

Crown Pastoral Land Tenure Review

Lease name : CORA LYNN

Lease number : PC 116

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.

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)

CORA LYNN TENURE REVIEW

1. Details of lease

Lease name: Cora Lynn.
Location: West Coast Road (SH 73), Cora Lynn, Upper Waimakariri, 60 kilometres north west of Darfield.
Lessee: Wilderness Lodge Arthurs Pass Limited.

2. Public notice of preliminary proposal

Saturday 3 December 2011.

- The Press Christchurch
- Otago Daily Times Dunedin
- The Canterbury Courier Selwyn District

Closing date for submissions: 20/2/2012.

3. Details of submissions received

Number received by closing date: 9.
Number of late submission approved by the CCL delegate: 0.
Total Submissions received: 9.
Cross-section of groups representing 8 conservation and recreation groups/ individuals.
Number of submissions withdrawn as submitters request: 1.
Number of late submissions refused: Nil.

4. ANALYSIS OF SUBMISSIONS

4.1. 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:

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.

4.2. Analysis

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
1	Public access is sought from the Bealey Hotel to Bealey Spur housing area for walking access on reviewable land adjacent to SH73.	6	Allow	Accept

Rationale for Allow:

The purpose of section 24(c)(i) of the CPLA is to make easier the securing of public access to and enjoyment of reviewable land. As the point relates to public access within the reviewable land it is therefore a matter for tenure review under the CPLA, and is allowed for further consideration.

Rationale for Accept:

The issue of public access to Cora Lynn was widely discussed during the consultation phase, however the submitter raises new information and a perspective not previously considered in relation to aspects of public access. This point is therefore accepted for further consideration by the Commissioner in the formulation of a substantive proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
2	<p>Public access is sought from the Bealey Spur housing to the Cass- Lagoon Saddle car park. It would create a direct walking access and eliminate road connections from connecting trails.</p> <p>The submitters are making a point in relation to two aspects:</p> <ul style="list-style-type: none"> (a) Linking access to existing adjacent land that is not part of the lease (b) Linking access to proposed freehold and conservation areas within the pastoral lease. 	6	<p>Allow sub-point (b).</p> <p>Disallow sub-point (a).</p>	Accept

Rationale for Allow in Part

The purpose of Section 24(c)(i) of the CPLA is to make easier the securing of public access to and enjoyment of reviewable land. Sub-point (a) links the point to areas that are not part of the reviewable land, and therefore is disallowed. Sub-point (b) is made in relation to public access to land contained within the pastoral lease and therefore is validly made, and is allowed for further consideration.

Rationale for Accept:

The issue of public access to Cora Lynn was widely discussed during the consultation phase, however the submitter raises new information or a perspective not previously considered in relation to aspects of public access, particularly with regard to links with parts of the lease proposed to be freeholded with a covenant applied. This point is therefore accepted for further consideration by the Commissioner in the formulation of a substantive proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow
3	<p>Public access is sought from the Cass-Lagoon Saddle carpark to Broad Stream. The submitters prefer this access to be obtained across the freehold paddock to Broad Stream as the alternative is longer and less practical due to river boulders and State Highway 73. The Submitters wish to see this freehold land included in the reviewable land under s30 of the CPLA in order to achieve this link.</p>	1,5	Disallow

Rationale for Disallow:

The submitters have introduced a point that relates public access to existing freehold land adjacent to but not part of the reviewable land. Whilst sections 28-31 of the CPLA specify categories of neighbouring land that can be included in a tenure review, in this case the reviewable land comprises Cora Lynn pastoral lease only. As the point has not been validly made it is therefore disallowed.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
4	General support for the proposal. Submitters are supportive of the addition of Conservation Areas to the DOC estate, for public access and protection of SIV's. Cora Lynn is cited as a key landscape and a strategic location.	1,2,5	Allow	Accept

Rationale for Allow:

One of the objects of Section 24(b) of the Crown Pastoral Land Act 1998 is to protect the significant inherent values identified on the reviewable land. Section 24(c)(i) of the CPLA also deals with the provision of public access. The point raised by the submitters relates to the protection of the values and the provision of public access. This point is therefore allowed.

Rationale for Accept:

The submitters' point is a statement of support for an aspect or aspects of the preliminary proposal which can be considered by the Commissioner when formulating the designations for a substantive proposal. The point is therefore accepted.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
5	Public access is sought to Mt Horrible using the proposed easement "a-e-f" which is currently proposed for DOC management purposes only. The submitters believe the proposed public access "b1-d" is not viable for Mt Horrible due to bluffs and scrub in Pylon Gully.	1,3,5	Allow	Not Accept

Rationale for Allow:

The purpose of section 24(c)(i) of the CPLA is to make easier the securing of public access to and enjoyment of reviewable land. As the point relates to public access within the reviewable land it is therefore a matter for tenure review under the CPLA, and is allowed for further consideration.

Rationale for Not Accept:

The issue of public access to Cora Lynn was widely discussed during the consultation phase. Whilst the submitters do articulate reasons why they prefer a different outcome under the CPLA, access onto Mt Horrible was considered in the consultation for the proposal and has been provided for with the designation of CA4 adjacent to access points that are possible from SH73. As the submitters have not introduced new information or a perspective not previously considered, the point is therefore not accepted for further consideration by the Commissioner in the formulation of a substantive proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow
6	General points relating to marginal strips. Submitter 1 seeks that due process be followed to ensure marginal strips are provided on disposal of land following tenure review. Submitter 3 wants to see qualifying waterways depicted on the designations plan or on the Summary of Proposal.	1,3,5	Disallow

Rationale for Disallow:

Land qualifying for marginal strips will be created on the land designated for freehold disposal at the conclusion of the tenure review under Part 4A of the Conservation Act 1987, and is a matter for the Director General of Conservation to administer. The Commissioner is not required to deal with or identify marginal strips as he has no responsibility in this regard under the CPLA. The point is therefore disallowed.

Point	Summary of point raised	Submission numbers	Allow or disallow
7	Support stated for the stewardship of the Cora Lynn pastoral lease.	2	Disallow

Rationale for Disallow:

There is no requirement under tenure review for the Commissioner to take into account the ability of an individual leaseholder. Tenure Review designations are developed on the basis that the land once freeholded could change ownership at any time. The submitter is making comment on the holder's good husbandry which is a matter for compliance with the lease, the Land Act 1948 and the CPLA. This does not relate to the objects of Part 2 of the CPLA and the point is therefore disallowed.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept of Not Accept
8	Submitter seeks a strengthening of the covenant conditions prior to Substantive Proposal to ensure the long term future is safeguarded from changes to farm management/ownership. The submitter seeks clear definition in each covenanted area for oversowing, drilling, spraying, clearing and stocking.	2	Allow	Not Accept

Rationale for Allow:

The purpose of section 24(b) of the CPLA is to enable the protection of the significant inherent values (SIV's) of the reviewable land and as this point relates to the protection of the SIV's it is therefore allowed.

Rationale for Not Accept:

While the submitter's point relates to the objects and matters to be taken into account in the CPLA, it does not introduce any new information or a perspective not previously considered. The point is therefore not accepted for further consideration by the Commissioner in the formulation of a substantive proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept of Not Accept
9	Support for the public access easements on the proposal "a -b", "b1-c" and "b1-d".	3	Allow	Accept

Rationale for Allow:

The object of Section 24(c)(i) of the CPLA allows for tenure review to deal with the provision of public access. The point raised by the submitters relates to the protection of the values and the provision of public access. This point is therefore allowed.

Rationale for Accept:

The submitter's point is a statement of support for an aspect or aspects of the preliminary proposal which can be considered by the Commissioner when formulating the designations for a substantive proposal. The point is therefore accepted.

Point	Summary of point raised	Submission numbers	Allow or disallow
10	The submitter seeks more detailed plans clearly showing the relationship between the lease boundaries and legal roads.	3	Disallow

Rationale for Disallow:

The Commissioner is not required to deal with or identify legal roads on plans as he has no responsibility in this regard under the CPLA. The point is therefore disallowed.

Point	Summary of point raised	Submission numbers	Allow or disallow
11	The submitter seeks the legal status be confirmed for previously stopped road as being included in the pastoral lease, not as individual parcels as depicted on the designations plans. The submitter is specifically referring to the true right of the Waimakariri River and Bruce and Broad Streams. The submitter is concerned the designations plan may incorrectly show sections of stopped road as unformed legal road.	3	Disallow

Rationale for Disallow:

The Commissioner is not required to deal with or identify legal roads on plans as he has no responsibility in this regard under the CPLA. The point is therefore disallowed.

Point	Summary of point raised	Submission numbers	Allow or disallow
12	The submitter seeks to have easements and marginal strips clearly depicted in the New Zealand digital cadastral record.	3	Disallow

Rationale for Disallow:

The digital cadastral record is not a matter for tenure review. The point is therefore irrelevant to the tenure review and is disallowed.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
13	The submitter requests that a historic heritage assessment is undertaken to identify any potential historic values within the proposed freehold. Any significant heritage places identified should then be given consideration for appropriate protection measures.	7	Allow	Accept

Rationale for Allow:

One of the objects of the CPLA is to enable the protection of the significant inherent values of reviewable land. Historical values if present are an inherent value, and they could be viewed as significant, the point is therefore allowed.

Rationale for Accept:

A full archaeological and historic assessment has not been undertaken to determine the presence of the values mentioned by the submitter. The point is accepted because it relates to the objects and matters to be taken into account in the CPLA and introduces new information or a perspective not previously considered.