



Cabinet Business Committee

Sensitive

CBC Min (07) 23/19

Copy Number:

Minute of Decision

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South Island High Country: Properties for Crown Withdrawal from Tenure Review

On 29 October 2007, the Cabinet Business Committee (CBC):

Background

- 1 **noted** that the tenure review process for South Island high country (SIHC) Crown pastoral lease properties is conducted under the Crown Pastoral Land Act 1998, and divides leases into land being returned to full Crown ownership and control (as public conservation land), and land being freeholded to leaseholders;
- 2 **noted** that the Commissioner of Crown Lands (CCL) reports to the Minister for Land Information on all preliminary and substantive tenure review proposals before they proceed, enabling the Minister (after consultation with the Minister of Conservation) to comment on the proposed outcomes of a proposal, and decide whether or not to fund it;
- 3 **noted** that in June 2007, CBC:
 - 3.1 agreed that high country pastoral lease properties with highly significant lakeside, landscape, biodiversity, or other values¹ that are unlikely to be protected to the satisfaction of the Crown by the tenure review process be excluded from the process;
 - 3.2 directed Land Information New Zealand (lead) and the Department of Conservation (DoC) to identify properties within the following categories where the Crown should withdraw from the tenure review process or not enter into it:
 - 3.2.1 properties currently in tenure review;
 - 3.2.2 lakeside properties, whether in tenure review or not;
 - 3.2.3 such other properties as may be revealed in the course of identifying properties in the previous two categories;

¹ The term "values" covers lakeside, landscape, biodiversity, ecological, amenity, recreational and other inherent values associated with Crown owned lands.

3.3 agreed that the default assumption for lakeside properties is that they should be excluded from tenure review and that other means should be used to protect their landscape, biodiversity, access and other values, unless it is clear now or in the future that tenure review would:

3.3.1 not significantly impact on those values;

3.3.2 demonstrably be in the public interest;

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Conditions to comply with in tenure review

4 **noted** that, further to the decision referred to in paragraph 3.1, the Minister for Land Information looks to ensure that a range of conditions are complied with to ensure values are protected before approving funding of a tenure review proposal;

5 **agreed** that while not necessarily limited to the list below, such conditions would include:

With application to lakeside properties (as defined in paragraph 9 below):

5.1 lakeside land being retained in Crown ownership (preferably) or covenanted to restrict subdivision;

5.2 lakeside views being protected;

5.3 no large artificial structures, barriers or subdivision within five kilometres (km) of a lake;

5.4 no significant alterations of the lakeshore;

5.5 no pollution or significant impact on the lake's aquatic ecosystem;

5.6 due care being taken of historically important lakeside structures/foundations;

and

With application to all properties:

5.7 significant biodiversity, wetland, waterway, landscape and access features being sufficiently protected, for example:

5.7.1 sites or areas having priority for protection in "Protecting Our Places"² where the indigenous biodiversity values have been verified by observation, and it is practical and realistic to manage and sustain those values;

5.7.2 wetlands and waterways that make a significant contribution to a lake's ecosystems, and it is practical and realistic to manage and sustain those values;

² The "Protecting Our Places" guidance reflects a statement of national priorities for the protection of rare and threatened native biodiversity on private land, issued by the Ministers of Conservation and of the Environment in April 2007.

- 5.7.3 indigenous vegetation associated with wetlands, waterways and lake margins;
- 5.7.4 access routes that are of “prime interest and enjoyment” in the recreational/landscape setting (DoC being aware of commonly used/desired access routes that fall under this definition);

Lakeside properties

- 6 **noted** that, as referred to in paragraph 3.3 above, the default assumption for lakeside properties is that they should be excluded from tenure review and that other means should be used to protect their landscape, biodiversity, access and other values (default assumption), unless it is clear now or in the future that tenure review would not significantly impact on those values and would demonstrably be in the public interest (reinclusion test);
- 7 **agreed** that for the purposes of the default assumption, a “lake” is a SIHC lake greater than 5 square kilometres in area (relevant lake);
- 8 **noted** that the relevant lakes (from largest to smallest) are Wakatipu, Wanaka, Pukaki, Hawea, Tekapo, Benmore, Ohau, Coleridge, Aviemore, Dunstan, Sumner, North Mavora, Heron, Alexandrina, Waitaki, and Roxburgh;
- 9 **agreed** that, in application of the default assumption, the Minister for Land Information not fund tenure review for properties adjoining, or within 5 km and visible from, the relevant lakes referred to in paragraph 8, namely the 65 properties listed in the annex to this minute (the lakeside properties);
- 10 **agreed** that, in order for the default assumption to be displaced and the Minister for Land Information to consider approving funding of a tenure review proposal for a lakeside property the reinclusion test referred to in paragraph 6 would have to be met by the proposal complying with the conditions set out in paragraph 5;
- 11 **noted** that:
 - 11.1 the Minister for Land Information has recently approved funding for tenure review proposals (one preliminary, the other substantive) for two of the lakeside properties; and that
 - 11.2 the Minister did so (after consultation with the Minister of Conservation) because the proposals met:
 - 11.2.1 the conditions set out in paragraph 5; and
 - 11.2.2 the reinclusion test referred to in paragraph 6;
- 12 **noted** that, in exercise of the CCL’s power to discontinue a tenure review, in May 2007 the CCL discontinued tenure reviews for three of the lakeside properties;
- 13 **noted** that, on the advice of officials, tenure review proposals for four of the lakeside properties have recently been put on hold, because it appeared that the proposals would not meet the conditions set out in paragraph 5;

Non-lakeside properties

- 14 **agreed** that, for all non-lakeside properties currently in tenure review, the process should continue until DoC has identified a property's significant inherent values and whether they are practical and realistic to sustain through tenure review;
- 15 **noted** that there may be some properties that fall outside the criteria referred to paragraphs 7 and 9 for inclusion on the list of lakeside properties, but may nonetheless be within, or contribute to, a lake landscape setting;
- 16 **noted** that any tenure review of a property referred to in paragraph 15 would be subject to the general principle set out in paragraph 3.1, and that the property's lake landscape values would be assessed during the tenure review and considered in any funding decision by the Minister for Land Information;

Other properties

- 17 **noted** that in June 2007, CBC agreed that the Minister for Land Information:
- 17.1 ask the CCL to report to the Minister on all new properties due to enter into tenure review before the CCL makes a decision about whether or not to undertake the review;
- 17.2 consult with the Minister of Conservation before providing comment to the CCL;
- [CBC Min (07) 10/12]
- 18 **agreed** that, in providing comments to the CCL on new properties seeking to enter tenure review, the Minister for Land Information looks to ensure that the general principle set out in paragraph 3.1 is complied with.

Adrian MacGregor
Secretary

Reference: CBC (07) 227

Present:

Rt Hon Helen Clark (Chair)
Hon Dr Michael Cullen
Hon Jim Anderton
Hon Phil Goff
Hon Annette King
Hon Trevor Mallard
Hon Pete Hodgson
Hon Parekura Horomia
Hon Mark Burton
Hon Chris Carter
Hon David Cunliffe
Hon David Parker
Hon Nanaia Mahuta

Officials present from:

Office of the Prime Minister
Department of the Prime Minister and Cabinet

Copies to: (see over)

Appendix 1
Lakeside properties where tenure review would not be funded with
the 5 km visibility criterion

* indicates properties currently in tenure review

Property	Lake	Property	Lake
1. Aviemore	Aviemore	42. The Forks	Roxburgh
2. Otematata	Aviemore	43. The Herrons	Roxburgh
3. Rugged Ridges*	Aviemore	44. Glynn Wye*	Sumner
4. Waitangi	Aviemore	45. Lake Taylor*	Sumner
5. Bendrose*	Benmore	46. The Lakes*	Sumner
6. Black Forest*	Benmore	47. The Poplars*	Sumner
7. Bog Roy	Benmore	48. Balmoral (Tekapo)*	Tekapo & Alexandrina
8. Omarama Station*	Benmore	49. Glenmore Station*	Tekapo & Alexandrina
9. Rostriever*	Benmore	50. Godley Peaks*	Tekapo
10. Te Akatarawa	Benmore & Aviemore	51. Mt Hay	Tekapo
11. Glenthorne*	Coleridge	52. Mt Gerald*	Tekapo
12. Mt Algidus	Coleridge	53. Sawdon*	Tekapo
13. Mt Oakden	Coleridge	54. Bellamore*	Waitaki
14. Cairnmuir	Dunstan	55. Allandale*	Wakatipu
15. Kawarau*	Dunstan	56. Ben Lomond	Wakatipu
16. Leaning Rock*	Dunstan	57. Cecil Peak Station	Wakatipu
17. Mt Difficulty*	Dunstan	58. Halfway Bay Station	Wakatipu
18. Hunter Valley Station	Hawea	59. Kingston	Wakatipu
19. Lake Hawea Station*	Hawea	60. Loch Linnhe*	Wakatipu
20. Mt Burke Station*	Hawea & Wanaka	61. Mt Creighton Station*	Wakatipu
21. Mt Grand*	Hawea	62. Mt Nicholas Station	Wakatipu
22. Client Hills*	Heron	63. Walter Peak Station*	Wakatipu
23. Glenfalloch*	Heron	64. Minaret Station	Wanaka
24. Mt Arrowsmith*	Heron	65. Mt Albert	Wanaka
25. Upper Lake Heron	Heron		
26. Glen Lyon*	Ohau		
27. Huxley Gorge*	Ohau		
28. Omahau	Ohau		
29. Braemar*	Pukaki		
30. Ferintosh*	Pukaki		
31. Glentanner*	Pukaki		
32. Irishman Creek*	Pukaki		
33. Maryburn*	Pukaki		
34. Mount Cook*	Pukaki		
35. Simons Pass*	Pukaki		
36. The Wolds*	Pukaki		
37. Coal Creek	Roxburgh		
38. Gorge Creek I & II	Roxburgh		
39. Matangi	Roxburgh		
40. Mt Benger	Roxburgh		
41. Riverside	Roxburgh		