

## **Crown Pastoral Land Tenure Review**

**Lease name : SHAG VALLEY**

**Lease number : PO 331**

### **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.

## ANALYSIS OF PUBLIC SUBMISSIONS

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

#### SHAG VALLEY TENURE REVIEW NO 12579

#### 1. Details of lease

Lease name: Shag Valley  
Location: State Highway 85, approx. 24 Kilometres from Palmerston.  
Lessee: Jonathon and Tanya Bell

#### 2. Public notice of preliminary proposal

Saturday 17 November 2012

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

*Closing date for submissions:* 5 February 2013

#### 3. Details of submissions received

Number received by closing date: 10

Total Submissions received: 10

Cross-section of 8 groups or organisations and 2 individual represented by submissions.

Number of late submissions refused. Nil

#### 4. Analysis of Submissions

##### 4.1. Introduction

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

The following analysis:

1. Summarises each of the points raised along with the recorded number (shown in the appended tables) of the submitter(s) making the point.
2. Discusses each point.
3. Recommends whether or not to **allow** the point for further consideration.
4. If the point is **allowed**, recommends whether to **accept** or **not accept** the point for further consideration.

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

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

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

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

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

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

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

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

#### 4.2. Analysis

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
1	General support for the proposal	1	Allow	Accept

##### ***Rationale for Allow:***

As the proposal has been prepared in accordance with the objects in Section 24 of the CPLA and the point is a statement of support for the proposal; the point is allowed.

##### ***Rationale for Accept:***

As the point relates to the objects and matters to be taken into account in the CPLA, and the submitter makes a statement of support for aspects of the Preliminary Proposal, it is accepted for further consideration by the Commissioner in the formulation of a substantive proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
2	Concern about the monitoring provisions in the covenant. Methods are visual only and reference plot lines would be preferable.	1	Allow	Not Accept

##### ***Rationale for Allow:***

The point relates to the protection of the Significant Inherent Values (SIVs) and as the object of Section 24(b)(i) of the CPLA, is the protection of the values by the creation of protective mechanisms; the point is therefore allowed.

##### ***Rationale for Accept:***

The monitoring provisions in the covenant were widely canvassed during consultation. Reference plot lines were considered as an option but not considered necessary by DOC.

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

Point	Summary of point raised	Submission numbers	Allow or disallow
3	The submitter requested the results of the monitoring be made available to the Waitaki District Council to assist with the state of the environment reporting.	1	Disallow

**Rationale for Disallow:**

The Commissioner is not required to deal with the monitoring of covenants post tenure review as he has no responsibility in this regard under the CPLA. The point is therefore disallowed. The use of the data collected is matter between DOC, the District Council and the land owner.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
4	Full support for the Scenic Reserve status of R1	2,4,5,7,8	Allow	Accept

**Rationale for Allow:**

The point relates to the protection of the SIVs in accordance with Section 24(b)(ii) of the CPLA and by the restoration of the land to Crown ownership and control under Section 35(2)(a)(ii) of the CPLA and the point is therefore allowed.

**Rationale for Accept:**

As the point relates to the objects and matters to be taken into account in the CPLA, and the submitter makes a statement of support for aspects of the Preliminary Proposal, it is accepted for further consideration by the Commissioner in the formulation of a substantive proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
5	Support for Conservation Covenants CC1 and CC1A-E	2,3,8	Allow	Accept

**Rationale for Allow:**

The object of Section 24(b) of the CPLA is to protect the SIVs identified on the reviewable land and the point raised by the submitter relates to the protection of the values. This point is therefore allowed.

**Rationale for Accept:**

As the point relates to the objects and matters to be taken into account in the CPLA, and the submitter makes a statement of support for aspects of the Preliminary Proposal, it is accepted for further consideration by the Commissioner in the formulation of a substantive proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
6	CC1A and CC1B should be joined and enlarged to include all the high altitude land from the western boundary to R1 Scenic.	2,3,5,7	Allow	Accept

**Rationale for Allow:**

The object of Section 24(b) of the CPLA is to enable the protection of the SIVs of the reviewable land and as this point relates to the protection of the SIVs it is therefore allowed.

**Rationale for Accept:**

The boundaries of the biodiversity component of the covenant have been taken from aerial photographs and the boundaries will be finalised during the next phase of the process.

The point highlights issues previously considered but articulates reasons why the submitter prefers an alternative outcome under the CPLA. The point meets the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
7	CC1A and CC1B should be joined and enlarged to include all the high altitude land and be added to R1 Scenic.	2,3	Allow	Not Accept

**Rationale for Allow:**

Section 24(b) of the CPLA is to enable the protection of the SIVs of the reviewable land and as this point relates to the protection of the SIVs it is therefore allowed.

**Rationale for Not Accept:**

The point does not meet the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. Including this area in R1 Scenic was canvassed during consultation. While this point meets the objects and matters to be taken into account in the CPLA, it does not introduce any new information or a perspective not previously considered.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
8	CC1D should be increased in size to include three rocky bluffs immediately above the creek.	2,3,5,7	Allow	Accept

**Rationale for Allow:**

Section 24(b) of the CPLA is to enable the protection of the SIVs of the reviewable land and as this point relates to the protection of the SIVs it is therefore allowed.

**Rationale for Accept:**

The boundaries of the biodiversity component of the covenant have been taken from aerial photographs. The boundaries of the covenants will be confirmed during the formulation of the substantive proposal.

The point highlights issues previously considered but articulates reasons why the submitter prefers an alternative outcome under the CPLA. In this case a slightly different boundary line. The point meets the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
9	CC1E should be destocked to allow forest regeneration. One submitter suggested cattle should be excluded.	2,3,5,7	Allow	Not Accept

**Rationale for Allow:**

The object of Section 24(b) of the CPLA is to protect the SIVs identified on the reviewable land and the point raised by the submitter relates to the protection of the values. This point is therefore allowed.

**Rationale for Not Accept:**

The area identified as CC1E is one of the five biodiversity areas within the wider covenant CC1. One of the requirements of the covenant is that the owner must not encourage stock into the biodiversity areas. CC1E is to be fenced therefore no stock will be able to access the area. The proposal therefore provides for the recommendation from the submitter.

The point does not meet the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. While this point meets the objects and matters to be taken into account in the CPLA, it does not introduce any new information or a perspective not previously considered.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
10	General support for the covenant conditions.	2	Allow	Accept

**Rationale for Allow:**

The object of Section 24(b) of the CPLA is to protect the SIVs identified on the reviewable land and the point raised by the submitter relates to the protection of the values with the terms and conditions in the covenant. This point is therefore allowed.

**Rationale for Accept:**

As the point relates to the objects and matters to be taken into account in the CPLA, and the submitter makes a statement of support for aspects of the Preliminary Proposal, it is accepted for further consideration by the Commissioner in the formulation of a substantive proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow
11	The owner be required to design and implement a weed eradication programme that will see standing gorse, broom and wilding pines removed within 20 years	2	Disallow

**Rationale for Disallow:**

The Commissioner has no control over future land use post tenure review. The issue of weed control on freehold land is a matter for the owner and the Commissioner has no responsibility in this regard under the CPLA. The point is therefore disallowed.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or Not accept
12	The submitter recommends a species list and biodiversity description be recorded in the covenant and it should be audited and updated every 5 years.	2	Allow in part	Accept

**Rationale for Allow in part:**

The object of Section 24(b) of the CPLA is to protect the SIVs identified on the reviewable land and the point raised by the submitter questions whether the covenant adequately describes the values by not having a species list and biodiversity description; therefore whether the values identified can be adequately protected in the proposal. This part of the point is therefore allowed. This part of the point is similar the issue noted in point 19.

The second part requesting an audit and update every 5 years relates to the management of the covenant post tenure review. This is not a tenure review matter and is disallowed.

**Rationale for Accept:**

The point meets the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. The part of the point allowed highlights issues previously considered but articulates reasons why the submitter prefers an alternative outcome under the CPLA and the point introduces new information or a perspective not previously considered.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
13	The submitters support the access provisions in relation to a-b and c-d.	3,5,6,9	Allow	Accept

**Rationale for Allow:**

The object of Section 24(c)(i) of the CPLA is to make easier the securing of public access to and enjoyment of reviewable land. As the point relates to this aspect it is therefore allowed.

**Rationale for Accept:**

As the point relates to the objects and matters to be taken into account in the CPLA, and the submitter makes a statement of support for aspects of the Preliminary Proposal, it is accepted for further consideration by the Commissioner in the formulation of a substantive proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
14	This point has been amalgamated into point 4 and discussed under that point.			

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
15	The submitter believes CC1B should be retained in Crown ownership and fenced to protect the values.	4	Allow	Not Accept

**Rationale for Allow:**

Section 24(b) of the CPLA is to enable the protection of the SIVs of the reviewable land and as this point relates to the protection of the SIVs it is therefore allowed.

**Rationale for Not Accept:**

The point does not meet the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. Including this area in Crown ownership was canvassed during consultation. While this point meets the objects and matters to be taken into account in the CPLA, it does not introduce any new information or a perspective not previously considered.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
16	The submitter believes that the biodiversity covenants are not ecologically sustainable because stock will continue to graze the areas.	4	Allow	Not accept

**Rationale for Allow:**

Section 24(a)(i) is to promote the management of the reviewable land in a way that is ecologically sustainable and Section 24(b) of the CPLA is to enable the protection of the SIVs of the reviewable land and as this point relates to the sustainability of the land and protection of the SIVs it is therefore allowed.

**Rationale for Not Accept:**

The issue of grazing the biodiversity areas was discussed at length during consultation. While it is accepted that some grazing of the biodiversity covenant areas will happen, it is anticipated that this will reduce over time as the woody vegetation in the areas thicken. The majority of the biodiversity areas are self protected by contour and aspect. Monitoring provisions are included and these will assist the sustainable management of the area.

The point does not meet the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. While this point meets the objects and matters to be taken into account in the CPLA, it does not introduce any new information or a perspective not previously considered.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
17	The submitter believes an easement should be created between R1 and Conical Peak. See also point 37	4	Allow	Accept

**Rationale for Allow:**

The object of Section 24(c)(i) of the CPLA is to make easier the securing of public access to and enjoyment of reviewable land. As the point relates to this aspect it is therefore allowed.

**Rationale for Accept:**

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

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
18	The submitter supports the freehold disposal, subject to certain changes to the covenant, particularly CC1B. See point 15.	4	Allow	Accept

**Rationale for Allow:**

The object of Section 24(c)(ii) of the CPLA is to allow for the freehold disposal of reviewable land. As the point relates to this aspect it is therefore allowed.

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**Rationale for Accept:**

As the point relates to the objects and matters to be taken into account in the CPLA, and the submitter makes a statement of support for aspects of the Preliminary Proposal, it is accepted for further consideration by the Commissioner in the formulation of a substantive proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
19	The submitter would like the biodiversity areas better described in the covenant document.	5	Allow	Accept

**Rationale for Allow:**

The object of Section 24(b) of the CPLA is to protect the SIVs identified on the reviewable land and the point raised by the submitter questions whether the covenant adequately describes the values and therefore whether the values identified can be adequately protected in the proposal. The point is therefore allowed. This point is similar to that raised in the first part of point 12.

**Rationale for Accept:**

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

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
20	The submitter supports covenant CC1C	5	Allow	Accept

**Rationale for Allow:**

The object of Section 24(c)(ii) of the CPLA is to allow for the freehold disposal of reviewable land and Section 24(b)(i) to enable the protection of the SIVs on reviewable land by the creation of protective mechanisms. As the point relates to this aspect it is therefore allowed.

**Rationale for Accept:**

As the point relates to the objects and matters to be taken into account in the CPLA, and the submitter makes a statement of support for aspects of the Preliminary Proposal, it is accepted for further consideration by the Commissioner in the formulation of a substantive proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
21	The submitter supports the monitoring provisions in the covenant CC1 .	5	Allow	Accept

**Rationale for Allow:**

The object of Section 24(b)(i) CPLA is to enable the protection of the SIVs on reviewable land by the creation of protective mechanisms. Monitoring provisions are included in the covenant document. As the point relates to this aspect it is therefore allowed.

**Rationale for Accept:**

As the point relates to the objects and matters to be taken into account in the CPLA, and the submitter makes a statement of support for aspects of the Preliminary Proposal, it is accepted for further consideration by the Commissioner in the formulation of a substantive proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
22	Submitter is concerned there is no provision for public access to CC1	5	Allow	Not Accept

**Rationale for Allow:**

The object of Section 24(c)(i) of the CPLA is to make easier the securing of public access to and enjoyment of reviewable land. As the point relates to this aspect it is therefore allowed.

**Rationale for Not Accept:**

The point does not meet the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. Public access was well canvassed during consultation. While this point meets the objects and matters to be taken into account in the CPLA, it does not introduce any new information or a perspective not previously considered.

Point	Summary of point raised	Submission numbers	Allow or disallow
23	The submitter suggested public foot access to CC1E be investigated from Razorback Road and up the marginal strip on the South Branch Waianakarua River.	5	Disallow

**Rationale for Disallow:**

Legal roads and marginal strips are not part of the reviewable land. The Commissioner has no authority to deal with land that is not part of the reviewable land under the CPLA. The point is therefore disallowed.

Point	Summary of point raised	Submission numbers	Allow or disallow
24	Public access opportunities should not be limited to a case by case basis and should be considered with adjoining properties as they come up for review.	6	Disallow

**Rationale for Disallow:**

The tenure review relates to the reviewable land only. The Commissioner has no authority to deal with land that is not part of the reviewable land under the CPLA. The point is therefore disallowed.

Point	Summary of point raised	Submission numbers	Allow or disallow
25	Legal road running along the southern boundary should also be marked as a public access route on the plan	6	Disallow

**Rationale for Disallow:**

Legal road lines are not part of the reviewable land and therefore not subject to the provisions of the CPLA. The point is therefore disallowed.

Point	Summary of point raised	Submission numbers	Allow or disallow
26	Government policy should not override the objects of the CPLA which are fundamental to the future well being of the South Island high country.	7	Disallow

**Rationale for Disallow:**

This is not a matter that can be taken into account under the CPLA. The point is therefore disallowed.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
27	The submitter is concerned that the preference for Crown ownership for the protection of the SIVs has not been implemented in this review.	7	Allow	Not accept

**Rationale for Allow:**

The object of Section 24(b) of the CPLA 1998 is to enable the protection of the SIVs of reviewable land with a preference for restoration of the land concerned to full Crown ownership and control. The point is therefore allowed for further consideration by the Commissioner in the formulation of a Substantive Proposal.

**Rationale for Not Accept:**

The point does not meet the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. The designations were well canvassed during consultation. While Crown ownership may be the preference under the CPLA, the Act provides for the creation of protective mechanisms which have been used in conjunction with Crown ownership for the protection of the SIVs on Shag Valley. While this point meets the objects and matters to be taken into account in the CPLA, it does not introduce any new information or a perspective not previously considered.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
28	The submitter is concerned the proposed monitoring is not regular enough to show changes in the values.	7	Allow	Not accept

**Rationale for Allow:**

The object of Section 24(b)(i) CPLA is to enable the protection of the SIVs on reviewable land by the creation of protective mechanisms. Monitoring provisions are included in the covenant document. As the point relates to this aspect it is therefore allowed.

**Rationale for Not Accept:**

The point does not meet the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. The covenant conditions were well canvassed during consultation. While this point meets the objects and matters to be taken into account in the CPLA, it does not introduce any new information or a perspective not previously considered.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or Not accept
29	The submitter supports the freehold disposal of the areas with no SIVs subject to an agreed nutrient maintenance programme to ensure the land is managed sustainably.	7	Allow	Not accept

**Rationale for Allow:**

The object of Section 24(a)(i) CPLA is to promote the management of reviewable land in a way that is ecologically sustainable. As the point relates to this aspect, it is therefore allowed.

**Rationale for Not Accept:**

The point does not meet the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. Ecological sustainability of this land was discussed during the preparation of the proposal. While this point meets the objects and matters to be taken into account in the CPLA, it does not introduce any new information or a perspective not previously considered.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
30	The submitter believes bush remnants at GR I41:221,435 should be included in a biodiversity covenant.	7	Allow	Accept

**Rationale for Allow:**

Section 24(b) of the CPLA 1998 is to enable the protection of the SIVs of the reviewable land and as this point relates to the protection of the SIVs it is therefore allowed.

**Rationale for Accept:**

The boundaries of the biodiversity component of the covenant have been taken from aerial photographs. The boundaries of the covenants will be confirmed during the formulation of the substantive proposal.

The point highlights issues previously considered but articulates reasons why the submitter prefers an alternative outcome under the CPLA. In this case a slightly different boundary line. The point meets the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
31	The submitter is concerned about the terms and conditions of the conservation covenant, including spraying, over sowing and top dressing, and the lack of a defined stocking rate.	7	Allow	Not accept

**Rationale for Allow:**

Section 24(b) of the CPLA is to enable the protection of the SIVs of the reviewable land and as this point relates to the protection of the SIVs it is therefore allowed.

***Rationale for Not Accept:***

The point does not meet the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. The covenant conditions were well canvassed during consultation. While this point meets the objects and matters to be taken into account in the CPLA, it does not introduce any new information or a perspective not previously considered.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept.
32	The submitter approves of the covenant conditions relating to control of weeds.	7	Allow	Accept

***Rationale for Allow:***

Section 24(b) of the CPLA is to enable the protection of the SIVs of the reviewable land and as this point relates to the protection of the SIVs through the control of the weeds and is therefore allowed.

***Rationale for Accept:***

As the point relates to the objects and matters to be taken into account in the CPLA, and the submitter makes a statement of support for aspects of the Preliminary Proposal, it is accepted for further consideration by the Commissioner in the formulation of a substantive proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow
33	The submitter believes the review of Shag Valley cannot be finalised until formal public access is established through Kinross.	7	Disallow

***Rationale for Disallow:***

While public access is one of objects of the CPLA, the requirement to have the tenure review subject to the outcome of another tenure review is not a matter for consideration under the Crown Pastoral Land Act 1998. The point is therefore disallowed.

Point	Summary of point raised	Submission numbers	Allow or disallow
34	The submitter would like to see a public access easement created along the "Airstrip Ridge" legal road and down the front face to SH 85	7	Disallow

***Rationale for Disallow:***

Legal road lines are not part of the reviewable land and therefore not subject to the provisions of the CPLA. Access down the front face to SH 85 is over freehold land which is also not part of the reviewable land. The point is therefore disallowed.

Point	Summary of point raised	Submission numbers	Allow or disallow
35	The submitter believes the NZ Walking Commission should be consulted and invited to assist in the planning for and development of an east to west access route.	7	Disallow

**Rationale for Disallow:**

The development of an east to west access route is not a tenure review matter. Access routes created as a result of tenure review may well contribute to an east to west route, however the objects of the CPLA relate to the reviewable land only. The point is therefore disallowed.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
36	The submitter supports the freehold disposal of the land in the proposal.	8	Allow	Accept

**Rationale for Allow:**

The object of Section 24(c)(ii) of the CPLA allows for the freehold disposal of reviewable land. As the point relates to this aspect it is therefore allowed.

**Rationale for Accept:**

The submitter makes a statement of support for aspects of the Preliminary Proposal; it is therefore accepted for further consideration by the Commissioner in the formulation of a substantive proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
37	The submitter believes walking access should be provided within the lease along the western and northern boundary to R1.	9	Allow	Accept

**Rationale for Allow:**

The object of Section 24(c)(i) of the CPLA is to make easier the securing of public access to and enjoyment of reviewable land. As the point relates to this aspect it is therefore allowed.

**Rationale for Accept:**

An access route along the western and northern boundary is something that was not contemplated or discussed during the development of the proposal. The point meets the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. This is because it relates to the objects and matters to be taken into account in the CPLA and the point introduces new information or a perspective not previously considered.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
38	The submitter believes walking access is required from Conical Peak south to join into the marginal strip in the Middle Branch Waianakarua River.	9	Allow	Accept

***Rationale for Allow:***

The object of Section 24(c)(i) of the CPLA is to make easier the securing of public access to and enjoyment of reviewable land. As the point relates to this aspect it is therefore allowed.

***Rationale for Accept:***

An access route from Conical Peak down to the marginal strip is something that was not contemplated or discussed during the development of the proposal. The point meets the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. This is because it relates to the objects and matters to be taken into account in the CPLA and the point introduces new information or a perspective not previously considered.

Point	Summary of point raised	Submission numbers	Allow or disallow
39	The submitter request clarification on the proposed public access network in the area and LINZ policy on addressing public access initiatives outside tenure review land.	9	Disallow

***Rationale for Disallow:***

The development of a public access network is not a tenure review matter. Access routes created as a result of tenure review may well contribute to a network in the area, however the objects of the CPLA relates to the reviewable land only. The point is therefore disallowed.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
40	The submitter requested a more thorough historical investigation of the property.	10	Allow	Accept

***Rationale for Allow:***

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

***Rationale for Accept:***

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

**Summary and Conclusion**

Overview of analysis

In analysing the 10 submissions received 39 points were identified. There was support for the proposal or aspects of the proposal from all the submitters. Of the 39 points raised, 28 were allowed in total or in part for further consideration. Of the 28 that were allowed, 19 have also been accepted for consideration in the preparation of a draft substantive proposal. This was largely on the basis on the provision of new information or the submitter provided reasons why an alternative outcome should be considered, or was a statement of support for aspects of the proposal. Of the 19 accepted for further consideration 10 were statements of support for aspects of the proposal.

In total there were 39 points raised, of which 19 are "Allowed" and "Accepted" for further consideration, 10 "Not Accepted" and 10 points "Disallowed" and will not be considered further.

#### Generic Issues

The submitters were generally happy with the proposal, but some would have liked further protection of the main biodiversity areas, either through more stringent conditions in the covenant or with additional fencing, where appropriate. Some considered the higher altitude areas should be added to the reserve. A number of submitters would have liked additional public access, particularly along the western and northern boundary. There was also significant interest in the location of the legal road lines running along the boundary of the property.

#### Gaps identified in the proposal or tenure review process

The proposal put forward represented a change to the use of covenants rather than Crown ownership to protect the values. Many submitters were concerned about the ability of the covenants to provide adequate protection, given the lack of fencing around the areas of highest significance.

#### Risks identified

No specific risks have been identified through the public notification process.

#### General trends in the submitters' comments

The common issues raised were:

- The need for further access routes.
- Support for the use of covenants.
- Some concern about the terms and conditions in the covenant.
- Full support for R1 reserve.

I recommend approval of this analysis and recommendations



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David Paterson  
Tenure Review Consultant  
**Darroch Limited**

Date 25/03/2013

Peer Reviewed by



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Ken Taylor  
Tenure Review Consultant  
**Darroch Limited**

Date 25/03/2013