



Crown Pastoral Land Tenure Review

Lease name : Quailburn

Lease number : Po 336

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.

August 03

**REPORT IN ACCORDANCE WITH
CPL PRELIMINARY PROPOSAL FOR TENURE REVIEW
STANDARD 8**

**Analysis of submissions received through public notice of
preliminary proposal for tenure review**

File Ref: CON50232/12581 (Po336/1) Submission No: AT2002 Submission Date: 20 December 2002

Contractor's Office: Alexandra

LINZ Case No: TR03/251 Date sent to LINZ: 23 Dec 02

RECOMMENDATION:

1. That the Commissioner of Crown Lands or his delegate notes the submissions received, and makes the decisions as set out in the analysis of submissions.
2. That the Commissioner of Crown Lands or his delegate authorise DTZ to consult with the DGC delegate on the points accepted and allowed.

CERTIFICATION:


DTZ certifies that this report has been prepared in accordance with the CPL Preliminary Proposals for Tenure Review Standard.

Signed for DTZ New Zealand Limited:



K R Taylor:

Approved/Declined (pursuant to a delegation from the Commissioner of Crown Lands) by:



Name: OWEN JOHN FROST
Date of decision: 28/12/02

1. Details of lease:

Property Name: Quailburn
Location: Quailburn Road, Omarama
Lessee: T J & J Cooke

APPENDICIES:

1. Analysis of submissions.
2. Copy of public notice.
3. List of submitters.
4. Copy of annotated submissions.

APPENDIX 1:

Analysis of submissions.

ANALYSIS OF SUBMISSIONS
QUAILBURN TENURE REVIEW

1. Details of lease:

Property Name: Quailburn
Location: Quailburn Road, Omarama
Lessee: T J & J Cooke

2. Public notice of preliminary proposal:

Date, publication and location advertised:

Wednesday 23 October 2002:

- The Press Christchurch
- Otago Daily Times Dunedin
- High Country Herald Timaru

Saturday 26 October 2002:

- The Press Christchurch
- Otago Daily Times Dunedin

Closing date for submissions:

19 December 2002

3. Details of submissions:

A total of 11 submissions were received by the closing date. A further submission was received on 20 December 2002.

The details of these submissions are contained in Appendix 3.

4. Analysis of submissions:

4.1 Introduction:

Explanation of Analysis:

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 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 the decision whether or not to accept/not accept or to allow/disallow the point follows.

The following approach has been adopted when making decisions:

(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 decision 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 not justification for the further consideration then the decision is to "disallow". Further justification for the decision has been made in the discussion paragraph showing the summary for each point.

4.2 Analysis:

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub Nos</i>	<i>Decision</i>	
1	The submitters gave general support for the proposal as notified.	1,2,3,4,5, 6,7,9,10, 12 ✓	Accept	Disallow

Discussion:

The preliminary proposal for tenure review was prepared in accordance with the objects of Part 2, CPL Act. As such it contained matters that the Commissioner considers in preparing a preliminary proposal and the point is accepted.

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The submitters provided general support, in most cases without reservation. Some points were raised in relation to details and these are considered in Points 2, 4, 5 and 6 below. Submitter 12 raised a concern about the ecological sustainability of the proposed freehold, but did not pursue this as a point. Other than the matters separately dealt with below, no new information is provided and the point is disallowed.

Point	Summary of Point Raised	Sub Nos	Decision
2	That the proposed easement does not provide all weather access and an alternative via the main farm tracks should be considered.	6,9 [✓]	Accept Disallow

Discussion:

The securing of public access and enjoyment of reviewable land is an object of the Crown Pastoral Land Act (*Section 24 (c) (i)*). The point is therefore accepted.

The submitters note that the proposed easement crosses a number of minor streams and propose alternative "dry foot" access on farm tracks. This alternative access was considered in the conservation resources report. During consultation with the DGC delegate in preparing the preliminary proposal it was discounted, with the easement "a-b" being considered more practical. The matters raised in the submissions are also of a nature that they are matters to be considered in the future management of the easement. Since no new information has been provided, the point is disallowed.

Point	Summary of Point Raised	Sub Nos	Decision
3	The submitters object to the proposed easement due to road safety issues and the effect on neighbouring properties.	8,11 [✓]	Accept Allow

Discussion:

The securing of public access and enjoyment of reviewable land is an object of the Crown Pastoral Land Act (*Section 24 (c) (i)*). The point is therefore accepted.

The submissions raise a number of issues in relation to the proposed easement. Some of these lie outside the scope of the Commissioner's considerations under tenure review and on their own would not be accepted. Access must however be practical and reasonable and the issues raised should therefore be subject to further consultation. The factors noted by the submitters are new information. The point is therefore allowed to enable consultation to proceed.

Point	Summary of Point Raised	Sub Nos	Decision	
4	That an area of additional wetland on the South Eastern side of CA2 be included in the proposed conservation area.	9 ✓	Accept	Disallow

Discussion:

The Commissioner of Crown Lands is required to consider the protection of significant inherent values in accordance with Section 24 (b) CPL Act. Significant inherent values include wetlands. For this reason the point is accepted.

The Conservation Resources Report identified this as having significant inherent value. The area was reconsidered during field verification leading to the preliminary proposal and the proposed conservation area was redefined to include the areas of greatest significance, and did not include this area. The submitter has not provided any new information in relation to this area and therefore the point has been disallowed.

Point	Summary of Point Raised	Sub Nos	Decision	
5	The submitter noted a discrepancy between the public information referring to foot, mountain bike and horse access, where as the easement document only refers to foot access.	10 ✓	Accept	Allow

Discussion:

The securing of public access and enjoyment of reviewable land is an object of the Crown Pastoral Land Act (Section 24 (c) (1)). The point is therefore accepted.

The submitter has identified a significant anomaly in the proposal. This matter requires further consideration and clarification. The point is therefore allowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub Nos</i>	<i>Decision</i>	
6	That the easement documents need to be changed in relation to the exclusion clauses, in relation to Section 126G Property Law Act and in relation to temporary closures.	10 ^v	Accept	Disallow

Discussion:

Public access is a matter for the Commissioner to consider pursuant to Clause 24(c)(i) CPL Act. Therefore the point is accepted.

The terms and conditions of easement documents have been subject to wide review by the Commissioner, therefore the point is disallowed.

(5) *Discussion and conclusions:*

Discussion relative to the particular points has been made above under each point for simplicity and clarity. The most significant aspect of the submissions in relation to this review is the high level of support from submitters. One submitter identified a potential addition to the conservation area, but this had already been considered. Some discussion was provided in relation to the access easement and aspects of this have been noted for further consultation.

The points raised by the submitters have been carefully analysed and full consideration given to them.