

Crown Pastoral Land Tenure Review

Lease name : *THE POPLARS*

Lease number : PC 015

Analysis of Public Submissions – Part 1

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

12

Report in Accordance with Contract 50346

Analysis of Public Submissions for Preliminary Proposal

File Ref: PRY-C60-12678-TNR-Pc015 **Submission No:** DAR 074 **Submission Date:** 20/11/11

Office of Agent: Christchurch

LINZ Case No:

Date sent to LINZ: 1/2 /2012

RECOMMENDATIONS

1. That the Commissioner of Crown Lands approves this report for tenure review of Pc 015 **The Poplars** Pastoral Lease.

ANALYSIS OF PUBLIC SUBMISSIONS

**Statement Pursuant To Sec 45(a)(iii) Crown Pastoral Land Act
THE POPLARS TENURE REVIEW NO TR243**

Details of lease

Lease name:	The Poplars.
Location:	State Highway 7, Lewis Pass.
Lessee:	Run 351 Ltd.

Public notice of preliminary proposal

Date advertised:	23 July 2011.
Newspapers advertised in:	The Press (Christchurch). Otago Daily Times (Dunedin).
Closing date for submissions:	16 September 2011.

Details of submissions received

Number received by closing date:	14.
Cross-section of groups/individuals represented by submissions:	Submissions were received from individuals, recreation groups, scientific institutions, conservation groups and educational organisations.
Number of late submissions refused/other:	1 submission was accepted by the Commissioner's delegate.
Total number of submissions:	15.

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	Allow or disallow	Accept or not accept
1	Submitters seek confirmation that public access across proposed freehold from the Doubtful River to the Hope River will be maintained. Submitter 1 specifies easement "g-f", required for non motorised wet weather public access when Boyle River can't be forded near the Doubtful River. "f-h" is also cited as useful access to Hope Riverbed.	Allow	Accept
Submission numbers 1,7			
Rationale for Allow: Section 24(c)(i) CPLA sets out the one of the objects of tenure review, to make easier the securing of public access to and enjoyment of the reviewable land. The point relates to public access within the reviewable land, therefore it is a matter for tenure review under the CPLA and is <u>allowed</u> for further consideration.			
Rationale for Accept: Aspects of the access proposed by the submitters are new information and have not previously been fully discussed during consultation. The aspects that are new relate to public access from the Doubtful River across The Poplars to the Hope River. Therefore the point is <u>accepted</u> for further consideration by the Commissioner in the formulation of a Substantive Proposal.			

Point	Summary of point raised	Allow or disallow	Accept or not accept
2	Public Access along Matagouri Stream to CA2 is required.	Allow	Not Accept
Submission numbers 1			
Rationale for Allow: Section 24(c)(i) CPLA sets out the one of the objects of tenure review, to make easier the securing of public access to and enjoyment of the reviewable land. The point relates to public access within the reviewable land, therefore it is a matter for tenure review under the CPLA and is <u>allowed</u> for further consideration.			
Rationale for Not Accept: Access to this area is possible and available from adjoining Conservation Land. The submitter does not introduce new information and this perspective has been considered in the tenure review proposal, therefore the point is <u>not accepted</u> for further consideration by the Commissioner in the formulation of a Substantive Proposal.			

Point	Summary of point raised	Allow or disallow	Accept or not accept
3	Public Access along/ to Nathan Stream is required.	Allow	Accept
Submission numbers 1			
Rationale for Allow: Section 24(c)(i) CPLA sets out the one of the objects of tenure review, to make easier the securing of public access to and enjoyment of the reviewable land. The point relates to public access within the reviewable land, therefore it is a matter for tenure review under the CPLA and is <u>allowed</u> for further consideration.			
Rationale for Accept: Aspects of the access proposed by the submitter were discussed but need to be considered further due to uncertainties over the situation. Aspects of the access proposed are new information that have not previously been fully considered, therefore the point is <u>accepted</u> for further consideration by the Commissioner in the formulation of a Substantive Proposal.			

Point	Summary of point raised	Allow or disallow	Accept or not accept
4	If the CC1 boundary is in the middle of the Hope River there will be a problem for access for fishing the Hope.	Allow	Not Accept
Submission numbers 1			
Rationale for Allow: Section 24(c)(i) CPLA sets out the one of the objects of tenure review, to make easier the securing of public access to and enjoyment of the reviewable land. The point relates to public access within the reviewable land, therefore it is a matter for tenure review under the CPLA and is <u>allowed</u> for further consideration.			
Rationale for Not Accept: Access to rivers has been considered in this review and provided by various easements and access points. The submitter does not introduce new information and this perspective has been considered in the tenure review proposal, therefore the point is <u>not accepted</u> for further consideration by the Commissioner in the formulation of a Substantive Proposal.			

Point	Summary of point raised	Allow or disallow	Accept or not accept
5	Fish and Game management easement covering the entire area of the current or future Poplars property is sought. Will seek property owner's permission before entry.	Allow	Not Accept
Submission numbers 2			
Rationale for Allow: Section 24(a)(i) CPLA sets out the one of the objects of tenure review, to make easier the securing of public access to and enjoyment of the reviewable land. The point relates to public access within the reviewable land, therefore it is a matter for tenure review under the CPLA and is <u>allowed</u> for further consideration.			

Rationale for Not Accept:
 Access to The Poplars has been considered extensively in this review and provided by various easements and access points. The particular issue relating to Fish & Game management was included in the discussions. The submitter does not introduce new information and this perspective has been considered in the Preliminary Proposal, therefore the point is not accepted for further consideration by the Commissioner in the formulation of a Substantive Proposal.

Point	Summary of point raised	Allow or disallow	Accept or not accept
6	Access to the Hope/ Boyle Rivers from Windy Point Carpark is sought. Submitter 6 seeks extension of "e-f" 450/500 metres to the south to link track with DOC land.	Allow	Not Accept

Submission numbers
 2, 6

Rationale for Allow:
 Section 24(c)(i) CPLA sets out the one of the objects of tenure review, to make easier the securing of public access to and enjoyment of the reviewable land. The point relates to public access within the reviewable land, therefore it is a matter for tenure review under the CPLA and is allowed for further consideration.

Rationale for Not Accept:
 Access is available to this area from the adjoining conservation land around the Hope River. Access to The Poplars has been considered extensively in this review and provided by various easements and access points. The access sought by the submitters to the DOC land is readily available from proposed easement "e-f-h". The submitters have not introduced new information and this perspective has been considered in the tenure review proposal, therefore the point is not accepted for further consideration by the Commissioner in the formulation of a Substantive Proposal.

Point	Summary of point raised	Allow or disallow	Accept or not accept
7	Concerns over CC1. Submitter cites lack of protective measures especially given cattle grazing, unless it is fenced.	Allow	Not Accept

Submission numbers
 2

Rationale for Allow:
 The point relates to the object under section 24 (b) CPLA, the protection of significant inherent values by the creation of protective mechanisms; or (preferably) by restoration of the land to full Crown ownership and control. As the point is a matter for tenure review, it is allowed for further consideration.

Rationale for Not Accept:
 The details for CC1 were canvassed extensively and agreed on based on risks to SIV's and the practicalities of proposed boundaries. Extensive discussions were held on the appropriate designation for this area and parts of the area. The submitter did not introduce new information or a perspective not previously considered nor have reasons been articulated why an alternative outcome is preferred that has not been previously considered. The point is therefore not accepted for further consideration by the Commissioner in the formulation of a Substantive Proposal.