

## **Crown Pastoral Land Tenure Review**

**Lease name : Rhoboro Downs**

**Lease number: Pt 093**

### **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: Rhoboro Downs  
Location: Twizel  
Lessee: Rhoborough Downs Limited

**2. Discussion and conclusions:**

Discussion relevant to each particular point has been made under each point in Appendix 1 for simplicity and clarity.

Included in the submissions are matters of a more generic or administrative matter that can be separately addressed by LINZ. They have not been discussed in the analysis of the points but are noted here.

Submission 11 from the Royal Forest and Bird Protection Society of New Zealand Incorporated has requested a copy of the Plan showing any recommended adjustments by the contractor subsequent to public submissions, and a copy of the final boundary.

The local branch of Forest & Bird, submission 10, noted their frustration and considerable difficulty in obtaining further information. No known approach was made to DTZ.

Environment Canterbury in Submission 3 requested that the Land Improvement Agreement for the Ben Ohau tenure review be secured in the same manner as requested for Rhoboro Downs. The matter of the Rhoboro Downs LIA is in the analysis of Points appended. Ben Ohau is not a matter for this report. They included a note on Council Policy in regard to Land Improvement Agreements. To avoid having to rely on public notification, they requested to be included in the early warning mailing list.

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**APPENDIX 1:**

Analysis of submissions

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**ANALYSIS OF SUBMISSIONS**  
**RHOBORO DOWNS TENURE REVIEW**

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**1. Details of lease:**

**Lease Name:** Rhoboro Downs  
**Location:** Twizel  
**Lessee:** Rhoborough Downs Limited

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

*Date, publication and location advertised:*

*Wednesday 17 April 2002*

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

*Saturday 20 April 2002:*

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

*Closing date for submissions:*

17 June 2002

**3. Details of submissions received:**

A total of 7 submissions were received by 17 June 2002 with a further four submissions being received by 24 June 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 submitters have made similar points, these have been given the same number.

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The analysis summarises each of the points raised along with the recorded number of the submitter(s) and the decision on the point. Discussion follows the summary and decision on each point.

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 CCL’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 following 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	To emphasize the need for public access for pedestrians, horse riders and non-motorised transport on the southern boundary and beside Fraser Stream, with 4WD access by agreement.	2	Accept	Disallow

*Discussion:*

The submission is about access for the public (section 24 (c)(i) CPL Act) which is a matter for the CCL to consider. The submission re-emphasizes the need for public access for pedestrians, horse riders, and non-motorised transport. It raises the issue of retaining any legal roads as legal access ways, as well as maintaining access onto the marginal strip of the Twizel River. Marginal strips are provided under Part IV Conservation Act 1987, and are not a matter for the CCL to consider under the CPL Act. The retention or otherwise of legal roads is not a matter for the CCL to consider under the CPL Act. The matter of public access in these areas has been considered by the CCL and the submission appears to support the proposals. No new information is provided, therefore the point is disallowed. See also Point 6 & 15.

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<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub Nos</i>	<i>Decision</i>	
2	Agree with preliminary proposal.	1,2,6,7,8	Accept	Disallow

*Discussion:*

Support is noted. As the submissions deal with decisions made under the CPL Act, the point is accepted. As the submissions do not provide new information, and do not affect decisions made by the CCL, the point is disallowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub Nos</i>	<i>Decision</i>	
3	Requests that the Land Improvement Agreement is brought down on all new titles issued, and seeks assurance that this will happen.	3	Not Accept	

*Discussion:*

Under Section 60 (4) CPL Act the written acceptance by any other person having an interest in the land must be obtained prior to a Substantive Proposal taking effect. It is therefore not a matter which the CCL needs to consider in making a decision with regard to the objects of Part 2, CPL Act, and therefore is not accepted.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub Nos</i>	<i>Decision</i>	
4	Form and fence a car-park at the south end of the easement and also one at Darts Bush.	4	Accept	Allow

*Discussion:*

The provision of parking can be considered as part of public access, and is therefore a matter for the CCL to consider (Section 24 (c)(i) CPL Act). This point is not a matter previously considered by the CCL. The point is allowed so that consultation with the DGC, Fish and Game (initially consulted) and the Holder can be undertaken.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub Nos</i>	<i>Decision</i>	
5	The submitter notes that Treasury has made a submission to the local authority to have a portion of Rhoboro Downs Road stopped/closed.	5	Not Accept	

*Discussion:*

The section of road that the submitter refers to is through the Meridian core land being the Pukaki Canal. The road is not part of the Rhoboro Downs tenure review. Roads outside the tenure review the point is not accepted.

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<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub Nos</i>	<i>Decision</i>	
<b>6</b>	That public access rights are maintained over the Twizel/Fraser Rivers.	7,10	Accept	Disallow

*Discussion:*

The Twizel and Fraser Rivers are included in the tenure review and Public Access is a matter the CCL must consider, (Section 24 (c)(i) CPL Act). The point is therefore accepted. The matter was considered by the CCL in submission R0069 dated 3 March 2000. Marginal strips are provided under Part IV Conservation Act 1987, and are not a matter for the CCL to consider under the CPL Act. The point is disallowed. See also Points 1 & 15.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub Nos</i>	<i>Decision</i>	
<b>7</b>	That the whole of the wetland on the terrace north of Darts Bush Stream be restored to Crown ownership and control.	9,10,11	Accept	Allow

*Discussion:*

The protection of significant inherent values is a relevant matter for the CCL to consider (Section 24 (b)(ii) CPL Act), and the point is therefore accepted.

The area referred to was identified in the first Draft Preliminary Proposal as an area to be restored to full Crown ownership and control. Subsequent consultation adjusted the area to be retained to a relatively small area at the western end of the wetlands. These submissions indicate that this is a significant issue, notwithstanding that it has already been considered. The point is allowed so that further consultation with the DGC and the Holder can be undertaken.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub Nos</i>	<i>Decision</i>	
<b>8</b>	That it be seen that the Crown and Public of New Zealand receive fair and equal treatment in the division of the land	10	Not Accept	

*Discussion:*

The CPL Act makes no provision for consideration of fair and equal treatment. The objects of Part 2 of the CPL Act include "To enable the protection of the significant inherent values". The decision of the Commissioner to designate the land in terms of the Preliminary Proposal is consistent with this object. The point is not accepted, as it is not a matter that the CCL is required to consider under the CPL Act.

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<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub Nos</i>	<i>Decision</i>	
<b>9</b>	That all marginal strips be fenced.	10,11	Not Accept	

*Discussion:*

The fencing of marginal strips is not a matter for the CCL to consider under the CPL Act. Marginal strips are a function of Part IV Conservation Act 1987. The point is not accepted.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub Nos</i>	<i>Decision</i>	
<b>10</b>	That all wilding trees be either removed or contained to their present site on the land to be designated for disposal on freehold as they have the potential to spread onto Conservation Land.	10	Accept	Disallow

*Discussion:*

The submitter has raised the matter of the potential of wilding trees to spread seedlings much further afield, and invade conservation areas. This is a matter that may be considered under Section 24 (a)(i) CPL Act: i.e. to promote management that is ecologically sustainable. The CCL is aware that wilding trees are dense on the eastern side of the land proposed to be designated for freehold disposal. There is no requirement under the CPL Act for the CCL to consider the spread of unwanted organisms such as wilding trees. The point is disallowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub Nos</i>	<i>Decision</i>	
<b>11</b>	Retain the shrublands and riparian communities in the tributary to the Fraser Stream identified as Pukaki RAP4 – Lower Fraser Stream.	11	Accept	Allow

*Discussion:*

The protection of significant inherent values is an object of Part 2, Section 24(b) CPL Act, and the point is therefore accepted. The point has already been partially considered by the CCL. While RAP4 is referred to in the Conservation Report the whole area is not included in the recommendations to retain in Crown ownership made by the DGC's Delegate. The point is allowed so that further consultation with the DGC and the Holder can be undertaken.

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<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub Nos</i>	<i>Decision</i>	
<b>12</b>	Retain the Gladstone Flats wetland area on the northern boundary identified as Pukaki RAP3 Gladstone Flats.	11	Accept	Disallow



*Discussion:*

The protection of significant inherent values is an object of Part 2, Section 24(b) CPL Act, and therefore the point is accepted. The point has already been considered by the CCL in submission R0069 of 3 March 2000, and no new information has been provided. The point is therefore disallowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub Nos</i>	<i>Decision</i>	
13	Retain the Dry Stream wetland area identified as Pukaki RAP5 Dry Stream.	11	Accept	Allow

*Discussion:*

The protection of significant inherent values is a matter that the Commissioner must consider in tenure review, (Part 2 Section 24 (b) CPL Act). The CCL has not previously considered the retention of this wetland area. The point is allowed so that consultation with the DGC and the Holder can be undertaken.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub Nos</i>	<i>Decision</i>	
14	Retain a 200 metre wide strip of land around the shores of Lake Pukaki for public recreation and enjoyment.	11	Accept	Allow

*Discussion:*

The retention of land for public access and enjoyment is a matter for the CCL to consider, under Part 2, Section 24(c)(i) CPL Act. The submitter has introduced new material not previously considered by the CCL. The point is therefore accepted and allowed so that consultation with the DGC and the Holder can be undertaken.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub Nos</i>	<i>Decision</i>	
15	Failure to identify and provide marginal strips along the Fraser Stream, Dry Stream, and the Twizel River.	10, 11	Not Accept	

*Discussion:*

The provision of marginal strips is not a matter for the CCL to consider under the CPL Act. Marginal strips are provided under Part IV Conservation Act 1987. 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>	
16	Failure of the Holder to control wilding trees and the absence of any commitment of funding by LINZ to control trees on land proposed to be retained by the Crown for conservation.	11	Not Accept	

*Discussion:*

The matter of prior spread of wilding trees is not a matter for the CCL to consider under the CPL Act. Future funding for control of wildings on land designated for conservation is not a matter for the CCL to consider. The point is therefore not accepted. (See also point 10).

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub Nos</i>	<i>Decision</i>	
17	Need to commit adequate funding for signposting and marking legal roads.	11	Not Accept	

*Discussion:*

Future funding for the management of land designated is not a matter for the CCL to consider under 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	Provide access to Lake Pukaki near the northern boundary.	11	Accept	Allow

*Discussion:*

The provision of access is a matter the Commissioner must consider under Part 2, Section 24(c)(i) CPL Act. Access to Lake Pukaki near the northern boundary has not previously been considered by the CCL. The point is therefore allowed so that consultation with the DGC and the Holder can be undertaken.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub Nos</i>	<i>Decision</i>	
19	That the proposal fails to promote ecologically sustainable management, and does not adequately protect inherent values, so much so that the proposal is contrary to Section 24, and in particular, Section 24(a)(i) and 24(b) CPL Act.	11	Accept	Disallow

*Discussion:*

Management of reviewable land in a way that is ecologically sustainable and the protection of inherent values are matters for the CCL to consider under the CPL Act. The point is an all-encompassing one, which is then broken down into its parts of particular concern. These have been separately decided and discussed in the points above noting the submitter. The CCL has considered the proposal and determined that it does meet the objects of the CPL Act. The general point is therefore disallowed.

**5. Discussion and conclusions:**

Discussion relevant to each particular point has been made under each point for simplicity and clarity.