



Land Information
New Zealand
Toitū te whenua

Crown Pastoral Land Tenure Review

Lease name : GEM LAKE

Lease number : PO 122

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.

June

14

FINAL 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)

GEM LAKE TENURE REVIEW NO 12465

1. Details of lease

Lease name: Gem Lake
Location: Aitchesons Run Rd, Moa Flat.
Lessee: Stephen Ross Norman, Bryan John Norman and Katrina Susan Norman

2. Public notice of preliminary proposal

Saturday 26 September 2009

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

Closing date for submissions:

Friday 27 November 2009

3. Details of submissions received

Number received by closing date: 19

Total Submissions received: 19

Cross-section of 15 groups and 4 individuals 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 is included in this final report reflecting the substantive proposal.

4.2. Analysis

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
1	The submitters have indicated their general support for the proposal or parts of the proposal	1, 4, 5, 6, 7, 10, 12, 13, 14, 15, 16, 18 and 19	Allow	Accept

Rationale for Allow:

As the submitters have expressed their support for the proposal that has been prepared in accordance with the objects of the Crown Pastoral Land Act that are:

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

this point is therefore allowed.

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.

Final Analysis

The designations noted by the submitters have been carried through into the substantive proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
2	The submitters suggest there is a need for 4WD access to and over the conservation area.	2, 7, 12, 13, 16, 17, 18 and 19	Allow	Accept

Rationale for Allow:

As the point is raised is in accordance with the object of Section 24(c)(i) CPLA which is to make easier the securing of public access to and enjoyment of reviewable land; the point is allowed.

Rationale for Accept:

Eight submissions were received wanting 4WD access. The thrust of the submissions related to the sheer distance involved in this property. Two submitters in particular noted *“Public access would be improved if some concession for 4WD vehicles to use the farm track in appropriate conditions was available, especially for recreational hunting”*.

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

Final Analysis

The desirability of as of right 4WD access was considered further during the preparation of a substantive proposal. Access along the main farm track has not been included because of the holders' reluctance to allow vehicle access with the associated issues it would bring to the farming operation plus the difficulties in mitigating the risks associated with vehicles on the track. Track maintenance was also an issue that could not be resolved. As a result of this submission however, an alternative 4WD access route up the track on the south side of McEwans bush has been included in the proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
3	The submitters suggest there is a need for more practical access along the existing farm track (labeled “c-d” “e-f” “g-h” and “i-j”).	6, 8, 10, 13, 14, 15 and 17	Allow	Accept

Rationale for Allow:

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

Rationale for Accept:

The submitters expressed a range of matters on this issue ranging from the desirability of this route for round trips to increasing accessibility to users with a range of fitness. The point meets the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal because it relates to the objects and matters to be taken into account in the CPLA, and the submitters presented reasons why an alternative outcome under the CPLA is preferred.

Final Analysis

The need for an easement along the existing farm track was considered further during the preparation of a substantive proposal. No changes have been made to the proposal in this regard because alternative access along the river boundary was preferred.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
4	The submitters suggest the fence between the farm track and the river needs to be positioned to allow public access.	6 and 8	Allow	Accept

Rationale for Allow:

The point relates to public access and as one of the objects of Section 24(c)(i) of the CPLA is to make easier the securing of public access to and enjoyment of reviewable land; the point is therefore allowed.

Rationale for Accept:

The submitters sought practical public access between the river and any fence that is created along D-E-F and one suggested that appropriate benching of the fence would allow this.

The point meets the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. This is because it relates to the objects and matters to be taken into account in the CPLA, and the submitters presented reasons why an alternative outcome under the CPLA is preferred. It should however be noted that the river is not within the property and therefore not part of the reviewable land. Access along the bush edge is a matter that has been discussed in the development of the preliminary proposal and it is the intention to ensure reasonable public access between the fence and the bush line, the details of which will be determined during the pre implementation phase of the process.

Final Analysis

This point was considered further during the preparation of a substantive proposal. No changes have been made to the proposal as a result of this submission.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
5	The submitters have suggested the area north of the Jordan should all be protected with a covenant.	14 and 15	Allow	Accept

Rationale for Allow

The point raised by the submitters' questions whether the proposal protects the values present on the reviewable land. The point relates to the protection of the significant inherent values identified on the reviewable land. As the protection of the significant inherent values is the object of Section 24(b) of the Crown Pastoral Land Act 1998, this point is therefore allowed.

Rationale for Accept:

The submitters tended to agree with the proposed freehold, but expressed the view that the north east lying land in the McGregor Country should be given some form of protection by way of a covenant to retain its somewhat less modified character and to be more in keeping with the land further north.

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

Final Analysis

The need for a landscape covenant over this area was considered further during the preparation of a substantive proposal. The significant inherent values of the area referred to were reviewed as part of the substantive proposal and no change was made to the proposal as a result.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
6	The submitter has suggested the designation of the area north of the Jordan should be reconsidered with the use of a sustainable management covenant a possibility.	10	Allow	Accept

Rationale for Allow:

As one of the objects of Section 24(a)(i) of the CPLA 1998 is to promote the management of reviewable land in a way that is ecologically sustainable, the point is allowed.

Rationale for Accept:

The submitter went into some detail about the land use class of the land in the McGregor and Island Blocks. He indicated the land was in either Class VIIe or VIIC, both of which are limited by climatic or erosion characteristics.

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.

Final Analysis

The need for a sustainable management covenant over this area was considered during the preparation of a substantive proposal. An SMC was not considered the appropriate mechanism for this area and no changes have been made as a result.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
7	The submitters suggest CC1 should be retained in Crown ownership and included with the conservation area along the Pomahaka River	10, 14 and 15	Allow	Accept

Rationale for Allow:

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

This point is therefore allowed.

Rationale for Accept:

The submitters felt that the values within CC1 as detailed in the CRR and in the proposal mean it should rather be a CA and connected to that part of CA1 that stops at the Jordan-Pomahaka confluence rather than a CC. One submitter suggested that the part of CA1 along the Pomahaka should be a separate CA with the area in CC1 included.

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 articulate reasons why an alternative outcome under the CPLA is preferred.

Final Analysis

The desirability of including the land covered by covenant CC1 into the conservation area south along the Pomahaka River was considered further during the preparation of a substantive proposal. The significant inherent values of the area referred to were reviewed as part of the substantive proposal and no change was made to the proposal as a result.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
8	The submitters require the fencing around McEwen's Bush and other bush tongues along the boundary should allow regeneration of new bush.	10 & 14	Allow	Accept

Rationale for Allow:

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

This point is therefore allowed.

Rationale for Accept:

The submitters observed some beech forest regeneration was occurring around the fringes of the beech forest tongues which occur in several minor tributary valleys. Based on this observation, they considered that the new fences A-B and C-D enclosing McEwans Bush should be located in such a way as to allow space for beech regeneration around the edges.

The point meets the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. This is because it relates to the objects and matters to be taken into account in the CPLA, and the submitters presented reasons why an alternative outcome under the CPLA is preferred. It should be noted the positioning of the fence lines will be finalised during the pre implementation phase of the review. As the proposal is to fence the bush in a way that will allow public access in the conservation area, it is envisaged that the fences will be positioned outside the existing bush line.

Final Analysis

This point was considered during the preparation of a substantive proposal. No changes have been made to the proposal as a result of this submission. The positioning of the fence lines allows for some regeneration and public access.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
9	The submitters request that the farm management concession should be monitored and if necessary fenced to ensure the vegetation is not damaged.	10, 14 and 15	Allow	Accept

Rationale for Allow:

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

This point is therefore allowed.

Rationale for Accept:

The submitters wanted the farm management concessions fenced off to stop stock incursions into the bush.

The point meets the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. This is because it relates to the objects and matters to be taken into account in the CPLA, and the submitters presented reasons why an alternative outcome under the CPLA is preferred. It should be noted the positioning of the fence lines will be finalised during the pre implementation phase of the review.

Final Analysis

This point was considered during the preparation of a substantive proposal. The proposal has been changed so that there is no farm management concession required through the bush. Some strategic fencing has been included in McEwans Bush.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
10	The submitter has issues with the designations plan not showing marginal strips.	3	Disallow	N/A

One submitter was concerned about the designations plan, in particular the lack of information regarding marginal strips saying "It is our view that the marginal strips could also be clearly shown" and went further saying "When you look at the inset you must ask yourself the question, how does the freehold owner get legal access from h-i? This clearly shows that there will be a marginal strip along both sides of the Jordan Creek. I wonder if there are any other creeks that may qualify for a marginal strip. Why is it not shown as a designation of marginal strip on this plan?" The submitter went onto comment about the Land Status Check and noted that it only showed existing marginal strips on the Pomahaka River.

Rationale for Disallow:

Land associated with marginal strips does not form part of the reviewable land and is therefore not subject to Part 2 of the Crown Pastoral Land Act 1998. The point is therefore disallowed.

The submitter should be aware that the holder has been provided with a qualifying waterways report and is fully conversant with the marginal strips and qualifying waterways.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
11	The submitter has issues with the legal documents.	3	Disallow	N/A

Rationale for Disallow:

The submitter expressed concern about the public and Doc management easement and the farm management concession documents set out in the proposal.

While the issues raised by the submitter relate to the legal documents in this review, they are general in nature and do not specifically relate to the objects of the CPLA. The point is therefore disallowed.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
12	The submitter suggests access easements are required over strips.	3	Disallow	N/A

Rationale for Disallow:

The submitter expressed concern that there was no legal access over the marginal strips for the farmer.

As the land associated with marginal strips does not form part of the reviewable land it is not subject to Part 2 of the Crown Pastoral Land Act(CPLA) 1998 and the point is therefore disallowed.

The submitter should note that the Crown negotiators are well aware of the ownership of the marginal strips and the riverbeds. It is due to this ownership structure that the land cannot be dealt with under the CPLA.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
13	The submitter requests recognition of the mineral potential of the property and seeks access rights over both the freehold and conservation land post tenure review	9	Disallow	N/A

Rationale for Disallow:

The submitter was concerned that the proposal did not recognise the mineral potential of the property and made no provision for access to the land for mineral exploration or prospecting.

The processing of mineral exploration and access is provided for under the Crown Minerals Act and is not a matter for the Commissioner to consider in tenure review therefore the point is disallowed.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
14	The submitter requests that CA1 should not be retained as conservation land due to the impact on adjoining land.	11	Disallow	N/A

Rationale for Disallow:

The submitter was concerned about the impact additional conservation land in the area would have on adjoining land. In this regard the submitter noted *"We are most concerned about the new DOC land, as shown on the map, been more accessible to the general public, as with the presents of hunters, there is a real possibility of poaching and trespassing of our stock and land. The uncontrolled presence of dogs on our grazing area could result in sheep measles infestations."*

Adjoining land does not form part of the reviewable land and therefore not part of the tenure review. The impact of a tenure review on adjoining land is therefore not a matter for the Commissioner to consider in tenure review and the point is therefore disallowed.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
15	The submitter requests that public access should not be provided for in the proposal due to the impact on adjoining land.	11	Disallow	N/A

Rationale for Disallow:

The submitter was concerned about the impact public access would have adjoining land. In this regard the submitter noted *"We are very aware that once the stock are put in the summer country in January that if constantly disturbed by the activity of hunting, horse riders, 4 wheel drive vehicles and especially motorbikes, they will all drift home wards and hang around the nearest point to home and starve...."* The submitter went further saying *"Another big concern is that with all the possible extra activity in this area, especially motor bikes, the chances of escaped fires is a real threat to all our livestock, which would have little chance of survival in thick tussock country."*

Adjoining land does not form part of the reviewable land and therefore not part of the tenure review. The impact of a tenure review on adjoining land is therefore not a matter for the Commissioner to consider in tenure review and the point is therefore disallowed.

The submitter should note there is no provision in the access easement for either motor bikes or 4WD vehicles.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
16	The submitter suggests that CA1 could still be used for summer grazing	3	Allow	Accept

Rationale for Allow:

The objects of Section 24(a) of the Crown Pastoral Land Act 1998 are to protect the significant inherent values identified on the reviewable land and to enable reviewable land capable of economic use to be freed from the management constraints resulting from its tenure under reviewable instrument. The point raised by the submitter questions whether the current designation meets this object and the point is therefore allowed.

Rationale for Accept:

The submitter pointed out that the area within CA1 could still be suitable for continued summer grazing. The submitter noted *"..the area to be returned to the Crown contains plant species in their natural state. The state has been maintained under extensive grazing regime by the current owners as a summer run-off. It is felt that this land could still be utilized in such a manner."*

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 highlights issues previously considered but articulates reasons why the submitter prefers an alternative outcome under the CPLA.

Final Analysis

The desirability of allowing summer grazing in CA1 was considered further during the preparation of a substantive proposal. Based on the significant inherent values present, no changes have been made to the proposal in this regard.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
17	The submitter considered public access should be provided through the proposed freehold to point "A" if the proposed route is not practical.	10	Allow	Accept

Rationale for Allow:

As one of the objects of Section 24(c)(i) of the CPLA is to make easier the securing of public access to and enjoyment of reviewable land; the point is therefore allowed.

Rationale for Accept:

The submitter was not convinced as to the practicality of the proposed access route along the edge of the bush of McEwans Bush. This aspect is noted in point 3 above. The submitter went on to say *"We appreciate that the above submission would require additional easements as follows: (a) up the face of the Nobbies to point 'A'..."*

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 highlights issues previously considered but articulates reasons why the submitter prefers an alternative outcome under the CPLA.

Final Analysis

This point was considered during the preparation of a substantive proposal. As a result, public access, including 4WD access, has been added to the proposal over the existing track up the south side of McEwans Bush to CA1.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
18	The submitter believes CA1 should be extended to include the narrow freehold strip along the Whitecoomb boundary.	14	Allow	Accept

Rationale for Allow:

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

- (a) To-
 - (i) Promote the management of reviewable land in a way that is ecologically sustainable
- (b) To enable the protection of the significant inherent values of reviewable land-
 - (i) By the creation of protective mechanisms; or (preferably)
 - (ii) By the restoration of the land concerned to full Crown ownership and control; and..

the point is therefore allowed.

Rationale for Accept:

The submitter was concerned that the McEwans Bush strip was very narrow and this would be improved with the addition of the proposed freehold strip. The submitter noted *"The altitudinal sequence from the summit of the Umbrella Mountains down to the Pomahaka River and including McEwans Bush is particularly important, but given the narrowness of the strip as it passes through McEwans Bush area we suggest that the CA boundary be extended to include the narrow freehold strip at the point of entry to the lease before the bush is reached. This would then allow this significant area of beech forest a buffer area where perhaps some further regeneration could take place."*

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 highlights issues previously considered but articulates reasons why the submitter prefers an alternative outcome under the CPLA.

Final Analysis

The desirability of including the land discussed into the conservation area CA1 was considered further during the preparation of a substantive proposal. The significant inherent values of the area referred to were reviewed as part of the substantive proposal and no change was made to the proposal as a result.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
19	The submitter believes the fence line K-L should be moved onto the adjoining ridgeline.	15	Disallow	N/A

Rationale for Disallow:

The submitter noted *"..we would like to see the fence K-L lifted out of the creek and shifted on to the ridge south of the proposed line. Fencing on a ridge is far more secure and easier to maintain."*

The appropriate location of the fence lines is more of an operational matter and not something that can be related to the objects of the CPLA. The point is therefore disallowed.

The submitter can be assured that the positioning of the fence line is a matter that will be considered in the pre implementation phase with the assistance of a fencing advisor.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
20	The submitter believes CA1 should be extended 200 metres further up the Jordan to include a native shrubland.	1	Allow	Accept

Rationale for Allow:

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

This point is therefore allowed.

Rationale for Accept:

The submitter noted in this regard *"The extremely rare weevil Megacolobus garviensis has been found just upstream of the crossing on hard fern."* The submitter further noted *"This is the only known record of this beetle outside Waikaia Forest.....This record is extremely important from both a conservation and bio-geographical standpoint."*

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.

Final Analysis

The desirability of including the land discussed into the conservation area CA1 was considered further during the preparation of a substantive proposal. The values identified were found to be located within the marginal strip. No changes have been made to the proposal as a result.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
21	The submitter suggests CC1 should be conservation area.	3	Allow	Accept

Rationale for Allow:

As one of the objects of Section 24(b) of the CPLA is to enable the protection of the significant inherent values of reviewable land by (ii) the restoration of the land concerned to full Crown ownership and control; therefore the point is allowed.

Rationale for Accept:

The submitter has suggested the area in CC1 should be returned to the Crown, stating *"It is noted that an area of 15 hectares is to be the subject of a Conservation covenant with no right to graze animals on this land. The reason given, it is too small to be maintained by DOC. This however places the obligations on the owners to maintain the area including maintaining the fences around the area to be erected at the Crown's expense. If the owners cannot use the land in any way, shape or form then it should be returned to the Crown."* This point is closely related to point 7 which suggested the area should be included as part of CA1, rather than a separate conservation area as proposed by submitter 3.

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 highlights issues previously considered but articulates reasons why the submitter prefers an alternative outcome under the CPLA.

Final Analysis

The desirability of the need to include the land discussed as conservation land was considered further during the preparation of a substantive proposal. Based on the significant inherent values present, no changes have been made to the proposal in this regard.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
22	The submitter is suggesting the riparian strip north of CC1 should also be protected from the impact of cattle grazing.	15	Allow	Accept

Rationale for Allow:

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

This point is therefore allowed.

Rationale for Accept:

The submitter commented under point 7 in relation to the protection of the area in CC1 and the concerns noted in point 22 follow on from point 7. The submitter noted *"Protecting the riparian strip is equally important as protecting the shrubs contained in CC1. In fact a very good case could be made to protect the riparian strip well north of the proposed CC1. We therefore ask that there be further investigation into this aspect of the proposal."* We have assumed that the submitter is referring to a strip within the pastoral lease and not the riparian strip contained within the existing marginal strip along the Pomahaka River.

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' articulate reasons why an alternative outcome under the CPLA is preferred.

Final Analysis

The need for additional protection of the riparian strip north of CC1 was considered further during the preparation of a substantive proposal. The significant inherent values of the area referred to were reviewed as part of the substantive proposal and no change was made to the proposal in this regard.

Summary and Conclusion

Overview of analysis

In analysing the 19 submissions received 22 points were identified. Of the 19 submissions, 13 generally supported the proposal or aspects of the proposal. All 15 points that were allowed 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.

In total there were 22 points raised, of which 15 are "Allowed" and "Accepted" for further consideration and 7 points "Disallowed" and will not be considered further.

Generic Issues

The submitters were generally very happy with the boundary lines, but some would have liked to have seen the extension of the conservation area further north and additional landscape protection

north of the Jordan. There was general concern by many of the submitters about the practicality of the public access provisions. The inclusion of public vehicle access along the farm track sought in 8 of the 19 submissions. 7 of the 19 submitters also pressed for public access along the farm track in stead of the proposed access along the edge of the proposed conservation area.

Gaps identified in the proposal or tenure review process

Some submitters felt that the preliminary proposal fell short of meeting the objects of Part 2 Crown Pastoral Land Act in relation to the provision of public access more particularly 4 WD access. This could be considered a possible gap in the proposal, however this aspect was discussed as part of the consultation process. The submitters have provided additional information that will assist in the development of the draft substantive proposal which is an outcome of the public process.

Risks identified

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

General trends in the submitters' comments

The common issues raised were:

- Strong support for the proposal generally
- Strong support for the proposed conservation area
- Some concern about the practicality of the public access route
- Support for allowing public vehicle access over the farm track which is currently not part of the proposed access route.

Changes to the proposal as a result of public submissions.

The final analysis of the submissions resulted in changes to the access provisions, but no change to the areas being protected under the proposal. The change to access is the addition of access from the entrance of the pastoral lease up the south side of McEwans Bush to CA1 on the top of the Nobbies. This easement includes public 4WD access.