

Crown Pastoral Land Tenure Review

Lease name : KELVIN GROVE

Lease number : PO 280

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.

Report in Accordance with Contract 50346

Analysis of Public Submissions on Preliminary Proposal

File Ref: PRY-C60-12548-TNR-Po280 **Submission No:** DAR105 **Submission Date:** 26/07/2013

Office of Agent: Dunedin **LINZ Case No:** **Date sent to LINZ:** 31/07/2013

RECOMMENDATIONS

1. That the Commissioner of Crown Lands approves this analysis of submissions for the tenure review of Po 280 Kelvin Grove Pastoral Lease.

Signed by:



David Paterson
Tenure Review Consultant
Darroch Limited

Approved/Declined

Commissioner of Crown Lands

Date_____

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)

KELVIN GROVE TENURE REVIEW NO 354

1. Details of lease

Lease name: Kelvin Grove
Location: Gladbrook Road, Middlemarch.
Lessee: Poplar Grove Station Limited

2. Public notice of preliminary proposal

Saturday 18 May 2013

• The Press	Christchurch
• Otago Daily Times	Dunedin
• Southland Times	Invercargill

Closing date for submissions: 15 July 2013

3. Details of submissions received

Number received by closing date: 8
Total Submissions received: 8

Cross-section of 5 groups or organisations and 3 individual represented by submissions.

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	The submitters are concerned about the burning clause in the landscape covenant and believe it should be removed.	1, 2, 3, 6, 7	Allow	Not accept

Rationale for Allow:

The point relates to the protection of the Significant Inherent Values (SIVs) and as the object of Section 24(b)(i) of the CPLA, is the protection of the values by the creation of protective mechanisms; the point is therefore allowed.

Rationale for Not accept:

The point does not meet the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. The issue of burning was an integral part of the consultation process. The submitters in the submissions did not introduce any new information or a perspective not previously considered. The point is therefore not accepted.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
2	Strong support for CA1	2, 5, 6, 7	Allow	Accept

Rationale for Allow:

The point relates to the protection of the SIVs in accordance with Section 24(b)(ii) of the CPLA and by the restoration of the land to Crown ownership and control under Section 35(2)(a)(i) of the CPLA and the point is therefore allowed.

Rationale for Accept:

As the point relates to the objects and matters to be taken into account in the CPLA, and the submitters make a statement of support for aspects of the Preliminary Proposal, it is 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
3	Support for the location of the new boundary fence.	2, 3, 7	Allow	Accept

Rationale for Allow:

The point relates to the protection of the SIVs in accordance with Section 24(b)(ii) of the CPLA and by the restoration of the land to Crown ownership and control under Section 35(2)(a)(i) of the CPLA. The location of the conservation area boundary and the resulting fence line is an important aspect in the protection of the SIV's. The point is therefore allowed.

Rationale for Accept:

As the point relates to the objects and matters to be taken into account in the CPLA, and the submitter makes a statement of support for aspects of the Preliminary Proposal, it is 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
4	The submitter states the landscape covenant should allow sheep only grazing as cattle are known to seriously damage snow tussock.	2	Allow	Not accept

Rationale for Allow:

The object of Section 24(b) of the CPLA is to protect the SIVs identified on the reviewable land and the point raised by the submitter relates to the protection of the values. This point is therefore allowed.

Rationale for Not accept:

The point does not meet the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. While this point meets 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 issue of cattle grazing was well canvassed during consultation. The point is therefore not accepted.

Point	Summary of point raised	Submission numbers	Allow or disallow
5	A monitoring programme with photo point monitoring should be included in CC1 and the Landscape covenant.	2, 6	Disallow

Rationale for Disallow:

The Commissioner has no control over the management of the covenant post tenure review. This is a matter between the owner and DoC. The covenant has a special clause that allows the Minister to monitor the vegetation. The Commissioner has no responsibility in this regard under the CPLA. The point is therefore disallowed.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
6	Support for the landscape covenant with some provisos. See points 1 and 5	2	Allow	Accept

Rationale for Allow:

The point relates to the protection of the SIVs in accordance with Section 24(b)(i) of the CPLA and by the creation of protective mechanisms under Section 40(2)(a) of the CPLA and the point is therefore allowed.

Rationale for Accept:

As the point relates to the objects and matters to be taken into account in the CPLA, and the submitter makes a statement of support for aspects of the Preliminary Proposal, it is 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
7	Support for the covenant CC1 with some provisos. See point 11.	2, 6, 7	Allow	Accept

Rationale for Allow:

The point relates to the protection of the SIVs in accordance with Section 24(b)(i) of the CPLA and by the creation of protective mechanisms under Section 40(2)(a) of the CPLA and the point is therefore allowed.

Rationale for Accept:

As the point relates to the objects and matters to be taken into account in the CPLA, and the submitter makes a statement of support for aspects of the Preliminary Proposal, it is 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
8	Public walking access should be provided to CC1 and CA1 either from the northern boundary or along the proposed conservation management easement a-b.	2, 3, 5, 6, 7, 8	Allow	Not Accept

Rationale for Allow:

The object 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 this aspect it is therefore allowed.

Rationale for Not Accept:

The point does not meet the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. The issue of the need for additional public access was widely canvassed during consultation. Good access already exists over the adjoining properties to the north and south. The submitters did not introduce any new information or a perspective not previously considered. The point is therefore not accepted.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
9	The proposal adequately fulfils the objects of Part 2 CPLA.	2, 5, 6	Allow	Accept

Rationale for Allow:

It is a requirement that any tenure review proposal meets the objects of part 2 of the CPLA. As the point relates to the objects it is therefore allowed.

Rationale for Accept:

As the point relates to the objects and matters to be taken into account in the CPLA, and the submitter makes a statement of support for aspects of the Preliminary Proposal, it is accepted for further consideration by the Commissioner in the formulation of a substantive proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow
10	The proposal will provide another step in the long foreshadowed proposal for a Rock and Pillar Conservation Park.	3,7	Disallow

Rationale for Disallow:

The establishment of conservation parks is not one of the objects of the CPLA and therefore not a matter for consideration by the Commissioner. The point is therefore disallowed.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or Not accept
11	Submitters are concerned that the terms and conditions in the Landscape covenant will not protect the values. Of particular concern is cattle grazing, over sowing, topdressing and spraying.	6, 7	Allow	Not accept

Rationale for Allow:

The object of Section 24(b) of the CPLA is to protect the SIVs identified on the reviewable land and the point raised by the submitter relates to the protection of the values in relation to the terms and conditions in the covenant. This point is therefore allowed.

Rationale for Not accept:

The point does not meet the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. These issues have been discussed thoroughly during of the consultation process. The submitters did not introduce any new information or a perspective not previously considered. The point is therefore not accepted.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or Not accept
12	The submitter considered the statement of values in the Landscape covenant needs expanded.	6	Allow	Accept

Rationale for Allow:

The object of Section 24(b) of the CPLA is to protect the SIVs identified on the reviewable land and the point raised by the submitter questions whether the covenant adequately describes the values and therefore whether the values can be adequately protected in the proposal. The point is therefore allowed.

Rationale for Accept:

The point meets the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. This is because it relates to the objects and matters to be taken into account in the CPLA and the submitters presented new information and reasons why an alternative outcome under the CPLA is preferred.

Point	Summary of point raised	Submission numbers	Allow or disallow
13	The submitter supports allowing horse riders continued access to traditional routes along historic trails. The submitter specifically mentioned the Old Dunstan Trail.	4	Disallow

Rationale for Disallow:

The historic trail mentioned in the submission is not part of the reviewable land and therefore is not subject to the CPLA. The point is therefore disallowed.

Point	Summary of point raised	Submission numbers	Allow or disallow
14	The submitter would like horse trekking and riding across the area (assumed to be CA1) should be actively encouraged and managed.	4	Disallow

Rationale for Disallow:

The use of the land post tenure review is not the responsibility of the Commissioner and therefore is not subject to the CPLA. The land we have assumed the submitter is referring to will be conservation land post tenure review and will be under the management of DoC. The point is therefore disallowed.

Point	Summary of point raised	Submission numbers	Allow or disallow
15	The submitter notes that the fencing specifications in Appendix 3 are not best practice in relation to public access, horse access and stock control.	4	Disallow

Rationale for Disallow:

The fencing of new boundaries is a consequence of the tenure review and is not one of the objects of the CPLA. The type and quality of the fence lines is a matter covered in other legislation. The point is therefore disallowed.

Point	Summary of point raised	Submission numbers	Allow or disallow
16	The submitter suggests that weed control should be carried out on the fire break until vegetation cover is established.	6	Disallow

Rationale for Disallow:

Weed control on the fire break is a post tenure review matter which is not the responsibility of the Commissioner and therefore is not subject to the CPLA. The point is therefore disallowed.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
17	The submitter is concerned that the fire break and the covenant conditions of the adjoining landscape covenant which allows grazing, will result in a line effect along the new boundary.	6	Allow	Not Accept

Rationale for Allow:

The object of Section 24(b) of the CPLA is to protect the SIVs identified on the reviewable land and the point raised by the submitter questions whether the proposal adequately protects the values, in particular the landscape values. The point is therefore allowed.

Rationale for Not Accept:

The point does not meet the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. The location of the boundary was well canvassed during consultation. The location was selected so that any edge effect would not be visible from the road and wider Strath Taieri area. The submitters did not introduce any new information or a perspective not previously considered. The point is therefore not accepted.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
18	The submitters considered the non grazing period should be extended to at least 2 years following a burn.	2, 6	Allow	Not Accept

Rationale for Allow:

The object of Section 24(b)(i) CPLA is to enable the protection of the SIVs on reviewable land by the creation of protective mechanisms. As the point relates to the protection of the values it is therefore allowed.

Rationale for Not Accept:

The condition in the covenant relating to burning was provided by DoC and thoroughly discussed during consultation. The submitters did not introduce any new information or a perspective not previously considered. The point is therefore not accepted.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
19	The submitter wants the Landscape covenant lowered to meet CC1	6	Allow	Not Accept

Rationale for Allow:

The object of Section 24(b) of the CPLA is to protect the SIVs identified on the reviewable land and the point raised by the submitter questions whether the covenants adequately protect the values identified in the proposal. The point is therefore allowed.

Rationale for Not Accept:

The point does not meet the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. The location of the landscape covenant was based on conservation advice from DoC. The submitters did not introduce any new information or a perspective not previously considered. The point is therefore not accepted.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
20	Referring to the burning clause in the landscape covenant, the submitter accepts that with tight controls burning can be a good management tool. The preference was however not to allow burning.	6	Allow	Accept

Rationale for Allow:

The object of Section 24(c)(ii) of the CPLA is to allow for the freehold disposal of reviewable land and Section 24(b)(i) to enable the protection of the SIVs on reviewable land by the creation of protective mechanisms. As the point relates to this aspect it is therefore allowed.

Rationale for Accept:

As the point relates to the objects and matters to be taken into account in the CPLA, and the submitter makes a statement of support for aspects of the Preliminary Proposal, it is 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
21	The submitter believes CC1 and CC(Landscape) should be merged into one covenant to simplify management. This is similar to Point 19 above.	6	Allow	Not Accept

Rationale for Allow:

The object of Section 24(b) of the CPLA is to protect the SIVs identified on the reviewable land and the point raised by the submitter questions whether the covenants adequately protect the values identified in the proposal. The point is therefore allowed.

Rationale for Not Accept:

The point does not meet the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. The location of the landscape covenant and CC1 was included following advice from DoC and confirmed during consultation. The submitters did not introduce any new information or a perspective not previously considered. The point is therefore not accepted.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
22	The submitter supports the freehold disposal of the land in the proposal.	7	Allow	Accept

Rationale for Allow:

The object of Section 24(c)(ii) of the CPLA allows for the freehold disposal of reviewable land. As the point relates to this aspect it is therefore allowed.

Rationale for Accept:

The submitter makes a statement of support for aspects of the Preliminary Proposal; it 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
23	With reference to the landscape covenant conditions, the submitter supports over sowing below 900 m asl with the proviso that the stocking rate is below 1 su per hectare.	7	Allow	Accept in pt

Rationale for Allow:

The object of Section 24(c)(ii) of the CPLA is to allow for the freehold disposal of reviewable land and Section 24(b)(i) to enable the protection of the SIVs on reviewable land by the creation of protective mechanisms. As the point relates to this aspect it is therefore allowed.

Rationale for Accept in part:

The submitter makes a statement of support for aspects of the Preliminary Proposal in the first part of the submission; it is therefore accepted for further consideration by the Commissioner in the formulation of a substantive proposal.

The second part with reference to the limit on the stocking rate does not meet the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. The stocking rate was discussed during consultation and the covenant allows for a review of the management should the values appear to be compromised. The submission does not introduce any new information or a perspective not previously considered and 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 or not accept
24	The submitter supports the provision for fencing in the conservation and landscape covenants as it will assist in the sustainable management of the area.	7	Allow	Accept

Rationale for Allow:

The object of Section 24(b)(i) CPLA is to enable the protection of the SIVs on reviewable land by the creation of protective mechanisms. The point relates to conditions in the covenant and is therefore allowed.

Rationale for Accept:

The submitter makes a statement of support for aspects of the Preliminary Proposal. It 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
25	The proposal does not meet the Object of Section 24(c)(i) CPLA because it does not provide any public access from Gladbrook Road. The submitter has been advised by LINZ that existing access through adjoining land cannot be considered for this tenure review.	8	Allow	Not accept

Rationale for Allow:

The object 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 this aspect it is therefore allowed.

Rationale for Not Accept:

The point does not meet the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. The issue of the need for additional public access was widely canvassed during consultation. Good access already exists over the adjoining properties to the north and south. The submitters did not introduce any new information or a perspective not previously considered. The point is therefore not accepted.

Summary and ConclusionOverview of analysis

In analysing the 8 submissions received 25 points were identified. There was support for the proposal or aspects of the proposal from most submitters. Of the 25 points raised, 19 were allowed for further consideration. Of the 19 that were allowed, 10 have also been accepted for consideration in total or part in the preparation of a draft substantive proposal. This was largely on the basis on the provision of new information or the submitter provided reasons why an alternative outcome should be considered, or was a statement of support for aspects of the proposal. Of the 10 accepted for further consideration 9 were statements of support for aspects of the proposal.

In total there were 25 points raised, of which 10 are "Allowed" and "Accepted" for further consideration, 9 "Not Accepted" and 6 points "Disallowed" and will not be considered further.

Generic Issues

The submitters were generally happy with the proposal, but some would have liked further protection of the covenanted areas, through more stringent conditions in the covenant. One of the main areas of concern was the inclusion of the right to burn the tussock which necessitated the requirement for a fire break on the new conservation boundary. A number of submitters would have liked additional public access, particularly into the conservation covenant CC1.

Gaps identified in the proposal or tenure review process

No gaps were identified in the submissions.

Risks identified

No specific risks have been identified through the public notification process.

General trends in the submitters' comments

The common issues raised were:

- Strong support for the creation of CA1.
- Support for the use of covenants.
- Some concern about the terms and conditions in the covenant.
- Support for additional public access.

I recommend approval of this analysis and recommendations



David Paterson
Tenure Review Consultant
Darroch Limited
Date 31/07/2013

Peer Reviewed by



Ken Taylor
Tenure Review Consultant
Darroch Limited
Date 31/07/2013

Approved/Declined

Commissioner of Crown Lands

Date-----

Appendices

1. Copy of Public Notice
2. List of Submitters
3. Details of Submissions
4. Copy of Annotated Submissions