

## **Crown Pastoral Land Tenure Review**

**Lease name: DOUBLE HILL**

**Lease number: PC 127**

### **Final Report on Public Submissions**

This document builds on the Preliminary Report on public submissions. The analysis determines if an issue that was allowed, and further consulted on, is accepted or not accepted for inclusion in the Substantive Proposal and to what extent. The report complies with the requirements of Section 45 Crown Pastoral Land Act 1998.

The report attached is released under the Official Information Act 1982.

October

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## ANALYSIS OF SUBMISSIONS DOUBLE HILL TENURE REVIEW

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### 1. Details of lease

*Lease Name:* Double Hill

*Location:* Rakaia Valley

*Lessee:* Double Hill Station Limited

### 2. Public Notification of preliminary proposal

**Date, publication and location advertised:**

18 and 20 May 2002 The Press, Public Notices.

18 and 22 May 2002, Otago Daily Times, Public Notices.

**Closing date for submissions:** Initially 18 July 2002, extended to 26 July 2002.

### 3. Details of submissions received:

Submissions 1 – 4 were received by 26 July 2002 and submission 5 was received on 29 July 2002. All five submissions have been considered in the following analysis.

### 4. Analysis of submissions

Explanation of analysis

Each of the submissions received has been reviewed in order to identify the points raised and these have been numbered accordingly and grouped by topic. Where submitters have made similar points, these have been given the same number.

The following tables summarise each of the points raised along with the recorded number of the submitter(s) making the point, discussion of the point and the decision as to whether to accept/not accept or allow/disallow the point. The points are grouped into 5 general issues.

Decisions have been made using the following approach:

(i) To accept/not accept

A decision to ‘**accept**’ a point made by submitters has been made where the matter raised is a relevant matter for the Commissioner to consider when making decisions in the context of the Crown Pastoral Land Act. Conversely, where the matter raised is not relevant in terms of the Commissioner’s consideration, the decision has been to ‘**not accept**’ the point raised.

(ii) To allow/disallow for further consideration

If a point raised has been accepted, a further decision has been made on whether to ‘allow’ or ‘disallow’ the point. The decision to ‘**allow**’ a point has been made if relevant new information or ideas have been raised that warrant further consideration. Where the Commissioner has previously considered the information raised in reaching a decision on the matter, the point has been ‘**disallowed**’. Expressions of support for the proposal that do not require further consideration have therefore been disallowed.

Further justification for the decisions is given in the discussion following the summary table for each point.

#### 4.1 *Proposed designation boundaries*

POINT	SUMMARY OF POINT RAISED	SUB NO.	DECISION	
1	Submitters support the proposed designation boundaries	1, 3, 4, 5	Accept	Disallow

##### **Discussion:**

The point has been accepted because it concerns the designation of reviewable land. This is a relevant matter under Section 35 Crown Pastoral Land Act 1998 (CPLA).

The point simply expresses support for the proposed boundaries. The Commissioner has already considered the point and, as no new information has been provided, the point has been disallowed.

POINT	SUMMARY OF POINT RAISED	SUB NO.	DECISION	
2	All land north of road should become a reserve	2	Accept	Allow

##### **Discussion:**

The point has been accepted because it concerns the designation of reviewable land. This is a relevant matter under Section 35 CPLA.

In determining the appropriated designations for Double Hill pastoral lease, the Commissioner considered the significant inherent values described in the revised recommendations (3 August 1999) of Part IV of the Conservation Resources Report for Double Hill (27 May 1997).

However, Part IV does not refer to the values of all areas between the road and the Rakaia River. Although these are described in Part II of the Conservation Resources Report, the Commissioner has not specifically considered this part of the report. As the Commissioner has not considered the significant inherent values, if any, of all land between the road and the Rakaia River, the point has been allowed.

#### 4.2 *Public access easement routes*

POINT	SUMMARY OF POINT RAISED	SUB NO.	DECISION	
3	Submitters support public access route f-g-h	1, 4, 5	Accept	Disallow

##### **Discussion:**

The point has been accepted because it concerns public access, which is a relevant matter under Section 24(c)(i) CPLA.

The point simply expresses support for the proposed boundaries. The Commissioner has already considered the point and, as no new information has been provided, the point has been disallowed.

POINT	SUMMARY OF POINT RAISED	SUB NO.	DECISION	
4	Alternative public access route required from Ensors Road to proposed conservation area.	1, 4, 5	Accept	Disallow

**Discussion:**

The point has been accepted because it concerns public access, which is a relevant matter under Section 24(c)(i) CPLA.

The provision of public access as suggested in Point 4 was the subject of consultation with holder, as were earlier proposals that emerged from consultation with the DGC's delegate. The Commissioner has therefore previously considered the information raised in point 4 above in reaching a decision on the matter and, as no new information has been provided, the point has been disallowed.

POINT	SUMMARY OF POINT RAISED	SUB NO.	DECISION	
5	Public access to the bottom of the bush gully immediately east of Homestead Hill (as a spur from the main route f-g-h)	1, 4, 5	Accept	Allow

**Discussion:**

The point has been accepted because it concerns public access, which is a relevant matter under Section 24(c)(i) CPLA.

The Commissioner did not specifically consider this suggestion during the preparation of the Preliminary Proposal. As the Commissioner has not previously considered the matter, the point has been allowed.

POINT	SUMMARY OF POINT RAISED	SUB NO.	DECISION	
6	Route beyond point 'h' within the proposed conservation area should be checked on the ground to ensure it is a passable route.	4, 5	Accept	Allow

**Discussion:**

The point has been accepted because it concerns public access, which is a relevant matter under Section 24(c)(i) CPLA.

The contractor walked the route beyond point 'h' within the proposed conservation area during consultation with the holder and the DGC's delegate to confirm that it was a passable route. However, the contractor did not pass on this confirmation to the Commissioner. As a result, the Commissioner has not specifically considered whether the route beyond point 'h' provides a passable route. The point has therefore been allowed.

POINT	SUMMARY OF POINT RAISED	SUB NO.	DECISION	
7	Public access into and through the North Ashburton River and the peaks above is of prime importance	3	Not accept	

**Discussion:**

The point relates to land that is not included in the tenure review of Double Hill pastoral lease. It has not been accepted because it is not a relevant matter for the Commissioner to consider when making decisions in the context of the CPLA.

POINT	SUMMARY OF POINT RAISED	SUB NO.	DECISION	
8	Public access to the proposed conservation area should be available via the Smite River and Swin River.	3, 4, 5	Not accept	

**Discussion:**

The land between the Double Hill pastoral lease boundary, where it crosses the Smite and Swin Rivers, and the formed public road near Lake Heron is not included in the review. It comprises at least two other properties together with unformed legal roads that link from the proposed conservation area to the public road. The point therefore relates to land that is not included in the tenure review of Double Hill pastoral lease and has not been accepted because it is not a relevant matter for the Commissioner to consider when making decisions in the context of the CPLA.

POINT	SUMMARY OF POINT RAISED	SUB NO.	DECISION	
9	Point 'l' of the public access easement should be on the boundary (map maybe inaccurate)	4, 5	Accept	Allow

**Discussion:**

The point has been accepted because it concerns public access, which is a relevant matter under Section 24(c)(i) CPLA.

While the Commissioner has considered the location of the easement, it was not intended that there be a gap between the lease boundary and point 'l' on the plan. The point is therefore allowed to enable further consultation.

POINT	SUMMARY OF POINT RAISED	SUB NO.	DECISION	
10	There should be a notice board where the road enters the property listing access on the flats and a notice board near the homestead listing access to the high land.	4, 5	Accept	Disallow

**Discussion:**

The point has been accepted because it concerns public access to and enjoyment of reviewable land, which is a relevant matter under Section 24(c)(i) CPLA.

The easement in the preliminary proposal already provides for signs to be erected at the points suggested. The Commissioner has already considered the point and, as no new information has been provided, the point has been disallowed.

POINT	SUMMARY OF POINT RAISED	SUB NO.	DECISION	
11	For accident or extreme weather, any safe route out is acceptable, legal or otherwise	3	Accept	Disallow

**Discussion:**

The point has been accepted because it concerns public access, which is a relevant matter under Section 24(c)(i) CPLA. The submitter makes no specific proposal other than the implied suggestion that the preliminary proposal provides sufficient public access routes. No new information has been provided and therefore the point has been disallowed.

POINT	SUMMARY OF POINT RAISED	SUB NO.	DECISION	
12	The public should have the same vehicle access rights as DOC.	3	Accept	Disallow

**Discussion:**

The point has been accepted because it concerns public access, which is a relevant matter under Section 24(c)(i) CPLA.

The Commissioner has already considered the need for public vehicle access along easement routes and has consulted with the DGC's delegate and the holder on this matter. No new information has been provided and for this reason the point has been disallowed.

POINT	SUMMARY OF POINT RAISED	SUB NO.	DECISION	
13	Public vehicle access should be seriously considered on all routes that are not proposed for vehicle access for either DOC or the public in the preliminary proposal.	3	Accept	Disallow

**Discussion:**

The point has been accepted because it concerns public access, which is a relevant matter under Section 24(c)(i) CPLA.

The Commissioner has already considered the need for public vehicle access along easement routes and has consulted with the DGC's delegate and the holder on this matter. No new information has been provided and therefore the point has been disallowed.

**4.3 Location of legal roads**

POINT	SUMMARY OF POINT RAISED	SUB NO.	DECISION	
14	The existing legal roads should be recognised and documented.	3	Not accept	

**Discussion:**

The point relates to legal roads. Legal roads are not included in the reviewable land and are therefore not a matter for the Commissioner to consider in tenure review.

POINT	SUMMARY OF POINT RAISED	SUB NO.	DECISION	
14a	The existing legal roads should, where possible, be used as starting point for public access.	3	Accept	Disallow

**Discussion:**

The point has been accepted because it concerns (starting points for) public access, which is a relevant matter under Section 25(c)(i) CPLA.

In the preliminary proposal, the existing legal roads have, where possible, been used as starting points for public access (as proposed by the submitter). The point has therefore been considered and, as no new information has been provided, it has been disallowed.

**4.4 Marginal strips**

POINT	SUMMARY OF POINT RAISED	SUB NO.	DECISION
15	As a minimum, marginal strips are needed through proposed freehold land along the Rakaia River, Double Hill and Glenariffe Streams.	4, 5	Not accept

**Discussion:**

The statutory process for designating marginal strips is undertaken separately from tenure review. The point has not been accepted because the laying-off of marginal strips is not a matter for the Commissioner to determine or take into account in decision-making under the CPLA.

POINT	SUMMARY OF POINT RAISED	SUB NO.	DECISION
16	Marginal strips should be identified and mapped as part of each preliminary proposal notified for public comment.	5	Not accept

**Discussion:**

The statutory process for designating marginal strips is undertaken separately from tenure review. The point has not been accepted because the laying-off and mapping of marginal strips are not matters for the Commissioner to determine or take into account in decision-making under the CPLA.

POINT	SUMMARY OF POINT RAISED	SUB NO.	DECISION
17	Marginal strips should be surveyed, conclusively identified and laid off as part of the tenure review process before the legal formalities for tenure review of individual properties are completed.	5	Not accept

**Discussion:**

The statutory process for designating marginal strips is undertaken separately from tenure review. The point has not been accepted because the identification, laying-off and survey of marginal strips are not matters for the Commissioner to determine under the CPLA.



4.5 *Landscape covenant*

POINT	SUMMARY OF POINT RAISED	SUB NO.	DECISION	
18	Proposed freehold land should subject to a landscape covenant "over all the actual elevated land on the 'double hills of Double Hill'. This is a prominent landscape feature which could be degraded by changes such as pasture development or afforestation."	4	Accept	Allow

**Discussion:**

The point has been accepted because it concerns the protection of significant inherent landscape values by the creation of a protective mechanism, which a matter relevant to Section 24(b)(i) CPLA.

In determining the appropriated designations for Double Hill pastoral lease, the Commissioner considered the significant inherent values described in the revised recommendations (3 August 1999) of Part IV of the Conservation Resources Report for Double Hill (27 May 1997). However, Part IV only describes the values of shrubland remnants on the south facing slopes and the floodplain wetland at the mouth of the notch of Little Double Hill. Landscape values of the remainder of Little Double Hill (proposed freehold land) are described in Part II of the report but have not been considered by the Commissioner. As the Commissioner has not considered the significant inherent values of the proposed freehold land referred to in Point 18, the point has been allowed.

POINT	SUMMARY OF POINT RAISED	SUB NO.	DECISION	
19	There should be a sustainable management covenant under section (97) CPLA prohibiting exotic forestry on the Double Hill roche moutonee and in the notch (at its eastern extremity) – proposed freehold land	5	Accept	Allow

**Discussion:**

The point has been accepted because it concerns the protection of significant inherent landscape values by the creation of a protective mechanism, which a matter relevant to Section 24(b)(i) CPLA.

In determining the appropriated designations for Double Hill pastoral lease, the Commissioner considered the significant inherent values described in the revised recommendations (3 August 1999) of Part IV of the Conservation Resources Report for Double Hill (27 May 1997). However, Part IV only describes the values of shrubland remnants on the south facing slopes and the floodplain wetland at the mouth of the notch of Little Double Hill. Landscape values of the remainder of Little Double Hill (proposed freehold land) are described in Part II of the report but have not been considered by the Commissioner. As the Commissioner has not considered the significant inherent values of the proposed freehold land referred to in Point 19, the point has been allowed.

POINT	SUMMARY OF POINT RAISED	SUB NO.	DECISION	
20	There should be a sustainable management covenant under section (97) CPLA prohibiting exotic forestry on the Rakaia fans and flats – proposed freehold land.	5	Accept	Allow

**Discussion:**

The point has been accepted because it concerns the protection of significant inherent landscape values by the creation of a protective mechanism, which a matter relevant to Section 24(b)(i) CPLA.

In determining the appropriated designations for Double Hill pastoral lease, the Commissioner considered the significant inherent values described in the revised recommendations (3 August 1999) of Part IV of the Conservation Resources Report for Double Hill (27 May 1997). However, Part IV does not refer to the values in areas proposed for disposal as freehold land. These are described in Part II of the report, which the Commissioner has not considered. As the Commissioner has not considered the significant inherent values of all parts of the Rakaia fans and flats, the point has been allowed.

POINT	SUMMARY OF POINT RAISED	SUB NO.	DECISION	
21	There should be a sustainable management covenant under section (97) CPLA protecting matagouri on the Station Creek Fan from clearance – proposed freehold land.	5	Accept	Allow

**Discussion:**

The point has been accepted because it concerns the protection of significant inherent landscape values by the creation of a protective mechanism, which a matter relevant to Section 24(b)(i) CPLA.

In determining the appropriated designations for Double Hill pastoral lease, the Commissioner considered the significant inherent values described in the revised recommendations (3 August 1999) of Part IV of the Conservation Resources Report for Double Hill (27 May 1997). However, Part IV does not refer to the values in areas proposed for disposal as freehold land. These are described in Part II of the report, which the Commissioner has not considered. As the Commissioner has not considered the significant inherent values of the Station Creek fan, the point has been allowed.

POINT	SUMMARY OF POINT RAISED	SUB NO.	DECISION	
22	There should be a sustainable management covenant under section (97) CPLA prohibiting exotic forestry and tracking on the Rakaia faces – proposed freehold land.	5	Accept	Allow

**Discussion:**

The point has been accepted because it concerns the protection of significant inherent landscape values by the creation of a protective mechanism, which a matter relevant to Section 24(b)(i) CPLA.

In determining the appropriated designations for Double Hill pastoral lease, the Commissioner considered the significant inherent values described in the revised recommendations (3 August 1999) of Part IV of the Conservation Resources Report for Double Hill (27 May 1997).

However, Part IV does not refer to the values in areas proposed for disposal as freehold land. These are described in Part II of the report, which the Commissioner has not considered. As the Commissioner has not considered the significant inherent values of the proposed freehold land on the Rakaia faces, the point has been allowed.

**5. Discussion and Conclusions**

This proposal attracted 5 public submissions which raised a total of 22 points on 4 general issues 5. Eighteen points have been accepted and 4 points have not been accepted. Of the 18 points that have been accepted, 9 have been allowed.

**Attachments**

- Appendix 1: Copy of public notice
- Appendix 2: Copies of public submissions