

## **Crown Pastoral Land Tenure Review**

**Lease name: SCOTSBURN**

**Lease number: PT 080**

### **Preliminary Report on 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 CPLA. 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.

June

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**PRELIMINARY ANALYSIS**

**OF**

**PUBLIC SUBMISSIONS**

**SCOTSBURN**



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**ANALYSIS OF PUBLIC SUBMISSIONS**  
**FOR PRELIMINARY PROPOSAL**  
**SCOTSBURN PASTORAL LEASE**

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**File Ref:** CON/50000/16/12701/00/A-ZNO **Submission No:** CH0214 **Submission Date:** 11 February 2004

**Office of Agent:** Christchurch

**LINZ Case No:**

**Date sent to LINZ:** 12 February 2004

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**RECOMMENDATIONS**

1. That the Commissioner of Crown Lands **notes** the receipt of this report for land held under pastoral lease Pt 080 Scotsburn.
2. That the Commissioner of Crown Lands **approves** the recommendations in this report to allow or disallow the points raised in the submissions received.
3. That the Commissioner of Crown Lands **authorises** further consultation with the Director General of Conservations delegate on those points allowed.

**Signed by Opus:**

**Peer Review:**

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Bill Ross  
Property Consultant

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Mike Todd  
Property Consultant

**Approved/Declined by:**

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Name:

Date of decision:     /     /

**1. Details of lease:**

**Lease Name:** Scotsburn

**Location:** Peel Forest, Mid Canterbury

**Lessees:** Thomas William O’Carroll and Pamela Ann O’Carroll

**2. Public notice of Preliminary Proposal:**

*Date, publication and location advertised:*

Saturday 25 October 2003.

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

*Closing Date for Submissions:*

22 December 2003.

**3. Details of Submissions received:**

A total of 5 submissions were received. Details of submitters are in Appendix 1.

**4. Preliminary Analysis of Submissions:**

**4.1 Introduction:**

*Explanation of Analysis:*

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

The following analysis:

- Summarises each of the points raised along with the recorded number (shown in the appended tables) of the submitter(s) making the point.
- Discussion of the point.
- Recommendations whether or not to allow for further consultation.

The following approach has been adopted when making the recommendation to allow for further consultation:

The points raised have been analysed to assess whether they are matters that can be dealt with under the Crown Pastoral Land Act. Where it is considered that they are, the recommendation is to allow them.

**4.2 Analysis:**

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Recommended Decision</i>
1	Concur with the proposals outlined.	1	Allow

Submitter 1 supported the proposal as outlined.

The Preliminary Proposal for this property is considered to be an acceptable outcome and to this extent it is regarded as meeting the objects of Part 2 of the Crown Pastoral Land Act. The point should therefore be allowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Recommended Decision</i>
2	Provide public access up ridgeline to northern boundary of property. This would open up a number of round trip options for walkers and trampers.	1 & 5	Allow

The comments received from Submitter 1 were not clear however it appears that they are advocating public access onto the ridgeline running through the property and then to the northern boundary and beyond as a tramping route.

Submitter 5 also requested public access to and along this ridge as it offered access to a number of possible round trips utilising adjoining conservation areas. This would be subject to similar access being provided on adjoining properties that are in tenure review.

The securing of public access to and enjoyment of reviewable land is an object of Part 2 of the Crown pastoral Land Act. The point should therefore be allowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Recommended Decision</i>
3	Public access points should be signposted and defined by fencing off or the owner should be allowed to control access for farm management purposes (e.g. closure of access at during lambing).	1	Allow

Issues such as signposting tracks are generally considered to be a post tenure review management issue, however on the ground definition of easement lines and terms and conditions of any easement giving public access may have a direct affect the

securing public access to and enjoyment of reviewable land which is an object of Part 2 of the Crown Pastoral Land Act. Therefore the point should be allowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Recommended Decision</i>
4	Consider the freeholding of 442 hectares and retention of 67 hectares is an unequal division of the property and that this is a very poor return to the Crown esp. in light of new objectives for tenure review <i>'to receive a fair financial return to the Crown on it's high country land assets'</i> .	2 & 5	Disallow

The submitters refer to an objective that at the time of writing has been proposed but not promulgated and therefore cannot be considered. It is noted that even if it could be considered the area split between freehold and land to be retained is not a basis for determining if the Crown has received a fair financial return on it's high country assets. Both submitters went on to produce further justification for their position that more land should be retained in Crown ownership and these are covered under other points in the submission.

The requirement for the Crown to receive a fair financial return on it's high country assets is not an object of Part 2 of the Crown Pastoral Land Act nor at the time of writing has it been confirmed as a complimentary objective of tenure review. The point therefore should be disallowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Recommended Decision</i>
5	Concerned that areas along the front faces and gullies containing significant inherent values are proposed for transfer to freehold.	2 & 5	Allow

Two submissions were received which identified areas of forest remnants along the southern faces of this property as containing significant inherent values. Submitter 5 identified these values as forest regeneration containing a diversity of species including fushia, winebery, mahoe and horopito along with some mature kowhai trees.

Both submitters objected to the freehold designation on these faces and requested that the values identified be protected.

The protection of significant inherent values is an object of part 2 of the crown Pastoral Land Act and therefore the point should be accepted.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Recommended Decision</i>
6	Concerned that areas in and around the informal camping areas on Orari River Road containing significant inherent values are proposed for transfer to freehold.	2	Allow

The submitter has identified ‘bush’ areas in and around the informal camping grounds as containing significant inherent values.

The submitter objected to the freehold designation on these faces and requested that the values identified be protected.

We are not aware of any informal camping areas on the lease nevertheless the protection of significant inherent values is an object of part 2 of the Crown Pastoral Land Act and therefore the point should be accepted.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Recommended Decision</i>
7	No areas of native bush or native trees growing alongside the Orari River nor any part of the riverbed itself should be transferred to freehold.	2	Allow

The submitter has identified that there is or may be a band of native vegetation along some stretches of the border with the Orari River. Where such a band of vegetation exists it is likely to fall within the marginal strip that will be created on disposition of the lease. However it is possible that this area may be more extensive and contain values that should not be freeholded.

While we are not aware of any areas where this is the case the protection of significant inherent values is an object of part 2 of the Crown Pastoral Land Act and therefore the point should be accepted.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Recommended Decision</i>
8	The lease is highly visible from surrounding land and has significant inherent values (landscape), which is outside of the areas designated for protection that should be protected.	2 & 5	Allow

Two submitters identified the leases as having significant landscape values not proposed for protection. Submitter 5 identified these values as being on the front faces while Submitter 2 did not identify a specific area where these values existed but asked that the values be protected by retention in Crown ownership or appropriate protective covenants.



Landscape can be a significant inherent value and as the protection of significant inherent values is an object of part 2 of the Crown Pastoral Land Act the point should be accepted.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Recommended Decision</i>
9	Unformed legal road which connects easements a-b and c-d should be signposted as containing a right of public access.	2	Disallow

The submitter has advocated that the unformed legal road that connects the two easements should be signposted as public access. No explanation of why the submitter believes this is necessary has been supplied.

The unformed legal road is not reviewable land therefore it is not considered that the point raised is a relevant matter for the Commissioner to consider when making decisions in the context of the Crown Pastoral Land Act and it should be disallowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Recommended Decision</i>
10	Propose an easement along the property boundary to connect designated conservation areas CA1 and CA2.	2	Allow

The submitter advocates a further easement to join these two designated areas. Such an easement would certainly facilitate walking between these areas.

The securing of public access to and enjoyment of reviewable land is an object of Part 2 of the Crown pastoral Land Act. The point should therefore be allowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Recommended Decision</i>
11	Request that marginal strips be set off along the length of both the Scotsburn Stream and the Upper Orari River where they adjoin the property.	3	Disallow

The provision of marginal strips is not a consideration in the Crown Pastoral Land Act. It is a statutory function of the Department of Conservation under Part IVA of the Conservation Act.

The point raised is not a relevant matter for the Commissioner to consider when making decisions in the context of the Crown Pastoral Land Act and it should be disallowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Recommended Decision</i>
12	Supports the designation of conservation areas CA1 and CA2.	4	Allow

The submitter supports these designations as contained in the proposal

This part of the Preliminary Proposal for this property is considered to be an acceptable outcome and to this extent it is regarded as meeting the objects of Part 2 of the Crown Pastoral Land Act. The point should therefore be allowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Recommended Decision</i>
13	Supports the designation of the freehold areas.	4	Allow

The submitter supports these designations as contained in the proposal

This part of the Preliminary Proposal for this property is considered to be an acceptable outcome and to this extent it is regarded as meeting the objects of Part 2 of the Crown Pastoral Land Act. The point should therefore be allowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Recommended Decision</i>
14	Oppose public access easements proposed and advocate making these unformed legal roads.	4	Allow

The submitters view is that easements are not a secure tenure in the long term hence the proposal that the easements should be designated legal road.

The designation of reviewable land as legal road is perhaps conceivable under Section 35(2)(a)(iii) of the Crown Pastoral Land Act.

The securing of public access to and enjoyment of reviewable land is an object of Part 2 of the Crown pastoral Land Act. The point should therefore be allowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Recommended Decision</i>
15	Scotsburn catchment contains SIV's above the proposed conservation area.	5	Allow

The submitter asserts that the SIV's in the Scotsburn catchment extend beyond the each of the established forest. The SIV's present on proposed freehold designation are described as defined as regenerating manuka shrubland with more advanced regeneration of forest and mixed shrubland in gullies. Short tussock present is in moderate condition and would recover if grazing were removed.

The protection of SIV’s is an object of Part 2 of the Crown Pastoral Land Act therefore the point should be allowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Recommended Decision</i>
16	Advocate a whole property purchase by the Crown as it is not considered that tenure review can deliver a practical outcome for all parties.	5	Disallow

The submitters view is that the areas that should be retained by the Crown for the protection of SIV’s should be extended to such an extent that the holder would not proceed with tenure review and therefore they advocate the Crown purchasing the entire property as a means to achieving the objects of Part 2 of the Crown Pastoral Land Act.

A property purchase is not a tenure review, it is a separate process and therefore this point is not relevant to the consideration of a tenure review by the Commissioner of Crown Lands. It is therefore recommended that the point be disallowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Recommended Decision</i>
17	Comments relating to the Gorge tenure review.	2 & 5	Disallow

Two submitters included extensive references to The Gorge tenure review in their submissions. The Gorge and Scotsburn while adjoining properties are separate reviews and therefore comments on The Gorge are not relevant to Scotsburn and points made should be disallowed.

# APPENDIX I

## List of Submitters

## **APPENDIX II**

### **Points Raised by Submitters**

## **APPENDIX III**

### **Copies of Submissions**

**PRELIMINARY ANALYSIS**  
**OF**  
**IWI SUBMISSION**  
**SCOTSBURN**



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### *Appendices:*

**I Copy of Submission**



**ANALYSIS OF IWI SUBMISSION  
ON PRELIMINARY PROPOSAL  
SCOTSBURN PASTORAL LEASE**

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**File Ref:** CON/50000/16/12701/00/A-ZNO **Submission No:** CH0215 **Submission Date:** 17 February 2004

**Office of Agent:** Christchurch

**LINZ Case No:**

**Date sent to LINZ:** 18 February 2004

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**RECOMMENDATIONS**

1. That the Commissioner of Crown Lands **notes** the receipt of this report for land held under pastoral lease Pt 080 Scotsburn.
2. That the Commissioner of Crown Lands **approves** the recommendations in this report to allow or disallow the points raised in the submission received.

**Signed by Opus:**

**Peer Review:**

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Bill Ross  
Property Consultant

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Mike Todd  
Property Consultant

**Approved/Declined by:**

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Name:

Date of decision:     /     /

**1. Details of lease:**

**Lease Name:** Scotsburn

**Location:** Peel Forest, Mid Canterbury

**Lessees:** Thomas William O’Carroll and Pamela Ann O’Carroll

**2. Public notice of Preliminary Proposal:**

*Date, publication and location advertised:*

Saturday 25 October 2003.

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

*Closing Date for Submissions:*

22 December 2003.

**3. Details of Submission received:**

At the closing date no IWI submission had been received. On instruction of the LINZ contract manager TRONT were contacted and asked if they intended to make a submission. They confirmed that they intended to make a submission and apologised for the oversight in missing the deadline. The submission was received 16 February 2004. A copy of the submission is attached as Appendix 1.

**4. Preliminary Analysis of Submissions:**

**4.1 Introduction:**

*Explanation of Analysis:*

The submission received has been reviewed in order to identify the points raised and these have been numbered accordingly.

The following methodology was used to analyse each point:

- A summary of each of the points raised along with the recorded number (shown in the appended tables) of the submitter(s) making the point.
- Discussion of the point.
- Recommendations whether or not to allow for further consultation.

The following approach has been adopted when making the recommendation to allow for further consultation:

The points raised have been analysed to assess whether they are matters that can be dealt with under the Crown Pastoral Land Act. Where it is considered that they are, the recommendation is to allow them.

**4.2 Analysis:**

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Recommended Decision</i>
18	A marginal strip be applied to those parts of the Orari River that runs through proposed freehold land.	6	Disallow

The Orari River was identified as being of cultural significance to Ngai Tahu Whanui and appropriate protection and access are proposed by way of marginal strips.

The points raised are acknowledged however the provision of marginal strips is not a consideration in the Crown Pastoral Land Act. It is a statutory function of the Department of Conservation under Part IVA of the Conservation Act.

Around half of the length of the river is separated from the lease by legal road, which provides some protection and access to the river. Where no legal road exists it is noted that the Orari River is a large river and will certainly qualify for a marginal strip where it runs through freehold.

The point raised is not a matter which can be dealt with under the Crown Pastoral Land Act and it should be disallowed.

# APPENDIX I

## Copy of Submission