

Crown Pastoral Land Tenure Review

Lease name : ISLAND HILLS

Lease number : PC 034

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.

ANALYSIS OF PUBLIC SUBMISSIONS

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

ISLAND HILLS TENURE REVIEW

Details of lease

Lease name	Island Hills
Location	Hurunui, North Canterbury
Lessee	Island Hills Station Ltd

Public notice of preliminary proposal

Date advertised	16 January 2016
Newspapers advertised in	Otago Daily Times, Christchurch Press
Closing date for submissions	17 March 2016

Details of submissions received

Number received by closing date:	7
Cross section of groups/individuals represented by submissions:	
2 Individuals	
3 Statutory Bodies	
2 NGOs	
Number of late submissions refused/other:	0

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 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.

Analysis

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
1	The submitter supports designation of CA	1,7	Allow	Accept
Rationale for Allow or Disallow: This point relates to the protection of significant inherent values (SIVs) which is an object of Part 2 of the CPLA as detailed in section 24. The point is therefore allowed.				
Rationale for Accept or Not Accept: This is a statement of support for an aspect of the Preliminary Proposal (PP) which the Commissioner can consider when formulating the designations for a Substantive Proposal (SP). The point is therefore accepted.				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
2	The submitter recommends greater protection for QEII through restoration to full Crown ownership	1	Allow	Not Accept
Rationale for Allow or Disallow:				

This point relates to the protection of significant inherent values which is an object of Part 2 of the CPLA as detailed in contained in section 24. The point is therefore allowed.

Rationale for Accept or Not Accept:
 The protection of SIVs by returning this area to Crown ownership has been previously considered and the submitter does not introduce new information, a perspective not previously considered or articulate reasons why an alternative outcome is preferred.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
3	The submitter recommends greater protection for CC1 and CC2 through restoration to full Crown ownership	1	Allow	Not Accept

Rationale for Allow or Disallow:
 This point relates to the protection of SIVs which is an object of Part 2 of the CPLA as detailed in contained in section 24. The point is therefore allowed.

Rationale for Accept or Not Accept:
 The protection of SIVs by returning this area to Crown ownership has been previously considered and the submitter does not introduce new information, a perspective not previously considered or articulate reasons why an alternative outcome is preferred.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
4	The submitter supports the designation of unencumbered freehold.	1	Allow	Accept

Rationale for Allow or Disallow:
 This point relates to the assessment of SIVs and the freehold disposal of reviewable land which are matters to be considered under the CPLA. The point is therefore allowed.

Rationale for Accept or Not Accept:
 This is a statement of support for an aspect of the PP which the Commissioner can consider when formulating the designations for a SP. The point is therefore accepted.

Point	Summary of point raised	Submission numbers	Allow or disallow
5	The submitter recommends marginal	1	Disallow

	strips be created through and alongside the property to improve public access		
<p>Rationale for Allow or Disallow: Marginal Strips are a matter for the Director General of Conservation to consider under the Conservation Act 1987. They are not a matter for the Commissioner of Crown Lands to consider under the CPLA. The point is therefore disallowed.</p>			

Point	Summary of point raised	Submission numbers	Allow or disallow
6	The submitter recommends CA be given specific classification under the Conservation Act	1	Disallow
<p>Rationale for Allow or Disallow: Classification of conservation land is a matter for the Director General of Conservation to consider under the Conservation Act 1987. This is not a matter for the Commissioner of Crown Lands to consider under the CPLA. The point is therefore disallowed.</p>			

Point	Summary of point raised	Submission numbers	Allow or disallow
7	The submitter suggests that CA be documented in the SP to be included in the Lake Sumner Conservation Park.	2	Disallow
<p>Rationale for Allow or Disallow: Classification of conservation land is a matter for the Director General of Conservation to consider under the Conservation Act 1987. This is not a matter for the Commissioner of Crown Lands to consider under the CPLA. The point is therefore disallowed.</p>			

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
8	The submitter wishes to oppose the entire current proposal for Tenure Review of Island Hills	3	Allow	Not Accept
<p>Rationale for Allow or Disallow:</p>				

While a very general point it relates to matters which can be properly considered under the CPLA.

Rationale for Accept or Not Accept:
 The submitter highlights issues previously considered and the submitter does not introduce new information, a perspective not previously considered or articulate reasons why an alternative outcome is preferred.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
9	The submitter considers the two huts and pack track should remain accessible to the public	3	Allow	Not Accept

Rationale for Allow or Disallow:
 The point relates to the securing of public access to and enjoyment of reviewable land which is a matter to be considered under s.24(c)(ii) of the CPLA.

Rationale for Accept or Not Accept:
 The point does not meet the criteria for acceptance by the Commissioner for further consideration in the formation of a Substantive Proposal. The submitter has not provided any new information, a perspective not previously considered.

We note that public access to these features is currently only possible with the lessee's consent. The significance of and public access to these features has been considered in the preparation of the PP through consultation with DOC and the Holder.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
10	The submitter seeks to have an easement under Part 3 Walking Access Act 2008 created along the pack track to provide for a public access loop with connections to legal roads and marginal strips	4	Allow	Accept

Rationale for Allow or Disallow:
 The point relates to the securing of public access to and enjoyment of reviewable land which is a matter to be considered under s.24(c)(ii) of the CPLA.

Rationale for Accept or Not Accept:

Public access is a point which has been widely considered in formulating the PP. However, the opportunity to create a loop encompassing the pack track and marginal strips has not previously been considered. The submitter has introduced a perspective not previously considered and articulates reasons why an alternative outcome under the CPLA is preferred. Therefore, the point is accepted for consideration by the Commissioner in formulating the designations for a SP.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
11	The submitter seeks to have an easement under Part 3 Walking Access Act 2008 created to provide access to Bush Hut	4	Allow	Not accept

Rationale for Allow or Disallow:
 The point relates to the securing of public access to and enjoyment of reviewable land which is a matter to be considered under s.24(c)(ii) of the CPLA.

Rationale for Accept or Not Accept:
 Public access on Island Hills is a point which has been widely considered in formulating the PP. Public access to Bush Hut has been considered with provision of access via the Hurunui High Country Track. The submitter has not introduced new information or a perspective not previously considered. The point is there not accepted.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
12	The submitter is concerned with continued stock access to both conservation covenants	5	Allow	Not accept

Rationale for Allow or Disallow:
 The point relates to the protection of SIVs and the management of land in a way that is ecologically sustainable which are matters to be considered under s.24 of the CPLA. The point is therefore allowed.

Rationale for Accept or Not Accept:
 The stocking rate has previously been considered in the context of the inherent values of the land and sustainable farm management. The submitter does not introduce new information, a perspective not previously considered or articulate reasons why an alternative outcome is preferred.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
13	The submitter requests a public access easement on the eastern boundary of QEII to provide access to CA	5	Allow	Accept

Rationale for Allow or Disallow:
 The point relates to the securing of public access to and enjoyment of reviewable land which is a matter to be considered under s.24(c)(ii) of the CPLA.

Rationale for Accept or Not Accept:
 The point meets the criteria for acceptance by the Commissioner for further consideration in formulation of a Substantive Proposal. Public access is a point which has been widely considered in formulating the preliminary proposal. The proposal provides for public access to CA by helicopter and foot through adjoining Conservation land. Access at this location has not specifically been considered in formulating the preliminary proposal. The point is therefore accepted.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
14	The submitter requests consideration of wander at will access to QEII	5	Allow	Not accept

Rationale for Allow or Disallow:
 The point relates to the securing of public access to and enjoyment of reviewable land which is a matter to be considered under s.24(c)(ii) of the CPLA.

Rationale for Accept or Not Accept:
 The QEII covenant seeks to protect landscape and ecological values present, particularly the beech forest. It is acknowledged the covenant provides for public access only with the owner's consent. Public access on Island Hills is a point which has been widely considered in formulating the preliminary proposal. The submitter has not introduced new information or a perspective not previously considered. The point is there not accepted.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
15	The submitter supports in principle the preliminary proposal	6	Allow	Accept

Rationale for Allow or Disallow:

This point relates to support for the application of the objective of Part 2 of the CPLA as detailed in section 24. The point is therefore allowed

Rationale for Accept or Not Accept:
 This is a statement of support for an aspect of the PP which the Commissioner can consider when formulating the designations for a SP. The point is therefore accepted.

Point	Summary of point raised	Submission numbers	Allow or disallow
16	The submitter recommends that Site Record Forms be prepared and submitted to the NZAA Site Recording Scheme for Bush Hut, Gills Yards and the Pack Track.	6	Disallow

Rationale for Allow or Disallow:
 The New Zealand Archaeological Association (NZAA) Site Recording Scheme operates independently of the CPLA and is not a matter for the Commissioner of Crown Lands to consider in completing a tenure review under the CPLA. The point is therefore disallowed.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
17	The submitter supports the proposed protection mechanism for the values associated with the Pack Track	6	Allow	Accept

Rationale for Allow or Disallow:
 This point relates to the protection of significant inherent values which is an object of Part 2 of the CPLA as detailed in section 24(c)(i). The point is therefore allowed

Rationale for Accept or Not Accept:
 This is a statement of support for an aspect of the Preliminary Proposal which the Commissioner can consider when formulating the designations for a Substantive Proposal. The point is therefore accepted.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
18	The submitter suggests that the QEII covenant terms and schedule be reviewed to provide protection for Bush Hut	6	Allow	Accept
<p>Rationale for Allow or Disallow: The point relates to the protection of SIVs of reviewable land which is an object of Part 2 of the CPLA as detailed in section 24(b).</p>				
<p>Rationale for Accept or Not Accept: The Director General of Conservations view on the significance of Bush Hut was qualified as being subject to receiving further advice from their heritage advisor and public submissions. The point is therefore accepted for consideration by the Commissioner in formulating the SP.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow
19	The submitter recommends a condition be added to the Final Plan to ensure that current and future owners are made aware of recorded and potential archaeological sites.	6	Disallow
<p>Rationale for Allow or Disallow: The point relates to the application of the Heritage New Zealand Pouhere Taonga Act 2014 to actual and potential archaeological sites which is not a matter for the Commissioner of Crown lands to consider under the CPLA.</p>			

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
20	The submitter supports the designation of FHD, QEII and CC1	7	Allow	Accept
<p>Rationale for Allow or Disallow: This point relates to the protection of significant inherent values which is an object of Part 2 of the CPLA as detailed in section 24(c)(i). The point is therefore allowed.</p>				
<p>Rationale for Accept or Not Accept:</p>				

This is a statement of support for an aspect of the PP which the Commissioner can consider when formulating the designations for a SP. The point is therefore accepted.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
21	The submitter partially supports the designation of CC2 but suggests addition of areas to CA	7	Allow	Accept

Rationale for Allow or Disallow:
 This point relates to the protection of SIVs which is an object of Part 2 of the CPLA as detailed in section 24(c)(i). The point is therefore allowed.

Rationale for Accept or Not Accept:
 The point highlights issues previously considered but articulates reasons why the submitter prefers an alternative outcome under the CPLA. The point is therefore accepted.

Summary and Conclusion

Overview of analysis:

A total of seven submissions were received through public advertising of this preliminary proposal. The submitters made a total of 21 points. There was a total of five points which related to matters outside of the tenure review processes and were disallowed.

16 of the 21 points were allowed, from which seven related to matters previously considered and as no new information was provided, a perspective not previously considered or reasons for an alternative outcome were not promoted these points are not considered further.

Four of the 16 allowed points were in support of aspects of the PP and were accepted for consideration by the Commissioner in formulating the SP.

Five of the 16 allowed points were accepted for consideration by the Commission in formulating the SP as they introduced new information, perspectives not previously considered or reasons for an alternative outcome.

Generic issues:

Provision of great public access to proposed CA and features such as Bush Hut, Valley Camp hut and the Pack Track of the property were a common issue raised.

A number of points also related to the provision of greater protection of SIVs on areas proposed to be freehold subject to protection mechanisms.

Gaps identified in the proposal or tenure review process:

While formed public access to Island Hills is over freehold property creating practical difficulties in achieving public access objectives the submissions highlight the public desire for provision of enduring public access across parts of the property and to proposed CA. Points have been accepted relating to public access outcomes.

Risks identified:

No specific risks identified.


General trends in the submitters' comments:

Public access was a major theme of submissions. A number of submissions also focused on the assessment of protection mechanisms for areas of proposed freehold with some suggested greater areas be included in proposed CA.

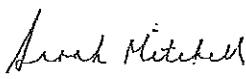
There was a reasonable degree of support for aspects of the tenure review, including the use of protection mechanisms on proposed freehold and areas of proposed CA.

I recommend approval of this analysis and recommendations

Prepared By:

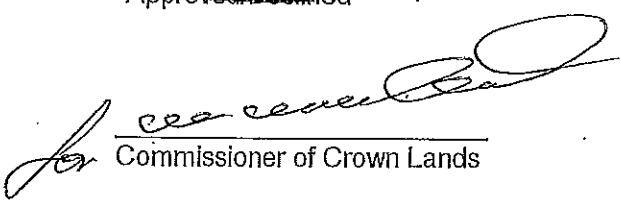

Jeff Reidy
APL Property Queenstown Ltd
Date: 19 April 2016

Reviewed By:


Sarah Mitchell
APL Property Queenstown Ltd
Date: 19 April 2016

Approved/Declined

Noted.


Commissioner of Crown Lands

Date 11-8-16

Appendices

1. Copy of Public Notice
2. List of Submitters
3. List of Points Raised and Considered
4. Copy of Annotated Submissions