

Crown Pastoral Land Tenure Review

Lease name : LONGLANDS

Lease number : PO 260

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.

August

15

ANALYSIS OF PUBLIC SUBMISSIONS

Statement Pursuant To Sec 45(a)(iii) Crown Pastoral Land Act 1998

LONGLANDS TENURE REVIEW NO 260

1. Details of lease

Lease name: Longlands
Location: State Highway 85, Kyeburn.
Lessee: Longlands Station Limited

2. Public notice of preliminary proposal

Saturday

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

Closing date for submissions: 27 May 2015

3. Details of submissions received

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

A cross-section of 2 groups or organisations, 3 statutory bodies and 3 individuals is represented by the 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 believe CA2 should be increased to include the entire catchment of approximately 90 ha. This is needed to maintain the integrity and long term sustainability of CA2	1, 3, 5, 7	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 relates to the protection of the values. This 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 point introduces new information or a perspective not previously considered. The issue long term sustainability of CA2 was not traversed during consultation.

Point	Summary of point raised	Submission numbers	Allow or Disallow	Accept or Not Accept
2	Assuming the area is increased as suggested in point 1; the submitter suggests CA2 should be designated as a Scenic Reserve.	1	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 relates to the protection of the values. This 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. The point introduces a perspective not previously considered. There has been no discussion about the need to designate this area as a Scenic Reserve consultation.

Point	Summary of point raised	Submission numbers	Allow or Disallow	Accept or Not Accept
3	The submitters support the protection of the values in CA1	1, 3	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 relates to the protection of the values. This 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
4	The submitter wants the wilding pines in CA1 removed as a matter of urgency.	1	Disallow

Rationale for Disallow:

The control of wilding pines is a lease management matter. The Commissioner may require some action to clear the wilding pines before the completion of the tenure review, however this is not specifically a tenure review issue. The point is therefore disallowed.

Point	Summary of point raised	Submission numbers	Allow or Disallow	Accept or Not Accept
5	Submitters suggest CA1 should be extended to the north west and to the south downslope to improve range elevation.	1, 3	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 relates to the protection of the values. This 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. The point introduces a perspective not previously considered. There has been no discussion about the need to increase the size of CA1. The proposal for CA1 was based largely on DoC's recommendation and it was not considered necessary to discuss this aspect with the holder during consultation.

Point	Summary of point raised	Submission numbers	Allow or Disallow	Accept or Not Accept
6	Submitters believe CA1 should be elevated to reserve or conservation park status following concerns about the lack of protection afforded stewardship land.	1, 7	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 relates to the protection of the values. This 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. The point introduces a perspective not previously considered. There has been no discussion about the need to designate this area anything other than conservation land.

Point	Summary of point raised	Submission numbers	Allow or Disallow	Accept or Not Accept
7	There is no point 7.			

Point	Summary of point raised	Submission numbers	Allow or Disallow
8	Submitter suggests hunting the conservation area should be by ballot only so that hunting numbers can be controlled.	2, 8	Disallow

Rationale for Disallow:

The management of the conservation area is a post tenure review matter. The point is therefore disallowed.

Point	Summary of point raised	Submission numbers	Allow or Disallow	Accept or Not Accept
9	Submitter wants the easement closed for lambing between early September and late November each year.	2, 8	Allow	Accept

Rationale for Allow:

Section 24(c)(ii) provides for the freehold disposal of the reviewable land and Section 24(c)(i) the securing of public access and enjoyment of the reviewable land. As this point relates to these aspects, it 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. The point introduces a perspective not previously considered. There has been no discussion about the need to close the easement over the lambing period.

Point	Summary of point raised	Submission numbers	Allow or Disallow	Accept or Not Accept
10	The submitter believes Clause 4(b) of the covenant is unnecessarily restrictive. The submitter has suggested more appropriate alternative wording. "The purpose of the burn must only be to allow sheep access into the dense tussock areas, or to encourage new growth of tussock through natural regeneration."	2	Allow	Accept

Rationale for Allow:

Section 24(c)(ii) provides for the freehold disposal of the reviewable land and Section 24(b)(i) the protection of the SIV's by the creation of a protective mechanism. As this point relates to these aspects, it 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. The point highlights issues previously considered but articulates reasons why the submitter prefers an alternative outcome under the CPLA.

Point	Summary of point raised	Submission numbers	Allow or Disallow	Accept or Not Accept
11	The submitter believes the volume of fertiliser required post burn off is excessive and prohibitively expensive for this farming area.	2	Allow	Accept

Rationale for Allow:

Section 24(c)(ii) provides for the freehold disposal of the reviewable land and Section 24(b)(i) the protection of the SIV's by the creation of a protective mechanism. As this point relates to these aspects, it 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. The point highlights issues previously considered but articulates reasons why the submitter prefers an alternative outcome under the CPLA.

Point	Summary of point raised	Submission numbers	Allow or Disallow	Accept or Not Accept
12	The submitter has no objection the area being disposed of by freehold disposal with minor changes to the area included in CC1	3	Allow	Accept

Rationale for Allow:

Section 24(c)(ii) provides for the freehold disposal of the reviewable land. As this point relates to these aspects, 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
13	Submitters fully support the creation of the Heritage Covenant over the old stables.	3, 6, 7	Allow	Accept

Rationale for Allow:

Section 24(c)(ii) provides for the freehold disposal of the reviewable land and Section 24(b)(i) the protection of the SIV's by the creation of a protective mechanism. As this point relates to these aspects, 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
14	Submitters fully support the creation of CC1 including the monitoring provision.	3, 7	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 relates to the protection of the values with the use of a protective mechanism. This 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
15	Submitters support the public access provisions in the proposal	3, 4	Allow	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 the reviewable land and the point raised by the submitter relates to this point. This 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
16	This is no point 16			

Point	Summary of point raised	Submission numbers	Allow or Disallow	Accept or Not Accept
17	Submitter suggests public access should also be available over b-c to provide more practical access for bicycles.	4	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 the reviewable land and the point raised by the submitter relates to this point. 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. While the submitters have suggested an alternative in relation to the access route, this is not new information as it was considered during the consultation process. The proposed access route was originally recommended by DoC however the route a-b and c-d was considered to be a better alternative.

Point	Summary of point raised	Submission numbers	Allow or Disallow
18	Submitter suggests it is not appropriate to fence through a catchment as is proposed. An alternative to include a larger area of the catchment in the proposed conservation area. (This point relates to point 1.)	5	Disallow

Rationale for Disallow:

While fencing is often undertaken as part of implementing a tenure review designation, this is not specifically a tenure review matter. The point is therefore disallowed.

Point	Summary of point raised	Submission numbers	Allow or Disallow
19	The submitter is concerned that the cost to DoC of monitoring CC1. (Including part of CC1 in CA1 would reduce some of these costs.)	5	Disallow

Rationale for Disallow:

The cost of monitoring the covenant is a management issue for DoC post tenure review and is not specifically a tenure review matter. The point is therefore disallowed.

Point	Summary of point raised	Submission numbers	Allow or Disallow
20	Submitter recommends that a conservation plan is prepared to identify the cultural heritage significance of the old stables.	6	Disallow

Rationale for Disallow:

The production of a conservation plan for the old stables is a matter between the owner and Heritage New Zealand under different legislation. It is not specifically a tenure review matter. The point is therefore disallowed.

Point	Summary of point raised	Submission numbers	Allow or Disallow
21	The submitter noted that an historic water race was damaged by farming activities in 2008	6	Disallow

Rationale for Disallow:

The submitter is not clear whether the race he refers to is on the reviewable land. Historic races may be considered an SIV; however the presence of these water races were not mentioned in the conservation resources report. If the statement made by the submitter is true, it is a matter that should be dealt with under the Heritage New Zealand Pouhere Taonga Act 2014. It is not specifically a tenure review matter. The point is therefore disallowed.

Point	Summary of point raised	Submission numbers	Allow or Disallow	Accept or Not Accept
22	Submitter recommends cattle and vehicles should be kept away from archaeological sites and where possible heritage sites should be fenced.	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 heritage values if present can be considered an SIV. Cattle grazing can damage heritage sites if they have access to them. This point is therefore allowed.

Rationale for Not Accept:

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 only heritage site noted on this property is the old stables which are located in an area where cattle do not graze. It is also unlikely to be damaged by vehicles.

Point	Summary of point raised	Submission numbers	Allow or Disallow
23	Submitter notes vegetation impact on heritage sites should be monitored.	6	Disallow

Rationale for Disallow:

The ongoing monitoring of historic sites is a matter between the owner and Heritage New Zealand under different legislation. It is not specifically a tenure review matter. The point is therefore disallowed.

Point	Summary of point raised	Submission numbers	Allow or Disallow	Accept or Not Accept
24	Submitter supports the creation of CA2	7	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 relates to the protection of the values with the use of a protective mechanism. This 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
25	Submitter wants CA1 increased in size to include some of the land in CC1 from SH85 to CA1. (Similar to point 6 but goes further to suggest a significant part of CC1 should be included in CA1)	7	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 relates to the protection of the values. This 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. The point introduces a perspective not previously considered. There has been no discussion about the need to include the land noted by the submitter in CC1. The areas included in CC1 and CA1 are very close to those recommended by DoC.

Point	Summary of point raised	Submission numbers	Allow or Disallow	Accept or Not Accept
26	Submitter suggests a sustainable management covenant should be included over all the area included in FH2 as there is some doubt about the ecological sustainability of a large part of this area.	7	Allow	Accept

Rationale for Allow:

The object of Section 24(a)(i) of the CPLA is to promote the management of reviewable land in a way that is ecologically sustainable and the point raised by the submitter suggests that large parts of the proposed freehold land may not be sustainable without some controls. This 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. The submitter has introduced new information or a perspective not previously considered. The use of a sustainable management covenant was not considered over the unencumbered freehold land.

Point	Summary of point raised	Submission numbers	Allow or Disallow	Accept or Not Accept
27	Submitter wants the public access provisions clarified with a-b-c-d along the farm track to be the access route. Mountain bike access is required over b-c.	7	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 and enjoyment on the reviewable land and the point raised by the submitter relates to this point. This point is therefore allowed.

Rationale for Accept:

The point does not meet the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. The point does not introduce new information or a perspective not previously considered. The access provisions set out in the proposal document are clear in relation to b-c being for DoC management purposes only.

Point	Summary of point raised	Submission numbers	Allow or Disallow	Accept or Not Accept
28	Submitter suggests a second public access easement should be added on the western side to provide a round trip route.	7	Allow	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 the reviewable land and the point raised by the submitter relates to this point. This 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. The submitter has introduced new information or a perspective not previously considered, and also articulates reasons why the submitter prefers an alternative outcome under the CPLA. There has been no discussion about the need for any additional access to provide a round trip.

Point	Summary of point raised	Submission numbers	Allow or Disallow	Accept or Not Accept
29	Submitter suggests the easement should be shifted away from the boundary onto the formed track to reduce the impact on adjoining owners land.	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 the reviewable land and the point raised by the submitter relates to this point. 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. The point does not introduce new information or a perspective not previously considered. The proposed access along the fence line was widely canvassed during consultation.

The submitter is concerned about the impact the easement will have on the adjoining land. Technically the adjoining land is not part of the reviewable land and therefore not something the Commissioner can consider in the preparation of a substantive proposal. In this case however, the fence line is not the legal boundary which runs down to the Shag River.

Point	Summary of point raised	Submission numbers	Allow or Disallow
30	Submitter suggests that strategic grazing on the retired land can mitigate weed spread and fire risk, spreading onto the adjoining owners land.	6	Disallow

Rationale for Disallow:

The impact on the adjoining owners land is not a matter the Commissioner can consider in the preparation of a substantive proposal. This is because the adjoining owners land is not part of the reviewable land. The point is therefore disallowed.

Rationale for Disallow:

The ongoing monitoring of historic sites is a matter between the owner and Heritage New Zealand under different legislation. It is not specifically a tenure review matter. The point is therefore disallowed.

Summary and ConclusionOverview of analysis

In analysing the 8 submissions received 28 points were identified. Of the 28 points raised, 20 were allowed for further consideration. Of the 20 that were allowed, 16 have also been accepted for consideration 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 16 accepted for further consideration 6 were statements of support for aspects of the proposal.

In total there were 28 points raised, of which 16 are "Allowed" and "Accepted" for further consideration, 4 "Not accepted" and 8 points "Disallowed" and will not be considered further.

Generic Issues

There was general support for the proposal. The main area of concern centered on CA2 with four of the submitters suggesting the area should be increased to include the upper part of the catchment. One submitter suggested CA1 should also be increased to provide a conservation area from the road to the existing conservation area.

A further point raised was the decision to designate the CA1 and CA2 as conservation areas rather than as a reserve. The recent release of the Commissioner of the Environment report on Stewardship Land has resulted in a change in thinking by NGO's in relation to how the land is designated.

Gaps identified in the proposal or tenure review process

None identified.

Risks identified

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

General trends in the submitters' comments

The common issues raised were:

- CA2 should be increased to include the total catchment.
- The need for additional public access on the western side to provide a loop walk..
- Support for CA1 and CA2
- A push to have the conservation areas changed to a Reserve.

I recommend approval of this analysis and recommendations



David Paterson
Tenure Review Consultant
Rural Value

Date 21/08/2015

Peer Reviewed by



Ken Taylor
Principal Consultant
Rural Value

Date 21/08/2015

Approved/Declined



Commissioner of Crown Lands

Date 24/08/15

Appendices

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