

Crown Pastoral Land Tenure Review

Lease name : IRISHMAN CREEK

Lease number : PT 014

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.

Jan

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ANALYSIS OF PUBLIC SUBMISSIONS

Statement Pursuant To Sec 45(a)(iii) Crown Pastoral Land Act 1998

IRISHMAN CREEK TENURE REVIEW NO TR138

Details of lease

Lease name	Irishman Creek
Location	Mackenzie Basin, Tekapo
Lessee	Irishman Creek Station Limited

Public notice of preliminary proposal

Date advertised	3 May 2014
Newspapers advertised in	Christchurch Press Otago Daily Times Timaru Herald
Closing date for submissions	30 June 2014

Details of submissions received

Number received by closing date:	46
Cross-section of groups/individuals represented by submissions:	
37 individuals	
3 Statutory bodies	
4 environmental NGOs	
2 Commercial entities	
Number of late submissions accepted by the Commissioner of Crown Lands:	2

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.

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

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
1	The submitters sought greater protection for the land in CC1 through restoration to full Crown ownership and control or a permanent covenant.	1,3,5,9,14,15,19,20,22,24,26,28,29,30,31,33,34,35,36,39,40,45,48	Allow	Accept

Rationale for Allow:
The point relates to the protection of significant inherent values which is a matter to be considered under Section 24 CPLA. The point is therefore allowed.

Rationale for Accept:
While the protection of SIVs within CC1 has been previously considered, the submitters have provided new information and articulated reasons why an alternative outcome is preferred. The point is therefore accepted for consideration in the preparation of a substantive proposal.

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
2	The submitters recommend the protection of the Pukaki lateral moraine east of CC1 through restoration to full Crown ownership and control.	1,3,5,20,39	Allow	Accept

Rationale for Allow:
The point relates to the protection of significant inherent values which is a matter to be considered under Section 24 CPLA. The point is therefore allowed.

Rationale for Accept:
While the protection of SIVs within this area has been previously considered, the submitters have provided new information and articulated reasons why an alternative outcome is preferred. The point is therefore accepted for consideration in the preparation of a substantive proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
3	The submitters support the designation of conservation area CA2.	1,3,5,31,39,43,44	Allow	Accept

Rationale for Allow:
The point relates to the protection of significant inherent values which is a matter to be considered under Section 24 CPLA. The point is therefore allowed.

Rationale for Accept:
 This is a statement of support for an aspect of the preliminary proposal which can be considered by the Commissioner when formulating the designations for a substantive proposal. The point is therefore accepted.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
4	The submitters support the designation of conservation area CA3.	1,3,5,31,39,43,44	Allow	Accept

Rationale for Allow:
 The point relates to the protection of significant inherent values which is a matter to be considered under Section 24 CPLA. The point is therefore allowed.

Rationale for Accept:
 This is a statement of support for an aspect of the preliminary proposal which can be considered by the Commissioner when formulating the designations for a substantive proposal. The point is therefore accepted.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
5	The submitters seek protection of the outwash fan SW of SR1 by restoration to full Crown ownership and control or covenant	1,3,5,9,10,11,12,14,15,16,19,20,21,22,24,26,28,29,31,33,34,35,36,39,44,45,48	Allow	Accept

Rationale for Allow:
 The point relates to the protection of significant inherent values which is a matter to be considered under Section 24 CPLA. The point is therefore allowed.

Rationale for Accept:
 While the protection of SIVs within this area has been previously considered, the submitters have provided new information and articulated reasons why an alternative outcome is preferred. The point is therefore accepted for consideration in the preparation of a substantive proposal.

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
6	The submitter requests that the northern parts of the proposed freehold are protected by covenant.	1	Allow	Not Accept

Rationale for Allow:
 The point relates to the protection of significant inherent values, a matter to be considered under Section 24(b) CPLA and designation of the land under Section 35 CPLA. The point is therefore allowed.

Rationale for Not accept:
 The protection of SIVs in this area by covenant has been previously considered and the submitter has not provided new information or articulated reasons why an alternative outcome is preferred. The point is therefore not accepted for consideration in the preparation of a substantive proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
7	The submitters support the balance of the area being freehold other than the changes in points 2,5 & 6	1	Allow	Accept

Rationale for Allow:
 The point relates to the designation of the land under Section 35 CPLA and the objects under Section 24 CPLA. The point is therefore allowed.

Rationale for Accept:
 This is a statement of support for an aspect of the preliminary proposal which can be considered by the Commissioner when formulating the designations for a substantive proposal. The point is therefore accepted.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
8	The submitters support the designation of conservation area CA1.	1,3,5,39,43,44	Allow	Accept

Rationale for Allow:
 The point relates to the protection of significant inherent values which is a matter to be considered under Section 24 CPLA. The point is therefore allowed.

Rationale for Accept:
 This is a statement of support for an aspect of the preliminary proposal which can be considered by the Commissioner when formulating the designations for a substantive proposal. The point is therefore accepted.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
9	The submitters support the designation SR1.	1,3,5,39,43,44	Allow	Accept

Rationale for Allow:
 The point relates to the protection of significant inherent values which is a matter to be considered under Section 24 CPLA. The point is therefore allowed.

Rationale for Accept:
 This is a statement of support for an aspect of the preliminary proposal which can be considered by the Commissioner when formulating the designations for a substantive proposal. The point is therefore accepted.

Point	Summary of point raised	Submission numbers	Allow or disallow
10	The submitters ask that marginal strips are established/identified on the Maryburn and Irishman Creek.	1,32,43	Disallow

Rationale for Disallow:
Marginal strips are a matter for the Director General of Conservation to consider the Conservation Act 1987. They are not a matter for the Commissioner to consider under the CPLA. The point is therefore disallowed.

Point	Summary of point raised	Submission numbers	Allow or disallow
11	The submitters ask that all legal roads are retained and identified in the tenure review.	1,4,32,43	Disallow

Rationale for Disallow:
Legal roads are not part of the reviewable land and not a matter for the Commissioner to consider under the CPLA. The point is therefore disallowed.

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
12	The submitters ask that all land restored to full Crown ownership and control (other than SRI) is designated as a reserve as they are concerned about the management of conservation areas.	1,44	Allow	Accept

Rationale for Allow:
The point relates to the protection of significant inherent values which is a matter to be considered under Section 24 CPLA and also the designation of the land under Section 35 CPLA. The point is therefore allowed.

Rationale for Accept:
The submitter has introduced a perspective not previously considered. The point is therefore accepted for consideration by the Commissioner in formulating the designations for a substantive proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow
13	The submitters indicate that the outcomes promoted in the "Mackenzie Agreement" should direct the tenure review.	1,2,3,5,6,7,8,9, 12,14,15,16,18, 19,20,21,24,26, 28,29,31,34,36, 37,39,45,48	Disallow
<p>Rationale for Disallow: The Mackenzie Agreement has no status in tenure review and therefore is not a document for the Commissioner to consider under the CPLA. The point is therefore disallowed.</p>			

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or Not accept
14	The submitters note that the land remaining pastoral lease is a viable outcome, however most tag this with the requirement for a no development covenant.	1,2,3,5,8,16,18, 22,27,37,34	Allow in part	Not Accept
			Disallow in part	
<p>Rationale for Allow in part: Either the Commissioner can discontinue a tenure review at any time and must do so if asked in writing by the holder under Section 33 CPLA. The point is therefore allowed.</p> <p>Rationale for Disallow in part: Tenure review is not the vehicle for the Commissioner to alter the terms and conditions of a pastoral lease. To this extent the point is disallowed.</p>				
<p>Rationale for Not Accept: While the option of discontinuing a tenure review can be considered at any time, this is not a decision required as a result of the public submissions. The submitters have also not articulated why this alternative outcome is preferred other than in relation to the specific points considered elsewhere. The point is therefore not accepted for consideration in developing a substantive proposal.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or Not accept
14a	The submitters are opposed to the extent of the land proposed for freeholding. Submitters are concerned about the loss of rare ecosystems (also covered in Point 16), land use change, intensification and potential for subdivision. This is in most cases linked to the alternative proposed in Point 14.	3,17,18,42,45, 47	Allow	Not Accept
<p>Rationale for Allow: Freehold disposal is an object of Part 2 of the CPLA (s24(c)(ii)) therefore the point is allowed.</p>				
<p>Rationale for Not Accept: The submitters have also not articulated why this alternative outcome is preferred other than in relation to the specific points considered elsewhere. The point is therefore not accepted for consideration in developing a substantive proposal.</p>				

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
15	The submitters believe that the proposal does not promote the management of the land in a way that is ecologically sustainable and provide comments in support.	2,3,5,6,7,9,11, 12,14,15,16,19, 20,21,24,25,26, 28,29,31,33,34, 36,39,48	Allow	Accept
<p>Rationale for Allow: Promoting the management of the land in a way that ecologically sustainable is matter to be considered under Section 24(a)(i) CPLA. The point is therefore allowed.</p>				
<p>Rationale for Accept: While the preliminary proposal promoted the management of the land in a manner that was ecologically sustainable, the submitters have provided new information and articulated reasons why an alternative outcome is preferred. The point is therefore accepted for consideration in the preparation of a substantive proposal.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
16	The submitters believe that the proposal will not protect SIVs and provide comments relating to this.	2,3,5,6,7,9,11, 14,15,16,19,20, 21,24,26,28,29, 31,33,34,36,39, 40,45,48	Allow	Accept

Rationale for Allow:
 The point relates to the protection of significant inherent values which is a matter to be considered under Section 24 CPLA. The point is therefore allowed.

Rationale for Accept:
 While the protection of SIVs within the property has been previously considered, the submitters have provided new information and articulated reasons why an alternative outcome is preferred. The point is therefore accepted for consideration in the preparation of a substantive proposal.

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
17	The submitter asks for continued access for horse riders on traditional routes and along historical trails.	4	Allow	Not Accept

Rationale for Allow:
 The securing of public access to and enjoyment of reviewable land is matter to be considered under Section 24(c)(i) CPLA. The point is therefore allowed.

Rationale for Not Accept:
 The submitter has made a generic statement, but has not identified potential routes. New information has not been provided nor has the reason for the proposed outcome been articulated. The point is therefore not accepted.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
18	The submitter asks that if the entire lease is not retained by the Crown the proposed freehold should not encompass any water-bodies, wetland areas or fluvial outwash zones that provide habitat to threatened native wildlife.	8	Allow	Not Accept

Rationale for Allow:
 The point relates to the protection of significant inherent values which is a matter to be considered under Section 24 CPLA. The point is therefore allowed

Rationale for Not Accept:
 The proposal has previously considered the various water-bodies within the lease and where significant inherent values have been identified. The submitter has not provided new information, a perspective not previously considered or articulated reasons for an alternative outcome. The point is therefore not accepted.

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
19	The submitter asks that if the entire lease is not retained by the Crown all native shrub and grassland habitats be protected either under covenant or as a Scenic Reserve or Conservation Area.	8	Allow	Not accept
<p>Rationale for Allow: The point relates to the protection of significant inherent values which is a matter to be considered under Section 24 CPLA. The point is therefore allowed.</p>				
<p>Rationale for Not Accept: The protection of SIVs within the lease has been previously considered. The submitter has not provided new information, a perspective not previously considered or articulated reasons why an alternative outcome is preferred. The point is therefore not accepted.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
20	The submitters oppose the proposed concessions.	8,30,40	Allow	Not Accept
<p>Rationale for Allow: The point relates to a designation under Section 36 CPLA. The point is therefore allowed.</p>				
<p>Rationale for Not Accept: The establishment of the concessions was carefully traversed during the development of the preliminary proposal and the submitters have not provided new information, a perspective not previously considered or supported an alternative outcome. The point is therefore not accepted.</p>				

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
21	The submitters support the tenure review outcomes recommended by DoC in the CRR Addendum 2009.	9,10,11,12,14, 15,19,20,21,24, 25,26,28,29,31, 34,35,36,37,39, 45,48	Allow	Not Accept
<p>Rationale for Allow: The point relates to the protection of significant inherent values which is a matter to be considered under Section 24 CPLA. The point is therefore allowed.</p>				

Rationale for Not Accept:
 The advice received from the Department of Conservation was fully considered in the preparation of the preliminary proposal. The submitters have merely referred to this advice and not provided new information or a different perspective on it. Reasons for an alternative outcome are not articulated. The point is therefore not accepted.

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
22	The submitters recommend the restoration of the entire lease to full Crown ownership and control for conservation.	9,10,11,12,13,14,15,17,19,20,21,26,28,29,33,31,35,36,45,47,48	Allow	Not accept

Rationale for Allow:
 The point relates to the matters to be considered under Section 24 CPLA. The point is therefore allowed.

Rationale for Not Accept:
 The review of the lease has been conducted in accordance with the objects set out in Section 24 CPLA. It was determined that restoration of the entire lease to Crown ownership would not meet these objectives. The submitters have provided a generic statement and have not provided new information, a different perspective or articulated reasons why an alternative outcome is preferred. The point is therefore not accepted.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
23	The submitters express the view that the proposal fails to protect visible landforms from the Mt Cook Road (This aspect is also conveyed by a number of submitters in relation to Point 1)	12,24,26	Allow	Not accept

Rationale for Allow:
 The point relates to the protection of significant inherent values which is a matter to be considered under Section 24 CPLA. The point is therefore allowed.

Rationale for Not Accept:
 Conservation covenant CC1 was designed to ensure that the view shed from the Mount Cook Road was protected. The submitters have not provided new information, a perspective not previously considered or articulated reasons why an alternative outcome is preferred. The point is therefore not accepted.

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
24	The submitter expresses the view that the proposal fails to provide permanent protection for geological values (This	12	Allow	Accept

	aspect is also conveyed by a number of submitters in relation to Point 1).			
<p>Rationale for Allow: The point relates to the protection of significant inherent values which is a matter to be considered under Section 24 CPLA. The point is therefore allowed.</p>				
<p>Rationale for Accept: While the protection of SIVs within the lease has been previously considered, the submitter has provided new information and articulated reasons why an alternative outcome is preferred. The point is therefore accepted for consideration in the preparation of a substantive proposal in conjunction with consideration of points 1, 2, 5 and 16.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
25	The submitters are of the view that the proposal does not meet the objects of Part 2 CPLA.	13,14,15,19,20,21,24,26,28,29,31,33,34,36,37,39,48	Allow	Not accept
<p>Rationale for Allow: Tenure review proposals are required to meet the objects set out in Section 24 CPLA. The point is therefore allowed.</p>				
<p>Rationale for Not Accept: This is a generic statement not supported by new information, a perspective not previously considered or articulation of reasons why an alternative outcome is preferred. The point is therefore not accepted. It is noted that aspects alluded to under this generic point have been accepted for consideration in preparing a substantive proposal, in particular points 15 and 16.</p>				

Point	Summary of point raised	Submission number	Allow or disallow
26	The submitter believes that the proposal should reflect the legacy of the late Sir William Hamilton	17	Disallow
<p>Rationale for Disallow: Sir William is not the holder of the lease and the Commissioner is not undertaking tenure review with him. The point is therefore disallowed. It is noted however that historic sites related to his tenure are considered under points 30 and 31.</p>			

Point	Summary of point raised	Submission number	Allow or disallow
27	The submitter supports the Aoraki Conservation Board concept of a lowland park.	18	Disallow

Rationale for Disallow:
 Lowland parks are not a designation contemplated in the CPLA. The point is therefore disallowed. Conservation areas established under tenure review may however contribute at a later date.

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
28	The submitter observes that land development post tenure review may impact on the fisheries qualities of the Maryburn and other waterways.	22,34	Allow	Not accept

Rationale for Allow:
 Water-bodies contain SIVs that can be considered for protection under Section 24 CPLA. The point is therefore allowed.

Rationale for Not Accept:
 The protection of SIVs relative to the waterways has been previously considered. The submitters have not provided new information, a perspective not previously considered or articulated reasons why an alternative outcome is preferred. The point is therefore not accepted.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
29	The submitters support the proposal in principle subject to some refinements.	23,44	Allow	Accept
29a	The submitter supports the proposal and notes that the proposed freehold will enhance the farming potential and allow preservation work of the Hamilton workshop.	46	Allow	Accept

Rationale for Allow:
 The point relates to a proposal prepared in accordance with Part 2 CPLA The point is therefore allowed.

Rationale for Accept:
 This is a statement of support for an aspect of the preliminary proposal which can be considered by the Commissioner when formulating the designations for a substantive proposal. The point is therefore accepted.

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
30	The submitter seeks to have a covenant over historic buildings.	23	Allow	Accept

Rationale for Allow:
 Historic sites can be a SIV requiring protection under Section 24(b) of the CPLA.
 The point is therefore allowed.

Rationale for Not Accept:
 There is no record of this matter having been considered previously. This is therefore new information not considered previously and the submitter has articulated reasons for an alternative outcome. The point is therefore accepted for consideration by the Commissioner when formulating the designations for a substantive proposal.

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
31	The submitter asks that a historic resources survey is completed.	23	Allow	Accept

Rationale for Allow:
 Historic sites can be a SIV requiring protection under Section 24(b) of the CPLA.
 The point is therefore allowed.

Rationale for Accept:
 The Department of Conservation previously covered historic aspects in relation to this review, however no detailed report was provided in support of this. The submitter has provided new information for consideration. The point is therefore accepted for consideration by the Commissioner when formulating the designations for a substantive proposal.

Point	Summary of point raised	Submission number	Allow or disallow
32	The submitter asks that the final plan include a condition making future owners aware of recorded and potential archaeological sites and responsibilities.	23	Disallow

Rationale for Disallow:
 All landholders have responsibilities in this regard under the Heritage New Zealand Pouhere Taonga Act 2014. It is not the role of the Commissioner under the CPLA to administer this Act. The point is therefore disallowed.

Point	Summary of point raised	Submission number	Allow or disallow
33	The submitter considers that the proposal fails to take into account the wider landscape and heritage values of the property in the context of the World Heritage Area.	24	Disallow

Rationale for Disallow:
 Contributing to wider conservation initiatives is not part of the mandate of the CPLA. The point is therefore disallowed. Conservation areas established under tenure review may however contribute at a later date.

Point	Summary of point raised	Submission number	Allow or disallow
34	The submitter references the 2007 minute of the Cabinet Business Committee and excluding leases with high values from tenure review.	28	Disallow

Rationale for Disallow:
 This Cabinet Minute was superseded. The Cabinet Minute also relates to a wider aspect of tenure review and does not directly relate to developing a proposal. The point is therefore disallowed.

Point	Summary of point raised	Submission number	Allow or disallow
35	The submitter notes that Irishman Creek is central to a Dryland Park initiative for the Mackenzie Basin.	31	Disallow

Rationale for Disallow:
 Contributing to wider conservation initiatives is not part of the mandate of the CPLA. The point is therefore disallowed. Conservation areas established under tenure review may however contribute at a later date.

Point	Summary of point raised	Submission number	Allow or disallow
36	The submitter indicates that Regional and District Plans cannot be relied on to protect SIVs.	31	Disallow

Rationale for Disallow:
 The provisions of Regional and District Plans are not a tenure review matter. The point is therefore disallowed. It is however acknowledged that these plans may encompass provisions that protect SIVs.

Point	Summary of point raised	Submission numbers	Allow or disallow
37	Fish and Game request the exclusion of heavy stock (e.g. Cattle) from the Mary Burn and Irishman Creek.	32	Disallow

Rationale for Disallow:
We are advised that the Mary Burn and Irishman Creek will be subject to marginal strips, thereby the land referred to does not form part of the reviewable land. The point is therefore disallowed.

Point	Summary of point raised	Submission number	Allow or disallow
38	Fish and Game seek continued access to the property for Alder control.	32	Disallow

Rationale for Disallow:
Access for weed and pest control by a third party is not a matter that the Commissioner can consider under Part 2 CPLA. The point is therefore disallowed.

Point	Summary of point raised	Submission number	Allow or disallow
39	Fish and Game seek access to the Maryburn pond.	32	Disallow

Rationale for Disallow:
The Maryburn pond is not part of the reviewable land and access to it lies outside the reviewable land. The point is therefore disallowed.

Point	Summary of point raised	Submission number	Allow or disallow
40	The submitter notes a potential conflict with the Tekapo Dark Sky Reserve.	33	Disallow

Rationale for Disallow:
The Dark Sky Reserve does not relate to the reviewable land and is not a matter the Commissioner can consider under Part 2 CPLA. The point is therefore disallowed.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
41	The submitters believe that the proposal fails to protect public access.	28,34,39	Allow	Not Accept

Rationale for Allow:
The point relates to the securing of access to and enjoyment of the reviewable land and is a matter to be considered under Section 24(c)(i) CPLA. The point is therefore allowed.

Rationale for Not Accept:
Public access was fully considered during the preparation of the preliminary proposal with access available to and within the land to be restored to the Crown. The submitters have not provided new information, a perspective not previously considered of articulated an alternative outcome.

The point is therefore not accepted.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
41a	The submitter seeks public access from Hayman road to Mt McDonald.	39	Allow	Accept

Rationale for Allow:
The point relates to the securing of access to and enjoyment of the reviewable land and is a matter to be considered under Section 24(c)(i) CPLA. The point is therefore allowed.

Rationale for Accept:
The request for public access to Mt McDonald introduces new information. The point is therefore accepted for consideration by the Commissioner when formulating the designations for a substantive proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow
42	The submitters are opposed to the tenure review process.	37,42	Disallow

Rationale for Disallow:
The process of tenure review is provided for in the CPLA and is not a matter relating specifically to this review. The point is therefore disallowed.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
43	The submitters seek an easement for access to electricity transmission lines and associated equipment citing s25 CPLA.	38,41	Allow	Accept

Rationale for Allow:
Section 25(1)(c) requires the Commissioner to consider the use of the land for a particular purpose. The point is therefore allowed.

Rationale for Accept:
There is no indication that this matter has previously been considered. The point is therefore accepted for consideration in preparing the substantive proposal.

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
44	The submitters seek an easement for access to water supply lines citing s25 CPLA.	38,41	Allow	Accept

Rationale for Allow:
 Section 25(1)(c) requires the Commissioner to consider the use of the land for a particular purpose. The point is therefore allowed.

Rationale for Accept:
 There is no indication that this matter has previously been considered. The point is therefore accepted for consideration in preparing the substantive proposal.

Point	Summary of point raised	Submission number	Allow or disallow
45	The submitter indicates that the review should be placed in the wider geographical context. (This point is similar to point 33, but the context differs)	39	Disallow

Rationale for Disallow:
 The Commissioner is required to undertake tenure review in relation to the reviewable land. This point relates to land other than the reviewable land. The point is therefore disallowed.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
46	The submitter supports the proposed grazing concessions over CA2 and SRI	39	Allow	Accept

Rationale for Allow:
 The grazing concessions are a qualified designation under Section 36 CPLA. The point is therefore allowed.

Rationale for Accept:
 This is a statement of support for an aspect of the preliminary proposal which can be considered by the Commissioner when formulating the designations for a substantive proposal. The point is therefore accepted.

Point	Summary of point raised	Submission number	Allow or disallow
47	The submitter requests that lupins and wilding trees are eradicated from land to be restored to the Crown before handover.	39	Disallow

Rationale for Disallow:
 Weed and pest control is not a matter that the Commissioner can consider under Part 2 CPLA. The point is therefore disallowed. This matter may however be a matter in relation to the management of the lease pursuant to the Land Act 1948.

Point	Summary of point raised	Submission number	Allow or disallow
48	The submitter seeks a memorandum of encumbrance in relation to lakeshore erosion on Lake Pukaki	41	Disallow
<p>Rationale for Disallow: The Pukaki lakeshore is not part of the reviewable land nor does it abut the reviewable land – indeed the lease is separated from the lakeshore by Hayman Road and Crown land. The point is therefore disallowed.</p>			

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
49	The submitter raises a number of matters in relation to public access over concession route “a-b-e-f”.	43	Allow	Not Accept
<p>Rationale for Allow: The point relates to the securing of access to and enjoyment of the reviewable land a matter to be considered under Section 24(c)(i) CPLA. The point is therefore allowed.</p>				
<p>Rationale for Not Accept: The route mentioned lies within a proposed conservation area that would be available for public access. An alternative outcome is not required to achieve the outcome sought by the submitter and the point is therefore not accepted.</p>				

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
50	The submitter seeks confirmation that access from SH8 to “a” is available via the canal road or that an alternative easement is provided.	43	Disallow in part	
			Allow in part	Not Accept
<p>Rationale for Disallow in part: The canal road does not form part of the reviewable land. The Commissioner cannot therefore consider this aspect and in this regard the point is disallowed.</p> <p>Rationale for Allow in part: The point relates to the securing of access to and enjoyment of the reviewable land a matter to be considered under Section 24(c)(i) CPLA. In this regard the point is allowed.</p>				
<p>Rationale for Not Accept: Access to point “a” has been considered in the preparation of the preliminary proposal and it is noted that access is available to and CA3 from Hayman Road. Access from SH8 to the reviewable land was not considered feasible or necessary. The submitter has not provided new information, provided a perspective not</p>				

previously considered or articulated the need for an alternative outcome. The point is therefore not accepted.

Point	Summary of point raised	Submission number	Allow or disallow
51	The submitter seeks confirmation that the track through CC1 is on the legal road.	43	Disallow

Rationale for Disallow:
 Legal roads are not part of the reviewable land and not a matter for the Commissioner to consider under the CPLA. The point is therefore disallowed.

Point	Summary of point raised	Submission number	Allow or disallow
52	The submitter questions the legal status of Hayman Road and requests that this be resolved.	43	Disallow

Rationale for Disallow:
 Legal roads are not part of the reviewable land and not a matter for the Commissioner to consider under the CPLA. The point is therefore disallowed.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
53	The submitter supports the designation of conservation covenant CC1.	44	Allow	Accept

Rationale for Allow:
 The point relates to the protection of significant inherent values which is a matter to be considered under Section 24 CPLA. The point is therefore allowed.

Rationale for Accept:
 This is a statement of support for an aspect of the preliminary proposal which can be considered by the Commissioner when formulating the designations for a substantive proposal. The point is therefore accepted.

Summary and Conclusion

Overview of analysis:

The 48 submitters made a total of 56 points in relation to the Irishman Creek tenure review. Of the 56 points, 36 related to matters that the Commissioner could consider under the CPLA (including two in part). Twenty two points (including two in part) were outside the scope of the CPLA and are not considered further in this analysis. Fifteen of the points allowed (including two in part) related to matters previously considered and as no new information was provided, a perspective not previously considered or reasons for an alternative outcome were promoted these points are not considered further. Twenty one points have been accepted for further consideration in the preparation of a substantive proposal, including nine points providing support for some aspect of the preliminary proposal.

Generic issues:

The submissions focused on the appropriateness of freeholding in this location, largely in relation to initiatives not connected to tenure review. Three specific areas of the review came under close scrutiny – the appropriate designation for CC1, the protection of SIVs east of CC1 and the outwash fan south west of SR1.

Gaps identified in the proposal or tenure review process:

As noted above the submitters were concerned about the appropriateness of tenure review in this situation, with two submitters challenging the tenure review process in general.

Risks identified:

An issue that was raised is a lack of confidence by the NGOs in Conservation Areas as providing protection for significant inherent values with a preference for designation as reserve.

General trends in the submitters' comments:

Other than a generic submission lodged by a number of submitters seeking full Crown ownership of the entire lease, three specific areas of the review came under close scrutiny – the appropriate designation for CC1, the protection of SIVs east of CC1 and the outwash fan south west of SR1. Some submitters provided new information to be considered in relation to these areas.