Toitu te whenua
Land Information
New Zealand

Crown Pastoral Land Tenure Review

Lease name: LONG GULLY

Lease number: PO 055

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.

October 09

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)

LONG GULLY TENURE REVIEW NO 12446

1. Details of lease

Lease name: Long Gully

Location: Luggate- Tarras Road, Tarras.

Lessee: Bendigo Station Limited

2. Public notice of preliminary proposal

Saturday 14 March 2009

- The Press — Christchurch
- Otago Daily Times — Dunedin
- Southland Times — Invercargill

Closing date for submissions:

Friday 15 May 2009

3. Details of submissions received

Number received by closing date: 11

Cross-section of 9 groups and 2 individuals represented by submissions

Number of late submissions refused. There was one late submission received. This was approved in an email dated 14 May 2009, copy attached.

4. ANALYSIS OF SUBMISSIONS

4.1. Introduction

Each of the submissions received has been reviewed in order to identify the points raised and these have been numbered accordingly. Where submitters have made similar points these have been given the same number.

The following analysis:

1. Summarises each of the points raised along with the recorded number (shown in the appended tables) of the submitter(s) making the point.

2. Discusses each point.

3. Recommends whether or not to **allow** the point for further consideration.

4. If the point is **allowed**, recommends whether to **accept** or **not accept** the point for further consideration.

The points raised have been analysed to assess whether they are matters that are validly-made, relevant to the tenure review and can be properly considered under the Crown Pastoral Land Act 1998 (CPLA). Where it is considered that they are the decision is to **allow** them. Further analysis is then undertaken as to whether to **accept** or **not accept** them.

Conversely where the matter raised is not a matter that is validly-made or relevant or can be properly considered under the CPLA, the decision is to **disallow**. The process stops at this point for those points disallowed.

The outcome of an **accept** decision will be that the point is considered further in formulation of the draft SP. To arrive at this decision the point must be evaluated with respect to the following:

The objects and matters to be taken into account in the CPLA; and

Whether the point introduces new information or a perspective not previously considered; or

Where the point highlights issues previously considered but articulates reasons why the submitter prefers an alternative outcome under the CPLA; or

Is a statement of support for aspects of the Preliminary Proposal which can be considered by the Commissioner when formulating the designations for a Substantive Proposal.

How those accepted points have been considered will be the subject of a Report on Public Submissions which will be made available to the public. This will be done once the Commissioner of Crown Lands has considered all matters raised in the public submissions in formulating a Substantive Proposal.

4.2. Analysis

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
1	General Support for the proposal	No's 1 and 11	Allow	Accept

Two submissions were received in general support of the proposal.

Submitter 1 wrote . *"The proposed creation of conservation areas and the provision of public access as an outcome of this review will protect significant and representative areas of natural communities of the Grandview Range, facilitate enjoyment of the area, and open up excellent recreational opportunities".*

The submitter went on to say "... *supports the proposal and the proposed tenure designations (with the exception of the proposed 95 ha Landscape Covenant Area), as they will produce tangible conservation and access benefits".*

Submitter 11 commented *"Generally we see this proposal as delivering some good conservation outcomes and we support the proposals".*

Rationale for Allow or Disallow

As the objects of the Crown Pastoral Land Act are-

(a) To-
(i) Promote the management of reviewable land in a way that is ecologically sustainable
(ii) Subject to subparagraph (i), to enable reviewable land capable of economic uses to be freed from the management constraints (direct and indirect) resulting from its tenure under reviewable instrument; and
(b) To enable the protection of the significant inherent values of reviewable land-
(i) By the creation of protective mechanisms; or (preferably)
(ii) By the restoration of the land concerned to full Crown ownership and control;
(c) Subject to paragraphs (a) and (b) to make easier-
(i) The securing of public access to and enjoyment of reviewable land; and
(ii) The freehold disposal of reviewable land,

This point is therefore allowed for further consideration by the Commissioner in the formulation of a Substantive Proposal.

Rationale for Accept or Not Accept

The point meets the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. This is because it relates to the objects and matters to be taken into account in the CPLA, and the submitter makes a statement of support for aspects of the Preliminary Proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
2	Support for conservation areas CA1 and CA2	No's 1, 2, 5 and 7	Allow	Accept

Four submissions were received supporting the proposed conservation areas.

Submitter 1 wrote "*..fully endorses the proposed creation of these two conservation areas".*

Submitter 2 commented " *...regards the creation of the proposed Conservation Area as an important addition to the Conservation Estate in the area, offering important heritage, biodiversity and recreational values".*

Submitter 5 noted: *"The Long Gully review will also result in several Conservation Areas and Scientific Reserves to protect both lowland and high country values which we welcome"* and went further saying *"We fully support the creation of CA1 and CA2 as Conservation areas to protect the values..."*

Submitter 7 stated *"..endorses and fully supports the proposal that CA1 and CA2 should be restored to full Crown ownership and control to be managed for conservation purposes"*

Rationale for Allow or Disallow

As the objects of the Crown Pastoral Land Act are-

(a) To-
(i) Promote the management of reviewable land in a way that is ecologically sustainable
(ii) Subject to subparagraph (i), to enable reviewable land capable of economic uses to be freed from the management constraints (direct and indirect) resulting from its tenure under reviewable instrument; and
(b) To enable the protection of the significant inherent values of reviewable land-
(i) By the creation of protective mechanisms; or (preferably)
(ii) By the restoration of the land concerned to full Crown ownership and control; and...

This point is therefore allowed for further consideration by the Commissioner in the formulation of a Substantive Proposal.

Rationale for Accept or Not Accept

The point meets the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. This is because it relates to the objects and matters to be taken into account in the CPLA, and the submitter makes a statement of support for aspects of the Preliminary Proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
3	CA1 and CA2 should be one conservation area including the freehold strip between.	No's 5, 6, 7, 8 and 11	Allow	Accept

Five submissions were received expressing the view that CA1 and CA2 should be one conservation area that also includes the freehold strip currently splitting the areas.

Submitter 5 noted "*We fully support the creation of CA1 and CA2 as Conservation Area ... but suggest they should be joined as one CA".*

Submitter 6 made a similar comment. "*The small corridor of land separating these two proposed conservation areas is a major impediment of this proposal..*" and further noted *"I strongly recommend that this corridor should be removed while providing for an easement.. across an enlarged single conservation area".*

Submitter 7 had previously noted in point 2 that they fully supported CA1 and CA2 being conservation land. They went further saying, *"..we submit that areas CA1 and CA2 should be combined into one area.."*

Submitter 8 commented: *.."We can see no reason why the two areas CA1 and CA2, as shown on the Plan, should be separated. A single landscape unit... would be much more reasonable, providing a coherent unit of natural protection on this prominent hill face".*

Submitter 11 noted *"We fully support the retention of the northern gully system in its entirety as conservation land...We do not see the sense however in the narrow piece of freehold land between CA2 and CA1 on the map entailing unnecessary extra fencing; and promoting an unnatural pattern of land cover near the ridge summit.."*

Rationale for Allow or Disallow

As the objects of the Crown Pastoral Land Act are-

(a) To-
(i) Promote the management of reviewable land in a way that is ecologically sustainable
(ii) Subject to subparagraph (i), to enable reviewable land capable of economic uses to be freed from the management constraints (direct and indirect) resulting from its tenure under reviewable instrument; and
(b) To enable the protection of the significant inherent values of reviewable land-
(iii) By the creation of protective mechanisms; or (preferably)
(iv) By the restoration of the land concerned to full Crown ownership and control; and..

This point is therefore allowed for further consideration by the Commissioner in the formulation of a Substantive Proposal.

Rationale for Accept or Not Accept

The point meets the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. This is because it relates to the objects and matters to be taken into account in the CPLA, and the submitters presented reasons why an alternative outcome under the CPLA is preferred.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
4	Additional landscape protection needed over proposed freehold.	No's 1, 5, 7, 8 and 11	Allow	Accept

Five submissions were received seeking additional protection for the landscape values on the proposed freehold.

Submitter 1 was concerned about the impact of farm management on the matagouri shrublands noting *"..requests that a landscape covenant be placed on the highly visible southwestern flanks of the proposed freehold area, to protect against wholesale removal of the matagouri shrublands".*

Submitters 5 and 7 were more specific noting: *"We believe however that the covenant should be extended to cover the land identified as landscape unit LU2 in the CRR which is part of the backdrop from the State Highway tourist routes to the Lakes and the Lindis Pass".*

Submitter 8 noted similar concerns but worded it slightly differently "*We feel that the landscape covenant should come much further down the headwaters of the Long Gully Creek, it covers very little of the largely natural basin..".*

Submitter 11 went further talking about the Clutha faces saying *"Our submission is that the faces can be freehold but with a landscape covenant over the majority of the area and that the shrubland is to be substantially protected especially kanuka and broom and mixed coprosma-matagouri-olearia shrubland".*

Rationale for Allow or Disallow

One of the objects of Section 24(b) of the Crown Pastoral Land Act 1998 is to protect the significant inherent values identified on the reviewable land, the point raised by the submitters' questions whether the proposed conservation areas adequately cover the areas of identified values.

This point is therefore allowed for further consideration by the Commissioner in the formulation of a Substantive Proposal.

Rationale for Accept or Not Accept

The point meets the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. This is because it relates to the objects and matters to be taken into account in the CPLA, and the submitters presented reasons why an alternative outcome under the CPLA is preferred.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
5	Landscape covenant terms should be strengthened to protect botanical values	No 1, 5, 6, 7 and 11	Allow	Accept

Five submissions were received seeking the strengthening of the terms in the landscape covenant to cover botanical values.

Submitter 1 was concerned that a landscape covenant would not adequately protect the values present in this area stating *"...believes this area should be protected for habitat, biodiversity and soil and water purposes, as well as the proposed landscape purposes".* The submitter went on to suggest that if the conditions were not strengthened it should be included in an enlarged conservation area. This is discussed later under point 12.

Submitter 5 also noted *"We believe the terms and conditions of the covenant do not provide satisfactory protection with the condition to require the Minister of Conservation consent for buildings, earthworks, exotic tree planting and burning or spraying of shrub lands".* They went on further to say "*We believe the above activities should be totally prohibited by the conditions of the covenant".*

In a similar vein submitter 6 stated that such activities *"..should be implemented as a formal 'prohibition requirement' rather than through a provision of 'Ministerial approval', as proposed"*

Submitter 7 also submitted that *" this is too weak and that instead these activities should be prohibited by the conditions of the covenant."*

Submitter 11 suggested the area under the landscape covenant should be included in the conservation area and this is discussed later in point 12. They note also that if this is not possible the conditions will need to be strengthened noting *"There will need to be conditions restricting the number and timing of stocking so that the stress on the snow tussock is minimal and able to be recovered from, and there will need to be robust monitoring provisions with the ability to require amendment to or cessation of all grazing".*

Rationale for Allow or Disallow

One of the objects of Section 24(b) of the Crown Pastoral Land Act 1998 is to protect the significant inherent values identified on the reviewable land, the point raised by the submitters' questions whether the protective mechanism adequately protects the values present.

This point is therefore allowed for further consideration by the Commissioner in the formulation of a Substantive Proposal.

Rationale for Accept or Not Accept

The point meets the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. This is because it relates to the objects and matters to be taken into account in the CPLA, and the submitters presented reasons why an alternative outcome under the CPLA is preferred.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
6	4WD access to the top of the Grandview Range should be included.	No's 1, 5, 6, 7, 8, 9 and 11	Allow	Accept

Seven submissions were received requesting 4WD access to the top of the range. The general view of the submitters was that this was the only remaining opportunity to obtain vehicle access to the top of the range. The main concern is that access to this area is restricted to the fit and healthy.

Submitter 1 commented that *"It is disappointing that provision for 4WD access has not been made up Long Gully to the range crest, using the existing transmitter maintenance road. As yet there is no public access to the range crest by 4WD vehicle and it is sad that such a dominant and spectacular feature as the Grandview Range is denied to all those other than the fit and healthy."*

Submitter 5 also made the comment *"...would ask that in addition serious consideration be given to allowing public vehicle access up the road to the Telecom site to a car park in the region of the transmitter site, ie from 'a' -'ai' . This would allow less fit and able people to gain access to the ridge-tops to allow for pleasant day trips on both Long Gully and Deep Creek".*

Submitter 6 took a different slant suggesting Telecom and Vodafone should allow public vehicle access over the track, noting *"..the existing access to both sites(Telecom and Vodafone) is suitable for 4WD vehicles, and vehicle access for the public to these sites would be a much appreciated facility for most recreationists...look forward to such provisions being agreed to by both companies which may be willing to create suitably fenced parking areas close to the summits as practicable"*

Submitter 7 outlined similar reasons as submitters 1 and 5 stating *"...there is a strong case for public vehicle(4WD) access as far as a parking place that would serve as a staging post for walkers to explore the new conservation areas in Camp Creek. We submit there is a real need to provide public vehicle access because not everyone is capable of walking or mountain bike access to the ridge system.."*

Submitter 8 took a slightly different approach saying *"We have a concern about the intention stated above, **'to provide public access'** that is limited to **'persons on foot or on or accompanied by horses, or by non motorised vehicles'**."* The main concern relates to the length of the tracks in the area. The track through to West Coast Gully and Camp creek is some 14 km each way and in that regard they note *"It rises and drops over Lindis Ridge so that one has to climb twice, coming and going."* They further noted *"For families with young children, and for the elderly, the conserved public land is being made inaccessible by the difficulty getting into it."* They make a further point that most of the time walking will be spent travelling through freehold allowing little time to spend at the destination. In support of this point they note that *"..drivable gravel roads already exist and one of them could readily be adapted to public use for vehicles..." "we recommend that a public car park for 4WD vehicles, for seasonal use, be developed in the vicinity of the upper transmission towers on Long Gully Lease, to give recreationists an even chance of getting to the proposed conservation land, and to provide an alternative, higher start point for walks on the public tracks on this and adjacent properties".*

Submitter 9 took a similar tack being concerned about the distances hunters have to go to get to the conservation and hunting areas stating *"..public vehicle access is needed to areas of game bird habitat as the distances involved are too great to realistically expect the public to walk, especially where there are good roads within the property".*

Submitter 11 was also concerned about the large distances involved saying *"The road up to the translators and the track up on to the range crest are in good condition. By foot-or on horse- it is a long way through farmland to get to the range crest and an uphill walk, not easy for the more elderly, less able or for families with young children".*

Rationale for Allow or Disallow

As one of the objects of Section 24(c)(i) of the CPLA 1998 is to make easier the securing of public access to and enjoyment of reviewable land; the point is therefore allowed for further consideration by the Commissioner in the formulation of a Substantive Proposal.

Rationale for Accept or Not Accept

The point meets the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. This is because it relates to the objects and matters to be taken into account in the CPLA, and the submitters presented reasons why an alternative outcome under the CPLA is preferred

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
7	Covenant added over FH3 to stop future residential development.	No 11	Allow	Accept

One submitter sought an additional covenant over FH3 to stop future residential development along the rivers edge.

Submitter 11stated "*A no subdivision and development covenant should be placed over a strip 200 metres wide along the western edge of FH3, to prevent residential development occurring along the river"* and further noted *"In this open terraced landscape this would unacceptably compromise the natural character of the river and should be avoided".*

Rationale for Allow or Disallow

One of the objects of Section 24(b) of the Crown Pastoral Land Act 1998 is to protect the significant inherent values identified on the reviewable land and the point raised by the submitter questions whether the landscape values along the river are adequately protected in the proposal.

This point is therefore allowed for further consideration by the Commissioner in the formulation of a Substantive Proposal..

Rationale for Accept or Not Accept

The point meets the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. This is because it relates to the objects and matters to be taken into account in the CPLA, and the submitters presented reasons why an alternative outcome under the CPLA is preferred.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
8	Public access required along the river side of FH3	No 11	Allow	Accept

One submitter requested a public access easement be included along the river side of FH3.

Submitter 11 noted " *Public access around the west edge of the terrace needs to be provided for... the edge of the terrace overlooking the river is the only practical route".*

Rationale for Allow or Disallow

As one of the objects of Section 24(c)(i) of the CPLA 1998 is to make easier the securing of public access to and enjoyment of reviewable land; the point is therefore allowed for further consideration by the Commissioner in the formulation of a Substantive Proposal.

Rationale for Accept or Not Accept

The point meets the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. This is because it relates to the objects and matters to be taken into account in the CPLA, and the submitters presented reasons why an alternative outcome under the CPLA is preferred.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
9	Access from State Highway 8 is not practical and an alternative access point recommended.	No 11	Allow	Accept

One submission was received outlining concerns about the practicality of the access from the State Highway.

Submitter 11 commented *"The location of 'g' is on a slight crest of the highway with limited visibility of traffic and there is nowhere to park.... The route up to the 4WD track appears to follow a stream course and may involve crossing at least seasonally wet areas".* The submitter went on to recommend an alternative route *"We suggest an access point further north in the vicinity of the River Road junction"*

Rationale for Allow or Disallow:

As one of the objects of Section 24(c)(i) of the CPLA 1998 is to make easier the securing of public access to and enjoyment of reviewable land; the point is therefore allowed for further consideration by the Commissioner in the formulation of a Substantive Proposal.

Rationale for Accept or Not Accept:

The point meets the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. This is because it relates to the objects and matters to be taken into account in the CPLA, and the submitters presented reasons why an alternative outcome under the CPLA is preferred.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
10	Easement needs to be widened to ensure access to CA1 and CA2 from the track	No's 2 and 11	Allow	Accept

Two submitters identified the need to widen the easements to ensure access was available to the conservation areas along the length of the track.

Submitter 2 was concerned that the easement did not actually touch CA2 stating *"..wishes to ensure the easement 'f-p' will provide access to the conservation area CA2. The map shows the easement running close to the conservation area but it is not clear that there is access between the two".*

Submitter 11 went further by saying *"There would be a reasonable expectation of being able to leave the track at most points and walk into the conservation areas and explore them...We would like to see the easement width extended to the fence lines- or the conservation area extended to the edge of the track..".*

Rationale for Allow or Disallow:

As one of the objects of Section 24(c)(i) of the CPLA 1998 is to make easier the securing of public access to and enjoyment of reviewable land; the point is therefore allowed for further consideration by the Commissioner in the formulation of a Substantive Proposal.

Rationale for Accept or Not Accept:

The point meets the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. This is because it relates to the objects and matters to be taken into account in the CPLA, and the submitters introduced a new perspective not previously considered.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
11	Location of track at point "p" needs to be confirmed to ensure it meets up with the Sandy Point track.	No's 2 and 11	Disallow	N/A

Two submitters expressed concern that the proposed easement did not meet up with the existing easement in Sandy point.

Submitter 2 comments *"..notes that on the map the easement 'f-p' does not appear to connect to the public access easement over the formed track that was created out of Sandy Point....This connection will be a vital part of the public access network through this and adjoining properties".*

Submitter 11 noted *"..we note the orange dashed line marking the proposed public easement does not correspond with the actual track...Point 'p' does not align with the location on the boundary where the track passes through..".*

Rationale for Allow or Disallow:

One of the objects of Section 24(c)(i) of the CPLA 1998 is to make easier the securing of public access to and enjoyment of reviewable land. While it may not appear to the submitter that the points match, it is the intention of the proposal to match the easements with Sandy Point and Deep Creek. The exact route and location of the points will be confirmed at the time of the boundary definition in the next phase of the review. The point is therefore disallowed for further consideration by the Commissioner in the formulation of the proposed designations.

Rationale for Accept or Not Accept:

The point meets the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. This is because it relates to the objects and matters to be taken into account in the CPLA, and the submitters presented reasons why an alternative outcome under the CPLA is preferred.

The submitter can be assured that the location of the easement will be confirmed during the boundary definition work in the next phase of the review.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
12	Increase the size of conservation area to include area in CC(Landscape)	No's 1 and 11	Allow	Accept

Two submitters have suggested the area proposed for freehold disposal subject to a landscape covenant, should instead be included in the proposed conservation area.

Submitter 1 made reference in point 5 that the landscape covenant needed to be strengthened to protect other values present. In this regard they note *"If a suitable all- embracing conservation covenant guaranteeing protection of all these values cannot be negotiated, then it merits designation as a separate conservation area".*

Submitter 11 in a similar vein commented *"We submit that the gully head should be retained as conservation land with free public access, and that grazing cease"*

Rationale for Allow or Disallow:

One of the objects of Section 24(b) of the Crown Pastoral Land Act 1998 is to protect the significant inherent values identified on the reviewable land and the point raised by the submitter questions whether the landscape covenant adequately protected the values.

This point is therefore allowed for further consideration by the Commissioner in the formulation of a Substantive Proposal.

Rationale for Accept or Not Accept

The point meets the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. This is because it relates to the objects and matters to be taken into account in the CPLA, and the submitters presented reasons why an alternative outcome under the CPLA is preferred.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
13	Formalisation of Fish and Game access over DOC management easement	No 5	Allow	Not Accept

The submitter was concerned that Fish and Game access was not secure over the DOC management easement. The submitter commented *"We understand that Fish and Game have the same access rights for management as the Department although this has not been formally confirmed."*

Rationale for Allow or Disallow:

One of the objects of Section 24(b) of the CPLA 1998 is to enable the protection of the significant inherent values of reviewable land. The securing of management access is a necessary part of the fisheries management on the reviewable land post tenure review. the point raised by the submitters' questions whether the proposed DOC management access provisions allow for fisheries management.

This point is therefore allowed for further consideration by the Commissioner in the formulation of a Substantive Proposal.

Rationale for Accept or Not Accept

The point does not meet the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. Consultation with Fish and Game Council and the Department of Conservation has established Fish and Game staff can access DoC management easements 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.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
14	Provide a conservation covenant and access for game bird hunting.	No 9	Allow	Accept

One submitter wanted access to the freehold area for game bird hunting and wanted a covenant included over part of the land to allow for this.

Submitter 9 commented "*...upland game bird numbers in Central Otago have increased markedly, particularly in the Tarras area. As both Deep Creek and Long Gully properties have habitat that is ideal for upland game birds, and the migration of game birds into the area is likely, we suggest covenanted areas for upland game bird hunting need set aside".*

Rationale for Allow or Disallow:

As one of the objects of the CPLA 1998 is Section 24 (c) Subject to paragraphs (a) and (b) to make easier-

(i) The securing of public access to and enjoyment of reviewable land; and

The securing of the right to shoot upland game birds could be viewed as the enjoyment of reviewable land post tenure review. The point is therefore allowed for further consideration by the Commissioner in the formulation of a Substantive Proposal.

Rationale for Accept or Not Accept:

The point meets the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. This is because it relates to the objects and matters to be taken into account in the CPLA, and the point introduces new information or a perspective not previously considered.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
15	Access for guns and dogs needs to be confirmed.	No 9	Allow	Accept

One submitter made specific comment about allowing public access with guns and dogs over the easement.

Submitter 9 noted *"..we have been advocating for the inclusion of hunting dogs and guns over the easement to conservation land on many properties as this will facilitate a larger range of recreational opportunities".* Further commenting on an apparent discrepancy between the terms of the easement document and the proposal summary saying *"..the wording of the Transfer ...appears contradictory to this and precludes public use of dogs or carrying of guns. This wording should be amended to allow the transportation of guns and dogs over the easement to conservation land".*

Other submitters commented that it was appropriate for people to have the necessary hunting permit to have guns and dogs on the easement. None, however apart from submitter 20 wanted this point clarified.

It was unfortunate that there was conflicting information in the information pack. We had incorrectly noted that guns and dogs were allowed with the appropriate DOC hunting permits. This was in fact not correct and the situation is as is stated in the legal documents attached to the summary. We subsequently wrote to all submitters advising them of the anomaly and asking them to comment. We received three responses two of which were not concerned about the issue and the third confirming their requirement for guns and dogs as set out in their original submission.

Rationale for Allow or Disallow:

As one of the objects of Section 24(c)(i) of the CPLA 1998 is to make easier the securing of public access to and enjoyment of reviewable land; the point is allowed for further consideration by the Commissioner in the formulation of a Substantive Proposal.

Rationale for Accept or Not Accept:

The point meets the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. This is because it relates to the objects and matters to be taken into account in the CPLA, and the submitters presented reasons why an alternative outcome under the CPLA is preferred.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
16	Easement concessions need to be well fenced.	No's 4 and 6	Allow	Not accept

Two submitters expressed the need to ensure the easement concession is well fenced.

Submitter 4 noted *"the easement provided for stock access must be well fenced to keep stock out of the reserve".*

In a similar vein submitter 6 commented "*The proposed stock access easement, however must be fenced along the reserve boundary and provision made for public access onto the reserve from the highway".*

Rationale for Allow or Disallow:

One of the objects of Section 24(b) of the Crown Pastoral Land Act 1998 is to protect the significant inherent values identified on the reviewable land and the point raised by the submitter questions whether the landscape covenant adequately protected the values.

the point is therefore allowed for further consideration by the Commissioner in the formulation of a Substantive Proposal.

Rationale for Accept or Not Accept

The point does not meet the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. This is because the Preliminary Proposal already provides for the fencing of the easement.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
17	Full archaeological assessment required	No 3	Allow	Accept

The submitter was concerned that no details survey had been undertaken at an early stage of the review noting "*The Crown has an obligation to both the lessee and the public to properly inform itself on any significant inherent historic values on Long Gully pastoral lease, prior to any disposal. In this instance, it appears a more thorough investigation of historic heritage values should have been completed prior to this stage".*

Rationale for Allow or Disallow:

One of the objects of Section 24(b) of the CPLA 1998 is to enable the protection of the significant inherent values of reviewable land. A full archaeological and historic assessment has not been undertaken to determine the presence of any values. If an assessment identified any values on the reviewable land they could be viewed as significant, the point is therefore allowed for further consideration by the Commissioner in the formulation of a Substantive Proposal.

Rationale for Accept or Not Accept:

The point does meet the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. This is because it relates to the objects and matters to be taken into account in the CPLA, the point introduces new information or a perspective not previously considered.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
18	Support for Scientific Reserve	No's 1, 4, 5, 6, 7, 8 and 11	Allow	Accept

Seven submitters expressed strong support for the Scientific reserve R1(Scientific)

Submitter 1 made a general statement of support "*..supports this proposal....This wide open and undeveloped space is an essential part of the character of Central Otago".*

Submitter 2 had obviously spent some time in this area and noted *"This is an ecosystem which is threatened more than almost any other in New Zealand". "An additional reserve would be of considerable significance, and Scientific Reserve seems an appropriate designation". "I strongly support the proposal.."*

Submitter 5 in a similar tone *"Since there is very little of this dryland vegetation in its natural state currently protected and that the area retains significant natural character...it certainly warrants the protection of a Scientific Reserve. We strongly endorse the proposal for the R1 Scientific Reserve"*

Submitter 6 also strongly supports the proposal *"Scientific reserve status is clearly appropriate for this isolated roadside area, and thus is strongly endorsed".*

Submitter 7 described the values present and went onto to make the following observations *"...is pleased to see that this area has been proposed for recognition as a Scientific Reserve because its values had previously been identified by PNAP Surveys"* and further *"..there is very little of this dryland vegetation in its natural state protected...the area retains significant natural character, with the potential to recover with appropriate management..." "This area is adjacent to the main*

road well used by visitors to Wanaka and so is located where the general public will continue to be able to appreciate this increasingly rare part of the lowland landscape". A final comment "*...fully supports the proposal..*"

Submitter 8 writes "*We are very pleased to see this lowland unit on the Clutha River Terraces designated a Scientific Reserve"* and later noted *"The designation also allows for the visual cohesion of a natural glacial terrace alongside the river that made it, the Clutha Mata-au".*

Finally submitter 11made the following point *"We support the retention of virtually the complete area of these flats in Crown ownership and management. This is applauded, given the intense pressures for irrigated pasture and vineyard development which has occurred on either side".*

Rationale for Allow or Disallow:

As the objects of the Section 24 Crown Pastoral Land Act are-

(a) To-

(i) Promote the management of reviewable land in a way that is ecologically sustainable

(b) To enable the protection of the significant inherent values of reviewable land-

(v) By the creation of protective mechanisms; or (preferably)

(vi) By the restoration of the land concerned to full Crown ownership and control; and..

the point is therefore allowed for further consideration by the Commissioner in the formulation of a Substantive Proposal.

Rationale for Accept or Not Accept

The point meets the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. This is because it relates to the objects and matters to be taken into account in the CPLA, and the submitter makes a statement of support for aspects of the Preliminary Proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
19	Support for easement concession	No's 1, 5, 6 and 7	Allow	Accept

Four submitters expressed support for or agreed with the easement concession.

Submitter 1noted *"..supports this proposal and the proposed easements for farm use".*

Submitter 5 went further saying *"We have no objection to this proposed concession to allow for stock movement and flow of irrigation water along the proposed easement".*

Submitter 6 commented "*..the Qualified designation...to provide stock movement and also a separate easement to convey water ...are approved".*

Submitter 7 made a similar comment to submitter 5, having no objection to the proposed concession.

Rationale for Allow or Disallow

Section 36(1)(a) of the Crown Pastoral Land Act allows for qualified designations over land being returned to Crown control. The point is therefore allowed for further consideration by the Commissioner in the formulation of a Substantive Proposal.

Rationale for Accept or Not Accept

The point meets the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. This is because it relates to the objects and matters to be taken into account in the CPLA, and the submitter makes a statement of support for aspects of the Preliminary Proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
20	Support for the proposed freehold	No 1, 5 and 7	Allow	Accept

Three submitters agreed with or did not object to the freehold disposal of the land.

Submitter 1 commented *"The relinquishing of this area to freehold is acceptable".*

Submitter 5 noted *"We note that pastoral farming, oversowing and topdressing have modified the vegetation on the proposed freehold area.... Much of the proposed freehold land is classified as LUC Class VI and therefore should be capable of supporting ecologically sustainable pastoral use".* The submitter went onto say *"We have no objection to the proposal to freehold 1373 ha..."*

Submitter 7 went into some detail outlining the soil types, land use and the impact of pastoral farming on the land. They concluded by saying *"..considers that in view of the Central Otago climate, the altitude range and the LUC classification in Class VI, most of this area(FH1) should be capable of supporting ecologically sustainable pastoral use, and therefore be suitable for freeholding. The other areas FH2 and FH3 are separate lowland blocks which are relatively intensively farmed and should support ecologically sustainable farming and therefore be suitable for freeholding".*

Rationale for Allow or Disallow

Section 24(c)(ii) of the Crown Pastoral Land Act specifically allows for the freehold disposal of reviewable land. The point is therefore allowed for further consideration by the Commissioner in the formulation of a Substantive Proposal.

Rationale for Accept or Not Accept

The point meets the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. This is because it relates to the objects and matters to be taken into account in the CPLA, and the submitter makes a statement of support for aspects of the Preliminary Proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
21	Support for access easements	No's 1, 5, 6, 7, 10 and 11	Allow	Accept

Six submissions were received in support of the access easements.

Submitter 1 made the following points: *"..supports all the proposed easements as they provide excellent recreation opportunities and make a significant contribution to a network of tracks along the range".*

Submitter 5 also noted *"We support these provisions for public access"* and went on to say that consideration be given to include 4WD access. This is discussed further in point 6 above.

Submitter 6 noted *"The easement provisions for public access..., as well as for management purposes, ...are endorsed".*

Submitter 7 made very similar comments saying *"..endorses and fully supports the proposed easements for public access .... On Long Gully". "..has no objection to the use of the same route for management purposes".*

Submitter 10 made a brief comment *"We support them as they are presented"*

Submitter 11 was more detailed noting *"We are pleased with the various access ways being proposed in this and Deep Creek tenure reviews, when added to Sandy Point and Glenfoyle. A highly valuable network of walking, cycling and horse riding opportunities will evolve on the Grandview Range".*

Rationale for Allow or Disallow

As one of the objects of Section 24(c)(i) of the CPLA is to make easier the securing of public access to and enjoyment of reviewable land; the point is allowed for further consideration by the Commissioner in the formulation of a Substantive Proposal.

Rationale for Accept or Not Accept

The point meets the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. This is because it relates to the objects and matters to be taken into account in the CPLA, and the submitter makes a statement of support for aspects of the Preliminary Proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
22	Support for existing easements being continued	No's 1, 5, 6 and 7	Allow	Accept

Four submitters expressed support for the continuation of the existing easements to convey water, electricity and access.

Submitter 1 noting they *"also supports other access provisions outlined in 1.3.3 to 1.3.8 for farming and telecommunications purposes".*

Submitters 5, 6 and 7 all stated that they had no objection to the continuation of these activities.

Rationale for Allow or Disallow:

As section 36(3)(c) the Crown Pastoral Land Act specifically allows for the continuation in force of existing easements, the point is allowed for further consideration by the Commissioner in the formulation of a Substantive Proposal.

Rationale for Accept or Not Accept:

The point meets the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. This is because it relates to the objects and matters to be taken into account in the CPLA, and the submitter makes a statement of support for aspects of the Preliminary Proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
23	Support for the landscape covenant.	No 5, 7 and 11	Allow	Accept

Three submitters expressed support for the landscape covenant.

Submitter 1 stated *"We support a landscape protection covenant over an area of 95 ha at the north eastern corner of the proposed freehold to protect the natural landscape values in the area".*

Submitter 2 went further saying *"..endorses and fully supports the proposal that an area of some 95 ha at the top of Long Gully pastoral lease should be protected under a Landscape Protection Covenant".*

Submitter 3 made the following point: *"We are pleased that there has been some recognition of its landscape value (and by association, ecological values) by way of the proposed landscape covenant over the land above 900m altitude".*

Rationale for Allow or Disallow

As one of the objects of Section 24 CPLA 1998 is (b) To enable the protection of the significant inherent values of reviewable land-

(i) By the creation of protective mechanism; or (preferably);

the point is allowed for further consideration by the Commissioner in the formulation of a Substantive Proposal.

Rationale for Accept or Not Accept:

The point meets the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. This is because it relates to the objects and matters to be taken into account in the CPLA, and the submitter makes a statement of support for aspects of the Preliminary Proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
24	Enduring public access over R1(Scientific)	No's 6 and11	Disallow	N/A

There were two submissions concerned about public access to the Scientific Reserve. One submitter was concerned that in some circumstances the public could be excluded from such a reserve. The other was more concerned that access was available across the easement concession and fence line.

Submitter 6 noting *"The proposed stock access easement, however, must be fenced along the reserve boundary and provision made for public access onto the reserve from the highway"*

Submitter 11 went further *"-scientific reserves may include restrictions on public access. Whilst this is a post tenure review matter, we seek assurance that there will be enduring public access between SH8a and the Clutha River"* They went on to say *"As with FH3, access around the western edge of the terrace is also required along the full length of R1".*

Rationale for Allow or Disallow

In terms of access to the reserve the point relates to future management of the land subsequent to the conclusion of the review but not to objects of the Act itself. It is therefore outside of the provisions of the Crown Pastoral Land Act and is disallowed for further consideration by the Commissioner in the formulation of a Substantive Proposal.

Summary and Conclusion

Overall there were 11 submissions all of which were supportive of the proposal to varying degrees. The submitters were generally very happy with the boundary lines, but some would have liked to have seen some added protection to the proposed freehold with more extensive use of covenants. The inclusion of public vehicle to the top of the Grandview Range was also sought in 7 of the 11 submissions. 5 of the 11 submitters also pressed for CA1 and CA2 to be merged into one CA including the freehold strip in between.

In total there were 24 points raised, of which 20 are "Allowed" and "Accepted", 2 point "Allowed" and "Not Accepted" and 2 points "Disallowed" for further consideration. Of the 19 points "Allowed" and "Accepted" 8 were in support for all or various parts of the proposal.

Reasons for not accepting points for further consideration are provided above in the rationale provided under each point.

The common issues raised were:
- Strong support for the proposal generally
- Strong support for the proposed conservation area
- Strong support for the scientific reserve
- Support for the landscape covenant
- Strong support for public access provisions
- Some concern about the practicality of part of the public access route
- Support for allowing public vehicle access over all or part of the easement.
- Lack of protection for the landscape in the proposed freehold

The public submission process has identified a possible gap in the proposal in relation to the protection of the landscape values on part of the proposed freehold land. We anticipated strong support for public 4WD access. No potential risks have been identified.

I recommend approval of this analysis and recommendations

David Paterson
Tenure Review Consultant
Darroch Valuations

Date 7/10/09

I'm amend approval
REGINA POSORSKI
PORTFOLIO MANAGER
CROWN PROPERTY MANAGEMENT
C/O LINZ, CHRISTCHURCH

Approved/~~Declined~~

Commissioner of Crown Lands

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

Date 12-10-09

Appendices

1. Copy of Public Notice
2. List of Submitters
3. Copy of Annotated Submissions
4. Approval For Late Submission