

Crown Pastoral Land Tenure Review

Lease name: SCOTSBURN

Lease number: PT 080

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.

February 05

REPORT
ON
PUBLIC SUBMISSIONS

SCOTSBURN



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Scotsburn Pastoral Lease

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ANALYSIS OF PUBLIC SUBMISSIONS

STATEMENT PURSUANT TO SECTION 45(a)(iii) CROWN PASTORAL LAND ACT 1998

SCOTSBURN PASTORAL LEASE – TENURE REVIEW NO. 130

File Ref: CON/50000/16/12701/00/A-ZNO **Submission No:** CH0235 **Submission Date:** 13 December 2004

Office of Agent: Christchurch

LINZ Case No:

Date sent to LINZ: 3 February 2005

1. Details of lease:

Lease Name: Scotsburn

Location: Peel Forest, Mid Canterbury

Lessees: Thomas William O'Carroll and Pamela Ann O'Carroll

2. Public notice of Preliminary Proposal:

Date, publication and location advertised:

Saturday 25 October 2003.

- The Press Christchurch
- Otago Daily Times Dunedin
- The Timaru Herald Timaru

Closing Date for Submissions:

22 December 2003.

3. Details of Submissions received:

A total of 5 submissions were received. Details of submitters are:-

Sub #	Submitter	Address	Type of Organisation
1	The Geraldine Tramping Club	76 Pye Rd RD 21 Geraldine	Non commercial recreational users
2	South Canterbury Branch, Royal Forest and Bird Society of New Zealand Inc	29a Nile Street Timaru	Non Government Organisation - Regional
3	Fish & Game NZ, Central South Island Region	P O Box 150 Temuka	Non Government Organisation - Regional
4	Federated Mountain Club of New Zealand (Inc)	34 John Street Temuka	Non Government Organisation - National
5	Central Office, Royal Forest and Bird Society of New Zealand Inc	P O Box 2516 Christchurch	Non Government Organisation - National

4. Analysis of Submissions:

4.1 Introduction:

Explanation of Analysis:

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 recorded number (shown in the appended tables) of the submitter(s) making the point.
- Discussion of the point.
- Recommendations whether or not to allow for further consultation.

The following approach has been adopted when making the recommendation to allow for further consultation:

The points raised have been analysed to assess whether they are matters that can be dealt with under the Crown Pastoral Land Act. Where it is considered that they are, the recommendation is to allow them. Further consultation with both the Director General of Conservation’s delegate and the leaseholders has been completed on all those points that were allowed.

A recommendation to accept or not accept the point is made taking into account the views of all parties consulted and any other matters relevant to the review, balanced against the objects and matters to be taken into account in the Crown Pastoral Lands Act 1998 (Sections 24 and 25 of the Act).). Points that will be included in the substantive proposal are accepted. Points that are not going to be included in the substantive proposal are not accepted.

4.2 Analysis:

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Allow or disallow</i>	<i>Accept or Not Accept</i>
1	Concur with the proposals outlined.	1	Allow	Accept
<p>Rationale</p> <p>Allow/Disallow Submitter 1 supported the proposal as outlined.</p> <p>The Preliminary Proposal for this property is considered to be an acceptable outcome and to this extent it is regarded as meeting the objects of Part 2 of the Crown Pastoral Land Act. The point should therefore be allowed.</p> <p>Accept/Not Accept</p> <p>The point raised on this submission supports this part of the preliminary proposal. As noted above it is considered that the point raised (designation of land to be retained in full Crown Ownership and control, and the securing of public access to and enjoyment of reviewable land) is a matter that is relevant to Sections 24 and 25 of the Crown Pastoral land Act 1998. Further consultation with the DGC’s delegate and the holder confirms that this point should be accepted for inclusion of the draft substantive proposal (DSP).</p>				

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Allow or disallow</i>	<i>Accept or Not Accept</i>
2	Provide public access up ridgeline to northern boundary of property. This would open up a number of round trip options for walkers and trampers.	1 & 5	Allow	Not Accept

Rationale

Allow/Disallow

The comments received from Submitter 1 were not clear however it appears that they are advocating public access onto the ridgeline running through the property and then to the northern boundary and beyond as a tramping route.

Submitter 5 also requested public access to and along this ridge as it offered access to a number of possible round trips utilising adjoining conservation areas. This would be subject to similar access being provided on adjoining properties that are in tenure review.

The securing of public access to and enjoyment of reviewable land is an object of Part 2 of the Crown pastoral Land Act. The point should therefore be allowed.

Accept/Not Accept

This is a matter that is relevant to Section 24 of the Crown Pastoral Land Act and further discussion took place with the DGC’s delegate and the holder.

The majority of the Scotsburn lease is deer fenced and deer are run extensively on the farm. Access along the main ridge within the lease would require traversing through deer paddocks and over deer fences. This idea is believed to be impractical and dangerous to visitors.

In addition, the view was that there was no necessity to provide further foot access as there were already round trips available in the nearby Mt Peel Scenic Reserve, and so the point was not accepted for the DSP.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Allow or disallow</i>	<i>Accept or Not Accept</i>
3	Public access points should be signposted and defined by fencing off or the owner should be allowed to control access for farm management purposes (e.g. closure of access at during lambing).	1	Allow	Accept in part – as relates to signposting

Rationale

Allow/Disallow

Issues such as signposting tracks are generally considered to be a post tenure review management issue, however on the ground definition of easement lines and terms and conditions of any easement giving public access may have a direct affect on the securing public access to and enjoyment of reviewable land which is an object of Part 2 of the Crown Pastoral Land Act. Therefore the point should be allowed.

Accept/Not Accept

The point raised on these submissions support this part of the preliminary proposal. As noted above it is considered that the point raised (the securing of public access to and enjoyment of reviewable land) is a matter that is relevant to Sections 24 and 25 of the Crown Pastoral land Act 1998. Further consultation with the DGC’s delegate and the holder confirms that this point should be accepted for inclusion of the draft substantive proposal.

The conditions of the easement allow for signposting and DoC would promptly undertake this work. The easement has been aligned to avoid the necessity for any closure at any time through the year by having the access along boundary fences and within bush areas.

Therefore the point is accepted in part only for inclusion in the DSP.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Allow or disallow</i>	<i>Accept or Not Accept</i>
4	Consider the freeholding of 442 hectares and retention of 67 hectares is an unequal division of the property and that this is a very poor return to the Crown esp. in light of new objectives for tenure review <i>'to receive a fair financial return to the Crown on it's high country land assets'</i> .	2 & 5	Disallow	Not Accept

Rationale

Allow/Disallow

Submitter 5 refers to an objective that at the time of writing has been proposed but not promulgated and therefore cannot be considered. It is noted that even if it could be considered the area split between freehold and land to be retained is not a basis for determining if the Crown has received a fair financial return on it's high country assets. Both submitters argued that not enough land was being retained by the Crown purely on a statistical basis of area proportions. As a consequence of these matters the point cannot in itself be allowed for further consideration. However both submitters went on to produce further justification for their position that more land should be retained in Crown ownership and these are covered under other points in the submission.

The requirement for the Crown to receive a fair financial return on it's high country assets is not an object of Part 2 of the Crown Pastoral Land Act nor at the time of writing has it been confirmed as a complimentary objective of tenure review. The point therefore should be disallowed.

Accept/Not Accept

This point was disallowed in the preliminary analysis and is therefore automatically not accepted.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Allow or disallow</i>	<i>Accept or Not Accept</i>
5	Concerned that areas along the front faces and gullies containing significant inherent values are proposed for transfer to freehold.	2 & 5	Allow	Accept

Rationale

Allow/Disallow

Two submissions were received which identified areas of forest remnants along the southern faces of this property as containing significant inherent values. Submitter 5 identified these values as forest regeneration containing a diversity of species including fuchsia, wineberry, mahoe and horopito along with some mature kowhai trees.

Both submitters objected to the freehold designation on these faces and requested that the values identified be protected.

The protection of significant inherent values is an object of part 2 of the crown Pastoral Land Act and therefore the point should be allowed.

Accept/Not Accept

The point raised in this submission supports this part of the preliminary proposal. As noted above it is considered that the point raised (designation of land to be transferred to freehold) is a matter that is relevant to Sections 24 and 25 of the Crown Pastoral land Act 1998.

Further consultation with the DGC’s delegate and the holder agreed that there were values to be protected on the front faces and confirms that this point should be accepted for inclusion of the draft substantive proposal. Further discussions with the DGC’s delegate and holder agreed to a conservation covenant to protect the vegetation SIVs; but without them being fenced off.

The covenant allows grazing; but does not allow vegetation removal, tree planting, erection of buildings, burning, cultivation or any soil disturbance, water harvesting, and any action that effects natural water. As well the owner must control weeds and pests, assist the control of wildfire, destroy exotic trees, keep the land tidy and maintain all existing fences. As a result the SIVs will be protected.

The covenanted area will not be fenced off due to the amount of fencing that would be required, and it’s questionable benefit. The livestock have not damaged SIVs in the past and they are not considered to present a risk to the identified SIV’s in these areas.

Therefore the issue is accepted for inclusion in the DSP.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Allow or disallow</i>	<i>Accept or Not Accept</i>
6	Concerned that land in and around the informal camping areas on Orari River Road containing significant inherent values is proposed for transfer to freehold.	2	Allow	Not Accept

Rationale

Allow/Disallow

The submitter has identified ‘bush’ areas in and around the informal camping grounds as containing significant inherent values. The submitter objected to the freehold designation on these places and requested that the values identified be protected. We are not aware of any informal camping areas on the lease nevertheless the protection of significant inherent values is an object of part 2 of the Crown Pastoral Land Act and therefore the point should be allowed.

Accept/Not Accept

A review of landownership indicated that the camping areas spoken about do not appear to be on the property. The Pastoral Leases (Runs 4A & 4B) adjoin legal road, rather than the Orari River itself. DoC considers the informal camping takes place on the river bed, or on legal road. As this issue relates to land that is not reviewable land it is outside of the Crown Pastoral Land Act it is not accepted for inclusion in the DSP.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Allow or disallow</i>	<i>Accept or Not Accept</i>
7	No areas of native bush or native trees growing alongside the Orari River nor any part of the riverbed itself should be transferred to freehold.	2	Allow	Not Accept

Rationale

Allow/Disallow

The submitter has identified that there is or may be a band of native vegetation along some stretches of the border with the Orari River. Where such a band of vegetation exists it is likely to fall within the marginal strip that will be created on disposition of the lease. However it is possible that this area may be more extensive and contain values that should not be freeholded.

While we are not aware of any areas where this is the case the protection of significant inherent values is an object of part 2 of the Crown Pastoral Land Act and therefore the point should be allowed.

Accept/Not Accept

This issue was investigated on site; but with out doing a legal survey. It was considered that most of the vegetation with SIV’s is in the river bed or road. It therefore does not come within the Land Tenure Review provisions (as it is not within the reviewable land), and is not accepted for inclusion in the DSP.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Allow or disallow</i>	<i>Accept or Not Accept</i>
8	The lease is highly visible from surrounding land and has significant inherent values (landscape), which are outside of the areas designated for protection and should be protected.	2 & 5	Allow	Accept

Rationale

Allow/Disallow

Two submitters identified the leases as having significant landscape values not proposed for protection. Submitter 5 identified these values as being on the front faces while Submitter 2 did not identify a specific area where these values existed but asked that the values be protected by retention in Crown ownership or appropriate protective covenants.

Landscape can be a significant inherent value and as the protection of significant inherent values is an object of part 2 of the Crown Pastoral Land Act the point should be allowed.

Accept/Not Accept

The issues raised were discussed with the DGC’s delegate and the holder and it was concluded that sufficient protection of the landscape SIVs was covered with the proposed covenant. All significant areas of bush on the front faces will now have some form of protection therefore preserving the landscape values of the area. The point is accepted.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Allow or disallow</i>	<i>Accept or Not Accept</i>
9	Unformed legal road which connects easements a-b and c-d should be signposted as containing a right of public access.	2	Allow	Accept

Rationale

Allow/Disallow

The submitter has advocated that the unformed legal road that connects the two easements should be signposted as public access. Defining an easement route may have a direct effect on the securing of public access to and enjoyment of reviewable land, which is an object of Part 2 of the Crown Pastoral Land Act and therefore the point is allowed.

Accept/Not Accept

This matter is relevant to Section 24 of the Crown Pastoral Land Act 1998 and should be accepted for inclusion in the DSP. The DGC’s delegate concurs that unformed legal road connecting easements should be signposted for public access.

DoC is keen to see the legal road signposted in conjunction with the easements, and in conjunction with discussions with adjoining freehold owners.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Allow or disallow</i>	<i>Accept or Not Accept</i>
10	Propose an easement along the property boundary to connect designated conservation areas CA1 and CA2.	2	Allow	Not Accept

Rationale

Allow/Disallow

The submitter advocates a further easement to join these two designated areas. Such an easement would certainly facilitate walking between these areas.

The securing of public access to and enjoyment of reviewable land is an object of Part 2 of the Crown pastoral Land Act. The point should therefore be allowed.

Accept/Not Accept

Further discussion was held with the DGC’s delegate and the holder on this point. The proposed easement to connect CA1 and CA2 would have to cross a deer paddock, and is therefore not practical. The most logical access to CA1 is via Scotsburn Stream and legal road. DoC believe that in the future it is more likely that access to and within CA2 would be developed in conjunction with an extension to this forested area on adjacent freehold land using the legal road.

Therefore it is considered that adequate access is already provided for (even though walkers may need to make use of the waterways). The point is not accepted for inclusion in the DSP.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Allow or disallow</i>	<i>Accept or Not Accept</i>
11	Request that marginal strips be set off along the length of both the Scotsburn Stream and the Upper Orari River where they adjoin the property.	3	Disallow	Not Accept

Rationale

Allow/Disallow

The provision of marginal strips is not a consideration in the Crown Pastoral Land Act. It is a statutory function of the Department of Conservation under Part IVA of the Conservation Act.

The point raised is not a relevant matter for the Commissioner to consider when making decisions in the context of the Crown Pastoral Land Act and it should be disallowed.

Accept/Not Accept

This point was disallowed in the preliminary analysis and is therefore automatically not accepted.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Allow or disallow</i>	<i>Accept or Not Accept</i>
12	Supports the designation of conservation areas CA1 and CA2.	4	Allow	Accept
<p>Rationale</p> <p>Allow/Disallow The submitter supports these designations as contained in the proposal</p> <p>This part of the Preliminary Proposal for this property is considered to be an acceptable outcome and to this extent it is regarded as meeting the objects of Part 2 of the Crown Pastoral Land Act. The point should therefore be allowed.</p> <p>Accept/Not Accept The point raised on these submissions support this part of the preliminary proposal. As noted above it is considered that the point raised (designation of land to be retained in full Crown Ownership and control) is a matter that is relevant to Sections 24 and 25 of the Crown Pastoral land Act 1998. Further consultation with the DGC’s delegate and the holder confirms that this point should be accepted for inclusion of the draft substantive proposal.</p>				

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Allow or disallow</i>	<i>Accept or Not Accept</i>
13	Supports the designation of the freehold areas.	4	Allow	Accept
<p>Rationale</p> <p>Allow/Disallow The submitter supports these designations as contained in the proposal</p> <p>This part of the Preliminary Proposal for this property is considered to be an acceptable outcome and to this extent it is regarded as meeting the objects of Part 2 of the Crown Pastoral Land Act. The point should therefore be allowed.</p> <p>Accept/Not Accept The point raised on these submissions support this part of the preliminary proposal. As noted above it is considered that the point raised (designation of land to be allocated for freehold) is a matter that is relevant to Sections 24 and 25 of the Crown Pastoral land Act 1998. Further consultation with the DGC’s delegate and the holder confirms that this point should be accepted for inclusion of the draft substantive proposal.</p>				

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Allow or disallow</i>	<i>Accept or Not Accept</i>
14	Oppose public access easements proposed and advocate making these unformed legal roads.	4	Allow	Not Accept

Rationale

Allow/Disallow

The submitters view is that easements are not a secure tenure in the long term hence the proposal that the easements should be designated legal road.

The designation of reviewable land as legal road is perhaps conceivable under Section 35(2)(a)(iii) of the Crown Pastoral Land Act.

The securing of public access to and enjoyment of reviewable land is an object of Part 2 of the Crown pastoral Land Act. The point should therefore be allowed.

Accept/Not Accept

Easements are an acceptable means of protecting public access. DoC agrees that the most secure form of public access is desirable, and indicates that the point is a legal issue that is being addressed by the Commissioner. Never the less, as the proposed easement is considered sufficiently robust and providing unformed legal roads is not an object of the Crown Pastoral Land Act 1998 and therefore the matter is not accepted.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Allow or disallow</i>	<i>Accept or Not Accept</i>
15	Scotsburn catchment contains SIV's above the proposed conservation area.	5	Allow	Not Accept
<p>Rationale</p> <p>Allow/Disallow The submitter asserts that the SIV's in the Scotsburn catchment extend beyond the each of the established forest. The SIV's present on proposed freehold designation are described as defined as regenerating manuka shrubland with more advanced regeneration of forest and mixed shrubland in gullies. Short tussock present is in moderate condition and would recover if grazing were removed.</p> <p>The protection of SIV's is an object of Part 2 of the Crown Pastoral Land Act therefore the point should be allowed.</p> <p>Accept/Not Accept The vegetation on the area in question was reviewed. While there is native flora in the area proposed for free holding it is considered that the best vegetation is protected, with the balance being modified vegetation in various stages of re-vegetation. Following discussion with the DGC's delegate and holder it was decided to leave the fence lines as nominated in the DPP as it was considered that the SIVs were adequately protected. The point was therefore not accepted.</p>				

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Allow or disallow</i>	<i>Accept or Not Accept</i>
16	Advocate a whole property purchase by the Crown as it is not considered that tenure review can deliver a practical outcome for all parties.	5	Disallow	Not Accept
<p>Rationale</p> <p>Allow/Disallow The submitters view is that the areas that should be retained by the Crown for the protection of SIV's should be extended to such an extent that the holder would not proceed with tenure review and therefore they advocate the Crown purchasing the entire property as a means to achieving the objects of Part 2 of the Crown Pastoral Land Act.</p> <p>A property purchase is not a tenure review, it is a separate process and therefore this point is not relevant to the consideration of a tenure review by the Commissioner of Crown Lands. It is therefore recommended that the point be disallowed.</p> <p>Accept/Not Accept As the decision has been made to not allow this point it is automatically not accepted.</p>				

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Allow or disallow</i>	<i>Accept or Not Accept</i>
17	Comments relating to The Gorge tenure review.	2 & 5	Disallow	Not Accept
<p>Rationale</p> <p>Allow/Disallow Two submitters included extensive references to The Gorge tenure review in their submissions. The Gorge and Scotsburn while adjoining properties are separate reviews and therefore comments on The Gorge are not relevant to Scotsburn and points made should be disallowed.</p> <p>Accept/Not Accept As the decision has been made to not allow this point it is automatically not accepted.</p>				

7. SUMMARY AND CONCLUSION

A modest number of submissions were received from a cross section of the community including conservation and recreation groups. Some were outside of the objects of the Crown Pastoral Land Act 1998 so were automatically not considered e.g. submissions on The Gorge.

The overall trend was to support the designations outlined in the preliminary proposals although some concern was expressed by a number of submitters that the proposed designations did not adequately protect significant inherent values in particular areas of the property specifically river margins, public access, Scotsburn catchment and the front faces.

The river margins submissions were not relevant because they do not bound the leasehold land. Similarly marginal strip formation was not applicable.

Further public access creation had to be balanced between practical deer farming considerations versus what was already available around the perimeter of the property. There was agreement to provide signposting of walkways.

The SIVs of the mature native flora in the Scotsburn catchment applicable to this property were considered to be adequately protected as outlined in the DPP.

To better protect the SIVs on the front faces a covenant is proposed over the bush on the freehold land, thereby having all the significant vegetation in a form of protection.

6. RECOMMENDATION

1. That the Commissioner of Crown Lands **approves** the analysis and recommendations in this report.

Signed by Opus:

Peer Review:

Bill Ross
Property Consultant

Mike Todd
Property Consultant

Approved/Declined by:

Name:

Date of decision: / /

APPENDIX I

Consultation with DGC

APPENDIX II

Consultation with Holder

REPORT
ON
IWI SUBMISSION

SCOTSBURN



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ANALYSIS OF IWI SUBMISSION

STATEMENT PURSUANT TO SECTION 45(A)(iii) CROWN PASTORAL LAND ACT 1998

SCOTSBURN PASTORAL LEASE - TENURE REVIEW NO. 130

File Ref: CON/50000/16/12701/00/A-ZNO Submission No: CH0237 Submission Date: 22/12/2005

Office of Agent: Christchurch

LINZ Case No:

Date sent to LINZ:

1. **Details of lease:**

Lease Name: Scotsburn

Location: Peel Forest, Mid Canterbury

Lessees: Thomas William O'Carroll and Pamela Ann O'Carroll

2. **Public notice of Preliminary Proposal:**

Date, publication and location advertised:

Saturday 25 October 2003.

- The Press Christchurch
- Otago Daily Times Dunedin
- The Timaru Herald Timaru

Closing Date for Submissions:

22 December 2003.

3. **Details of Submission received:**

At the closing date no IWI submission had been received. On instruction of the LINZ contract manager TRONT were contacted and asked if they intended to make a submission. They confirmed that they intended to make a submission and apologised for the oversight in missing the deadline. The submission was received 16 February 2004.

4. Preliminary Analysis of Submissions:

4.1 Introduction:

Explanation of Analysis:

The submission received has been reviewed in order to identify the points raised and these have been numbered accordingly.

The following methodology was used to analyse each point:

- A summary of each of the points raised along with the recorded number (shown in the appended tables) of the submitter(s) making the point.
- Discussion of the point.
- Recommendations whether or not to allow for further consultation.

The following approach has been adopted when making the recommendation to allow for further consultation:

The points raised have been analysed to assess whether they are matters that can be dealt with under the Crown Pastoral Land Act. Where it is considered that they are, the recommendation is to allow them.

Further consultation with both the Director General of Conservation's delegate and the leaseholders has been completed on all those points that were allowed.

A recommendation to accept or not accept is based on these criteria:-

Accept: the outcome of an accept decision will be that the point is included in the draft Substantive Proposal. To arrive at this decision the point is evaluated with respect to

- The objects and matters to be taken into account in the Crown Pastoral Lands Act 1998 (Sections 24 and 25 for Part 2 reviews or Sections 83 and 84 for Part 3 reviews) and
- the views of all parties consulted and any other matters relevant to the review, balanced against the objects and matters to be taken into account in the Crown Pastoral Lands Act 1998.

Not Accept: 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. Note that those points that are disallowed in the preliminary analysis are automatically Not Accepted.

4.2 Analysis:

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Allow or disallow</i>	<i>Accept or Not Accept</i>
1	A marginal strip be applied to those parts of the Orari River that runs through proposed freehold land.	Disallow	Not Accept

Rationale

Allow/Disallow
The Orari River was identified as being of cultural significance to Ngai Tahu Whanui and appropriate protection and access are proposed by way of marginal strips.

The points raised are acknowledged however the provision of marginal strips is not a consideration in the Crown Pastoral Land Act. It is a statutory function of the Department of Conservation under Part IVA of the Conservation Act.

Around half of the length of the river is separated from the lease by legal road, which provides some protection and access to the river. Where no legal road exists it is noted that the Orari River is a large river and will certainly qualify for a marginal strip where it runs through freehold.

The point raised is not a matter which can be dealt with under the Crown Pastoral Land Act and it was disallowed.

Accept/Not Accept
As this point was disallowed it is automatically not accepted for inclusion in the Draft Substantive Proposal.

5. Summary and conclusion

The IWI submission raised one point which is considered a matter not relevant to the CPLA and therefore the Draft Substantive Proposal is unchanged.

6. Recommendation

That the Commissioner of Crown Lands **approves** the analysis and recommendations in this report.

Signed by Opus:

Peer Review:

Tim Broad
Property Consultant

Mike Todd
Property Consultant

Approved/Declined by:

Name:

Date of decision: / /