

Crown Pastoral Land Tenure Review

Lease name: BAROSSA

Lease number: PC 122

Final Report on Public Submissions

This document builds on the Preliminary Report on public submissions. The analysis determines if an issue that was allowed, and further consulted on, is accepted or not accepted for inclusion in the Substantive Proposal and to what extent. The report complies with the requirements of Section 45 Crown Pastoral Land Act 1998.

The report attached is released under the Official Information Act 1982.

February 07

FINAL ANALYSIS OF PUBLIC SUBMISSIONS THROUGH PUBLIC NOTICE OF PRELIMINARY PROPOSAL FOR TENURE REVIEW

TR 033 BARROSA REPORT

Phase 8_7.4.1F

File Ref: Pc 122 Barrosa

LINZ ID: 12275

Report Date: 28 February 2007

Contractor's Office: Timaru

LINZ Case No:


Date sent to LINZ: 30/3/07

TR07/119

RECOMMENDATIONS

1. That the Commissioner of Crown Lands (or his delegate) **note** that no lwi submission was received. ✓
2. That the Commissioner of Crown Lands (or his delegate) **note** that consultation has been carried out with the DGC delegate on those points allowed in the preliminary analysis of public submissions. ✓
3. That the Commissioner of Crown Lands (or his delegate) **note** that consultation with the Holder has been carried out on those points allowed in the preliminary analysis of public submissions. ✓
4. That the Commissioner of Crown Lands (or his delegate) **note** that there is consensus with the Holder on the points that are recommended be accepted in this submission. ✓
5. That the Commissioner of Crown Lands (or his delegate) **note** and **approve** the final analysis of public submissions.
6. That the Commissioner of Crown Lands (or his delegate) **approve** the preparation of a draft substantive proposal for Barrosa Station on the basis of the attached public final analysis.

Signed for DTZ New Zealand Limited:


R A Ward-Smith

Approved/Declined (pursuant to a delegation from the Commissioner of Crown Lands) by:



Name: R Shepherd
Date of decision: 3/07/07

I recommend approval
R.W. Shepherd
Tenure Assessor
17/5/07

1. Background

This analysis has been carried out in partial fulfilment of the requirements set out in section 45(a)(iii) Crown Pastoral Land Act 1998 (CPL Act).

2. Details of lease

Lease Name: Barrosa

Location: Ashburton Gorge

Lessee: Barrosa Station Limited

(1) Consultation with the DGC delegate:

DTZ wrote to the DGC delegate on 10 October 2005 providing a copy of the information required under Section 45 Crown Pastoral Lands Act as to points in the public submissions that had been allowed or disallowed. The DGC's delegate provided comment in various letters, e-mails and meetings as recorded in appendix 2a on those points he considered relevant to conservation issues.

An inspection with DGC's Delegate in company with the Holder's Director took place on 13 December 2005

A joint inspection and flagging of proposed boundaries carried out on 26 February and 27 March 2007 allowed a number of the proposed designations to be confirmed on the ground.

A record of written and verbal consultation is included in Appendix 2a.

(2) Consultation with Iwi representative:

A copy of the Preliminary Proposal was forwarded to Iwi on 25 May 2005. This was followed up several times as included in Appendix 3. No report has been received.

(3) Consultation with the holder:

There has been extensive consultation with the Holder since the Preliminary Proposal dated 23 March 2005 was advertised on 30 April 2005. Full notes in Appendix 2b.

(4) Discussion and conclusion:

A total of 17 submissions, including one late, were received. Out of which, 68 points were identified, with 46 being allowed and 2 more allowed in part. Consultation has been carried out with the DGC's delegate and Holder over the points allowed and allowed in part in the preliminary analysis of public submissions.

While there are 68 points in the submissions the points can be grouped into 7 parts. A consolidated summary is in Appendix 4. These were the focus for consultation with the Holder.

Public submissions have raised some issues that are of importance in this review and have been dealt with in recommending changes to the proposal.

Five submitters provided support for various points.

Other issues are adequately covered in the discussions under the relevant point.

TR 033 Barrosa Pastoral Lease

FINAL ANALYSIS OF PUBLIC SUBMISSIONS

1. *Explanation of Analysis:*

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 summarises each of the points raised along with the recorded number of the submitter(s) making the point. Discussion of the point and the decision whether to Allow or Disallow the point follows.

(i) **To Allow or Disallow:**

The decision to “**Allow**” the point made by submitters is on the basis that the matter raised is a relevant matter for the Commissioner to consider when making decisions in the context of the Crown Pastoral Land Act 1998. Conversely, where the matter raised is not relevant in terms of the Commissioner’s consideration, the decision is to “**Disallow**”. Further consultation occurs on the points Allowed.

(ii) **To Accept or Not accept:**

Accepted: The outcome of an accept decision is that the point is included in the draft substantive proposal. To arrive at this decision the point has been evaluated with respect to the following criteria:

- The objects and matters to be taken into account in the Crown Pastoral Land Act 1998 (Section 24 & 25 for Part 2 reviews or Sections 83 & 84 for Part 3 reviews) and;
- The views of all parties consulted and any matters relevant to the particular review, balanced against the objects and matters to be taken into account in the Crown Pastoral Land Act 1998.

Not accepted: The outcome of a not accept decision is that the point is not included in the draft substantive proposal based on consideration of the above criteria. Note that the points that are Disallowed in the preliminary analysis are automatically not accepted in the final analysis.

2. *Analysis*

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No.s</i>	<i>Decision</i>
1	Agreement with designations Agreement with the proposed designation of conservation land.	1,4	Allowed Accepted

Rationale for allowing point 1

The designations were prepared to meet the Objects of Part 2 of the CPL Act and the point is therefore allowed.

Rationale for accepting point 1

As the submitters supported the proposal, no further decision is required and the point can be accepted.

Point	Summary of Point Raised	Sub No.s	Decision
2	Agreement with designations	1,4	Allowed
	Agreement with the proposed designation of freehold land.		Accepted

Rationale for allowing point 2

The designations were prepared to meet the Objects of Part 2 of the CPL Act and the point is therefore allowed.

Rationale for accepting point 2

As the submitters supported the proposal, no further decision is required and the point can be accepted.

Point	Summary of Point Raised	Sub No.s	Decision
3	Public access:	1	Allowed
	The public access provided by the proposed designations is incomplete & inadequate.		Accepted in part

Rationale for Allowing point 3

Public access is a relevant matter under section 24(c)(i) of the CPL Act, therefore the point is Allowed.

Rationale for accepting point 3 in part

As a result of this submission, negotiations have sought to achieve improved public access to reviewable land in accordance with section 24(c) of the CPLA. This has been achieved with improved access between Lake Emily and CA1 (shown as 'u-v' on the plan) and the former Clent Hills land (shown r-q on the plan). This gives good access to Mt Barossa from three points. A fourth point suggested by the submitter involved access over freehold land outside the scope of this review.

Point	Summary of Point Raised	Sub No.s	Decision
4	Legal roads: Unformed legal roads are not mentioned in the Preliminary Proposal.	1	Disallowed

Rationale for Disallowing point 4

Unformed legal roads are not part of the reviewable land and are therefore not a matter that can be considered under the CPL Act.

Point	Summary of Point Raised	Sub No.s	Decision
5	<p><i>Relationship of proposed easements with existing legal roads:</i></p> <p>The location of proposed easements should be shown in relation to existing unformed legal roads.</p>	1	Disallowed

Rationale for Disallowing point 5

Whether or not a legal road is labelled and/or described in the PP is not a matter that needs to be considered under the CPL Act. The point is however noted as a draughting matter.

Point	Summary of Point Raised	Sub No.s	Decision
6	<p><i>Depiction of k-l easement:</i></p> <p>Proposed easement k-l is not shown clearly on the PP plan.</p>	1	Disallowed

Rationale for Disallowing point 6

The depiction of easements on the plan is not related to the objects of the CPL Act and the point is therefore disallowed.

Point	Summary of Point Raised	Sub No.s	Decision
7	<p><i>Public access:</i></p> <p>Access to Clent Hills from near Haast Stream should be provided for.</p>	1,4	Allowed
			Not Accepted

Rationale for Allowing point 7

The matter of public access is a relevant matter under section 24(c)(i) and the point is therefore Allowed.

Rationale for not accepting point 7

The submitters have requested access over neighbouring land that is not included in the tenure review. Therefore, the point cannot be accepted in the Substantive Proposal.

Point	Summary of Point Raised	Sub No.s	Decision
8	Proposed conservation areas are a reasonable compromise.	2	Allowed
			Accepted

Rationale for Allowing point 8

The designations were prepared to meet the Objects of Part 2 of the CPL Act and the point is therefore Allowed.

Rationale for accepting point 8

As the submitter supported the proposal, no further decision is required and the point can be accepted.

Point	Summary of Point Raised	Sub No.s	Decision
9	Support for southern easements: Routes b-c-d & k-l are appropriate & well-situated.	2,14	Allowed
			Accepted

Rationale for Allowing point 9

The designations were prepared to meet the Objects of Part 2 of the CPL Act and the point is therefore Allowed.

Rationale for accepting point 9

As the submitters supported the proposal, no further decision is required and the point can be accepted.

Point	Summary of Point Raised	Sub No.s	Decision
10	Concern regarding southern easements: Route i-j should be retained.	2	Allowed
			Accepted

Rationale for Allowing point 10

Making the securing of public access easier is a matter that the CCL must consider under section 24(c)(i) of the CPL Act, therefore the point is Allowed.

Rationale for accepting point 10

As the submitters supported the proposal, no further decision is required and the point can be accepted.

Point	Summary of Point Raised	Sub No.s	Decision
11	Lack of access to CA1: There is no public access to the northern end of CA1.	2,3,5,7,10 11,12,13, 14,15	Allowed
			Accepted

Rationale for Allowing point 11

The matter of public access is relevant under the CPL Act, and the point is therefore Allowed.

Rationale for accepting point 11

Public access has been negotiated to the northern end of CA1, in accordance with section 24(c)(i) of the CPLA, via an easement "u-v". The point is therefore accepted.

Point	Summary of Point Raised	Sub No.s	Decision
12	PP based on out-of-date information: The information on SIV's used for the preparation of the PP is out-of-date & the Crown is not fulfilling its statutory responsibilities by relying on that information.	3	Allowed
			Not accepted

Rationale for Allowing point 12

Whether SIV's are correctly identified will influence whether these SIV's are appropriately protected to meet section 24(b) CPL Act therefore the point is Allowed.

Rationale for not accepting point 12

The proposal has gone through public notification thereby giving the opportunity for any deficiency to be raised including the opportunity for the Director General of Conservation to consider all points "Allowed" following the preliminary analysis. This review did not identify any deficiency in the data. The point is therefore not accepted.

Point	Summary of Point Raised	Sub No.s	Decision
13	PP does not meet the requirements of the CPLA.	3	Allowed
			Not Accepted

Rationale for Allowing point 13

This general statement of disapproval relates to the meeting of the objects of the CPL Act, therefore the point is Allowed.

Rationale for not accepting point 13

The point consists of a general statement that gives no direction as to specific improvements to the PP. Therefore, the point cannot be accepted.

Point	Summary of Point Raised	Sub No.s	Decision
14	Lack of protection for SIVs: Inadequate recognition & protection of SIVs of red tussock wetland adjacent to Ashburton Gorge Rd & rocky faces above it.	3,13,15	Allowed
			Accepted

Rationale for Allowing point 14

The protection of SIVs is a relevant matter under section 24(b) of the CPL Act, this point is Allowed accordingly.

Rationale for accepting point 14

Based on consultation with the DGC's delegate, SIV's are present in the wetland and rocky face areas. SIV's have now been negotiated for protection as land to be restored to full Crown ownership and control as conservation area. The point is therefore accepted.

Point	Summary of Point Raised	Sub No.s	Decision
15	A new easement would not be required if the afore-mentioned area in point 14 became conservation land.	3	Allowed
			Not accepted

Rationale for Allowing point 15

The submitter advocates for land currently designated as freehold to instead be designated as conservation land. The submitter's comment regarding a lack of need for an easement to be created, in a scenario where the land referred to is conservation land, is Allowed as easements are a relevant matter under the CPL Act.

Rationale for not accepting point 15

Point 15 is an observation rather than a request for a specific change to the PP. The easement referred to is still required as it gives access from a public road to an area designated for return to full Crown ownership and control. Therefore the point is not accepted.

Point	Summary of Point Raised	Sub No.s	Decision
16	There is a lack of connection between the South Branch of the Ashburton River & the Clent Hills tops in CA1.	3,15	Allowed
			Accepted in part

Rationale for Allowing point 16

The need for protection of the SIV's of the areas between the South Branch of the Ashburton River & CA1 is the essence of the submitter's point; therefore the point is relevant under section 24 of the CPL Act.

Rationale for accepting point 16 in part

While a continuum of land between the South Branch is not proposed due in part because of a legal road between the Ashburton River South Branch and the Pastoral Lease. In negotiations a wetland as well as the rocky face behind and some shrublands adjacent to Waterfall Stream are to be returned to full Crown ownership and control thereby partially achieving the point raised. However, the Lessee does need to retain access to the terrace lands both for production and stock access between the various parts of the land that is ecologically sustainable and of economic value. The potential economic use of the land is a criteria that has to be taken into consideration in accordance with section 24(a)(ii). Therefore the point is accepted in part.

Point	Summary of Point Raised	Sub No.s	Decision
17	<p><i>Impacts of activities on SIVs:</i></p> <p>The impacts of farming activity on riparian margins upstream of Blowing Point proposed to become freehold will adversely affect SIV's present on that land. Past poor management practice indicates that future management of this area will be poor.</p>	3,15	Allowed
			Not accepted

Rationale for Allowing point 17

The extent to which proposed designations will protect SIVs is a matter that the CCL can consider under section 24(b) of the CPL Act, consequently this point is Allowed.

Rationale for not accepting point 17

The lease does not abut the river as inferred by the submitter. Fencing is currently in place along paddocks abutting the river. In the event that the river has eroded the road reserve then a marginal strip under Part iv Conservation Act 1987 will apply. The point is therefore not accepted.

Point	Summary of Point Raised	Sub No.s	Decision
18	<p><i>Lack of connection between CA1 & CA3:</i></p> <p>The lack of connection between CA1 & CA3 does not protect SIVs, nor does it promote ecologically sustainable management.</p>	3	Allowed
			Not accepted

Rationale for Allowing point 18

The protection of SIVs and the promotion of ecologically sustainable management are relevant matters under section 24 of the CPL Act, and this point is therefore Allowed.

Rationale for accepting point 18 in part

During the course of consultation with the DGC's delegate, he advised that the land between CA1 CA3 is farm land with no SIV's. Therefore the matter has not been pursued with the Lessee. The point is therefore not accepted.

Point	Summary of Point Raised	Sub No.s	Decision
19	CA3 is too small.	3,5,9,10, 11,13,15	Allowed
			Accepted

Rationale for Allowing point 19

The submitter comments that the area of CA3 excludes SIVs. Protection of SIVs is a matter to be considered under section 24(b) of the CPL Act and the point is Allowed.

Rationale for Accepting point 19

During the course of consultation with the DGC's delegate, he advised that the SIV's on the southern side of Lake Emily are protected within the area designated as conservation land in the PP. However during negotiations the Holder suggested the area to be protected be extended to the legal road thereby giving some increase to the buffer zone around Lake Emily thereby increasing CA3. The point is accepted.

Point	Summary of Point Raised	Sub No.s	Decision
20	The isolation of Clent Hills from other conservation land does not make ecological, recreational or landscape sense.	3,15	Allowed
			Not accepted

Rationale for Allowing point 20

The submitter refers to possible SIVs, public access and the ecological sustainability of designations. These are all matters that can be considered under the CPL Act.

Rationale for not accepting point 20

There is only one area around Blue Duck Creek, with SIV's, that is not protected under the proposal. It would be extremely difficult to protect this area due to fencing being near impossible for a relatively small area.

Public access is to be provided between the various areas referred to by the submitter.

In addition, the proposed freehold area does have economic value for uses such as grazing, and the potential economic use is a matter that must be considered under section 24(a) of the CPLA.

The point is therefore not accepted.

Point	Summary of Point Raised	Sub No.s	Decision
21	Lack of fencing will allow damage to Lake Emily wetland areas to continue.	3	Allowed
			Accepted

Rationale for Allowing point 21

Part of the Lake Emily wetland area is located on the pastoral lease, and the protection of the SIV's of this area is a relevant matter under the CPL Act.

Rationale for Accepting point 21

The area is proposed to be fenced. As the submitter supported the proposal to fence, no further decision is required and the point can be accepted.

Point	Summary of Point Raised	Sub No.s	Decision
22	The nature of route k-l will deter public use of the route as access to CA1.	3,5,7,10,11,15	Allowed
			Not accepted

Rationale for Allowing point 22

The creation of appropriately user-friendly access routes can be considered as part of "securing public access", therefore the matter can be considered under section 24(c)(i) of the CPL Act.

Rationale for not accepting point 22

The DGC's delegate considers that the proposed route k-l is accessible to the average trapper. Furthermore, an average level of fitness will be required to walk across CA1, therefore it follows that it is acceptable for the access to the area to require an average level of fitness. The proposed easement k-l follows the most direct route from the road along a spur giving direct access to the main ridge and its highest point Mt Barrosa then connects to the easement l-j to provide a round route at the southern end of the Clent Hills range.

The point is therefore not accepted.

Point	Summary of Point Raised	Sub No.s	Decision
23	Areas with SIVs not protected: Areas identified in the CRR as having SIV have not been included in CA1.	3,15	Allowed
			Accepted in part

Rationale for Allowing point 23

The matter of the protection of significant inherent values is relevant under the CPL Act, and the point is therefore Allowed.

Rationale for Accepting point 23 in part

The majority of areas that were identified as having SIV's were protected under the PP. Further negotiations with the Lessee have resulted in additional areas near CA1 with SIV's now proposed for protection. These areas are; 1. an area of shrubland northwest of Waterfall Stream; 2. a wetland area near Freezing Point; 3. the rocky faces above the wetland. The remaining areas with SIV's that are not protected are a small area of short tussock grassland northeast of CA1 and an area of regenerating shrublands in the Blue Duck catchment. The lack of protection of these two areas has been due to negotiations to protect SIV's elsewhere and practical fencing difficulties.

The point therefore can be accepted in part.

Point	Summary of Point Raised	Sub No.s	Decision
24	Areas with SIVs not protected: Areas identified in the CRR as having SIV have not been included in CA2.	3,15	Allowed
			Not accepted

Rationale for Allowing point 24

The matter of the protection of significant inherent values is relevant under the CPL Act, and the point is therefore Allowed.

Rationale for not accepting point 24

A rhyolite dome to the west of CA2, identified as having SIV's in the Department of Conservation's (DoC's) Conservation Resources Report (CRR) has not been included in CA2. However, negotiations with the Lessee have resulted in a compromise being reached in terms of freeholding this area in return for returning other areas to full Crown ownership and control. In addition, this area does have economic value in terms of strategic grazing, and the potential economic use of the area is a matter that must be considered under section 24(a)(ii) of the CPLA.

Not accepting this point is considered valid as the most important part of the rhyolite area, containing a wide variety of species is being restored to full Crown ownership and control together with the best example of valley floor Red Tussock on the property is being protected in CA2.

Point	Summary of Point Raised	Sub No.s	Decision
25	Lack of information in the PP: The PP public summary information does not contain sufficient information on how the freeholding of land is consistent with the objects of the CPL Act.	3	Allowed
			Not accepted

Rationale for Allowing point 25

The freehold disposal of reviewable land must meet the objects of the CPL Act.

Rationale for not accepting point 25

The submitter implies that the proposed freeholding of land under the PP may not be consistent with the objects of the CPLA. However, the submitter did not suggest any specific changes to the PP. The proposed freehold land has economic value, and the potential for economic use is a matter that must be considered under section 24(a)(ii). Not all SIV's will be protected under this proposal however, as discussed above (points 23 & 24), this has been a negotiated process. In terms of ecological sustainability, it is considered that the proposed freeholding of land will neither promote nor detract from ecologically sustainable management of the proposed freehold designation land.

Point	Summary of Point Raised	Sub No.s	Decision
26	<p><i>Inadequacy of public access:</i> The access up the Stour River is inadequate due to lack of clear marking of the public road & the intrusion of the lessee's activities, including buildings, on Crown land & unformed legal road.</p>	3	Allowed in part & Disallowed in part
			Not accepted

Rationale for Allowing in part & Disallowing point 26 in part

The matter of public access is relevant under the CPL Act, and therefore the point regarding the adequacy of the access is Allowed. Legal road and Crown land are not part of the reviewable land and therefore the point relating to activities on these areas is not a matter that can be considered under the CPL Act, therefore this part of the point is Disallowed.

Rationale for not accepting point 26

The DGC's delegate has advised that access up the Stour will be practical as marginal strips will be laid off, and a practical route will be marked out along that marginal strip. Marking of access routes is a post Tenure Review function therefore not an action for the Commissioner. The buildings referred to are on Crown Land not in the Tenure Review. The point is therefore not accepted.

Point	Summary of Point Raised	Sub No.s	Decision
27	<p><i>CA1, CA2 & CA3 inadequate:</i> Proposed designations CA1, CA2 & CA3 are not opposed but they are not adequate to protect SIVs.</p>	3	Allowed
			Accepted

Rationale for Allowing point 27

The matter of the protection of SIVs is relevant under section 24(b) of the CPL Act, and the point is therefore Allowed.

Rationale for accepting point 27

Also see point 23.

A new wetland area has now been added to the area proposed to be restored to full Crown ownership and control. In addition, area CA1 has been extended to include an area of shrublands adjacent to Waterfall Stream. The proposed designation of these additional areas will enable additional SIV's to be protected. The submitter under this point has not specified what is required to make the protection adequate therefore the inclusion of additional areas for protection are considered to have satisfied in part the concern. As the submitter supported the proposal in part and changes have been made to protect additional areas, the point can be accepted.

Point	Summary of Point Raised	Sub No.s	Decision
28	Agreement with all avenues of access.	4	Allowed
			Accepted

Rationale for Allowing point 28

The designations were prepared to meet the Objects of Part 2 of the CPL Act and the point is therefore Allowed.

Rationale for accepting point 28

This point is a general comment of support therefore no action needs to be taken in terms of the preliminary proposal and the point can be accepted.

Point	Summary of Point Raised	Sub No.s	Decision
29	Access from Ashburton Gorge Rd to point B is required.	5	Allowed
			Not accepted

Rationale for Allowing point 29

While the Ashburton Gorge Road does not adjoin the reviewable land near point 'b', the need for further public access to the reviewable land is a matter that the CCL can consider under the CPL Act, therefore the point is Allowed.

Rationale for not accepting point 29

There is existing legal road from the Ashburton Gorge Road to "b". Marking the road is not a function of the Tenure Review. The point is therefore not accepted.

Point	Summary of Point Raised	Sub No.s	Decision
30	<i>Easement on neighbouring land:</i> An easement runs from the Lake Emily boundary of Barrosa through Castle Ridge Station & this easement should only be used for the purposes it has been agreed to.	6	Disallowed

Rationale for Disallowing point 30

The CCL can only deal with reviewable land, therefore the point is Disallowed.

Point	Summary of Point Raised	Sub No.s	Decision
31	<i>Legal road on neighbouring property:</i> Any improvements to this road are opposed due to a likely subsequent increase in use by motor vehicles. This increased use will impact upon the owner of Castle Ridge Station.	6	Disallowed

Rationale for Disallowing point 31

This point relates to land that is not part of the reviewable land, therefore the point is Disallowed.

Point	Summary of Point Raised	Sub No.s	Decision
32	<i>Need for changes to legal road on Castle Ridge Station:</i> Definition for use needs to be widened & road needs to be extended.	7	Disallowed

Rationale for Disallowing point 32

This point relates to land that is not part of the reviewable land, therefore the point is Disallowed.

Point	Summary of Point Raised	Sub No.s	Decision
33	<i>Fence construction:</i> A fence should be constructed on the freehold side of the legal road from the locked boundary gate to point 'h' on the PP map.	7	Disallowed

Rationale for Disallowing point 33

Fencing is often necessary to delineate new boundaries, and protect SIVs, as a part of the review. The fencing of existing boundaries is not a matter that the CCL may consider under the CPL Act.

Point	Summary of Point Raised	Sub No.s	Decision
34	<i>Use of neighbouring land for access:</i> An existing track on neighbouring land would provide better access from 'g-h'.	7	Allowed in part & Disallowed in part
			Accepted in part

Rationale for Allowing point 34 in part & Disallowing point 34 in part

This point concerns the appropriateness of an easement, therefore this part of the point is Allowed under section 24(c)(i). The other part of the point where the submitter suggests access over neighbouring land cannot be Allowed as that neighbouring land is not part of the reviewable land.

Rationale for accepting point 34 in part

Following consultation with the DGC's delegate, the CCL considers that the proposed easement 'g-h' is not now required following the acquisition of the neighbouring land (Clent Hills) by the Crown which has separately facilitated the submitter's suggestion. The Allowed part of the point can be accepted.

Point	Summary of Point Raised	Sub No.s	Decision
35	<p><i>Access from Ashburton Gorge Road through A & B & C to D & CA2 must be improved:</i></p> <p>The submitter suggests that land on the 'Stour River Flats' currently proposed to be designated as freehold, should become Crown land as this would improve public access.</p>	7	<p>Allowed</p> <hr/> <p>Not accepted</p>

Rationale for Allowing point 35

The submitter refers to public access over reviewable land; this is a matter that the CCL can consider under the CPL Act.

Rationale for not accepting point 35

The point relates to access. Legal Road lies between the Leasehold and the Stour River providing legal access following an old dray route. If the river has eroded through the road reserve then a marginal strip will apply thereby providing access along the route. The suggestion to retain the Stour River Flats is to provide access. This either already exists or will be provided by other means. The point is therefore not accepted.

Point	Summary of Point Raised	Sub No.s	Decision
36	<p><i>Future development of Stour River Road:</i></p> <p>The potential development option for Stour River Road as a Stour dam water storage project, possible mining, access for fire or SAR, access to the LINZ block and access for weed and pest contractors should be retained.</p>	7	Disallowed

Rationale for Disallowing point 36

These matters are not ones that can be considered under the objects of the CPL Act, therefore the point cannot be Allowed.

Point	Summary of Point Raised	Sub No.s	Decision
37	<p><i>Need for a carpark:</i></p> <p>A carpark should be established adjacent to the Ashburton Gorge Road where the legal road from B meets Ashburton Gorge Road.</p>	7	Disallowed

Rationale for Disallowing point 37

The land, that the submitter suggests should become a carpark, is not located on the reviewable land; hence this point cannot be Allowed.

Point	Summary of Point Raised	Sub No.s	Decision
38	Periodic vehicle access through to Lake Heron should be Allowed	7	Allowed
			Not accepted

Rationale for Allowing point 38

The objects of the CPL Act include the securing of public access to, and enjoyment of, reviewable land. While the identified destination is not part of the reviewable land, the proposed access would also enable enjoyment of the reviewable land, and the point is therefore Allowed.

Rationale for not accepting point 38

Neither the DGC's delegate nor the Lessee wishes to provide vehicle access as of right on the Barrosa part of the route through to Lake Heron. This is consistent with past practice. Therefore the point is not accepted.

Point	Summary of Point Raised	Sub No.s	Decision
39	All legal roads in the review should be retained.	7	Disallowed

Rationale for Disallowing point 39

The matter of whether legal roads are stopped or not is a matter that is outside of the tenure review statutory framework, therefore the point is Disallowed.

Point	Summary of Point Raised	Sub No.s	Decision
40	Support for the proposal, except for one change.	8	Allowed
			Not accepted

Rationale for Allowing point 40

The designations were prepared to meet the Objects of Part 2 of the CPL Act and the point is therefore Allowed.

Rationale for not accepting point 40

Refer to point 41 below. The "...except one..." refers to vehicle access.

Point	Summary of Point Raised	Sub No.s	Decision
41	Access to easement should include motorised vehicles.	8,13	Allowed
			Not accepted

Rationale for Allowing point 41

This point relates to the securing of public access, therefore it can be Allowed under the CPL Act.

Rationale for not accepting point 41

Also see point 38.

Neither the DGC's delegate nor the Lessee wishes to permit vehicle access as of right on the Barrosa part of the route through to Lake Heron. Therefore the point is not accepted.

Point	Summary of Point Raised	Sub No.s	Decision
42	Opposition to easement i-j for management purposes.	9	Allowed
			Not accepted

Rationale for Allowing point 42

The type of access that is Allowed under a review is a relevant matter that the CCL can consider under the CPL Act, therefore the point is Allowed.

Rationale for not accepting point 42

Easement i-j, for management purposes, is required so that DoC can access CA1 along this route for management purposes. Therefore the point is not accepted.

Point	Summary of Point Raised	Sub No.s	Decision
43	<i>Walking track required:</i> The submitter considers that there should be a walking track from the easternmost point on CA1 to the nearest point of the easement along the west branch of the Stour River.	9	Allowed
			Accepted

Rationale for Allowing point 43

The submitter is advocating the securing of additional access, and this is a matter that the CCL can consider under the CPL Act.

Rationale for accepting point 43

The creation of a public easement (walking access) on the NE side of CA1 to what is now the adjoining Conservation Land would give direct access between the two. An access easement (q-r) has been negotiated with the Holder. Therefore the point is accepted.

Point	Summary of Point Raised	Sub No.s	Decision
44	Access to CA1 is very limited.	10,11,13	Allowed
			Accepted

Rationale for Allowing point 44

The point relates to public access and this matter can be considered under the CPL Act.

Rationale for accepting point 44

See also points 3, 9, 10, 11, 22, 43, 46

The creation of a public easement on the NE side of CA1 to what is now the adjoining Conservation Land and at the northern end of CA1 to Lake Emily would give direct access between CA1 and the other two areas. An access easement has been negotiated with the Holder at both points. Therefore the point is accepted.

Point	Summary of Point Raised	Sub No.s	Decision
45	Lack of access: Public access along the Stour River, & along the legal road near Lake Emily, is not continuous.	12	Allowed
			Accepted

Rationale for Allowing point 45

The submitter appears to be advocating for improved public access, and this is a matter that can be considered under the CPL Act.

Rationale for not accepting point 45

The land formally in the Clent Hills Lease to the northeast is now held in Conservation Estate and access is along the Stour within that land. The designation around Lake Emily is proposed to extend to the Legal Road. This satisfies the submitter on this point and therefore the point is accepted.

Point	Summary of Point Raised	Sub No.s	Decision
46	There is no connection from the Stour River to CA1.	12	Allowed
			Accepted in part / Not accepted in part

Rationale for Allowing point 46

The point concerns public access, therefore it can be Allowed under the CPL Act.

Rationale for not accepting point 46

The submitter suggests that access from j across CA2 is not secure however, designating land to be restored to Crown ownership is a legitimate method to achieve public access under the CPLA. Access has been negotiated with the holder from the north-eastern point of CA1 and the Stour River Boundary. Therefore, this point is accepted in part and not accepted in part.

Also see point 43 and 44.

Point	Summary of Point Raised	Sub No.s	Decision
47	Easement 'b-c-d' should be extended to include point 'a'.	12	Allowed
			Not accepted

Rationale for Allowing point 47

The securing of public access is a relevant matter that the CCL can consider under the CPL Act, therefore the point can be Allowed.

Rationale for not accepting point 47

The Stour River has a legal road along the true left bank following an old dray track from point a to b where the easement will commence across a lower river terrace b-c. The DGC's delegate advised that practical access will be available along the marginal strip/legal road of the Stour River. Legal road (unformed) exists over flat land from the Ashburton Gorge Road to point "a" and an existing farm track is located on adjoining Crown Land (SO3639) over which access may be negotiated but is not a function of this tenure review. Therefore the point is not accepted.

Point	Summary of Point Raised	Sub No.s	Decision
48	Lack of public right to cross CA2: The submitter argues that the public will not be able to cross CA2 if DoC decides to close the area. The submitter suggests that there should be an easement created so the public can cross CA2 as a matter of right.	12	Allowed
			Not accepted

Rationale for Allowing point 48

The submitter implies that access across CA2 could be made more secure; this is a matter that can be considered under the CPL Act.

Rationale for not accepting point 48

The submitter suggests that public access across CA2 is not secure. However, designating land as that to be restored to Crown ownership is a legitimate method to achieve public access under the CPL Act. The Act, Sec 24 (c), merely seeks to make easier public access. It is noted that it does not require access as of right and it is subject to the protection of significant inherent values under Sec 24 (b). One of the functions of DoC under the Conservation Act 1987, Sec 6 (e) is to foster the use of natural resources and historic resources for recreation. An easement can also be closed, as can Conservation Land, under Sec 13 Conservation Act 1987, so the right of access is similar for both scenarios. Therefore, the point is not accepted.

Also see point 46.

Point	Summary of Point Raised	Sub No.s	Decision
49	Easement 'd-e-g' needs to be moved. The easement needs to be moved to well above the level of the Stour River (560 m asl).	12	Allowed
			Not accepted

Rationale for Allowing point 49

The suitability of public access and suggestions for improvement can be considered by the CCL under the CPL Act. Consequently, the point is Allowed.

Rationale for not accepting point 49

The route is the current farm track that has been in existence for many years. Access further upslope is not practical. Public have the right to walk over any part of CA2. Therefore the point is not accepted.

Point	Summary of Point Raised	Sub No.s	Decision
50	Easement 'g-h' needs to be moved. The easement needs to be moved above the level of the West Branch Stour River (680 m asl).	12	Allowed
			Not accepted

Rationale for Allowing point 50

The suitability of public access and suggestions for improvement can be considered by the CCL under the CPL Act. Consequently, the point is Allowed.

Rationale for not accepting point 50

Also see point 34.

The land formally in the Clent Hills Lease to the northeast is now held in Conservation Estate and access is available along the Stour within that land. The DGC's Delegate advised that public access can be provided within conservation land. Therefore the point is not accepted.

Point	Summary of Point Raised	Sub No.s	Decision
51	<i>Recommended road closure:</i> The legal road between h & W in "West" on the map should be closed as access is already provided by an easement that limits access to non-motorised access.	12	Disallowed

Rationale for Disallowing point 51

The subject of whether legal roads should be stopped or not is not one that can be dealt with under the CPL Act.

Point	Summary of Point Raised	Sub No.s	Decision
52	<i>Boundaries should relate to physical features:</i> There is a need for boundaries between land with differing designations to relate to physical boundaries for ease of recognition.	12	Disallowed

Rationale for Disallowing point 52

While it may be preferable for boundaries between land with different designations to relate to physical boundaries, this is not a matter specifically related to the objects of the CPL Act. The point is therefore Disallowed.

Point	Summary of Point Raised	Sub No.s	Decision
53	<i>Move southern boundary of CA3:</i> The southern boundary of CA3 should align with the legal road, either the boundary of CA3 or the legal road should be moved.	12	Disallowed

Rationale for Disallowing point 53

While it may make practical sense to align the boundaries with legal roads, this is not a matter specifically related to the objects of the CPL Act. The point is therefore Disallowed.

Note: The boundary of CA3 has subsequently been moved and will be fenced in proximity to the Legal Road thus providing a physical demarcation.

Point	Summary of Point Raised	Sub No.s	Decision
54	<i>Move southwest boundary of CA1:</i> The triangular area of land on the southwest boundary of CA1 should be designated as freehold land to make the boundary more distinguishable 'on the ground'.	12	Disallowed

Rationale for Disallowing point 54

While it may make practical sense to move the boundary as suggested, this is not a matter specifically related to the objects of the CPL Act. The point is therefore Disallowed.

Note: The boundary will be fenced and so define it on the ground.

Point	Summary of Point Raised	Sub No.s	Decision
55	<i>Move northeast boundary of CA1:</i> The triangular area of land in the extreme northeast corner of CA1 should be designated as freehold land to make the boundary more distinguishable 'on the ground'.	12	Disallowed

Rationale for Disallowing point 55

While it may make practical sense to move the boundary as suggested, this is not a matter specifically related to the objects of the CPL Act. The point is therefore Disallowed.

Note: The boundary will be fenced and so define it on the ground.

Point	Summary of Point Raised	Sub No.s	Decision
56	Stour River riverbed. The Stour River riverbed should be excluded from the conservation area.	12	Allowed
			Accepted

Rationale for Allowing point 56

This point is Allowed as the CCL can consider land used or intended to be used for a particular purpose under section 25(c) of the CPL Act.

Rationale for accepting point 56

The Stour River has a legal road along the true right bank following an old dray track upstream from its confluence with the Ashburton River to its confluence with an un-named stream below Weta Stream. From approximately that point the road ceases to follow the river and for a short distance (about 1,000m) the river appears within the Lease boundary then from about the confluence of the west and east branches the river is outside the land within the TR. A qualifying water body (marginal strip) assessment states that the Stour River qualifies for a marginal strip. SO 11388 upon which the lease is depicted states; "Note: All Runs are subject to Sec 58 of the Land Act 1948 along rivers and streams over 10' wide, and lakes.", and the status reports states the lease is subject to Part IVA Conservation Act 1987 upon disposition. The SO plan does not show that the Chief Surveyor has identified marginal strips on any part of the Stour River however the lease was renewed from 1 January 2003 therefore is deemed to have Marginal Strips apply to qualifying water bodies. In this case any land between marginal strips vests in the Crown and the part of the river flowing through the proposed CA2 is therefore technically not in the tenure review. Where a proposed freehold designation abuts the river a marginal strip will be laid off although from observation of the plans this would not appear to be an issue in the case of the Stour but localised erosion upon survey may reveal a minor intrusion. In the case of the lower Stour River where legal road bounds the river and the Lease the status of the riverbed is Crown Land. Therefore the point is accepted.

Note: While the point is accepted it is merely a technical issue and not a matter that affects the TR outcome.

Point	Summary of Point Raised	Sub No.s	Decision
57	Support for some designations: The submitter supports the inclusion of particular areas of land into CA1 & CA2.	13	Allowed
			Accepted

Rationale for Allowing point 57

The designations were prepared to meet the Objects of Part 2 of the CPL Act and the point is therefore Allowed.

Rationale for accepting point 57

As the submitter supported this point in the proposal, no further decision is required and the point can be accepted.

Point	Summary of Point Raised	Sub No.s	Decision
58	CA1 should be extended: An area of land with high erosion risk should be included in CA1.	13	Allowed
			Not accepted

Rationale for Allowing point 58

This point relates to ecological sustainability, therefore the point can be Allowed under section 24(b) of the CPL Act.

Rationale for not accepting point 58

The submitter is referring to an area of about 400 Ha that was subject to a limited grazing condition within a soil and water run plan prepared for the property. This was initially part of a much larger area. Within the proposed freehold approximately 60% is under 900m ASL and could be developed to improved pasture by oversowing and topdressing with the remaining 40% up to the highest point of 1200m ASL available for limited browsing. It is therefore concluded that this area is not being placed "at risk" through proposed freehold.

The point is therefore not accepted.

Point	Summary of Point Raised	Sub No.s	Decision
59	Greater protection needed for West Branch Stour valley floor environment: CA2 should be extended to the NW to include the all of the red tussock wetland.	13	Allowed
			Not accepted

Rationale for Allowing point 59

This point relates to the protection of SIVs, therefore it can be Allowed in accordance with section 24(b) CPL Act.

Rationale for not accepting point 59

An on site inspection determined that the areas of Red Tussock were already included within the proposed CA2. The point is therefore not accepted.

Point	Summary of Point Raised	Sub No.s	Decision
60	CA2 should be extended at the southern end: CA2 should be extended to include chronically and acutely threatened environments at the southern end.	13	Allowed
			Not accepted

Rationale for Allowing point 60

The point relates to SIVs, therefore it can be Allowed under section 24(b) of the CPL Act.

Rationale for not accepting point 60

The area was re-inspected and it was concluded that the Stour Valley floor in terms of a "representative land environment" together with indigenous plants was adequately protected within the proposed CA2. The point is therefore not accepted.

Point	Summary of Point Raised	Sub No.s	Decision
61	<i>Crown areas should be fenced:</i> Crown areas should be fenced for identification and protection purposes.	13	Disallowed

Rationale for Disallowing point 61

Fencing is undertaken as a consequence of tenure review to protect SIVs on reviewable land and is not a matter to be specifically considered under the CPL Act.

Note: The boundary will be fenced and so define it on the ground.

Point	Summary of Point Raised	Sub No.s	Decision
62	<i>Buffer strips should be established along rivers:</i> Intensification of land use could occur on land designated to become freehold and buffer strips should be established along the Stour River and the West Branch Stour River to ameliorate any adverse effects on water quality as a result of this land use intensification.	13	Disallowed

Rationale for Disallowing point 62

The Stour River and the West Branch Stour River are not part of the reviewable land, and the protection of non-reviewable land is not a matter the CCL can consider under the CPL Act. Therefore this point is disallowed.

Point	Summary of Point Raised	Sub No.s	Decision
63	<i>Labelling PP plans:</i> Fencing requirements & marginal strips should be shown on PP plans.	13,15	Disallowed

Rationale for Disallowing point 63

While there may be practical merit in including the suggested labels on the PP plans, this is not a matter for the CCL's consideration under the objects of the CPL Act, it is a matter for the DGC under the Conservation Act, therefore the point is disallowed. This point is however noted for future draughting.

Point	Summary of Point Raised	Sub No.s	Decision
64	<i>Installation of culverts:</i> Culverts should be installed in the tributaries of the streams that cross the legal road along the true right of the Stour River to minimise entry of sediment & faecal matter into the streams if that legal road is used to move livestock.	13	Allowed
			Not accepted

Rationale for Allowing point 64

This point relates to SIVs of tributaries on reviewable land, therefore the point can be Allowed under section 24(b) of the CPL Act.

Rationale for not accepting point 64

Legal Roads are not part of the reviewable land and while possibly desirable, the installation of culverts on legal road is not a function of the Tenure Review. It is also noted that unless installed to the highest standard and maintained then they could become a greater detriment to the sustainable environment than if not installed at all. The point is therefore not accepted.

Point	Summary of Point Raised	Sub No.s	Decision
65	Fencing of true left bank of the South Ashburton River is recommended.	13	Disallowed

Rationale for Disallowing point 65

Fencing is often necessary to delineate new boundaries, and protect SIVs, as a part of the review. The fencing of existing boundaries is not a matter that the CCL may consider under the CPL Act.

Point	Summary of Point Raised	Sub No.s	Decision
66	<i>Marginal strips:</i> Movable marginal strips should be applied along all rivers adjacent to freehold land.	13,15	Disallowed

Rationale for Disallowing point 66

The determination of marginal strips is a matter for the Minister of Conservation (MoC) and it is not a matter for the CCL to consider under the CPL Act.

Point	Summary of Point Raised	Sub No.s	Decision
67	<p><i>Geologically significant areas need to be protected:</i></p> <p>In particular, the Barrosa Andesite should be protected via an extension to CA1 or by way of a covenant over the area.</p>	13	Allowed
			Not accepted

Rationale for Allowing point 67

This point relates to the protection of SIVs therefore it can be Allowed under section 24(b) of the CPL Act.

Rationale for not accepting point 67

The Andesite, being a geological formation, was identified in the Conservation Resources Report as an SIV but is considered by the DGC's Delegate to be adequately protected under a disposal designation. The point is therefore not accepted.

Point	Summary of Point Raised	Sub No.s	Decision
68	<p><i>Easement conditions:</i></p> <p>All easement conditions should include a provision requiring any changes to the easement to be publicly notified.</p>	15	Allowed
			Not accepted

Rationale for Allowing point 68

The submitter advocates for public access to be as secure as possible, therefore this point is relevant in relation to section 24(c)(i) and is allowed.

Rationale for not accepting point 68

The easement documentation has been well reviewed and is to be managed under the Conservation Act 1987 by the Department of Conservation (DoC) according to its Standard Operating Procedures (SOP's). Changes to an easement are more appropriately dealt with by DoC, under it's SOP's.

The point is therefore not accepted.

3. Summary

68 points were identifiable from the 15 submissions received. In the Preliminary Analysis approved by LINZ 20 points were disallowed, 46 points were allowed and 2 points were allowed in part and disallowed in part.

Disallowed points were not further considered.

In the final analysis 16 points have been accepted, 5 points accepted in part and 27 points not accepted. The points accepted and accepted in part will be incorporated into the draft of the substantive proposal.

TR 103

FINAL ANALYSIS OF LATE PUBLIC SUBMISSION

1. **Introduction**

As for TR 033 Barrosa 8_7.4.1F Appendix 1appendix 1a final analysis of submissions 20022007 ver1

2. **Analysis**

Point	Summary of Point Raised	Sub No.s	Decision
16	There is a lack of connection between the South Branch of the Ashburton River & the Clent Hills tops in CA1.	17	Allow
			Accepted in part

Rationale for allowing point 16

The need for protection of the SIV's of the connecting areas between the South Branch of the Ashburton River & CA1 is the essence of the submitter's point; therefore the point is relevant under the CPL Act.

Rationale for accepting point 16 in part

While a continuum of land between the South Branch is not proposed due in part because of a legal road between the Ashburton River South Branch and the Pastoral Lease. In negotiations a wetland as well as the rocky face behind and some shrublands adjacent to Waterfall Stream are to be returned to full Crown ownership and control thereby partially achieving the point raised. However, the Lessee does need to retain access to the terrace lands both for production and stock access between the various parts of the land that is ecologically sustainable and of economic value. The potential economic use of the land is a criteria that has to be taken into consideration in accordance with section 24(a)(ii). Therefore the point is accepted in part.

Point	Summary of Point Raised	Sub No.s	Decision
18	Lack of connection between CA1 & CA3: The lack of connection between CA1 & CA3 does not protect SIVs, nor does it promote ecologically sustainable management.	17	Allow
			Not accepted

Rationale for allowing point 18

The protection of SIV's and the promotion of ecologically sustainable management are relevant matters under the CPL Act, and this point can therefore be allowed.

Rationale for accepting point 18 in part

During the course of consultation with the DGC's delegate, he advised that the land between CA1 CA3 is farm land with no SIV's. Therefore the matter has not been pursued with the Lessee. The point is therefore not accepted.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No.:</i>	<i>Decision</i>
22	The nature of route k-l will deter public use of the route as access to CA1.	17	Allow
			Not accepted

Rationale for allowing point 22

The creation of appropriately user-friendly access routes can be considered as part of "securing public access", therefore the matter can be considered under the provisions of the CPL Act.

Rationale for not accepting point 22

The DGC's delegate considers that the proposed route k-l is accessible to the average tramp. Furthermore, an average level of fitness will be required to walk across CA1, therefore it follows that it is acceptable for the access to the area to require an average level of fitness. The proposed easement k-l follows the most direct route from the road along a spur giving direct access to the main ridge and its highest point Mt Barrosa then connects to the easement l-j to provide a round route at the western end of the Clent Hills range.

The point is therefore not accepted.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No.:</i>	<i>Decision</i>
35	<i>Access from Ashburton Gorge Road through A & B & C to D & CA2 must be improved:</i> The submitter suggests that land on the 'Stour River Flats' currently proposed to be designated as freehold, should become Crown land as this would improve public access.	17	Allowed
			Not accepted

Rationale for Allowing point 35

The submitter refers to public access over reviewable land; this is a matter that the CCL can consider under the CPL Act.

Rationale for not accepting point 35

The point relates to access. Legal Road lies between the Leasehold and the Stour River providing legal access following an old dray route. If the river has eroded through the road reserve then a marginal strip will apply thereby providing access along the route. The suggestion to retain the Stour River Flats is to provide access. This either already exists or will be provided by other means. The point is therefore not accepted.

3. Summary

Each of the points identified are the same as, or similar to, points made by the other submitters and no new points have been identified. The same comments have been applied as in *TR 033 Barrosa 8_7.4.1F Appendix 1 appendix 1a final analysis of submissions 20022007 ver1*