

Crown Pastoral Land Tenure Review

Lease name: WOODBANK

Lease number: SC 079

Final Report on Public Submissions

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

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

October

05

Report in Accordance with Contract 50346

Final Analysis of Public Submissions for Preliminary Proposal

File Ref: CON/50000/16/12739/A-ZNO-04 **Submission No:** QVV 649 **Submission Date:** 8/7 /2004

Office of Agent: Christchurch

LINZ Case No:

Date sent to LINZ: 9/7 /2004

RECOMMENDATIONS

- (1) That the Commissioner of Crown Lands approves this report for tenure review of Sc 079 Woodbank Special Lease.

Signed by Contractor:
Q V Valuations



Barry Dench
Team Leader for Tenure Review

Approved/Declined by:

Name:

Date of decision: / /

(1) *Details of lease:*

Lease Name: Woodbank
Location: Woodbank Road, Hanmer Springs
Lessee: Margot Joan HEWITT

(2) *Public notice of preliminary proposal:*

Date, publication and location advertised:

Saturday 24 January 2004

- The Press Christchurch
- Otago Daily Times Dunedin

Closing date for submissions:

19 March 2004

(3) *Details of submissions received:*

A total of 2 submissions were received by the closing date and one late submission was received.

(4) *Analysis of submission:*

4.1 Introduction:

Explanation of Analysis:

This is a final analysis of submissions. The purpose of this final analysis is to determine whether to accept or not accept the points raised in submissions for inclusion in the draft substantive proposal.

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

The following analysis:

- Summarises each of the points raised along with the submission number of those submitters making that point.
- Provides a discussion of the point.
- The CCL decisions whether or not to allow/not allow for further consultation.

The following approach has been adopted when making the decision:

- (i) To allow / not allow for further consultation:

The decision to “**Allow**” the point made by submitters is on the basis that the matter raised is a matter than can be dealt with under the Crown Pastoral Land Act 1998. Conversely, where the matter raised is not a matter that can be dealt with under the Crown Pastoral Land Act, the decision is to “**Not Allow**”. Those points that are ‘allowed’ will be given further consideration with respect to the proposal.

It should be noted that points relating to the Conservation Act, or any other statutory authority outside of the Crown Pastoral Land Act 1998 are not able to be considered by the Commissioner of Crown Lands.

- (ii) To accept/ not accept:

The outcome of an “**Accept**” decision will be that the point is included in the draft Substantive Proposal. The decision to “**Accept**” the point made by submitters is on the basis that the matter raised is a relevant matter for the Commissioner to consider when making decisions in the context of taking into account the objects and matters in the Crown Pastoral Land Act 1998 (sections 24 and 25). Secondly the views of all parties consulted and any other matters relevant to this review, balanced against the objects and matters to be taken into account in the Crown Pastoral land Act.

The outcome of a “**Not Accept**” decision will be that the point is not included in the draft Substantive Proposal, based on consideration of the above criteria.

4.2 Analysis:

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
1	General support for the proposal and the allocation of land for full Crown ownership and control.	Nos. 1 & 3	Allow	Accept

Two submissions were received which indicated support for the proposed allocation of land to be restored to or retained in full Crown ownership and control. Submission noted “ I have no argument against the proposal in this review” and submission 3 noted “In other respects, the proposal is a good one”.

As the retention of land in full Crown ownership and control, creation of an easement over reviewable land and for freehold disposal is enabled by the Crown Pastoral Land Act 1998 the point should be

allowed and accepted so that these views can be taken into account in further consideration of the proposed designations.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
2	Support for the proposed land to be retained in full Crown ownership and control.	No. 2	Allow	Accept

One submission was received that provided support for the proposed allocation of land in full Crown ownership and control, as conservation area.

The return of land to full Crown ownership and control, as conservation area is a consideration of tenure review under the Crown Pastoral Land Act 1998. The point should be allowed and accepted as it meets the objects of the Act.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
3	Support for the proposed easement	No. 2	Allow	Accept

One submission was received that provided support for the proposed easement.

As the creation of an easement over reviewable land meets one of the objects of the Crown Pastoral Land Act 1998 to make easier the securing of public access to and enjoyment of reviewable land, the point should be allowed and accepted.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
4	Public access over adjacent freehold land.	Nos.2 & 3	Not allow	Not Accept

Two submissions were received which noted that the easement over the reviewable land is not secure but acknowledged that separate negotiations are being undertaken by the Director-General of Conservation in a process outside of and running parallel to the tenure review to allow the easement to be put into practical effect.

The proposed easement over adjacent freehold land jointly owned by the leaseholder is not included as this land is not included in the review. To this extent the submissions do not raise matters relevant to the decisions to be made by the Commissioner under the Crown Pastoral Land Act 1998. This point should not be allowed or accepted.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
5	Final agreement to be dependent upon securing access over the adjoining land	No.2	Allow	Not Accept

This submission sought that the final agreement between the parties be made dependent upon securing access across freehold land along the existing farm roads and tracks to Empson River and secondly that access be for motor vehicles to the Grantham River and for foot and non-motorised vehicle access beyond the river.

As this submission meets the objects of the Crown Pastoral Land Act “to make easier the securing of public access to and enjoyment of reviewable land” it should be allowed to the extent that further consultation is to be undertaken.

Although the point covers a matter outside the jurisdiction of the Commissioner, and is “Not Accept” under the Crown Pastoral Land Act due to the access being sought over land not included in this review, it nevertheless touches on the objective in the Act “to make easier- (i) The securing of public access to and enjoyment of reviewable land”. The Director – General of Conservation’s delegate has been consulted and has undertaken to consult Mr and Mrs Hewitt with a view of securing access over their freehold land.

Discussion and Conclusions

Discussion relevant to particular points has been made above under each point for simplicity and clarity.

The very low response indicates that the public view this proposal as a sound one and that no changes have been sought. Submitters principle concerns are that the easement over the reviewable land was not secure due to it not being accessible at present but acknowledged that discussions were being undertaken by the Director-General of Conservation with the objective of securing access over adjacent land.

The latter is the only point that needs to be concluded and covers the situation where the Commissioner does not have jurisdiction over land not included in the review yet the Act has the objective “to make easier- the securing of public access to and enjoyment of reviewable land”. In this situation the obligation has been passed to the Director-General of Conservation to undertake consultation with the freehold land owner with the view of securing access to the reviewable land.