

## **Crown Pastoral Land Tenure Review**

**Lease name : RIBBONWOOD**

**Lease number : PO 247**

### **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.

**ANALYSIS OF PUBLIC SUBMISSIONS**

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

**RIBBONWOOD TENURE REVIEW NO TR098**

**Details of lease**

Lease name:	Ribbonwood Station
Location:	Omarama
Lessee:	Maree Caroline Horo

**Public notice of preliminary proposal**

Date advertised:	22 October 2011
Newspapers advertised in:	The Press (Christchurch) Otago Daily Times (Dunedin) Timaru Herald (Timaru)
Closing date for submissions:	5pm, 20 December 2011

**Details of submissions received**

Number received by closing date: 10
Cross-section of groups/individuals represented by submissions: Four submissions were received from conservation and recreational user groups, one submission was received from an individual with a conservation perspective, one submission was received from a territorial authority, one submission from a University Botany Faculty and three submissions were received from statutory boards.
Number of late submissions refused/other: One late submission was received in relation to this review. The Commissioner of Crown Lands Delegate approved acceptance of this submission on 12 January 2012.
The total number of submissions received and analysed is therefore 11.

## 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**

<b>Point</b>	<b>Summary of point raised</b>	<b>Submission numbers</b>	<b>Allow or disallow</b>	<b>Accept or not accept</b>
1	The submitter makes a request for a historic heritage survey to be undertaken.	2	Allow	Not Accept
<p>Rationale for Allow: The point relates to the protection of SIVs which is a consideration under Section 24(b) CPLA and consultation under Section 26 CPLA. The point is therefore allowed.</p>				
<p>Rationale for Accept: The CCL has received a Conservation Resources Report from the Director General of Conservation containing a very brief section on historic facets noting there are no known sites of historic significance. The submitter makes reference to sites outside of the subject area, but does not provide new information in relation to the tenure review, or a perspective not previously considered. Therefore the point is not accepted.</p>				

<b>Point</b>	<b>Summary of point raised</b>	<b>Submission numbers</b>	<b>Allow or disallow</b>	<b>Accept or not accept</b>
2	The submitters give support for CA1	3,4,5,7,8,9	Allow	Accept
<p>Rationale for Allow: The designations provided for in the preliminary proposal were considered in the light of Section 24 CPLA. The point is allowed as it is a matter to be considered in tenure review under the CPLA.</p>				
<p>Rationale for Accept: This is a statement of support for an aspect of the preliminary proposal which can be considered by the Commissioner when formulating a substantive proposal. The point is therefore accepted.</p>				

<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 submitters give support for CA2	3,4,5,7,8,9	Allow	Accept
<p>Rationale for Allow: The designations provided for in the preliminary proposal were considered in the light of Section 24 CPLA. The point is allowed as it is a matter to be considered in tenure review under the CPLA.</p>				
<p>Rationale for Accept: This is a statement of support for an aspect of the preliminary proposal which can be considered by the Commissioner when formulating a substantive proposal. The point is therefore accepted.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
4	The submitters give support for CA3	3,4,5,7,8,9	Allow	Accept
<p>Rationale for Allow: The designations provided for in the preliminary proposal were considered in the light of Section 24 CPLA. The point is allowed as it is a matter to be considered in tenure review under the CPLA.</p>				
<p>Rationale for Accept: This is a statement of support for an aspect of the preliminary proposal which can be considered by the Commissioner when formulating a substantive proposal. The point is therefore accepted.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
5	The submitters give support for the easements	3,4,5,7,8,10	Allow	Accept
<p>Rationale for Allow: The point relates to public access which is considered under Section 24(c)(i) CPLA and 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 context of the point is that the submitter wishes to ensure that this access continues to be available. The point is therefore accepted.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
6	The submitter proposes that the area of CC1 should be designated full Crown ownership and control.	3	Allow	Not Accept
<p>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.</p>				
<p>Rationale for Not Accept: The submitter did not introduce any new information to the discussion, bring a perspective not previously considered or articulate why an alternative outcome is preferred. Therefore the point is not accepted.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
7	The submitter recommends that no management burning be permitted above 800-900 metres.	3	Allow	Accept
<p><b>Rationale for Allow</b>                      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.</p>				
<p><b>Rationale for Accept</b>                      The point does not appear to have been fully considered as the proposal has evolved. The submitter appears to infer the need for a covenant. This is a perspective not previously considered. The point is therefore accepted.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
8	The submitter recommends that a more appropriate method to ensure no stock graze above about 1000m is to fence off the land and designate as full Crown ownership and control.	3,8	Allow	Not Accept
<p><b>Rationale for Allow</b>                      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. See point 9 below which is relative. The point is therefore allowed.</p>				
<p><b>Rationale for Not Accept</b>                      The submitters did not introduce any new information to the discussion, bring a perspective not previously considered or articulate why an alternative outcome is preferred. Therefore the point is not accepted.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
9	While the submitters recommend full Crown ownership and control above about 1000m however where fencing is not possible that ecologically sustainable management be achieved by imposing a sustainable management covenant.	3,4,8	Allow	Not Accepted
<p><b>Rationale for Allow</b>                      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.</p>				

**Rationale for Not Accept**  
 The submitter did not introduce any new information to the discussion, bring a perspective not previously considered or articulate why an alternative outcome is preferred. The matter of a sustainable management covenant (SMC) has been investigated. Therefore the point is not accepted.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
10	The submitter requests access to CA2 along a route linking "a" to "T".	4	Allow	Not Accepted

**Rationale for Allow:**  
 The point relates to the securing of public access to and enjoyment of reviewable land. This is a matter to be considered under Section 24(c)(i) CPLA. The point is therefore allowed.

**Rationale for Accept**  
 Access from the east at "a" to CA2 has had consideration with access through adjoining conservation land. The submitters did not introduce any new information to the discussion, bring a perspective not previously considered or articulate why an alternative outcome is preferred. The point is therefore not accepted.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
11	The submitters offer support for CC1 and most suggest enlargement.	4,7,9,11	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 covenant is for the protection a bird feeding and breeding area adjacent to a stream. The point is therefore accepted.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
12	The submitters ask that a condition of CC1 covenant be that the Minister "shall" design and undertake a monitoring program.	3,4	Allow ,	Accept

**Rationale for Allow:**  
 The point relates to the management of the land in a manner that is ecologically sustainable and also the protection of significant inherent values. The point is allowed as it relates to Sections 24(a) and 24(b) CPLA.

**Rationale for Accept:**

At the preliminary proposal stage the draft covenant document considered monitoring to be optional. The submitters have raised new information and a perspective not previously considered plus articulates reasons for an alternative outcome. The point is therefore accepted for consideration in formulating the 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>
13	The submitters indicate that the proposed boundaries between proposed freehold and conservation areas are too high.	4,9	Allow	Accept

**Rationale for Allow:**

The point relates to promoting the management of reviewable land in a way that is ecologically sustainable. This is matter to be considered under Section 24(a)(i) CPLA and the point is therefore allowed.

Also see related point 19.

**Rationale for Accept:**

While alternate areas for restoration to full Crown ownership and control have been considered in the preparation of the preliminary proposal, the particular perspective made by these submitters has not been specifically addressed. This is therefore a perspective not previously considered and also the submitters articulate reasons why an alternative outcome is preferred. 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>
14	The submitter requests mountain bike access, along a route comprising the existing track linking "a" to "e".	5	Allow	Accept

**Rationale for Allow:**

The point relates to the securing of public access to and enjoyment of reviewable land as provided for under Section 24(c)(i) CPLA. This is therefore a matter for the Commissioner to consider in tenure review and the point is allowed.

**Rationale for Accept:**

Access along this route was previously considered. The submitter has not provided new information in relation to this area. However they have they given a perspective not previously considered and have articulated reasons for an alternate outcome. The point is therefore accepted.



Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
15	The submitter suggests an alternative for protection of the Diadem Range is a freehold designation with covenants and easements for protection.	6	Allow	Accept
<p><b>Rationale for Allow:</b>                      The point relates to promoting the management of reviewable land in a way that is ecologically sustainable. This is matter to be considered under Section 24(a)(i) CPLA and the point is therefore allowed.</p>				
<p><b>Rationale for Accept:</b>                      While alternate areas for restoration to full Crown ownership and control have been considered in the preparation of the preliminary proposal, the particular perspective made by this submitter has not been specifically addressed. This is therefore a perspective not previously considered and also the submitter articulates reasons why an alternative outcome is preferred. The point is therefore accepted.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow
16	The submitter wants clear responsibility promulgated for clearance of wilding trees.	6	Disallow
<p><b>Rationale for Disallow:</b>                      The control of wilding conifers may be a condition required by the Department of Conservation in relation to conservation land or a covenant however this is a matter to be considered in terms of regional pest management plans. This is not a matter for the Commissioner to consider in completing tenure review and the point is therefore disallowed.</p>			

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
17	The submitter gives general support with some qualifications.	6	Allow	Accept
<p><b>Rationale for Allow:</b>                      The point relates to the protection of significant inherent values by restoration to full Crown ownership and control pursuant to Section 24(b)(ii) CPLA. The point is allowed as it is a matter to be considered in tenure review under the CPLA.</p>				
<p><b>Rationale for Accept:</b>                      The point is a statement of support for an aspect of the preliminary proposal which can be considered by the Commissioner when formulating the 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
18	The submitters recommend that consideration be given to the enlargement of CA2.	7,11	Allow	Not Accept
<p>Rationale for Allow: The point relates to the protection of a significant inherent value. This is a matter to be considered under Section 24(b) CPLA and the point is therefore allowed.</p> <p>Rationale for Not Accept: The extension of CA2 was previously considered. The submitters have not provided new information in relation to this area, nor have they given a perspective not previously considered. Therefore the point is not accepted.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
19	The Submitters oppose the freehold designation above 900-1000m ASL.	7,11	Allow	Accept
<p>Rationale for Allow: The point relates to promoting the management of reviewable land in a way that is ecologically sustainable. This is a matter to be considered under Section 24(a)(i) CPLA and therefore the point is allowed. Point 13 is related.</p> <p>Rationale for Accept: While alternate areas for restoration to full Crown ownership and control have been considered in the preparation of the preliminary proposal, the particular perspective made by this submitter has not been specifically addressed. This is therefore a perspective not previously considered and also the submitter 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
20	The submitters request that the public have access over the farm track to point "a" (or define what access is proposed from Quailburn old woolshed).	7,8	Allow	Not Accept
<p>Rationale for Allow: The point relates to the securing of public access to and enjoyment of reviewable land as provided for under Section 24(c)(i) CPLA. This is therefore a matter for the Commissioner to consider in tenure review and the point is allowed.</p> <p>Rationale for Not Accept: Access as indicated by the submitter has previously been considered. In this case the submitter has not introduced new information nor a perspective not previously considered. Neither has the submitter articulated reasons why an alternative outcome is preferred. The point is therefore not accepted.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
21	The submitter suggests that a conservation covenant be placed over the Ahuriri Faces of the proposed freehold designation.	8	Allow	Accept
<p>Rationale for Allow: The point relates to the protection of significant inherent values which is a matter to be considered under Section 24(b) CPLA. The point is therefore allowed.</p>				
<p>Rationale for Accept: While alternate areas for restoration to full Crown ownership and control have been considered in the preparation of the preliminary proposal, the particular perspective made by this submitter has not been specifically addressed. This is therefore a perspective not previously considered and also the submitter 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
22	The submitter requests access into CC1.	8	Allow	Not Accept
<p>Rationale for Allow: The point relates to the securing of public access to and enjoyment of reviewable land as provided for under Section 24(c)(i) CPLA. This is therefore a matter for the Commissioner to consider in tenure review and the point is allowed.</p>				
<p>Rationale for Not Accept: Access as indicated by the submitter has previously been considered. In this case the submitter has not introduced new information nor a perspective not previously considered. The point is therefore not accepted.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow
23	The submitters ask that the covenant conditions be amended to require matters such as control of lupins, control of exotic trees and numbers of sheep be specified.	8,11	Disallow
<p>Rationale for Disallow: The management of the covenant and hence the wording and conditions of the document are the responsibility of the Department of Conservation. This is therefore not a matter for the Commissioner to consider in completing tenure review and the point is disallowed.</p>			

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
24	The submitters ask for protection of the Ahuriri River margin between the high terrace and the river.	9,11	Allow	Accept
<p>Rationale for Allow: The point relates to the management of the land in a manner that is ecologically sustainable and also the protection of significant inherent values. The point is allowed as it relates to Sections 24(a) and 24(b) CPLA.</p>				
<p>Rationale for Accept: The point has not been fully considered when developing the proposal. The submitters raise perspectives that need further consideration. The point is therefore accepted.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
25	The submitter requests that a conservation covenant be created over the area of the Ahuriri East Branch - Quailburn (Serpentine) Saddle area to protect against inappropriate land development.	9	Allow	Accept
<p>Rationale for Allow: The point relates to the protection of a significant inherent value. This is a matter to be considered under Section 24(b) CPLA and the point is therefore allowed. Point 18 is related.</p>				
<p>Rationale for Accept: The creation of a covenant over the specific area was not previously considered. The submitters have provided new information in relation to this area, and have they given a perspective not previously considered. The point is therefore accepted.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow
26	The submitter seeks to ensure that there are unobstructed marginal strips of sufficient width for practical public access.	10	Disallow
<p>Rationale for Disallow: This is not matter for the Commissioner to consider in completing tenure review and the point is therefore disallowed.</p>			

<b>Point</b>	<b>Summary of point raised</b>	<b>Submission numbers</b>	<b>Allow or disallow</b>	<b>Accept or not accept</b>
27	The submitter questions, on the grounds of inadequate justification, the need for any closure of easement "a-b-c" during lambing.	10	Allow	Accept
<p><b>Rationale for Allow:</b> The point relates to public access which is considered under Section 24(c)(i) CPLA and is therefore allowed.</p>				
<p><b>Rationale for Accept:</b> While the matter has been previously considered the submitter has provided new information in relation to this area, and have they given a perspective not previously considered. The point is therefore accepted.</p>				

<b>Point</b>	<b>Summary of point raised</b>	<b>Submission numbers</b>	<b>Allow or disallow</b>	<b>Accept or not accept</b>
28	The submitter seeks vehicle access along route "e-g".	10	Allow	Accept
<p><b>Rationale for Disallow:</b> The point relates to public access which is considered under Section 24(c)(i) CPLA and is therefore allowed.</p>				
<p><b>Rationale for Accept:</b> The vehicle access recommended by the submitter has not previously been considered. The submitter has brought new information and a perspective not previously considered. Therefore the point is accepted.</p>				

<b>Point</b>	<b>Summary of point raised</b>	<b>Submission numbers</b>	<b>Allow or disallow</b>	<b>Accept or not accept</b>
29	The submitter requests protection of a small area of Bog Pine near the Quailburn Road.	11	Allow	Accept
<p><b>Rationale for Allow</b> The point relates to the protection of SIVs which is a consideration under Section 24(b) CPLA, and the method of protection under Section 40(2) CPLA. The point is therefore allowed.</p>				
<p><b>Rationale for Accept:</b> The submitter has brought new information for the protection of rare plants. Therefore the point is accepted.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
30	The submitter suggests protection of the streams through the land north of Quailburn Road.	11	Allow	Accept
<p>Rationale for Allow The point relates to the protection of SIVs which is a consideration under Section 24(b) CPLA, and the method of protection under Section 40(2) CPLA. The point is therefore allowed.</p>				
<p>Rationale for Accept: The submitter has brought a perspective not previously considered. Therefore the point is accepted.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow
31	The submitter requests that all <i>Pinus contorta</i> be removed from existing shelter belts to prevent further spread.	11	Disallow
<p>Rationale for Disallow: The species of tree in shelter belts, in this case on land to be designated freehold, is a matter to be considered in terms of regional pest management and in district plans. This is not a matter for the Commissioner to consider in completing tenure review and the point is therefore disallowed.</p>			

Point	Summary of point raised	Submission numbers	Allow or disallow
32	The submitter requests the removal of the plantation trees on the Quailburn Saddle to prevent further spread.	11	Disallow
<p>Rationale for Disallow: The control of wilding conifers is a matter to be considered in terms of regional pest management plans. It is not a matter for the Commissioner to consider in completing tenure review and the point is therefore disallowed.</p>			

## Summary and Conclusion

### Overview of analysis:

Eleven submitters have raised 32 points in relation to this tenure review. Of the 32 points 27 have been allowed as they relate to matters to be considered under Part 2 CPLA. Five points have been disallowed as they do not deal with matters that are able to be considered under Part 2 CPLA. Of the 27 points allowed, six included statements of support for the proposal and were accepted for consideration in the formulation of the substantive proposal. Thirteen of the remaining twenty-one points raised issues or provided new information that needs to be considered in the formulation of the substantive proposal and these points were accepted. The remaining points allowed did not bring new issues, having been fully traversed previously and were not accepted.

In general there was significant support for much of the proposal.

There were six submitters raising matter relating to access requesting generally small changes.

### Generic issues:

The key area identified by the submitters related to the inclusion of land over 900-1000m above sea level (ASL) being included in the freehold designation. Six submitters raised issues and various suggestions for change were offered. One exception being a submission suggesting that all the higher tops be included in the designation to freehold and that SIV's be protected by means of covenant.

Various methods of further protection were requested adjacent to existing conservation or protected areas including the upper East Branch and Quailburn saddle as well as the hill faces visible from Quailburn or the Ahuriri valley. This also included the Ahuriri River flood plain within Ribbonwood. Except for the Ahuriri River area most related to the land over 900m ASL referred to above.

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

No specific gaps were identified.

### Risks identified:

The area of risk centered on the land generally between 900m and 1500m ASL and how to best protect from inappropriate use. This is complicated by the ability to delineate a satisfactory boundary and fence line at about the 900-1000m level. No specific risks were identified.

### General trends in the submitters' comments:

As noted above the submitters were generally supportive of the proposal; however they did raise issues in relation to freehold disposal of land above about 900m ASL.

I recommend approval of this analysis and recommendations

  
Ray Ward-Smith  
DARROCH LIMITED

Date 8-03-2012

Peer reviewed by

  
Ken Taylor  
DARROCH LIMITED

Date 8-03-2012

*Noted*  
~~Approved/Declined~~

  
~~Commissioner of Crown Lands~~

**Jeremy Barr**  
Date \_\_\_\_\_ Programme Manager Tenure Review  
Crown Property & Investment  
Land Information New Zealand

Appendices

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