

## **Crown Pastoral Land Tenure Review**

Lease name : *INVERCROY*

Lease number : PT 133

### **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.

*May*

*12*



**ANALYSIS**

**OF**

**PUBLIC SUBMISSIONS**

**INVERCROY**



RELEASED UNDER THE OFFICIAL INFORMATION ACT

**ANALYSIS OF PUBLIC SUBMISSIONS****Statement Pursuant To Sec 45(a)(iii) Crown Pastoral Land Act 1998****INVERCROY TENURE REVIEW NO 337****Details of lease**

Lease name: Invercroy pastoral lease

Location: Kirkliston Range, Hakataramea Valley, 38 km north of Kurow

Lessee: Cattle Creek Farm Limited

**Public notice of preliminary proposal**Date advertised: Saturday 17<sup>th</sup> September 2011**Newspapers advertised in:**

- The Press Christchurch
- The Otago Daily Times Dunedin
- The Timaru Herald Timaru

Closing date for submissions: 16 November 2011

**Details of submissions received**

Number received by closing date: 7

One further submission was received after the closing date, on the 17<sup>th</sup> of November, and was accepted by the CCL on the 21<sup>st</sup> of November for inclusion in the analysis.

**Cross-section of groups/individuals represented by submissions:**

Submissions were received from non government environmental organisations, recreation groups, Crown entities and private individuals.

Number of late submissions refused/other: Nil

## 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

The submissions have been numbered in the order in which they were received and points numbered on the same basis.

Appendix III provides a table of the points raised by the various submitters.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
1	Unable to provide information to the tenure review programme and has no legal interest under a Land Improvement Agreement.	1	Disallow	N/A
Rationale for Allow or Disallow				

Submitter 1 states that as a result of the Canterbury Regional Council prioritising its work programme for this financial year it is no longer in a position to provide information to the tenure review programme. The submitter has advised it will continue to meet its obligations to the programme in terms of any legal interests, such as Land Improvement Agreement, but has no legal interest in Invercroy under a Land Improvement Agreement.

The submitter has not made a point relevant to the tenure review proposal and is therefore not a matter that can be considered under the Crown Pastoral Land Act 1998 (CPLA), the point is disallowed.

Rationale for Accept or Not Accept

N/A

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
2	Statements of support for aspects of the proposal.	2, 4, 5, 6, 7, 8	Allow	Accept
Rationale for Allow or Disallow				

Submitter 2 expresses support for different aspects of the proposal. They use the terms "*it seems to be reasonable*" and "*this seems adequately protected*" to describe support for both the freehold and Crown land.

Submitter 4 supports the return of Conservation Area CA1 to the Crown as it will extend and complement adjoining areas of existing conservation land and improve access to and along the Kirkliston Range. They support the public access easements in the northern part of the property and the easement concession for farm management. The submitter also strongly supports easement 'a-b', and has suggested one adjustment to the terms of that easement (point 7(a)).

Submitter 5 supports all the public access easements. They have stated route “a-b” should link with the legal road adjoining the property and the marginal strips. It has been interpreted that the submitter is suggesting the location of the proposed easements within the lease (in particular where easements terminate on the property boundary), should be determined by the location of any legal roads and/or marginal strips adjoining the property, so that public access is secured to the start of the easement. This is what is intended in the proposal and therefore their point has been treated as a statement of support.

Submitter 5 has further stated that easement “a-b” needs to be specified that it’s to be created over the existing 4WD track where the track is not aligned with the legal road or marginal strip. Again this is the intention and is how all proposed easements in tenure review are created and implemented, as they are not required when a track intersects and aligns with legal roads and marginal strips. Easements will only be created over the land under review that is being freeholded. Therefore this point has also been treated as a statement of support.

Submitter 6 supports the creation of Covenant (CC1a) over the area encompassing the rabbit fence and rabbiters’ hut.

Submitter 7 supports the many aspects of the proposal. They fully support the area of CA1 being retained by the Crown as it extends the existing conservation area, they support public access provisions, the various covenant conditions such as excluding cattle from CC1b, and they support the unfenced boundary between freehold and existing conservation land south of Cattle Creek.

Submitter 8 fully supports Conservation Area CA1 as it protects and adds to important ecological values already protected over the adjoining land and will also provide recreational opportunities. The submitter generally supports the proposed easements in the northern part of the property to CA1.

The above statements of support are validly made, are relevant to the tenure review and can be properly considered under the CPLA. The statements of support relate to most aspects of the proposal. General statements of support for the proposal relate to Sections 24(a), 24(b) and 24(c) of the CPLA. These statements of support have therefore been allowed for further consideration.

Rationale for Accept or Not Accept
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Statements of support for aspects of the proposal can be considered by the Commissioner when formulating the designations for a Substantive Proposal. The point has therefore been accepted for further consideration in the formulation of the Substantive Proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
3	A marginal strip should be created over Cattle Creek to protect fish values.	2	Disallow	N/A

Rationale for Allow or Disallow
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Submitter 2 has highlighted that the Conservation Resources report identifies Cattle Creek as having high faunal values and the Fish and Game report requests a marginal strip for this waterway. They expressed their hope that this could be incorporated in the final review.

Marginal strips will be laid off on qualifying waterbodies on land that is disposed of as freehold land through tenure review. However, the creation of marginal strips is not a matter that can be considered under the CPLA and therefore the point is disallowed.

Rationale for Accept or Not Accept
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N/A

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
4	Easement routes "c-d-e, d-f, g-e-h" to be closed between 1 October and 20 November to allow for lambing.	3	Allow	Accept

Rationale for Allow or Disallow
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Submitter 3 has requested the proposed easements routes c-d-e, d-f, g-e-h be closed to the public and vehicles for management purposes during lambing from 1 October to 20 November. The submitter has expressed the importance of this closure period being because vehicles or human disturbance encourages mismothering of lambs.

The submitter has stated that this closure wouldn't include any urgent access that maybe required by the Department of Conservation.

The submitters' point is relevant to the tenure review and can be properly considered under the CPLA. The terms and conditions imposed over public access easements are matters that can be considered in tenure review under the CPLA and therefore the point has been allowed for further consideration.

Rationale for Accept or Not Accept
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The point relates to objects and matters that can be taken into account in the CPLA, as discussed above. The closure of section "e-h" was considered and discussed with the holder during a meeting on the 5<sup>th</sup> of November 2010, but was not considered again and was consequently was not included in the proposal. Although a closure period over easement route "e-h" has previously been considered, the submitter has suggested an alternative outcome and has provided reasons, being that certain areas require public access to be restricted during lambing to prevent mismothering of lambs.

The point has therefore been accepted for further consideration in the formulation of the Substantive Proposal.



Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
5	Written assurance that the Department of Conservation is required to control wilding pines in Conservation Area CA1.	3	Disallow	N/A
Rationale for Allow or Disallow				

The submitter acknowledges that it is the responsibility of the Department of Conservation to control wilding pines on conservation land but is concerned about the timing of it and would like some written assurance that DoC are required to carry it out.

The point relates to the control of wilding pines on conservation land and is therefore considered to be a post tenure review land management issues for DoC and not a relevant matter able to be dealt with under the CPLA.

This point has been disallowed for further consideration within tenure review but the comments made by the submitter will be referred to DoC for their consideration in determining the future management of CA1.

Rationale for Accept or Not Accept
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N/A

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
6	Additional public access easements should be provided: – foot access between points “g” and “c”, and in the southern part of the property.	4, 5, 8	Allow	Accept
Rationale for Allow or Disallow				

#### Sub-point (a)

Public foot access easement between “g” and “c”:

Submitter 4 has requested that an easement for foot access be made from the paper road (at point g on the plan) along the property boundary to point c. They point out the route from “c” to “f” provides direct access to the area being returned to conservation.

#### Sub-point (b)

Public foot access easement to be provided along the farm track in the southern part of the property:

Submitter 4 has requested that an easement for foot access be provided along the existing farm track in the southern part of the property. They have suggested access needs to be

provided to two specific places. The first location is to a point on the spur below spot height 1345 metres on the property boundary to provide access to the existing conservation area. The second location is to the point where the track crosses MacKays Stream to allow access to the head waters of the stream.

Submitter 5 also advocates for access along the existing farm track from the southern point of the property to point "b" of easement "a-b".

Submitter 8 also wants additional access to the southern part of CC1a as proposed in the "*Kirkliston Crown Land management Plan 1984*".

Securing of public access to the reviewable land is an object of tenure review under Section 24(c)(i) of the CPLA and therefore the sub-points have been allowed for further consideration.

#### Rationale for Accept or Not Accept

Both points relate to objects and matters that can be taken into account in the CPLA, as discussed above.

#### Sub-point (a)

Submitter 4 has provided a reason for this outcome by suggesting this would tidy up access from the legal road. It is interpreted from their comment that easement route "c" to "f" provides direct access to CA1, that the main reason for requesting this additional easement is to reduce the total distance in getting to point "f" from entering the property at point "g".

#### Sub-point (b)

Submitter 4 has provided a reason for this outcome by advising that the access to the area uphill from the southern part of the property is poor. They feel that their proposed access provisions will greatly facilitate access to and use of the range for recreation. They suggest by enabling more than one access point, round trips along the range become possible for a wider range of people and activities. Submitter 5 considers this route will provide and enable connections to the unformed legal road just south of the property.

Although the sub-points highlight issues that have previously been considered, the submitters have articulated reasons why they prefer an alternative outcome. The sub-points have therefore been accepted for further consideration in the formulation of the Substantive Proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
7	Public motorised access should be permitted over the proposed easements.	4, 5, 8	Allow	Accept

#### Rationale for Allow or Disallow

#### Sub-point (a)

Public vehicle access provided along easement "a-b":

Submitters 4 and 5 consider there would be a benefit in enabling vehicle access to point "b". Submitter 5 has suggested public 4WD access be provided on the general line of "a-b" with the provision for parking of vehicles at "b". They consider it would be desirable to have vehicle 4WD access to the boundary of the existing conservation land and that the route can easily be made to a 4WD standard, even though it's considered not of 4WD standard currently.

Submitter 8 considers it's a long walk of around 3km along proposed easement "a-b" which takes time, time better used for activities on the conservation land itself. They have also suggested public vehicle along the easement with provision for parking near point "b".

### Sub-point (b)

Public 4WD access to be provided along easement "c-d-f, g-d-e, e-h", by permit:

Submitter 5 suggest motorised vehicle access to the northern boundary of CA1 will help to secure future public access to and enjoyment of this desirable area including increased opportunities for less mobile people. They have further stated that this access should be by permit only, issued and managed by the Department of Conservation.

Securing of public access to the reviewable land is an object of tenure review under Section 24(c)(i) of the CPLA and therefore both sub-points have been allowed for further consideration.

### Rationale for Accept or Not Accept

These sub-points relate to objects and matters that can be taken into account in the CPLA, as discussed above. The provision of public vehicle access over the proposed easements are matters that have been previously considered, however the submitters' have articulated reasons why they prefer an alternative outcome. These sub-points have therefore been accepted for further consideration in the formulation of the Substantive Proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
8	Clearly identify on the Preliminary Proposal plan, legal roads which share a boundary with the pastoral lease, and existing easements within the lease.	5	Disallow	N/A

### Rationale for Allow or Disallow

The submitter notes the unformed legal roads bordering the pastoral lease south of Castle Creek, and east of the homestead, and the appurtenant right of way have not been identified. They consider identification of existing legal access (particularly legal roads that share a boundary with the lease), and right of ways through or adjoining the lease is a key factor in considering the appropriateness of public access being proposed in tenure review. They state this information should be identified on the Preliminary Proposal plan.

This point has been divided into two sub-points because legal roads are outside the reviewable land while easements within the lease are within the reviewable land.

### Sub-point (a)

Legal roads on the lease boundary should be identified on the preliminary proposal plan:

The point provides no support for, or objection to, anything in the proposal itself, nor does it propose any action that can be taken into account in the continuation of this review under the CPLA. Consequently the point has been disallowed as far as this review under the CPLA is concerned.

### Sub-point (b)

Existing right of way easement within the lease should be identified on the plan:

Existing easements within the lease are within the reviewable land, and their identification on the proposed designation plans is determined by what is identified on the underlying land status plan. On this plan the right of way easement (shown as "S" on SO 15566) is not shown. That base plan which is provided by LINZ has been prepared in accordance with LINZ specifications for presentation of cadastral information.

We interpret this sub point as relating to the depiction of what the submitter considers to be relevant cadastral information within the reviewable land rather than the consideration of that information in the development of the proposal (which for this sub point is dealt with under Point 10). On that basis the point provides no support for, or objection to, anything in the proposal itself, nor does it propose any action that can be taken into account in the continuation of this review under the CPLA. Consequently the point has been disallowed as far as this review under the CPLA is concerned.

#### Rationale for Accept or Not Accept

N/A

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
9	Clearly identify on the Preliminary Proposal plan, waterways that qualify for marginal strips, or at least outlined in the PP summary.	5	Disallow	N/A

#### Rationale for Allow or Disallow

Submitter 5 has suggested the same reasoning as they provided in point 8 above on legal roads, whereby they consider the identification of qualifying waterways is a key factor when considering the adequacy of public access proposed in tenure reviews. The point provides no support for, or objection to, anything in the proposal itself, nor does it propose any action that can be taken into account in the continuation of this review under the CPLA. Consequently the point has been disallowed as far as this review under the CPLA is concerned.

## Rationale for Accept or Not Accept

N/A

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
10	Retain the existing right of way easement marked as "S" on SO plan 15566.	5	Allow	Accept

## Rationale for Allow or Disallow

Submitter 5 notes that the right of way within the pastoral lease (marked "S" on SO 15566) provides legal access from the legal road adjoining the pastoral lease south of Cattle Creek to the existing conservation land. They also note it is proposed to surrender this right of way as the proposed easement "a-b" will secure a more practical access route to the existing conservation land. Submitter 5 considers that although a more practical public access route to the existing conservation area is being proposed by easement "a-b", the existing right of way should be retained because it links with a legal road adjoining the property. Their reason for retaining access that links with legal roads adjoining the property is that unformed legal roads have been protected by the historic and enduring common law rights of citizens to pass and repass on a road which has been strongly upheld by the highest courts. They consider the existing right of way within the lease should not be surrendered unless the proposed easement "a-b" provides an appropriate link between the legal road and the conservation land.

Securing of public access to the reviewable land is an object of tenure review under Section 24(c)(i) of the CPLA and therefore the point has been allowed for further consideration.

## Rationale for Accept or Not Accept

The point relates to objects and matters that can be taken into account in the CPLA, as discussed above. This right of way easement is a matter that has been previously considered where it is proposed to surrender it because it provides no practical access, the proposed easement "a-b" will secure much more practical access to the existing conservation land. However, the submitter has articulated reasons why they prefer an alternative outcome, being the desirability of protecting existing access when it links with legal roads adjoining the property as discussed above.

The point has therefore been accepted for further consideration in the formulation of the Substantive Proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
11	Ensure Covenant CC1a captures the Rabbit Fence & Rabbiters' Hut, and amend the conditions in Schedule 2 of the covenant to provide better protection of the archaeological sites.	6	Allow	Accept
Rationale for Allow or Disallow				

Submitter 6 firstly seeks to ensure the proposed covenant CC1a encompasses the South Canterbury Rabbit Fence dated 1888 (NZAA site I39/5) and the Rabbiters' Hut dated 1889 (NZAA site I39/6), and secondly also wants better protection of them. They point out the sites predate 1900 and are protected as archaeological sites under the Historic Places Act 1993, and further stress the significance of the rabbit fence as the only Government funded rabbit fence in New Zealand. They have suggested the wording of clause 6 in the Schedule 2 Special Conditions of covenant CC1a be amended to the following:

*"Work affecting the archaeological sites, including standing structures erected prior to 1900, is subject to the archaeological authority process under the Historic Places Act 1993. An authority (consent) from the New Zealand Historic Places Trust (NZHPT) must be obtained prior to the commencement of any earthworks, construction or clearance that could cause damage to historic values on the covenant area. In particular, any modification of the fence or hut including, but not limited to, the replacement of wires and posts will require an authority from NZHPT. It is an offence to modify damage or destroy a site for any purpose without an authority. The Historic Places Act 1993 contains penalties for unauthorised site damage."*

They have further suggested, subject to permission from DoC and NZHPT, that the Historic Resources Report for Invercroy Pastoral Lease be supplied to the prospective owners.

The sub-points relate to the protection of historic significant inherent values. Section 24(b) of the CPLA relates to the protection of significant inherent values, so this point has been allowed for further consideration.

#### Rationale for Accept or Not Accept

The point relates to objects and matters that can be taken into account in the CPLA, as discussed above. Although this matter has been considered before, the submitter has articulated reasons why they prefer an alternative outcome, being the historical significance of the rabbit fence as discussed above.

The point has therefore been accepted for further consideration in the formulation of the Substantive Proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
12	Secure practical physical access to the property boundary over the existing unformed legal roads located outside the lease.	8	Disallow	N/A
Rationale for Allow or Disallow				

The submitter has asked that the unformed legal road between Gormans Road and the property boundary be confirmed as feasible. They suggest there may be a more practical route around the periphery of the paddock rather than the legal road which bisects a paddock and this aspect should be investigated before finalising the easements within the proposal.

The existing unformed legal roads, and any other easements to the property boundary are outside the property and are therefore not part of the land under review. They are consequently not a matter that can be considered under the CPLA and therefore the point is disallowed.

Rationale for Accept or Not Accept
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N/A

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
13	Part of proposed covenant CC1a should be retained in Crown control.	8	Allow	Accept
Rationale for Allow or Disallow				

Submitter 8 considers a good part of the face on CC1a should be retained by the Crown as Conservation Land. They consider that the area south of McKays Stream has a more natural landscape and suggest the retention of this area to prevent an unnatural upper slope-lower slope separation between conservation and productive land. They also consider the lower altitude habitats which are continuing to recede are important to ensure that a greater altitudinal range of habitats are protected to enable more ecological resilience.

They have suggested the freehold area north of McKays Creek be fenced from the conservation area along a line that shows a logical transition from the lower slopes to the steeper conservation areas and would need to extend up the true left side of McKays Stream to a point where stock will not reach. They do not want to see a fence constructed at around the 900 metre contour as they consider it would adversely impact on the visual values of the landscape. This contour follows approximately the property boundary where there is in fact no intention to fence it from the existing conservation area. The submitter's concern about any remote chance of this contour, or near contour being fenced is largely

removed by the fact they are advocating that around half of CC1a be retained as a conservation area.

The point relates to the protection of ecological significant inherent values. Section 24(b) of the CPLA relates to the protection of significant inherent values, so this point has been allowed for further consideration.

Rationale for Accept or Not Accept
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The point relates to the objects and matters that can be taken into account in the CPLA as outlined above. While the extent of freehold land has been previously considered, the submitter articulates reasons why an alternative outcome under the CPLA is preferred, and therefore the point has been accepted for further consideration in the formulation of the Substantive Proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
14	Amend the conditions of Covenant CC1a to provide better protection of the vegetation values.	8	Allow	Accept

Rationale for Allow or Disallow
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Submitter 8 in point 13 above is advocating parts of CC1a to be retained in Crown ownership, the proposed amendments to the conditions of CC1a being suggested in this point relate to the balance of the covenant land and are therefore not in lieu of those areas advocated in point 13 becoming Crown land.

The submitter has made a general statement advocating for greater protection of the ecological values down to the lower fence line and along the stream margins which they consider will also maintain the visual integrity and landscape values. They have then suggested a series of amendments to the covenant which have been listed as sub-points below.

**Sub-point (a)**

There should be no burning and spraying within CC1a:

The submitter wants Clause 3 in the special conditions reconsidered so burning and spraying is not permitted. There are lower altitude areas of native shrublands below 820m that the submitter considers are the most threatened and least common and therefore does not believe a blanket condition that allows burning and spraying is acceptable. They are most adamant about burning which they consider should be totally banned.

**Sub-point (b)**

There should be a stocking limit within CC1a:



The submitter considers stocking limits would control the grazing to allow a gradual regeneration to maintain the landscape values and would also reduce the need to oversow and topdress.

### **Sub-point (c)**

There should be no over sowing and topdressing within CC1a:

The submitter request over sowing and topdressing be restricted, but if it is permitted they suggest it be limited to areas further than 50 metres from any stream and waterway.

### **Sub-point (d)**

There should be no blanket approval to erect new fences within CC1a:

The submitter does not want a blanket approval to erect new fences and to put in tracks at or below the 820 metre contour. Again the submitter is concerned about the landscape values, but has suggested there may be areas in the lower parts where it would be visually acceptable.

### **Sub-point (e)**

There should be a provision that requires monitoring to be undertaken within CC1a

The submitter wants Clause 7 in the special conditions amended to state that the Minister will design and undertake a monitoring programme. They suggest any monitoring should also include an assessment of the visual appearance to ensure the existing naturalness is retained.

The sub-points relates to the protection of ecological significant inherent values. Section 24(b) of the CPLA relates to the protection of significant inherent values, so all sub-points have been allowed for further consideration.

### Rationale for Accept or Not Accept

The sub-points relate to objects and matters that can be taken into account in the CPLA and while the conditions within the covenants have been well consulted on, the submitter articulates reasons why they prefer an alternative outcome.

The sub-points have all therefore been accepted for further consideration in the formulation of the Substantive Proposal.

<b>Point</b>	<b>Summary of point raised</b>	<b>Submission numbers</b>	<b>Allow or disallow</b>	<b>Accept or not accept</b>
15	Cattle to be fenced from all the main streams.	8	Allow	Accept

### Rationale for Allow or Disallow

Submitter 8 is advocating that all the main streams should be fenced from cattle, in particular McKays Stream and Cattle Creek. They point out the streams between these two are smaller with limited catchment on the property so were not concerned about them.

The point relates to the protection of ecological significant inherent values. Section 24(b) of the CPLA relates to the protection of significant inherent values, so this point has been allowed for further consideration.

Rationale for Accept or Not Accept
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The point relates to objects and matters that can be taken into account in the CPLA, as discussed above. The submitter has introduced a perspective which has not been previously considered and therefore the point has been accepted for further consideration in the formulation of the Substantive Proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
16	Amend the conditions of Covenant CC1b to provide better protection of the vegetation values.	8	Allow	Accept

Rationale for Allow or Disallow
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The submitter's preferred outcome for CC1b is to be in Crown control as outlined in point 17 below. If this is not adopted, they have requested the following amendments to the covenant.

**Sub-point (a)**

Reconsider the provision to allow a 20m wide stock access route to be cleared within CC1b:

The submitter notes the gully shrublands are particularly noteworthy in CC1b and suggest the provision to clear a 20m wide stock access route could have marked impacts on the naturalness and look of the area. They want this clause reconsidered, particularly the width of the access route.

**Sub-point (b)**

The public should be able to access the area of CC1b:

The submitter believes members of the public with an interest in natural history should be able to access CC1b and enjoy the shrublands. They point out that there is currently access to the boundary of CC1b by easement "a-b" so it is interpreted the submitter is requesting a wander at will provision within the covenant area.

**Sub-point (c)**

There should be no over sowing and topdressing within CC1b:

The submitter does not want over sowing and topdressing to occur as they consider it would cause a greening of the landscape and reduce the naturalness of the area, changing the vegetation composition over time.

#### **Sub-point (d)**

There should be a stocking limit within CC1b:

The submitter wants a limit on stocking to prevent overgrazing and pressure on the shrublands, which they consider will also limit sheep going too high and reduce the need for fences at the upper boundary or around the 820m contour.

#### **Sub-point (e)**

There should be a provision that requires monitoring to be undertaken within CC1b:

The submitter suggest there should be a monitoring programme (photographic) set up by the Minister as an obligation to confirm that the natural vegetation values are being maintained or even enhanced, with a provision for stock numbers to be adjusted accordingly.

The sub-points relate to the protection of ecological significant inherent values. Section 24(b) of the CPLA relates to the protection of significant inherent values, so all sub- points have been allowed for further consideration.

#### Rationale for Accept or Not Accept

The sub-points relate to objects and matters that can be taken into account in the CPLA, and while the conditions within the covenants have been well consulted on, the submitter articulates reasons why an alternative outcome under the CPLA is preferred.

The sub-points have all therefore been accepted for further consideration in the formulation of the Substantive Proposal.

<b>Point</b>	<b>Summary of point raised</b>	<b>Submission numbers</b>	<b>Allow or disallow</b>	<b>Accept or not accept</b>
17	Proposed covenant CC1b should be retained in Crown control.	8	Allow	Accept

#### Rationale for Allow or Disallow

Submitter 8 recommends the area of CC1b should be retained in Crown control as a conservation area to ensure better protection of the existing inherent values, including the waterways. They suggest this would also provide the public access as advocated by this submitter in sub-point 16(b) above. Point 16 above outlined the submitter's recommendations if this preferred outcome of Crown control is not adopted.

The point relates to the protection of ecological significant inherent values. Section 24(b) of the CPLA relates to the protection of significant inherent values, so this point has been allowed for further consideration.

## Rationale for Accept or Not Accept

The point relates to the objects and matters that can be taken into account in the CPLA and while the extent of freehold land has been previously considered, the submitter articulates reasons why an alternative outcome under the CPLA is preferred.

The point has therefore been accepted for further consideration in the formulation of the Substantive Proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
18	Part of the proposed unencumbered freehold land should be retained in Crown control.	8	Allow	Accept

## Rationale for Allow or Disallow

Submitter 8 recommends CA1 be extended by dropping the fence line at the northern end of the proposal over the unencumbered freehold land below the track. They have estimated the fence line be dropped about 1 km below the track before the end of the property. They have pointed out that there is snow tussock below the track which is uncommon at this height (altitude) and therefore environmentally valuable.

The point relates to the protection of ecological significant inherent values. Section 24(b) of the CPLA relates to the protection of significant inherent values, so this point has been allowed for further consideration.

## Rationale for Accept or Not Accept

The point relates to objects and matters that can be taken into account in the CPLA, and while the extent of freehold land has been previously considered, the submitter articulates reasons why an alternative outcome under the CPLA is preferred.

The point has therefore been accepted for further consideration in the formulation of the Substantive Proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
19	Proposed covenant CC2 should be retained in Crown control.	8	Allow	Accept

## Rationale for Allow or Disallow

The submitter is recommending covenant CC2 be retained in Crown control as a conservation area forming an extension to CA1, and fenced to exclude cattle. They have suggested the conservation land extend further south from CC2 to include part of the next

valley which captures another small stream bounded by shrublands. They have further suggested sheep grazing could continue for a limited period of no longer than 10 years.

They have inspected the area and note much of it is covered with shrublands and species such as coral broom. They also consider retaining this area in Crown control will protect the visual appeal and water quality of the streams together with allowing a full altitudinal range of habits to be protected.

The point relates to the protection of ecological significant inherent values. Section 24(b) of the CPLA relates to the protection of significant inherent values, so this point has been allowed for further consideration.

Rationale for Accept or Not Accept
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The point relates to objects and matters that can be taken into account in the CPLA, and while the extent of freehold land has been previously considered, the submitter articulates reasons why an alternative outcome under the CPLA is preferred.

The point has therefore been accepted for further consideration in the formulation of the Substantive Proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
20	Amend the conditions of Covenant CC2 to provide better protection of the vegetation values.	8	Allow	Accept

Rationale for Allow or Disallow
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Submitter 8 wants the following amendments made to the conditions of covenant CC2 if their recommendation to retain it in Crown control as outlined in point 19 above is not adopted.

**Sub-point (a)**

There should be no cattle grazing and a limitation on sheep numbers:

The submitter has said this is to protect the shrublands and water quality in the natural streams.

**Sub-point (b)**

The area of CC2 be fenced:

The submitter considers that stricter grazing management can be implemented if the area is fenced or grazing excluded altogether if necessary.

**Sub-point (c)**

There should be no vegetation clearance:

**Sub-point (d)**

There should be no new tracks including the proposed 20m wide access track:

**Sub-point (e)**

There should be no topdressing and over sowing:

The submitter considers no topdressing and over sowing should be a condition in order to discourage sheep from entering the shrublands and to prevent greening of the open space.

**Sub-point (f)**

There should be a provision that requires monitoring to be undertaken:

The point relates to the protection of ecological significant inherent values. Section 24(b) of the CPLA relates to the protection of significant inherent values, so this point has been allowed for further consideration.

Rationale for Accept or Not Accept

The sub-points relate to objects and matters that can be taken into account in the CPLA, and while the conditions within the covenants have been well consulted on, the submitter articulates reasons, (as outlined in point 19 above) why an alternative outcome under the CPLA is preferred.

The sub-points have all therefore been accepted for further consideration in the formulation of the Substantive Proposal.

**Summary and Conclusion**

Overview of analysis:

Eight submissions were received from non government environmental organisations, recreation groups, Crown entities and private individuals.

Overall, the most common response was support for aspects of the proposal. Six out of the total of eight submitters expressed statements of support for various aspects of the proposal. Most of the support endorsed the proposed Conservation Area CA1 and the proposed public access easements to it in the northern part of the property.

Three submitters suggested additional public access easements should be created for foot only access, mainly over the existing farm track extending along the southern part of the property.

The same three submitters also want public vehicle access permitted over some of the proposed easement, mainly over easement "a-b".

Although another 17 points were derived (20 in total), all these remaining points were made by single submitters only.

One submitter, being the sole submitter for nine different points, focused on wanting parts or all of the proposed covenants retained in Crown ownership, otherwise they wanted to have the covenant conditions amended to provide better protection.

From the 20 points derived, 15 were allowed (all fully) for further consideration. All 15 allowed points were accepted for further consideration in the formulation of the draft Substantive Proposal.

Generic issues:

The key generic issues identified are:

- Statements of support for aspects of the proposal, mainly the proposed conservation area because it protects important vegetation and landscape values and adjoins existing conservation land.
- Additional public access easements should be provided, and public vehicle access over some of the proposed easements routes should be provided.
- Areas of the proposed covenants be retained as conservation areas and better protection provisions within the covenants.

Gaps identified in the proposal or tenure review process:

No gaps in the proposal were identified by the submitters.

Risks identified:

No risks identified.

General trends in the submitters' comments:

Discussed under generic issues above.

List of submitters:

A list of submitters is included in Appendix II and a summary of the points raised by submitters is included in Appendix III.

I recommend approval of this analysis and recommendations

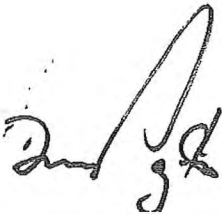


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Simon deLautour – Tenure Review Consultant

Date 12/04/2012

Peer reviewed by



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Dave Payton – Tenure Review Contract Manager

Date 12/04/2012

Approved/Declined – *Noted*



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Commissioner of Crown Lands

Date 2/5/2012

**Appendices:**

- I Copy of Public Notice
- II List of Submitters
- III Points Raised by Submitters
- IV Copy of Annotated Submissions