

## **Crown Pastoral Land Tenure Review**

**Lease name: DUNSTAN PEAKS**

**Lease number: PO 200**

### **Analysis 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.

**April**

**10**

## ANALYSIS OF PUBLIC SUBMISSIONS

### Statement Pursuant To Sec 45(a)(iii) Crown Pastoral Land Act 1998

#### DUNSTAN PEAKS TENURE REVIEW NO TR343

##### Details of lease

Lease name: Dunstan Peaks  
Location: Broken Hut Road, Omarama  
Lessee: Dunstan Peaks Limited

##### Public notice of preliminary proposal

Date advertised: 31 October and 3 November 2009  
Newspapers advertised in: The Press (Christchurch), Otago Daily Times (Dunedin), High Country Herald (Timaru)  
Closing date for submissions: 18 January 2010

##### Details of submissions received

Number received by closing date: 12  
Cross-section of groups/individuals represented by submissions:  
The submitters comprised 9 conservation and recreation organisations and 3 individual submitters including 2 farmers.  
Number of late submissions refused/other:  
Late submissions were received from Environment Canterbury and the Walking Access Commission. Both were accepted.

## ANALYSIS OF SUBMISSIONS

### 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.

### Analysis

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
1	The submitters support the proposal to create a Conservation area shown as CA1	1,3,5,6,7,8,9,10,11	Allow	Accept
Rationale for Allow: The submitters have considered the preliminary proposal and the support for CA1 indicates that account has been taken of the protection of significant inherent values and the promotion of the management of land in a way that is ecologically sustainable these being objects under Section 24 CPLA. The point is therefore allowed.				
Rationale for Accept: The point 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. The point is therefore accepted.				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
2	The submitters support the public access as proposed in the preliminary proposal.	1,3,5,6,7,8,9,10,11	Allow	Accept
Rationale for Allow: The point relates to the provision of public access which is recognised in Section 24(c)(i) CPLA. This is a matter to be considered under the Act and therefore the point is allowed.				

**Rationale for Accept:**

The point 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. The point is therefore accepted.

<b>Point</b>	<b>Summary of point raised</b>	<b>Submission numbers</b>	<b>Allow or disallow</b>	<b>Accept or not accept</b>
3	The submitter requests that 4WD access be ensured on the routes as far as it applies to the review.	1	Allow	Accept

**Rationale for Allow:**

The point relates to public access which is considered under Section 24(c)(i) CPLA and is therefore allowed.

**Rationale for Accept:**

The point 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. The context of the point is that the submitter wishes to ensure that this access continues to be available. The point is therefore accepted.

<b>Point</b>	<b>Summary of point raised</b>	<b>Submission numbers</b>	<b>Allow or disallow</b>	<b>Accept or not accept</b>
4	The submitter notes the importance of protecting the crest of the St Bathans and Wether Ranges.	1	Allow	Accept

**Rationale for Allow:**

The point relates to the protection of SIVs which is a consideration under Section 24(b) CPLA. The point is therefore allowed.

**Rationale for Accept:**

The point 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. The crests of the St Bathans and Wether Ranges are currently included in Conservation Area CA1. The point is therefore accepted.

<b>Point</b>	<b>Summary of point raised</b>	<b>Submission numbers</b>	<b>Allow or disallow</b>	<b>Accept or not accept</b>
5	The submitter disagrees with the extent of Conservation land proposed under the tenure review due to the impact on the economic use of the land.	2	Allow	Not Accept

**Rationale for Allow:**

The point relates to both the protection of SIVs under Section 24(b) and the enabling of reviewable land capable of economic use to be freed from land management constraints resulting from its tenure under Section 24(a)(ii). The point is therefore allowed.

**Rationale for Not Accept:**

The point does not raise any matters that have not previously been considered in the development of the preliminary proposal and on the basis that no new information has been provided the point is not accepted.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
6	The submitters recommend that the area shown as "A" in the public information pack be freeholded.	2,12	Allow	Accept
<p>Rationale for Allow: The point relates to the enabling of reviewable land capable of economic use to be freed from management constraints resulting from its tenure (Section 24(a)(ii)» and the freeholding of land under Section 24(c)(ii). The point is therefore allowed.</p>				
<p>Rationale for Accept: The submitter has provided additional information in relation to consideration for the freeholding of Area A. The point is therefore accepted for consideration for formulating a substantive proposal.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
7	The submitters recommend that the area shown as "B" in the pUblc information pack be freeholded.	2,12	Allow	Accept
<p>Rationale for Allow: The point relates to the enabling of reviewable land capable of economic use to be freed from management constraints resulting from its tenure (Section 24(a)(ii)) and the freeholding of land under Section 24(c)(ii). The point is therefore allowed.</p>				
<p>Rationale for Accept: The submitter has provided additional information in relation to consideration for the freeholding of Area B. The point is therefore accepted for consideration for formulating a substantive proposal.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
8	The submitter supports the balance of area CA1 with the exception of areas "A" and "B" being returned to the Crown	2	Allow	Accept
<p>Rationale for Allow: The point relates to the restoration to Crown of areas with significant inherent values (Section 24(b) CPLA) and also the promoting the management of reviewable land in a way that is ecologically sustainable (Section 24(a)(i) CPLA). The point is therefore allowed.</p>				
<p>Rationale for Accept: The point 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. The submitter also articulates reasons why an alternative outcome is preferred. The point is therefore accepted.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
9	The submitters note that the protection of area "A" (Part of CA1) on the plan provided with the public information pack is still under review and strongly recommend that this area remains part of CA1.	3,5,6,8,9,10,11, 13	Allow	Accept
<p>Rationale for Allow: The point relates to the protection of significant inherent values (Section 24(b) CPLA) and the promotion of the management of Crown land in a way that is ecologically sustainable (Section 24(a)(i) CPLA). The point is therefore allowed.</p>				
<p>Rationale for Accept: The submitters support an aspect of the preliminary proposal which can be considered by the Commissioner when formulating the designations for a substantive proposal. The submitters also introduced new information and a prospective not previously considered when reviewing the designation of this area. The point is therefore accepted.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
10	The submitters note that the protection of area "8" (Part of CA1) on the plan provided with the public information pack is still under review and strongly recommend that this area remains part of CA1.	3,5,6,8,9,10,11, 13	Allow	Accept
<p>Rationale for Allow: The point relates to the protection of significant inherent values (Section 24(b) CPLA) and the promotion of the management of Crown land in a way that is ecologically sustainable (Section 24(a)(i) CPLA). The point is therefore allowed.</p>				
<p>Rationale for Accept: The submitters support an aspect of the preliminary proposal which can be considered by the Commissioner when formulating the designations for a substantive proposal. The submitters also introduced new information and a perspective not previously considered when reviewing the designation of this area. The point is therefore accepted.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
11	The submitters expressed general support for the proposed freehold however most cases have some qualifications around this support. The qualifications are outlined in subsequent points.	3,5,8,9,10,11	Allow	Accept
<p>Rationale for Allow: The point relates to the freehold disposal of reviewable land under Section 24(c)(ii) CPLA noting that this section is subject to paragraphs (a) and (b) of Section 24. The point is therefore allowed.</p>				

**Rationale for Accept:**

The point is in part 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. The point is therefore accepted.

<b>Point</b>	<b>Summary of point raised</b>	<b>Submission numbers</b>	<b>Allow or disallow</b>	<b>Accept or not accept</b>
12	The submitters recommend a conservation covenant over portions of the proposed freehold for landscape protection. The submitters have varying views as to the lower altitude of this area ranging from 900m a.s.l to 1000m a.s.l.	3,5,10	Allow	Accept

**Rationale for Allow:**

The point relates to the protection of significant inherent values of reviewable land by the creation of protective mechanisms as outlined in Section 24(b)(i) CPLA. The point is therefore allowed.

**Rationale for Accept:**

The submitters introduced new information and perspectives not previously considered in developing the preliminary proposal which the Commissioner can consider in formulating the designations for a substantive proposal. The point is therefore accepted.

<b>Point</b>	<b>Summary of point raised</b>	<b>Submission numbers</b>	<b>Allow or disallow</b>	<b>Accept or not accept</b>
13	The submitters recommend that an area on the north western corner of the proposed freehold (previously identified as area "C" during consultation) is included in conservation area CA1.	3,5,8,10	Allow	Accept

**Rationale for Allow:**

The point relates to both the promotion of the management of reviewable land in a way that is ecologically sustainable (Section 24(a)(i) CPLA), and Section 24(b) relating to the protection of significant inherent values of reviewable land. The point is therefore allowed.

**Rationale for Accept:**

The submitters provide new information and perspectives not previously considered therefore the point is accepted for consideration in formulating a substantive proposal.

<b>Point</b>	<b>Summary of point raised</b>	<b>Submission numbers</b>	<b>Allow or disallow</b>	<b>Accept or not accept</b>
14	The submitters recommend additional access other than that provided in the preliminary proposal. The preferred route is generally near the northern end of the property.	3,5,6,11,13,14	Allow	Accept

**Rationale for Allow:**

Consideration of public access is a requirement under Section 24(c)(i) CPLA the point is therefore allowed.

**Rationale for Accept:**

The submitters propose a range of alternate routes within the Dunstan Peaks property providing for round trip access. The submitters raised new information in relation to this that has not previously been considered and therefore the point is accepted for consideration in formulating the designations for a substantive proposal.

<b>Point</b>	<b>Summary of point raised</b>	<b>Submission numbers</b>	<b>Allow or disallow</b>	<b>Accept or not accept</b>
15	The submitter considers the current historic data for the property to be deficient and encourages efforts to rectify this.	4	Allow	Accept

**Rationale for Allow:**

The point relates to the protection of historic values which are considered to be a significant inherent value under the CPLA. Protection of significant inherent values is a requirement of Section 24(b) CPLA, therefore the point is allowed.

**Rationale for Accept:**

The point is accepted as the submitter has indicated that there is additional information to be considered in formulating a substantive proposal. To assist with this the Department of Conservation has initiated a further historic assessment of the property that will be considered during the consultation leading to the substantive proposal.

<b>Point</b>	<b>Summary of point raised</b>	<b>Submission numbers</b>	<b>Allow or disallow</b>
16	The submitters request further consultation if the proposal changes.	3,4,5,8,10,13	Disallow

**Rationale for Disallow:**

While the Commissioner may consult with those with whom he chooses under Section 26 CPLA there is no provision for additional consultation or re-advertising of a proposal. The point is therefore disallowed.

<b>Point</b>	<b>Summary of point raised</b>	<b>Submission numbers</b>	<b>Allow or disallow</b>	<b>Accept or not accepts</b>
17	The submitter recommends a covenant over 500ha of unimproved tussock land within the proposal. This point is related to point 12 but succinctly different.	9	Allow	Accept

**Rationale for Allow:**

The point relates to both the management of reviewable land in way that is ecologically sustainable (Section 24(a)(i) CPLA) and the protection of significant inherent values by the creation of protective mechanisms (Section 24(b)(i) CPLA). The point is therefore allowed.

**Rationale for Accept:**

The submitter has introduced some new information in relation to consideration of this portion of the property and this information should be considered in the formulation of a substantive proposal and is therefore accepted.



Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
18	The submitter wonders why the access routes are not specified in the preliminary proposal.	11	Allow	Not Accept
<p>Rationale for Allow: The point relates to the provision of public access as required by Section 24(c)(i) CPLA. The point is therefore allowed.</p>				
<p>Rationale for Not Accept: The submitter has not introduced any new information in relation to this aspect of the review and it also observed that schedule three of the preliminary proposal clearly notes the proposed easement as does the proposed designations plan. The point has therefore been fully covered and is not accepted.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
19	The submitter supports the relatively simple approach of dividing the lease into straight forward conservation land and land to be disposed of by freehold.	11	Allow	Accept
<p>Rationale for Allow: The point relates to the designation of land under Section 35 CPLA in compliance with the objects expressed in Section 24 CPLA. The point is therefore allowed.</p>				
<p>Rationale for Accept: The point is a statement of support for aspects of the preliminary proposal which can be considered by the Commissioner when formulating designations for a substantive proposal. The point is therefore accepted.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
20	The submitter does not believe that the review meets the objects of the CPLA in relation to ecological sustainability and provides supporting information in relation to this.	13	Allow	Accept
<p>Rationale for Allow: The point relates to the management of reviewable land in a way that is ecologically sustainable as required by Section 24(a)(i) CPLA. The point is therefore allowed.</p>				
<p>Rationale for Accept: The submitter provides additional information in relation to consideration of ecological sustainability on this property. This is new information that can be considered in the formulation of a substantive proposal and the point is therefore accepted.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accepts
21	The submitter recommends that CA1 Is extended to the existing lower fence line of the summer ewe block to include all the severely limited class VII land.	13	Allow	Accept
<p>Rationale for Allow: The point relates to the management of reviewable land in a way that is ecologically sustainable as required by Section 24(a)(i) CPLA. The point is therefore allowed.</p> <p>Rationale for Accept: The submitter provides additional information in relation to consideration of ecological sustainability on this property. This is new information that can be considered in the formulation of a substantive proposal and the point is therefore accepted.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or notaccept
21(a)	In relation to point 21 above the submitter also recommends a grazing concession over the extension to CA1 for a period of three years.	13	Allow	Accept
<p>Rationale for Allow: The point relates to promoting the management of reviewable land in a way that is ecologically sustainable as required under Section 24(a)(i) CPLA and relates to the qualified designations as provided for in Section 36 CPLA. The point is therefore allowed.</p> <p>Rationale for Accept: As an extension of CA1 into the area described has not previously been considered this is new information to be considered in the formulation of a substantive proposal. The point is therefore accepted.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow
22	The submitter recommends that the remainder of the lease excluding the additions to CA1 remains pastoral lease.	13	Disallow
<p>Rationale for Disallow: There is no provision in the CPLA for designating land to remain pastoral lease. As there is no provision to consider this the point is disallowed.</p>			

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
23	The submitter recommends the expansion of conservation area CA1 to include all sites of ecological value identified in the CRR in particularly to provide protection for the most threatened low land and	13	Allow	Not Accept

	montane land environments of the low altitude foot slopes and valley floors.			
<p><b>Rationale for Allow:</b> The point relates to the protection of significant inherent values as required by Section 24(b) CPLA. The point is therefore allowed.</p>				
<p><b>Rationale for Not Accept:</b> While this point is an extension to the point previously raised under point 21 the submitter in this case does not provide new information but merely refers to the conservation resources report previously prepared. All aspects of this report were fully considered when preparing the preliminary proposal and therefore the point is not accepted.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
24	The submitter recommends that a full ecological assessment be carried out on the additional 344ha of Crown land proposed for freeholding from the Twinburn lease.	13	Allow	Not Accept
<p><b>Rationale for Allow:</b> The point relates to promoting the management of reviewable land in a way that is ecologically sustainable as required by Section 24(a)(i) CPLA. The point is therefore allowed.</p>				
<p><b>Rationale for Not Accept:</b> The 344 ha included in this review was surveyed as part of a full survey of the entire Twinburn lease undertaken by the Department of Conservation and the submitter has not provided any new information in this regard. The point is therefore not accepted.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
25	The submitter requests that any option for grazing of conservation areas be removed. (We note that this point is in conflict with a previous point by the same submitter Point 21(a)).	13	Allow	Not Accept
<p><b>Rationale for Allow:</b> Section 36(1)(a) CPLA does allow for the granting of specified concessions to a person specified in the proposal, Section 36(1)(b) allows for granting of a specified special lease to a persons specified in the proposal and Section 36(1)(c) allows for the granting of a specified grazing permit to a person specified in the proposal. As there is the opportunity to consider the grazing of proposed areas designated for conservation the point has been allowed.</p>				
<p><b>Rationale for Not Accept:</b> While the submitter included significant information in relation to the grazing of the proposed conservation areas none of this information was new and had all been considered previously. The submitter has therefore has not introduced any new information or a perspective not previously consider and the point is therefore not accepted.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow
26	The submitter recommends that the preliminary proposal provides for the protection of the riparian margins of all permanently flowing tributaries of the Omarama Stream where these cross areas of land freehold under tenure review by applying conservation covenants sufficient to prevent stock access to appearing vegetation and beds of the streams.	13	Disallow
<p>Rationale for Disallow:</p> <p>The point does not address any specific matters raised under Section 24 CPLA. The protection of riparian margins could be considered where SIVs have been identified in relation to this however in this case no SIVs have been identified. The point raised therefore relates to the responsibilities of organisations under other enactments and is therefore disallowed in the consideration of a tenure review.</p>			

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
27	The submitter recommends that the boundary between freehold and conservation land is adjusted to provide effective protection of the landscape values identified in the CRR and the preliminary proposal and that the preliminary proposal recognises and provides for the long term sustainable protection of significant landscape values on areas proposed for conservation and for freeholding.	13	Allow	Not Accept
<p>Rationale for Allow:</p> <p>Landscape values can be considered a significant inherent value under the Crown Pastoral Land Act. Section 24(b) requires the Commissioner to enable the protection of significant inherent values when undertaking tenure review. The point is therefore allowed.</p>				
<p>Rationale for Not Accept:</p> <p>The submitter has not provided any new information or a perspective not previously considered nor does the submitter articulate reasons for an alternative outcome under the CPLA. The point is therefore not accepted.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow
28	The Walking Access Commission would like to discuss the legal nature and content of the proposed easement documents.	14	Disallow
<p><b>Rationale for Disallow:</b>  The point does not relate to any of the objects, designations or other considerations provided for in the CPLA. The matter relates to the preparation of documentation which lies outside the scope of a substantive proposal. This is of a legal and technical matter. The point is therefore disallowed.</p>			

### Summary and Conclusion

#### *Overview of analysis:*

Submissions were received from 14 groups or individuals. From these submissions 28 points and one sub-point were identified, 25 of which were relevant to a review under Part 2 Crown Pastoral Land Act 1998. These points were allowed. The remaining four points dealt with matters outside the scope of Part 2 Crown Pastoral Land Act 1998 and were therefore disallowed. The 25 points allowed included eight that were support for components of the review and along with eleven that introduced new considerations have been accepted for consideration in formulating a substantive proposal. Six points were not accepted as they neither supported the proposal nor provided information or perspectives not previously considered.

#### *Generic issues:*

No generic issues were identified.

#### *Gaps identified in the proposal or tenure review process:*

No gaps in the review or process were identified.

#### *Risks identified:*

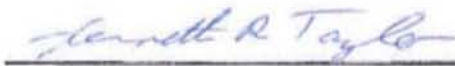
A number of submitters noted the potential for changes in the proposal and requested further advertising/consultation if changes occur.

#### *General trends in the submitters' comments:*

The environmental submitters strongly endorsed the retention of Areas "A" and "8" as conservation land, whereas two farmer submitters expressed a contrary view and noted the importance of these areas to the summer balance of the property. A number of submitters identified additional areas on the margins that should be protected by covenant or return to Crown control to promote ecological sustainability and/or protect additional SIVs.

A number of submitters whilst strongly supporting the access provided in this review, sought additional routes at the northern end of the property to enable round trips

I recommend approval of this analysis and recommendations



Ken Taylor  
DARROCH LIMITED

Date

Peer reviewed by



David Paterson  
DARROCH LIMITED

Date

I recommend approval  
KML  
18/3/10

KARYN MICHELLE LEE  
PORTFOLIO MANAGER  
CROWN PROPERTY MANAGEMENT  
C/- LINZ, CHRISTCHURCH

Approved/~~Declined~~



Commissioner of Crown Lands

Date 19-3-10

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

#### Appendices

1. Copy of Public Notice
2. List of Submitters
3. Copy of Annotated Submissions