

Crown Pastoral Land Tenure Review

Lease name: CAMBRIAN

Lease number: PO 375

Preliminary Report on 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 CPLA. 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.

April

07

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

Report in accordance with Tenure Review Process

CAMBRIAN

File Ref: CON/50000/09/12614 (Po375/1)

Report No: AT6004

Submission Date: 10 April 2006

Contractor's Office: Alexandra

LINZ Case No: ¹²⁰⁶144

Date sent to LINZ: 11/4/06

RECOMMENDATIONS:

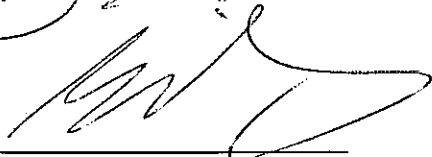
1. That the Commissioner of Crown Lands (*or his delegate*) **notes** the submissions received and **approve** the preliminary analysis of public submissions
2. That the Commissioner of Crown Lands (*or his delegate*) **authorise** DTZ to consult with the Director General of Conservation's delegate on points allowed from public submissions.
3. That the Commissioner of Crown Lands (*or his delegate*) **authorise** DTZ to consult with the holder following consultation with the Director General of Conservation's delegate on points allowed from public submissions.

Signed by DTZ New Zealand Limited:



Ken Taylor

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



Dr STEPHEN CHARLES URLICH
TENURE ASSESSOR
CROWN PROPERTY MANAGEMENT
C/-LINZ, CHRISTCHURCH

Name:

Date of decision: 13 / 04 / 06

(1) Details of lease:

Lease name: Cambrian

Location: Off Loop Road, St Bathans

Lessee: Ottrey Farms Limited

APPENDICIES:

1. Preliminary analysis of submissions.
2. Copy of public notice.
3. List of submitters.
4. Copy of annotated submissions.

Appendix 1

Preliminary analysis of public submissions

PRELIMINARY ANALYSIS OF SUBMISSIONS

CAMBRIAN TENURE REVIEW

1. Details of lease:

Lease name: Cambrian

Location: Off 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"**.

4.2 *Analysis:*

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

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.

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

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.

Point	Summary of Point Raised	Sub No	Decision
3	Public access is requested up Donald Stuarts Creek.	1	Allow

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 more general. 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.

Point	Summary of Point Raised	Sub No	Decision
4	Greater access is requested up the South Eastern boundary of the property effectively linking portions of the access currently proposed.	1, 6, 7	Allow

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 more general. 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.

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	Allow

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.

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

Discussion:

This point relates more specifically to access to the proposed covenants 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.

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

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.

Point	Summary of Point Raised	Sub No	Decision
8	Concern is expressed regards the lack of access to CA1.	3, 10	Allow

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.

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

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.

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

Discussion:

This point is related 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.

Point	Summary of Point Raised	Sub No	Decision
11	Request for vehicle access on the proposed easements.	4, 5, 6, 9	Allow

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.

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

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.

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

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.

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.

5. Discussion and conclusions:

The public submissions have largely endorsed the proposals for this review (4 of 17 points).

Public access has however drawn a number of submissions (with 6 of the 17 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.

All submissions and points raised by the submitters have been carefully analysed and full consideration given to them.

PRELIMINARY ANALYSIS OF IWI SUBMISSION ON PRELIMINARY PROPOSAL FOR TENURE REVIEW

Report in accordance with Tenure Review Process

CAMBRIAN

File Ref: CON/50344/09/12614 (Po375/1) Report No: AT6005 Submission Date: 10 April 2006

Contractor's Office: Alexandra

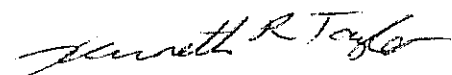
LINZ Case No: ^{TR}06/144

Date sent to LINZ: 11/4/06

RECOMMENDATIONS:

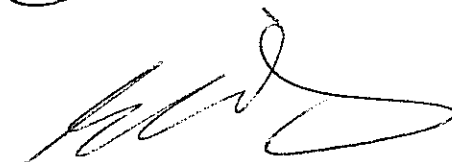
1. That the Commissioner of Crown Lands (*or his delegate*) **note** the submission received and **approve** the preliminary analysis of the Iwi submission.
2. That the Commissioner of Crown Lands (*or his delegate*) **note** that no further consultation is necessary with Iwi or the holder in relation to the submission received.

Signed by DTZ New Zealand Limited:



Ken Taylor:

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



Name:

Date of decision: 13/04/06

Dr STEPHEN CHARLES URLICH
TENURE ASSESSOR
CROWN PROPERTY MANAGEMENT
C/LINZ, CHRISTCHURCH

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TENURE ASSESSOR
CROWN PROPERTY MANAGEMENT
C/LINZ, CHRISTCHURCH

(1) Details of lease:

Lease name: Cambrian

Location: Off Loop Road, St Bathans

Lessee: Ottrey Farms Limited

APPENDICIES:

1. Preliminary analysis of submission.
2. Copy of annotated submission.

PRELIMINARY ANALYSIS OF IWI SUBMISSION

CAMBRIAN TENURE REVIEW

1. Details of lease:

Lease name: Cambrian

Location: Off 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 submission:

Land Information New Zealand advised iwi of the Preliminary Proposal for tenure review in accordance with Section 43 Crown Pastoral Land Act. A written response was received from the Office of Te Rūnanga o Ngāi Tahu on 27 March 2006. One point was raised.

4. *Analysis of Submissions:*

4.1 *Introduction:*

Explanation of Analysis:

The submission has been reviewed in order to identify the points raised and these have been numbered accordingly.

The following analysis summarises the point raised. 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 the submitter 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, if the matter raised was not relevant in terms of the Commissioner’s consideration, the decision would be to “**disallow**”.

4.2 *Analysis:*

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Decision</i>
1	The values identified in the Ngāi Tahu Cultural Values Report have been integrated into the Preliminary Proposal.	Allow

Discussion:

The Iwi submission notes that Te Rūnanga o Ngāi Tahu have considered the Cambrian Preliminary Proposal and considers that the values identified in the Cultural Values Report have been integrated into the Preliminary Proposal. The protection of cultural values (where they are considered significant inherent values) is a matter for the Commissioner of Crown Lands to consider pursuant to Sections 24 (b) Crown Pastoral Lands Act. Therefore this point is allowed.

5. *Discussion and conclusions:*

The Iwi submission notes that Te Rūnanga o Ngāi Tahu have considered the Cambrian Preliminary Proposal and considers that the values identified in the Cultural Values Report have been integrated into the Preliminary Proposal. The iwi submission confirms that cultural values identified by the Cultural Values Report have been satisfactorily integrated within the Preliminary Proposal for Cambrian.