

Crown Pastoral Land Tenure Review

Lease name: CAMBRIAN

Lease number: PO 375

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.

April

10

FINAL ANALYSIS OF PUBLIC SUBMISSIONS ON PRELIMINARY PROPOSAL FOR TENURE REVIEW

Report in accordance with Tenure Review Process

CAMBRIAN

File Ref: 12614 (Po375/1)

Report No: AT0010

Submission Date: 11 March 2010

Contractor's Office: Alexandra

LINZ Case No: TRD/66

Date sent to LINZ: 11/3/10

RECOMMENDATIONS:

1. That the Commissioner of Crown Lands **notes** the submissions received and **approve** the final analysis of public submissions.

Signed by Darroch Limited:



Ken Taylor

I recommend approval

K M Lee 14/4/10

KARYN MICHELLE LEE
PORTFOLIO MANAGER
CROWN PROPERTY MANAGEMENT
C/- LINZ, CHRISTCHURCH

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



Name:

Date of decision:

15 / 4 / 10

Mathew Clark (Manager Pastoral)
Land Information New Zealand
Under delegated authority of the
Commissioner of Crown Lands.

(1) Details of lease:

Lease name: Cambrian

Location: Loop Road, St Bathans

Lessee: Ottrey Farms Limited

APPENDICIES:

1. Final analysis of submissions.
2. Copy of Public Notice
3. List of Submitters
4. Copy of annotated submissions

Appendix 1

Final analysis of public submissions

FINAL ANALYSIS OF PUBLIC SUBMISSIONS

CAMBRIAN TENURE REVIEW

1. Details of lease:

Lease name: Cambrian

Location: On Loop Road, St Bathans

Lessee: Ottrey Farms Limited

2. Public notice of preliminary proposal:

Date, publication and location advertised:

Saturday 4 February 2006:

Otago Daily Times	Dunedin
The Press	Christchurch
The Southland Times	Invercargill

Closing date for submissions:

4 April 2006

3. Details of submissions:

A total of 11 submissions were received by the closing date.

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 of the submitter(s) making the point. Discussion of the point and the decision whether or not to allow/disallow the point follows.

The following approach has been adopted when making recommendations:

(i) To allow/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”**. No further consideration is given to those points that are disallowed.

Further analysis is then undertaken as to whether to **accept** or **not accept** them.

(ii) To accept/not accept:

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 Lands Act 1998 (Section 24 & 25) 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 Lands Act 1998.

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.

4.2 Analysis:

Point	Summary of Point Raised	Sub No	Decision	
1	Support for the proposed conservation area CA1.	1, 3, 6, 10	Allow	Accept

Discussion:

The submitters supported the proposed conservation area as protecting the identified significant inherent values. Protection of such values is required pursuant to Section 24(b) Crown Pastoral Land Act. Therefore this point is allowed.

The point is a statement of support for the proposed conservation area and was considered by the Commissioner when formulating the designations for the Substantive Proposal. The point is therefore accepted and CA1 remains in the Substantive Proposal.

Point	Summary of Point Raised	Sub No	Decision	
2	General support for the proposed conservation covenants	1, 2, 3, 6, 10	Allow	Accept

Discussion:

The submitters supported the proposed conservation covenants as protecting the identified significant inherent values. Protection of such values is required pursuant to Section 24(b) Crown Pastoral Land Act. Therefore this point is allowed.

The point is a statement of support for the proposed conservation covenants and was considered by the Commissioner when formulating the designations for the Substantive Proposal. The point is therefore accepted and the covenants remain in the Substantive Proposal.

Point	Summary of Point Raised	Sub No	Decision	
3	Public access is requested up Donald Stuarts Creek.	1	Allow	Not Accept

Discussion:

The submitter requested that public access be made available up Donald Stuarts Creek. While this is in some way related to point 6, it is less specific. Public access is a matter for the Commissioner to consider pursuant to Section 24(c)(i) Crown Pastoral Land Act. Therefore this point is allowed.

The access requested was previously considered during the preparation of the Preliminary Proposal and was not proceeded with due to the high impact in the heart of the farming operation and the fact that the access would not lead anywhere. While further consultation occurred with the holder on this point no changes to the proposal were agreed. The point is therefore not accepted.

Point	Summary of Point Raised	Sub No	Decision	
4	Greater access is requested up the South Western boundary of the property effectively linking portions of the access currently proposed.	1, 6, 7	Allow	Not Accept

Discussion:

The submitters requested that additional public access be made available up property boundary. While this is in some way related to point 6, it is less specific. Public access is a matter for the Commissioner to consider pursuant to Section 24(c)(i) Crown Pastoral Land Act. Therefore this point is allowed.

The access requested was previously considered during the preparation of the Preliminary Proposal and was not proceeded with due to the high impact in the heart of the farming operation and the fact that the access would not lead anywhere. The preferred access is on an adjacent property and this is currently being negotiated. The point is therefore not accepted.

Point	Summary of Point Raised	Sub No	Decision	
5	The conservation covenants should be extended to include a wider representation of the shrublands	2, 6, 10	Allow	Not Accept

Discussion:

This relates to the protection of significant inherent values perceived as being represented over a greater area than currently proposed for protection. The extent varied depending on the submitter. Protection of significant inherent values is a matter for the Commissioner to consider pursuant to Section 24(b) Crown Pastoral Land Act. Therefore this point is allowed.

The extent of the proposed covenants was carefully considered with extensive field work to ensure the best protection of the significant inherent values. The boundaries adopted ensure protection of the significant inherent values and no new information has been provided by the submitters in this regard. The point is therefore not accepted.

Point	Summary of Point Raised	Sub No	Decision	
6	Access to the proposed covenants is requested.	2, 3, 6, 10	Allow	Accept

Discussion:

This point is more specific than points 3 and 4 above. In most submissions a minor extension to existing access has been requested. Public access is a matter for the Commissioner to consider pursuant to Section 24(c)(i) Crown Pastoral Land Act. Therefore this point is allowed.

Access to the covenant areas was considered during preparation of the preliminary proposal. These are not regarded as public use areas, however the submitters made the case for access to appreciate the botanical values of the area. During consultation the holder agreed to granting access "on request". The point is therefore accepted and access with the consent of the holder is included in the covenant documentation in the substantive proposal.

Point	Summary of Point Raised	Sub No	Decision	
7	The proposed access is supported (and in some cases commended).	2, 3, 5, 6, 9, 10	Allow	Not accept

Discussion:

The support is noted. Public access is a matter for the Commissioner of Crown Lands to consider pursuant to Section 24 (c)(i) Crown Pastoral Land Act. Therefore this point is allowed.

The support for the proposed access is noted. However, as the context of the review has changed with the required access now being promoted on an adjacent property. Therefore the access referred to is no longer part of this proposal. The point has therefore not been accepted.

Point	Summary of Point Raised	Sub No	Decision	
8	Concern is expressed regards the lack of access to CA1.	3, 6, 10	Allow	Not Accept

Discussion:

The submitters are concerned that this area is isolated in the context of this review and is a significant area for the public to enjoy. Public access is a matter for the Commissioner of Crown Lands to consider pursuant to Section 24 (c)(i) Crown Pastoral Land Act. Therefore this point is allowed.

Conservation Area CA1 adjoins proposed conservation land on an adjacent property. It is considered that access will be gained through this adjacent land. No additional information has been received to alter that view therefore the point is not accepted.

Point	Summary of Point Raised	Sub No	Decision	
9	Support (or at least no objection) is expressed regards the proposal for freehold.	3, 6, 10	Allow	Accept

Discussion:

Freehold disposal of reviewable land is an option pursuant to Section 24(c)(ii) and 24 (b) Crown Pastoral Land Act. Therefore this point is allowed.

The point is a statement of support for the proposed freehold and was considered by the Commissioner when formulating the designations for a Substantive Proposal. The point is therefore accepted and the proposed freehold forms part of the Substantive Proposal.

Point	Summary of Point Raised	Sub No	Decision	
10	Request for restrictions on management of the land adjacent to the covenants especially regards spraying and burning.	3, 6	Allow	Not Accept

Discussion:

This point is similar to Point 5 but without a suggestion for a protective mechanism. The protection of conservation values (where they are considered significant inherent values) is a matter for the Commissioner to consider pursuant to Section 24 (b) Crown Pastoral Land Act. Therefore this point is allowed.

This point relates to the extent of protection afforded by the proposed covenants. This was carefully considered with extensive field work to ensure the best protection of the significant inherent values. The boundaries adopted ensure protection of the significant inherent values and no new information has been provided by the submitters in this regard. The point is therefore not accepted.

Point	Summary of Point Raised	Sub No	Decision	
11	Request for vehicle access on the proposed easements.	4, 5, 6, 9	Allow	Not Accept

Discussion:

The submitters note the significance of the proposed access to be provided through this review, but note that the distances involved will be too great for most people to enjoy without vehicles. . Public access is a matter for the Commissioner to consider pursuant to Section 24(c)(i) Crown Pastoral Land Act. Therefore this point is allowed.

Vehicle access on the proposed easements was debated at some length. It did however subsequently emerge that the preferred access is on an adjacent property. It was also recognised that the access on Cambrian did not in itself provide access "to and for the enjoyment of reviewable land" as prescribed in the CPL Act. The point is therefore not accepted.

Point	Summary of Point Raised	Sub No	Decision
12	The submitter suggests management requirements associated with the easements.	5	Disallow

Discussion:

The matters raised by the submitter are part of the management of the easements post tenure review. These matters will be of interest to the controlling authority at that time (DoC) but are not matters for the Commissioner to consider in the context of the review. Therefore this point is disallowed.

Point	Summary of Point Raised	Sub No	Decision	
13	It would be appropriate for the proposed access to be closed during lambing.	5, 8, 11	Allow	Not Accept

Discussion:

The submitters suggest (with varying degrees of intensity) that it would be appropriate to close the easements over the lambing period. This is a specific aspect relating to the provision of public access. Public access is a matter for the Commissioner to consider pursuant to Section 24(c)(i) Crown Pastoral Land Act. Therefore this point is allowed.

This point was recognised as a significant issue for both the subject property and the neighbouring property and reviewed at some length. Ultimately with the proposed access being proposed on the adjacent property, the point is no longer relevant to this review. The point is therefore not accepted.

Point	Summary of Point Raised	Sub No	Decision
14	The Lauder Basin Conservation Area should be expanded and access provided in accordance with the Otago Conservation Management Strategy.	6	Disallow

Discussion:

The Lauder Conservation Area is not part of this review and does not adjoin the reviewable land. Nor is the CMS relevant to the review in this context. The point is therefore disallowed.

Point	Summary of Point Raised	Sub No	Decision	
15	The upper basin of Donald Stuarts Creek should be protected.	6	Allow	Not Accept

Discussion:

While the submitter recommends that this area be protected in the context of the wider Lauder area, the proposal is based around significant inherent values. The Commissioner is required to consider the protection of significant inherent values pursuant to Section 24(b) Crown Pastoral Land Act. Therefore this point is allowed.

Significant inherent values were identified in this area under the Conservation Resources Report. Formal protection of these was contemplated during the preparation of the preliminary proposal, but not pursued due to the fragmented location of the identified values. Landscape values were considered in this context, but it was noted that the upper basin of Cambrian is largely below the

main view line. No new information was provided in the submission therefore the point is not accepted.

Point	Summary of Point Raised	Sub No	Decision
16	A permanent arrangement should be negotiated with the owner of the land between the corner of Woolshed Creek Road and proposed easement start point "a" for public access.	7	Disallow

Discussion:

It is assumed that the submitter is referring to Lauder Station Road that follows Woolshed Creek. The land between this road and Cambrian is not included in the review, therefore the point is disallowed.

Point	Summary of Point Raised	Sub No	Decision
17	The submitters express concern as to the land locked nature of the Lauder Conservation Area.	8, 9	Disallow

Discussion:

The Lauder Conservation Area is not part of this review and does not adjoin the reviewable land. The point is therefore disallowed.

Point	Summary of Point Raised	Sub No	Decision	
18	The submitter suggests a monitoring programme should be introduced in relation to the covenants.	10	Allow	Accept

Discussion:

A monitoring programme relates to the protection of significant inherent values. This is a matter that the Commissioner is required to consider pursuant to Section 24(b) Crown Pastoral Land Act. Therefore this point is allowed.

A vegetation monitoring programme including actions arising from the programme is contained in the proposed covenant document. The point supports this view and this has been carried into the substantive proposal. The point is therefore accepted.

5. **Discussion and conclusions:**

The public submissions have largely endorsed the proposals for this review.

Public access has however drawn a number of submissions (with 6 of the 18 points raised relating to this), in particular access to the proposed covenant areas. Three of the points relate to the protection of additional areas of the property.

Four of the points raised, including three relating to land outside the review cannot be considered under the Crown Pastoral Land Act and have consequently been disallowed.

Of the 14 points that have been allowed, 5 were accepted. Four of these were submissions of support and the fifth related to public access to the covenanted area. This access is now embodied in the covenant documents with access to be granted by the holder when requested.

Of the 9 points not accepted, 4 related to access on the south-western boundary. These points were not accepted as this access is now being negotiated on an adjacent property. A further point related access to the proposed conservation area. Once again the access to this is being negotiated over an adjacent property. The remaining 4 points related to further protection on the property and access up Donald Stuarts Creek, both matters that had previously been well considered and no new information was provided that led to a change in the proposal.