject to a covenant should be designated as Full Crown ownership and control to protect SIVs.</i>	2,5,6	Allow

### *Rationale for allowing point 10*

The level of protection afforded to Significant Inherent Values (SIVs) is a relevant matter under section 24(b) CPLA, therefore the point is allowed.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Sub No.s</b>	<b>Decision</b>
11	<i>Fenced boundaries should be determined after proper determination of areas that should be grazed or not grazed.</i>	2	Allow

### *Rationale for allowing point 11*

The determination of appropriate boundaries relates to the extent of area requiring protection, which is a relevant matter under the CPLA, and the point is therefore allowed.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Sub No.s</b>	<b>Decision</b>
12	<i>Suggested change in route from a to b.</i>	3	Allow

### *Rationale for allowing point 12*

Adequate access is a relevant matter under section 24(c)(i) CPLA, therefore this point is allowed.

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<b>Point</b>	<b>Summary of Point Raised</b>	<b>Sub No.s</b>	<b>Decision</b>
13	<i>If "invited guests" are allowed to access easement concession i-j then the public should be able to also.</i>	4	Allow

*Rationale for allowing point 13*

The level of public access is a relevant matter under section 24(c)(i) CPLA, therefore this point is allowed.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Sub No.s</b>	<b>Decision</b>
14	<i>Riparian areas should be protected to protect SIVs and promote ecologically sustainable management.</i>	5	Allow

*Rationale for allowing point 14*

The protection of SIVs is a relevant matter under section 24(b) of the CPL Act, this point is allowed accordingly.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Sub No.s</b>	<b>Decision</b>
15	<i>The proposed freeholding of land will not promote ecologically sustainable management.</i>	5	Allow

*Rationale for allowing point 15*

The promotion of ecologically sustainable management is a relevant matter under section 24(a)(i) of the CPL Act, therefore this point is allowed.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Sub No.s</b>	<b>Decision</b>
16	<i>Public access through the Blairich River valley is inadequate.</i>	5,6	Allow

*Rationale for allowing point 16*

Adequate access is a relevant matter under section 24(c)(i) CPLA, therefore this point is allowed.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Sub No.s</b>	<b>Decision</b>
17	<i>There has been inadequate protection of lower lands, where much of Southern Marlborough's unique flora typically occurs.</i>	6	Allow

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### *Rationale for allowing point 17*

If any of Southern Marlborough's unique flora is present on lowland areas on Blairich pastoral lease, they are likely to be significant inherent values. The protection of significant inherent values is a relevant matter under section 24 (b) CPLA, therefore this point is allowed.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Sub No.s</b>	<b>Decision</b>
18	<i>There has been a failure to adequately assess and describe SIVs</i>	5	Allow

### *Rationale for allowing point 18*

The extent to which proposed designations will protect SIVs under section 24(b) CPLA is informed by adequate assessment and description of SIVs, therefore this point is allowed.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Sub No.s</b>	<b>Decision</b>
19	<i>Reasons given for freeholding are inconsistent with the CPLA.</i>	5	Allow

### *Rationale for allowing point 19*

The question of whether the proposed freehold designation is consistent with the CPLA is a relevant matter, and this point is therefore allowed.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Sub No.s</b>	<b>Decision</b>
20	<i>Support for CA1 and CA2</i>	5,7	Allow

### *Rationale for allowing point 20*

This statement of support, while one of submitters making the point hedges it against general opposition to the proposal, is allowed under the CPLA.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Sub No.s</b>	<b>Decision</b>
21	<i>High altitude, erosion-prone land should not be freeholded.</i>	6	Allow

### *Rationale for allowing point 21*

The ecological sustainability of freeholding leasehold land is a relevant matter under section 24(a)(i) CPL Act, therefore the point is allowed.

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<b>Point</b>	<b>Summary of Point Raised</b>	<b>Sub No.s</b>	<b>Decision</b>
22	<i>That an area of land proposed to be freehold, approximately 3 ha in size, be allowed to be purchased by the Marlborough Council for water treatment purposes.</i>	7	Disallow

### *Rationale for disallowing point 22*

The designation of land for a council to utilise for water treatment purposes is not a matter that is provided for under either section 24 or section 25 CPLA. The point is therefore disallowed.

### **3. Summary**

22 points were identifiable from the 6 submissions received. Of these 22 points, 19 were allowed as they are relevant under the provisions of the CPL Act. The remaining three points were disallowed.

In summary, the points raised that have been allowed are:

#### Support for proposal

- *Support for CA1, CA2, proposed access, and boundaries in terms of fencelines and covenants.*

#### Public access

- *Public access required:*
  - *from 'h' up the Omaka River, to the DoC boundary.*
  - *from 'h' along the farm road to the boundary at the 'Beehive hut'.*
  - *from Awatere Valley Road to 'c'.*
  - *from 'w' downstream to the public access easement.*
- *Public access through the Blairich River valley is inadequate.*
- *Suggested change in route from a to b.*
- *If "invited guests" are allowed to access easement concession i-j then the public should be able to also.*

#### Protection of SIVs

- *Opposition to proposed covenants, and preference for that land to be designated as Full Crown ownership and control to protect SIVs.*
- *Riparian areas should be protected to protect SIVs and promote ecologically sustainable management.*
- *Any lowland areas with Southern Marlborough's unique flora should be protected.*

#### Ecologically sustainable management

- *The proposed freeholding of land will not promote ecologically sustainable management.*
- *Riparian areas should be protected to protect SIVs and promote ecologically sustainable management.*

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Inadequacy/paucity of information

- *There has been a failure to adequately assess and describe SIVs*
- *Reasons given for freeholding are inconsistent with the CPLA.*

Need for fencelines to reflect where land should be grazed or not

- *Fenced boundaries should be determined after proper determination of areas that should be grazed or not grazed.*

PRELIMINARY ANALYSIS OF IWI SUBMISSIONS

**1. Introduction**

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

The following analysis summarises each of the points raised along with the recorded number of the submitter making the point. The rationale for the decision whether to allow/disallow the point follows.

The decision to “**Allow**” the point made by submitters is on the basis that the matter raised is a relevant matter for the Commissioner of Crown Lands (CCL) to consider when making decisions in the context of the Crown Pastoral Land Act 1998 (CPL Act). Conversely, where the matter raised is not relevant in terms of the Commissioner’s consideration, the decision is to “**Disallow**”.

**2. Analysis**

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Sub No</b>	<b>Decision</b>
1	<i>The marginal strip along the Awatere River should be fenced to exclude stock.</i>	1	Disallow

*Rationale for disallowing point 1*

The existing marginal strip along the Awatere River, which adjoins the pastoral lease, is not in the tenure review. The fencing of external boundaries of proposed freehold land is not a relevant consideration under the CPL Act, and the point is therefore disallowed.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Sub No</b>	<b>Decision</b>
2	<i>Support for proposed conservation areas CA1 and CA2.</i>	1	Allow

*Rationale for allowing point 2*

The designation of areas to be retained in full Crown ownership and control as conservation areas to protect identified significant inherent values is provided for under section 35(2)(a)(i) CPL Act. The point is therefore allowed.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Sub No</b>	<b>Decision</b>
3	<i>Support for proposed freehold with covenants (CC1 &amp; CC2)</i>	1	Allow

*Rationale for allowing point 3*

The use of covenants to protect significant inherent values is provided for under section 40(c)(a) CPL Act. The point is therefore allowed.

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<b>Point</b>	<b>Summary of Point Raised</b>	<b>Sub No</b>	<b>Decision</b>
4	<i>TRoNT wish to work with LINZ to develop an Accidental Discovery Find Protocol.</i>	1	Disallow

*Rationale for disallowing point 4*

While LINZ will be advised of the iwi's request, the development of such a protocol is not a relevant consideration under the CPL Act. The point is therefore disallowed.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Sub No</b>	<b>Decision</b>
5	<i>The disposal/sale of these forms of land is opposed, and the lands should be considered as part of the Treaty claims settlement for the Northern Southern settlement.</i>	2	Disallow

*Rationale for disallowing point 5*

LINZ has previously advised iwi why pastoral leases are not available to form part of Treaty settlement negotiations. The current consultation is confined to the tenure review of Blairich pastoral lease, which is quite separate from the Treaty settlement process. While LINZ will be advised of the iwi's view, the point is not a relevant tenure review consideration under the CPL Act, and this point is therefore disallowed.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Sub No</b>	<b>Decision</b>
6	<i>Consultation in terms of section 4 Conservation Act has not happened (i.e. to give effect to the principles of the Treaty of Waitangi)</i>	2	Disallow

*Rationale for disallowing point 6*

Tenure review is mandated under the CPL Act 1998, and the general provisions of the Conservation Act 1987 do not apply. The current consultation is in terms of section 44 CPL Act, and the iwi authority has been consulted accordingly. This point is not a relevant consideration under the CPL Act and is therefore disallowed.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Sub No.:</b>	<b>Decision</b>
7	<i>The area is considered to be waahi tapu, as Tipuna used the area for hunting gathering and utilising other resources.</i>	2	Allow

*Rationale for allowing point 7*

While the point appears to be a general one, and difficult to deal with in terms of the review, Maori heritage can be a significant inherent value to be protected under section 24(b) CPL Act. The point is therefore allowed.

**3. Summary**

Seven points were identified from the submissions received.

Of these seven points, three (supporting the proposed conservation areas and covenants, and identifying the area as being waahi tapu) were allowed as the matters are relevant under the provisions of the CPL Act. The remaining four points (regarding fencing an existing marginal strip, developing a protocol with LINZ, disposal/sale of land prior to Treaty claims settlement and consultation under the Conservation Act) were disallowed as they are not relevant matters to be considered in tenure review under the CPL Act.