

Crown Pastoral Land Tenure Review

Lease name : Cairnhill

Lease number: Po 083

Lease name: The Knobbies

Lease number : Po 129

Report on public submissions

This document includes information on the public submissions received in response to an advertisement for submissions on the tenure review preliminary proposal. The analysis determines if an issue is accepted or not accepted as meeting the objectives of part 2 of the Crown Pastoral Land Act (CPLA) 1998, and if further consideration and consultation should be allowed or disallowed, as per Section 45 CPLA 1998.

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

January 02

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**REPORT IN ACCORDANCE WITH
SECTION 45(a)(iii) CROWN PASTORAL LAND ACT 1998**

(1) Details of lease:

Lease Name: Cairnhill and The Knobbies
Location: Roxburgh
Lessee: Andrew Ritchie McNeish, Kathryn Mara McNeish and Douglas James Harvie

(2) Public notice of preliminary proposal:

Date, publication and location advertised:

Saturday – 9 February 2002:

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

Closing date for submissions:

12 April 2002

(3) Details of submissions received:

A total of 4 submissions were received by the closing date and 3 late submissions were received. The details of these submissions are contained in Appendix 2.

(4) Analysis of submissions:

4.1 Introduction:

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 (*shown in Section 3*) of the submitter(s) making the point. There is a discussion of the point and whether or not to accept/not accept or allow/disallow the point.

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The following approach has been adopted:

- (i) To accept/not accept:

The decision to “accept” 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 “not accept”.

- (ii) To allow/disallow:

Where the decision has been made to accept, a further decision has been made as to whether the point made should be “allowed” or “disallowed”. The decision has been made to “allow” if the point raises new information and should be considered further. Where the matter has previously been decided by the Commissioner, and there is not justification for the further consideration then the decision is to “disallow”. Further justification for the Decision has been made in the discussion paragraph showing the summary for each point.

4.2 Analysis:

Point	Summary of Point Raised	Sub Nos	Decision	
1	The submitters sought assurance that the alignment of the formation of roads on the ground coincides with the legal alignment of the roads shown on the Cadastral map. They further sought to have the existing tracks formalised as legal roads where there was any issue of doubt.	1,4,5,7	Not accept	

Discussion:

The Preliminary Proposal identified the network of legal roads as providing for public access. The Commissioner is not required under the Crown Pastoral Land Act 1998 to establish whether nor not road formations lie within existing legal road lines. The issues relating to legal roads lie outside the Commissioner’s responsibilities under the Crown Pastoral Land Act, therefore the point cannot be accepted.

Point	Summary of Point Raised	Sub Nos	Decision	
2	The submitters sought to have varying areas ranging from 275 ha and up to 2000 ha of land with significant inherent values in the vicinity of the headwaters of Spargrass and Mount Campbell Creeks restored to full Crown ownership and control	1,2,3,4, 5,6,7	Accept	Disallow

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Discussion:

In considering a tenure review the Commissioner of Crown Lands is required to seek the protection of significant inherent values, preferably by restoration to full Crown ownership and control (*Section 24 (b) (ii) CPL Act*) the point is therefore a matter for the Commissioner to consider and should be accepted.

All parties submitting on this tenure review proposal raised this issue. Information is provided on the significant inherent values that exist within this area and the range of areas recommended for protection varies depending on the perception of the submitter. The Commissioner has consulted with the Director General of Conservation's delegate before the preliminary proposal was put to the holder. Further review of the significance of the inherent values and consultation with the holder in the overall context of tenure review led to this area not being included for restoration to Crown ownership and control in the Preliminary Proposal. The Commissioner considered the reports on this matter when deciding to put the Preliminary Proposal to the holder. As the matter has been fully traversed in the past and no new information has been provided for the Commissioner to consider, the point has been disallowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub Nos</i>	<i>Decision</i>	
3	The submitters sought a landscape covenant to protect significant landscape values on the faces associated with Lake Roxburgh.	5,6,7	Accept	Disallow

Discussion:

In putting a Preliminary Proposal to the holder the Commissioner of Crown Lands is required to consider the protection of significant inherent values, including landscape and seek the protection of these through the use of protective mechanisms or preferably through the restoration of such areas to full Crown ownership and control. The point raised in the submissions relates to a significant landscape and therefore it is appropriate that the Commissioner consider this in tenure review, the point should therefore be accepted.

The Commissioner was provided with advice and information regarding the landscape as part of the consultation with the Director General's delegate in identifying the designations to be included in the Preliminary Proposal. No new information has been identified by the submitters, and therefore the point has been disallowed.

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<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub Nos</i>	<i>Decision</i>	
4	The submitters recommended a landscape protection covenant be placed on the Knobby Range above Lake Roxburgh from approximately 600/650 metre elevation to the crest of the range in order to protect the landscape.	2,3,5,6,7	Accept	Disallow

Discussion:

Where a landscape is considered to be a significant inherent value the Commissioner of Crown Lands is required to consider its protection in terms of the Crown Pastoral Land Act. The point raised refers to this landscape as being significant and therefore the point can be accepted.

The Commissioner was provided with advice and information regarding the landscape referred to in these submissions as part of the consultation with the Director General's delegate, in identifying the designations to be included in the Preliminary Proposal. No new information has been identified by the submitters, and therefore the point has been disallowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub Nos</i>	<i>Decision</i>	
5	Recommended protection of the western scarp of the Speargrass Creek catchment.	5,6,7	Accept	Disallow

Discussion:

The protection of significant landscapes is a matter to be considered by the Commissioner of Crown Lands as part of tenure review. The point should therefore be accepted.

The Commissioner was provided with advice and information regarding the landscape as part of the consultation with the Director General's delegate in identifying the designations to be included in the Preliminary Proposal. No new information has been identified by the submitters, and therefore the point has been disallowed.

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<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub Nos</i>	<i>Decision</i>
6	Request for public access to Speargrass Creek and Mount Campbell Creek catchments.	7	Accept

Discussion:

The Commissioner of Crown Lands is required to consider the securing of public access to and enjoyment of reviewable land as one of the objects of tenure review. For this reason the point should be accepted.

In the consultation undertaken by the Commissioner prior to determining the designations for the Preliminary Proposal, issues associated with public access to the areas referred to in the submission were considered and the Commissioner received information and advice on these issues. He took that information and advice into account in deciding how to address the question of public access to the areas of land referred to in the submission. The submitter has not provided any information that has not previously been considered in the tenure review and therefore the point is disallowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub Nos</i>	<i>Decision</i>
7	The submitter has asked that there be public identification of streams requiring marginal strips, then creation of additional public access of proposed strips will be inadequate for securing public access.	7	Not accept

Discussion:

The identification of marginal strips is not a requirement of the Crown Pastoral Land Act. The Commissioner is not responsible for this activity and therefore the point should not be accepted. The second part of the point raised relates to alternative provision of public access which is discussed elsewhere.

(5) Discussion and conclusions:

Discussion relative to the particular points has been made above under each point for simplicity and clarity. It is possible to conclude from the submissions received that there is a strong desire for restoration of areas in Speargrass and Mount Campbell Creeks. This matter is raised in some form by all 7 submitters. However, the issues relating to this area were fully traversed prior to putting the Preliminary Proposal and the issue should not be revisited.

A second issue that is raised by a number of submitters relates to the confirmation of marginal strips and legal roads. While access is a significant issue as part of tenure review the Commissioner of Crown Lands does not have responsibility for either of these issues under the Crown Pastoral Land Act.

While not listed as a point above it is noted that the submitters universally support the proposed conservation area over the Onslow Block of the Knobbies Pastoral Lease.

APPENDICIES:

- (1) Copy of submissions.