

## **Crown Pastoral Land Tenure Review**

**Lease name : OMARAMA STATION**

**Lease number : PO 369**

### **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

#### OMARAMA TENURE REVIEW NO TR235

#### Details of lease

Lease name	Omarama
Location	Omarama
Lessee	Omarama Station Limited

#### Public notice of preliminary proposal

Date advertised	18 August 2012
Newspapers advertised in	Christchurch Press Otago Daily Times Timaru Herald
Closing date for submissions	15 October 2012

#### Details of submissions received

Number received by closing date: 18  
 Cross-section of groups/individuals represented by submissions:  
 8 individuals with a conservation interest  
 3 Statutory bodies  
 9 environmental NGO's  
 Number of late submissions accepted by the Commissioner of Crown Lands: 2

## 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

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
1	The submitters believe that the area contained within the conservation covenant CC1 (including the QEII covenant area) should be restored to the Crown.	1,4,5,6,7,9,10,12,13,15,16,17,18,19,20	Allow	Not Accept
<b>Rationale for Allow</b> The point relates to the protection of significant inherent values and the promotion of the management of the land in a manner that is ecologically sustainable which are matters to be considered under Section 24 Crown Pastoral Land Act 1998. The point is therefore allowed.				
<b>Rationale for Not Accept</b> The submitters have relied on information previously considered to promote an alternative outcome. This includes the CRR and the contributing reports, land use capability information, aspects of public access and the exercise of the "preference" provision in Section 24(b) Crown Pastoral Land Act 1998. This is not new information not previously considered or a new perspective. The point is therefore not accepted.				



Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
1a	The submitters believe that the area contained within the conservation covenant CC1 (including the QEII covenant area) should be restored to the Crown.	15,19	Allow	Accept
<p><b>Rationale for Allow</b> The point relates to the protection of significant inherent values and the promotion of the management of the land in a manner that is ecologically sustainable which are matters to be considered under Section 24 Crown Pastoral Land Act 1998. The point is therefore allowed.</p>				
<p><b>Rationale for Accept</b> In addition to relying on information previously considered, the submitters have provided new information in support of an alternative outcome. This information is covered in subsequent points. The point is therefore accepted.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
2	The submitters believe that conservation covenant CC2 (including the associated QEII covenant area) should be restored to the Crown	1,3,4,5,6,7,9, 10,12,13,15, 16,17,18,19, 20	Allow	Not Accept
<p><b>Rationale for Allow</b> The point relates to the protection of significant inherent values and the promotion of the management of the land in a manner that is ecologically sustainable which are matters to be considered under Section 24 Crown Pastoral Land Act 1998. The point is therefore allowed.</p>				
<p><b>Rationale for Not Accept</b> The submitters have relied on information previously considered to promote an alternative outcome. This includes the CRR and the contributing reports, land use capability information, aspects of public access and the exercise of the "preference" provision in Section 24(b) Crown Pastoral Land Act 1998. This is not new information not previously considered or a new perspective. The point is therefore not accepted.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
2a	The submitters believe that conservation covenant CC2 (including the associated QEII covenant area) should be restored to the Crown	15,19	Allow	Accept
<p><b>Rationale for Allow</b> The point relates to the protection of significant inherent values and the promotion of the management of the land in a manner that is ecologically sustainable which are matters to be considered under Section 24 Crown Pastoral Land Act 1998. The point</p>				

is therefore allowed.

**Rationale for Accept**

In addition to relying on information previously considered, the submitters have provided new information in support of an alternative outcome. This information is covered in subsequent points. The point is therefore accepted.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
3	The submitters suggest that grazing within the area CC1 and CC2 could be allowed if the areas become conservation land.	1,5,6,10,12,13,15,16	Allow	Accept

**Rationale for Allow**

The granting of a concession is an option available under Section 36(1)(a) CPLA. The point is therefore allowed.

**Rationale for Accept**

The point raised is a continuation of Points 1 and 2 from some of the submitters above including new information not previously considered. The point is therefore accepted for consideration in preparation of a substantive proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow
4	The submitter asks for the location of SR3.	1	Disallow

**Rationale for Disallow**

There is no reference to SR3 in the documentation relating to this review.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
5	The submitters request alternative routes and formative access onto Mt St Cuthbert.	2,4,5,7,9,10,12,13,14,15,16,17,20	Allow	Accept

**Rationale for Allow**

The securing of public access to and enjoyment of reviewable land is matter to be considered under Section 24(c)(i) CPLA. The point is therefore allowed.

**Rationale for Accept**

The submitters have provided information on a number of alternative routes onto Mt St Cuthbert that have not previously been considered. This is new information and the point is therefore accepted for consideration in the preparation of a substantive proposal.



Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
6	The submitters request access connecting the areas contained in CC1 and CC2 and alternate routes within this general vicinity for public access.	2,5,10,13,14,15,16	Allow	Accept
<p><b>Rationale for Allow</b> The securing of public access to and enjoyment of reviewable land is matter to be considered under Section 24(c)(i) CPLA. The point is therefore allowed.</p>				
<p><b>Rationale for Accept</b> The submitters have provided a range of alternate routes that have not been fully considered previously. This is new information and the point is therefore accepted for consideration in the preparation of a substantive proposal.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
7	The submitters requested overnight camping is permitted within the easement areas	2,9,14,20	Allow	Accept
<p><b>Rationale for Allow</b> The securing of public access to and enjoyment of reviewable land is matter to be considered under Section 24(c)(i) CPLA. The point is therefore allowed.</p>				
<p><b>Rationale for Accept</b> The submitters provided additional information in relation to the use of the public access contained in this review. Camping on the easement routes is one aspect of this which is new information that has not previously been considered. The point is therefore accepted for consideration in the preparation of a substantive proposal.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
8	The submitters support easement route "e-f-g".	3,7,8,14,15,16,20	Allow	Accept
<p><b>Rationale for Allow</b> The securing of public access to and enjoyment of reviewable land is matter to be considered under Section 24(c)(i) CPLA. The point is therefore allowed.</p>				
<p><b>Rationale for Accept</b> This is a statement of support for an aspect of the preliminary proposal which can be considered by the Commissioner when formulating the designations for a substantive proposal. The point is therefore accepted.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
9	The submitters support	3,7,8,14,16	Allow	Accept

	easement "h-f-e"			
<p><b>Rationale for Allow</b> The securing of public access to and enjoyment of reviewable land is matter to be considered under Section 24(c)(i) CPLA. The point is therefore allowed.</p>				
<p><b>Rationale for Accept</b> This is a statement of support for an aspect of the preliminary proposal which can be considered by the Commissioner when formulating the designations for a substantive proposal. The point is therefore accepted.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
10	The submitters request the ability to ride horses (and in one case carry firearms) on easement "a-b-d"	3,5,14	Allow	Not accept
<p><b>Rationale for Allow</b> The securing of public access to and enjoyment of reviewable land is matter to be considered under Section 24(c)(i) CPLA. The point is therefore allowed.</p>				
<p><b>Rationale for Not Accept</b> These aspects of the use of the easements have been fully considered previously. No new information or a perspective not previously considered has been provided and therefore the point is not accepted.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
11	The submitters seek vehicle access on all or portions of easement route "a-b-d".	3,5,9,10,14	Allow	Not accept
<p><b>Rationale for Allow</b> The securing of public access to and enjoyment of reviewable land is matter to be considered under Section 24(c)(i) CPLA. The point is therefore allowed</p>				
<p><b>Rationale for Not Accept</b> The aspects of the use of the easements have been fully considered previously. No new information or a perspective not previously considered has been provided and therefore the point is not accepted.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow
12	The submitter does not support the tracks becoming legal roads.	3	Disallow
<p><b>Rationale for Disallow</b>  The creation of legal roads is not a matter for the Commissioner of Crown Lands to consider as part of a tenure review proposal. The point is therefore disallowed.</p>			

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
13	The submitters support the creation of scenic reserve SR1	5,7,8,10,12,13,15,16	Allow	Accept
<p><b>Rationale for Allow</b>  The protection of significant inherent values as contained in SR1 is a matter for consideration under Section 24(b) CPLA. The point is therefore allowed.</p>				
<p><b>Rationale for Accept</b>  The point of the statement of support for an aspect of the preliminary proposal which can be considered by the Commissioner when formulating the designations for a substantive proposal.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
14	The submitters support the creation of scientific reserve SR2	5,7,8,10,12,13,15,16	Allow	Accept
<p><b>Rationale for Allow</b>  The protection of significant inherent values as contained in SR2 is a matter for consideration under Section 24(b) CPLA. The point is therefore allowed.</p>				
<p><b>Rationale for Accept</b>  The point of the statement of support for an aspect of the preliminary proposal which can be considered by the Commissioner when formulating the designations for a substantive proposal.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
15	The submitters recommend that a sustainable management covenant be considered for the lower slopes of Mt St Cuthbert.	5,10,13,16	Allow	Accept



**Rationale for Allow**

The promotion of reviewable land in a way that is ecologically sustainable is an object under Section 24(a)(i) CPLA. A sustainable management covenant can be established under Section 36(3)(a) CPLA. The point is therefore allowed.

**Rationale for Accept**

This point is corollary to points one and two and is also an aspect that is also new information that has not been previously considered. The point is therefore accepted.

Point	Summary of point raised	Submission numbers	Allow or disallow
16	The submitter is opposed to the fence line "S-T"	5	Disallow
<b>Rationale for Disallow</b> 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
17	The submitter supports construction of the fence "W-X"	5	Disallow
<b>Rationale for Disallow</b> 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	Accept or not accept
18	The submitters support the establishment of conservation covenant CC3	7,8,9,10,12,16	Allow	Accept
<b>Rationale for Allow</b> The establishment of a protective mechanism such as a conservation covenant is considered as one of the objects of tenure review under Section 24(b)(i) CPLA. The point is therefore allowed.				
<b>Rationale for Accept</b> The point is a statement of support for an aspect of the preliminary proposal which can be considered by the Commissioner when formulating the designations for a substantive proposal.				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
19	The submitter provides general support for the preliminary proposal.	8	Allow	Accept
<p><b>Rationale for Allow</b> The point relates to the designations advised for public comment under the preliminary proposal. These designations were derived in accordance with parts of Section 24 CPLA. The point is therefore allowed.</p>				
<p><b>Rationale for Accept</b> The point is a statement of support for an aspect of the preliminary proposal which can be considered by the Commissioner when formulating the designations for a substantive proposal. The point is therefore accepted.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
20	The submitter supports the continuation of the existing QEII covenants	8	Allow	Accept
<p><b>Rationale for Allow</b> The continuation of the existing QEII covenant is recognized as protecting the SIV's through a protective mechanism in accordance with Section 24(b)(i) CPLA. The point is therefore allowed.</p>				
<p><b>Rationale for Accept</b> The point of the statement of support for an aspect of the preliminary proposal which can be considered by the Commissioner when formulating the designations for a substantive proposal. The point is therefore accepted.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
21	The submitter supports the proposed conservation covenants	8	Allow	Accept
<p><b>Rationale for Allow</b> A conservation covenant is a protective mechanism and is in accordance with Section 24(b)(i) CPLA. The point is therefore allowed.</p>				
<p><b>Rationale for Accept</b> The point of the statement of support for an aspect of the preliminary proposal which can be considered by the Commissioner when formulating the designations for a substantive proposal. The point is therefore accepted.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
22	The submitter seeks public access to conservation covenant CC3	10	Allow	Not accept
<p><b>Rationale for Allow</b> The securing of public access to and enjoyment of reviewable land is provided for under Section 24(c)(i) CPLA. The point is therefore allowed.</p>				
<p><b>Rationale for Not Accept</b> Access was previously considered in relation to conservation covenant CC3. The submitter has not provided any new information or a perspective not previously considered. The point is therefore not accepted.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
23	The submitter asked that a full historic heritage assessment be undertaken in relation to this lease	11	Allow	Accept
<p><b>Rationale for Allow</b> Historic values can be considered in a significant inherent value therefore protection is to be considered under Section 24(b) CPLA. The point is therefore allowed.</p>				
<p><b>Rationale for Accept</b> The Department of Conservation previously covered historic aspects in relation to this review, however no detailed report was provided in support of this. The submitter has provided new information for consideration. The point is therefore accepted.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow
24	The submitter has asked that the future owners of the property be advised of their responsibility under Historic Places Act.	11	Disallow
<p><b>Rationale for Disallow</b> Providing third parties with the information and advice recommended by the submitter are not the responsibility of the Commissioner of Crown Lands under the CPLA. This is the responsibility of other agencies under the relevant legislation. The point is therefore disallowed.</p>			



Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
25	The submitter recommends that the conservation covenant CC3 be returned to full Crown ownership and control	13	Allow	Not accept
<p><b>Rationale for Allow</b> The point relates to the protection and significant inherent values that are provided for under Section 24(b) CPLA. The point is therefore allowed.</p>				
<p><b>Rationale for Not Accept</b> Restoration of the area contained in CC3 to full Crown ownership and control was previously considered. The submitted has not provided any new information or a perspective not previously considered. The point is therefore not accepted.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow
26	The submitter seeks confirmation of the width of marginal strips in relation to the property	14	Disallow
<p><b>Rationale for Disallow</b> The marginal strips are not a matter for the Commissioner of Crown Lands to consider under the CPLA. The point is therefore disallowed.</p>			

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
27	The submitter seeks confirmation of the width of the proposed easements	14	Allow	Accept
<p><b>Rationale for Allow</b> The securing of public access to and enjoyment of reviewable land is provided for under Section 24(c)(i) CPLA. The point is therefore allowed.</p>				
<p><b>Rationale for Accept</b> The various documentation provided with the preliminary proposal created some confusion in relation to this matter. The point is a perspective not previously considered and is therefore accepted.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow
28	The submitter does not believe that the CCL has sufficient information on which to determine the effectiveness or appropriateness of the proposed protective mechanism and that he seeks further independent advice and peer review of monitoring data.	15	Disallow
<p><b>Rationale for Disallow</b>  Section 26 CPLA allows the Commissioner to consult any person or body he thinks fit about putting a preliminary proposal (or substantive Proposal). However, the point made by the submitter is a specific information related matter and not in keeping with this provision. The point is therefore disallowed.</p>			

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
29	The submitter recommends that the area within CC3 be extended and fenced	15	Allow	Not accept
<p><b>Rationale for Allow</b>  The point relates to the protection of significant inherent values which is a matter to be considered under Section 24(b) CPLA. The point is therefore allowed.</p>				
<p><b>Rationale for Not Accept</b>  The extended area suggested for CC3 has previously been considered and this submitter has not provided new information or a perspective not previously considered. The point is therefore not accepted.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
30	The submitter recommends that a further botanical study be undertaken of Spring annuals.	15	Allow	Not accept
<p><b>Rationale for Allow</b>  The point relates to the protection of significant inherent values which is a matter to be considered under Section 24(b) CPLA. The point is therefore allowed.</p>				
<p><b>Rationale for Not Accept</b>  The Commissioner has received advice of significant inherent values from the Department of Conservation. This advice did not indicate the presence or likely presence of spring annuals. The Department of Conservation has also not indicated the need to undertake further seasonally based fieldwork as part of their advice. The submitter has not provided new information nor a perspective not previously considered. The point is therefore not accepted.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
31	The submitter support easement route "a-b-d" and "a-b-c"	15,16, 20	Allow	Accept
<p><b>Rationale for Allow</b> The point relates to the provision of public access and enjoyment of reviewable land which is a matter to be considered under Section 24(c)(i) CPLA. The point is therefore allowed.</p>				
<p><b>Rationale for Accept</b> The point is a statement of support for an aspect of the preliminary proposal which can be considered by the Commissioner when formulating the designations for a substantive proposal. The point is therefore accepted.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
32	The submitter supports the freehold of 300 hectares of developed pasture and approximately 3,250 hectares of oversown, topdressed land.	16	Allow	Accept
<p><b>Rationale for Allow</b> The point relates to the freehold disposal of reviewable land that is to be considered under Section 24(c)(ii) CPLA. The point is therefore allowed.</p>				
<p><b>Rationale for Accept</b> The submission is a statement of support for an aspect of the preliminary proposal which can be considered by the Commissioner when formulating designations for a substantive proposal. The point is therefore accepted.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
33	The submitter has concerns about freeholding any land above an altitude of 1,000 metres on the basis of ecological sustainability.	16	Allow	Accept
<p><b>Rationale for Allow</b> The point relates to the promotion of the management of reviewable land in a way that is ecologically sustainable which is a matter to be considered under Section 24(a)(i) CPLA. The point is therefore allowed.</p>				



**Rationale for Accept**

The rationale for freeholding specifically above 1,000 metres has not previously been considered. This is a perspective not previously considered therefore the point is accepted for further consideration.

<b>Point</b>	<b>Summary of point raised</b>	<b>Submission numbers</b>	<b>Allow or disallow</b>	<b>Accept or not accept</b>
34	The submitters provide reference to additional scientific papers in relation to significant inherent values and ecological sustainability.	15,19	Allow	Accept

**Rationale for Allow**

The point relates to promoting the management of the land in a way that is ecologically sustainable and the protection of significant inherent values. These are matters to be considered under Section 24(b) CPLA. The point is therefore allowed.

**Rationale for Accept**

While the scientific data is generally known, it was not specifically considered in the proposal. The submitters have therefore provided new information to be considered by the Commissioner when formulating designations for a substantive proposal. The point is therefore accepted.

<b>Point</b>	<b>Summary of point raised</b>	<b>Submission numbers</b>	<b>Allow or disallow</b>	<b>Accept or not accept</b>
35	The submitter reviews the suitability of QEII covenants as a protective mechanism and does not support the use of such covenants.	19	Allow	Not Accept

**Rationale for Disallow**

The point relates to QEII Covenants as a protective mechanism as provided for in Section 40(3) CPLA. The point is therefore allowed.

**Rationale for Not Accept**

Notwithstanding the information provided by the submitter, the CPLA specifically recognises this form of protection. The submitter has not provided new information or a perspective not previously considered. The point is therefore not accepted.

## **Summary and Conclusion**

### **Overview of analysis:**

The twenty submitters made a total of 37 points including two sub-points points in relation to the Omarama tenure review. Of the 37 points, 30 related to matters that the Commissioner could consider under the CPLA. Seven points were outside the scope of the CPLA and are not considered further in this analysis. Nine of the points related to matters previously considered and as no new information was provided, a perspective not previously considered or reasons for an alternative outcome was promoted these points are not considered further. Twenty one points have been accepted for further consideration in the preparation of a substantive proposal, including ten points providing support for some aspect of the preliminary proposal.

### **Generic issues:**

There is considerable disquiet from submitters about the extensive use of covenants to protect SIVs and promote the management of the land in a manner that is ecologically sustainable.

### **Gaps identified in the proposal or tenure review process:**

No gaps were identified.

### **Risks identified:**

Some submitters indicated a risk to the process by pursuing covenants.

### **General trends in the submitters' comments:**

Two key elements were evident in the submissions -

A preference for the proposed covenant to be restored to Crown ownership

A call for public access to provide for the less fit.

I recommend approval of this analysis and recommendations



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Ken Taylor

Date: 18 December 2012

Peer reviewed by



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David Paterson

Date

Noted  
~~Approved/Declined~~



~~Commissioner of Crown Lands~~  
Programme Manager Tenure Review.

Date 21/12/12.

#### Appendices

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