

Crown Pastoral Land Tenure Review

Lease name: SHINGLEY CREEK

Lease number: PO 034

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.

September 09

**ANALYSIS
OF
PUBLIC SUBMISSIONS

SHINGLEY CREEK**



ANALYSIS OF PUBLIC SUBMISSIONS

Statement Pursuant To Sec 45(a)(iii) Crown Pastoral Land Act 1998 (for Part 2 reviews, or Sec 88(d) for Part 3 reviews)

SHINGLEY CREEK TENURE REVIEW NO 328**Details of lease**

Lease name:	Shingley Creek pastoral lease
Location:	Off State Highway 85 in the Pigroot area along Shingley Creek Road, approximately 45 kilometres from Palmerston.
Lessee:	B W Kearney & Co Limited

Public notice of preliminary proposal

Date advertised:	Saturday 6 th December 2008
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Newspapers advertised in:

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

Closing date for submissions:	24 February 2009
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Details of submissions received

Number received by closing date:	10
Three further submissions were received, one on the 25 th and two on the 26 th of February 2009, which were approved by LINZ on the 4 th of March for inclusion in the analysis.	
Cross-section of groups/individuals represented by submissions:	

Submissions were received from a wide range of interested individuals, non government environmental and recreation groups together with a territorial local authority.

Number of late submissions refused/other:	Nil
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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.
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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

The submissions have been numbered in the order in which they were received, points have been arranged so similar points are grouped together.

Appendix III provides a table of the points raised by the various submitters.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
1	Statements of support for different aspects of the proposed designations, includes some qualified statements of support.	2, 3, 4, 5, 9, 10, 11, 12, 13	Allow	Accept
Rationale for Allow or Disallow				

Submitter 2 supports the condition in the public access easement that allows guns and dogs over the easement area for use on the adjoining conservation land when holding a hunting permit.

Several submitters (3, 4, and 10) qualify their support by expressing concern over access provisions over adjoining land between State Highway 85 and the property boundary. The point related to access across this and other adjoining land is dealt with in point 2 below.

Submitter 3 supports the proposal to retain the area of CA1 in Crown ownership and the balance to be disposed of as freehold land with the proviso legal access is secured from State Highway 85 as detailed in point 2 below. The submitter also supports the proposed covenant including provisions for monitoring within the covenant and the proposed easement concession for farm management purposes across the Siberia Creek marginal strip.

Submitter 4 supports CA1 to be retained in Crown ownership and the balance to be freeholded. They also support the proposed covenant, but stress that frequent monitoring will be needed, they also provide support for the proposed easements but suggest access across adjoining freehold land needs to be clarified and secured as part of the review, as detailed in point 2 below.

Submitter 10 also supports the proposed designations of Crown land and freehold but considers public access to both areas from State Highway 85 may not be secure and must be secure to meet the objects of the CPLA, as detailed in point 2 below. They also support the covenant but stress the need for regular and frequent monitoring will be essential (currently provided in the proposed covenant), as they are particularly concerned about cattle grazing.

Submitter 5 concludes in their submission that they support the preliminary proposal but requests a number of recommendations be implemented to rectify what they consider to be inadequate provisions for public access. These are discussed in points 2, 3, 5 and 6 below.

Submitter 9 also supports the preliminary proposal but asks serious consideration be given to their comments, which also relates to the provisions for public access, particularly those

relating to the use of the unformed legal road. These are discussed in points 2, 3, 5 and 6 below.

Submitter 11 endorses the proposed designations of Crown land and freehold land and suggests the access provisions appear adequate but is concerned with the uncertainty of access from State Highway 85.

Submitter 12 and 13 endorse the proposed designations of Crown land, but Submitter 13 comments on the existing fence line which they consider is unsympathetic to the landform and that it has been bladed creating an unnatural scar across the slope.

Statements of support are regarded as meeting the objects of the CPLA and have therefore been allowed for further consideration.

Rationale for Accept or Not Accept

The point relates to the objects and matters to be taken into account in the CPLA and statements of support for aspects of the proposal can be considered by the commissioner when formulating the designations for a Substantive Proposal.

The point has therefore been accepted for further consideration in the formulation of the Substantive Proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
2	Public access provisions to the property from the adjoining land.	2, 3, 4, 5, 9, 10, 12, 13	Disallow	N/A

Rationale for Allow or Disallow

This point relates to access outside the reviewable land where various potential access route options over adjoining land to the property are discussed by submitters. Most of the submissions are concerned with access from State Highway 85 (The Pigroot) which is largely within a kilometre of the property boundary. Many submitters suggest legal public access to the property has not been secured, but in fact legal public access already exists along an existing marginal strip and over an unformed legal road, as both of these options extend to the property boundary from State Highway 85.

Submitter 2 suggests access points should be clearly marked from State Highway 85 to the easement.

Submitter 3 supports the option of being able to achieve guaranteed public access from State Highway 85 to the property boundary at point “d” by utilising the existing farm track over the adjoining freehold land. Their second option is to utilise the unformed legal road located further south which also connects the highway to the property boundary. The submitter also suggests an easement at the other end of the property over the existing farm track between point “a” and CA1 located on existing freehold land, outside the reviewable land should be guaranteed now. They have provided qualified support (point 1 above) for the proposed conservation area CA1 and proposed freehold area with the

proviso legal public access can be secured to the property as they believe it is currently not secured.

Submitter 4 outlines the same concerns as submitter 3 for access to both points “d” and “a” but does not discuss using the unformed legal road. They have provided qualified support (point 1 above) for the proposed public access and management purpose easement, by suggesting that access to the property needs to be clarified and secured at this stage. They believe access to the property was still to be secured at the time of advertising the PP and is dependant on DoC negotiations. They expressed concern over the level of uncertainty.

Submitter 5 only focuses on access from the highway to point “d” and recommends public foot and vehicle access be negotiated with the owner of the adjoining freehold land.

Submitter 9 mentions all three options of obtaining access from State Highway 85 to the property boundary, being the farm track to point “d”, the unformed legal road and the existing marginal strip over Siberia Creek from the highway to the property boundary. They recommend an easement enabling public vehicle access be provided over the track to point “d” but recognise the difficulty in negotiating this and suggest if it is not achievable then consideration be given to opening up the unformed legal road.

Submitter 10 focuses on using the existing marginal strip for public access to the property from the highway. They suggest DoC should provide a written guarantee work will be carried out to make the route suitable for mountain bikers. They also do not accept the advice from DoC that they intend to negotiate a public access easement over the farm track within freehold land between point “a” and CA1. They consider it doesn’t provide secure legal public access and therefore does not meet the objects of the CPLA, they recommend the easement be provided now.

Submitters 12 and 13 discuss the same access issues where submitter 12 discusses the safety issues of leaving a vehicle in the car park at Pigroot Creek beside the busy State Highway 85 and then crossing it, possibly with horses to enter the property. They acknowledge this is a DoC management issue and not part of the proposal but wanted to express their concern.

The existing farm tracks over adjoining freehold land, the legal road between State Highway 85 and the property boundary and the marginal strip between the highway and the property boundary are all outside the property and are therefore not part of the land under review. They are consequently not matters that can be considered under the CPLA and therefore the point is disallowed.

The matters raised mainly relate to DoC negotiating access arrangements with the owners of the adjoining freehold land. The comments of the submitters about these access arrangements and the other concerns related to DoC ensuring any new sections of track is constructed to a standard suitable for mountain bike use and also the car park area beside the highway will however be referred to DoC for their consideration outside of the tenure review process.

Rationale for Accept or Not Accept

N/A

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
3	An additional easement is required for public access to the western end of CA1.	5, 9, 10,13	Allow	Accept
Rationale for Allow or Disallow				

Submitter 5 suggests an additional easement be provided up the western conservation covenant CC to give direct public access to the western side of CA1.

Submitter 9 makes the same suggestion as submitter 5 but mistakenly refers to the covenant area as a conservation easement, their intention is still clear. Neither submitter suggest changing the covenant conditions to allow public access, either they may not be aware of that option or it could be interpreted they consider restricting public access to a defined route is more appropriate.

Submitters 10 and 13 point out the CRR identified the potential for a loop track around the perimeter of the property going up the tributary of the Pigroot and the spur to spot height 732 metres then along the western boundary to CA1. They suggest this would be foot only access.

Securing of public access to the reviewable land is an object of tenure review under Section 24(c)(i) of the CPLA and therefore the point has been allowed for further consideration.

Rationale for Accept or Not Accept

The point relates to the objects and matters to be taken into account in the CPLA.

Although the CRR identified a potential recreational route up the western side of the property via spot height 732 meters, it was not consulted on because it was a secondary route and only suitable for foot access, and was not advocated for by the DGC delegate. Submitters said this provides a more direct route to CA1 and also provides the potential for a loop track. The submitters raise a point previously considered but articulate reasons why an alternative outcome under the CPLA is preferred.

The point has therefore been accepted for further consideration in the formulation of the Substantive Proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
4	An additional easement for public access from the unformed legal road near Pigroot Hill to the farm track maybe required if this road is required for public access to the property.	13	Allow	Accept
Rationale for Allow or Disallow				

The submitter has not stated an additional easement would be required, but they point out there would have to be a practical and legal connection to the 4WD track within Shingley Creek if the option of using the unformed legal road to provide public access from State Highway 85 to the property boundary is to be used. They state it looks possible to provide this legal practical access in the area of the saddle north of Pigroot Hill, where it appears the legal road and 4WD track may meet. It is interpreted that if practical legal access did not already exist the submitter would be advocating an easement be provided in the appropriate place to secure public access from the unformed legal road to the 4WD track (easement a-b).

Securing of public access to the reviewable land is an object of tenure review under Section 24(c)(i) of the CPLA and therefore the point has been allowed for further consideration.

Rationale for Accept or Not Accept

The point relates to a possible scenario which may not eventuate. Use of the unformed legal road is not the preferred or only vehicle access option due to the fact it is unformed and the DGC delegate advised this option would only be considered if negotiations over use of an existing farm track with the owner of the adjoining freehold land were unsuccessful. Although it is recognised these negotiations are outside of but in parallel with tenure review, they have not commenced and in the event they are not able to be successfully concluded it is considered prudent to further investigate alternative provisions for vehicle access as part of Tenure Review.

The submitter highlights the possible requirement for an additional short easement between the legal road running NW to SH 85 near Pigroot Hill and the proposed easement shown a-b on the proposed designations plan to ensure there is an alternative option to provide secure practical legal vehicle access. The requirement for an additional short easement would be dependant on whether the unformed legal road along the southern boundary of the Shingley Creek pastoral lease provides a practical linkage to the farm track (proposed easement a-b).

The point relates to the objects and matters to be taken into account in the CPLA and in terms of the practical detail relating to this potential route for vehicle access it introduces a perspective not previously considered.

The point has therefore been accepted for further consideration in the formulation of the Substantive Proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
5	Public 4WD access should be permitted over the proposed easements.	5, 7, 8, 9,	Allow	Accept

Rationale for Allow or Disallow

Submitter 5 suggests public 4WD access should be provided along the proposed easements because recreational hunters will be interested in hunting pigs on the property and red deer in the larger Conservation Park potentially created along the Kakanui Range.

They consider providing adequate public access for the future to be an important consideration.

Submitters 7 and 8 believe that by not providing 4WD access is discriminatory towards the young and old who are physically unable to gain access by foot. They further suggest due to the inhospitable nature of the high country with rapidly changing weather, not providing 4WD access creates a safety issue for those less experienced, and also due to the vastness of the area may restrict people with limited time. They emphasize the importance of children to experience these areas to ensure the enthusiasm to conserve them continues in the future. They point out that the route of the proposed easement follows a vehicle track that forms part of a popular 4WD track known as Dunrobin Road which provides a link between the Pigroot and Five Forks. They also ask why the Department of Conservation is provided with 4WD access when the general public is not. The submitters believe that this tenure review is the only opportunity available to guarantee the ongoing availability of access to the Kakanui Mountains High Country for all New Zealanders. They are concerned that future owners of the proposed freehold land maybe less receptive compared to the current lessee for allowing public vehicle access.

Submitter 9 proposes public 4WD access be created over the proposed easements (together with over adjoining property outside of the reviewable land – as detailed in Point 2) and believe the public should not be excluded when the Department of Conservation is permitted.

Securing of public access to the reviewable land is an object of tenure review under Section 24(c)(i) of the CPLA and therefore the point has been allowed for further consideration.

Rationale for Accept or Not Accept

The CRR identified potential recreational activities which included the use of the farm tracks by 4WD vehicles and 4WD vehicle access for hunters. This was not included in the proposal because as outlined under point 4, practical legal vehicle access to the property has not been secured and the preferred option for achieving that involves use of a farm track located on adjoining freehold land. This was therefore recognised as being a matter required to be dealt with by DoC outside of but in parallel with the tenure review process.

Submitters however said 4WD vehicle access is required for hunters and also by not providing it discriminates against those less able bodied and consequently creates a potential safety issue in the inhospitable high country environment.

The point relates to the objects and matters to be taken into account in the CPLA and although the point highlights an issue that has previously been considered the submitters articulate reasons why they prefer an alternative outcome.

Based on the assumption that legal vehicle access to the property will be secured in some form (either via the farm track located on the adjoining property or unformed legal road), the point has been accepted for further consideration in the formulation of the Substantive Proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
6	The legal road should be aligned to follow proposed easement "b-a" over the existing farm track along the southern boundary of the property.	5, 9	Disallow	N/A
Rationale for Allow or Disallow				

Submitter 5 simply expressed a desire for the formation to be modified to be the legal road.

Submitter 9 considers legal roads important as they provide the public with substantial rights of access over a network of areas into the future. They suggest the review may be an opportunity to confirm these access rights.

While yet to be confirmed by survey it appears much of the farm track formation is not aligned with the legal road which on this property defines the southern boundary between the property and adjoining freehold land. Recognition of formations within the reviewable land as legal road or consideration of the legal status of roads that are located outside of the reviewable land is not a matter able to be dealt with by the Crown Pastoral Land Act and this point is therefore disallowed.

Rationale for Accept or Not Accept

N/A

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
7	Suggested there needs to be additional conditions in the easement to accommodate the farming operation.	6	Allow	Accept
Rationale for Allow or Disallow				

The submitter points out access over the property exists now albeit with permission of the runholder and members in their club have normally been granted access subject to farming operations such as lambing and mustering. It is interpreted that they have implied the proposed easement needs similar conditions by stating that a lack of such conditions would pose serious difficulties for operating a farm.

The terms and conditions imposed over public access easements, relates to public access and enjoyment of the reviewable land. This is an object of tenure review under Section 24(c)(i) of the CPLA and therefore the point has been allowed for further consideration.

Rationale for Accept or Not Accept

The submitter has made the assumption that because permission to access the property has traditionally been asked from the lessee then the proposed public access easement should include a condition to carry this down. This is based on the principle that access can interfere with farming operations. Although the submitter has not expressly stated the above requirement, they imply it should be included as they have said it is not clear how these terms have been provided for in the proposed easement.

Although public access easements do not normally include clauses that require the public to notify landowners before using them, it is possible due to farming activities that certain times of the year maybe problematic with public access for some landowners. This did not surface as an issue during consultation with the lessee.

The point relates to objects and matters to be taken into account in the CPLA and introduces a new perspective not previously considered.

The point has therefore been accepted for further consideration in the formulation of the Substantive Proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
8	The legal road within CA1 should remain identified as a driveable route for motorised vehicles.	12	Disallow	N/A
Rationale for Allow or Disallow				

The submitter refers to the legal road within CA1 and does not mention the farm track formation which largely appears to be off the alignment of the legal road. They also state this road forms part of a long used customary route into the Kakanui Conservation Area and it is therefore interpreted they are referring mainly to the existing farm track rather than necessarily the legal road which appears to be unformed / not aligned to the farm track formation for most of it's length within CA1 . They state that they wish to ensure the legal road remains identified as a drivable route for motorised vehicles.

The point relates to access on conservation land and is therefore considered to be a post tenure review land management issues for DoC and not a relevant matter able to be dealt with under the CPLA.

This point has been disallowed for further consideration within tenure review but the comments made by the submitter will be referred to DoC for their consideration in determining the future management of CA1.

Rationale for Accept or Not Accept

N/A

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
9	Fish and Game access for management purposes should be provided.	2	Allow	Not Accept

Rationale for Allow or Disallow

The submitter states that on occasion they may need to access the land for management purposes and understand they have the same access rights for this purpose as DoC. They have requested the proposal provides management access for them or would be equally happy with a letter from DoC confirming they have access rights for management purposes. It is unclear whether access to parts of the proposed freehold is being requested or solely to the proposed conservation area.

The point relates to the protection of recreational values comprising sports fish and game bird hunting (by allowing the management of these species), which are significant inherent values. Section 24(b) of the CPLA relates to the protection of significant inherent values therefore this point has been allowed for further consideration.

Rationale for Accept or Not Accept

Subsequent correspondence with Fish and Game after the release of their report revealed they wanted an additional condition, being dog and firearm access across the proposed freehold land to the proposed conversation land for both public game bird hunting (quail) and management purposes. Consultation with Fish and Game established that the public can use the public access easement with guns and dogs to gain access to the conservation land to hunt quail provided they had both a DoC hunting permit and Fish and Game permit. It was also established they can access the easement for management purposes as invitees of DoC with agreement from the relevant Area Manager provided their management is consistent with the management of the conservation area.

Although the point relates to objects and matters to be taken into account in the CPLA, it doesn't introduce new information or a perspective not previously considered. Also, while it does highlight issues previously considered and the submitter articulates reasons why they prefer an alternative outcome, those reasons have been investigated and addressed.

The point has therefore not been accepted for further consideration in the formulation of the Substantive Proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
10	CA1 should be extended, it is suggested the boundary fence between CA1 and freehold should be at a lower altitude.	1	Allow	Not Accept

Rationale for Allow or Disallow

The submitter considers parts of the land proposed to be freeholded are prone to erosion with poor quality vegetation and exposed soil. They do not consider some of the higher

erosion prone land to be capable of economic use and suggest the boundary fence between the proposed freehold and CA1 should be around 740 to 800 metres asl. They refer to photos 2, 4 and 6 which they consider all show erosion. The sparse tussocklands shown in photo 2 is land designated as CA1 near the boundary of the proposed freehold land, and photo 4 shows rock outcrops which may be mistaken for erosion prone land. Photo 6 shows areas of bare ground within land proposed to be freeholded.

The point relates to promoting management of the land in a way that is ecologically sustainable which is an object of tenure review, as indicated in Section 24(a)(i) of the CPLA. It also relates to enabling land capable of economic use to be freed from the management constraints resulting from its tenure under reviewable instrument which relates to Section 24 (a) (ii) of the CPLA.

The point has therefore been allowed for further consideration.

Rationale for Accept or Not Accept

The submitter highlights issues which have previously been considered. The submitter claims that because parts of the proposed freehold land shows poor quality vegetation and exposed soil then it should automatically be included into conservation land. They suggest if the land is erosion prone, it shouldn't become freehold as it wouldn't be capable of economic use.

The area of depleted vegetation in the proposed freehold is relatively minor in extent and is generally limited to near the area shown in photo 6. Similar areas of depleted vegetation occur in the conservation area at higher altitudes which we believe could have been protected by a covenant, but it was considered an additional fence would not be complimentary to the landscape values and not justified for the relatively small area involved. On balance, utilising the existing subdivision fence as the boundary between freehold and conservation land was considered the best option.

Although the point relates to objects and matters to be taken into account in the CPLA, it doesn't introduce new information or a perspective not previously considered. Also, while it does highlight issues previously considered and the submitter articulates reasons why they prefer an alternative outcome it is considered those reasons have been thoroughly investigated.

The point has therefore not been accepted for further consideration in the formulation of the Substantive Proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
11	CA1 should be smaller, it is suggested some of CA1 should be freeholded subject to a covenant.	6	Allow	Accept

Rationale for Allow or Disallow
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The submitter considers the area of CA1 is much greater than that needed to protect the threatened flora and fauna in the area. They suggest much of it is similar to the proposed

freehold and a more efficient solution could be to covenant more clearly defined and relevant areas.

Although the submitter is suggesting less protection from that currently proposed the point still relates to the protection of significant inherent values. Section 24(b) of the CPLA relates to the protection of significant inherent values, so this point has been allowed for further consideration.

Rationale for Accept or Not Accept

The submitter highlights an issue previously considered. Most of the proposed conservation area contains significant inherent values that justifies the area be protected in Crown ownership. Areas in the upper Siberia Creek catchment on the sunny faces contain depleted snow tussock similar to that in the proposed freehold area. However, the area is highly visible from State Highway 85 and was therefore considered to have significance for its landscape values. Although protection of these values could be achieved by use of a covenant it was not considered prudent to do so in this instance due to the area concerned being relatively small and the requirement to construct additional new fencing which would detract from the landscape values. On balance, utilising the existing subdivision fence as the boundary between freehold and conservation land was considered the best option. In light of the submitters point it is considered appropriate to review the options over this area.

Although the point relates to objects and matters to be taken into account in the CPLA, it does not introduce new information or a perspective not previously considered. Although the point highlights an issue that has previously been considered the submitter articulates reasons why they prefer an alternative outcome. On this basis the point has been accepted for further consideration in the formulation of the Substantive Proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
12	Conditions of Conservation Covenant CC should be amended.	11, 13	Allow	Accept

Rationale for Allow or Disallow

Submitter 11 is concerned about continued cattle grazing within the riparian sections of Siberia Creek and the unnamed tributary of Pigroot Creek, currently proposed as a conservation covenant unfenced from the balance of the block. The submitter is concerned cattle grazing will damage the riparian vegetation and important aquatic life, particularly the chronically threatened flathead galaxiids, *Galaxias depressiceps*. They state that fencing is clearly impracticable but in order to provide even reasonable protection for the important ecological values in these two covenanted areas, grazing should be limited to sheep only. They note the monitoring provisions and mitigating measures to be taken should unacceptable impacts be revealed but they consider these provisions are unacceptable within the proposed covenants. The submitter strongly recommends that grazing in the adjoining blocks be limited to sheep only.

Submitter 13 also expresses concern with grazing of cattle over the proposed covenants and even mentioned the threat of deer grazing in the future. They believe the dominance

of matagouri suggest that browsing has already caused the loss of more palatable species which they consider will be unable to return if browsing continues. They point out that fencing would provide good protection, but would prefer more sensitive land management as fencing impacts on visual values. The submitter requests cattle and deer (proposed covenant currently only permits sheep and cattle) be excluded from the grazing blocks that contain the covenanted streams. They suggest light sheep grazing may be able to continue as the shrubs may be dense and tall enough to keep sheep out. They also suggest it will be necessary to carry out a base line survey to identify range of and proportions of different species to be able to determine future adverse effects.

Submitter 13 also comments on the area in the CRR which identified ecological values over the upper part of the Pigroot tributary and into Siberia Creek as shown in plan 4.2.3. They suggest extension of the covenant over these areas could allow sheep grazing and topdressing and oversowing but prevent earthworks, tree planting and burning and spraying of native vegetation. They suggest this may complement the anticipated protected areas on adjoining Islay Downs and uphold the landscape integrity as these areas are highly visible from SH85. We interpret this as meaning the submitter is advocating the area of the proposed covenant be extended to more closely reflect the area identified in the CRR as significant area of natural inherent ecological values.

The point relates to the appropriate protection of significant inherent values, in this case mainly riparian vegetation and aquatic values of flathead galaxiids. Section 24(b) of the CPLA relates to the protection of significant inherent values, hence this point has been allowed for further consideration.

Rationale for Accept or Not Accept

The issue highlighted by the submitters generated much discussion during consultation and has been thoroughly investigated. Originally the riparian area was designated as land to be retained in Crown ownership but further technical advice obtained from the DGC's delegate revealed protection of the significant inherent values contained within the area could be achieved by an appropriate covenant. The additional technical advice confirmed the area could be managed as an unfenced covenant allowing both sheep and cattle grazing with appropriate monitoring and other restrictive conditions. Further field investigations also revealed that cattle had not been grazing the creek bed as it was found to contain very little feed and many parts had incised sides making it difficult for cattle to access. Technical advice from the DGC's delegate confirmed that continued cattle grazing represent a low risk to protection of galaxiids and also that cattle would have minimal impact on the riparian shrublands. On balance the risks to the values by allowing cattle grazing to continue were considered low. The covenant includes the requirement for monitoring. It also includes provisions that require the owner to mitigate impacts if monitoring reveals grazing is having adverse impacts on the values.

While the submitter does not introduce new information or a perspective not previously considered the point relates to objects and matters to be taken into account in the CPLA. . Also, while the point highlights issues previously considered the submitter articulates reasons why they prefer an alternative outcome.

The point has therefore been accepted for further consideration in the formulation of the Substantive Proposal.

Summary and Conclusion

Overview of analysis:

Thirteen submissions were received from a group of submitters comprising of non government environmental and recreation groups, a territorial local authority and two interested individuals.

There was notable interest in the issue of public access with 8 of the total of 12 points analysed in this report related to access issues.

Eight submitters made points related to access to the property from the adjoining land which could not be allowed as it did not relate to the reviewable land. Many of these focused on an existing farm track which will be dependant on negotiations outside of Tenure Review. The submitters wanted access guaranteed and secured now.

Four submitters wanted an additional easement to the western end of CA1 where the potential of a loop track was suggested by some.

Four submitters wanted 4WD access permitted over the proposed public access easements. Two submitters wanted the legal road aligned to the formation. There were a number of points by just individual submitters on various aspects of access including recognition for public game bird hunting and Fish and Game management access.

Three points related to various aspects of the proposed conservation area and covenant, usually by only one or two submitters.

Nine submitters provided statements of support for the proposal and several of those expressed qualified support which again tended to mainly relate to securing good practical legal public access to the property boundary.

From the 12 points derived 9 were allowed for further consideration. Seven of the allowed points were accepted for further consideration in the formulation of the draft Substantive Proposal.

Generic issues:

The key generic issues identified are:

- The need to secure public access to the property over existing tracks.
- The need for additional public access easement including the opportunity for a loop track.
- Public 4WD access over proposed public access easement that uses existing farm track.
- The need to provide Fish and Game management access.
- Greater protection of freehold land via extending and amending proposed conservation covenant

Gaps identified in the proposal or tenure review process:

The main gap identified by the submissions is the need to better identify and describe the practicality of various options for secure legal public access to the property over adjacent land when not provided by a formed legal road.

Risks identified:

No risks identified.

General trends in the submitters' comments:

The majority of comments and suggested changes to the advertised Preliminary Proposal advocated by submitters related to:

- Improvement to public access, mainly securing access to the property and also enhanced access opportunities within the property.

List of submitters:

A list of submitters is included in Appendix II and a summary of the points raised by submitters is included in Appendix III.

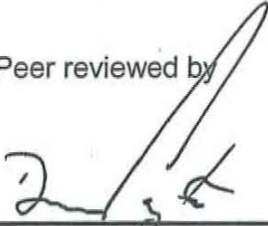
I recommend approval of this analysis and recommendations



Simon deLautour – Tenure Review Consultant

Date 1/09/2009

Peer reviewed by



Dave Payton – Tenure Review Contract Manager

Date 1-09-09

I recommend approval
Regina Posorski

REGINA POSORSKI
PORTFOLIO MANAGER
CROWN PROPERTY MANAGEMENT
C/O LINZ, CHRISTCHURCH

Approved/Declined



Commissioner of Crown Lands

Date 18-9-09

Mathew Clark (Manager Pastoral)
Land Information New Zealand
Under delegated authority of the
Commissioner of Crown Lands.

Appendices:

- I Copy of Public Notice
- II List of Submitters
- III Points Raised by Submitters
- IV Copy of Annotated Submissions