



## **Crown Pastoral Land Tenure Review**

**Lease name : Raglan Run**

**Lease number : Pm 019**

### **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.

**March 03**

ANALYSIS OF SUBMISSIONS

RAGLAN TENURE REVIEW

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1. **Details of lease:**

*Lease Name:* Raglan  
*Location:* Upper Wairau Valley, Marlborough  
*Lessee:* W A and R A Lacey

2. **Public notice of preliminary proposal:**

*Date, publication and location advertised:*

*Saturday – 20 April 2002:*

- The Marlborough Express Blenheim
- The Press Christchurch
- Otago Daily Times Dunedin

*Wednesday – 24 April 2002:*

- The Press Christchurch
- Otago Daily Times Dunedin

*Closing date for submissions:*

24 June 2002

3. **Details of submissions received:**

Two submissions were received.

Only one submission was received by the closing date. The other submission was received by e-mail on 27 June, and a hard copy of that submission including maps and photographs was received on 1 July 2002.

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 the submitters have made similar points, these have been given the same number.

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The following analysis summarises each of the points raised along with the decision (shown in Section 3) of the submitter(s) making the point. Discussion of the point and the decision whether or not accept/not accept or 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 of Crown Lands (CCL) to consider when making decisions in the context of the Crown Pastoral Land Act 1998 (CPL Act). 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 CCL, and there is not justification for 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.

Points have been numbered so that points on similar issues are grouped together.

#### 4.2 Analysis:

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub Nos</i>	<i>Decision</i>	
1	The overall thrust of the Preliminary Proposal is supported.	1	Accept	Disallow

#### *Discussion:*

The 'overall thrust' of the Preliminary Proposal is to meet the objects of Part 2 of the CPL Act, and the point is therefore accepted.

The submitter's general support for the Preliminary Proposal is noted. As specific matters raised by the submitter are considered separately, there is no further need for the Commissioner to consider this point, and it is therefore disallowed.

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Point	Summary of Point Raised	Sub Nos	Decision	
			Accept	Disallow
2	The Preliminary Proposal is contrary to Section 24 CPL Act (particularly 24(a)(i) and 24(b)) because it proposes the freeholding of extensive areas of shrub lands and forest with significant inherent values.	2	Accept	Disallow

*Discussion:*

Fulfilling the requirements of Section 24 CPL Act is the purpose of tenure review, and the point is therefore accepted.

The Objects of Part 2 of the CPL Act (section 24) are to be met in terms of the total of the reviewable land, and not in terms of specific components of the reviewable land. The Commissioner has concluded that the Preliminary Proposal does meet the Objects of Part 2 of the CPL Act, and as specific matters raised by the submitter are considered separately, the point is therefore disallowed.

Point	Summary of Point Raised	Sub Nos	Decision	
			Accept	Disallow
3	The creation of the Bush Camp Stream corridor is supported.	1 & 2	Accept	Disallow

*Discussion:*

The Bush Camp Stream corridor is to protect significant inherent values. The Commissioner is required to consider the protection of significant inherent values in accordance with Section 24(b) CPL Act, so the point is therefore accepted.

The submitters have expressed support for the designation of this land as Proposed Conservation Area. No new information has been provided in relation to this area, and the point is therefore disallowed.

Point	Summary of Point Raised	Sub Nos	Decision	
			Accept	Disallow
4	Appreciate that the lessees have agreed to surrender some 80 ha from their freehold block.	1 & 2	Accept	Disallow

*Discussion:*

The 80 ha of freehold land has been identified as having significant inherent values, and the Commissioner is required to consider the protection of significant inherent values in accordance with Section 24(b) CPL Act. The point is therefore accepted.

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The submitters have expressed support for the designation of this land as proposed Conservation Area. No new information has been provided in relation to this area, therefore the point is disallowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub Nos</i>	<i>Decision</i>	
5	The statement in the Summary of Preliminary Proposals that "some minor areas of scrub and bush are included" in proposed freehold areas is inaccurate, as the submitter believes that there are quite substantial areas included.	1	Not Accept	

*Discussion:*

The point is a general interpretative one, and specific points with regard to the location of boundaries proposed in the Preliminary Proposal are considered separately. The point has no direct bearing on the actual Preliminary Proposal, and is not something the Commissioner can consider in relation to the objects of Part 2 of the CPL Act. The point is therefore not accepted.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub Nos</i>	<i>Decision</i>	
6	Very limited information supplied to submitters, with no map of proposed fencing or easements.	2	Not Accept	

*Discussion:*

The information supplied to submitters is a Summary only and is consistent with the requirements of section 43 CPL Act concerning the provision of notice of a Preliminary Proposal. It is also noted that there were two detailed maps provided with the Plan with the Summary of the Preliminary Proposal; one showing details of proposed easement concessions and the other showing details of proposed new fencing.

The point is a general one and is not something the Commissioner can consider in relation to the objects of Part 2 of the CPL Act. The point is therefore not accepted.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub Nos</i>	<i>Decision</i>	
7	Concern is expressed that since 1995 there has been considerable burning of areas previously identified by DoC as having significant inherent values.	1 & 2	Not Accept	

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*Discussion:*

The past management of the pastoral lease is not a matter the Commissioner can consider in terms of the objects of Part 2 of the CPL Act, and the point is therefore not accepted.

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<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub Nos</i>	<i>Decision</i>	
8	Not having a professional landscape assessment means landscape values are under stated and significant inherent values have not been adequately identified.	2	Accept	Disallow

*Discussion:*

Significant inherent values that are to be protected in terms of section 24(b) may include landscape values and the point is therefore accepted.

The point is a general one, and the submitter also makes a specific point that is considered separately. The Commissioner has considered the inherent values identified in the Conservation Resources Report, which included an assessment of landscape values. No new information has been provided, therefore the point is disallowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub Nos</i>	<i>Decision</i>	
9	The boundary between proposed freehold and conservation areas needs to be redrawn to coincide much more closely with the boundaries proposed in the 1995 DoC report. Concerned that substantial areas of kanuka forest and shrubland, beech and broadleaf forest are in areas proposed for freeholding.	1 & 2	Accept	Disallow

*Discussion:*

The point is in regard to the protection of significant inherent values, which the Commissioner is required to consider in accordance with Section 24(b) CPL Act. The point is therefore accepted.

The 1995 DoC report referred to is the Conservation Resources Report provided by the Department of Conservation for the tenure review of Raglan pastoral lease. It has been the starting point for consideration of significant inherent values, and revised recommendations to meet the requirements of the CPL Act were provided by DoC in May 1999. These recommendations referred to the area encompassing "... the upper, north-facing slopes of the Raglan Range within the property, including most of the intact beech forest communities and areas of kanuka forest and shrubland." The recommendation was "That an area of approximately 550 hectares be designated as conservation area to be managed by the Department of Conservation."

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The 1995 Conservation Resources Report, and the protection of significant inherent values along the north-facing slopes of the Raglan Range within the pastoral lease, have been given full consideration during the development of the Preliminary Proposal. The hill boundary between proposed Conservation Area and proposed Freehold Disposal has been generally fixed at the boundary with bush/scrub. The submitters have not provided any new information in relation to this area and the point is therefore disallowed.

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<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub Nos</i>	<i>Decision</i>	
10	The entire catchments of all significant streams from Netting Stream westwards should be excluded from proposed freehold areas, upstream of the point where they break clear of their more enclosed mountain valleys (including the enclosed parts of the catchments of the smaller streams between Dover Stream and Bull Paddock flat e.g. opposite the historic Monument on State Highway 63).	1 & 2	Accept	Disallow

*Discussion:*

The point is in regard to the protection of significant inherent values, which the Commissioner is required to consider in accordance with Section 24(b) CPL Act. The point is therefore accepted.

The protection of significant inherent values along the north-facing slopes of the Raglan Range within the pastoral lease, including the catchments from Netting Stream westwards, has been given full consideration during the development of the Preliminary Proposal. The hill boundary between proposed Conservation Area and proposed Freehold Disposal has been generally fixed at the boundary with bush/scrub. The submitters have not provided any new information in relation to these areas and the point is therefore disallowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub Nos</i>	<i>Decision</i>	
11	The freehold boundary should run along the top of the first terrace adjacent to the Wairau River to protect all the scarps or terrace faces adjacent to the river upstream of Netting Stream, which have significant landscape values.	2	Accept	Allow

*Discussion:*

The point is in regard to the protection of significant inherent values, which the Commissioner is required to consider in accordance with Section 24(b) CPL Act. The point is therefore accepted.

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The point concerns the protection of the terraces or scarps adjacent to the Wairau River on the reviewable land. The Commissioner has not specifically considered the protection of these landscape values, and the point is therefore allowed.

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<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub Nos</i>	<i>Decision</i>	
12	Freeholding should be subject to a sustainable management covenant that prohibits exotic afforestation, prohibits herbicide spraying to clear extensive areas of indigenous vegetation and restricts burning.	2	Accept	Disallow

*Discussion:*

The point appears to relate to the protection of significant inherent values, which the Commissioner is required to consider in accordance with section 24(b) CPL Act. The point is therefore accepted.

The Commissioner has already considered the protection of significant inherent values on the reviewable land, and considers that the proposed designations meet the Objects of Part 2. The Commissioner considers that the identified significant inherent values are adequately protected by the proposed designations, and further measures are therefore not warranted.

A Sustainable Management Covenant under Section 97 CPL Act could be used to ensure that the management of land is ecologically sustainable, in terms of Section 24(a)(i) CPL Act. However a Sustainable Management Covenant would not be appropriate to specifically protect significant inherent values. The submitter suggests that a Sustainable Management Covenant be used to prohibit exotic afforestation, herbicide spraying of indigenous vegetation, and burning on steep slopes, in gullies or within 50 metres of any waterway. None of these issues have been related to the on-going ecological sustainability of the management of the land, and they appear to be related to the protection of inherent values.

A Sustainable Management Covenant is to do with land management as it relates to ecological sustainability, and is not considered to be an appropriate tool for the specific protection of inherent values. The submitter has not provided any new information concerning the significant inherent values, or on matters relating to ecologically sustainable management, and the point is therefore disallowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub Nos</i>	<i>Decision</i>	
13	More of Bull Paddock Flat freehold should be protected for it's significant inherent values, as per 1995 DoC report.	2	Accept	Disallow

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*Discussion:*

The point concerns the protection of significant inherent values, which the Commissioner is required to consider in accordance with Section 24(b) CPL Act. The point is therefore accepted.

The protection of inherent values on the freehold titles included in the reviewable land has been considered by the Commissioner. The submitter has provided no new information, therefore the point is disallowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub Nos</i>	<i>Decision</i>	
14	The submitter is concerned that marginal strips do not appear to have been set aside along Netting and Dover Streams.	1 & 2	Not Accept	

*Discussion:*

Where appropriate, marginal strips will be created on the disposition of the land, in terms of Part IV of the Conservation Act. The Commissioner does not have jurisdiction in relation to marginal strips, and their creation is not a matter for him to consider in terms of the objects of Part 2 of the CPL Act. The point is therefore not accepted.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub Nos</i>	<i>Decision</i>	
15	The width of marginal strips along some streams (e.g. Dover, Netting and Possum Streams) should be widened to provide a protective riparian buffer.	1 & 2	Not Accept	

*Discussion:*

Where appropriate, the width of marginal strips will be considered by the Director General of Conservation when marginal strips are created on the disposition of the land, in terms of Part IV of the Conservation Act. The Commissioner does not have jurisdiction in relation to marginal strips, and their width is not a matter for him to consider in terms of the objects of Part 2 of the CPL Act. The point is therefore not accepted.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub Nos</i>	<i>Decision</i>	
16	Marginal strips on Possum and Netting Streams should be extended so that they join up with proposed conservation land.	1 & 2	Not Accept	

*Discussion:*

Where appropriate, marginal strips will be created on the disposition of the land, in terms of Part IV of the Conservation Act. The Commissioner does not have jurisdiction in relation to

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marginal strips, and their creation is not a matter for him to consider in terms of the objects of Part 2 of the CPL Act. The point is therefore not accepted.

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<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub Nos</i>	<i>Decision</i>	
17	There is no information or discussion on the extent to which marginal strips and legal road are continuous along the Wairau River boundary, or their location in relation to the course of the river.	1	Not Accept	

*Discussion:*

Marginal strips and legal roads are not part of the reviewable land, and the Commissioner has no jurisdiction over marginal strips or legal roads in terms of the CPL Act. The point is therefore not accepted.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub Nos</i>	<i>Decision</i>	
18	Concern as to whether there is practical foot access along the Wairau River.	1	Accept	Disallow

*Discussion:*

The point concerns the provision of public access, which is a matter the Commissioner is required to consider in terms of section 24(c)(i) of the CPL Act, and the point is therefore accepted.

The Commissioner has previously considered this point and concluded that the Wairau River and legal road adjoining the reviewable land provides easy public access. No new information has been provided by the submitter, and the point is therefore disallowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub Nos</i>	<i>Decision</i>	
19	There is no discussion of public access issues in the Summary of Preliminary proposals.	1	Not Accept	

*Discussion:*

The point relates to the Summary of Preliminary Proposal. Section 43 CPL Act sets out the requirements for notice of a Preliminary Proposal, and the Summary is not intended to discuss the reasoning or consultation that has occurred. The point is a general one that does not require the consideration of the Commissioner in terms of Part 2 of the CPL Act, and it is therefore not accepted.

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<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub Nos</i>	<i>Decision</i>	
20	Wish to see direct access to the Raglan Range peak Blowhard from the Wash Bridge area of State Highway 63, and believe a practical route would be directly along the fence line at the eastern boundary.	1 & 2	Accept	Allow

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*Discussion:*

The point concerns the provision of public access, which is a matter the Commissioner is required to consider in terms of section 24(c)(i) of the CPL Act, and the point is therefore accepted.

The Commissioner has previously considered access to the proposed Conservation Area on the Raglan Range and concluded that the major streams (five in number) provide easy and practical access via existing marginal strips and crown land riverbed. The Commissioner has however not specifically considered access from in the vicinity of the Wash Bridge directly towards Blowhard on the Raglan Range. The point is therefore allowed to enable further consultation on the provision of access to the proposed Conservation Area, and beyond.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub Nos</i>	<i>Decision</i>	
21	The Preliminary Proposal and the accompanying map make no mention of and do not show any proposed fencing.	2	Accept	Disallow

*Discussion:*

The point concerns the protection of significant inherent values, which the Commissioner is required to consider in accordance with Section 24(b) CPL Act. The point is therefore accepted.

The Commissioner has considered the need for fencing, and the Preliminary Proposal specifically refers to the fencing along the lines marked A-B, C-D, E-F and G-H on the Plan. The Preliminary Proposal and the Summary of the Preliminary Proposal both included a detailed diagram of location of new fencing (associated with the Plan). The point is therefore disallowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub Nos</i>	<i>Decision</i>	
22	Preliminary Proposal should include the fencing of approx 1600 metres of the Windy Flat wetland to prevent stock damage to the wetland.	2	Accept	Disallow

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*Discussion:*

The point concerns the protection of significant inherent values, which the Commissioner is required to consider in accordance with Section 24(b) CPL Act. The point is therefore accepted.

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The Commissioner has considered the need for fencing, and has provided for fencing of approximately 1650 metres to prevent stock entering the wetland proposed as Conservation Area. No new information has been provided and the point is therefore disallowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub Nos</i>	<i>Decision</i>	
23	The submitter believes there is confusion over the size of areas to be protected. -area of Bush Camp Stream corridor and Windy Point wetland needs to be accurately mapped -550ha proposed for Raglan Range has significantly different boundary to that in 1995 DoC report.	2	Accept	Disallow

*Discussion:*

The point relates to the protection of significant inherent values, which the Commissioner is required to consider in accordance with section 24(b) CPL Act. The point is therefore accepted.

The submitter appears to place considerable emphasis on what are estimates of areas. The boundaries have been fixed to the satisfaction of the Commissioner and the extent of the area to be protected is based on these fixed boundaries, and not on an estimate of area. The point is therefore disallowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub Nos</i>	<i>Decision</i>	
24	The Crown appears to be significantly undervaluing it's interest in the pastoral lease in allowing some 1480ha to be freeholded for \$15,000 plus GST.	2	Not Accept	

*Discussion:*

The individual financial considerations and the payments to be made are not included in the information to be provided under section 43 CPL Act and are therefore not matters for the Commissioner to consider in public submissions. The point is therefore not accepted.

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<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub Nos</i>	<i>Decision</i>	
25	A concession through conservation land to allow for farm access is accepted, but the use of an easement rather than a licence or a permit is questioned, and the perpetual term is strongly opposed.	2	Accept	Disallow

*Discussion:*

The point refers to the nature of the instrument proposed for a qualified designation, and the term of the instrument. The Commissioner is required to consider this in terms of Section 36 (1) CPL Act, and the point is therefore accepted.

In considering the requirement for farm access across proposed Conservation Area, the Commissioner was satisfied that an easement concession is the most appropriate instrument. Given the purpose of the access, he did not consider it appropriate to limit the term of the access. The submitter has not provided any new information on the issue, and the point is therefore disallowed.

**5. Discussion and conclusions:**

While only two submissions were received, the points raised were numerous and varied.

The submitters made several points concerning the boundary of the proposed Conservation Areas, in relation to the boundaries recommended in the 1995 Conservation Resources Report. The recommendations were revised by the Department of Conservation in 1999. There is some difficulty in relating "on the ground" boundaries to those drawn on maps, and the boundary of the proposed Conservation Area on the Raglan Range has generally been fixed at the present bush/scrub boundary. This boundary may or may not relate to what was drawn in 1995.

A number of points were made in relation to marginal strips, which the Commissioner does not have jurisdiction over, and the points were therefore not accepted.

In a number of instances where the submitters made a point, they did not provide new information for the Commissioner to consider. In cases where the Commissioner had already considered the available information, the points were disallowed.

**Appendices:**

1. Copies of public notices
2. Copies of public submissions received

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