

Crown Pastoral Land Tenure Review

Lease name: CAMBRIAN HILLS

Lease number: PO 069

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.

October 09

ANALYSIS OF PUBLIC SUBMISSIONS

Statement Pursuant To Sec 45(a)(iii) Crown Pastoral Land Act 1998 (for Part 2 reviews, or Sec 88(d) for Part 3 reviews)

Cambrian Hills TENURE REVIEW NO 12446

1. Details of lease

Lease name: Cambrian Hills
Location: Cambrian, North West of Ranfurly.
Lessee: Cambrian Hills Limited

2. Public notice of preliminary proposal

Saturday 24 January 2009

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

Closing date for submissions:

Friday 27 March 2009 (Note: The Public notice showed Friday 25 March)

3. Details of submissions received

Number received by closing date: 11

Cross-section of 9 groups and 2 individuals represented by submissions

Number of late submissions refused. There was one late submission received. This was approved by Steve Urlich in an email dated 8 April 2009, copy attached.

4. ANALYSIS OF SUBMISSIONS

4.1. 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.

4.2. Analysis

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
1	General Support for the proposal	No's 1,2,3,4,7,8 and 11	Allow	Accept

Seven submissions were received in general support of the proposal.

Submitter 1 wrote *..It is pleasing to note that many of the recommendations made in the 2005... report have been followed*. They noted particularly that all of RAP A1 located within Cambrian Hills has been included in CA1. Other points noted were the inclusion in CA1 of the mid altitude reaches of Shepherds Creek. They went on to note: *"Again, it is pleasing to note that this recommendation has been heeded and that significant gold mining remnants are proposed for protection under covenant"*.

Submitter 2 commented *"Overall we think this is a proposal that will deliver very good outcomes for conservation, from an ecological and landscape perspective"*, and continued *"The recreational opportunities this proposal will provide for are also significant especially if considered in the wider perspective"*.

In a similar vein submitter 3 noted *"We see this proposal as a big gain for Conservation with both the significant inherent values on the high and magnificent tor country and the delights of the shrublands in Shepherds Creek included. This outcome provides a number of recreational opportunities for a range of groups from trampers and botanical trampers to mountain bikers"*.

Submitter 4 commented *"...is generally supportive of this tenure review preliminary proposal as it stands"*.

Submitter 7 strongly supported the proposal by saying *"The general thrust of this proposal..... is strongly endorsed*. On a similar note submitter 11 commented *"...fully supports the proposal as outlined in the Preliminary Proposal and regards it as a very good outcome for conservation"*.

Submitter 8 stated *" we also support the gentler recreational activities of an interest in history, experiencing the natural fauna and flora, photography, art and wandering."*

Rationale for Allow or Disallow

As the objectives of the Crown Pastoral Land Act are:

- (a) To:
 - I. Promote the management of reviewable land in a way that is ecologically sustainable
 - II. Subject to subparagraph (i), to enable reviewable land capable of economic uses to be freed from the management constraints (direct and indirect) resulting from its tenure under reviewable instrument; and
- (b) To enable the protection of the significant inherent values of reviewable land-
 - I. By the creation of protective mechanisms; or (preferably)
 - II. By the restoration of the land concerned to full Crown ownership and control;
- (c) Subject to paragraphs (a) and (b) to make easier-
 - I. The securing of public access to and enjoyment of reviewable land; and
 - II. The freehold disposal of reviewable land,

the point should be allowed so that these views can be taken into account in further consideration by the Commissioner in the formulation of a Substantive Proposal

Rationale for Accept or Not Accept

The point made relates directly to the objects and matters to be taken into account in the Crown Pastoral Land Act and 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 and is therefore accepted for further consideration by the Commissioner in the formulation of a Substantive Proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
2	Support for CA1	No's 1,2,3,7,8,9, 10 and 11	Allow	Accept

Eight submissions were received supporting the proposal for CA1

Submitter 1 wrote when commenting about the values present in CA1 *"All these natural and recreational values provide the rationale as to why return to full Crown ownership is justified"*. The submitter went on further to say *"...unreservedly endorses and supports this proposal for a total of 2532 ha to be designated as land to be restored to or retained in Crown control as conservation area"*.

Submitter 2 commented *"The retention of almost the whole of the Shepherds Creek catchment, with its dramatic rocky outcrops and bluffs and remnant diverse woody vegetation including totara; the Cluden saddle area; and the upper Cluden catchment will be a valuable addition to the wider Dunstan Mountains conservation area as it develops"*

Submitter 3 noted along similar lines as follows: *"We fully support the creation of CA1 which is both high country with significant SIV's as well as lower altitude country of Shepherds Creek with the significant shrublands within it and provides a valuable altitudinal sequence"*. They went on to say *"We support unreservedly the return of the area within CA1 to Crown ownership and control as conservation area"*.

Submitter 7 strongly supported the proposal by saying *"The general thrust of this proposal, to return to full Crown ownership and management control, an area of 2532 ha, as conservation area..... is strongly endorsed"*.

Submitter 8 stated *"We are pleased to see this substantial portion of the lease set aside as a Conservation area.." "This is a significant landscape and natural area, with good values, and will be a welcome addition to conservation..."*

Submitter 9 commented *"..strongly supports the surrender of CA1 as conservation area..."*

Submitter 10 had very similar views.

Submitter 11 noted *"Conservation area CA1 will form a significant addition to the important Lauder Basin Conservation Area"*.

Rationale for Allow or Disallow

As the objectives of the Crown Pastoral Land Act include

- (a) To:
 - I. Promote the management of reviewable land in a way that is ecologically sustainable,

the point should be allowed so that these views can be taken into account in further consideration by the Commissioner in the formulation of a Substantive Proposal

Rationale for Accept or Not Accept

The point made relates directly to the objects and matters to be taken into account in the Crown Pastoral Land Act and 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 and is therefore accepted for further consideration by the Commissioner in the formulation of a Substantive Proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
3	Support for CC1 and CC2	No's 1,3,4,7, 8 and 11	Allow	Accept

Six submissions were received expressing general support for CC1 and CC2.

Submitter 1 wrote when commenting about the conservation covenants *"We are satisfied that historical interests have been recognized by the designation of the two covenants.."* and went on to say *"... fully support the designation of the two covenant areas CC1 and CC2..."*

Submitter 3 made a similar comment. *"We support the creation of the two Conservation Covenants to protect the cob cottage and the Sailors Creek gold workings."*

Submitter 4 noted, *"The inclusion of the Sailors Creek gold mining tailings site in the proposed conservation covenant CC1 is strongly supported"* and went on to say *"The inclusion of the mud brick cottage, stone cottage ruins and surrounds in conservation covenant CC2 is also strongly supported. In particular, it is noted that fencing will restrict stock ingress into the area, while provision exists for the covenant to be terminated in favour of a Section 6 Historic Places Trust Act 1993 heritage covenant, should the owner subsequently decide to restore the cottage or ruins."*

Submitter 7 endorsed both covenants.

Submitter 8 commented: *"We agree with these designations and the protection to be given to the gold mining remains and the Historic Hut."* This submitter identified the need to fence the gold diggings and this is further discussed in point 22 below.

Submitter 11 noted *"The proposed conservation covenants appear to be appropriate forms of protection for the historic and ecological values contained in areas CC1 and CC2."*

Rationale for Allow or Disallow

As the objectives of the Crown Pastoral Land Act are:

- (a) To:
 - I. Promote the management of reviewable land in a way that is ecologically sustainable
 - II. Subject to subparagraph (i), to enable reviewable land capable of economic uses to be freed from the management constraints (direct and indirect) resulting from its tenure under reviewable instrument; and

- (b) To enable the protection of the significant inherent values of reviewable land:

i. By the creation of protective mechanisms; or (preferably),

the point should be allowed so that these views can be taken into account in further consideration by the Commissioner in the formulation of a Substantive Proposal

Rationale for Accept or Not Accept

The point made relates directly to the objects and matters to be taken into account in the Crown Pastoral Land Act and 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 and is therefore accepted for further consideration by the Commissioner in the formulation of a Substantive Proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
4	Issues with CC1 in relation to stock grazing.	No's 2 and 4	Allow	Accept in part

Two submissions were received in relation to stock access to CC1.

Submitter 2 was concerned about the impact of stock grazing on the historic gold diggings noting.. *"We also suggest that sheep grazing may not be appropriate if threatened coral broom species are present. Elymus grass is also very palatable.."*

By contrast submitter 4 had no issue with sheep grazing but noted: *"...we request that cattle be specifically excluded from the covenant area, as they can cause severe damage to such sites..."*

Rationale for Allow or Disallow

One of the objectives of the Crown Pastoral Land Act 1998 is to protect the significant inherent values identified on the reviewable land, the point raised by the submitters' questions whether the terms of the protective mechanism are adequate to provide the necessary protection.

This point should be allowed so that these views can be taken into account in further consideration by the Commissioner in the formulation of a Substantive Proposal

Rationale for Accept or Not Accept

The point made relates directly to the objects and matters to be taken into account in the Crown Pastoral Land Act; however as the covenant already has a sheep only grazing clause, the issue of cattle grazing is not accepted. The other issue of sheep grazing impacting on botanical values was considered during the consultation process. Some grazing was considered necessary to control the introduced grass species which if not controlled has the potential to damage the historic values. Monitoring of the covenant conditions will establish if grazing impacts on the botanical values. The covenant does not have an attached monitoring programme and as the submitter has articulated reasons why they prefer an alternative outcome, this part of the submission is accepted for further consideration by the Commissioner in the formulation of a Substantive Proposal

This point is therefore accepted in part for further consideration.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
5	Boundary of CC1 and seeking archaeological advice	No 2	Allow	Accept

One submission was received seeking expert advice be sought to ensure the boundary of CC1 take in all the values.

Submitter 2 was concerned that all of the gold mining area was not included in the covenant area and commented *"It is difficult to discern from the proposals map whether the entire area of gold digging activity is included"* and went on to say *"We ask that the area be defined on a high definition aerial photo..., and confirmed by an archaeological expert prior to fencing off the area"*

Rationale for Allow or Disallow

One of the objectives of the Crown Pastoral Land Act 1998 is to protect the significant inherent values identified on the reviewable land, the point raised by the submitters' questions whether the protective mechanism adequately covers the historic values.

This point should be allowed so that these views can be taken into account in further consideration by the Commissioner in the formulation of a Substantive Proposal

Rationale for Accept or Not Accept

The point made relates directly to the objects and matters to be taken into account in the Crown Pastoral Land Act and the point highlights issues previously considered but articulates reasons why the submitter prefers an alternative outcome, the point is accepted for further consideration by the Commissioner in the formulation of a Substantive Proposal. The submitter can be assured that part of the tenure review process is to carry out a boundary definition survey to identify where the fence can be practically located to take in the values present.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
6	Issues in relation to upgrade and continued maintenance of historic buildings(CC2)	No's 1 and 4	Disallow	

Two submissions were received expressing concern that the cottage should be upgraded to a point where it is weather proof so that it does not itself turn into ruins.

Submitter 1 commented that *"We believe that the full restoration of the cob cottage is a worthy future aim which should be supported by DOC and the NZ Historic Places Trust"*.

Submitter 4 went further to say *"DOC has recognized the cottage as being a notable example of a circa 1907 mud brick Central Otago Farm cottage and a structure which has the potential for restoration in the future"*. And went onto say *"... we recommend the Crown undertakes the initial works to ensure the cottage is effectively weatherproofed and that the ruins are stabilised and protected from erosion"*. The submitter also suggested the holder should maintain the cottage and ruins after they have been weatherproofed and noted *"If such works were undertaken prior to the owner taking responsibility for the cottage and ruins, the owner is made responsible for ongoing maintenance, but not burdened with the initial costs of stabilization and weatherproofing"*.

Rationale for Allow or Disallow

One of the objectives of the Crown Pastoral Land Act 1998 is to protect the significant inherent values identified on the reviewable land. The point raised by the submitters' questions whether the historic values will be protected if they are not initially stabilised and weatherproofed. There is no provision in the Crown Pastoral Land Act for work of this nature to be undertaken as part of the tenure review. Any upgrade work is a post tenure review issue between the owner, DOC and the Historic Places Trust.

This point is therefore disallowed for further consideration by the Commissioner in the formulation of a Substantive Proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
7	Support for easement concession to transport water.	No's 1,3 and 7	Allow	Accept

Three submitters briefly commented that they accepted, approved or had no objection to the proposed easement.

Submitter 1 commented "...has no objection to the proposed easement". In a similar vein submitter 2 noted "we have no objections to this easement". Submitter 7 noted "The Qualified designation, being an easement concession....is accepted"

Rationale for Allow or Disallow

The Crown Pastoral Land Act allows for qualified designations over land being returned to Crown control. This point should be allowed so that these views can be taken into account in further consideration by the Commissioner in the formulation of a Substantive Proposal

Rationale for Accept or Not Accept

The point made relates directly to the objects and matters to be taken into account in the Crown Pastoral Land Act and 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 and is therefore accepted for further consideration by the Commissioner in the formulation of a Substantive Proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
8	Support for freehold	No's 1,2,3,7 and 8	Allow	Accept

There was general support from five submitters for the freeholding of 612 hectares.

Submitter 1 stated "We are pleased to note that our observations seem to have been recognized in the tenure review process which now recommends some 612 hectares..." and go onto say "...supports the proposal that the balance of the ease(some 612 ha) could become freehold, subject to the stated Protective Mechanisms and Qualified Designations". The submitter went onto qualify their support by suggesting a landscape covenant be considered to protect some of the landscape values in the area. This aspect will be discussed later in point 11.

Submitters 2 and 3 also agreed that the land should be freehold and also suggested a covenant was needed to protect the landscape values noted above. Submitter 2 commented "We agree that this lower 'front' country could be disposed of to freehold ownership" and in the same vein submitter 3 wrote "We support the proposal to freehold..."

Submitter 7 noted "The proposal to dispose of c.612 ha as freehold to Cambrian Hills.....is also accepted.

Submitter 8 similarly wrote "...is in agreement with the general terms of this designation".

Rationale for Allow or Disallow

The Crown Pastoral Land Act specifically allows for the freehold disposal of reviewable land. This point should be allowed so that these views can be taken into account in further consideration by the Commissioner in the formulation of a Substantive Proposal

Rationale for Accept or Not Accept

The point made relates directly to the objects and matters to be taken into account in the Crown Pastoral Land Act and 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 and is therefore accepted for further consideration by the Commissioner in the formulation of a Substantive Proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
9	Support for access provisions.	No's 1,2,3,8,9 and 11	Allow	Accept

Six submissions were received generally supporting the public access routes through the freehold.

Submitter 1 acknowledged that important recreational opportunities on and across the property have been recognised. They go onto say "...recognizes that the provision for car parking at point b, and walking, mountain bike and horse access to ...CA1 does provide secure legal access.." and further comments that the route is not practical. This aspect is also raised by submitters 2 and 8 and will be discussed later under point 20.

Submitter 2 noted *"In principal we are pleased to see provision for public car parking close to the range and access up to the proposed conservation area"*. Submitter 3 also supported the easement *"We accept and endorse the easements for public access..."*

Submitter 8 went further by saying *" We appreciate the opportunity offered to walk, ride and explore the valleys and ridges of the upper Shepherds Creek and associated catchments"*. The submitter further commented *"It is also value to us that by foot or bike or horse, one can now also move up to the Lauder Tussock Reserve which was previously landlocked so far as public access was concerned"*.

Submitter 9 also supported the public access route saying *"..supports the public access easement a-b-c-d-d1-e"*. Submitter 10 comments *"Public access to Conservation area CA1 is well provided for, with a short drive to a proposed car park at point b and then a relatively short journey(less than 2 km) over easy terrain"*

Rationale for Allow or Disallow:

As one of the objects of the CPLA 1998 is to make easier-
Section 24(c)(i) The securing of public access to and enjoyment of reviewable land;
the point is allowed for further consideration by the Commissioner in the formulation of a Substantive Proposal

Rationale for Accept or Not Accept:

The point made relates directly to the objects and matters to be taken into account in the Crown Pastoral Land Act and 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 and is therefore accepted for further consideration by the Commissioner in the formulation of a Substantive Proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
10	Support for a landscape covenant over all or part of the front faces proposed for freehold disposal.	No's 1,2 and 3	Allow	Accept

As noted in point 9 above there was some concern by three submitters that the landscape values on the proposed freehold land had no protection.

Submitter 1 noted *"Because of the obvious visibility of the valley sides and interfluves associated with Welshmans Gully and Sailors Creek...we submit that consideration be given to a Landscape Protection covenant over these areas"*.

In a similar vein submitter 2 outlined the landscape values in Sailors and Welshmans Creek catchments and concluded by saying *"We would like to see a covenant placed over these catchments to protect their landscape values."* and went on to say *"Without protection they are highly vulnerable to more intensive grazing use supported by topdressing and oversowing.."*

Submitter 3 also recommended consideration be given to a Landscape Protection covenant over the front faces of the proposed freehold. In the summary they noted *"We support the proposed freehold and suggest a landscape covenant may be appropriate"*.

Rationale for Allow or Disallow:

As one of the objects of the CPLA 1998 set out in Section 24(b)(i), is to enable the protection of the significant inherent values of the reviewable land; the point is allowed for further consideration by the Commissioner in the formulation of a Substantive Proposal

Rationale for Accept or Not Accept:

The point deals with the objects and matters to be taken into account in the CPLA and the information provided by the submitters is new information. The matter of landscape values on the proposed freehold was not raised by DOC or the holder as an area of concern during consultation. The point is therefore accepted for further consideration by the Commissioner in the formulation of a Substantive Proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
11	Access to tussock reserve not practical.	No 1	Disallow	

Submitter 1 was concerned that the easement route did not provide practical access to the adjoining "Tussock Reserve". They noted *"However for the majority of people wanting to access the 'Tussock Reserve' this access is not really practical as it involves an uphill walk over untracked country from about 600 m to 1600 m asl."* We have assumed the submitter is referring to land in an adjoining conservation area rather than the reviewable land.

Rationale for Allow or Disallow:

One of the objects of the CPLA 1998 is:

- (b) to make easier
 - i. the securing of public access to and enjoyment of reviewable land; and...

The submitter is referring to access to land that is not reviewable land and therefore is outside the provisions of the CPLA. The point is therefore disallowed for further consideration by the Commissioner in the formulation of a Substantive Proposal

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
12	Public access is required over "b-f-d"	No's 1,2,3,7 and 8	Allow	Accept

The issue raised by the five submitters is that public access should follow the same route as the DOC management access route. The main reason put forward was to allow the public to view the gold mining covenant.

Submitter 1 noted *"We propose that the route should include a walk through the gold mining covenant area and the 4WD track f-d"*

In a similar vein submitter 2 commented *"...we believe the proposal for public access could be improved upon"*. And they went on to say *"We ask that public access be shifted from the proposed route to the route described and as shown on the attached map 2"*. The route shown on map 2 runs from b-f-d on the designations plan.

Submitters 3, 7 & 8 had very similar views, preferring to have the route along or through the conservation covenant between b - f and then to d.

Rationale for Allow or Disallow:

As one of the objects of the CPLA 1998 is to make easier-
Section 24(c)(i) The securing of public access to and enjoyment of reviewable land;

the point is allowed for further consideration by the Commissioner in the formulation of a Substantive Proposal

Rationale for Accept or Not Accept:

The point deals with the objects and matters to be taken into account in the CPLA and as the submitters presented reasons why an alternative outcome under the CPLA is preferred, it is therefore accepted for further consideration by the Commissioner in the formulation of a Substantive Proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
13	Support for DOC management access.	No's 1 and 9	Allow	Accept

Two submitters were happy with the DOC management access routes as shown.

Submitter 1 commented "...has no objection to the easement which provides for management access to the proposed new Conservation Area CA1".

Submitter 9 notes "...also supports the vehicular and walking access for the Minister of Conservation and Associates, including appropriate members of the public, including permitted hunters via b-f-d and d1-g-h..." We have interpreted the "including permitted hunters" comment to mean public access. This is discussed later in point 21.

Rationale for Allow or Disallow:

As one of the objects of the CPLA 1998 is Section 24 (b) To enable the protection of the significant inherent values of reviewable land-

(i) By the creation of protective mechanism; or preferably

(ii) By the restoration of the land concerned to full Crown ownership and control; and...

The securing of management access is a necessary part of the management of the reviewable land post tenure review. The point is allowed for further consideration by the Commissioner in the formulation of a Substantive Proposal.

Rationale for Accept or Not Accept:

The point made relates directly to the objects and matters to be taken into account in the Crown Pastoral Land Act and 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 and is therefore accepted for further consideration by the Commissioner in the formulation of a Substantive Proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
14	The significant inherent values have been well preserved by the holders.	No 3	Allow	Accept

One submitter made specific comment about the quality of the values present.

Submitter 3 noted "*The significant inherent values on the lease have all been well preserved by the management regime if the Shaw family and they deserve the utmost commendation for their farming practices on the lease.*"

Rationale for Allow or Disallow:

As one of the main objectives of the CPLA is to protect the significant inherent values on the reviewable land the point is allowed for further consideration by the Commissioner in the formulation of a Substantive Proposal.

Rationale for Accept or Not Accept:

The point made relates directly to the objects and matters to be taken into account in the Crown Pastoral Land Act and 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 and is therefore accepted for further consideration by the Commissioner in the formulation of a Substantive Proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
15	Support for the inclusion of guns and hunting dogs over the easement for permitted hunters.	No's 5 and 8	Allow	Accept

Two submitters expressed support for the inclusion of hunting dogs and guns in the easement document.

Submitter 5 noted "...support the inclusion of hunting dogs and guns over the easement to the conservation land as this will facilitate a larger range of recreational opportunities." Submitter 8 commented in a similar vein "...appreciates that as well as foot and bike access, one may ride or lead a horse, and, being in possession of a DOC hunting permit, may carry a gun and take dogs on the public access easement..."

Rationale for Allow or Disallow:

As one of the objects of the CPLA 1998 is to make easier- Section 24(c)(i) The securing of public access to and enjoyment of reviewable land; the point is allowed for further consideration by the Commissioner in the formulation of a Substantive Proposal.

Rationale for Accept or Not Accept:

The point made relates directly to the objects and matters to be taken into account in the Crown Pastoral Land Act and 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 and is therefore accepted for further consideration by the Commissioner in the formulation of a Substantive Proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
16	Formalisation of Fish and Game access over DOC management easement	No 5	Allow	Not Accept

The submitter was concerned that Fish and Game access was not secure over the DOC management easement. The submitter commented "We understand that Fish and Game have the same access rights for management as the Department although this has not been formally confirmed."

Rationale for Allow or Disallow:

As one of the objects of the CPLA 1998 is:

- (b) To enable the protection of the significant inherent values of reviewable land:
 - I. By the creation of protective mechanism; or preferably
 - II. By the restoration of the land concerned to full Crown ownership and control; and...

The securing of management access is a necessary part of the fisheries management on the reviewable land post tenure review. The point is allowed for further consideration by the Commissioner in the formulation of a Substantive Proposal

Rationale for Accept or Not Accept:

The point does not meet the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. Consultation with Fish and Game Council and the Department of Conservation has established Fish and Game staff can access DoC management easements for management purposes as invitees of DoC with agreement from the relevant Area Manager provided their management is consistent with the management of the conservation area.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
17	New fence line "A-B-C" should follow a contour line.	No 6	Allow	Accept

One submitter was concerned about the line of the proposed new fence. They requested placing new fence line A-B-C on a contour, from point C, or somewhere between point B-C

Rationale for Allow or Disallow:

One of the objectives of the Crown Pastoral Land Act 1998 is to protect the significant inherent values identified on the reviewable land and the point raised by the submitters' questions whether the proposed fence line is located in a position to do so.

This point should be allowed so that these views can be taken into account in further consideration by the Commissioner in the formulation of a Substantive Proposal

Rationale for Accept or Not Accept

The point deals with the objects and matters to be taken into account in the CPLA and while the information provided by the submitters is not new information, they have provided reasons why an alternative outcome is preferred; therefore the point is accepted for further consideration by the Commissioner in the formulation of a Substantive Proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
18	Public access between point "b-d" should follow the plateau rather than the water race.	No 8	Allow	Accept

There was concern from the submitter that the proposed easement between b-d should follow the top of the terrace to provide a better outlook than the proposed route. They make the following point *"The proposed walkers' track starts out as a picturesque route, and we thus recommend that its upper portion be on the plateau top at its northern extremity, not below it at the water race. The top of the terrace has better views, and greater ease of travel, and is still well to one side of any farming operation"*. They further note *"The purpose of the Public Access Easement is to get walkers up and down through private property to the boundary of the Conservation area as quickly as possible"*.

Rationale for Allow or Disallow:

As one of the objects of the CPLA 1998 is to make easier- Section 24(c)(i) The securing of public access to and enjoyment of reviewable land; the point is allowed for further consideration by the Commissioner in the formulation of a Substantive Proposal.

Rationale for Accept or Not Accept:

The point deals with the objects and matters to be taken into account in the CPLA and while the information provided by the submitters is not new information, they have provided reasons why an alternative outcome is preferred; therefore the point is accepted for further consideration by the Commissioner in the formulation of a Substantive Proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
19	Parts of the public access easement are not practical.	No 2,8 and 10	Allow	Accept

Three submitters were concerned about the practicality of the access route.

Submitter 2 commented *"...it appears to cross boggy land up the Shepherds Creek flats"*.

Submitter 8 noted *"We found the public walking route difficult to locate, the area being covered with substantial Matagouri"* and further *"It delivers the walkers to a low point from which one has to climb back again"*.

Submitter 10 also noted *"...the public access route tends to be rather swampy and would recommend the public access be on the track which appears to head to the same point (d1)"*

Rationale for Allow or Disallow:

As one of the objects of the CPLA 1998 is to make easier- Section 24(c)(i) The securing of public access to and enjoyment of reviewable land; the point is allowed for further consideration by the Commissioner in the formulation of a Substantive Proposal.

Rationale for Accept or Not Accept:

The point deals with the objects and matters to be taken into account in the CPLA and while the information provided by the submitters is not new information, they have provided reasons why an alternative outcome is preferred; therefore the point is accepted for further consideration by the Commissioner in the formulation of a Substantive Proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
20	Public access is required over "d1-g-h"	No 8 and 9	Allow	Accept

Two submissions were received regarding public access over the DOC management route.

Submitter 8 considered the DOC management route over d1-g-h was less undulating than the proposed public access route and made the following recommendation *"We recommend the DOC Management Purposes easement be made available to those public walkers who wish to take a less undulating route"*. The submitter went onto say *"This request is in line with our intention to provide access for a wider spectrum of public users than just the very fit and able"* and further noted *"Any use of this track could be by prior arrangement with the owner"*.

Submitter 9 also felt this route should be made available to the public saying *"The d1-g-h easement should also provide for public access for recreation, not just conservation"*.

Rationale for Allow or Disallow:

As one of the objects of the CPLA 1998 is to make easier- Section 24(c)(i) The securing of public access to and enjoyment of reviewable land and the point is allowed for further consideration by the Commissioner in the formulation of a Substantive Proposal.

Rationale for Accept or Not Accept:

The point deals with the objects and matters to be taken into account in the CPLA. While this is not new information submitter 8 has presented a reason why an alternative outcome is preferred, that being easier access for the less able walkers.

Submitter 9 on the other hand provided no new information and failed to provide reasons why an alternative outcome under the CPLA is preferred.

The point deals with the objects and matters to be taken into account in the CPLA and while the information provided by the submitters is not new information, they have provided reasons why an alternative outcome is preferred; therefore the point is accepted for further consideration by the Commissioner in the formulation of a Substantive Proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
21	The sluicing remains should be fenced to prevent damage by mountain bikes.	No 8	Allow	Accept

The submitter was concerned that the sluicing area could be used as an adventure biking space noting *"We recommend that the sluicing remains be fenced lightly to prevent untoward damage by persons who might otherwise be tempted to use it as an adventure biking space"*.

Rationale for Allow or Disallow:

As one of the main objectives of the CPLA is to protect the significant inherent values on the reviewable land, the point is allowed for further consideration by the Commissioner in the formulation of a Substantive Proposal.

Rationale for Accept or Not Accept:

The point deals with the objects and matters to be taken into account in the CPLA and while the information provided by the submitters is not new information, they have provided reasons why an alternative outcome is preferred; therefore the point is accepted for further consideration by the Commissioner in the formulation of a Substantive Proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
22	Support for a future Dunstan Conservation Park and cross mountain access route.	No 8,9 and 11	Disallow	

Three submitters commented about the need to promote the future Dunstan Mountain Park and cross mountain access to this area.

In this regard submitter 8 noted *"In the long term...promotes a cross-mountain access route that will be achieved through several Tenure Reviews, to join this eastern side of the Dunstan Mountains to its western and northern sides, as far as the Lindis Valley"*.

In the same vein submitter 9 noted *"...strongly supports the surrender of CA1, as conservation area and also for its inclusion in a future Dunstan Conservation Park, when adequate land in the Dunstans is surrendered"*.

Submitter 11 also made a passing comment about the need to develop tracks through the conservation area. *"An opportunity then exists to develop tracks through the conservation area and onto the existing Lauder Conservation Area. There is a pressing need to improve public access to the northern end of the Dunstan Mountains..."*

Rationale for Allow or Disallow

Part 2 of the CPLA relates to the tenure review of the reviewable land. As the points raised relate to adjoining land and matters outside of the tenure review process of this property, the point is disallowed for further consideration by the Commissioner in the formulation of a Substantive Proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
23	Support for public access easement being formed to mountain bike standard.	No 11	Disallow	

The submitter made the point about mountain bike access to the conservation area, noting *"This easement needs to be formed to a standard which is suitable for mountain bikes"*.

Rationale for Allow or Disallow:

In terms of the development of the track, the point relates to future management of the land subsequent to the conclusion of the review but not to objects of the Act itself. It is therefore outside of the provisions of the CPLA and is disallowed for further consideration by the Commissioner in the formulation of a Substantive Proposal.

Summary and Conclusion

Overall there were 11 submissions all of which were supportive of the proposal to varying degrees. The submitters were generally very happy with the boundary lines, but some would have liked to have seen some added protection to the proposed freehold and some minor changes to the public access easements to make the access more practical.

In total there were 23 points raised, of which 17 are "Allowed" and "Accepted", 1 "Allowed" and "Accepted" in part, 1 "Allowed" and "Not Accepted" and 4 points "Not Allowed" and "Not Accepted" for further consideration.

Reasons for not accepting points for further consideration are provided above in the rationale provided under each point.

The common issues raised were:

- Strong support for the proposal generally
- Strong support for the proposed conservation area
- Strong support for the conservation covenants CC1 and CC2
- General support for public access provisions
- Some concern about the practicality of part of the public access route
- Support for allowing public access over the DOC management purposes easement.
- Lack of protection for the landscape in the proposed freehold

The public submission process has identified a possible gap in the proposal in relation to the protection of the landscape values on part of the proposed freehold land. No potential risks have been identified.

I recommend approval of this analysis and recommendations

David Paterson
Tenure Review Consultant
Darroch Valuations

Date 8-10-09

Approved/~~Declined~~

Commissioner of Crown Lands

I recommend approval
Regina

REGINA POSORSKI
PORTFOLIO MANAGER
CROWN PROPERTY MANAGEMENT
C/O LINZ, CHRISTCHURCH

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

12-10-09

1. Copy of Public Notice
2. List of Submitters
3. Copy of Annotated Submissions
4. Approval For Late Submission