

Crown Pastoral Land Tenure Review

Lease name : Glenlapa

Lease number: Ps 020

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

**ANALYSIS OF SUBMISSIONS
GLENLAPA TENURE REVIEW**

1. Details of lease:

Lease Name: Glenlapa
Location: Northern Southland
Lessee: Glenlapa Station Limited

2. Public notice of preliminary proposal:

Date, publication and location advertised:

Saturday – 6 April 2002:

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

A copy of the notice is attached as Appendix 1.

Closing date for submissions:

4 June 2002.

3. Details of submissions received:

A total of 4 submissions were received. Two submissions were received outside the closing date. A list of submitters is attached as Appendix 3 that references the submitters to the points raised in the submission.

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.

The following analysis summarises each of the points raised along with the recorded number (shown in Appendix 3) of the submitter(s) making the point. Discussion of the point and whether or not the point is accepted/not accepted or allowed/disallowed follows.

The following approach has been adopted when making recommendations:

(i) *To accept/not accept:*

The decision to “**accept**” the point made by submitters is on the basis that the matter raised is a relevant matter for the Commissioner to consider when making decisions in the context of the Crown Pastoral Land Act 1998. Conversely, where the matter raised is not relevant in terms of the Commissioner’s consideration the decision is to “**not accept**”.

(ii) *To allow/disallow:*

Where the decision has been made to accept, a further recommendation has been made as to whether the point made should be “allowed” or “disallowed”. The decision has been made to “**allow**” if the point raises new information and should be considered further. Where the matter has previously been decided by the Commissioner and there is no justification for further consideration then the decision is to “**disallow**”. Further justification for the decision has been made in the discussion paragraph following the summary for each point.

4.2 *Analysis:*

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
1	<p>Proposed freehold between proposed Conservation Areas 1 and 3 should be included in the proposed conservation area.</p> <ul style="list-style-type: none"> - Complements conservation area. - Logical to regularise the boundaries, reserve design. - Avoids new fences, access easement. - Natural succession will occur in enhancing conservation, landscape values. - Improves landscape protection of an important landscape. - Area contains significant inherent values. - Steep portion of the hillslope should be retained. 	1,2,3,4,	Accept	Disallow

Discussion:

The point relates to protection of significant inherent values which is a relevant matter concerning designations under Section 35 CPL Act and therefore is accepted. Whether an area compliments an existing or proposed conservation area can be a factor in determining the intrinsic values within an area and whether these constitute significant inherent values. Regularising boundaries or avoiding fencing are not relevant considerations in meeting the objects of the Act. The matter of whether the area between proposed conservation areas 1 and 3 should be designated as part of the proposed freehold has been considered previously by the Commissioner. No new information is provided in the submissions. The point is therefore disallowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
2	Provision should be made to fence the southern boundary of Area 3.	1	Accept	Allow to enable further consultation.

Discussion:

The point relates to the protection of significant inherent values which is a relevant matter in terms of Section 24 (b) CPL Act and therefore is accepted. This issue has not been specifically considered previously by the Commissioner. The effect of stock grazing on adjacent land and stock trespass can undermine the protection of significant inherent values within proposed conservation area. The point is therefore allowed so that further consultation can be undertaken with the DGC delegate and/or the holder.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
3	A catchment west of Airstrip overlooking the Mataura River should be retained for conservation/recreation purposes.	1,2	Accept	Allow

Discussion:

The point relates to the protection of significant inherent values which is a relevant matter under Section 24 (b) CPL Act and is accepted. The specific issue of why this area was not designated for retention by the Crown for conservation has not been addressed. This is new information that warrants consideration by the Commissioner. Accordingly this matter is allowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
4	Need provision for public access to Area 1.	1	Accept	Disallow

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Discussion:

As public access is a relevant matter under Section 24 (c) (i) CPL Act the point is accepted. This matter has been considered previously by the Commissioner after consultation with the DGC delegate and the holder. The result of that consideration was that the Commissioner determined there to be no public access to Areas 1 or 3 over the reviewable land. The submissions do not provide new information that justifies the issue being further considered. The submission is therefore disallowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
5	Need provision for public access to Area 2.	1,3,4	Accept	Disallow

Discussion:

As public access is a relevant matter under Section 24 (c) (i) CPL Act the point is accepted. There is no practical access route to Area 2 from legal road. The farm access track traverses freehold that is not included in the review. The Commissioner has previously decided that public access easements that depend on access through land not included in the review will not be considered. As public access cannot practically be provided to Area 2 within the reviewable land and no new information is provided, the point is disallowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
6	Support the general thrust of the review.	3	Accept	Disallow

Discussion:

Support is noted. As the submission deals with relevant matter under Section 24 CPL Act the point is accepted. The submission with respect to this point does not require a further decision by the Commissioner. The submission is therefore disallowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
7	Public vehicle and foot access should be provided for to Area 3 along the farm road from the legal road.	3	Accept	Disallow

Discussion:

Public access is a relevant matter in terms of Section 24 (c) (i) CPL Act and the point is accepted. The matter has been previously considered by the Commissioner after consultation with the DGC delegate and the holder. Although it was identified as being a desirable outcome there are other ways of accessing the proposed Conservation Areas 1 and

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3. These involve crossing the Mataura River. The submission provides no new information. Accordingly the point is disallowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No</i>	<i>Decision</i>	
8	Public foot access should be provided up ridge west of Trig J and along to Mid Dome.	3	Accept	Allow

Discussion:

Public access is a relevant matter in terms of Section 24 (c) (i) CPL Act and is accepted. The specific matter of a public access easement on this route has not previously been considered by the Commissioner. The point is therefore allowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
9	Proposal should make provision for public use of the hut in the Dome Burn.	3	Accept	Disallow

Discussion:

The point relates to securing the public enjoyment of the reviewable land which is a relevant matter in terms of Section 24 (c) (i) CPL Act and is accepted. The Dome Burn hut is within the proposed historic reserve (Area 2) and is available for public use. There is no further decision for the Commissioner to make with regard this point. Accordingly the point is disallowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
10	Proposal should include provision for wilding tree control on proposed freehold.	3	Accept	Disallow

Discussion:

The point relates to the protection of significant inherent values on reviewable land which is a relevant matter in terms of Section 24 (b) CPL Act. The point is accepted. There have been no significant inherent values identified within the proposed freehold that would be adversely effected by wilding trees and no new information has been provided. Accordingly there is no justification in terms of the objects of the act for including a provision requiring the holder to control wilding trees on freehold. The point therefore is disallowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
11	There should be provision made for marginal strips along the Dome Burn	3,4	Not accept	

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	and Garvie Burn.		
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Discussion:

The creation of marginal strips is a provision of Part IV of the Conservation Act 1987 administered by the Director General of Conservation. Part 2 of the CPL Act does not extend to any decision making process in relation to the creation of marginal strips. This point is not a matter for consideration by the CCL and the point is not accepted.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
12	Land above 850 metres should be retained in Crown ownership and control as it is not ecologically sustainable for economic use for pastoral farming.	3	Accept	Disallow

Discussion:

The point relates to the management of the reviewable land in a way that is ecologically sustainable which is a relevant matter in terms of Section 24 (a) (i) CPL Act. The point is therefore accepted. The submission deals with land above 850 metres in isolation as opposed to being considered in the overall context of the reviewable land. The Commissioner has considered this matter and has determined that, in the overall context of the review, the freeholding of the relatively small area of land above 850 metres altitude does not compromise the proposal in terms of it meeting Section 24 (a) (i) of the Act. No new information has been provided and the submission is therefore disallowed with respect to this point.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
13	The inclusion in proposed freehold of the area between Areas 1 and 3 does not promote management of the land in a way that is ecologically sustainable.	4	Accept	Disallow

Discussion:

The point relates to the management of the reviewable land in a way that is ecologically sustainable which is relevant in terms of Section 24 (a) (i) CPL Act. The point is therefore accepted. The Commissioner has previously considered this matter. He has determined that the inclusion of this area in land designated for disposal on freehold title promotes the management of reviewable land in a way that is ecologically sustainable. This is due to the physical nature of the land, it being predominantly pasture land on good soils and the strategic importance of the area to the total farming operation. The submission provides no new information for the Commissioner's consideration. The point is therefore disallowed.

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(5) Discussion and conclusions:

All the submitters objected to the land between the proposed Conservation Areas 1 and 3 (*approximately 275 ha*) being included in the proposed freehold. This area had been included in proposed conservation area in the Draft Preliminary Proposal. The Commissioner included the area in proposed freehold after consultation with the holder and further consultation with the DGC delegate. The DGC delegate advised that the area had been severely modified by grazing and that the inherent values had been severely compromised.

The submission from PANZ makes a strong plea for the Commissioner to deal with the identification of marginal strips concurrently with actions under the tenure review.

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Appendix 3

LIST OF SUBMITTERS

<i>Sub No</i>	<i>Submitter</i>	<i>Date Received</i>	<i>Points</i>
1	A. J. [unclear]	16 May 2002	1, 2, 3, 4, 5
2		24 May 2002	1, 3
3	Federated Mountain Clubs of NZ Inc.	5 June 2002	1, 5, 6, 7, 8, 9, 10, 11, 12
4	Public Access New Zealand Inc.	10 June 2002	1, 5, 11, 13