

Crown Pastoral Land Tenure Review

Lease name : MANUKA POINT

Lease number : PC 053

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.

April

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Report in Accordance with Contract 50346

Analysis of Public Submissions for Preliminary Proposal

Manuka Point

File Ref: PRY-C60-12758-TNR-PC053 Submission No: DAR 077 Submission Date: 23/3/2012

Office of Agent: Christchurch

LINZ Case No: *TR10/221* Date sent to LINZ: 23/3/2012

RECOMMENDATIONS

1. That the Commissioner of Crown Lands approves this report for tenure review of Pc053 Manuka Point Pastoral Lease.

ANALYSIS OF PUBLIC SUBMISSIONS

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

MANUKA POINT TENURE REVIEW NO. TR247

Details of lease

Lease name:	Manuka Point
Location:	Upper Rakaia Valley, approximately 55 kilometres from Methven
Lessee:	Manuka Point Station Company Limited

Public notice of preliminary proposal

Date advertised:	15 October 2011
Newspapers advertised in:	The Press (Christchurch) Otago Daily Times (Dunedin) Timaru Herald (Timaru)
Closing date for submissions:	13 December 2011

Details of submissions received

Number of submissions received by closing date:	10
Number of late submissions:	3 late submissions were received and accepted by the Commissioner's delegate.
Cross-section of groups/individuals represented by submissions:	6 submissions were received from individuals, 4 submissions were from a range of recreation groups, 1 from a company and 2 from Government organizations.
Total submissions analysed:	13

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	Allow or disallow	Accept or not accept
1	Support for the objects of section 24 CPLA 1998.	Disallow	
Submission numbers 1			
Rationale for Disallow: The point is a general statement and is not validly made or relevant in relation to the tenure review for Manuka Point, therefore it is <u>disallowed</u> .			

Point	Summary of point raised	Allow or disallow	Accept or not accept
2	Support for CA1 and CA2. Submitter 11 particularly supports protecting natural values that are closely linked with recreation.	Allow	Accept
Submission numbers 1, 10, 11			
Rationale for Allow: The protection of significant inherent values by designation to Crown ownership as conservation area is a matter for tenure review under section 24(b)(ii) CPLA, therefore the point is <u>allowed</u> for further consideration.			
Rationale for Accept: The point is a statement of support for the conservation areas proposed in the tenure review and is therefore <u>accepted</u> for further consideration by the Commissioner in the formulation of a Substantive Proposal.			

Point	Summary of point raised	Allow or disallow	Accept or not accept
3	It is essential that there is practical public access up the true left of the Rakala River providing secure, legal foot access located at sufficient distance from the river bank to allow for any subsequent changes in the river channels. The submitters consider that the access would need to be via an easement within proposed freehold.	Allow	Not Accept
Submission numbers 1, 3, 10			
Rationale for Allow: The point relates to the provision of public access over the reviewable land and is a matter for tenure review under section 24(c)(i) CPLA. The point is therefore <u>allowed</u> for further consideration.			
Rationale for Not Accept: The point does not introduce any new information or perspective on the proposal, or articulate reasons for an alternative outcome that have not been considered already. In fact, as shown on the designations plans, the proposed route "a-b" already provides secure, legal public foot and motor vehicle access by easement through proposed freehold land from the Rakala riverbed.			

Therefore the point is not accepted.

Point	Summary of point raised	Allow or disallow	Accept or not accept
4	It is essential that there is practical public access up the true right of the Mathias River providing secure, legal foot access located at sufficient distance from the river bank to allow for any subsequent changes in the river channels. Particularly where the Mathias River currently cuts into the hill in places. The submitters consider that the access would need to be via an easement within proposed freehold.	Allow	Not Accept
Submission numbers 1, 3, 10			
<p>Rationale for Allow: The point relates to the provision of public access over the reviewable land and is a matter for tenure review under section 24(c)(i) CPLA. The point is therefore <u>allowed</u> for further consideration.</p>			
<p>Rationale for Not Accept: The point does not introduce any new information or perspective on the proposal, nor does it articulate any reasons why the submitter prefers an alternative outcome under the CPLA, that have not been considered already. Part of the proposed freehold in this area is deer fenced for a hunting operation posing potential public safety hazards, and side gullies are deeply incised and not traversable in parts. The riverbed offers the most practical route. Therefore the point is <u>not accepted</u>.</p>			

Point	Summary of point raised	Allow or disallow	Accept or not accept
5	Support for the provision of legal public access across the point in the proposal, giving public vehicle access west into Rakaia River and north into Mathias River, and enabling access to CA1 and CA2 and DOC hunting grounds beyond.	Allow	Accept
Submission numbers 1, 3, 5,10,11			
<p>Rationale for Allow: The point relates to the provision of public access over the reviewable land and is a matter for tenure review under section 24(c)(i) CPLA. The point is therefore <u>allowed</u> for further consideration.</p>			
<p>Rationale for Accept: The point is a statement of support for the public access provisions in the proposal and is therefore <u>accepted</u> for further consideration by the Commissioner in the formulation of a Substantive Proposal.</p>			

Point	Summary of point raised	Allow or disallow	Accept or not accept
6	The submitter believes that the proposed access easement for Minister of Conservation vehicles between points e, f, g, h and k should also provide for foot access for recreation as well.	Allow	Not Accept
Submission numbers 1			
Rationale for Allow: The point relates to the provision of public access over the reviewable land and is a matter for tenure review under section 24(c)(i) CPLA. The point is therefore <u>allowed</u> for further consideration.			
Rationale for Not Accept: The point does not introduce any new information or perspective on the proposal, nor does it articulate any reasons why the submitter prefers an alternative outcome under the CPLA, that have not been considered already. In fact, as described in the Summary of the Proposal, access over points e, f, g, h and k already provides for public motorized, non-motorized, foot and horse access. Therefore the point is <u>not accepted</u> .			

Point	Summary of point raised	Allow or disallow	Accept or not accept
7	A more direct public foot access route is required across the Point at the base of the hill. Submitter 10 points out that the route currently proposed goes almost a kilometre out of the way in each direction.	Allow	Not Accept
Submission numbers 1, 10			
Rationale for Allow: The point relates to the provision of public access over the reviewable land and is a matter for tenure review under section 24(c)(i) CPLA. The point is therefore <u>allowed</u> for further consideration.			
Rationale for Not Accept: The point does not introduce any new information or perspective on the proposal or articulate reasons the submitter prefers an alternative outcome that has not been considered already. The route in the proposal was selected to keep public a safe distance from deer park hunting activities and to avoid potential conflicts with farm management activities. Therefore the point is <u>not accepted</u> .			

Point	Summary of point raised	Allow or disallow	Accept or not accept
8	It is critical that the proposed concessions do not prevent others accessing the areas they apply to, on a non-commercial basis.	Allow	Not Accept
Submission numbers 1			
Rationale for Allow:			

The point relates to the terms and conditions of the proposed tourism and grazing concessions specified as a qualified designation over CA1, CA2, CA3, CA4, CA5 and CA6 (Tourism concession), and GC1 (CA1) and GC2 (CA2) (Grazing concession) under section 36 of the CPLA. It is therefore a matter for tenure review and is allowed for further consideration.

Rationale for Not Accept:
 The point does not introduce any new information or perspective on the proposal or articulate reasons the submitter prefers an alternative outcome that has not been considered already. In fact, section 20 of the Tourism and Grazing concession documents (provided in the public information pack) states that nothing in the documents shall be construed as conferring any right of exclusive occupation or use of the land, or derogating from the rights of the Grantor and public to have access across the land. Therefore the point is not accepted.

Point	Summary of point raised	Allow or disallow	Accept or not accept
9	Support for clause 7 "Obligations on sale of land" of the proposed conservation covenant that the covenant will apply to subsequent owners of the land.	Allow	Accept
Submission numbers 1, 10			
Rationale for Allow: The point relates to the protection of significant inherent values under section 24(b)(i) with a protective mechanism under section 40 of the CPLA. It is therefore a matter for tenure review and is <u>allowed</u> for further consideration.			
Rationale for Accept: The point is a statement of support for the provisions in the conservation covenant in the proposal that require the owner of the land to inform any potential new owner/lessee of the land of their obligations under the covenant. It is therefore <u>accepted</u> for further consideration by the Commissioner in the formulation of a Substantive Proposal.			

Point	Summary of point raised	Allow or disallow	Accept or not accept
10	There should be a similar provision in the easement document to clause 7 "Obligations on sale of land" of the proposed conservation covenant document, to ensure secure continuous public access in the event that the property changes ownership.	Allow	Accept
Submission numbers 1, 10			
Rationale for Allow: The point relates the securing of public access under section 24(c)(i) and the terms and conditions of the easement proposed as a qualified designation under section 36 of the CPLA. It is therefore a matter for tenure review and is <u>allowed</u> for further consideration.			
Rationale for Accept: The point introduces new information; a perspective not considered previously and articulates reasons for an alternative outcome, in relation to the inclusion of an "Obligations on sale of land" clause in the easement document. It is therefore <u>accepted</u> for further consideration by the Commissioner in the formulation of a Substantive Proposal.			

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Point	Summary of point raised	Allow or disallow
11	A request that the property boundaries alongside the Rakaia and Mathias Rivers are surveyed to remove Ad Medium Fillum (AMF) rights to the beds of the Mathias and Rakaia rivers, as these "rights" might be used at some point in the future to restrict public access.	Disallow
Submission numbers 1, 10		
Rationale for Disallow: The point relates to a matter of common law therefore it is not relevant to the tenure review and there are no provisions for it to be considered under the CPLA. It is therefore <u>disallowed</u> .		

Point	Summary of point raised	Allow or disallow	Accept or not accept
12	Support for the vast majority, or all, of the proposal. Submitter 8 notes that the proposal is a very good outcome for the Crown and access and biodiversity are well catered for and protected.	Allow	Accept
Submission numbers 2, 4, 5, 7, 8, 12, 13			
Rationale for Allow: The point relates to the designations recommended in the preliminary proposal which have been developed in consideration of meeting the objects of section 24 CPLA. The point is therefore <u>allowed</u> for further consideration.			
Rationale for Accept: The point is a statement of support for the designations in the proposal and is therefore <u>accepted</u> for further consideration by the Commissioner in the formulation of a Substantive Proposal.			

Point	Summary of point raised	Allow or disallow
13	Matters relating to the Summary of Proposal information provided to the public: <ul style="list-style-type: none"> (a) The summary is too brief, particularly in relation to public access provisions and their practicality. (b) Qualifying water bodies information should be provided on the plan or in the summary. (c) The summary should include a concise rationale of the proposed access. (d) The legal status of land adjoining the pastoral lease should be identified and shown on the plan at a scale that can be easily identified. (e) The scale of the designations plans is commended. (f) There is no information in the Summary document to clarify whether "f-g" is on an existing 	Disallow

	<p>track. (g) There is no information in the Summary document to clarify whether the easement "a-b" is entirely within the pastoral lease boundary, or whether it traverses both riverbed and pastoral lease as the existing track appears to do.</p>	
<p>Submission numbers 3</p>		
<p>Rationale for Disallow: Under section 43(b) of the CPLA the Commissioner must give notice of every preliminary proposal put under section 34(1) CPLA, and describe the proposal in general terms. This description was provided for Manuka Point in advertisements placed in specified publications under section 43(3). Provision of Summary of Proposal information and web site updates are a courtesy from LINZ, and additional information is available under the Official Information Act 1982. The point is therefore not validly made, not relevant to the tenure review and cannot be considered under the CPLA, and is <u>disallowed</u>.</p>		

Point	Summary of point raised	Allow or disallow	Accept or not accept
14	<p>A 10 metre wide public foot access easement is proposed along the boundary between proposed freehold land and "Exch1", to give access via CA3 to places such as Manuka Peak and Golden Spur and areas beyond which would be blocked if "Exch1" were designated as freehold. The submitter also notes that an easement such as this could avoid potential trespass from public trying to walk up creeks crossing the proposed freehold.</p>	Allow	Not Accept
<p>Submission numbers 13</p>			
<p>Rationale for Allow: The point relates to the provision of public access over the reviewable land and is a matter for tenure review under section 24(c)(i) CPLA. The point is therefore <u>allowed</u> for further consideration.</p>			
<p>Rationale for Not Accept: This point was well traversed during consultation and all parties were in consensus that a public access route in this location was inappropriate due to its proximity to the homestead area. An alternative route is provided up a ridge at the southern end of CA1 adjacent to Big Paddock Creek. The point does not introduce any new information or a perspective not previously considered, or articulate reasons for an alternative outcome that have not been previously considered. It is therefore <u>not accepted</u>.</p>			

Point	Summary of point raised	Allow or disallow
15	<p>It is vitally important that there are persons living at Manuka Point to assist travelers in times of need.</p>	Disallow
<p>Submission numbers 7</p>		
<p>Rationale for Disallow:</p>		

There are no provisions in the CPLA for determining the occupation of land as an outcome of tenure review. The point cannot therefore be considered under the CPLA and is not relevant to the tenure review, and is disallowed.

Point	Summary of point raised	Allow or disallow	Accept or not accept
16	In relation to public vehicle access: (a) Proposed public vehicle access should be on existing tracks where possible, and (b) Vehicle tracks should be formed where none currently exist.	Allow in part sub-point (a) Disallow in part sub-point (b)	Not Accept sub-point (a)
Submission numbers 3			
<p>Rationale for Allow in Part/Disallow: Sub-point (a) relates to the provision of public access over the reviewable land and is a matter for tenure review under section 24(c)(i) CPLA. Sub-point (a) is therefore <u>allowed</u> for further consideration.</p> <p>In relation to sub-point (b), there are no provisions in the CPLA regarding the formation of vehicle tracks in tenure review. This is a matter for DOC post tenure review. The easement document under section 10.4 provides for the modification of the surface of the easement area so that it is fit for the purpose of the use identified in section 2.1 ie off road vehicle access. The point is therefore <u>disallowed</u>.</p>			
<p>Rationale for Not Accept: Sub-point (a) was well traversed during consultation and where possible vehicle access is designated on existing tracks. The submitter does not introduce any new information or perspective or articulate reasons for an alternative outcome that have not already been considered, therefore the sub-point is <u>not accepted</u>.</p>			

Point	Summary of point raised	Allow or disallow
17	All easements must be clearly identified on the ground.	Disallow
Submission numbers 3		
<p>Rationale for Disallow: Identification of easement routes on the ground is a matter for DOC to deal with after the tenure review has concluded. Easement marking is not provided for under the CPLA and is not a matter for tenure review therefore the point is <u>disallowed</u>.</p>		

Point	Summary of point raised	Allow or disallow	Accept or not accept
18	The location of "a-b" should be reconsidered in light of the presence of the existing legal road. Submitter 4 suggests the legal road should be the key access route and it should be marked with poles or fenced. The submitters feel "a-b" is an unnecessary duplication.	Allow	Not Accept

Submission numbers 3, 4			
<p>Rationale for Allow: The point relates to the provision of public access over the reviewable land and is a matter for tenure review under section 24(c)(i) CPLA. The point is therefore <u>allowed</u> for further consideration.</p>			
<p>Rationale for Not Accept: The point does not introduce any new information or perspective on the proposal, nor does it articulate any reasons why the submitter prefers an alternative outcome under the CPLA, that have not been considered already. The legal road does not follow a practical route as it passes through numerous fences including deer fences. Therefore the point is <u>not accepted</u>.</p>			

Point	Summary of point raised	Allow or disallow	Accept or not accept
19	The proposed covenant CC1 should be extended to include the woolshed which has historic merit, and the wording of the covenant document revised to protect the historic values.	Allow	Accept
Submission numbers 6			
<p>Rationale for Allow: The point relates to the protection historic values of a post 1900 building not covered by the Historic Places Act 1993, under the proposed protective mechanism CC1. It is therefore a matter for tenure review under section 40 CPLA and is <u>allowed</u> for further consideration.</p>			
<p>Rationale for Accept: The point introduces a new perspective in relation to extending CC1 and adding wording to protect the historic values of the woolshed, and articulates reasons why they prefer an alternative outcome under the CPLA. The point is therefore <u>accepted</u> for further consideration by the Commissioner in the formulation of a Substantive Proposal.</p>			

Point	Summary of point raised	Allow or disallow
20	The remains of the original homestead and woolshed (located on existing freehold land) are protected under the Historic Places Act 1993, however current and future owners should be made aware of the requirements of the Act in relation to the requirement for a consent from NZHPT for any work that may affect the site.	Disallow
Submission numbers 6		
<p>Rationale for Disallow: The heritage site identified in the point is located on existing freehold land. As the existing freehold land is not included in the tenure review, it is not part of the reviewable land and is therefore not subject to the provisions of the CPLA. The point is therefore <u>disallowed</u>.</p>		

Point	Summary of point raised	Allow or disallow	Accept or not accept
21	New Zealand Historic Places Trust requests that given the early history of Manuka Point pastoral lease, a historic heritage assessment is undertaken to identify any potential historic values within the area of proposed freehold land, as NZHPT are uncertain of the extent of DOC's survey and what values are present.	Allow	Accept
Submission numbers 3, 4			
Rationale for Allow: Historical values are an inherent value which could be viewed as significant, and the object of section 24(b) of the CPLA is to protect significant inherent values. The point is therefore a matter for tenure review and is <u>allowed</u> for further consideration.			
Rationale for Accept: The submitter introduces new information and a perspective not previously considered, and articulates reasons why the submitter seeks a historic heritage assessment is undertaken as part of the tenure review. The point is therefore <u>accepted</u> for further consideration by the Commissioner in the formulation of a Substantive Proposal.			

Point	Summary of point raised	Allow or disallow
22	Manuka Point post tenure review will have a more limited market than at present as it will not be an economic pastoral unit and its future will be in the tourism/hunting category.	Disallow
Submission numbers 8		
Rationale for Disallow: There is no provision under the CPLA to consider the economics or otherwise of the proposed freehold land post tenure review. This point is not a matter that can be considered under the CPLA and is therefore <u>disallowed</u> .		

Point	Summary of point raised	Allow or disallow
23	It is not legally possible for Manuka Point to be granted a 20 year concession for heli-skiing in the area proposed for surrender, because the wording in the tenure review document implies that it is an existing activity. The submitter advises that it is not an existing activity but would be a new activity.	Disallow
Submission numbers 9		
Rationale for Disallow: The land specifically referred to by the submitter is an area of approximately 5,000 hectares which is subject to surrender from pastoral lease under Land Improvement Agreement no. 678433.1 prior to the putting of a substantive proposal. It is clearly stated in the Summary of the Proposal		

information provided to the public that the surrender of this land is a separate matter from the tenure review. As this land is not included in the tenure review (and is not subject to the proposed tourism concession), it is not part of the reviewable land and cannot be considered under section 2 of the CPLA. The point is therefore disallowed.

Point	Summary of point raised	Allow or disallow
24	The current policies of the Canterbury (DOC) Conservancy do not permit a term of 20 years for a tourism concession under the Conservation Act. The submitter advises that all current heli-ski concessions on land administered by the Canterbury Conservancy have been limited to one year terms for the last three years, and the stated objective of this policy is to review all heliski concessions in light of a proposed review of the Canterbury Conservation Management Strategy.	Disallow
Submission numbers 9		
Rationale for Disallow: There is no requirement in the CPLA that the proposal must be considered in light of the Canterbury Conservation Management Strategy. It is DOC's prerogative as to whether or not they take the CCMS into consideration when they formulate their recommendations for tenure review. Therefore the point cannot be considered under the CPLA and is <u>disallowed</u> .		

Point	Summary of point raised	Allow or disallow
25	The proposed tourism concession is not compliant with industry standards. The Departments of Labour and Conservation have welcomed and accepted NZ Heliski Operators Group minimum operating guidelines and Code of Practice, and the granting of a tourism concession to Manuka Point would not meet these requirements unless they were prepared to offer a service at the same level of other compliant operators. Compliance would have to be in advance of granting any concession, not after the event.	Disallow
Submission numbers 9		
Rationale for Disallow: There is no requirement in the CPLA that the proposal must be considered in light of the operating guidelines and Code of Practice requirements of an industry representative. It is DOC's prerogative as to whether they take this into consideration when they formulate their recommendations for tenure review. Management of the concession is a matter for DOC to administer post tenure review. Therefore the point cannot be considered under the CPLA and is <u>disallowed</u> .		

Point	Summary of point raised	Allow or disallow	Accept or not accept
26	CC2 should provide for legal public access along its southern edge to ensure there is a continuous public access way along the Rakala River bank if the river channel shifted over to that side in future floods. This would join up with the proposed legal access way to the Mathias River.	Allow	Accept
Submission numbers 10			
Rationale for Allow: The point relates to the provision of public access over the reviewable land and is a matter for tenure review under section 24(c)(i) CPLA. The point is therefore <u>allowed</u> for further consideration.			
Rationale for Accept: The point introduces new information and a perspective not previously considered, and articulates reasons why the submitter prefers an alternative outcome under the CPLA. Therefore the point is <u>accepted</u> .			

Point	Summary of point raised	Allow or disallow	Accept or not accept
27	The grazing and tourism concessions should include clauses to prevent the land owner from closing public foot access at different times of the year except in extreme situations such as fire.	Allow	Not Accept
Submission numbers 11			
Rationale for Allow: The point relates to section 24(c)(i) CPLA, securing public access to and enjoyment of the reviewable land, and to section 36 which deals with qualified designations such as a grazing and tourism concession. It is therefore a matter for tenure review and is <u>allowed</u> for further consideration.			
Rationale for Not Accept: The point does not introduce any new information or perspective on the proposal, nor does it articulate any reasons why the submitter prefers an alternative outcome under the CPLA, that have not been considered already. The grazing and tourism concession documents provide for public access under section 20.1 in the standard terms and conditions. Therefore the point is <u>not accepted</u> .			

Point	Summary of point raised	Allow or disallow
28	The surrender of the land under the LIA should be a firm pre-requisite to the completion of tenure review.	Disallow
Submission numbers 11		
Rationale for Disallow:		

As this land is not included in the tenure review it is not part of the reviewable land and cannot be considered under section 2 of the CPLA. The point is therefore disallowed.

It is clearly stated in the Summary of the Proposal information provided to the public that 5000 hectares of pastoral lease land under Land Improvement Agreement no. 678433.1 is subject to surrender prior to the putting of a substantive proposal (for Manuka Point tenure review), and that this is a separate matter from the tenure review.

Point	Summary of point raised	Allow or disallow
29	There can be a conflict between heli-skiing operators and ground parties seeking quieter recreation, and this needs to be considered when granting tourism concessions for other tenure reviews that are located on mountain ranges closer to Christchurch.	Disallow
Submission numbers 11		
Rationale for Disallow: The point relates to tenure reviews on properties other than Manuka Point, therefore it is not specific to the reviewable land and cannot be considered under section 2 of the CPLA. The point is therefore <u>disallowed</u> .		

Point	Summary of point raised	Allow or disallow
30	Marginal strips must be provided along the banks of the Rakala and Mathias Rivers adjacent to the proposed freehold land. Submitter 13 also notes that there are problems associated with marginal strips in relation to who determines stream widths and the public not being aware of the location of marginal strips.	Disallow
Submission numbers 1, 11, 13		
Rationale for Disallow: Marginal strips will be created on the land designated for freehold disposal at the conclusion of the tenure review under Part 4A of the Conservation Act 1987. This is a matter for the Director General of Conservation to administer post tenure review with respect to identifying and surveying land that qualifies, and providing appropriate notification to the public of their existence. The point is therefore <u>disallowed</u> .		

Point	Summary of point raised	Allow or disallow	Accept or not accept
31	Manuka Point tenure review is the last practical opportunity for the public to ensure access in perpetuity to public conservation lands in the area. The provision of such access is vital if the government wants more New Zealanders to enjoy recreation on Conservation lands.	Allow	Not Accept
Submission numbers			

10
<p>Rationale for Allow: The point relates to the provision of public access under section 24(c)(l) of the CPLA. It is therefore a matter for the tenure review and is <u>allowed</u> for further consideration.</p>
<p>Rationale for Not Accept: Submissions relating to specific public access routes are covered under points 3, 4, 7, 14, 18, and 26. As the point does not introduce any new information or a perspective not previously considered, and does not articulate reasons why a different outcome is preferred under the CPLA, the point is therefore <u>not accepted</u>.</p>

Point	Summary of point raised	Allow or disallow
32	General support for the upholding and use of public roads where they exist.	Disallow
<p>Submission numbers 4</p>		
<p>Rationale for Disallow: Legal roads are not part of the reviewable land but are the responsibility of the local district council, therefore this point falls outside the ambit of the CPLA and is <u>disallowed</u>.</p>		

Summary and Conclusion

<p><u>Overview of analysis:</u> 13 submissions have been analysed in this report. The submitters have raised 32 different points of which 17 have been allowed and 1 allowed in part, because they relate to matters that can be considered under Part 2 of the CPLA. 14 points have been disallowed because they deal with matters that cannot be considered under Part 2 of the CPLA.</p> <p>Of the 18 points allowed or allowed in part, 7 have been accepted for further consideration by the Commissioner in the formulation of a Substantive Proposal because they introduced new information or a perspective not previously considered, or highlighted issues previously considered but articulated reasons why an alternative outcome was preferred that had not previously been considered, or were a statement of support for the proposal.</p> <p>11 points were not accepted for further consideration because they did not introduce any new information, a new perspective, or new reasoning to justify reconsidering issues that had already been fully investigated and a consensus reached by all parties.</p> <p>The submitters were generally in support of the proposal.</p> <p><u>Generic issues:</u> The accepted points fell into the following categories –</p> <ul style="list-style-type: none"> - Support for the proposal - The easement should have a clause in it similar to clause 7 "Obligations on sale of land" in the covenant document. - CC1 should be extended to include and protect the woolshed which has historic merit. - A historic heritage assessment should be undertaken of Manuka Point to identify any potential historic values on the proposed freehold.

- CC2 should provide for public access along its southern edge to ensure continuous public access along the Rakaiia river bank if the river channel shifted.

Gaps identified in the proposal or tenure review process:

One issue was identified that requires further investigation -

- Whether a historic heritage assessment of the proposed freehold is required and if there are any historic values associated with the woolshed on proposed freehold land that justify protection.

Risks identified:

No risks have been identified at this point.

General trends in the submitters' comments:

Many of the comments related to public access in the area.

40% of the submitters' points have been disallowed because they are not matters for tenure review under the CPLA. The majority of points not able to be considered under the CPLA fell into the categories of -

- Economic matters
- Survey matters
- Matters relating to the Summary of Proposal information provided to public
- Matters of government and industry policy
- Matters relating to marginal strips and legal roads
- Post tenure review management issues
- Matters relating to land outside of the reviewable land

I recommend approval of this analysis and recommendations.



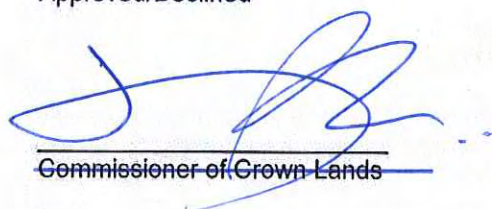
Carolyn Latham
DARROCH LIMITED
Date: 23rd March 2012

Peer reviewed by:



David Paterson
DARROCH LIMITED
Date: 23rd March 2012

Noted
~~Approved/Declined~~



~~Commissioner of Crown Lands~~

Date:

Appendices:

1. Copy of Public Notice
2. List of Submitters
3. Copy of Annotated Submissions