

## **Crown Pastoral Land Tenure Review**

**Lease name: CLOUDY PEAK**

**Lease number: PO 104**

### **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 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.

**NOVEMBER**

**08**

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

Report in accordance with Tenure Review Process

CLOUDY PEAK

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File Ref: 12458 (Po104/1)

Report No: AT8008 Submission Date: 5 Sept 2008

Contractor's Office: Alexandra

LINZ Case No: ~~TR09/26~~ Date sent to LINZ: 5/9/08

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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 Limited:



Ken Taylor

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



Name:

Date of decision: 28 / 10 / 08

*Under delegated authority*

**DR STEPHEN CHARLES URLICH**  
TECH LEAD TENURE REVIEW  
CROWN PROPERTY MANAGEMENT  
c/o LINZ, CHRISTCHURCH

## PRELIMINARY ANALYSIS OF SUBMISSIONS

### CLOUDY PEAK TENURE REVIEW

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**1. Details of lease:**

*Lease name:* Cloudy Peak

*Location:* Ardgour Road, Tarras

*Lessee:* Cloudy Peak Limited

**2. Public notice of preliminary proposal:**

*Date, publication and location advertised:*

*Saturday 21 June 2008:*

Otago Daily Times	Dunedin
The Press	Christchurch
The Southland Times	Invercargill

*Closing date for submissions:*

18 August 2006

**3. Details of submissions:**

A total of 8 submissions were received by the closing date. Two late submissions were received on 19 and 21 August 2008.

**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:*

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Sub No</b>	<b>Decision</b>
1	Questions whether five year grazing concession promotes ecological sustainability	1	Allow

*Discussion:*

The submitter has questioned whether or not the five year grazing concession promotes ecological sustainability. As outlined in Section 24(a)(i) CPL Act one of the objects of tenure review is to promote the management of reviewable land in a way that is ecologically sustainable. This point therefore is allowed.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Sub No</b>	<b>Decision</b>
2	Questions whether freeholding promotes ecological sustainability	1,5,6,7	Allow

*Discussion:*

The submitter questions whether freeholding promotes ecological sustainability. Section 24(a)(i) CPL Act requires tenure review proposals to promote the management of reviewable land in a way that is ecologically sustainable. Therefore this point is allowed.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Sub No</b>	<b>Decision</b>
3	Suggests extension of CC1 to boundary for riparian protection	1	Allow

*Discussion:*

Riparian protection could be considered a significant inherent value in relation to this tenure review. Section 24(b) identifies as an object of tenure review to enable the protection of significant inherent values of reviewable land either by creation of protective mechanisms or preferably by restoration of land concerned for Crown ownership and control. Therefore this point is allowed.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Sub No</b>	<b>Decision</b>
4	Seeks confirmation that easements will be available with guns, dogs and motorised vehicles to the holders of a DoC permit	2	Allow

*Discussion:*

The conditions relating to the proposed easement are part of the securing of public access to and enjoyment of reviewable land. This is an object of the CPL Act as set out in Section 24(c)(i). Therefore this point is allowed.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Sub No</b>	<b>Decision</b>
5	Suggests CC1 be fenced and/or recommends management plan	2,3,4,5,6,8	Allow

*Discussion:*

While fencing of a conservation covenant and or the management plan relating to it may be considered management issues, it is nonetheless inherent in the covenant that the purpose is to protect significant inherent values. This protection of significant inherent values is an object of Part 2 CPL Act. The point is therefore allowed.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Sub No</b>	<b>Decision</b>
6	Suggests that proposed designation of CC1 be reviewed	2,5,8	Allow

*Discussion:*

This point flows on from points 3 and 5 above and also related to the protection of significant inherent values. One of the objects of the CPL Act is the enable the protection of significant inherent values of reviewable land (Section 24(b)). The point is therefore allowed.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Sub No</b>	<b>Decision</b>
7	Questions whether marginal strips have been assessed	2	Disallow

*Discussion:*

Marginal strips are a matter for consideration by the Director General of Conservation. It is noted that the property has been assessed for qualifying water bodies in relation to marginal strips and that the streams referred to by the submitters have not been deemed as qualifying for a marginal strip.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Sub No</b>	<b>Decision</b>
8	Pleased with provision of altitudinal vegetation sequence	3	Allow

*Discussion:*

The provision of an altitudinal sequence is in keeping with the protection of significant inherent values. Section 24(b) requires the protection of significant inherent values. Therefore this point is allowed.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Sub No</b>	<b>Decision</b>
9	Support for Conservation area CA1	3,4,5,6,7,8	Allow

*Discussion:*

The support for conservation area CA1 is noted. As CA1 relates to the protection of significant inherent values and this is an object as set out in Section 24(b) CPL Act the point is allowed.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Sub No</b>	<b>Decision</b>
10	Support for Conservation Area CA2	3,4,5,6,7,8	Allow

*Discussion:*

The support for conservation area CA2 is noted. As CA2 relates to the protection of significant inherent values and this is an object as set out in Section 24(b) CPL Act the point is allowed.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Sub No</b>	<b>Decision</b>
11	No objection to proposed easement concessions and conditional acceptance of proposed grazing concession (subject to conditions being clarified especially re stock numbers and class)	3,4,5,6,7,8	Allow

*Discussion:*

The submitters note that they have no objection to proposed concessions being granted over the proposed conservation area subject to the clarification of concession conditions. The granting of specified concessions is a matter considered under Section 36 CPL Act and therefore the point is allowed.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Sub No</b>	<b>Decision</b>
12	Conditional support for proposed freehold	3	Allow

*Discussion:*

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

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Sub No</b>	<b>Decision</b>
13	Considers that the linkage between CA1 and CA2 should be restored to the Crown	3,4,7,10	Allow

*Discussion:*

The submitters have noted that they believe that there are significant inherent values lying between conservation areas CA1 and CA2 and also have raised questions as to whether or not freehold disposal of this area promotes ecological sustainability. The protection of significant inherent values is an object of Part 2 CPL Act under Section 24(b) and the promotion of ecological sustainability is required under Section 24(a)(i). Therefore this point is allowed.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Sub No</b>	<b>Decision</b>
14	Support for Conservation Covenant CC1	3,4	Allow

*Discussion:*

The support for conservation area CC1 is noted. As CC2 relates to the protection of significant inherent values and this is an object as set out in Section 24(b) CPL Act the point is allowed.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Sub No</b>	<b>Decision</b>
15	Supports proposed easements	3,4,5,6,8	Allow

*Discussion:*

The support for the proposed easements is noted and this fits in the context of Section 24(c)(i) relating to the securing of public access to an enjoyment of reviewable land. The point is therefore allowed.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Sub No</b>	<b>Decision</b>
16	No objection to continuation of existing easement	3,5,6	Allow

*Discussion:*

The continuation of existing easements is a matter for consideration under Section 36(3)(c) CPL Act. Therefore the point is allowed.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Sub No</b>	<b>Decision</b>
17	Considers proposal to be a good or reasonable outcome	3,4,8	Allow

*Discussion:*

The support for the proposal is noted it is therefore assumed that the submitters believe that the objects of Part 2 as set out on Section 24 CPL Act have been met. The point is therefore allowed.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Sub No</b>	<b>Decision</b>
18	Considers description of CC1 should be expanded	7,8	Allow

*Discussion:*

This point relates to the identification and protection of significant inherent values. As the protection of significant inherent values is identified as an object of Part 2 under Section 24(b) the point is allowed.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Sub No</b>	<b>Decision</b>
19	Suggests that lambing closure provision in easements should be removed if there is a change to alternative land use	7	Allow

*Discussion:*

This point relates to the provision of public access an enjoyment of the reviewable land. This is considered in the context of Section 24(c)(i). While the point is on the margin between the provision or access and subsequent management the point is however allowed for consideration.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Sub No</b>	<b>Decision</b>
20	Requests public access on Burma track ("e-k")	7,8	Allow

*Discussion:*

This point relates to the securing of public access to and enjoyment of reviewable land as set out in Section 24(c)(i). Therefore the point is allowed.



<b>Point</b>	<b>Summary of Point Raised</b>	<b>Sub No</b>	<b>Decision</b>
21	Requests vehicle access on easement "a-f"	7	Allow

*Discussion:*

This point relates to the securing of public access to and enjoyment of reviewable land as set out in Section 24(c)(i). Therefore the point is allowed.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Sub No</b>	<b>Decision</b>
22	Does not believe the proposal meets the objects of the CPL Act	7	Allow

*Discussion:*

Tenure review proposals are required to meet the objects of Section 24 CPL Act. The submitter believes that the proposal falls short of this and therefore further investigation is required. The point is therefore allowed.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Sub No</b>	<b>Decision</b>
23	Requests marking of exact boundary of CA2 to facilitate placement of rabbit fences	8	Allow

*Discussion:*

While the marking of boundaries and subsequent fencing is a management issue to be followed post tenure review, appropriate fencing is important in the protection of SIVs. As the protection of significant inherent values is identified as an object of Part 2 under Section 24(b) the point is allowed.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Sub No</b>	<b>Decision</b>
24	Access route to CA2, acceptable	9	Allow

*Discussion:*

The support for the proposed access route is noted and it is therefore assumed that this meets the object of Section 24(c)(i) CPL Act. The point is therefore allowed.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Sub No</b>	<b>Decision</b>
25	Requests public access on "m-h-i"	9	Allow

*Discussion:*

The request for additional public access must be carefully considered in terms of Section 24(c)(i) CPL Act. The point is therefore allowed.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Sub No</b>	<b>Decision</b>
26	Requests vehicle access with a range of options for extent and parking areas	10	Allow

*Discussion:*

The request for additional public access must be carefully considered in terms of Section 24(c)(i) CPL Act. The point is therefore allowed.

**5. Discussion and conclusions:**

The ten submitters have raised 26 points in relation to this review. Twenty five of the points have been "allowed" as they relate to matters to be considered in a tenure review under Part 2 Crown Pastoral Land Act.

Ten of the 25 points allowed relate to support for all or parts of the proposal as advertised. Six points are access related seeking either further access or clarification of access provisions. Eight points relate to the appropriateness of the designations, with four of these specifically applying to the riparian protection in Wainui Creek.

The 25 points allowed will be given further consideration in the context of the CPL Act as the review progresses.