

Crown Pastoral Land Tenure Review

Lease name: HOME HILLS

Lease number: PO 383

Final Report on Public Submissions

This document builds on the Preliminary Report on public submissions. The analysis determines if an issue that was allowed, and further consulted on, is accepted or not accepted for inclusion in the Substantive Proposal and to what extent. The report complies with the requirements of Section 45 Crown Pastoral Land Act 1998.

The report attached is released under the Official Information Act 1982.

October 06

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)

Home Hills TENURE REVIEW NO 113

Details of lease

Lease name: Home Hills

Location: Upper Manuherikia River 8 kilometres east of St Bathans, between the Manuherikia River and the Hawkdun Range.

Lessee: Euan Sclater Johnstone

Public notice of preliminary proposal

Date advertised: 15 April 2006

Newspapers advertised in:

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

Closing date for submissions: 26 June 2006

Details of submissions received

Number received by closing date: 15 submissions received

Cross-section of groups/individuals represented by submissions: Details in Appendix I

Number of late submissions refused/other: nil

ANALYSIS OF SUBMISSIONS

Introduction

Methodology

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

The following analysis:

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

- Records further consultation undertaken on the allowed points
- Recommends whether or not to accept the allowed points.

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

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

Conversely where the matter raised is not a matter that can be deal with under the CPLA, the decision is to disallow. The Process stops at this point for those points disallowed.

Further consultation with both the Director General of Conservation's delegate and the leaseholder was undertaken on all the allowed points.

A recommendation to accept or not accept the point is made taking into account the views of all parties consulted and any other matters relevant to the review such as a field inspection, balanced against the objects and matters to be taken into account in the Crown Pastoral Land Act 1998 (Section 24 and 25). The out come of an accept decision will be that the point is included in the draft substantive proposal, conversely the outcome of a not accept decision will be that the point is not included in the draft substantive proposal.

Analysis

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
1	Unqualified support for the proposal, or for individual land designations.	1, 2, 9, 10, 11	Allow	Accept

Rationale

Allow or Disallow

Rationale

A number of submitters made statements in support of the whole proposal, or of specific parts of the proposal with respect to the future tenure of the land, without qualifying those comments with suggested alterations.

- Submitter 1 supported all aspects of proposal.
- Submitters 2, 10 and 11 made statements in unqualified support of the designation of land to be retained by the Crown as lake bed.
- Submitters 2 and 9 provided unqualified support for CA2.
- Submitters 9, 10 and 11 provided support for CA3, although submitters 10 and 11 did wonder why it was not designated as Recreation Reserve, and noted that if CA1 was extended as they proposed elsewhere, CA3 may become contiguous with other Conservation areas.
- Submitters 2, 10 and 11 all support the freeholding of all or most of the designated area.

- Submitters 10 provided unqualified support for the Conservation Covenant and acknowledged the detailed description of the values to be protected compared to similar documents.

Statements of support for designations that were also qualified by suggested improvements have been tabulated elsewhere. Statements of support for the easements have also been tabulated in a separate point. Points made in favour of aspects of the proposal can be taken into account, along with points made suggesting alterations. This point is therefore allowed for further consideration.

Accept or Not Accept

The point supports the proposal with no suggested changes and no changes have been implemented as a result of this point. The point is therefore accepted.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
2	Unqualified support for the easements as proposed.	2, 4, 7, 9, 10, 11, 15	Allow	Accept

Rationale

Allow or Disallow

A number of submitters specifically stated approval of specific easements in the proposal. These have only been identified here as points in support of the easements where they were not qualified by suggested alterations. Suggested modifications to easements are tabulated as points elsewhere.

- Support for the continuation of the existing easement in favour of the Omakau Area Irrigation Company Ltd was indicated by submitters 2, 7, 10 and 11.
- Support for the continuation of the existing easement in favour of the Hawkdun Idaburn Irrigation Company Ltd was indicated by submitters 2, 4, 7, 10 and 11.
- Support for the continuation of the easement in favour of the Falls Dam Company Limited was indicated by submitters 2, 4, 10, 11 and 15.
- Support for the proposed farm management easement was indicated by submitters 2, 9, 10 and 11.
- Support for the proposed public and conservation management access easement 'a-b' was indicated by submitters 4 and 9.

Statements both in support of aspects of the proposal, as well as statements in opposition, can be considered under the CPLA process, and the points are therefore allowed for further consideration.

Accept or Not Accept

The point supports the proposal with no suggested changes and no changes have been implemented as a result of this point. The point is therefore accepted.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
3	Area CA1 should be extended further south over land currently designated for freehold disposal.	2, 4, 10, 11, 13	Allow	Accept (in part)

Rationale

Allow or Disallow

Three distinctive suggestions were made which have been divided into the following sub points.

- (a) Submitters 10 and 11 suggest the conservation area should be extended as far the fenceline running east-west, south of Gate Creek. ✓
- (b) Submitters 2 and 4 suggested CA1 should be extended down to Johnstones Creek and its shrublands. ✓
- (c) Submitter 13 suggests this Conservation area should be much more extensive, joining up CA1, CA2 and CA3. This submitter did not suggest changes to current boundary of CA2 other than suggesting CA1 be extended to meet CA2, however their attached plan shows the area currently designated as CA2 extending further east. ✓

Reasons provided for an extension to include this land included matters relating to reserve design, significant inherent values, and recreation opportunities. Submitters 2, 4 and 11 identified that the enlargements they suggested provided the opportunity to create one single Conservation area encompassing CA3 and CA1. Submitter 13 indicated the lower slopes down to and including CA2 contain significant inherent values on threatened and underrepresented mathematical LENZ environments at 500 classification level and suggested an enlarged area joining up all three proposed Conservation areas. ✓

The protection of significant inherent values and the enjoyment of the reviewable land are relevant matters for consideration under the CPLA and thus the point is allowed for further consideration. ✓

Accept or Not Accept

This point has been accepted in part with the area in question remaining in freehold disposal subject to a proposed landscape covenant over the area identified by the submitters as requiring additional protection. It was considered from the several values mentioned by submitters that only landscape values were not protected in the Preliminary Proposal.

A number of the submitters outlined the importance of protecting recreational values associated with the Falls Dam lake shore and area around the huts. This has already been provided by the designation of Conservation Area (CA3) around the huts near the top end of Falls Dam lake shore. ✓

Some submitters also suggested the need to extend Conservation Area (CA1) further south to protect botanical values such as Lepidium species and the shrublands associated with stream channels and wetlands in seepage areas. The DGC's delegate has advised that DoC doesn't consider the area in question contains ecological significant inherent values that warrant protection and therefore does not support the submitters in extending ✓

CA1. Lepidium species have been recorded over the areas that are being proposed as conservation land and are therefore considered to be well protected elsewhere. ✓

A field inspection confirmed that landscape values needed protecting in the south western corner of Conservation Area (CA1) which forms a contiguous landscape unit with CA1 and the wider expanse of the Manuherikia flats. It was agreed a landscape covenant to prevent exotic farm forest and the construction of buildings, but still permit current farming practises would provide the level of protection required. Based on the lie of the land it was determined during the inspection that Gate Creek represents the appropriate southern boundary of the area of the proposed covenant. ✓

Although the holder has said he intends to cultivate this area he also pointed out that the green effect of planting this area in permanent pasture is only a temporary effect during the new growth of spring. He advised that during the rest of the year the area is so dry the grass burns to the same tawny colour as the indigenous vegetation over the rest of the valley. Any textural change is likely to be a more dominant effect because its effect is year round. However, the area is currently covered in short grasses rather than tall snow tussocks and therefore any change in textural effect is not likely to be major and especially when viewed from a distance. ✓

The point has only been accepted in part as the area is still proposed for freehold disposal but subject to a landscape covenant.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
4	The grazing concession over CA1 should be of a more limited nature.	2, 4, 5, 10, 11, 13	Allow	Not Accept

Rationale

Allow or Disallow

Submitter 2 suggested the term should be for 5 years rather than 10 and that no top dressing should be allowed after three years, on the basis that this should be adequate to maintain productivity and adjust the farming operation to the new situation. Submitters 4 and 10 also suggested there is a case for restricting the term to 5 years. Submitter 5 suggested the term should be 3 years to allow for faster tussock and shrubland recovery. Submitter 13 proposed that this conservation area should encompass a much larger area, and in recognition of the greater impact on farming from the potential loss of this land have suggested a 10 year concession may be acceptable, with sheep only, and reducing stock numbers. Submitter 11 found the grazing concession acceptable. ✓

The terms of such designations can be taken into account in the tenure review process under the CPLA so the point is therefore allowed for further consideration.

Accept or Not Accept

The original grazing concession period agreed by the DGC's delegate was for 20 years and was reduced to 10 years as part of the negotiation process for the holder to gain more freehold land. The DGC's delegate advised that although DoC would prefer a shorter grazing concession, in this case the longer concession is unlikely to impact on the values. We do not believe a term of 5 years would be necessary in recognition that the stature of ✓

the shrubland is expected to continue to improve over the term of the concession. Hence, proposed stocking rates are proposed to be reduced after 5 years due to the expected reduction in the level of pasture species available for grazing. ✓

The DGC's delegate also advised that DoC consider topdressing would benefit tussock and shrubland health. The Holder advised he would not be applying fertiliser anyway. ✓

Based on the original concession period agreed by DoC and their current advice which confirms the current concession period is unlikely to impact on the values the point has not been accepted. ✓

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
5	The western boundary of the area to be freeholded should be an existing "new" fence where it adjoins area CA3, and there should not be a separation between CA1 and CA3.	7	Allow	Not Accept

Rationale

Allow or Disallow

The submitter was concerned with the freehold/conservation boundary in an area of specific interest to them. It is interpreted that the submitter's reason for the proposed boundary is for a clear separation between proposed freehold land and the proposed Conservation Area containing the huts.

The appropriate determination of boundaries is a matter that can be considered under the CPLA, with respect to the objects of tenure review, and therefore the matter is allowed for further consideration

Accept or Not Accept

✓ In the area of the proposed Conservation Area CA3 the western boundary of the freehold land does adjoin a new fence and was described as such in the summary of the Preliminary Proposal distributed for public advertising. The Holder confirmed he has now completed the new fence located further north of CA3 which forms the western boundary of CA1 adjacent to the legal road. ✓

The separation between Conservation Areas CA1 and CA3 as shown in sheet 3 of the designations plan occurs because of uncertainty on the exact location of the legal road. Best estimates based on the cadastral record shows the legal road is likely to separate these Conservation Areas, however if survey investigations reveals the legal road is located further west then the conservation areas will be continuous. ✓

Because an existing fence already exists and to the best of our knowledge the conservation areas are separated by legal road the point has not been accepted. ✓

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
6	Conservation Area 2 should be extended slightly on its northern and eastern boundary.	4, 10, 11	Allow	Not Accept

Rationale

Allow or Disallow

Submitters 4 and 11 suggested that instead of the new fence F-G an existing fence a little further up the hill should be the boundary. Submitter 10 noted that the slopes to the north of CA2 up to about 800 metres were identified in the (CRR) as having significant inherent values, and suggested this area should be included in CA2 if those values still exist. ✓

This point relates to the protection of significant inherent values and is therefore allowed for further consideration.

Accept or Not Accept

The DGC's delegate pointed out that the majority of values identified in this area have been captured by the proposed boundary of CA2 and DoC does not consider extending CA2 is necessary. He also advised the proposed boundary runs along a ridge line seen on the skyline from Fiddlers Flat Road therefore the freehold land to the east will not be seen from the road. The Holder said he had also advocated to not using the existing fence line towards the east because that would have excluded an important farm track from his freehold land. ✓

Considering the majority of the ecological values are still protected and it does not compromise landscape values seen from Fiddlers Flat Road the proposed boundary is still supported and the point is therefore not accepted. ✓

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
7	Modifications are suggested to the proposed covenants.	2, 4, 11, 13	Allow	Not Accept

Rationale

Allow or Disallow

Submitters 2 and 4 supported the covenants and suggested their lateral boundaries should be extended up-slope to the top of the steep faces.

Submitter 2 suggested that there should be a condition in the covenants to require grazing to cease or fencing to be erected at shared cost, where grazing shows adverse effects. Submitter 11 made a similar suggestion, restricting their concern to cattle grazing. Submitters 4 and 13 also noted that there is no provision for fencing if monitoring showed deterioration in the shrublands. Submitter 4 suggested the covenants should ideally be fenced off anyway, and identified an existing fence above the true right of the creek south of Johnstones Creek that may be used in that area. Submitter 13 suggested the covenants

should be incorporated into CA1 and indicated their proposal was shown on the attached plan; their plan appears to not include the entire extent of the proposed covenants.

This point relates to the protection of significant inherent values under the CPLA and is therefore allowed. ✓

Accept or Not Accept

The main point raised by these submitters was the provision to fence the covenant if monitoring revealed that grazing is having adverse effects on the shrublands, and the covenant boundary should be extended up slope to the top of the steep faces. ✓

The exact boundary has yet to be determined in the field by GPS fixing and the intention is to cover the steeper gully sides. The designations plan is therefore indicative at this stage and because of the terrain it was difficult to show precise boundaries when it was presented for public advertising. The Holder said there are clearly defined upper slope boundaries defined by a steeper edge along the southern boundary, but the boundary lines along the northern sides of the gullies will be more subjective due to the smoother topography. ✓

The DGC's delegate pointed out fencing could be required based on the current conditions within the covenant document. He said clause 3 within the special conditions provides flexibility to address grazing issues and could require the Holder to removal stock or fence the covenant area based on the way it is worded, "*sheep and cattle may be grazed in a way that, in the opinion of the minister, does not adversely affect the values being protected*", where monitoring is part of the special conditions paid for by the Minister. The DGC's delegate also said DoC do not consider the shrubland values would warrant fencing and ongoing maintenance. He further advised that DoC are satisfied the current conditions are adequate for the area and values to be protected. In addition the DGC's delegate believes some species such as Lepidium species may require disturbance and grazing to keep grasses under control. ✓

The holder pointed out the proposed boundaries would not constitute a practical fence line unless it was constructed away from the gully edges resulting in stock being excluded from good grazing land which contains no shrublands values. ✓

The shrublands are considered to be afforded adequate protection under the current covenant conditions. ✓

Following consideration of the risk to protection of the significant inherent values involved, fencing together with the ongoing maintenance is not considered to be warranted and therefore the point has not been accepted. ✓

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
8	Public access easement "a-b" should allow for public motor vehicle access.	2, 5, 10, 11, 13	Allow	Accept (in part)

Rationale

Allow or Disallow

Submitters 5 and 10 requested public access from the top of Fiddlers Flat Road along the length of the lake, which would appear to be already provided by easement 'a-b', and they suggested this should include vehicle access. Submitter 2 also suggested easement "a-b" should allow for public vehicle access. Submitters 11 and 13 suggested the route should allow for public use of 4WD vehicles. The submitters saw this as a convenient route which would support such access. Public access is a matter that can be taken into account, and the point is therefore allowed.

Accept or Not Accept

This point was supported by Opus and the DGC's delegate but was not accepted by the holder. We believe it was arguably justified under section 24(c)(i) of the CPLA, "*The securing of public access to and enjoyment of reviewable land*". Although public vehicle access was secured at the top end of the dam, we argued because the route is a farm track, enjoyment of the land would be enhanced by vehicle access rather than restricted to foot, horse and bike access. In addition we argued that a lot of the recreational pursuits in the area such as fishing and/or boating are best enjoyed by relatively good and convenient vehicle access. The submitters' main theme was based on the convenience of vehicle access. The DGC's delegate pointed out a shared maintenance scheme would have to be agreed with between DoC and the Holder for any proposed easement.

Since public advertising we have accommodated public vehicle access for some distance along the farm track from the dam structure at the bottom end of Falls Dam Lake, as outlined under point 9 below. ✓

The holder had concerns relating to health and safety issues with public vehicles using the farm track when he may be using it for farming purposes. He also believed it was not justified under the CPLA since the public already had vehicle access to both Conservation Areas. Despite suggesting short term periods around Christmas when the track could be open for public vehicles or a notification scheme where by the Holder was contacted first, the Holder remained adamant not to allow public vehicles. He advised stock is often moved during the Christmas month, and he didn't want the disruption of continually being contacted. ✓

Because we have provided public vehicle access along a portion of the track from one end (approximately 25%) then the point has been accepted in part. ✓

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
9	Provision should be made for vehicle access to launch boats in Falls Dam.	14	Allow	Accept

Rationale

Allow or Disallow

The submitter suggested that vehicle access to allow boat launching should be provided for a distance of approximately 480 metres north from the dam wall. This point relates to public access and enjoyment of the land and is therefore allowed for further consideration.

Accept or Not Accept

This submitter had established that the first creek, about half a kilometre past the dam wall was the most practical point at the bottom end of the dam for the public to launch boats. They said the site offered room for backing with trailers and a gentle slope into the lake for boat launching. The Holder was initially concerned about the public accessing his land by 4WD's from the section of the track before the creek. His concern has subsequently been alleviated by inclusion of provision for a further gate and he now supports public vehicle access to the creek suggested by the submitter.

All parties have supported the proposed amendment, therefore the point has been accepted and it has also meant point 8 as outlined above has been accepted in part.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
10	The land between the existing access track along Falls Dam Lake down to the lakeshore should be marginal strip.	4	Disallow	N/A

Rationale

Allow or Disallow

The submitter suggested that the land between the existing track (proposed public access easement 'a-b') and the lake shore should become marginal strip, to facilitate public access to the lake at any point along the shore. The proposal already indicates that a marginal strip will be created along the lake shore, but to ensure that no gaps remain between this strip and the easement it may be necessary to create a wider marginal strip. The process for the creation of a wider marginal strip is governed by the Conservation Act rather than the CPLA, and therefore the point must technically be disallowed. However, the Department of Conservation may wish to consider this point.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
11	An easement should be provided for public access to Trig F on the crest of Home Hills.	2, 4, 10, 11, 13	Allow	Not Accept

Rationale

Allow or Disallow

Submitters suggested an easement should be created up the existing farm track to Trig F in the area proposed for freehold disposal, indicating that the location provides magnificent views. Public access and enjoyment of the land are matters that can be taken into account under the CPLA and the point is therefore allowed for further consideration.

Accept or Not Accept

The DGC's delegate said that DoC have never advocated for an easement to Trig F and recent evaluation has not changed their view. He advised that it does not contain ecological significant inherent values and is not considered very inviting when viewed from the start of the track at the base of the hill. He acknowledged it does have good views from the top but DoC do not believe it would get a lot of use and therefore doesn't want to allocate funds to something that may not get a lot of use. The Holder said he is aware of only 2 people having walked up the track in the seven years he has been on the property. He said far better views are obtained from the nearby Conservation Areas.

Given conservation land in the vicinity of Trig F provides better views, there is little evidence it would attract high usage and DoC do not support creating easements that may attract only low levels of public use, the point has not been accepted.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
12	Public vehicle access should be permitted along the two tracks leading upslope from the existing road to the water race and a safer foot crossing should be created across the water race.	9	Disallow	N/A

Rationale

Allow or Disallow

The submitter contended that the provision of vehicle access to the foot of the Hawkdun Range would be a considerable advantage to the public. However, this is really a management matter for consideration by the Department of Conservation after tenure review, and hence the point is disallowed for further consideration within the tenure review.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
13	Home Hills Run Road is off its legal alignment and should be corrected to provide public access.	5	Allow	Accept (in part)

Rationale

Allow or Disallow

Submitter 5 noted that the Conservation Resources Report has identified that Home Hills Run Road is not on the legal alignment and suggested this lack of legal access should be corrected in some way in the tenure review. As this relates to the provision of public access across the reviewable land it is a matter that can be considered under the CPLA and the point is therefore allowed.

Accept or Not Accept

Home Hills Run Road within the Pastoral Lease is a formed road currently maintained by the local authority. This section is located in land proposed to be retained by the Crown as conservation land, shown as CA1 on the designations plan. The DGC's delegate advised that DoC consider the road legal by implied dedication and have no intention of restricting access. ✓

Although the CPLA does not provide a mechanism for the creation of legal roads the LINZ current policy is to consider more closely road formations off their legal alignment which are maintained. In accordance with that policy we have proposed a 20 metre wide section of land centred on the existing road formation be designated as Crown land under section 35(2)(a)(iii) CPLA for the purpose of a public access way to secure public access. This designation is with the view the local authority will agree to ultimately legalise the road. At this stage we are still waiting on formal confirmation of this from the local authority. ✓

Since Home Hills Run Road has been designation as Crown land under section 35(2)(a)(iii) CPLA for the purpose of a public access way on the understanding that the local authority will legalise it, the point has therefore been accepted in part. ✓

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
14	Access to the huts by Falls Dam should be preserved across CA1.	7	Disallow	N/A

Rationale

Allow or Disallow

The submitter wishes to maintain secure vehicle access to the huts by Falls Dam. The submitter was particularly concerned with the security of access along the dirt track on CA1 and along to CA3. While the CPLA does not enable the creation of legal roads, the submitter has separately suggested more generally that public access should not be able to be revoked within the terms of the proposed designation.

This point is interpreted as relating to recreational access within Conservation Land which is a post Tenure Review matter for DoC to consider and not the Commissioner of Crown Lands. It is not a matter able to be dealt with by the Crown Pastoral Land Act and the point is therefore not allowed. However, the point will be referred to the Department of Conservation for their consideration. ✓

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
15	Unformed legal roads should be retained as legal roads and some formed roads that are not legal roads should be formalised as legal roads.	7	Disallow	N/A

Rationale

Allow or Disallow

The submitter suggested that various unformed legal roads over land designated for retention by the Crown, or to be disposed of, should not have their legal road status changed. The submitter also suggested that parts of the Home Hills Run Road and existing tracks in the CA3 area that are not legal roads should be formalised as legal roads.

Legal roads, whether formed or unformed, are not included in the land under review. Such land cannot be dealt with as part of the tenure review. In addition, the CPLA does not provide a mechanism for the creation of legal roads. Consequently this point is disallowed. ✓

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
16	Action needs to be taken to ensure that lignite explorers and developers have a right to access the land contained in CA1 for exploration and mining activities, under current or subsequent permits.	3	Disallow	N/A

Rationale

Allow or Disallow

The submitter identified that area CA1 is in an area of great potential for lignite which could provide considerable local and national economic benefit. The submitter contended that gaining access to land that has transferred into the Conservation estate for mining activities can be very difficult. In the interests of the potential economic benefits, the submitter requested that some action should be taken to ensure that exploration and mining options are not effectively closed off through transferring CA1 into the Conservation estate. ✓

Existing exploration or mining permits will continue to exist after tenure review over land being retained as Conservation Area. In relation to future activities, gaining economic benefits from the mineral wealth beneath the land is not an objective required to be taken into account under s24 of the CPLA. In addition, gaining future exploration or mining access agreements can be achieved over Conservation land, and the provisions of the Crown Minerals Act 1991 and the Conservation Act 1987 provide the appropriate framework for the assessment of such proposals. Since the point is not a matter to be dealt with under the CPLA the point is disallowed for further consideration. ✓

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
17	The submitter wishes to draw attention to the intention of OtagoNet to register a Deed of Easement for electricity in favour of OtagoNet over land in the pastoral lease.	6	Allow	Accept

Rationale

Allow or Disallow

The submitter has advised of an impending electricity easement likely to be registered shortly in favour of OtagoNet over land in the pastoral lease. While the submitter has not actually made any point in favour of, or against, any aspect of the proposal, it is apparent that they wish to ensure that the proposed easement persists after tenure review. The continuation in force of existing easements can be specifically provided for through the CPLA. The proposal already allows for the continuation in force of an easement in favour of the Falls Dam Company Limited covered by caveat 5971197.1. If this easement is registered before the substantive proposal, the CPLA provides the mechanism for its continuation in force. The point is thus allowed for further consideration ✓

Accept or Not Accept

Opus has received confirmation that a Deed of Easement has been registered with the Crown for the creation of an Electricity Easement in favour of OtagoNet Limited. The Holder advised that he had also received a letter from LINZ stating the easement had been registered. It is proposed to carry this registered easement down onto the land proposed for freehold disposal and also the land proposed to be retained by the Crown. ✓

Given the submitter implied they wished the easement to be carried down over the land it applies to and persist after tenure review, the point has been accepted. ✓

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
18	The submitter has requested further information relating to the tenure and future of the huts, and has asked to be kept informed of any planned changes in relation to the irrigation easements.	7	Disallow	N/A

Rationale

Allow or Disallow

The tenure review process allows for public involvement in the form of submissions to the advertised proposal. The process does not include the provision of legal advice to other parties, or further consultation with individuals or groups unless authorised by the Commissioner. Therefore this point is disallowed for further consideration in the tenure review process. ✓

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
19	Concern that the proper functioning of the Hawkdun/Idaburn irrigation race could be compromised by overgrowth, flow blockages, or inappropriate use of the irrigation bench by other users, when the land becomes Conservation area.	8	Disallow	N/A

Rationale

Allow or Disallow

The management of this water race and adjoining land is prescribed in an existing easement. Tenure review under the CPLA allows for the continuation in force of an existing easement, and such action is proposed in this case. However, the concerns of the submitter are related to issues beyond the objects of tenure review. The point is therefore disallowed. However, the submitter could take action outside of the tenure review process to vary the terms and conditions in the easement, either before or after tenure review is completed. ✓

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
20	That allowances be made within the proposal for the raising of Falls Dam for irrigation purposes.	12	Allow in part	Accept

Rationale

Allow or Disallow

The submitter indicated that the Falls Dam Company is investigating the possibility of raising the Falls Dam for irrigation by a height of 5 metres. They sought the following requirements in the proposal:

- (a) the continuation in force of existing easement in favour of the Falls Dam Company Limited ✓
- (b) that the area designated as Crown Land for the purpose of lake bed be increased, with associated adjustments in proposed easements ✓
- (c) adjustments to the covenant areas ✓
- (d) amendments to the existing terms and conditions of the existing easement in favour of Falls Dam Company Limited to allow for the construction, operation and maintenance of an auxiliary spillway for Falls Dam ✓
- (e) that the provision for water storage conditions be for a reservoir water level up to 6 m higher than the current level ✓
- (f) that the access road along the eastern shore be provided for through the easements. ✓

It is noted that the proposal to raise the lake is currently just a concept. No decision or agreement to the implementation of this project has been made by Falls Dam Company or

any other party, and further design work, consultation with affected parties, and the raising of finance has yet to be carried out. It is simply an investigation. ✓

Furthermore, decisions in tenure review must be made on the basis of specific objectives, set out in s24 of the CPLA. The raising of this dam for irrigation purposes would not meet any of the objectives set out in the CPLA. However, there is a provision for the continuation in force of existing easements after tenure review, where considered appropriate. ✓

Consequently the point must be disallowed for further consideration in this tenure review, except for request (a), being the continuation in force of the existing easement in favour of Falls Dam Company Limited. The point is thus allowed in part. ✓

Other methods are available to progress such developments over reviewable land, or over land that has already passed through tenure review. ✓

Accept or Not Accept

This tenure review proposal has allowed for the continuation in force of an existing easement in favour of Falls Dam Company Limited (Caveat registered as Transfer 5971197.1) under Section 36(3)(c) of the CPLA over all proposed designations, therefore the sub-point (a) above has been accepted. ✓

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
21	Pioneer Generation require legal access to their power generation facility.	15	Allow	Accept (in part)

Rationale

Allow or Disallow

The submitter noted that inside the pastoral lease the Fiddlers Flat Road deviates from the legal road and they request that as a consequence access to their power plant be legalised for them. ✓

Although the section of Fiddlers Flat Road the submitter refers to is proposed to become Conservation Land which allows for public access, LINZ now require road formations off their legal alignment to be considered case by case with a view of designating this land under Section 35(2)(a)(iii) CPLA as Crown Land for the purpose of a public access way. ✓

The securing of public access over the maintained formation would not preclude private companies. ✓

As this relates to the provision of public access across the reviewable land it is a matter that can be considered under the CPLA and the point is therefore allowed. ✓

Accept or Not Accept

This point relating to the provision of access along Fiddlers Flat Road is the same as the provision of public access for Home Hills Run Road outlined in point 13 above. Fiddlers Flat Road is also a formed road currently maintained by the local authority. In this case the submitter has highlighted the access issue for the purposes of their management of power generation facilities. We have dealt with this by setting up the provision to provide access to the public at large.

As outlined above in point 13, to secure public access we have again proposed a 20 metre wide section of land centred on the existing road formation be designated as Crown land under section 35(2)(a)(iii) CPLA for the purpose of a public access way. This designation is with the view the local authority will agree to ultimately legalise the road. At this stage we are still waiting on formal confirmation of this from the local authority.

Since Fiddlers Flat Road has been designation as Crown land under section 35(2)(a)(iii) CPLA for the purpose of a public access way on the understanding that the local authority will legalise it, the point has therefore been accepted in part.

Summary and Conclusion

Submissions were received from a wide range of interested individuals, non government environmental and recreation groups, users of huts along the shore of Falls Dam, and companies with irrigation interests over the land. In addition there were a number of submissions received from organisations with interests in irrigation or power generation from Falls Dam.

A number of submitters suggested minor extensions to proposed Conservation Areas 1 and 2, with one submission suggesting a much larger area of land should be protected. A shorter term for the grazing concession over Conservation Area 1, and some minor modifications to the covenants were suggested by a number of submitters. Many submitters were particularly interested in public access provisions and the main interest in this respect was the importance of public access along the eastern shore of the lake. In this regard a number of submitters suggested the proposed easement should also allow public access by motor vehicle.

Most of the points raised by submitters relating to access or protection of significant inherent values were able to be allowed for further consideration.

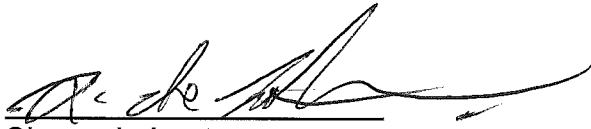
Some of the submitters with interests in power generation or irrigation were seeking changes to the proposal based on objectives which are outside the scope of tenure review, and which are more correctly achieved through other mechanisms

From the 21 points derived from the submissions 14 were allowed for further consideration and 9 of those were accepted or accepted in part.

Only three discrete changes to the proposal will result, being a proposed landscape covenant, addition for provision of public vehicle use over part of the public access easement and the designation of areas of maintained roads as Crown land.

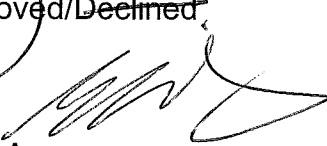
I recommend approval of this analysis and recommendations.

Signed by Opus:


Simon de Lautour
Property Consultant

Peer Review:


Dave Payton
Tenure Review Contract Manager

Approved/Declined

LINZ Assessor

Dr STEPHEN CHARLES URLICH
TENURE ASSESSOR
CROWN PROPERTY MANAGEMENT
C/LINZ, CHRISTCHURCH

Date 3-11-06

FINAL ANALYSIS OF IWI 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)

Home Hills TENURE REVIEW NO 113

Details of lease

Lease name: Home Hills

Location: Upper Manuherikia River 8 kilometres east of St Bathans, between the Manuherikia River and the Hawkdun Range.

Lessee: Euan Sclater Johnstone

Public notice of preliminary proposal

Date advertised: 15 April 2006

Newspapers advertised in:

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

Closing date for submissions: 26 June 2006

Details of submission received

Number received by closing date: 1 submission received

Cross-section of groups/individuals represented by submissions: Details in Appendix I

Number of late submissions refused/other: nil

ANALYSIS OF SUBMISSIONS

Introduction

Methodology

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

The following analysis:

- Summarises each of the points raised along with the recorded number (shown in the appended tables) of the submitter(s) making the point.
- Discussion of the point.

- Recommendations whether or not to allow for further consultation.
- Records further consultation undertaken on the allowed points
- Recommends whether or not to accept the allowed points.

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

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

Further consultation with both the Director General of Conservation's delegate and the leaseholder was undertaken on all the allowed points.

A recommendation to accept or not accept the point is made taking into account the views of all parties consulted and any other matters relevant to the review such as a field inspection, balanced against the objects and matters to be taken into account in the Crown Pastoral Land Act 1998 (Section 24 and 25). The out come of an accept decision will be that the point is included in the draft substantive proposal, conversely the outcome of a not accept decision will be that the point is not included in the draft substantive proposal.

Analysis

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
1	The values identified in the Cultural Values Report have been appropriately integrated into the proposal.	1	Allow	Accept

Rationale

Allow or Disallow

Rationale

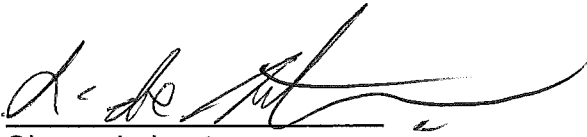
TRoNT have reviewed the proposal against the Cultural Values Report, and consider that the values in that report have been appropriately integrated into the proposal. The objects of the Crown Pastoral Land Act include the protection of significant inherent values, which can include cultural values. The view expressed is thus relevant under the Crown Pastoral Land Act, and is thus allowed for further consideration.

Accept or Not Accept

The point supports the proposal with no suggested changes and no changes have been implemented, the pointed is accepted.

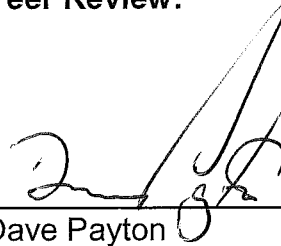
I recommend approval of this analysis and recommendations

Signed by Opus:



Simon de Lautour
Property Consultant

Peer Review:



Dave Payton
Tenure Review Contract Manager

Approved/Declined



LINZ Assessor

Dr STEPHEN CHARLES URLICH
TENURE ASSESSOR
CROWN PROPERTY MANAGEMENT
C/-LINZ, CHRISTCHURCH

Date 3.11.06
AW