

Crown Pastoral Land Tenure Review

Lease name: DEEP CREEK

Lease number: PO 036

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)

DEEP CREEK TENURE REVIEW NO 12446

1. Details of lease

Lease name: Deep Creek
Location: Deep Creek Road, Tarras.
Lessee: Bendigo Station Limited

2. Public notice of preliminary proposal

Saturday 14 March 2009

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

Closing date for submissions:

Friday 15 May 2009

3. Details of submissions received

Number received by closing date: 10

Cross-section of 9 groups and 1 individual represented by submissions

Number of late submissions refused: There were 2 late submission received. These were approved in emails dated 14 May and 27 July 2009, copies 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 1 & 6	Allow	Accept

Two submissions were received in general support of the proposal.

Submitter stated in conclusion *"..supports the bulk of the Preliminary Proposal..."*

Submitter 6 discussed the proposal in relation to the report they had provided to DOC following the early warning meeting noting *"It is pleasing to note that the important recommendations in that Report have been heeded in this tenure review and that new public access routes for foot, bike and horse travel are included in this proposal"*.

Rationale for Allow or Disallow

As the objects 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,

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

Rationale for Accept or Not Accept

The point meets the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. This is because it relates to the objects and matters to be

taken into account in the CPLA, and the submitter makes a statement of support for aspects of the Preliminary Proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
2	Support for conservation area CA1	No's 1, 2, 4, 5, 6 7 and 10	Allow	Accept

Seven submissions were received supporting the proposed conservation area.

Submitter 1 wrote "...fully endorses the proposed creation of this conservation area".

Submitter 2 commented " ...regards the creation of the proposed Conservation Area as an important addition to the Conservation Estate in the area, offering important heritage, biodiversity and recreational values".

Submitter 4 commented about the values present noting "Thus there are a number of important values, both ecological and landscape that warrant the designation of a CA over the area" and went on further to say "We fully support the designation of a Conservation Area CA1 for this part of the lease..."

Submitter 5 also outlined the location of the area and its relevance being added to the conservation area created on Sandy Point. The submitter concluded by saying "These proposals are endorsed". Reference was also made to the access to this area. This point will be discussed in point 8 later.

Submitter 6 discussed the values present and concluded by saying "...we recognize the natural values of these species and their habitats, and that these habitats are closely associated with similar habitats on adjoining properties. We therefore support the proposal that these be protected by restoring land area CA1 to full Crown ownership and control".

Submitter 7 made the following comment "We are very pleased to see this rocky area on Camp Creek and along West Coast Gully set aside as Conservation land...It is particularly pleasing to find it being added to the proposed West Coast Gully reserve in Sandy Point.."

Submitter 10 also made a similar comment "We support the retention of this area as conservation land. It will be a valuable addition to the conservation area on Sandy Point, making it much larger and compact".

Rationale for Allow or Disallow

As the objects of the Crown Pastoral Land Act are-

- (a) To-
 - (i) Promote the management of reviewable land in a way that is ecologically sustainable
 - (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; and...

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

Rationale for Accept or Not Accept

The point meets the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. This is because it relates to the objects and matters to be taken into account in the CPLA, and the submitter makes a statement of support for aspects of the Preliminary Proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
3	Support for freehold disposal.	No's 1, 4 and 6	Allow	Accept

Three submitters agreed with or did not object to the freehold disposal of the land.

Submitter 1 commented *"The relinquishing of this area to freehold is supported..."*. This support is subject to modifications that are discussed in later points.

Submitter 4 noted *"We support the freeholding of most of this land.."* As with submitter 1 this support was conditional on some suggested changes that will be discussed in later points.

Submitter 6 stated *"...supports the proposal that most of the 2500ha designated in the proposal should be disposed of as freehold..."*.

Rationale for Allow or Disallow

Section 24(c)(ii) CPLA specifically allows for the freehold disposal of reviewable land. This point is therefore allowed for further consideration by the Commissioner in the formulation of a Substantive Proposal.

Rationale for Accept or Not Accept

The point meets the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. This is because it relates to the objects and matters to be taken into account in the CPLA, and the submitter makes a statement of support for aspects of the Preliminary Proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
4	Support for the landscape covenant.	No's 4, 7 and 10	Allow	Accept

Three submitters expressed support for the landscape covenant.

Submitter 4 stated *"We support strongly the creation of this landscape covenant..."* and then went on to say it should be extended over a larger area. This point is discussed later in point 9.

Submitter 7 made the following point: *"..is in general agreement with the protective designation CC(Landscape). The Ridge is a significant landscape element in the view from the Lindis Highway.."*

Submitter 10 also noted their support by saying *"We are pleased that there has been some recognition of its landscape value(and by association, ecological values) by way of the proposed landscape covenant over the top block on the southeast side of the range"*. They went onto note some concerns about grazing of this area and we discuss this later under point 11.

Rationale for Allow or Disallow

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

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

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

Rationale for Accept or Not Accept:

The point meets the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. This is because it relates to the objects and matters to be taken into account in the CPLA, and the submitter makes a statement of support for aspects of the Preliminary Proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
5	Support for CC1	No's 4, 5, 6 and 10	Allow	Accept

Four submissions were received in support of conservation covenant CC1.

Submitter 4 had some concerns about the extent of the covenant a point which is discussed later in point 13, however did express support saying *"We support the creation of CC1.."*

Submitter 5 discusses the terms of the covenant and in that light commented *"The conditions of this covenant, including the Ministers discretion on fencing/or restoration seem appropriate.."*. The submitter also mentioned the need for monitoring which is discussed in point 15 later.

Submitter 6 in a similar vein noting *"...fully supports the proposal for the conservation covenant CC1..."*. The submitter went onto note that they believe the area included in the covenant should be increased to include additional areas. This point is discussed later in point 13.

Submitter 10 in a similar vein supported the designation saying *"We support the protection being offered for the kanuka woodland over the rocky bluffs and the riparian grey shrubland. We are pleased to see the riparian shrubland is to be fenced off".*

Rationale for Allow or Disallow

As one of the objects of Section 24 (b)(i) of the CPLA 1998 is to enable the protection of the significant inherent values of reviewable land by the creation of protective mechanism; 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 meets the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. This is because it relates to the objects and matters to be taken into account in the CPLA, and the submitter makes a statement of support for aspects of the Preliminary Proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
6	Support for CC2	No's 4, 5, 6 and 10	Allow	Accept

Three submissions were received in support of conservation covenant CC2

Submitter 4 said *"We fully support the creation of CC2 to protect the dryland shrublands in the northeast corner of the Deep Creek lease"*.

Submitter 6 noted also *"..fully supports the proposed conservation covenant over 90 ha of dryland shrublands in the north east corner of the Deep Creek property."*

Submitter 5 stated *"The 90 ha area of CC2 near the NE corner of the property in Camp Creek, to protect dryland shrublands, is supported, as are the conditions associated with it.."*. The submitter went on to suggest monitoring provisions should be included and this point is discussed later under point 15.

Submitter 10 commented *"We support the intention to protect the woody native species and associated habitat over this area"*.

Rationale for Allow or Disallow

As one of the objects of Section 24 (b)(i) of the CPLA 1998 is to enable the protection of the significant inherent values of reviewable land by the creation of protective mechanisms; 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 meets the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. This is because it relates to the objects and matters to be taken into account in the CPLA, and the submitter makes a statement of support for aspects of the Preliminary Proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
7	Support for CC(Fishery)	No's 1, 4, 5, 6 and 7	Allow	Accept

Five submissions were received in support of conservation covenant CC(Fishery).

Submitter 1 produced a broad statement of support *"..endorses this proposal to protect an important trout spawning area"*.

In a similar vein submitter 4 stated *"We support the creation of this covenant"*.

Submitter 5 supported the covenant but gave the impression that they were unsure of the extent of the values saying *"..CC(Fishery), designed for the protection of fisheries values in the West Coast Gully, apparently an important trout spawning site, is supported"*.

Submitter 6 by contrast stated *"...fully supports the proposal for this conservation covenant"*.

Submitter 7 also noted *"We support the Conservation Covenant placed on the trout spawning waters in West Coast Gully Creek, adding to the similar covenant already placed on the Sandy Point side of the Stream"*.

Rationale for Allow or Disallow

As one of the objects of Section 24 (b)(i) of the CPLA 1998 is to enable the protection of the significant inherent values of reviewable land by the creation of protective mechanisms; 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 meets the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. This is because it relates to the objects and matters to be taken into account in the CPLA, and the submitter makes a statement of support for aspects of the Preliminary Proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
8	Support for access provisions.	No's 1, 2, 4, 5, 6, 9 and 10	Allow	Accept

Seven submissions were received in support of the public access provisions.

Submitter 1 made the following points: *"..supports all the proposed easements as they provide excellent recreation opportunities and make a significant contribution to a network of tracks along the range"*.

Submitter 2 noted *"The easements proposed will also create links to adjoining properties that will allow for a track to extend onto adjoining freehold property should access there be available"*.

Submitter 4 made the following point, *"We support these provisions for public access, but ask for additional access over the track mid way between points 'b' and 'c' down the zig-zag as a more direct route"*. This second part is considered later in point 19 below. In relation to the DOC management easement the submitter noted *"We support the above provision for access"*.

Submitter 5 noted *"Provisions, as stated in the proposal, for several easements for public access and conservation management are all supported"*.

Submitter 6 noted *"...is delighted that this proposal will provide much needed access along the Grandview-Lindis system of ridge-line tracks..."* and went on to say *"..fully supports the proposal for for Easement(i) for public access...to conservation area CA2(I assume they mean CA1), via b-c-e and to the boundaries at 'g' and 'h'."* The submitter also mentioned the alternative route discussed by submitter 4. This will be considered later under point 19 below. Submitter 6 continued *"...has no objection to the proposed Easement (ii) to provide access for management purposes.."*

Submitter 9 made a brief comment *"We support them as they are presented"*

Submitter 10 wrote a general comment of support *"We are pleased with the various access ways being proposed in this and Long Gully tenure reviews..."* and further *"A highly valuable network of walking, cycling and horse riding opportunities will evolve on the Grandview Range. The provision of*

access along the top of the range in anticipation of connecting through to Lindis Peak one day is proactive”.

Rationale for Allow or Disallow

As the objects of Section 24 of The Crown Pastoral Land Act are-

- (c) Subject to paragraphs (a) and (b) to make easier-
 - (i)The securing of public access to and enjoyment of reviewable land; and...

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

Rationale for Accept or Not Accept

The point meets the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. This is because it relates to the objects and matters to be taken into account in the CPLA, and the submitter makes a statement of support for aspects of the Preliminary Proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
9	Additional landscape protection is needed over the proposed freehold	No's 4, 5, 6 and 7	Allow	Accept

Four submitters sought an extension of the landscape covenant over a larger area to provide further protection of the landscape values.

Submitter 4 pointed out that “...support strongly the creation of this landscape covenant, but submit that it should apply over the entire southern face of the property”.

Submitter 5 commented “..given the important landscape values of the upper slopes of the entire southern aspect face of this property, and its prominence as seen from State Highway 8, I recommend that the proposed landscape protection covenant conditions be extended to cover this larger area”.

Submitter 6 had similar views “The intention to protect the landscape from adverse effects of inappropriate land use, subdivision and development is to be commended and should apply to the entire southern face of the property because it is so prominent when viewed from the main tourist route(SH 8) through Tarras” and recommended “..that consideration be given to extending the proposed landscape protection covenant area CC(Landscape) to cover the entire south face of the property”.

Submitter 7 outlined a similar view “The placing of a conservation covenant on this range front does recognize its importance; we would however like to see the designation extended further down the front ridge...”

Rationale for Allow or Disallow

One of the objects of Section 24(b) of CPLA is to protect the significant inherent values identified on the reviewable land and the point raised by the submitter questions whether the landscape values on the proposed freehold have been recognised and adequately protected in proposal.

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

Rationale for Accept or Not Accept

The point meets the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. This is because it relates to the objects and matters to be taken into account in the CPLA, and the submitters presented reasons why an alternative outcome under the CPLA is preferred.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
10	Landscape covenant terms need to be strengthened to protect botanical values	No's 1 and 7	Allow	Accept

Two submitters expressed concern that the landscape covenant terms were not adequate to protect other values present in the area.

Submitter 1 expressed the view that *"..this area should be protected for habitat protection, biodiversity and soil and water purposes as well as for the proposed landscape purposes"*.

Submitter 7 briefly mentioned this aspect when discussing the covenant *"... and to have more restraints on potential alterations to it"*

Rationale for Allow or Disallow

One of the objects of Section 24(b) of CPLA is to protect the significant inherent values identified on the reviewable land and the point raised by the submitter questions whether the botanical values on the proposed freehold have been adequately protected by a landscape covenant in the proposal.

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

Rationale for Accept or Not Accept

The point meets the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. This is because it relates to the objects and matters to be taken into account in the CPLA, and the submitters presented reasons why an alternative outcome under the CPLA is preferred.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
11	Land covered by the landscape covenant and land over 1000 m should be in Crown ownership	No's 1, 4, 5, 6 and 10	Allow	Accept

Five submitters have suggested the area proposed for freehold disposal subject to a landscape covenant and the land over 1000 m asl should instead be included as a conservation area. For the land above 1000 m there was concern that it could not be farmed in an ecologically sustainable manner, and that a landscape covenant would not adequately protect the biodiversity values present.

Submitter 1 made reference in point 10 that the landscape covenant needed to be strengthened to protect other values present. In this regard they note *"If a suitable all- embracing conservation covenant guaranteeing protection of all these values cannot be negotiated, then it merits designation as a separate conservation area"*.

Submitter 4 noted *"We believe the land over 1000m should rather become a Conservation Area for its high landscape and recreational values"*

Submitter 5 in a similar vein commented when considering the land in the landscape covenant *"While I support this concept, I strongly recommend that this area becomes a second conservation area, given its inherent values, including impressive landscape features that are clearly visible from the nearby tourist highway"*.

Submitter 6 had a similar view and also felt the higher altitude land could not be farmed in an ecologically sustainable manner, noting *"...submits that the proposal that this area should be disposed as freehold, should be revisited because it is unlikely that it can be managed in a way that is ecologically sustainable. We believe it should be assessed on the basis of its high landscape and recreation value and be returned to Crown control.."*

Submitter 10 suggested a different boundary line stating *"Whilst we can see the merit in choosing it, the lower boundary of the proposed CC area will result in a harsh unnatural contrast in vegetation cover. We recommend a more natural line taking in steep scrubby gullies below the fence and omitting a rounded slope terminating not far from the fence"* and in discussing this land went on to say *"We submit that the higher altitude land above approximately 900-1000m should be retained as conservation land..."*

The submitter went on to discuss concerns that the landscape covenant would not provide public access to the land on and over the range crest saying *"The proposed covenant does not allow for free public access over the range crest which is likely to be desired (and exercised) in reality"*. They further commented. *"The proposed recreation routes access and cross over the range, and its crest is a destination in itself. The retention of a natural tall tussock grassland landscape is really important to the quality of the experience from these elevated viewpoints. The submitter continued by saying "Furthermore, there would be a natural desire to access to the high points, for the views and sense of achievement. The CPLA Act objective 'to secure public access to and enjoyment of the high country land' would not be met"*

Rationale for Allow or Disallow:

One of the objects of Section 24(b) of CPLA is to protect the significant inherent values identified on the reviewable land and the point raised by the submitter questions whether the landscape covenant adequately protected the values present. The point also raised a question that public access over the covenant area was not provided for which is also one of the objects of the CPLA.

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

Rationale for Accept or Not Accept

The point meets the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. This is because it relates to the objects and matters to be taken into account in the CPLA, and the submitters presented reasons why an alternative outcome under the CPLA is preferred.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
12	CC1 Should be a separate conservation area and extended to include an area in the north branch	No 1	Allow	Accept

One submission was received suggesting CC1 should be a separate conservation area. The submitter was concerned that habitats associated with *Galaxias* sp. have been overlooked or merely treated by way of conservation covenants. They submitted *"...requests that this area be set aside as a full conservation area in recognition of the importance of Galaxias habitat, and in recognition of its high botanical values"*. The submitter went to say *"Because this appears to be especially good Galaxias habitat, the total area should also be increased to extend up the narrow north branch of the stream as well"*.

Rationale for Allow or Disallow:

One of the objects of Section 24(b) of CPLA is to protect the significant inherent values identified on the reviewable land and the point raised by the submitter questions whether the conservation covenant adequately protected the botanical and fisheries values present.

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

Rationale for Accept or Not Accept

The point meets the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. This is because it relates to the objects and matters to be taken into account in the CPLA, and the submitters presented reasons why an alternative outcome under the CPLA is preferred.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
13	Area protected in CC1 should be extended	No's 4, 6 and 10	Allow	Accept

Three submissions were received wanting the size of the area protected in CC1 to be increased to include additional areas further up Deep Creek.

Submitter 4 pointed out other areas of shrubland that they consider warrant protection and should be added to CC1, saying *"At the time of our property inspection we noted several other areas of shrublands in the gullies of the front face of Deep Creek. One area in particular at a slightly higher altitude we believe should also be designated as a CC"*.

Submitter 6 noted *"The area designated for protection as CC1 does not necessarily include the best of these shrublands. ...a second area of shrubland in a higher gully on the front face of Deep Creek should be designated CC..."*

Submitter 10 was also concerned that some values were not being protected, saying *"We are concerned at the absence of protection for the remaining native shrublands in Deep Creek. There are other large and denser patches of kanuka woodland of apparently better quality than that in CC1"*. They went on to say *"We would like to see a covenant placed over the south east side of Deep Creek for the purpose of protecting a network of woody cover based on the gullies and steeper rocky areas mainly"*.

Rationale for Allow or Disallow:

One of the objects of Section 24(b) of CPLA is to protect the significant inherent values identified on the reviewable land and the point raised by the submitter questions whether the conservation covenant adequately protected all the values in this area.

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

Rationale for Accept or Not Accept

The point meets the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. This is because it relates to the objects and matters to be taken into account in the CPLA; the point introduces new information or a perspective not previously considered and the submitters presented reasons why an alternative outcome under the CPLA is preferred.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
14	CC2 should be a separate conservation area.	No 1	Allow	Not Accept

Submitter one was not confident that a covenant was the best way to protect this area noting They are *"not confident that a conservation covenant is adequate to protect these plant communities. Unless regular monitoring is undertaken, a covenant here, so far away from the public gaze, will be meaningless. It would be better fenced to exclude grazing, in which case there is no reason for it to be disposed of as freehold land."*

Rationale for Allow or Disallow:

One of the objects of Section 24(b) of CPLA is to protect the significant inherent values identified on the reviewable land and the point raised by the submitter questions whether the landscape covenant adequately protected the values present.

This point is therefore 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. This is because the option of Crown ownership was previously considered in the consultation process. The submitters have not presented any new information or a perspective not previously considered. They have also not presented reasons why an alternative outcome under the CPLA is preferred.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
15	Covenants CC1, CC2 and CC(Fishery) should have monitoring provisions	No's 5, 7 and 10	Allow	Accept

There were three submitters who commented on the need for monitoring provisions on the three covenants.

Submitter 5 noted when discussing CC1 *"The conditions of this covenant, including the Ministers discretion of fencing and/or restoration seem appropriate, but should also include appropriate monitoring of the covenant"*. And in relation to CC2 *"...periodic monitoring should be provided to record the effects of stock grazing"*.

Submitter 7 in relation to CC(Fishery) noted *"..we would like to see periodic monitoring of water quality added to the covenant as part of its long term protection. Not only does the Conservation Covenant (Fishery) protect the trout spawning area, but also it will contribute clear and healthy water to the CA1 Conservation Area CA1 downstream of it"*.

Submitter 10 commented that if the covenant was not to be fenced the conditions needed to prohibit grazing of goats, deer and cattle and to provide for only light sheep grazing and *"to provide a robust monitoring programme including a baseline survey, objectives, and benchmarks that will affirm objectives are being met...."*

Rationale for Allow or Disallow:

One of the objects of Section 24(b) of CPLA is to protect the significant inherent values identified on the reviewable land and the point raised by the submitter questions whether the covenants adequately protected the values present without continual monitoring. As there are no specific monitoring provisions in the covenant document, this point is allowed for further consideration by the Commissioner in the formulation of a Substantive Proposal.

Rationale for Accept or Not Accept

The point meets the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. This is because it relates to the objects and matters to be taken into account in the CPLA, and the submitters presented reasons why an alternative outcome under the CPLA is preferred.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
16	Provide a conservation covenant and access for game bird hunting.	No 8	Allow	Accept

One submitter wanted access to the freehold area for game bird hunting and wanted a covenant included over part of the land to allow for this.

Submitter 8 commented *"...upland game bird numbers in Central Otago have increased markedly, particularly in the Tarras area. As both Deep Creek and Long Gully properties have habitat that is ideal for upland game birds, and the migration of game birds into the area is likely, we suggest covenanted areas for upland game bird hunting need set aside"*.

Rationale for Allow or Disallow:

As one of the objects of the CPLA 1998 is Section 24 (c) Subject to paragraphs (a) and (b) to make easier-

- (i) The securing of public access to and enjoyment of reviewable land; and

The securing of the right to shoot upland game birds could be viewed as the enjoyment of reviewable land post tenure review. This point is therefore allowed for further consideration by the Commissioner in the formulation of a Substantive Proposal.

Rationale for Accept or Not Accept:

The point meets the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. This is because it relates to the objects and matters to be taken into account in the CPLA, and the point introduces new information or a perspective not previously considered.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
17	Public 4WD access should be included.	No's 1, 6, 7 and 8	Allow in part	Accept in part

Four submissions were received requesting 4WD access to the top of the range. The general view of the submitters was that this was the only remaining opportunity with Long Gully to obtain vehicle access to the top of the range. The main concern is that access to this area is restricted to the fit and healthy.

Submitter 1 commented that *"It is disappointing that yet again no provision has been made for public 4WD access up to the range crest. On Deep Creek this could be provided using the existing farm road. It is sad that such a dominant and spectacular feature as the Grandview Range is denied to all those other than the fit and healthy."*

Submitter 6 quoted from an NGO report produced at the early warning stage for tenure review. This report stated that 4WD use up to and along the ridge track with the run holders consent and the possible payment of reasonable fees to contribute to track maintenance might be considered during tenure review. The submitter noted *"...believes that this is still a not unreasonable proposition. It also reflects a real need because not everyone is capable of walking or mountain bike access to the ridge system"*. The submitter went on to give three reasons why vehicle access should be considered. They include:

1. No public access has yet been proposed to any part of the range
2. well formed tracks are available
3. It would be ideal for round trips with little environmental damage.

Submitter 7 took a slightly different approach saying *"We have a concern about the intention stated above, 'to provide public access' that is limited to 'persons on foot or on or accompanied by horses, or by non motorised vehicles'."* The main concern relates to the length of the tracks in the area. The track through to West Coast Gully and Camp creek is some 14 km each way and in that regard they note *"It rises and drops over Lindis Ridge so that one has to climb twice, coming and going."* They further noted *"For families with young children, and for the elderly, the conserved public land is being made inaccessible by the difficulty getting into it."* They make a further point that most of the time walking will be spent travelling through freehold allowing little time to spend at the destination. In support of this point they note that *"...drivable gravel roads already exist and one of them could readily be adapted to public use for vehicles..."* *"we recommend that a public car park for 4WD vehicles, for seasonal use, be developed in the vicinity of the upper transmission towers on Long Gully Lease, to give recreationists an even chance of getting to the proposed conservation land, and to provide an alternative, higher start point for walks on the public tracks on this and adjacent properties"*.

Submitter 8 took a similar tack being concerned about the distances hunters have to go to get to the conservation and hunting areas stating *"..public vehicle access is needed to areas of game bird habitat as the distances involved are too great to realistically expect the public to walk, especially where there are good roads within the property"*.

Rationale for Allow or Disallow:

One of the objects of Section 24(c)(i) of the CPLA 1998 is to make easier the securing of public access to and enjoyment of reviewable land. Part of this submission talks about vehicle access with the run holders consent. As this is a post tenure review matter this part of the point is not allowed for further consideration. The point also raises the issue of "as of right" public vehicle access which is a tenure review matter and therefore this point is allowed for further consideration.

Rationale for Accept or Not Accept:

The point in part meets the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. This is because it relates to the objects and matters to be taken into account in the CPLA, and the submitters presented reasons why an alternative outcome under the CPLA is preferred.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
18	Public access required over easement 'a-b'	No's 1, 2, 6 and 10	Allow	Accept

Four submissions were received in support of adding public access over the route 'a-b' which is currently designated for conservation management purposes only.

Submitter 1 was strongly for this point stating. They are "*strongly in favour of a general public access easement (a-b) from the valley floor to the Crest of the Grandview Range*". The submitter further noted "*This access is required for public safety if for nothing else, so that people can descend quickly from the range crest when changing weather makes this necessary*".

Submitter 2 noted "*...believes that this easement would also provide a useful additional access to the network of tracks that is being created along the tops and between the conservation areas*". The submitter noted that the track went close to the farm dwelling and buildings and in this regard made the following point "*..also submit that the easement 'a-b' be amended to allow access to the public, with a re routing in part (for the public only if required) to maintain privacy for farm buildings if required*".

In a similar comment submitter 10 noted in relation to route a-b "*..is a main access to the ridge. Its inclusion in the proposed network of public access would be a substantial value, particularly as it would enable round trips*". In terms of the privacy issue as noted by submitter 2, the submitter notes further "*..we see it as feasible to take the access up the eastern boundary off Deep Creek Road until it passes the homestead*".

Submitter 6 briefly noted while discussing the need to allow public vehicle access "*We submit that public vehicle access over the route 'a-b' should be reconsidered*".

Rationale for Allow or Disallow:

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

Rationale for Accept or Not Accept:

The point meets the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. This is because it relates to the objects and matters to be taken into account in the CPLA, and the submitters presented reasons why an alternative outcome under the CPLA is preferred.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
19	Alternate public access over old zig-zag track from b-c should be added	No's 4, 6, 7 and 10	Allow	Accept

Four submitters considered an addition to or change of one part of the access route. Mid way point 'b' and 'h' there is an old farm track that runs north and joins in to the proposed access route 'b-c'. The submitters felt this would be a good addition to the route particularly if you happen to be travelling to CA1 from the neighbouring property to the east.

In this regard submitter 4 noted *"We support these provisions for public access but request that additional foot access to CA1 be available over the track mid way between points 'b' and 'c' down the zig-zag as a more direct route. If people wish to make a day trip to CA1 approaching from the east along the ridge it would be a faster route"*.

In a similar vein submitter 6 noted *"For anyone travelling east to west along the 'Lindis Ridge' and intending to visit ...CA1, it would be very convenient to be able to use the old zig-zag track from the ridge down to the new track at about mid point between b and c"*.

Submitter 7 expresses the point slightly differently by saying *"We would specifically like to see the older track that runs from the mid point of b-h, on the ridge top, to the mid point of b-c, a hill crest zig-zag, made available to walkers. As a short linking section it allows one to walk on the route b-h and then descent to c without having to go most of the way back again"*.

Similarly submitter 10 noted *"For people in the future coming from the east and wishing to get down to "c" the obvious and most practical way is to follow the existing older 4wd track down"*.

Rationale for Allow or Disallow:

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

Rationale for Accept or Not Accept:

The point meets the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. This is because it relates to the objects and matters to be taken into account in the CPLA, and the submitters presented reasons why an alternative outcome under the CPLA is preferred.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
20	Access for guns and dogs for hunting needs to be confirmed.	No 8	Allow	Accept

One submitter requested the provision for guns and dogs for permitted hunters be confirmed. In this regard they commented *"..we have been advocating for the inclusion of hunting dogs and guns over the easement to conservation land on many properties as this will facilitate a larger range of recreational opportunities"*. Further commenting on an apparent discrepancy between the terms of the easement document and the proposal summary saying *"..the wording of the Transfer ...appears contradictory to this and precludes public use of dogs or carrying of guns. This wording should be amended to allow the transportation of guns and dogs over the easement to conservation land"*.

Other submitters commented that it was appropriate for people to have the necessary hunting permit to have guns and dogs on the easement. None, however apart from submitter 8 wanted this point clarified.

It was unfortunate that there was conflicting information in the information pack. We had incorrectly noted that guns and dogs were allowed with the appropriate DOC hunting permits. This was in fact not correct and the situation is as is stated in the legal documents attached to the summary. We subsequently wrote to all submitters advising them of the anomaly and asking them to comment. We received three responses two of which were not concerned about the issue and the third confirming their requirement for guns and dogs as set out in their original submission.

Rationale for Allow or Disallow:

As one of the objects of Section 24(c)(i) of the CPLA 1998 is to make easier 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 meets the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. This is because it relates to the objects and matters to be taken into account in the CPLA, and the submitters presented reasons why an alternative outcome under the CPLA is preferred.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
21	Clarification Fish and Game covenant between Fish and Game and the Commissioner will continue with the holder post tenure review	No 8	Disallow	N/A

One submitter wanted clarification that the covenant between Fish and Game and the Commissioner would continue with the holder post tenure review. The main concern related continued access by Fish and Game for fisheries management purposes.

Rationale for Allow or Disallow:

The issue raised by the submitter does not relate directly to the objects of the CPLA, but is a process matter dealt with at the implementation phase of the review. The point is therefore disallowed for further consideration. It should be noted however that a Fish and Game conservation covenant is a legal document under the Conservation Act. The contract is initially between the Commissioner of Crown Lands (as the owner of the pastoral lease land) and the Otago Fish and Game Council. The covenant is produced in accordance with section 77 of the Reserves Act with the intent to run with the land and bind all subsequent owners of the land. During the implementation phase of the tenure review this encumbrance is carried down onto the new freehold title issued to the run holder and becomes legally binding on them and any future owners of the land.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
22	Full archaeological and historic survey is required.	No 3	Allow	Accept

The submitter was concerned that no detailed survey had been undertaken at an early stage of the review noting *"The Crown has an obligation to both the lessee and the public to properly inform itself on any significant inherent historic values on Long Gully pastoral lease, prior to any disposal. In this instance, it appears a more thorough investigation of historic heritage values should have been completed prior to this stage"*.

Rationale for Allow or Disallow:

One of the objects of Section 24(b) of the CPLA 1998 is to enable the protection of the significant inherent values of reviewable land. A full archaeological and historic assessment has not been undertaken to determine the presence of any values. If an assessment identified any values on the reviewable land they could be viewed as significant, the point is therefore allowed for further consideration by the Commissioner in the formulation of a Substantive Proposal.

Rationale for Accept or Not Accept:

The point does meet the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. This is because it relates to the objects and matters to be taken into account in the CPLA, the point introduces new information or a perspective not previously considered.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
23	CC2 needs to be extended	No 10	Allow	Accept

One submitter considered that the area off CC2 needed to be enlarged to include the land between CA1 and CC2 plus the area on the true left of Camp Stream. They noted in relation to CC2 *"We also would like to see the shrubland on the shady faces on the true left of Camp Stream included to achieve a more balanced covenanted area"*. In relation to the area between CC2 and CA1 *"The middle fenced block between CA1 and the proposed covenanted area comprises two complete gully systems as tributaries to Camp Stream"*. The submitter went on to describe the values noted in the CRR and further commented *"There is a clear imperative to protect shrubland remnants at lower altitudes and in dry seemingly barren country, and to set up conditions promoting their spread"*. The submitter then concluded by saying *"We submit that the covenant CC2 be extended over the middle Camp Stream block, which is already ideally fenced for dedicated management"*.

Rationale for Allow or Disallow:

One of the objects of Section 24(b) of the CPLA 1998 is to protect the significant inherent values identified on the reviewable land and the point raised by the submitter questions whether the covenant adequately protects the values present.

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

Rationale for Accept or Not Accept

The point meets the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. This is because it relates to the objects and matters to be taken into account in the CPLA, and the submitters presented reasons why an alternative outcome under the CPLA is preferred.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
24	Freehold area should be covered by a shrubland management plan	No 10	Disallow	N/A

One submitter suggested the proposed freehold area should be covered by a shrubland management plan as an alternative to Crown ownership or a covenant. The submitter noted when discussing the shrubland in the Deep Creek area *"Alternatively a condition of freeholding might be the preparation of a Shrubland Management Plan for the property which is submitted to DOC for approval, as well as being sent out to parties who submitted on the Preliminary Proposal for review and comment(to DOC). The plan would be prepared by a recognised expert"*.

Rationale for Allow or Disallow:

One of the objects of Section 24(b) of the CPLA 1998 is to protect the significant inherent values identified on the reviewable land and the point raised by the submitter questions whether the proposal adequately protects the values present. There is however no provision in the CPLA for Management Plan as that proposed.

This point should be 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
25	Access g-b needs to follow actual formed track	No 10	Allow	Not Accept

One submitter pointed out that the route g-b is not actually on the line of the formed farm track and does not appear to link with the point on Long Gully where it crosses the boundary.

Rationale for Allow or Disallow:

As one of the objects of Section 24(c)(i) of the CPLA 1998 is to make easier the securing of public access to and enjoyment of reviewable land, this 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. This is because the submitter has not introduced any new information or a perspective not previously considered. The position of the track will follow the existing track, the position of which will be determined during the next stage of the process.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
26	The width of the marginal strips in Camp Creek needs to be checked for practicality of access.	No 10	Disallow	N/A

The submitter noted the rugged nature of the terrain along Camp Creek and questioned the practicality of the walking access along the marginal strip saying *"It may be that the strip needs to be wider in order to physically be able to get up the stream"*. They went on to say *"This is important because until an agreement is negotiated across the neighbouring private property to the east, this is the only access from the east"*.

Rationale for Allow or Disallow:

The issue of marginal strips does not come under the Commissioner of Crown Land's jurisdiction for tenure review, but is a matter for DOC management post tenure review. Therefore this point is disallowed for further consideration by the Commissioner in the formulation of a Substantive Proposal.

Summary and Conclusion

Overall there were 10 submissions, 9 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 with more extensive use of covenants. The inclusion of public vehicle to the top of the Grandview Range was also sought in 4 of the 10 submissions. 5 of the 10 submitters also pressed for the landscape covenant area plus some additional land to be included as a conservation area.

In total there were 26 points raised, of which 20 are "Allowed" and "Accepted", 1 "Allowed in Part" and "Accepted in Part", 2 "Allowed" and "Not Accepted" and 3 points "Disallowed" 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 public access provisions
- Support for the landscape covenant
- Support for additional conservation area
- Some concern about the lack of protection for areas of woody vegetation
- Support for allowing public vehicle access over all or part of the 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 botanical values in the higher altitude areas of proposed freehold land. We anticipated support for public 4WD access. No potential risks have been identified.

I recommend approval of this analysis and recommendations



David Paterson
Tenure Review Consultant
Darroch Valuations

Date 7/10/09

Approved/~~Declined~~


Commissioner of Crown Lands

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

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

I recommend approval
Regina

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

12-10-09