

# Crown Pastoral Land Tenure Review

Lease name : HUKARERE

Lease number : PO 009

## 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.

May

18

## ANALYSIS OF PUBLIC SUBMISSIONS

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

### HUKARERE TENURE REVIEW NO 035

#### 1. Details of lease

Lease name: Hukarere  
Location: Hukarere Station Road, Moa Flat.  
Lessee: Quintin John Hazlett, Rebecca Mary Hazlett and Central Lodge Trustees  
2006 Limited

#### 2. Public notice of preliminary proposal

Saturday 23 August 2014

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

*Closing date for submissions:* 17 October 2014

#### 3. Details of submissions received

Number received by closing date: 12

Total Submissions received: 14

A cross-section of 8 groups or organisations, 5 statutory bodies and 1 individual is represented by the 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
1	The submitter suggests public access along Parasol Creek will invade the neighbours' privacy, disturb stock, create problems with hunters and cause safety issues.	1	Disallow

##### ***Rationale for Disallow:***

The impact of an easement on adjoining land is not something the Commissioner can consider under the CPLA. The point is therefore disallowed.

Point	Summary of point raised	Submission numbers	Allow or Disallow	Accept or Not accept
2	The submitters are concerned about the practicality of the new fence line. One was concerned about the impact on the landscape values.	1, 9	Allow in part	Not Accept

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

While fencing is a consequence of tenure review and in itself does not relate to the objects of the CPLA, The first part of the point is therefore disallowed. The impact of the fence line on the landscape values does relate to the protection of the Significant Inherent Values (SIVs) under Section 24(b). This part of the point 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 location of the boundary between CA1 and freehold was well traversed during consultation. The submitter is using the issue of landscape protection as a reason for using the existing snow fence line as the boundary. While the point articulates reasons why the submitter prefers an alternative outcome under the CPLA, the point does not introduce any new information that has not previously been considered.

Point	Summary of point raised	Submission numbers	Allow or Disallow	Accept or Not Accept
3	General support for the proposal or aspects of the proposal.	2, 13, 14	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
4	The submitter would like to continue historic hunting access over the Hut Block.	3	Disallow

**Rationale for Disallow:**

The submitter is referring to an historic arrangement between DoC, the holder and the Deerstalkers Association. Post tenure review, the land in question will be conservation land and the management of the conservation area is a matter for DoC and not the Commissioner. This is therefore not a matter for consideration under the CPLA.

Point	Summary of point raised	Submission numbers	Allow or Disallow
5	The submitter is concerned about potential conflict between mountain bikers and hunters at the Leithen hut.	3	Disallow

**Rationale for Disallow:**

This point relates to the management of the land post tenure review and is not a matter the commissioner can consider under the CPLA. The point is therefore disallowed.

Point	Summary of point raised	Submission numbers	Allow or Disallow
6	The submitter is concerned the proposal does not reflect the existing management regime between NZDA and DoC.	3	Disallow

**Rationale for Disallow:**

Arrangements such as this are not something the commissioner can consider under the CPLA. The continuation of this arrangement is a matter between the parties post tenure review. The point is therefore disallowed.

Point	Summary of point raised	Submission numbers	Allow or Disallow	Accept or Not Accept
7	The submitter wants to ensure all the land being returned to the Crown is interconnected or access provided.	3	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 over the reviewable land and as this point relates to access 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. 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. The point does not articulate reasons why the submitter prefers an alternative outcome under the CPLA

All the land being returned to Crown ownership is in one block and is therefore interconnected. Public access is not required over the proposed conservation land. Public access to this land through the proposed freehold is provided for in the proposal.

Point	Summary of point raised	Submission numbers	Allow or Disallow
8	The submitter would like to be consulted as the tenure review progresses.	3	Disallow

**Rationale for Disallow:**

Section 43 of the CPLA sets out the Commissioner's requirement to give notice of the Preliminary Proposal under Section 34 (1) CPLA. There is no requirement for the Commissioner to consult further with submitters and the point is therefore disallowed.

Point	Summary of point raised	Submission numbers	Allow or Disallow	Accept or Not Accept
9	The submitter would like to see all RAP UMB4 included as part of CA1.	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. 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. The submitter does not articulate reasons why they prefer an alternative outcome under the CPLA.

The boundary of CA1 was discussed during consultation. In this area, consideration was given to adopting the existing fence line approximately 1 kilometre east of the proposed fence line C-D. This would have resulted in the majority of the land in RAP UMB 4 being included in CA1.

It should be noted the RAP's were identified in the late 1980's and the values identified at that time may not be present today. The requirement of the CPLA is to protect the SIV's and after reviewing the values in this area it was decided Crown ownership was not required.

Point	Summary of point raised	Submission numbers	Allow or Disallow	Accept or Not Accept
10	The submitters support the protection of the SIV's by retention in Crown ownership, however they all considered it should be designated as a reserve under the Reserves Act. This follows concerns about the lack of protection of Stewardship land. One submitter referred to amalgamating the land into the Leithen Bush Reserve adjoining	4, 6, 7, 9	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:**

The point meets the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. The point 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. The submitters are concerned that conservation land created from tenure review is considered Stewardship land by DoC and as a consequence the SIV's will not be adequately protected.

Point	Summary of point raised	Submission numbers	Allow or Disallow	Accept or Not Accept
11	The submitters support the farm management easement concession	4, 6, 7	Allow	Accept

**Rationale for Allow:**

Section 36 CPLA provides for Qualified Designations and S36(1)(a) for the granting of specified concession to a person specified in the proposal. 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
12	The submitter has no objection to the recreation concession.	4, 6	Allow	Accept

**Rationale for Allow:**

Section 36 CPLA provides for Qualified Designations and S36(1)(a) for the granting of specified concession to a person specified in the proposal. 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
13	The submitters have no objection the area being freehold with certain conditions relating to increases in CC1 to include part of RAP UMB 4(see point 9. Same submitter wanted this area included in CA1)	4, 7	Allow	Accept

**Rationale for Allow:**

Section 24(c)(ii) provides for the freehold disposal of the reviewable land. As this point relates to this aspect, 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
14	The submitters would like to see a small kowhai grove included in CC1 and the boundary moved west to include the creek.	4, 6, 9	Allow	Accept

**Rationale for Allow:**

Section 24(b) of the CPLA is to enable the protection of the SIVs of the reviewable land and under Section 40(1)(a) a covenant is a protective mechanism. As this point relates to the protection of the SIVs with the use of a protective mechanism it is therefore allowed.

**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. The point articulates reasons why the submitter prefers an alternative outcome under the CPLA. The point is accepted for further consideration by the Commissioner in the formulation of a substantive proposal.

This boundary was walked with the holder and GPS points taken. The kowhai grove was noted, however it was not considered practical to fence it into CC1. It has been suggested by the holder that the western boundary is not accurately shown on the plan. The final location of the covenant boundary will be decided during boundary marking.

Point	Summary of point raised	Submission numbers	Allow or Disallow	Accept or Not Accept
15	The submitters support CC1, CC2, CC3, CC5, CC6 and CC7.	4, 6, 7, 13	Allow	Accept

**Rationale for Allow:**

A covenant is a protective mechanism under Section 40 CPLA. As this point relates to this aspect of the CPLA, 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
16	The submitters would like sheep only grazing in CC4.	4, 6, 7, 9	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 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. 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. The submitters do not articulate reasons why they prefer an alternative outcome under the CPLA.

Restricting cattle grazing was discussed during consultation, however the difficulties fencing this area made it impractical to do so without taking the total area out of cattle production. (See also point 16a). An early draft of the proposal had recommended a covenant over the total block and this would have potentially allowed for sheep only grazing.

A review of the values present in the total block identified significant areas with no SIV's and looking at the proposal as a total package, it was difficult to justify grazing restrictions on this block, particularly because of the importance of cattle grazing to the farming operation in this country.

Point	Summary of point raised	Submission numbers	Allow or Disallow	Accept or Not Accept
16a	The submitter supports CC4 but considers that the covenant should cover the entire fenced block and exclude cattle. (This is an extension of point 16)	9	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 questions whether the values identified can be adequately protected in the proposal. This point 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. 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. The submitter does not articulate reasons why they prefer an alternative outcome under the CPLA.

Covenanted the total block was discussed during consultation and also considered in an earlier draft proposal but not considered a practical outcome for this area. See the comments in point 16 above.

Point	Summary of point raised	Submission numbers	Allow or Disallow	Accept or Not Accept
17	The submitter considers public foot access over CC4 from the marginal strip on Parasol Creek is necessary.	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 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. The point articulates reasons why the submitter prefers an alternative outcome under the CPLA and the point introduces a perspective not previously considered in that public access to CC4 has not been considered during consultation. The point 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
18	The submitter considers CC6 should be enlarged to include all RAP UMB11 (which is 35 hectares).	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. 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. The submitter does not articulate reasons why they prefer an alternative outcome under the CPLA.

The area identified in this proposal does differ from that recorded in the RAP, however from the information available it is difficult to establish the exact boundary of the RAP. The location of the covenant is based on the SIV's present at the time of inspection and it may be that the values outlined in RAP no longer exist as a consequence of farm management practices over the intervening period

Point	Summary of point raised	Submission numbers	Allow or Disallow	Accept or Not Accept
19	The submitters support the access provisions into CC1 and CC5 and access to the river and along the southern end of the lease to CA1.	4, 7, 12	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 submitters make 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 a	The submitters support the access provisions on easements a-p, and a-s/u,	12	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 submitters make 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
20	The submitters are concerned about restrictions on access along "a-p" being restricted to weekends and public holidays between December and May. There is also concern about the distance from the start of the easements to the conservation area and other easement endpoints.	4, 6, 7, 8, 9, 11, 12	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. 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. The submitters have indicated reasons why they prefer an alternative outcome under the CPLA, however all the points they have raised have been considered at various consultation meetings with DoC and the holder.

The main issue for not providing full time access is the importance of this farm track for the management of Hukarere, being the main stock route to the sheds and yards. Knowing when the public will be using the track is important, particularly when moving stock and heavy vehicles. The track is also shared with the owners of Crown Rock Station and any change in the public use will potentially impact on their rights.

While there are restrictions on public access along the track, access for fisherman and others along the River is still available at other times via the marginal strips.

Point	Summary of point raised	Submission numbers	Allow or Disallow	Accept or Not accept
20a	There is concern about the lack of vehicle access over the Hukarere - Crown Rock farm track and access to the river. The submitters suggest that provision be made for vehicle access with "the owner's permission which should not unreasonably be withheld".	4, 6, 7, 8, 11, 12	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 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. The point articulates reasons why the submitter prefers an alternative outcome under the CPLA and the point introduces a perspective not previously considered in relation vehicle access with the owner's permission, which should not unreasonably be withheld. The point 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
20b	The submitter is concerned the access provisions along the easement a-p will result in exclusive capture of a public fishery for private benefit.	8	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 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. The point articulates reasons why the submitter prefers an alternative outcome under the CPLA and the point introduces a perspective not previously considered in relation to exclusive capture of a private fishery. The point 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 lambing closure provisions of the public access easement	6, 8	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
22	The submitter would like consideration for vehicle access to CA1 because of the topography and distance from the Pomahaka River car park.	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. 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. The submitter does not articulate reasons why they prefer an alternative outcome under the CPLA.

Public vehicle access issues were canvassed during consultation. DoC did not recommend public vehicle access to CA1 and did not seek such access during consultation. DOC recommended vehicle access should only be available by arrangement with the owner as it has always been. The issue was briefly discussed but discounted because of the dangerous and difficult nature of the track and the submitter has not provided any new information that has not already been considered.

Point	Summary of point raised	Submission numbers	Allow or Disallow	Accept or Not Accept
23	The submitters suggest CA1 should be increased to include the land between the new fence "G-H" and extending the snow fence 1.2 kilometres east down slope.	6, 9	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 questions whether the proposal adequately protects the values. The point 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. While this point meets the objects and matters to be taken into account in the CPLA, the submitters did seek an alternative outcome under the CPLA, however did not produce any new information or a perspective not previously considered.

An earlier version of the proposal did include this area as conservation land; however following a re-inspection during consultation the values were reviewed and it was difficult to justify Crown ownership given the values present. The proposed new boundary line is indicative only and will be confirmed during final boundary definition inspection.

Point	Summary of point raised	Submission numbers	Allow or Disallow	Accept or Not Accept
23a	The submitter considers freeholding of the area above the snow fence does not promote ecological sustainability.	9	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 proposal adequately protects the values. The point is therefore allowed.

**Rationale for Accept:**

The point meets the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. The point does not introduce any new information but does introduce a perspective not previously considered. The submitter does articulate reasons why they prefer an alternative outcome under the CPLA. While the farm is currently run as an organic operation, which by its very nature promotes sustainability, the issue of sustainability on the area in question was not discussed during consultation.

Point	Summary of point raised	Submission numbers	Allow or Disallow
24	The submitters support the fencing of CA1	6	Disallow

**Rationale for Disallow:**

While fencing is often undertaken as part of implementing a tenure review designation, this is not specifically a tenure review matter. The point is therefore disallowed.

Point	Summary of point raised	Submission numbers	Allow or Disallow	Accept or Not Accept
25	The submitter would only support guided recreation on CA1 if undertaken under the normal recreation concession conditions administered by DoC.	6	Allow	Not Accept

**Rationale for Allow:**

Section 36 of the CPLA specifically allows for the granting of a concession to the holder. As this 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. 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. The holder has been granted a recreation permit to undertake the recreation and hunting activities on the pastoral lease. During consultation they indicated a desire to continue with this recreational pursuit post tenure and sought to have a concession included in the proposal under Sec 36(1)(a) CPLA, on the areas being retained in Crown ownership.

The CPLA specifically allows for concessions over conservation land created as part of the tenure review. The comment from the submitter is confusing as the concession will be a "normal recreation concession" administered by DoC. These concessions are for a defined period (in this case 10 years), after which a new application will be required.

Point	Summary of point raised	Submission numbers	Allow or Disallow	Accept or Not Accept
26	The submitter suggests CC4 should be increased in size to include an area of snow tussock to the north	6	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 questions whether the proposal adequately protects the values. The point 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. 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. The submitter does not articulate reasons why they prefer an alternative outcome under the CPLA.

The covenant is designed to protect the SIV's identified in this area. The exact boundary of the covenant, which is designed to protect the remnant bush from removal, will be determined during boundary marking.

In an earlier version of the proposal, a covenant was recommended over the whole fenced block, which would have included the area of tussock mentioned by the submitter. During consultation the values in this block were reviewed and as a result a covenant over the total area could not be justified. Grazing cattle is an important part of the management of this country, particularly as it is run as an organic operation.

To protect the area identified would require the removal of cattle and or the fencing of the area. This issue is also discussed in points 16 and 16a above. While this may be seen as a compromise, when viewed in relation to the cost of fencing out the areas with SIV's and the overall outcome of the review, it is considered a pragmatic outcome.

Point	Summary of point raised	Submission numbers	Allow or Disallow	Accept or Not Accept
27	The submitters suggest an additional covenant is required around Parasol Hut to protect the aesthetic and ecological values associated with a stand of beech trees.	6, 9	Allow	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. As this relates to the protection of the SIV's 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. The point highlights issues previously considered but articulates reasons why the submitter prefers an alternative outcome under the CPLA and the point introduces a perspective not previously considered. The area around the hut had previously been recommended to be part of a larger covenant that was later removed. No consideration was given to covenanting the area specifically mentioned by the submitters in this instance

Point	Summary of point raised	Submission numbers	Allow or Disallow
28	The submitter considers that provisions of a car park on the east side of the river north of the bridge is necessary	6	Disallow

**Rationale for Disallow:**

The area in question by the submitter is 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	Accept or Not Accept
29	The submitter considers the proposal does not meet the objects of part 2 in relation to public access, particularly to the river for fishing.	8	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. While the main thrust of the submitters concerns is access to the

Pomahaka River, which is not part of the reviewable land, there is reference to SIV's on the land proposed for freehold disposal. As a consequence the point 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. 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. The comment is very general in nature and the submitter does not articulate reasons why they prefer an alternative outcome under the CPLA.

Point	Summary of point raised	Submission numbers	Allow or Disallow
30	The submitter is concerned about the lack of legalisation of the roads around the bridge and the tenure review should sort this issue out.	8	Disallow

***Rationale for Disallow:***

The tenure review relates to the reviewable land only. Unformed legal roads 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
31	The submitter states that existing section 58 marginal strips do not provide practical access to the fishery.	8	Disallow

***Rationale for Disallow:***

Marginal strips 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
32	The submitter considers the track "a-p" may be legal road by way of implied dedication because the Clutha District Council may have previously maintained the road.	8	Disallow

***Rationale for Disallow:***

This is not a matter that can be taken into account under the CPLA. Unformed legal roads are a matter for the Local Authority and not something the Commissioner can consider under the CPLA. The point is therefore disallowed.

Point	Summary of point raised	Submission numbers	Allow or Disallow
33	The submitter wants clause 2.1 of the covenant to be changed to read-managed so as to preserve and enhance the values.	9	Disallow

***Rationale for Disallow:***

Sec 24(b) of the CPLA requires the protection of the SIV's, either by the creation of a protective mechanism or by the restoration of the land to full Crown ownership and control. There is no requirement in Sec 24(b)(i) for the enhancement of the values. The standard covenant document is a matter for the Director General of Conservation and an amendment to Clause 2.1 is not a matter for the Commissioner to consider under the CPLA. Section 1.4 of Schedule 2 of the covenant, sets out the "Special Conditions" and refers to using the results of the monitoring to "preserve and enhance" the values. The point is therefore disallowed.

Point	Summary of point raised	Submission numbers	Allow or Disallow	Accept or Not Accept
34	The submitter is concerned that the values description does not reflect the values present in CC1, CC2, CC3, CC4, CC5, CC6 and CC7	9	Allow	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. As this relates to the protection of the SIV's 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. The point highlights issues previously considered but articulates reasons why the submitter prefers an alternative outcome under the CPLA. The description of the values present in each of the areas has been provided by DoC, The submitter suggests that they are inadequate and therefore suggesting they may not be adequately protected.

Point	Summary of point raised	Submission numbers	Allow or Disallow	Accept or Not Accept
35	The submitter suggests CC5 should be returned to Crown ownership as a reserve or the covenant should provide for public "wander at will" access.	9	Allow	Accept

**Rationale for Allow:**

Section 24(b) of the CPLA 1998 is to enable the protection of the SIVs of the reviewable land. Section 24(c)(i) is to make easier to securing of public access to the reviewable land. As this point relates to the protection of the SIVs and securing of public access, 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. The point meets the objects and matters to be taken into account in the CPLA because the submitter articulates reasons why they prefer an alternative outcome under the CPLA. Even though the submitter refers to the protection of the SIV's, this point relates specifically to public access. Access to the covenant area is provided for, however the need for wander at will access was not considered during consultation.

Point	Summary of point raised	Submission numbers	Allow or Disallow	Accept or Not Accept
36	The submitters want a ribbon of beech trees along Parasol Creek between CC4 and CC5 protected	6, 9	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 point does meet the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. The point meets the objects and matters to be taken into account in the CPLA because the submitter articulates reasons why they prefer an alternative outcome under the CPLA. This is one of a number of areas of remnant bush in gullies and river margins on the property. The thought was that this area was included in the marginal strip and therefore not part of the pastoral lease. The submitters have however raised the possibility that part of it is on the reviewable land. The submitters have therefore introduced a perspective not previously considered.

Point	Summary of point raised	Submission numbers	Allow or Disallow	Accept or Not Accept
37	The submitter would like to see a sustainable management covenant over the freehold to protect the shrubland not included by covenants.	9	Allow	Not Accept

**Rationale for Allow:**

Section 24(b) of the CPLA is to enable the protection of the SIVs of the reviewable land. Section 36(3)(a) of the CPLA allows for the creation of a sustainable management covenant which the submitter suggests could be used to protect SIV's on the 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. While the point introduces new perspective not previously considered under the CPLA, The use of a sustainable management covenant is not a mechanism to protect any values that lie outside the current designations. A SMC is a mechanism used under Sec 40(2)(b) CPLA for the management of the land in a way that is ecologically sustainable. As the land proposed for freehold disposal is considered ecologically sustainable, this option does not apply.

Point	Summary of point raised	Submission numbers	Allow or Disallow	Accept or Not Accept.
38	The submitter considers a comprehensive investigation of the heritage values is required.	10	Allow	Accept

**Rationale for Allow:**

Section 24(b) of the CPLA is to enable the protection of the SIVs of the reviewable land. Heritage values if present could be considered an SIV. As this point relates to the protection of the SIVs it is therefore allowed.

**Rationale for Accept:**

The historic information provided by DoC in the CRR was based on a report undertaken in 1989 that may not have covered all the areas of historic interest on the lease. The submitter suggests there are a number of other likely historic features that were not inspected in the 1989 survey.

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, 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.
39	The submitter would like to the right to carry guns to be included in the easement "a-u" or "a-s".	11	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. Access for hunters with guns is covered with this section. As a consequence the point 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. 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. The easements already cater for guns. The point is therefore not accepted for further consideration.



Point	Summary of point raised	Submission numbers	Allow or Disallow
40	The submitters want to see legal roads realigned to a practical location.(See also points 30 and 46)	11	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	Accept or Not Accept
41	The submitter suggests there is a need to provide for car parking on the reviewable land.(see also point 28)	12	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. 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. The issue of carparking was discussed during consultation and as there is no vehicle access provided through the property there would be no requirement for car parking, other than to provide public access to the start of each of the easements. It was thought an appropriate point for a park was on the east side of the bridge adjoining the river. The land in question was later found not to be part of the reviewable land, however it would still be an appropriate location for a parking area if developed by DoC outside of the tenure review process. The point is therefore not accepted for further consideration.

Point	Summary of point raised	Submission numbers	Allow or Disallow
42	The submitter wants the bridge to be open to the public as it is a public asset.	12	Disallow

**Rationale for Disallow:**

The bridge is situated on the marginal strip and across the river which 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
43	The submitter wants the unused legal roads and marginal strips identified because easements are not required on these areas of Crown Land.	12	Disallow

**Rationale for Disallow:**

Unused legal roads and marginal strips 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
44	The submitter suggests concessions will be necessary where the tracks cross unused legal roads or marginal strips.	12	Disallow

**Rationale for Disallow:**

Unused legal roads and marginal strips 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
45	The submitter wants the practicability of the marginal strips to be determined so that they can be varied in width if necessary to provide practical access.	12	Disallow

**Rationale for Disallow:**

Marginal strips do not form part of the reviewable land and therefore not subject to the provisions of the CPLA. The width of the marginal strips is a matter for the Director General of Conservation. The point is therefore disallowed.

Point	Summary of point raised	Submission numbers	Allow or Disallow
46	The submitter suggests the survey definition needs to confirm legal alignments and road formations on the farm. (See also point 40)	12	Disallow

**Rationale for Disallow:**

Legal road lines do not form part of the reviewable land and therefore not subject to the provisions of the CPLA. The survey is part of the implementation that occurs after the acceptance of a substantive proposal. The point is therefore disallowed.

Point	Summary of point raised	Submission numbers	Allow or Disallow	Accept or Not Accept
47	The submitter suggests special conditions are required in the covenant for the control of wilding conifers, sweet briar, deer and other pests.	13	Allow	Not Accept

**Rationale for Allow:**

Section 24(b) of the CPLA is to enable the protection of the SIVs of the 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. While this point meets the objects and matters to be taken into account in the CPLA, the submitter has not introduced any new information or a perspective not previously considered. Clause 3.2.1 of the covenant document requires the owner to control weeds and pests and comply with the provisions of the Biosecurity Act 1993. Under Clause 3.2.3 the owner must keep the land free from exotic tree species. The covenant also contains monitoring provisions and if during monitoring it was found weeds and pests were impacting the SIV's there are remedies in the covenant to cover this situation. The point is therefore not accepted for further consideration.

Point	Summary of point raised	Submission numbers	Allow or Disallow
48	The submitter suggests covenants should include regular inspection requirements to ensure boundary fences are maintained and SIV's are being monitored.	13	Disallow

**Rationale for Disallow:**

The points raised by the submitter are post tenure review management matters and not issues the Commissioner can consider under the CPLA. The covenant does have a monitoring provision under schedule 2. The point is therefore disallowed.

Point	Summary of point raised	Submission numbers	Allow or Disallow	Accept or Not Accept
49	The submitter wants vehicle access over "a-a1-a2", "r-s" and "r-u".	14	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. While this point meets the objects and matters to be taken into account in the CPLA, the submitter has not introduced any new information or a perspective not previously considered. The point is therefore not accepted for further consideration.

Public 4WD access was discussed widely during consultation. There are significant risk factors associated with this route for the public and it was not supported by DoC as a consequence. The main thrust of the point related to access to the hunting area to reduce walking time. 4wd access is available with the permission of the owner and to Leithen Bush which adjoins CA1.

Point	Summary of point raised	Submission numbers	Allow or Disallow
50	The submitter wants continued vehicle access over "s-t" and "u-u1" in the proposed conservation area CA1.	14	Disallow

**Rationale for Disallow:**

While 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, the management of conservation land post tenure review is not a matter for the Commissioner and therefore cannot be considered under the CPLA. The point is therefore disallowed.

**Summary and Conclusion**Overview of analysis

In analysing the 14 submissions received 55 points were identified. Of the 55 points raised, 36 were allowed in total or in part for further consideration. Of the 36 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 7 were statements of support for aspects of the proposal.

In total there were 55 points raised, of which 19 are "Allowed" and "Accepted" for further consideration, 17 "Not accepted" and 19 points "Disallowed" and will not be considered further.

Generic Issues

Public access was the main concern from the submitters. There is an expectation that the farm track should be made available for year round public access, apart from a period during lambing. There is also some concern that no public vehicle access is included in the proposal. There was also significant interest in the location of the legal road lines running through the property. There was general support for the use of covenants on the scattered bush areas.

A further point raised was the decision to designate the CA1 as a conservation area rather than as a reserve. The recent release of the Commissioner of the Environment report on Stewardship land has resulted in a change in thinking by NGO's in relation to how the land is designated.

Gaps identified in the proposal or tenure review process

None identified.

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 improved public access, particularly vehicle access.
- Support for the use of covenants.
- Some concern about the terms and conditions in the covenant.
- A push to have the conservation area changed to a Reserve.

I recommend approval of this analysis and recommendations

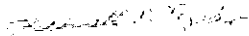


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David Paterson  
Tenure Review Consultant  
**Rural Value**

Date 22/12/2014

Peer Reviewed by



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Ken Taylor  
Principal Consultant  
**Rural Value**

Date 22/12/2014

Approved/Declined



Commissioner of Crown Lands

Date 21-5-2015