

Crown Pastoral Land Tenure Review

Lease name : MANUKA POINT

Lease number : PC 053

Analysis of Public Submissions

This document includes information on the public submissions received in response to an advertisement for submissions on the Preliminary Proposal. The report identifies if each issue raised is allowed or disallowed pursuant to the Crown Pastoral Land Act. If allowed the issue will be subject to further consultation with Department of Conservation, or other relevant party.

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

FINAL ANALYSIS OF PUBLIC SUBMISSIONS

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

MANUKA POINT TENURE REVIEW NO. TR247

Details of lease

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

Public notice of preliminary proposal

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

Details of submissions received

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

ANALYSIS OF SUBMISSIONS

Introduction

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

The following analysis:

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

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

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

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

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

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

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

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

How those accepted points have been considered is the subject of this report.

Analysis

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

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

Point	Summary of point raised	Allow or disallow	Accept or not accept
3	It is essential that there is practical public access up the true left of the Rakaia River providing secure, legal foot access located at sufficient distance from the river bank to allow for any subsequent changes in the river channels. The submitters consider that the access would need to be via an easement within proposed freehold.	Allow	Not Accept
Submission numbers 1, 3, 10			
Rationale for Allow: The point related to the provision of public access over the reviewable land and was a matter for tenure review under section 24(c)(i) CPLA. The point was therefore <u>allowed</u> for further consideration.			

Rationale for Not Accept:
 The point did not introduce any new information or perspective on the proposal, or articulate reasons for an alternative outcome that had not been considered already. In fact, as shown on the designations plans, the proposed route “a-b” already provided secure, legal public foot and motor vehicle access by easement through proposed freehold land from the Rakaia riverbed. Therefore the point was not accepted.

Point	Summary of point raised	Allow or disallow	Accept or not accept
4	It is essential that there is practical public access up the true right of the Mathias River providing secure, legal foot access located at sufficient distance from the river bank to allow for any subsequent changes in the river channels. Particularly where the Mathias River currently cuts into the hill in places. The submitters consider that the access would need to be via an easement within proposed freehold.	Allow	Not Accept

Submission numbers
 1, 3, 10

Rationale for Allow:
 The point related to the provision of public access over the reviewable land and was a matter for tenure review under section 24(c)(i) CPLA. The point was therefore allowed for further consideration.

Rationale for Not Accept:
 The point did not introduce any new information or perspective on the proposal, nor articulate any reasons why the submitter preferred an alternative outcome under the CPLA, that had not been considered already. Part of the proposed freehold in this area is deer fenced for a hunting operation posing potential public safety hazards, and side gullies are deeply incised and not traversable in parts. The riverbed offered the most practical route. Therefore the point was not accepted.

Point	Summary of point raised	Allow or disallow	Accept or not accept
5	Support for the provision of legal public access across the point in the proposal, giving public vehicle access west into Rakaia River and north into Mathias River, and enabling access to CA1 and CA2 and DOC hunting grounds beyond.	Allow	Accept

Submission numbers
 1, 3, 5,10,11

Rationale for Allow:
 The point related to the provision of public access over the reviewable land and was a matter for tenure review under section 24(c)(i) CPLA. The point was therefore allowed for further consideration.

Rationale for Accept:
 The point was a statement of support for the public access provisions in the proposal and was therefore accepted for further consideration by the Commissioner in the formulation of a Substantive Proposal.

Final Analysis:
Access to CA1 and CA2 is protected by easements and via existing Crown land in riverbeds, and support for the point is noted. The access is retained in the substantive proposal.

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

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

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

Submission numbers 1
<p>Rationale for Allow: The point related to the terms and conditions of the proposed tourism and grazing concessions specified as a qualified designation over CA1, CA2, CA3, CA4, CA5 and CA6 (Tourism concession), and GC1 (CA1) and GC2 (CA2) (Grazing concession) under section 36 of the CPLA. It was therefore a matter for tenure review and was <u>allowed</u> for further consideration.</p>
<p>Rationale for Not Accept: The point did not introduce any new information or perspective on the proposal or articulate reasons the submitter preferred an alternative outcome that had not been considered already. In fact, section 20 of the Tourism and Grazing concession documents (provided in the public information pack) states that nothing in the documents shall be construed as conferring any right of exclusive occupation or use of the land, or derogating from the rights of the Grantor and public to have access across the land. Therefore the point was <u>not accepted</u>.</p>

Point	Summary of point raised	Allow or disallow	Accept or not accept
9	Support for clause 7 "Obligations on sale of land" of the proposed conservation covenant that the covenant will apply to subsequent owners of the land.	Allow	Accept

Submission numbers 1, 10
<p>Rationale for Allow: The point related to the protection of significant inherent values under section 24(b)(i) with a protective mechanism under section 40 of the CPLA. It is therefore a matter for tenure review and was <u>allowed</u> for further consideration.</p>
<p>Rationale for Accept: The point is a statement of support for the provisions in the conservation covenant in the proposal that require the owner of the land to inform any potential new owner/lessee of the land of their obligations under the covenant. It was therefore <u>accepted</u> for further consideration by the Commissioner in the formulation of a Substantive Proposal.</p>
<p>Final Analysis: The conservation covenant will be registered against the Computer Freehold Interest during the tenure review implementation phase, and clause 7 ensures that the covenant is binding on subsequent owners of the land. Support for the point is noted. The conservation covenant is retained in the substantive proposal.</p>

Point	Summary of point raised	Allow or disallow	Accept or not accept
10	There should be a similar provision in the easement document to clause 7 "Obligations on sale of land" of the proposed conservation covenant document, to ensure secure continuous public access in the event that the property changes ownership.	Allow	Accept

Submission numbers 1, 10

Rationale for Allow:
 The point related to the securing of public access under section 24(c)(i) and the terms and conditions of the easement proposed as a qualified designation under section 36 of the CPLA. It was therefore a matter for tenure review and was allowed for further consideration.

Rationale for Accept:
 The point introduced new information; a perspective not considered previously and articulated reasons for an alternative outcome, in relation to the inclusion of an “Obligations on sale of land” clause in the easement document. It was therefore accepted for further consideration by the Commissioner in the formulation of a Substantive Proposal.

Final Analysis:
 The easement will be registered against the Computer Freehold Interest during the tenure review implementation phase. Clause 1.5 defines the Grantor of the easement as the owner of the servient land, ensuring that it is binding on subsequent owners of the land. Support for the point is noted. The easement is retained in the substantive proposal.

Point	Summary of point raised	Allow or disallow
11	A request that the property boundaries alongside the Rakaia and Mathias Rivers are surveyed to remove Ad Medium Filum (AMF) rights to the beds of the Mathias and Rakaia rivers, as these “rights” might be used at some point in the future to restrict public access.	Disallow

Submission numbers
 1, 10

Rationale for Disallow:
 The point related to a matter of common law therefore it was not relevant to the tenure review and there are no provisions for it to be considered under the CPLA. It was therefore disallowed.

Point	Summary of point raised	Allow or disallow	Accept or not accept
12	Support for the vast majority, or all, of the proposal. Submitter 8 notes that the proposal is a very good outcome for the Crown and access and biodiversity are well catered for and protected.	Allow	Accept

Submission numbers
 2, 4, 5, 7, 8, 12, 13

Rationale for Allow:
 The point related to the designations recommended in the preliminary proposal which have been developed in consideration of meeting the objects of section 24 CPLA. The point was therefore allowed for further consideration.

Rationale for Accept:
 The point is a statement of support for the designations in the proposal and was therefore accepted for further consideration by the Commissioner in the formulation of a Substantive Proposal.

Final Analysis:
 Support for the point is noted. There have been no changes made to the substantive proposal.

Point	Summary of point raised	Allow or disallow	
13	<p>Matters relating to the Summary of Proposal information provided to the public:</p> <ul style="list-style-type: none"> (a) The summary is too brief, particularly in relation to public access provisions and their practicality. (b) Qualifying water bodies information should be provided on the plan or in the summary. (c) The summary should include a concise rationale of the proposed access. (d) The legal status of land adjoining the pastoral lease should be identified and shown on the plan at a scale that can be easily identified. (e) The scale of the designations plans is commended. (f) There is no information in the Summary document to clarify whether “f-g” is on an existing track. (g) There is no information in the Summary document to clarify whether the easement “a-b” is entirely within the pastoral lease boundary, or whether it traverses both riverbed and pastoral lease as the existing track appears to do. 	Disallow	
<p>Submission numbers 3</p>			
<p>Rationale for Disallow: Under section 43(b) of the CPLA the Commissioner must give notice of every preliminary proposal put under section 34(1) CPLA, and describe the proposal in general terms. This description was provided for Manuka Point in advertisements placed in specified publications under section 43(3). Provision of Summary of Proposal information and web site updates are a courtesy from LINZ, and additional information is available under the Official Information Act 1982. The point was therefore not validly made, not relevant to the tenure review and cannot be considered under the CPLA, and was <u>disallowed</u>.</p>			

Point	Summary of point raised	Allow or disallow	Accept or not accept
14	<p>A 10 metre wide public foot access easement is proposed along the boundary between proposed freehold land and “Exch1”, to give access via CA3 to places such as Manuka Peak and Golden Spur and areas beyond which would be blocked if “Exch1” were designated as freehold. The submitter also notes that an easement such as this could avoid potential trespass from public trying to walk up creeks crossing the proposed freehold.</p>	Allow	Not Accept
<p>Submission numbers 13</p>			
<p>Rationale for Allow: The point related to the provision of public access over the reviewable land and was a matter for tenure review under section 24(c)(i) CPLA. The point was therefore <u>allowed</u> for further consideration.</p>			
<p>Rationale for Not Accept: This point was well traversed during consultation and all parties were in consensus that a public access route in this location was inappropriate due to its proximity to the homestead area. An</p>			

alternative route is provided up a ridge at the southern end of CA1 adjacent to Big Paddock Creek. The point did not introduce any new information or a perspective not previously considered, or articulate reasons for an alternative outcome that had not been previously considered. It was therefore not accepted.

Point	Summary of point raised	Allow or disallow
15	It is vitally important that there are persons living at Manuka Point to assist travellers in times of need.	Disallow

Submission numbers

7

Rationale for Disallow:

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

Point	Summary of point raised	Allow or disallow	Accept or not accept
16	In relation to public vehicle access: (a) Proposed public vehicle access should be on existing tracks where possible, and (b) Vehicle tracks should be formed where none currently exist.	Allow in part sub-point (a) Disallow in part sub-point (b)	Not Accept sub-point (a)

Submission numbers

3

Rationale for Allow in Part/Disallow:

Sub-point (a) related to the provision of public access over the reviewable land and was a matter for tenure review under section 24(c)(i) CPLA. Sub-point (a) was therefore allowed for further consideration.

In relation to sub-point (b), there are no provisions in the CPLA regarding the formation of vehicle tracks in tenure review. This is a matter for DOC post tenure review. The easement document under section 10.4 provides for the modification of the surface of the easement area so that it is fit for the purpose of the use identified in section 2.1 ie off road vehicle access. The point was therefore disallowed.

Rationale for Not Accept:

Sub-point (a) was well traversed during consultation and where possible vehicle access is designated on existing tracks. The submitter did not introduce any new information or perspective or articulate reasons for an alternative outcome that had not already been considered, therefore the sub-point was not accepted.

Point	Summary of point raised	Allow or disallow
17	All easements must be clearly identified on the ground.	Disallow

Submission numbers

3

Rationale for Disallow:
 Identification of easement routes on the ground is a matter for DOC to deal with after the tenure review has concluded. Easement marking is not provided for under the CPLA and is not a matter for tenure review therefore the point was disallowed.

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

Submission numbers
 3, 4

Rationale for Allow:
 The point related to the provision of public access over the reviewable land and was a matter for tenure review under section 24(c)(i) CPLA. The point was therefore allowed for further consideration.

Rationale for Not Accept:
 The point did not introduce any new information or perspective on the proposal, nor articulate any reasons why the submitter preferred an alternative outcome under the CPLA, that have not been considered already. The legal road does not follow a practical route as it passes through numerous fences including deer fences. Therefore the point was not accepted.

Point	Summary of point raised	Allow or disallow	Accept or not accept
19	The proposed covenant CC1 should be extended to include the woolshed which has historic merit, and the wording of the covenant document revised to protect the historic values.	Allow	Accept

Submission numbers
 6

Rationale for Allow:
 The point related to the protection of historic values of a post 1900 building not covered by the Historic Places Act 1993, under the proposed protective mechanism CC1. It was therefore a matter for tenure review under section 40 CPLA and was allowed for further consideration.

Rationale for Accept:
 The point introduced a new perspective in relation to extending CC1 and adding wording to protect the historic values of the woolshed, and articulated reasons why they preferred an alternative outcome under the CPLA. The point was therefore accepted for further consideration by the Commissioner in the formulation of a Substantive Proposal.

Final Analysis:
 There were no significant inherent values associated with the land to justify the extension of CC1. Further, the woolshed is built from second hand materials of which only some came from the earlier site, therefore the historic merit was not considered sufficient to justify an extension to CC1. No change was made to the substantive proposal.

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

Point	Summary of point raised	Allow or disallow	Accept or not accept
21	New Zealand Historic Places Trust requests that given the early history of Manuka Point pastoral lease, a historic heritage assessment is undertaken to identify any potential historic values within the area of proposed freehold land, as NZHPT are uncertain of the extent of DOC's survey and what values are present.	Allow	Accept
Submission numbers 3, 4			
Rationale for Allow: Historical values are an inherent value which could be viewed as significant, and the object of section 24(b) of the CPLA is to protect significant inherent values. The point was therefore a matter for tenure review and was <u>allowed</u> for further consideration.			
Rationale for Accept: The submitter introduced new information and a perspective not previously considered, and articulated reasons why the submitter sought a historic heritage assessment to be undertaken as part of the tenure review. The point was therefore <u>accepted</u> for further consideration by the Commissioner in the formulation of a Substantive Proposal.			
Final Analysis: No historic values were identified in the Conservation Resources Report for Manuka Point pastoral lease prepared by Department of Conservation and none identified during the course of tenure review consultation. Remnants of the original dwelling and woolshed are located on existing freehold therefore outside of the tenure review process. Further assessment was not considered necessary and no changes were made to the substantive proposal.			

Point	Summary of point raised	Allow or disallow
22	Manuka Point post tenure review will have a more limited market than at present as it will not be an economic pastoral unit and its future will be in the tourism/hunting category.	Disallow
Submission numbers 8		

Rationale for Disallow:
 There is no provision under the CPLA to consider the economics or otherwise of the proposed freehold land post tenure review. This point is not a matter that can be considered under the CPLA and is therefore disallowed.

Point	Summary of point raised	Allow or disallow
23	It is not legally possible for Manuka Point to be granted a 20 year concession for heli-skiing in the area proposed for surrender, because the wording in the tenure review document implies that it is an existing activity. The submitter advises that it is not an existing activity but would be a new activity.	Disallow

Submission numbers

9

Rationale for Disallow:
 The land specifically referred to by the submitter is an area of approximately 5,000 hectares which is subject to surrender from pastoral lease under Land Improvement Agreement no. 678433.1 prior to the putting of a substantive proposal. It is clearly stated in the Summary of the Proposal information provided to the public that the surrender of this land is a separate matter from the tenure review. As this land is not included in the tenure review (and is not subject to the proposed tourism concession), it is not part of the reviewable land and cannot be considered under section 2 of the CPLA. The point was therefore disallowed.

NOTE: At the substantive proposal phase this land was included in the review to comply with s25(2) CPLA and facilitate the surrender. This did not alter the other decisions in relation to the land.

Point	Summary of point raised	Allow or disallow
24	The current policies of the Canterbury (DOC) Conservancy do not permit a term of 20 years for a tourism concession under the Conservation Act. The submitter advises that all current heli-ski concessions on land administered by the Canterbury Conservancy have been limited to one year terms for the last three years, and the stated objective of this policy is to review all heliski concessions in light of a proposed review of the Canterbury Conservation Management Strategy.	Disallow

Submission numbers

9

Rationale for Disallow:
 There is no requirement in the CPLA that the proposal must be considered in light of the Canterbury Conservation Management Strategy. It is DOC's prerogative as to whether or not they take the CCMS into consideration when they formulate their recommendations for tenure review. Therefore the point could not be considered under the CPLA and was disallowed.

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

Point	Summary of point raised	Allow or disallow	Accept or not accept
26	CC2 should provide for legal public access along its southern edge to ensure there is a continuous public access way along the Rakaia River bank if the river channel shifted over to that side in future floods. This would join up with the proposed legal access way to the Mathias River.	Allow	Accept
Submission numbers 10			
Rationale for Allow: The point related to the provision of public access over the reviewable land and was a matter for tenure review under section 24(c)(i) CPLA. The point was therefore <u>allowed</u> for further consideration.			
Rationale for Accept: The point introduced new information and a perspective not previously considered, and articulated reasons why the submitter preferred an alternative outcome under the CPLA. Therefore the point was <u>accepted</u> .			
Final Analysis: It was concluded that provision of public access along the southern edge of CC2 was not practical due to the steep contour and bush cover in this area, and that the riverbed itself provided better alternatives for access linking in with the proposed easement. No change was made to the substantive proposal.			

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

Point	Summary of point raised	Allow or disallow
28	The surrender of the land under the LIA should be a firm pre-requisite to the completion of tenure review.	Disallow
Submission numbers 11		
Rationale for Disallow: As this land is not included in the tenure review it is not part of the reviewable land and cannot be considered under section 2 of the CPLA. The point was therefore <u>disallowed</u> .		
It is clearly stated in the Summary of the Proposal information provided to the public that 5000 hectares of pastoral lease land under Land Improvement Agreement no. 678433.1 is subject to surrender prior to the putting of a substantive proposal (for Manuka Point tenure review), and that this is a separate matter from the tenure review.		
NOTE: At the substantive proposal phase this land was included in the review to comply with s25(2) CPLA and facilitate the surrender. This did not alter the other decisions in relation to the land.		

Point	Summary of point raised	Allow or disallow
29	There can be a conflict between heli-skiing operators and ground parties seeking quieter recreation, and this needs to be considered when granting tourism concessions for other tenure reviews that are located on mountain ranges closer to Christchurch.	Disallow
Submission numbers 11		

Rationale for Disallow:
 The point related to tenure reviews on properties other than Manuka Point, therefore it was not specific to the reviewable land and could not be considered under section 2 of the CPLA. The point was therefore disallowed.

Point	Summary of point raised	Allow or disallow
30	Marginal strips must be provided along the banks of the Rakaia and Mathias Rivers adjacent to the proposed freehold land. Submitter 13 also notes that there are problems associated with marginal strips in relation to who determines stream widths and the public not being aware of the location of marginal strips.	Disallow

Submission numbers
 1, 11, 13

Rationale for Disallow:
 Marginal strips will be created on the land designated for freehold disposal at the conclusion of the tenure review under Part 4A of the Conservation Act 1987. This is a matter for the Director General of Conservation to administer post tenure review with respect to identifying and surveying land that qualifies, and providing appropriate notification to the public of their existence. The point was therefore disallowed.

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

Submission numbers
 10

Rationale for Allow:
 The point related to the provision of public access under section 24(c)(i) of the CPLA. It was therefore a matter for the tenure review and was allowed for further consideration.

Rationale for Not Accept:
 Submissions relating to specific public access routes are covered under points 3, 4, 7, 14, 18, and 26. As the point did not introduce any new information or a perspective not previously considered, and did not articulate reasons why a different outcome was preferred under the CPLA, the point was therefore not accepted.

Point	Summary of point raised	Allow or disallow
32	General support for the upholding and use of public roads where they exist.	Disallow

Submission numbers
 4

Rationale for Disallow:

Legal roads are not part of the reviewable land but are the responsibility of the local district council, therefore this point fell outside the ambit of the CPLA and was disallowed.

Summary and Conclusion

Overview of analysis:

13 submissions were analysed in this report. The submitters raised 32 different points of which 17 were allowed and 1 allowed in part, because they related to matters that can be considered under Part 2 of the CPLA. 14 points were disallowed because they dealt with matters that cannot be considered under Part 2 of the CPLA.

Of the 18 points allowed or allowed in part, 7 were accepted for further consideration by the Commissioner in the formulation of a Substantive Proposal because they introduced new information or a perspective not previously considered, or highlighted issues previously considered but articulated reasons why an alternative outcome was preferred that had not previously been considered, or were a statement of support for the proposal.

11 points were not accepted for further consideration because they did not introduce any new information, a new perspective, or new reasoning to justify reconsidering issues that had already been fully investigated and a consensus reached by all parties.

The submitters were generally in support of the proposal.

Generic issues:

The accepted points fell into the following categories:

- Support for the proposal
- The easement should have a clause in it similar to clause 7 "Obligations on sale of land" in the covenant document.
- CC1 should be extended to include and protect the woolshed which has historic merit.
- A historic heritage assessment should be undertaken of Manuka Point to identify any potential historic values on the proposed freehold.
- CC2 should provide for public access along its southern edge to ensure continuous public access along the Rakaia river bank if the river channel shifted.

Gaps identified in the proposal or tenure review process:

One issue was identified that required further investigation:

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

Risks identified:

No risks were identified.

General trends in the submitters' comments:

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

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

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