

Crown Pastoral Land Tenure Review

Lease name: MT ALEXANDER

Lease number: PO 284

Analysis of 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 Crown Pastoral Land Act. 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.

July 09

ANALYSIS
OF
PUBLIC SUBMISSIONS

MT ALEXANDER



ANALYSIS OF PUBLIC SUBMISSIONS

Statement Pursuant To Sec 45(a)(iii) Crown Pastoral Land Act 1998 (for Part 2 reviews, or Sec 88(d) for Part 3 reviews)

MT ALEXANDER TENURE REVIEW NO 87**Details of lease**

Lease name: Mt Alexander pastoral lease

Location: On the east side of the Kakanui Ranges accessible from Danseys Pass Road approximately 25 kilometres southwest of Duntroon.

Lessee: N.T and M.A Hore

Public notice of preliminary proposal

Date advertised: Saturday 19th July 2008

Newspapers advertised in:

- The Press Christchurch
- The Otago Daily Times Dunedin
- The Timaru Herald Timaru

Closing date for submissions: 30 September 2008

Details of submissions received

Number received by closing date: 13

Cross-section of groups/individuals represented by submissions:

Submissions were received from a wide range of interested individuals, non government environmental and recreation groups together with a territorial local authority.

Number of late submissions refused/other: Nil

ANALYSIS OF SUBMISSIONS**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:

1. Summarises each of the points raised along with the recorded number (shown in the appended tables) of the submitter(s) making the point.
2. Discusses each point.
3. Recommends whether or not to **allow** the point for further consideration.
4. If the point is **allowed**, recommends whether to **accept** or **not accept** the point for further consideration.

The points raised have been analysed to assess whether they are matters that are validly-made, relevant to the tenure review and can be properly considered under the Crown Pastoral Land Act 1998 (CPLA). Where it is considered that they are the decision is to **allow** them. Further analysis is then undertaken as to whether to **accept** or **not accept** them.

Conversely where the matter raised is not a matter that is validly-made or relevant or can be properly considered under the CPLA, the decision is to **disallow**. The process stops at this point for those points disallowed.

The outcome of an **accept** decision will be that the point is considered further in formulation of the draft SP. To arrive at this decision the point must be evaluated with respect to the following:

The objects and matters to be taken into account in the CPLA; and

Whether the point introduces new information or a perspective not previously considered; or

Where the point highlights issues previously considered but articulates reasons why the submitter prefers an alternative outcome under the CPLA; or

Is a statement of support for aspects of the Preliminary Proposal which can be considered by the Commissioner when formulating the designations for a Substantive Proposal

How those accepted points have been considered will be the subject of a Report on Public Submissions which will be made available to the public. This will be done once the Commissioner of Crown Lands has considered all matters raised in the public submissions in formulating a Substantive Proposal.

Analysis

The submissions have been numbered in the order in which they were received, points have been arranged so similar points are grouped together.

Appendix II provides a table of the points raised by the various submitters.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
1	Qualified statements of support for different aspects of the proposed designations.	3, 4, 5, 6, 7, 8, 9, 10, 12, 13	Allow	Accept

Rationale for Allow or Disallow

Many submitters made statements of support to various aspects of the proposal.

Submitter 4 qualifies support for the public access easement (a-b) by stating the section of the formation outside the property running along the boundary should be wide enough for a good formation to be created and funded as part of tenure review. This aspect of the point is discussed in point 11 below.

Submitter 7 supports foot access within CA2 and recommends all vehicles be prohibited. This fully supports the proposal but relates to point 9 where this submitter suggest a car park at point “e” near the boundary to CA2 at the end of the easement, currently the proposed easement does not allow public vehicles.

Submitter 8 qualifies their support for CA2 by suggesting it is essential boundary “D-E” is fenced and a monitoring protocol be implemented with the provision for more protection in the event values are compromised. This is discussed in point 3 below.

Submitter 9 supports the proposed public access plus, CA1 and the proposed boundary between CA1 and the freehold land stating that most of the Class VIIe land below the fenced boundary is in good condition and provided the improved country to about 1000m is maintained it will act as a “green belt” to keep stock off the approx 190ha of mid to high altitude country that has not been improved.

Submitter 10 reluctantly supports the 15 year grazing concession, but has also made suggestions on its modification which are discussed in point 4 below.

Submitter 13 also qualifies their support for CA2 by suggesting it is fully fenced and extended to meet CA1 which relates to points 2 and 3 below where they are discussed.

Statements of support are regarded as meeting the objects of the CPLA and have therefore been allowed.

Rationale for Accept or Not Accept

The point relates to the objects and matters to be taken into account in the CPLA and also being statements of support for aspects of the Preliminary Proposal, which can be considered by the Commissioner when formulating the designations for a Substantive Proposal, the point has been accepted for further consideration in the formulation of the draft Substantive Proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
2	CA2 should be extended to link with CA1 and include all the land between the river and ridgeline to take in the whole of the Rough Face block and part of Middle block.	1, 6, 7, 8, 9, 10, 11, 12, 13	Allow	Accept in part (being Sub-point (b))

Rationale for Allow or Disallow

Submitter 6 and 11 suggests linking CA1 and CA2 will provide an important ecological corridor between these conservation areas and both have provided plans in their submissions.

Submitter 9 supports their view by pointing out the CRR identified this area as containing indigenous forest, scrub and tussock vegetation. They also suggest inclusion of this additional area (within the conservation area) together with fencing to exclude stock would enable better ecological connectivity between the lower altitude and higher altitude areas and it would protect more of the threatened level IV land environments. They further suggest this would enable greater protection of the water quality and instream aquatic ecosystems in those reaches and further downstream for the greater Waitaki River system.

Submitter 10 suggests joining the conservation areas will enable regeneration of shrublands and recovery of tall tussock and have provided a detailed plan with their submission. They suggest the southerly basin and the other basin areas above 900m altitude in the Middle block be protected in addition to the entire Rough Faces block.

Submitter 12 has made an additional point of recommending only a small extension of CA1 to include the farm track near the upper reaches of the existing farm track, it is unclear whether this would be additional land to their views of linking CA1 and CA2 (as outlined below) or be superseded by that point. They suggest that at the very least, practical public access should be provided between CA1 and CA2 (this aspect is dealt with under Point 10).

Submitter 12 also suggests the area between CA1 and CA2 deserves greater protection, commenting the area of remnant broadleaf forest in the lower gully nearest position 'E', as well as being rare is of outstanding quality. They suggest such protection would be provided by excluding grazing on the eastern slopes between CA1 and CA2 and allowing a large area to regenerate over time.

Submitter 13 outlines in detail the values on the dark faces which they clarify as landscape, botanical and under protected LENZ environments.

The point relates to the protection of biodiversity and landscape significant inherent values. Section 24(b) of the CPLA relates to the protection of significant inherent values, so this point has been allowed for further consideration.

Rationale for Accept or Not Accept

Most submitters point out the ecological and landscape values as identified in the CRR.

It is apparent there are two aspects to this point which are able to be separated as sub points.

Sub-point (a)

Extension of conservation area to encompass the full extent of the area considered to contain significant inherent botanical values.

The southern part of the Rough Face block and part of the Middle block required to link CA1 and CA2 has been considered for retention as conservation land previously. Remnant broadleaf forest, shrubland and tussockland vegetation values occurring in the area in particular were reassessed via three separate inspections following completion of the Conservation Resources Report. The further information obtained from those investigations resulted in the proposed conservation area boundaries being refined to better reflect the extent of the identified significant inherent values. CA2 together with the adjoining existing marginal strip were subsequently considered to encompass virtually the entire extent of the important broadleaf forest and shrubland vegetation. Similarly the tussockland values occurring within the area between CA1 and CA2 were recognised as having been substantially modified by regular oversowing and topdressing. Those values were also confirmed as being duplicated by more extensive and less modified examples within CA1.

In terms of defining the extent and nature of botanical values, justification for retaining this area in Crown ownership is considered to have been previously dealt with in a robust manner. Consequently, further consideration of the need to enable protection of remnant forest and shrubland values based on the physical extent of those values and value of the modified tussock lands as a linkage is not accepted.

Sub-point (b)

Suggestions for extension of the conservation area to enable protection of threatened level IV land environments plus aquatic ecosystems by protecting water quality and for easier public access.

These reasons relate to objects and matters to be taken into account in the CPLA. In addition, threatened level IV land environments were not reviewed in the CRR and therefore this represents the introduction of new information. Protection of aquatic ecosystems and the requirement for public access in addition to the marginal strip introduce a new perspective not previously considered. This sub-point has therefore been accepted in respect to these matters for further consideration in the formulation of the draft Substantive Proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
3	CA2 needs additional fencing; either in its entirety or over specified sections to ensure stock is excluded. Monitoring of CA2 is suggested to determine whether use of natural boundaries is working.	6, 7, 8, 9, 10, 11, 12,13	Allow in part (being Sub-point (a))	Accept in part (being Sub-point (a))

Rationale for Allow or Disallow

Sub-point (a)

CA2 needs additional fencing.

Submitter 6 believes CA2 should be completely fenced to prevent any stock grazing.

Submitter 8 is sceptical that CA2 is mainly self protected by the steep dissected terrain and suggest the boundary marked d-e should be fenced.

Submitter 9 recognises it would be impractical to fence around some of the faces but suggest fencing at strategic points may be essential, particularly to exclude stock from entering CA2 along the river margin near point “E”. They consider it important to restrict stock from water ways and retain the vegetation on the riparian margins in order to maintain water quality which formed much of their justification of extending CA2 to CA1 outlined above in point 2.

Submitter 11 is concerned that no fencing is proposed on the SW margin of CA2 down the North Branch of the Maerewhenua River and suggests stock can access this area from the covenant on the adjacent Ben Ledi property.

Submitter 12 discusses the threats to regenerating broadleaf forest from a possible future change to other stock types such as goats or deer.

Submitter 13 supports restoration of CA2 to full Crown ownership and control provided it is fully fenced and stock proof and is extended as outlined under Point 2.

This sub-point relates to the appropriate protection of significant inherent values. It therefore relates to section 24(b) CPLA, and has been allowed for further consideration.

Sub-point (b)

Monitoring of CA2.

Submitters 8 and 10 suggests monitoring to determine whether self protection of the natural values by use of some unfenced natural boundaries is working, with provision for more adequate protection in the event of adverse monitoring results.

Monitoring of conservation land is a post tenure review land management issue for DoC and not a matter able to be dealt with under the CPLA.

This sub-point has therefore been disallowed for further consideration within tenure review but the comments made by the submitter will be referred to the Department of Conservation to take into account for future management of CA2.

Rationale for Accept or Not Accept

Sub-point (a) concerning additional fencing for CA2 relates to objects and matters to be taken into account in the CPLA. It also highlights the need for additional fencing to exclude stock from entering CA2 at strategic points such as along the river margin near point “E”. While this issue has previously been considered, submitters have identified the possible requirement for additional fencing which is considered to represent new information.

This sub-point has therefore been accepted for further consideration in the formulation of the draft Substantive Proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
4	The conditions of the grazing concession should be amended, primarily to reduce grazing pressure on CA1.	6, 8, 9, 10, 11, 12, 13	Allow	Accept
Rationale for Allow or Disallow				

Sub point (a)

The term of 15 years should be reduced where 10 years and 5 years has been suggested.

Sub point (b)

The current grazing concession of 5000 ewes for not more than 60 days be reduced and set to the limits of the most degraded parts within CA1 (the depleted sunny faces of Class VIIe14 land) which they suggest is about one third of this level.

Sub point (c)

A grazing concession of 15 years will require very careful monitoring and checking of stocking levels to avoid further degradation of the indigenous vegetation cover. Four submitters advocate monitoring, one of which suggests the Grazing Concession identifies the financial and ecological requirements necessary to design and undertake a monitoring programme. They suggest it needs to detail how monitoring will be carried out, what the thresholds are and what the management response will be if the thresholds and benchmarks are exceeded.

Sub point (d)

Grazing in the concession should be limited to wethers only, otherwise an appropriate monitoring and management regime implemented to prevent the concentration of stock on the depleted sunny faces. The submitter suggests that because the grazing concession allows ewes over land traditionally grazed by wethers it has the potential to result in unsustainable levels of grazing on the more depleted sunny faces because ewes do not range as much and tend to bunch up on the sunny faces.

Sub point (e)

The concession should be revoked after 5 years if the Holder can not produce evidence they have attempted to find alternative grazing.

Sub point (f)

Fertiliser should be applied to make up for loss of nutrients through transfer of stock out of the block.

Submitter 6 has suggested 10 years with a monitoring plan to ensure the SIVs' are not compromised.

Submitter 8 suggested 5 years would be more appropriate with 10 years as an absolute maximum and suggests the concession document be amended to make it clear no burning will be approved by the Grantor.

Submitter 9 has provided the detail outlined above in sub-points (b) to (d).

Submitter 10 has provided the detail outlined above in sub-points (d) to (f). They together with Submitter 13 suggest they do not expect the concessionaire would be able to fully assess if grazing is having adverse effects and advocate monitoring to assess whether there are adverse effects occurring.

Submitter 11 has suggested the concessions be reduced to 10 years if their recommendation on point 2 above of CA2 being linked to CA1 is not accommodated but strongly recommends both concessions be limited to 5 years. They also suggest details relating to the type and intensity of monitoring proposed for the Concession activity are required and recommend a representative set of permanently marked photographic points and associated descriptions.

Submitter 12 has qualified their suggestion to reduce the grazing concession to 5 years by stating they would support 15 years if additional access is accommodated by extending CA1 and the concession was subject to a regular monitoring programme.

Submitter 13 also suggest to ensure protection of SIVs the concession must enable the Grantor to alter as well as suspend or terminate the grazing activity should the activity result in failure to maintain the current state and provide for some enhancement from the current state as determined from baseline monitoring. They also advocate a maximum 5 year grazing concession but would reluctantly support a 15 year term provided other points raised in their submission aimed at improved conservation and public access outcomes are accepted and implemented.

These sub-points relate to the appropriate protection of significant inherent values. They therefore relate to section 24(b) CPLA, and have been allowed for further consideration.

Rationale for Accept or Not Accept

All sub-points introduce suggested changes to provisions within the proposed grazing concession primarily aimed at reducing the grazing pressure on CA1.

These are all points that relate to objects and matters to be taken into account in the CPLA. Also, while the suggested reduction in the proposed term of the concession, inclusion of specific monitoring provisions and changes to the stock type and stocking rate relate to matters that have been previously considered, the sub points dealing with these matters either introduce a new perspective or articulate reasons as to why suggested amendments to those provisions are considered appropriate.

These sub-points have therefore all been accepted for further consideration in the formulation of the draft Substantive Proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
4A	Do not support proposed grazing concession over CA1.	1, 13	Allow in part (being Sub-point (b))	Accept in part (being Sub-point (b))
Rationale for Allow or Disallow				

Sub point (a)

Submitter 1 considers continued grazing in CA1 for 15 years, even if the numbers were reduced, or time period shortened is unreasonable and only creating a problem in trying to leave enough land for farming while trying to protect valuable land. The suggestion is made that land proposed to be freeholded via tenure review of an adjoining property could be used for exchange in the event that review is successfully completed.

The possible exchange of freehold land that may result from the successful completion of the tenure review of an adjoining property would require the tenure review of both properties to be combined. This suggestion is also addressed under Point 12. Under that point it is concluded this is not a matter that can be considered under the CPLA following commencement of a tenure review as combining tenure reviews of pastoral lease properties held by different lessee entities must be considered at the time holders of adjoining pastoral leases invite the Commissioner of Crown Lands to undertaking tenure review. This sub-point is therefore disallowed for further consideration.

Sub point (b)

Submitter 13 states a 15 year grazing concession is not consistent with protecting the significant inherent values of the tussock grassland ecosystems of CA1. They suggest a further 15 years grazing is likely to inhibit the restoration, augmentation and enhancement of CA1 and support this view by quoting the findings of several scientific research papers. They further suggest the proposed concession therefore does not meet the requirements of the CPLA as it is unlikely to enable the protection of SIVs.

As this sub-point concerns the appropriate protection of significant inherent values it relates to section 24(b) CPLA, and has been allowed for further consideration.

Rationale for Accept or Not Accept

Sub-point (b) relates to the objects and matters to be taken into account in the CPLA and while the point highlights issues previously considered the submitter articulates reasons why they consider the proposed grazing concession is not consistent with enabling the protection of SIVs under the CPLA.

This sub-point has therefore been accepted in respect to these matters for further consideration in the formulation of the draft Substantive Proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
5	Retain any usable huts on the land surrendered as conservation areas.	3, 5	Disallow	N/A
Rationale for Allow or Disallow				

The point is considered to be a post tenure review land management issue for DoC and not a relevant matter able to be dealt with by the CPLA.

This point has therefore been disallowed for further consideration within tenure review but the comments made by the submitters will be referred to the Department of Conservation to take into account in determining future management of CA1.

Rationale for Accept or Not Accept

N/A

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
6	Public access needs to be provided on land within and adjacent to Conservation Area CA1.	2, 3, 4, 5, 6, 7, 8, 10, 11, 13	Allow in part (being Sub-point (b))	Accept in part (being Sub-point (b))
Rationale for Allow or Disallow				

Sub point (a)

Public vehicle access needs to be provided from the end of easement (a-b) along the existing track to Mt Alexander and Mt Nobbler and beyond to provide vehicle access to adjacent conservation areas.

Submitters 2, 3, 5 and 7 advocate for this sub point.

Sub point (b)

Public foot and bike access around CA1 as a loop trip should be provided via the existing track that generally circumnavigates CA1 but also includes a small section of existing track within proposed freehold land that would require an easement. (This point also relates to Point 10).

Submitter 4 believes this is an important link with minimal farm management issues and suggests the section through freehold land could be closed for lambing if needed. They have provided details on the section over freehold land being from the marginal strip adjoining the head of the North Branch of the Maerewhenua River near map ref 05.5E, 76.6N and following the track west towards spot height 1232 metres on to mark G.

Submitter 6 suggests it should be non-motorised and non horse public access easement over the small section of freehold land which tends to suggest they are only advocating public foot and mountain bike access. They have also made a suggestion to extend CA2 to CA1 (point 2 above) which would mean the easement over the freehold section would not be needed, see plan provided in their submission.

Submitter 8 suggests recreation opportunities for either tramping or mountain biking would be greatly enhanced by formalising this circuit.

Submitter 10 suggests an easement over the section of track within the proposed freehold or alternatively the land the track is on and the land between the fence and the track could be within CA1. They also suggest signage and locked gates would mitigate the risk of unauthorised access down other connecting farm tracks.

Sub point (c)

The formation along the crest of the Kakanui Mountains is not always aligned to the legal road and should be legalised and gazetted as the legal road.

Submitter 7 suggests the legal road should be isolated from the conservation area by fencing it in parts and use stiles and parking areas along the route for foot access off the formation. They suggest legalising this formation is important for motorised access to Mt Alexander and Mt Nobler together with adjoining conservation land from other reviews for hunters and skiers. They further advocate no public land, as embodied in a legal unformed road should be lost and any replacement route should be suitable for multiple use not just walking.

Submitters 8 and 10 recommend the actual formation of the existing track be formally recognised as the legal road.

Submitter 11 points out that part of easement “a-b” is located outside the property and is not totally aligned with the legal road and suggest it is surveyed and formalised as legal road as part of Tenure Review.

Submitter 13 suggests public access to CA1 from Danseys Pass needs to be secure by legalising the track formation as the legal road or restoring this area to full crown control.

Sub point (d)

Recommends motorised vehicle access is only permitted from Danseys Pass to the proposed car park at the transceiver station and should not be permitted around the perimeter of CA1.

Submitter 7 suggests the section of legal road between b-c within CA1 (“c” being the proposed car parking area) should be developed as an accessible track for motorised access.

Submitters 8 and 10 suggest motorised vehicle access should only be permitted from Danseys road to the proposed car park area.

Sub-points (a), (c) and (d) relate to access on conservation land and are therefore considered to be post tenure review land management issues for DoC and not relevant matters able to be dealt with by the CPLA and have therefore been disallowed for further consideration. The submitters’ comments will however be referred to the Department of Conservation for their consideration in determining the future management of CA1.

Sub-point (b) relates to access circumnavigating CA1. This includes a small section of the track which is located on land proposed for freehold disposal and an easement would be required to achieve legal access over that section. This relates to the securing of public

access to and enjoyment of the reviewable land which is an object of tenure review under Section 24(c)(i) of the CPLA and therefore this sub-point has been allowed. Points that relate to access solely over the proposed freehold land are outlined in point 10 below.

Sub-point (c) relating to the legalisation of road formations is also not a matter that can be dealt with under the CPLA 1998 and therefore this sub-point has been disallowed for further consideration.

Rationale for Accept or Not Accept

Sub-point (b) relates to objects and matters to be taken into account in the CPLA and it also introduces the concept of a loop track circumnavigating CA1 which, under the current proposal would necessitate a further easement over the proposed freehold. This represents a new perspective not previously specifically considered.

This sub-point has therefore been accepted for further consideration in the formulation of the draft Substantive Proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
7	Parts of the proposed freehold land visible from Danseys Pass should be included in a conservation covenant to protect predominantly landscape values or included in CA1.	1, 6, 8, 10, 11, 12, 13	Allow	Accept

Rationale for Allow or Disallow

Submitter 1 suggests a conservation covenant for protection of the landscape features of the upper Danseys Pass area.

Submitter 6 suggests the lower part of the lease as seen from the road, from the homestead to the start of the existing freehold area not in the lease has strong landscape value and has trees/shrubland on it which needs some protection such as a “no burning, no forestry” covenant.

Submitters 6, 8, 11 and 13 advocate tussock grasslands in the Airstrip Block and upper part of Brians Block require protection (submitter 8 states their preference is for the area to be returned to full Crown ownership and control, that is also the protection option recommended by Submitter 13) as they note the tussock grasslands are highly visible from Danseys Pass road and although modified this is an iconic pass landscape. Submitter 8 suggests the CRR was deficient in not recognising these high landscape values in what is an increasing popular tourist route.

Submitter 10 state they would prefer that all areas above 900m are included within the conservation area but as an alternative suggest a covenant over the Middle Block (shown on plan attached with submission), should prevent burning spraying, clearance of vegetation, oversowing, fencing and tracking with stocking limits to allow recovery of the tall tussock community.

Submitter 10 believes Top Pass block should become conservation land because it mostly over 900 metres in altitude and is partly Class VIIe and Class VI land. They suggest stock will concentrate and destroy the tussock on the Class VI land on the sunny face. They further suggest the upper part of Brians Block and the Airstrip Block also be included as conservation land for similar reason of land capability class and altitude and because they are part of the highly visible Danseys Pass landscape.

Submitter 11 notes there are at least two impressive forest stands alongside the Danseys Pass Road, in the bed of the Maerewhenua River between the homestead and Danseys Pass worthy of protecting via a covenant. They also recommend a no burning covenant over the upper parts of the blocks from Airstrip Block across to the Middle Block.

Submitter 12 suggests a covenant to exclude vegetation burning and exotic forestry on the freehold portion of land visible from the summit of the Danseys Pass Road and the public access easement a-c.

Submitter 13 also recommends the landscape and biodiversity SIV's within the upper basins of the Top Pass and Middle Blocks require protection via a covenant prohibiting burning, clearing, spraying, tracking, sub divisional fencing, exotic tree planting, structures and requires removal of wilding trees.

The point relates to the management of the land in a way that is ecologically sustainable and to the protection of tussockland and landscape values, which are significant inherent values. Section 24(a) and (b) of the CPLA relates to the protection of significant inherent values, hence this point has been allowed for further consideration.

Rationale for Accept or Not Accept

The point relates predominately to the protection of significant landscape values over proposed freehold land generated mainly by the tall tussock grasslands over the higher altitudes parts of the property visible from the Danseys Pass. The CRR did not identify these areas as having significant landscape values (although the road corridor is noted as a landscape of regional significance because of the rugged landform – CRR pg 7), nor did the DGC's delegate advocate at any stage for landscape protection over these areas. Similarly these areas were not identified as containing any significant inherent ecological values.

The point relates to objects and matters to be taken into account in the CPLA and while protection of landscape and ecological values in this area has previously been considered submitters articulate reasons why they consider protection of those values is justified.

The point has therefore been accepted for further consideration in the formulation of the draft Substantive Proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
8	Parts of the lower altitude proposed freehold land along the Danseys Pass Road corridor should be subject to a Conservation Covenant.	8, 10, 13	Allow	Accept
Rationale for Allow or Disallow				

Submitter 8 highlights a conservation covenant for protection of natural features, particularly landscape and shrubland areas visible from the Danseys Pass Road is required, particularly within the Hogget, Seeded, Bridge and Bull Blocks.

Submitters 10 and 13 note the road corridor faces is an ‘At Risk” to “Critically Underprotected” (LENZ) area. They recommend indigenous shrublands along the riparian margin of the road-side branch of the Maerewhenua River and on the side slope at the end of Rough Face (in the Bull paddock), together with part of the Hogget Block are protected via a covenant to prevent vegetation clearance, spraying or burning and requiring removal of woody pest plants or wildings.

The point relates to the protection of shrubland and landscape values, which are significant inherent values. Section 24(b) of the CPLA relates to the protection of significant inherent values, hence this point has been allowed for further consideration.

Rationale for Accept or Not Accept

The point relates predominately to the protection of significant ecological and landscape values along the lower altitude parts of the Danseys Pass road corridor which mainly occur immediately adjacent to the road and Maerewhenua River.

These areas contain mainly modified vegetation with introduced grasses, however the exception is the riparian vegetation which the CRR notes as having low conservation significance. Similarly these areas were not previously identified as having any high landscape values (although the road corridor is noted as a landscape of regional significance because of the rugged landform – CRR pg 7), nor did the DGC’s delegate advocate at any stage for landscape protection over these areas.

Two submitters introduced new information relating to threatened LENZ environments.

The point relates to objects and matters to be taken into account in the CPLA and while protection of landscape values has previously been considered submitters articulate reasons why they consider it is justified in this area. In respect to ecological values it also introduces new information relating to threatened LENZ environments that were not reviewed in the CRR and were therefore also not previously considered.

The point has therefore been accepted for further consideration in the formulation of the draft Substantive Proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
9	A parking area with toilets and track information should be provided as part of easement "d-e".	7, 10	Allow in part (being Sub-point (a))	Accept (being Sub-point (a))
Rationale for Allow or Disallow				

Sub-point (a)

Submitter 7 suggest parking at or near point (e) and Submitter 10 supports the easement conditions but would prefer vehicle access to the flat terrace just east of CA2 for parking for day walking which would mean allowing public vehicles on the easement area.

This sub-point is interpreted as recommending motorised vehicle use be permitted for easement d-e and parking provided within the reviewable land. This relates to public access and enjoyment of the reviewable land which is an object of tenure review under section 24(c)(i) of the CPLA and the sub point has therefore been allowed for further consideration.

Sub-point (b)

Submitter 7 has also suggested toilets and track information with signage should be provided at or near point e.

Sub-point (b) relates to facilities that are considered to be post tenure review land management issues for DoC and not relevant matters able to be dealt with by the CPLA.

The sub-point has therefore been disallowed for further consideration within tenure review but the comments made by the submitter will be referred to the Department of Conservation to take into account in determining future management of the easement.

Rationale for Accept or Not Accept

Given the relatively short distance of the CA2 boundary from the Danseys Pass Road and comparatively rough nature of the existing 4WD track use of part or all of this easement for public motorised vehicles was considered to be not particularly necessary or appropriate. Under the current proposal it was envisaged public car parking would be accommodated adjacent to the Danseys Pass road within the road reserve.

However, sub-point (a) relates to objects and matters to be taken into account in the CPLA in terms of making public access to and enjoyment of the reviewable land easier. Also, the location of a suitable car parking area represents a matter that has not previously been investigated in detail and that aspect of the sub-point therefore represents new information. In addition, the opportunity to make public access easier for day walking in particular represents a reason why submitter 10 prefers an alternative outcome under the CPLA.

Sub-point (a) has therefore been accepted for further consideration in the formulation of the draft Substantive Proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
10	A public foot access easement should be provided linking conservation areas CA1 and CA2 and creating a round trip from point (e) to point (b).	7, 8, 10, 12,13	Allow	Accept
Rationale for Allow or Disallow				

Submitter 7 suggests at times the marginal strip may not provide good practical access between CA1 and CA2. Although they do not provide any detail on the preferred route over the freehold land between the conservation areas they also suggest a round trip by foot from a parking area at point (e) to a parking area at point (b). (Part of the suggested route of this round trip is also encompassed by Point 6).

Submitters 8, 10 and 13 provide more detail on various route options but point out if one of their other suggestions, being to extend CA2 to CA1 (point 2) is achieved then easements would not be needed.

Submitters 10 and 13 propose an easement following the 4WD drive track on the Rough Face ridge up to 1150 and from there across to the Trig H ridge. Submitter 10 suggests this easement should also allow horse and mountain bike use.

Submitter 12 suggests that if CA2 can not be increased in size to include the area between CA1 and CA2 (as dealt with under Point 2), practical public access should be provided between CA1 and CA2.

The provision of public access to and enjoyment of land under review is an object of tenure review, as indicated in Section 24(c)(i) CPLA and therefore the point has been allowed for further consideration.

Rationale for Accept or Not Accept

The point relates to objects and matters to be taken into account in the CPLA. Also, as CA2 consists of a steep face separated from CA1 by approximately 2 km of difficult terrain it has tended to be looked at in isolation from CA2 in terms of public access. Consequently, the suggestion for an alternative to the marginal strip to ensure good practical public access linking the two conservation areas represents a perspective not previously considered. Similarly, the suggestion for the proposal to provide the opportunity for a round trip by foot from a parking area at point (e) to a parking area at point (b) also represents a perspective not previously considered.

The point has therefore been accepted for further consideration in the formulation of the draft Substantive Proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
11	The easement to be created along the boundary between “a” and “b” where the formation goes outside the lease should be wide enough for a good track to be constructed and should be funded as part of tenure review.	4	Allow in part (being Sub-point (a))	Accept (being Sub-point (a))
Rationale for Allow or Disallow				

Sub-point (a)

The submitter qualifies support for the public access easement “a-b” (point 1 above) by stating the section of the formation outside the property running along the boundary should be wide enough (50-100m) for a good formation to be created. Although the submitter does not specify, it is interpreted they mean the easement should be made wide enough to create the track formation within the Mt Alexander boundary if necessary. This sub-point relates to the terms and conditions of the proposed easement which are subject to consultation in the tenure review.

The securing of public access to and enjoyment of land under review is an object of tenure review, as indicated in Section 24(c)(i) CPLA and therefore this sub-point has been allowed for further consideration.

Sub-point (b)

The submitter also suggests funding for construction of the track formation should be included in tenure review so that quality access can be assured.

Construction of this formation is a post tenure review management matter for DoC. It is consequently not a relevant matter able to be dealt with under the CPLA and this sub-point has therefore been disallowed for further consideration. The comments made by the submitter will however be referred to the Department of Conservation to take into account in determining future management of the easement.

Rationale for Accept or Not Accept

Sub-point (a) is related to providing secure public access to the reviewable land. The submitter appears to be concerned that if the sections of easement (a-b) along the property boundary are required to be utilised to provide access, (in the event the adjoining property containing the other sections of the same formation does not complete tenure review or use of those sections can not be agreed with the lessee outside of the tenure review process), then the topography may be such that an easement wider than the proposed 20 metres may be required to ensure a good formation can be created.

This sub-point relates to objects and matters to be taken into account in the CPLA and while the issue of alternative public access adjacent to the boundary has previously been considered the submitter introduces a new perspective relating to the suitability of the terrain for possible construction of an alternative track formation.

Sub-point (a) has therefore been accepted for further consideration in the formulation of the draft Substantive Proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
12	Combine adjoining freehold land on other leases to make one strong economic unit. This would remove the need for grazing concessions over land with significant inherent values and allow time for the lessee to find alternative grazing.	9	Disallow	N/A
Rationale for Allow or Disallow				

The submitter provides an example of what they consider to be a recent and successful example of the combined tenure review of Mt Studholme, Mt Cecil and Kaiwarua leases.

Combining tenure reviews of pastoral lease properties held by different lessee entities must be considered at the time holders of adjoining pastoral leases invite the Commissioner of Crown Lands to undertaking tenure review. It is not a matter that can be considered under the CPLA following commencement of a tenure review and therefore the point is disallowed for further consideration.

Rationale for Accept or Not Accept

N/A

Summary and Conclusion

Overview of analysis:

Submissions were received from a wide range of interested individuals, non government environmental and recreation groups together with a territorial local authority.

There was particular interest in aspects related to the proposed conservation areas CA1 and CA2. Nine submitters suggested CA2 should be linked to CA1 primarily to provide an ecological corridor and better ecological connectivity between the areas containing core conservation values.

Ten submitters advocated additional public access is necessary in various forms within or adjacent to conservation area CA1. Many of these related to access (bike and vehicle) beyond the property into adjacent conservation areas. In addition four submitters also advocated for round trips to be secured within Mt Alexander.

Several submitters suggested modifications to the grazing concession over CA1 and others suggested additional fencing is required to enable protection of CA2.

Formal protection of the additional landscape values particularly on land visible from the Dansey Pass road was recommended by over half of the submitters. Many of those submitters highlighted the importance of landscape values associated with the Danseys Pass and the increasing popularity of Pass as a tourist route.

From the 13 points derived from the 13 submissions received 11 were allowed (either fully or in part) for further consideration. All 11 of the allowed points and sub-points were accepted for further consideration in the formulation of the draft Substantive Proposal.

Generic issues

The key generic issues identified are:

- Suggestions for greater protection of land containing significant inherent values via retention of additional land in Crown ownership.
- Evaluation of risks posed to enabling protection of significant inherent ecological values from relatively long term grazing concessions.
- Suggestions for greater protection of landscape values via use of covenants.
- The need to ensure proposed public access routes provide good practical access.
- Improved public access opportunities particularly related to motor vehicle access and routes that provide the opportunity for loop tracks or connect to other conservation land.

Gaps identified in the proposal or tenure review process

The main gap identified by submissions concerns information relating to significant inherent values.

Two submitters claimed there are areas of threatened LENZ environments which was not a SIV category reported on in the CRR and consequently not considered in formulating the Preliminary Proposal.

While not identified as a significant inherent value the recognised landscape values related to areas of the property visible from the Dansey's Pass road corridor could also be considered to be gap in the conservation resource information.

In addition, two submitters identified the need to ensure proposed public access options provide practical public access. This issue was raised in relation to marginal strips and also the easement designated along the property boundary where an existing track formation is not entirely located within the reviewable land.

Risks identified

No risks identified.

General trends in the submitters' comments

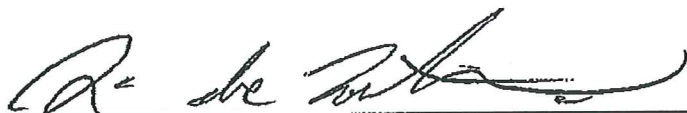
The majority of comments and suggested changes to the advertised Preliminary proposal advocated by submitters related to three main issues:

1. Increased protection of significant inherent ecological values.
2. Increased recognition of the importance of landscape values particularly associated with the Dansey's Pass road corridor, and protection of those values.
3. Improvements to public access outcomes mainly in the form of additional secure access options.

List of submitters

A list of submitters is included in Appendix I and the points raised by submitters is included in Appendix II.

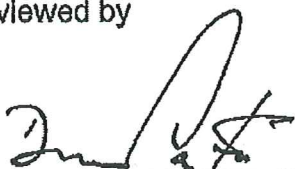
I recommend approval of this analysis and recommendations



Simon deLautour – Tenure Review Consultant

Date 29-06-09

Peer reviewed by



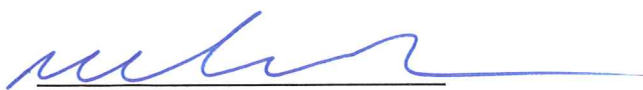
Dave Payton – Tenure Review Contract Manager

Date 29-06-09


DR STEPHEN CHARLES URlich
TECH LEAD TENURE REVIEW
CROWN PROPERTY MANAGEMENT
c/o LINZ, CHRISTCHURCH

Approved/Declined

*I recommend approval
1/7/09*



Commissioner of Crown Lands

Date 1.7.09

**Mathew Clark (Manager Pastoral)
Land Information New Zealand
Under delegated authority of the
Commissioner of Crown Lands.**

Appendices

1. Copy of Public Notice
2. List of Submitters
3. Points Raised by Submitters
4. Copy of Annotated Submissions

APPENDIX 1

Copy of Public Notice

**Land
Information
New Zealand Logo**

CROWN PASTORAL LAND ACT 1998

Mt ALEXANDER TENURE REVIEW NOTICE OF PRELIMINARY PROPOSAL

Notice is given under Section 43 of the Crown Pastoral Land Act 1998 by the Commissioner of Crown Lands that he has put a Preliminary Proposal for tenure review to N.T and M.A Hore as lessee of Mt Alexander Pastoral Lease:

Legal description of land concerned: Run 510 Domet, Kyeburn, and Kakanui Survey Districts

Pastoral lease land: Po 234

General description of the proposal:

1. An area of approximately 110 ha to be restored to full Crown ownership and control as a conservation area pursuant to section 35 (2)(a)(i) Crown Pastoral Land Act 1998.
2. An area of approximately 1789 ha to be restored to Crown control as a conservation area pursuant to section 35 (2)(b)(i) Crown Pastoral Land Act 1998 subject to qualified designations.

Qualified Designations:

- 2.1 The proposed conservation area is a qualified designation being subject to an easement concession for farm management purposes in favour of the holder of the proposed freehold land pursuant to Section 36(1)(a) Crown Pastoral Land Act 1998.
- 2.2 The proposed conservation area is a qualified designation being subject to a grazing concession in favour of the holder of the proposed freehold land pursuant to Section 36(1)(a) Crown Pastoral Land Act 1998.
3. An area of approximately 2083 ha to be disposed of to N.T and M.A Hore pursuant to section 35(3) Crown Pastoral Land Act 1998 subject to Part IVA Conservation Act 1987, section 11 Crown Minerals Act 1991, the following protective mechanisms, and qualified designations:

Protective Mechanisms:

- (a) The proposed freehold is subject to an easement pursuant to sections 40(1)(b) and 40(2)(c) Crown Pastoral Land Act 1998 to provide public access by foot, horse and non-motorised vehicle to the area proposed to be restored to full Crown ownership and control as a conservation area.

- (b) The proposed freehold is subject to a an easement pursuant to sections 40(1)(b) and 40(2)(c) Crown Pastoral Land Act 1998 to provide public access by foot, horse, non-motorised vehicle and motor vehicle, to the area proposed to be restored to Crown control as a conservation area.
- (c) The proposed freehold is subject to a an easement pursuant to sections 40(1)(b) and 40(2)(b) Crown Pastoral Land Act 1998 to provide conservation management access by non-motorised and motorised vehicles to the two proposed conservation areas.

Further information including a copy of the designations plan, concession and easement documents is available on request from the LINZ contractor at the following address:

David Payton
Tenure Review Contract Manager,
Opus International Consultants Ltd,
Private Bag 1913, Dunedin.
Phone: (03) 471 5500; Fax (03) 474 8995.

Inspections: Any person wishing to inspect the property is advised to contact the LINZ contractor in the first instance at the above address.

Submissions: Any person or organisation may send a written submission on the above proposal to the Commissioner of Crown Lands, C/- Opus International Consultants Ltd at the above address.

All submissions are being collected and held by LINZ either directly or through its contractor.

Submitters should note that all written submissions may be made available, in full, by LINZ to its employees, agents and contractors, the Department of Conservation and the public generally.

Closing date of submissions:

Written submissions must be received no later than 30 September 2008.

APPENDIX 2

List of Submitters

Submitter number	Date received	Submitter	Representative	Address
1	29 Aug 08	Geoff Clark		10 Smacks Close, Papanui, CHRISTCHURCH 8051.
2	8 Sep 08	North Otago Tramping and Mountaineering Club	John Chetwin, Secretary.	PO Box 217, OAMARU
3	19 Sep 08	New Zealand Deerstalkers' Association Incorporated	Dr Hugh Barr, National Advocate	Level 1, 45-51 Rugby Street, PO Box 6514, WELLINGTON
4	26 Sep 08	Lake Wanaka Cycling Inc	Tim Dennis	C/o PO Box 713, WANAKA
5	28 Sep 08	New Zealand Deerstalkers' Association, Southern Lakes Branch	Bevan Todd, President	5 Gair Avenue, CROMWELL
6	29 Sep 08	Royal Forest and Bird Protection Society, Dunedin Branch	Janet Ledingham	PO Box 5793, DUNEDIN
7	29 Sep 08	Central Otago Recreational Users Forum	Jan Kelly, Secretary	186 Faulks Rd, RD 2, WANAKA
8	29 Sep 08	Federated Mountain Clubs of New Zealand Inc.	Phil Glasson, Secretary	PO Box 1604, WELLINGTON
9	30 Sep 08	Environment Canterbury	Don Rule, Director Resource Planning and Consents	58 Kilmore Street, PO Box 345, CHRISTCHURCH
10	30 Sep 08	Royal Forest and Bird Protection Society, Upper Clutha Branch	Denise Bruns, Secretary	Upper Clutha Branch, 4 Brookstead Drive, WANAKA
11	30 Sep 08	Alan Mark	Emeritus Professor, Department of Botany University of Otago	Division of Sciences, PO Box 56, DUNEDIN
12	30 Sep 08	Otago Conservation Board	Hoani Langsbury, Chairperson	Box 5244, DUNEDIN
13	30 Sep 08	Royal Forest and Bird Protection Society, Southern Office	Sue Maturin, Otago Southland Field Officer	PO Box 6230, DUNEDIN

APPENDIX 3

Points Raised by Submitters

Point Raised	Number of submitters	Submitter number										Details of point raised
		3	4	5	6	7	8	9	10	12	13	
1	10	3	4	5	6	7	8	9	10	12	13	Qualified statements of support for different aspects of the proposed designations.
2	9	1	6	7	8	9	10	11	12	13		CA2 should be extended to link with CA1 and include all the land between the river and ridgeline to take in the whole of the Rough Face block and part of Middle block.
3	8	6	7	8	9	10	11	12	13			CA2 needs additional fencing; either in its entirety or over specified sections to ensure stock is excluded. Monitoring of CA2 is suggested to determine whether use of natural boundaries is working.
4	7	6	8	9	10	11	12	13				The conditions of the grazing concession should be amended, primarily to reduce grazing pressure.
4A	2	1	13									Do not support proposed grazing concession over CA1.
5	2	3	5									Retain any usable huts on the land surrendered as conservation areas.
6	10	2	3	4	5	6	7	8	10	11	13	Public access needs to be provided on land within and adjacent to Conservation Area CA1.
7	7	1	6	8	10	11	12	13				Parts of the proposed freehold land visible from Danseys Pass should be included in a conservation covenant to protect predominantly landscape values or included in CA1.
8	3	8	10	13								Parts of the lower altitude proposed freehold land along the Danseys Pass Road corridor should be subject to a Conservation Covenant.
9	2	7	10									A parking area with toilets and track information should be provided as part of easement "d-e".
10	5	7	8	10	12	13						A public foot access easement should be provided linking conservation areas CA1 and CA2 and creating a round trip from point (e) to point (b).
11	1	4										The easement to be created along the boundary between "a" and "b" where the formation goes outside the lease should be wide enough for a good track to be constructed and should be funded as part of tenure review.
12	1	9										Combine adjoining freehold land on other leases to make one strong economic unit. This would remove the need for grazing concessions over land with significant inherent values and allow time for the lessee to find alternative grazing.