

Crown Pastoral Land Tenure Review

**Lease name : Eastburn
Lease number: Po 257**

**Lease name: Waitiri
Lease number : Po 270**

Report on public submissions

This document includes information on the public submissions received in response to an advertisement for submissions on the tenure review preliminary proposal. The analysis determines if an issue is accepted or not accepted as meeting the objectives of part 2 of the Crown Pastoral Land Act (CPLA) 1998, and if further consideration and consultation should be allowed or disallowed, as per Section 45 CPLA 1998.

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

January 02

(1) Details of lease:

Lease Name: Eastburn/Waitiri
Location: Gibbston, Wakatipu
Lessee: Waitiri Station Limited

(2) Public notice of preliminary proposal:**Date, publication and location advertised:**

Wednesday – 13 June 2001:

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

A copy of the notice is attached as Appendix I.

Closing date for submissions:

8 August 2001

(3) Details of submissions received:

<i>Sub No</i>	<i>Submitter</i>	<i>Date Received</i>	<i>Points</i>
1		17 July 2001	15
2	Public Access New Zealand Inc.	2 August 2001	1, 2 (i), (ii), (iii), 3, 4 (i),(ii), 5(i) (ii), 6, 8 and 14
3	Federated Mountain Clubs of NZ Inc.	6 August 2001	1, 2 (i), (ii), (iii), 4, 8, 9 (ii), 10, 11, 12 and 13
4	Wakatipu Tramping and Mountaineering Club	7 August 2001	8
5	Upper Clutha Branch Royal Forest & Bird Protection Society of NZ Inc	7 August 2001	2 (i), 3, 4(i), 8, 9(i), 13
6	Central Otago White Water Inc	8 August 2001	1
7	Council of Outdoor Recreation Associations of New Zealand Inc	8 August 2001	2 (i), (ii), 3, 4(i),(ii), 5(i),(ii), 6, 7, 8.
8	New Zealand Recreation Canoeing Association Inc	8 August 2001	1

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(4) Analysis of submissions:**4.1 Introduction:***Explanation of Analysis:*

Each of the submissions received has been reviewed in order to identify the issue raised and each issue has been given a number. Points around a similar issue have been given a sub-reference. Where submitters have made similar points, these have been given the same number. An annotated copy of the submissions recording the number allocated to each point is attached as Appendix II.

The table in Section 3 numbers each submitter and lists the points made by their submission.

The following table summarises each of the points raised and identified the submissions in which the point occurs. The table then recommends whether to accept/not accept or allow/disallow the point with a discussion supporting the recommendation following.

The following approach has been adopted:

(i) To accept/not accept:

The decision to "accept" the 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 1998. Conversely, where the matter raised is not relevant in terms of the Commissioner's consideration under the Act, the decision has been made to "not accept" the point raised.

(ii) To allow/disallow:

Where the decision is to accept the point in the submission, a further decision has been made as to whether the point made should be "allowed" or "disallowed". The decision has been to "allow" the point if it should be considered further but where the matter has previously been decided the matter and there is no justification for further consideration the decision has been to "disallowed".

Further justification has been made in the discussion paragraph following the summary table for each point.

4.2 Analysis:

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
1	The area proposed as historic reserve should more appropriately be designated recreation reserve.	2, 3, 6, 7, 8.	Accept	Allow

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Discussion:

This is a matter the Commissioner must consider under Section 35 (2) (ii) of the Act. It is allowed because the submission has provided new information supporting the level of recreational use of the area justifying further consideration of the purpose of the reserve to be specified.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
2 (i)	Oppose freeholding on eastern face of Mount Allen down to 1000 m.a.s.l. as the land cannot be ecologically sustainably farmed.	2, 3, 4, 5, 7.	Accept	Disallow

Discussion:

Whether the proposal promotes the management of the reviewable land in a way that is ecologically sustainable is a matter the Commissioner must consider under Part 2 of the CPLA.

This matter has previously been considered by the Commissioner in light of the effect of the total proposal. It was determined that the proposal promotes the management of the land in a way that is ecologically sustainable and the land is capable of economic use. There has been no new evidence introduced to warrant this matter being re-considered.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
2 (ii)	Oppose freeholding on eastern face of Mount Allen to provide more secure public access along ridge.	2, 3, 7.	Accept	Disallow

Discussion:

The securing of public access to the reviewable land is an appropriate matter for the Commissioner to consider under Section 24 (c) (i) CPLA .

This matter has previously been considered by the Commissioner who has determined under Section 40 (i) (b) and 40 (ii) (c) CPLA that an easement provides adequate access for the public to the conservation land.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
2 (iii)	Oppose freeholding eastern face of Mount Allen as the area has significant inherent value.	2, 3.	Accept	Disallow

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Discussion:

The protections of significant inherent values is an appropriate matter for the Commissioner to consider under Section 24 (b) CPLA.

The matter of significant inherent values being present on the site has already been considered by the Commissioner. The Conservation Resources Report does not identify this area as containing significant inherent values as the area has been extensively modified by grazing. No new information has been introduced to suggest the matter of significant inherent values being present in this area be re-examined.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
3	Protection of tussock landscape in the Cardrona Valley should be extended as far as Deaf Bills Creek or Wrights Gully.	2, 7, 5.	Accept	Disallow

Discussion:

The protection of significant inherent values is an appropriate matter for the Commissioner to consider under Section 24 (b) CPLA.

This matter has previously been considered and determined by the Commissioner in light of advice received from the DGC delegate. The Conservation Resources Report does not identify the area below the proposed boundary south of Wrights Gully as containing significant inherent values as the vegetation has been extensively modified by grazing. No new information has been introduced to suggest the matter of significant inherent values being present in this area be re-examined.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
4(i)	Support proposed public access east of Mt Allen conditional on better linkage with access up Roaring Meg.	2, 3, 7.	Accept	Allow

Discussion:

Making easier the securing of public access to and enjoyment of reviewable land is an appropriate matter for the Commissioner to consider under Section 25 (c) (i).

The submitters have provided new information on possible alternative access routes and the likely public demand which would warrant this matter being re-considered.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
4(ii)	Additional public access should be provided above the true right of the Roaring Meg including to Mount Gilray.	2, 3, 7.	Accept	Allow

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Discussion:

Making easier the securing of public access to and enjoyment of reviewable land is an appropriate matter for the Commissioner to consider under Section 25 (c) (i).

The submitters have provided new information on possible alternative access routes and the likely public demand which would warrant this matter being re-considered.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
5 (i)	Wish to have rights enabling modification or extinguishing of easements through the Courts as provided by Section 126 (G) included in exclusions within the easement document. Should include in easement document the requirement for Section 49 Conservation Act procedures to apply on changing or extinguishing easement.	2, 7.	Accept	Allow

Discussion:

It is appropriate that the Commissioner consider the adequacy of the protection provided by easements under Section 24 (c) (i) CPLA.

This is a generic matter involving the detailed wording of easements that the Commissioner may wish to re-consider in light of these submissions.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
5 (ii)	Concern at the discretion for DoC in agreement to allowing gates to be locked. Also consider condition "gates of not less than 1 metre in width" to be too narrow for horses.	2	Accept	Allow

Discussion:

It is appropriate that the Commissioner consider the adequacy of the protection provided by easements under Section 24 (c) (i) CPLA.

This is a generic matter involving the detailed wording of easements that the Commissioner may wish to re-consider in light of these submissions.

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<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
6	Proposed conservation areas within the Roaring Meg needs better defining on its upper boundary.		Accept	Allow

Discussion:

It is appropriate that the Commissioner seek a clearer definition of this boundary to determine whether the objects of the Act under Section 24 (b) (c) have been met.

GPS identification of this boundary and translation of these points onto a large scale plan would be desirable to determine whether the objects with respect to protection of inherent values and provision of public access are being met.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
7	Better physical public access required to the proposed historic and recreation reserves beside the Kawarau River.	7	Not accept	

Discussion:

There is no provision under the CPLA for the Commissioner to improve physical access as proposed in this submission. This is a matter for the future administering authority.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>No of Subs</i>	<i>Decision</i>	
8	<p>Support the main thrust of the proposal.</p> <p>Specific reference were made to:</p> <ul style="list-style-type: none"> - Provides valuable addition to the conservation estate. - Links well with other proposed existing conservation area. - Tall tussock grassland adjacent to Crown road a priority for protection. - Support area in vicinity of Kawarau Bridge being retained for conservation. - Support the increased recreational opportunities provided by the proposal. 	2, 3, 4, 5, 7.	Accept	Allow

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Discussion:

The above submitters supported the main thrust of the proposal and some made reference to certain specific aspects of the proposal they supported.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
9 (i)	Wilding pines in Muddy Creek should be the responsibility of the Regional and District Councils to clear.	5	Not accept	

Discussion:

The allocation of responsibility for the control of wilding trees in Muddy Gully based on past administrative structures is not a matter that can be dealt with under the objects of the CPLA.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
9 (ii)	A duty to control wilding trees on proposed freehold land as well as on conservation land should be applied under Section 24 (b) (i) CPLA.	3	Accept	Disallow

Discussion:

Land may be designated subject to the creation of protective mechanisms for the protection of significant inherent values on the land concerned.

There have been no significant inherent values identified within the land proposed designated for disposal that will be threatened by any actual or perceived threat present from wilding trees. The area where there is a potential threat to inherent values from the spread of wilding trees is within Muddy Gully. This area is proposed designated as land to be retained for conservation purposes. The control or eradication of this threat is a management issue for the Department of Conservation and does not require a protective mechanism to achieve.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
10	Require provision for protection of historic sites in Gentle Annie Valley and public access to them.	3, 10	Accept	Disallow

Discussion:

Historic sites can come within the definition of a significant inherent value and can be protected under the objects of the CPLA.

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The Conservation Resources Report identified a number of historic sites present at the junction of the Gentle Annie and Springburn creeks that relate to the gold mining era of the 1860's. After due consideration it was recommended that these sites did not warrant protection under the CPLA. No new information has been provided that would justify this matter being reconsidered.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
11	Alignment of Roaring Meg Pack Track to be formally recognised as legal road.	3	Not accept	

Discussion:

The line of the Roaring Meg Pack Track is a legal road that is not included in the tenure review and therefore cannot be considered.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
12	Seek assurance that the requirements to lay off marginal strips along waterways is met.	3	Not accept	

Discussion:

The laying off of marginal strips is not a matter to be dealt with under the CPLA.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
13	Require better protection of landscape values in the Kawarau Gorge and Upper Cardrona Valley.	3	Accept	Disallow

Discussion:

Landscape amenity can come under the definition of a significant inherent value that may require the protection under Section 24 of the CPLA.

The protection of landscape amenity values was considered in the Conservation Resources Report by the DGC delegate. It was considered that no further protection of landscape amenity than that achieved under the current proposal was justified.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
14	Easements should specify a width.	2	Accept	Allow

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Discussion:

It is appropriate that the Commissioner consider the adequacy of the protection provided by easements under Section 24 (c) (i) CPLA. The width of easements has previously been determined in the survey prescription but not in the document.

This is a generic matter involving the detailed wording of easements that the Commissioner may wish to re-consider in light of this submission.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>No of Subs</i>	<i>Decision</i>	
15	Opposes proposal as it destroys the balance of the property reducing carrying capacity, making future farming more difficult and threatening economic sustainability.	1	Not accept	

Discussion:

Economic sustainability is not an issue that can be considered within the objects of the CPLA.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>No of Subs</i>	<i>Decision</i>	
16	Submits that the Otago CMS objectives apply to the tenure review of this property.	3	Not accept	

Discussion:

While we believe it appropriate that the DGC delegate apply information sourced from the Otago CMS in determining his/her advise on significant inherent values, we do not believe the Commissioner can adopt the objectives of the CMS as the objectives for the tenure review.

The submission from Public Access New Zealand identified a radio mast being present on Mount Colin. We confirm this mast being present but believe it to be no longer in use, the housing that had contained radio equipment is believed to be empty.

(5) Discussion and conclusions:

This proposal attracted 8 submissions that raised a total of 21 points on 16 issues. In this analysis we recommend that 15 points be accepted and 6 points not be accepted. Of the 15 points accepted we recommend that 7 be allowed and that these matters justify further consideration by the Commissioner. A wide range of issues was raised by the relatively small number of submissions. No particular conclusion could be drawn from them apart from public access being the most commonly raised issue.