

Crown Pastoral Land Tenure Review

Lease name : THE POPLARS

Lease number : PC 015

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
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 is included in this final report reflecting the 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
<p>Submission numbers 1,7</p>			
<p>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.</p>			
<p>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.</p>			
<p>Final Analysis: The holder advised that in times of emergency there were no objections to any party using the track, however he did not want it enshrined as an easement because unrestricted use would create difficulties for farm management. The DGC delegate advised that access was available through existing conservation land and that DOC may create a track for this purpose post tenure review. The access previously proposed was therefore considered appropriate and no changes were made to the proposal.</p>			

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
<p>Submission numbers 1</p>			
<p>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.</p>			
<p>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.</p>			

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.			
Final Analysis: On further investigation it was confirmed that Nathan Stream appeared to be outside the pastoral lease and there was no practical access to it through the lease as the gully is steep and incised. The DGC delegate therefore did not recommend provision of public access to this waterway.			

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			

<p>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.</p>
<p>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 <u>not accepted</u> for further consideration by the Commissioner in the formulation of a Substantive Proposal.</p>

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

<p>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.</p>
<p>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 <u>not accepted</u> for further consideration by the Commissioner in the formulation of a Substantive Proposal.</p>

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

<p>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 <u>allowed</u> for further consideration.</p>
<p>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</p>

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.

Point	Summary of point raised	Allow or disallow	Accept or not accept
8	Agreement with DOC Historic Resources Report for The Poplars, and sites listed.	Allow	Accept
Submission numbers 3			
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 <u>allowed</u> for further consideration.			
Rationale for Accept: The DOC Historic Resources Report was completed after the preliminary proposal was formulated. As the point introduces a perspective not previously considered, it is <u>accepted</u> for further consideration by the Commissioner in the formulation of a Substantive Proposal.			
Final Analysis: The DGC delegate noted that the Historic Resources Report highlighted a number of sites, but advised that the holder had been appraised of their existence and no further action was required.			

Point	Summary of point raised	Allow or disallow
9	Current and future owners should be made aware of archaeological sites.	Disallow
Submission numbers 3		
Rationale for Disallow: The management of land by the holder freeholded post tenure review is not a matter for consideration under the CPLA. Areas on The Poplars with SIV's have been examined during consultation and protected under this proposal. The point is therefore not validly made, not relevant to the tenure review and is <u>disallowed</u> .		

Point	Summary of point raised	Allow or disallow	Accept or not accept
10	Te Runanga O Ngai Tahu should be consulted with in relation to importance of trails in the Hope-Boyle River areas.	Allow	Not Accept
Submission numbers 3			

Rationale for Allow:
 The point relates to the object under section 25(1)(b) CPLA, taking into account the Principles of the Treaty of Waitangi. As the point is a matter for tenure review, it is allowed for further consideration.

Rationale for Not Accept:
 Te Runanga o Ngai Tahu have been consulted during the development of the Preliminary Proposal and their views have been taken into account and examined during the preparation of the Preliminary Proposal for The Poplars. The point is therefore not accepted for further consideration by the Commissioner in the formulation of a Substantive Proposal as Iwi views have already been considered in the proposal.

Point	Summary of point raised	Allow or disallow	Accept or not accept
11	General support for all or parts of the proposal. Submitter 4 supports CA4 to guarantee access to abseil and rock climbing area. Submitters 6 and 7 support access routes and support easements allowing MOC to provide signage, styles. Submitter 8 supports CA2 and having no dogs on easement, and vehicles to "c" only.	Allow	Accept

Submission numbers
 4,5,6,7,8,13,15

Rationale for Allow:
 The Poplars preliminary proposal was prepared in consideration of the objects under section 24 CPLA. The submitters indicate support for all or parts of the proposal. The point is therefore a matter for tenure review and allowed for further consideration.

Rationale for Accept:
 As the point is a matter to be taken into account in the CPLA and provides statements of support for aspects of the Preliminary Proposal, it is accepted for further consideration by the Commissioner when formulating the designations for a Substantive Proposal.

Final Analysis:
 Access to the various areas is protected by easements or Crown ownership, 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
12	Conservation Covenant sought over freehold between CA4 and western Pastoral Lease boundary to protect ecosystem, landscape and SIV's. More worthy of protection than CC1.	Allow	Not Accept

Submission numbers
 15

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:
 Extensive discussions were held on the appropriate designation for this area and parts of the area. SIV's were assessed in consultation with DOC and were not assessed as being sufficient to require further protection. 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 when formulating the designations for a Substantive Proposal.

Point	Summary of point raised	Allow or disallow
13	Concerns relating to safety in CA4. BROEC's ability to control use of their equipment and liability issues raised alongside detriment to BROEC's business due to conflicts of use of the abseil and rock climbing site.	Disallow

Submission numbers

4

Rationale for Disallow:
 This point refers to activities on the land that are subject to arrangements between DOC and a party that is not the holder of the current Pastoral Lease. The management of land post tenure review is not a matter for consideration under the CPLA. CA4 will be in DOC's responsibility for management after tenure review. The point is therefore not validly made, not relevant to the tenure review and is disallowed.

Point	Summary of point raised	Allow or disallow	Accept or not accept
14	Clarification required on whether tracks currently used to access rock climbing-abseil area are in CA4. Submitter 8 seeks access to rock on CA4.	Allow	Not Accept

Submission numbers

4,8

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:
 The submitters are seeking clarification of information regarding public access. This perspective has been consulted on and considered in the Preliminary Proposal. Fence lines have been determined to reflect the outcomes of this consultation and the proposed boundaries allow for the access sought by the submitters. As the submitters have not presented new information or a perspective not previously considered; the point is therefore 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
15	The submitters would like access on "c-d" to maintain viability of programmes and for health and safety issues, such as evacuation. Submitter 4 currently has an access arrangement over "c-d". Submitter 8 also seeks vehicle access to the lodge on "c-d".	Allow	Accept

<p>Submission numbers 4,8</p>
<p>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 by the Commissioner in the formulation of a Substantive Proposal.</p>
<p>Rationale for Accept: Aspects of the access proposed by the submitters are new information and have not previously been consulted on in full. The status of present usage appears unclear and requires further consultation. Therefore the point is <u>accepted</u> for further consideration by the Commissioner in the formulation of a Substantive Proposal.</p>
<p>Final Analysis: The easement “c-d” (re-labeled “b-c” in the SP designations) is to provide non-motorised general public access to “CA4” and existing public lands. The DGC delegate noted that the Department is not able to monitor or police vehicle access therefore separate arrangements should be made with the holder regarding access for specific needs. Access to the lodge is covered in point 36.</p>

Point	Summary of point raised	Allow or disallow	Accept or not accept
16	Concern that the building permitted under CC1 should not contradict the inherent values stated.	Allow	Not Accept

<p>Submission numbers 4</p>
<p>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 <u>allowed</u> for further consideration by the Commissioner in the formulation of a Substantive Proposal.</p>
<p>Rationale for Not Accept: While the submitter has indicated a concern regarding protection of inherent values, 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 that indicates a threat to SIV's nor have reasons been articulated why an alternative outcome is preferred that has not been previously considered. The point is therefore <u>not accepted</u> for further consideration by the Commissioner in the formulation of a Substantive Proposal.</p>

Point	Summary of point raised	Allow or disallow	Accept or not accept
17	All of the pastoral lease still has very significant conservation and scenic values requiring protection and provides a transition from wilderness to human activity. SH7 runs through lease highlighting scenic values. Lease occupies a strategic position between the wild lands upstream towards the Lewis Pass and lands shaped by human activity.	Allow	Not Accept

<p>Submission numbers 5</p>
<p>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 <u>allowed</u> for further consideration by the Commissioner in the formulation of a Substantive Proposal.</p>
<p>Rationale for Not Accept: 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 <u>not accepted</u> for further consideration by the Commissioner in the formulation of a Substantive Proposal.</p>

Point	Summary of point raised	Allow or disallow
18	Removal of any part of the lease is not realistic if economic farming is to continue. Submitter is indicating farming not economic if the lease is reduced in size.	Disallow

<p>Submission numbers 5</p>
<p>Rationale for Disallow: The CPLA does not specify a requirement for proposed freehold land to comprise an economic or viable farm unit therefore the point is not a matter for tenure review and is <u>disallowed</u>.</p>

Point	Summary of point raised	Allow or disallow	Accept or not accept
19	Proposed freehold north of point "a" on the map is particularly rich botanically. Submitter says it should be protected with a Conservation Covenant or Conservation Area and would rather see a Covenant or Conservation Area here than the proposed CC1 if it was a choice. See also Points 20 and 27.	Allow	Not Accept

<p>Submission numbers 5</p>
<p>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 <u>allowed</u> for further consideration by the Commissioner in the formulation of a Substantive Proposal.</p>
<p>Rationale for Not Accept: 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 <u>not accepted</u> for further consideration by the Commissioner in the formulation of a Substantive Proposal.</p>

Point	Summary of point raised	Allow or disallow	Accept or not accept
20	CC1 is not as important ecologically or scenically as unencumbered land north of point "a", but support for CC1 is still noted by submitter.	Allow	Accept
Submission numbers 5			
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 <u>allowed</u> for further consideration by the Commissioner in the formulation of a Substantive Proposal.			
Rationale for Accept: As the point is a matter to be taken into account in the CPLA and is a statement of support for aspects of the Preliminary Proposal, it is <u>accepted</u> for further consideration by the Commissioner when formulating the designations for a Substantive Proposal.			
Final Analysis: Refer also to point 19. Support for "CC1" was noted. This covenant was retained in the substantive proposal.			

Point	Summary of point raised	Allow or disallow	Accept or not accept
21	Concerns about a possible increase in cow numbers- 430 to 700 could have potentially disastrous effect on the property's nature.	Allow	Not Accept
Submission numbers 5			
Rationale for Allow: While the submitter's comments relate to "the properties nature" we have taken this to mean their concerns about the protection of landscape and ecological SIVs from the effects of intensive agriculture, and are a matter for tenure review under section 24(b) CPLA. The point is therefore <u>allowed</u> for further consideration by the Commissioner in the formulation of a Substantive Proposal.			
Rationale for Not Accept: Protection of SIVs is dealt with elsewhere in this report under the particular areas concerned. As the submitter has not introduced any new information or a perspective not previously considered, and does not articulate reasons why they prefer a different outcome under the CPLA in relation to the point, it is therefore <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
22	Support for current farm management regime and for retaining this into the future. Retains weed and pest control and balance between farm production and retention of SIV's. Could include an ecotourism enterprise also to keep in balance.	Allow	Not Accept

<p>Submission numbers 5</p>
<p>Rationale for Allow: The point raised by the submitter infers that the current management system protects the natural values present. The point therefore relates to the protection of significant inherent values plus the sustainability of the land. It is therefore a matter that can be considered under Section 24(a)(i) CPLA. The point is therefore <u>allowed</u> for further consideration by the Commissioner in the formulation of a Substantive Proposal.</p>
<p>Rationale for Not Accept: The submitter makes a statement about the protection of SIVs on The Poplars in relation to the current farm management regime. Protection of SIVs is dealt with elsewhere in this report under the particular areas concerned. As the submitter has not introduced any new information or a perspective not previously considered, and does not articulate reasons why they prefer a different outcome under the CPLA in relation to the point, it is therefore <u>not accepted</u> for further consideration by the Commissioner in the formulation of a Substantive Proposal.</p>

Point	Summary of point raised	Allow or disallow	Accept or not accept
23	Existing scrub associations at confluence of the Hope and Boyle Rivers should be retained as Conservation Area.	Allow	Not Accept

<p>Submission numbers 5</p>
<p>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 <u>allowed</u> for further consideration by the Commissioner in the formulation of a Substantive Proposal.</p>
<p>Rationale for Not Accept: 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 <u>not accepted</u> for further consideration by the Commissioner in the formulation of a Substantive Proposal.</p>

Point	Summary of point raised	Allow or disallow
24	Stock performance should be improved rather than stock numbers increased.	Disallow

<p>Submission numbers 5</p>
<p>Rationale for Disallow: The management of land by the holder freeholded post tenure review services not a matter for consideration under the CPLA. The point is therefore not validly made, not relevant to the tenure review and is <u>disallowed</u>.</p>

Point	Summary of point raised	Allow or disallow	Accept or not accept
25	The Preliminary Proposal is not acceptable. Submitter 10 has concerns that so little land is retained in full Crown ownership and the PP shouldn't go forward in its current form.	Allow	Not Accept
Submission numbers 5,10			
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 <u>allowed</u> for further consideration by the Commissioner in the formulation of a Substantive Proposal.			
Rationale for Not Accept: Extensive discussions were held on the appropriate designation for The Poplars..The Preliminary Proposal is the result of consultation with the holder, DoC, iwi and other parties. Technical advice has been considered and the consultation process is conducted under LINZ standards LINZS45003 (accessible on the LINZ website) and the general principles of the law. The submitters 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 <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
26	Significant levels of protection are required to protect against any future owners with destructive land development methods.	Allow	Not Accept
Submission numbers 5			
Rationale for Allow: The point relates to the object under section 24(b) CPLA, the protection of significant inherent values on the reviewable land. As the point is a matter for tenure review, it is <u>allowed</u> for further consideration by the Commissioner in the formulation of a Substantive Proposal.			
Rationale for Not Accept: 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. It should also be noted the management of land by the holder or future owners post tenure review is not a matter for consideration under the CPLA. The point is therefore <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
27	Area north of point "a" should be conservation area perhaps subject to a grazing concession. See also points 19 and 20.	Allow	Not Accept
Submission numbers 5,15			

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 by the Commissioner in the formulation of a Substantive Proposal.

Rationale for Not Accept:
 Extensive discussions were held on the appropriate designation for this area and parts of the area. The submitters 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.

Point	Summary of point raised	Allow or disallow	Accept or not accept
28	Other wetlands on higher terraces near CA4 deserve protection.	Allow	Not Accept

Submission numbers
5

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 by the Commissioner in the formulation of a Substantive Proposal.

Rationale for Not Accept:
 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.

Point	Summary of point raised	Allow or disallow
29	Legal roads within the Pastoral Lease requested to be depicted as not part of the Pastoral Lease. Submitter suggests plans are made of a scale for this to be clearly identified.	Disallow

Submission numbers
6

Rationale for Disallow:
 The Commissioner is not required to deal with or identify legal roads on plans as he has no responsibility in this regard under the CPLA. The point is therefore disallowed.

Point	Summary of point raised	Allow or disallow
30	Marginal strips information should be provided with the proposal summary.	Disallow

Submission numbers
6

Rationale for Disallow:
The Commissioner is not required to deal with marginal strips as he has no responsibility in this regard under the CPLA. The point is therefore disallowed.

Point	Summary of point raised	Allow or disallow
31	General issues relating to legal roads. Submitter 7 prefers more secure access to the area such as paper roads on proposed routes. Submitter 9 says public rights on legal roads are not recognised in the proposal and must retain legal roads. Obstructions such as locked gates must be removed as part of tenure review. Submitters 10 and 15 favour legal roads over easements to secure access.	Disallow

Submission numbers

6,7,9,10,11,12

Rationale for Disallow:
The Commissioner is not required to deal with legal roads as he has no responsibility in this regard under the CPLA. The point is therefore disallowed.

Point	Summary of point raised	Allow or disallow	Accept or not accept
32	Public vehicle access on existing formed track deviates from the legal road line. "i-j-l" cited as an example.	Allow	Not accept

Submission numbers

10, 11,12

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:
Public Access has been considered in this review and provided by various easements and access points. The submitters do not introduce 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
33	Support for Section 24 of the Crown Pastoral Land Act.	Allow	Accept

Submission numbers

7

Rationale for Allow:
The tenure review preliminary proposal was prepared in consideration of the objects under section 24 CPLA. The point is therefore a matter for tenure review and allowed for further consideration.

<p>Rationale for Accept: As the point is a matter to be taken into account in the CPLA and is a statement of support for aspects of the Preliminary Proposal, it is <u>accepted</u> for further consideration by the Commissioner when formulating the designations for a Substantive Proposal.</p>
<p>Final Analysis: Support for Section 24 of the Crown Pastoral Land Act was noted.</p>

Point	Summary of point raised	Allow or disallow
34	Delete 3.9 of the fencing specification requiring matagouri and scrub clearing either side of new fence. Minimal vegetation clearance to prevent biodiversity loss, reduce edge effects on the remnants and avoid creating an invasive path for weeds. Submitter states resource consent is required for such work.	Disallow
<p>Submission numbers 13</p>		
<p>Rationale for Disallow: Matters relating to fencing and Resource Management Act issues are not part of the tenure review process, therefore this point falls outside the ambit of the CPLA and is <u>disallowed</u>.</p>		

Point	Summary of point raised	Allow or disallow	Accept or not accept
35	Minister of Conservation should not be able to close easement at will but will have restrictions on this power.	Allow	Not Accept
<p>Submission numbers 7</p>			
<p>Rationale for Allow: The tenure review preliminary proposal was prepared in consideration of the objects under section 24(c)(i) CPLA the securing of public access over the reviewable land. The point is therefore a matter for tenure review and <u>allowed</u> for further consideration by the Commissioner in the formulation of a Substantive Proposal.</p>			
<p>Rationale for Not Accept: This is a standard clause in the document and is there for public safety reasons. 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.</p>			

Point	Summary of point raised	Allow or disallow	Accept or not accept
36	Amuri School sublease of lodge (and access to) will need to be discussed with DOC.	Allow	Accept
<p>Submission numbers 8</p>			
<p>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</p>			

access within the reviewable land, therefore it is a matter for tenure review under the CPLA and is allowed for further consideration by the Commissioner in the formulation of a Substantive Proposal.

Rationale for Accept:
Aspects of the access proposed by the submitter is new information and has not previously been fully assessed. The status of present usage appears unclear and requires further investigation. therefore the point is accepted for further consideration by the Commissioner in the formulation of a Substantive Proposal.

Final Analysis:
The DGC delegate advised that they have no involvement with the lodge operated by Amuri School. The lodge is covered by a lease arrangement between the holder of The Poplars Station and Amuri School, and is therefore a private matter between the two parties. Amuri School and any other party wanting access to and use of the lodge should therefore continue to deal directly with the holder.

Point	Summary of point raised	Allow or disallow
37	Submitter advises that Environment Canterbury consent required for a Land Improvement Agreement if the tenure review gets to Substantive Proposal.	Disallow

Submission numbers

14

Rationale for Disallow:
The point relates to consents that would be required to provide for the completion of works under a former run plan. This is not a matter for tenure review under the CPLA and is therefore disallowed.

Point	Summary of point raised	Allow or disallow	Accept or not accept
38	Tramping tracks not protected by easements. Submitter is saying that easements are not a strong enough protective mechanism.	Allow	Not Accept

Submission numbers

10

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 by the Commissioner in the formulation of a Substantive Proposal.

Rationale for Not Accept:
Public access to tramping tracks on The Poplars has been considered and allowed for in the proposal. Public access easements are specifically designed to protect public access routes. The submitter does not introduce 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
39	CC1 should be retained by the Crown to avoid fragmented ownership.	Allow	Not Accept
Submission numbers 10			
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 <u>allowed</u> for further consideration by the Commissioner in the formulation of a Substantive Proposal.			
Rationale for Not Accept: 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. The point is therefore <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
40	Te Araroa Pathway must be protected by easement.	Allow	Not Accept
Submission numbers 10			
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 by the Commissioner in the formulation of a Substantive Proposal.			
Rationale for Not Accept: Access for tramping tracks, including the Te Araroa route has been provided for in the proposal with the proposed easements "a-b-c-d" and "e-f-h" 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
41	Public access route required from the Hope River near Hope Shelter across CC1 to Neschacker Hill Ridge.	Allow	Not Accept
Submission numbers 11			
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 by the Commissioner in the formulation of a Substantive Proposal.			

Rationale for Not Accept:
 The submitter does not introduce new information or a perspective not previously considered. Access to the area described has been provided for via easement "o-j-k" on the plan and proposed the Conservation Area. This point 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
42	Public access required up finger of CC1 up to Neschacker Hill Ridge.	Allow	Not Accept

Submission numbers
 11

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 by the Commissioner in the formulation of a Substantive Proposal.

Rationale for Not Accept:
 The submitter does not introduce new information. Access to the area described has been provided for via easement "o-j-k" on the plan and the proposed Conservation Area. This point 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
43	Finger of CC1 should be shortened, or provide an access line.	Allow	Not Accept

Submission numbers
 11

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:
 The submitter does not introduce new information or a perspective not previously considered. Access to the area described has been provided for via an easement "o-j-k" on the plan and the proposed Conservation Area. 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
44	Submitter queries how flora and fauna on Crown land up the Hope Valley will be protected from farm stock without an expensive fence.	Allow	Not Accept

<p>Submission numbers 11</p>
<p>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 <u>allowed</u> for further consideration by the Commissioner in the formulation of a Substantive Proposal.</p>
<p>Rationale for Not Accept: Extensive discussions were held on the appropriate designation for this area and parts of the area. This included discussions relating to fencing. The terms and conditions of the covenant have been designed to ensure stock encroachment does not occur. 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 <u>not accepted</u> for further consideration by the Commissioner in the formulation of a Substantive Proposal.</p>

Point	Summary of point raised	Allow or disallow	Accept or not accept
45	Horse access over "d-e" impractical and dangerous. Better horse access required 1.5km downstream where the road intersects Riverbed, or via Nathans Stream on existing Crown Land. Taranaki gate also requires replacing with swing gate.	Allow	Accept

<p>Submission numbers 12</p>
<p>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 by the Commissioner in the formulation of a Substantive Proposal.</p>
<p>Rationale for Accept: The point introduces a perspective not previously considered and the submitter articulates reasons why an alternative outcome is preferred under the CPLA, therefore the point is <u>accepted</u> for further consideration by the Commissioner in the formulation of a Substantive Proposal.</p>
<p>Final Analysis: This was investigated further and it was noted that "d-e" comprised a foot swing bridge over the Boyle River and foot track through "CA4", both of which were outside of the proposed freehold. A public access easement is not required over Crown Land and proposed conservation land. The route was clearly unsuited to horse access which is available where SH7 abuts the riverbed, or permission can be requested from the holder to cross freehold land to the river.</p>

Point	Summary of point raised	Allow or disallow	Accept or not accept
46	Small area of freehold at Kiwi Stream should be Conservation Area. No practical farming purpose.	Allow	Not Accept

<p>Submission numbers 12</p>

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 by the Commissioner in the formulation of a Substantive Proposal.

Rationale for Not Accept:
 It is the role of the Department of Conservation to advise on SIV's. No SIV's were identified on this area of land. The submitter did not introduce new information or a perspective not previously considered. The point is therefore not accepted.

Point	Summary of point raised	Allow or disallow	Accept or not accept
47	Submitter does not support CA1 for the following reasons: -Not as high SIV's as Rough creek/ Poplars fan area; -CA1 not visible; -Stock wouldn't venture that high generally unless pushed and held- therefore minimal risk of stock intrusion into Lake Sumner Forest Park.	Allow	Not Accept

Submission numbers
 15

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 by the Commissioner in the formulation of a Substantive Proposal.

Rationale for Not Accept:
 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. The point is therefore 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
48	Submitter does not support new fence S-T as high maintenance from snow. Prefer to leave unfenced.	Allow	Not Accept

Submission numbers
 15

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 by the Commissioner in the formulation of a Substantive Proposal.

Rationale for Not Accept:
 Extensive discussions were held on the need for fencing on the conservation boundary. The submitter did not introduce new information or a perspective not previously considered. The point is therefore 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
49	Conservation Covenant sought over land between CA2 and SH7 to prevent access to private hut above CA2, and to protect SIV's.	Allow	Not Accept
Submission numbers 15			
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 <u>allowed</u> for further consideration by the Commissioner in the formulation of a Substantive Proposal.			
Rationale for Not Accept: Extensive discussions were held on the appropriate designation for this area during consultation. The area identified in the submission did not have any SIV's that warranted protection by way of a covenant. 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 <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
50	6-8ha wetland near "f-h" track should be Conservation Area.	Allow	Not Accept
Submission numbers 15			
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 <u>allowed</u> for further consideration by the Commissioner in the formulation of a Substantive Proposal.			
Rationale for Not Accept: Extensive discussions were held on the appropriate designation for this 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 <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
51	Conservation Covenant sought over freehold between CA4 and western pastoral lease boundary to protect SIV's, ecosystems and landscape values more worthy of protection than CC1.	Allow	Not Accept
Submission numbers 15			

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 by the Commissioner in the formulation of a Substantive Proposal.

Rationale for Not Accept:

Extensive discussions were held on the appropriate designation for this 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.

Summary and Conclusion

Overview of analysis:

There were a total of 15 submitters. The submitters raised 51 points of which 42 were allowed, because they related to matters that could be considered under Part 2 of the CPLA. 9 points were disallowed because they dealt with matters that could not be considered under Part 2 of the CPLA.

Of the 42 points allowed, 9 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.

33 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.

A significant majority of the submitters were interested in issues relating to public access, while a number of others were concerned that SIV's did not receive adequate protection.

Generic issues:

The accepted points fell into a wide range of categories –

- Matters relating to the Historic Resources report and relationship to SIV's;
- Issues relating to public access, including tramping tracks;
- General support for the proposal;
- Matters relating to the Boyle River Outdoor Education Center facilities and related access issues, including the Amuri School;
- Safe horse access to the area across the Boyle River and the Boyle River itself.

Gaps identified in the proposal or tenure review process:

Issues identified that required further investigation included –

- Resolving any outstanding public access issues;
- Matters relating to access to the lodge with Boyle River Outdoor Education Centre and Amuri School.

Risks identified:

No risks have been identified at this point.

General trends in the submitters' comments:

The generic issues are listed above.

9 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;
- Matters relating to marginal strips and legal roads;
- Matters relating to local district council policy and regulations;
- Matters relating to regional council policy and regulations;
- Post tenure review management issues;
- Tenure review operational matters.