

## **Crown Pastoral Land Tenure Review**

**Lease name : BLUE MOUNTAIN**

**Lease number : PT 031**

### **Analysis of Public Submissions**

This document includes information on the public submissions received in response to an advertisement for submissions on the Preliminary Proposal. The report identifies if each issue raised is allowed or disallowed pursuant to the Crown Pastoral Land Act. If allowed the issue will be subject to further consultation with Department of Conservation, or other relevant party.

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

## ANALYSIS OF PUBLIC SUBMISSIONS

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

Blue Mountain TENURE REVIEW NO TR189/12687

### Details of lease

Lease name: Blue Mountain  
Location: Fairlie, South Canterbury  
Lessee: Blue Mountain Station Limited

### Public notice of preliminary proposal

Date advertised:  
24 September 2011

Newspapers advertised in:  
The Press  
Timaru Herald  
Otago Daily Times

Closing date for submissions:  
22 November 2011

### Details of submissions received

Number received by closing date:  
23

Cross-section of groups/individuals represented by submissions:  
A wide cross section received particularly local recreation interests.

Number of late submissions accepted:  
1 accepted by Commissioner of Crown Lands Delegate 16 January 2012.

## ANALYSIS OF SUBMISSIONS

### Introduction

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

The following analysis:

1. Summarises each of the points raised along with the recorded number (shown in the appended tables) of the submitter(s) making the point.
2. Discusses each point.
3. Recommends whether or not to **allow** the point for further consideration.
4. If the point is **allowed**, recommends whether to **accept** or **not accept** the point for further consideration.

The points raised have been analysed to assess whether they are matters that are validly-made, relevant to the tenure review and can be properly considered under the Crown Pastoral Land Act 1998 (CPLA). Where it is considered that they are the decision is to **allow** them. Further analysis is then undertaken as to whether to **accept** or **not accept** them.

Conversely where the matter raised is not a matter that is validly-made or relevant or can be properly considered under the CPLA, the decision is to **disallow**. The process stops at this point for those points disallowed.

The outcome of an **accept** decision will be that the point is considered further in formulation of the draft SP. To arrive at this decision the point must be evaluated with respect to the following:

The objects and matters to be taken into account in the CPLA; and

Whether the point introduces new information or a perspective not previously considered; or

Where the point highlights issues previously considered but articulates reasons why the submitter prefers an alternative outcome under the CPLA; or

Is a statement of support for aspects of the Preliminary Proposal which can be considered by the Commissioner when formulating the designations for a Substantive Proposal.

How those accepted points have been considered will be the subject of a Report on Public Submissions which will be made available to the public. This will be done once the Commissioner of Crown Lands has considered all matters raised in the public submissions in formulating a Substantive Proposal.

**Analysis**

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
1	The submitters indicated support for Schedule one designation	2,5,9,14,17,20,21,22,24	Allow	Accept
<p>Rationale for Allow</p> <p>The submitters have considered the preliminary proposal and the support for CA1 indicates that account has been taken of the protection of significant inherent values and the promotion of the management of land in a way that is ecologically sustainable these being objects under Section 24 CPLA. The point is therefore allowed.</p>				
<p>Rationale for Accept</p> <p>The point 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. The point is therefore accepted.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
1a	The submitters requested CA1 be enlarged to cover more indentified SIVs	9,14	Allow	Accept
<p>Rationale for Allow</p> <p>The point relates to both the promotion of the management of reviewable land in a way that is ecologically sustainable (Section 24(a)(i) CPLA), and Section 24(b) relating to the protection of significant inherent values of reviewable land. The point is therefore allowed.</p>				

**Rationale for Accept**  
 In relation to some aspects the submitters provide new information and perspectives not previously considered therefore the point is accepted for consideration in formulating a substantive proposal.

<b>Point</b>	<b>Summary of point raised</b>	<b>Submission numbers</b>	<b>Allow or disallow</b>	<b>Accept or not accept</b>
2	The submitters indicated support for Schedule three designation	2,5,	Allow	Accept

**Rationale for Allow**  
 The point relates to the freehold disposal of reviewable land under Section 24(c)(ii) CPLA noting that this section is subject to paragraphs (a) and (b) of Section 24. The point is therefore allowed.

**Rationale for Accept**  
 The point is in part 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. The point is therefore accepted.

<b>Point</b>	<b>Summary of point raised</b>	<b>Submission numbers</b>	<b>Allow or disallow</b>	<b>Accept or not accept</b>
3	The submitter indicated support for Covenant CC1	2	Allow	Accept

**Rationale for Allow**  
 The point relates to the protection of SIVs which is a consideration under Section 24(b) CPLA. The point is therefore allowed.

**Rationale for Accept**  
 The point 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. The covenant is for the protection a small adjacent to Andrews Stream. The point is therefore accepted.

<b>Point</b>	<b>Summary of point raised</b>	<b>Submission numbers</b>	<b>Allow or disallow</b>	<b>Accept or not accept</b>
4	The submitters indicated support for Covenants over the historic huts	2,11,	Allow	Accept

**Rationale for Allow**  
 The point relates to the protection of SIVs which is a consideration under Section 24(b) CPLA. The point is therefore allowed.

**Rationale for Accept**  
 The point 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. The point is therefore accepted.

<b>Point</b>	<b>Summary of point raised</b>	<b>Submission numbers</b>	<b>Allow or disallow</b>	<b>Accept or not accept</b>
5	The submitters indicated support for public and conservation easements	2,5,12,13,17,18,20,	Allow	Accept
<p><b>Rationale for Allow</b> The point relates to public access which is considered under Section 24(c)(i) CPLA and is therefore allowed.</p>				
<p><b>Rationale for Accept</b> The point 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. The context of the point is that the submitter wishes to ensure that this access continues to be available. The point is therefore accepted.</p>				

<b>Point</b>	<b>Summary of point raised</b>	<b>Submission numbers</b>	<b>Allow or disallow</b>
5a	Submitters requested that legal roads that lead to or share a boundary be clearly identified on the plan and/or defined, and/or deviations be legalised.	13,14,18	Disallow
<p><b>Rationale for Disallow</b> There is no requirement in the CPLA to show cadastral data, including legal roads. The point is therefore disallowed.</p>			

<b>Point</b>	<b>Summary of point raised</b>	<b>Submission numbers</b>	<b>Allow or disallow</b>
5b	The submitter suggested that landowners be funded or supplied with public information	14	Disallow
<p><b>Rationale for Disallow</b> The point raises a management matter post tenure review which is not the prerogative of the CCL to consider in formulating a proposal under the CPLA. The point is therefore disallowed.</p>			

<b>Point</b>	<b>Summary of point raised</b>	<b>Submission numbers</b>	<b>Allow or disallow</b>
5c	The submitters requested secure public access to the Orari Gorge (fronting existing freehold land), both south of and north of the subject land.	17,19,20,21,22,24	Disallow
<p><b>Rationale for Disallow</b> The submitters are requesting the CCL to provide secure public access over land beyond the land included in the tenure review. There is no provision for such action under the CPLA. The point is therefore disallowed.</p>			

Point	Summary of point raised	Submission numbers	Allow or disallow
5d	The submitter requested provision of easements over freehold land where required to reach easements created.	19	Disallow
<p><b>Rationale for Disallow</b>                      The submitters are requesting the CCL to provide secure public access over freehold land not included in the tenure review. While similar to point 19 above it is specific to freehold land. There is no provision for such action under the CPLA. The point is therefore disallowed.</p>			

Point	Summary of point raised	Submission numbers	Allow or disallow
5e	The submitter indicated that the landholder not be restricted in the use of legal roads or easements that provide public access.	14	Disallow
<p><b>Rationale for Disallow</b>                      While the point relates to easements and legal roads which can provide public access, which is considered under Section 24(c)(i) CPLA, the point is restricted to use of access routes by the holder. The former has been well considered a shown in the draft easement documents and the latter is not a matter the Commissioner may consider under the CPLA. The point is therefore disallowed.</p>			

Point	Summary of point raised	Submission numbers	Allow or disallow
6	One submitter asked that easement routes be brought up to the same standard as legal roads	2	Disallow
<p><b>Rationale for Disallow</b>                      While the point relates to public access which is considered under Section 24(c)(i) CPLA, the actions requested are not the mandate of the CCL and the point is therefore disallowed.</p>			

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
7	The submitters requested a covenant (they mean easement) for foot access to Mt Edith and Mt Frances	2,9	Allow	Accept
<p><b>Rationale for Allow</b>                      The point relates to public access which is considered under Section 24(c)(i) CPLA and is therefore allowed.</p>				
<p><b>Rationale for Accept</b>                      The submitters raise the matter of public access to covenant areas proposed for historic purposes. The matter of public access to these areas is new information therefore the point is accepted.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
8	There were two requests to provide access to Mt Catherine for the public.	2,9	Allow	Accept
<p><b>Rationale for Allow</b>                      The point relates to public access which is considered under Section 24(c)(i) CPLA. Access to Mt Catherine on its own is a separate issue from inclusion of a given area for protection. The point is therefore allowed.</p>				
<p><b>Rationale for Accept</b>                      The submitters raise the matter of public access to Mt Catherine, the high point at the eastern end of Four Peaks Range that is not included in CA1. It is new information therefore the point is accepted.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
9	Submitters have said that the proposal fails to provide for the adequate protection of a range of significant inherent values (SIV's) (intrinsic used has the same meaning)	3,17,19,20	Allow	Accept
<p><b>Rationale for Allow</b>                      The point relates to the protection of significant inherent values (Section 24(b) CPLA). The point is therefore allowed.</p>				
<p><b>Rationale for Accept</b>                      The submitters raise a range of general matters that support other more specific points which together with access is the core of this review. The point can be accepted as the grouping of a range of specific points.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow
9a	One submitter has asked that if the proposal is not redesigned then the status quo PL remain. Meaning that the CCL withdraw from tenure review.	19	Disallow
<p><b>Rationale for Disallow</b>                      The point relates to the CCL not continuing with the review (Section 33 CPLA) if changes are not made. This is an administrative decision and not related to the proposal. The point is therefore disallowed.</p>			

Point	Summary of point raised	Submission numbers	Allow or disallow
10	One submitter has stated that the proposal is deficient in failing to consider collaborative management.	3	Disallow

**Rationale for Disallow**  
 The submitter refers to failing to consider collaborative management but does not explain under what part of the CPLA such a function might be considered. In the absence of such information the point is disallowed.

<b>Point</b>	<b>Summary of point raised</b>	<b>Submission numbers</b>	<b>Allow or disallow</b>	<b>Accept or not accept</b>
11	Submitters have stated that the proposal does not adequately provide for balanced sustainable development outcomes or consideration of sustainable management covenants for such.	3,9	Allow	Accept

**Rationale for Allow**  
 The point relates to the management of reviewable land in a way that is ecologically sustainable as required by Section 24(a)(i) CPLA. The point is therefore allowed.

**Rationale for Accept**  
 The submitters provide additional information in relation to consideration of ecological sustainability on this property. This is new information that can be considered in the formulation of a substantive proposal and the point is therefore accepted.

<b>Point</b>	<b>Summary of point raised</b>	<b>Submission numbers</b>	<b>Allow or disallow</b>	<b>Accept or not accept</b>
12	Seven submitters have clearly indicated that CA1 boundary be altered to the fence line to the north (a-b) to provide a shorter line and include in CA1 SIVs indentified plus altitudinal sequences together with easier conservation management on what is considered low value grazing land.	3,7,17,19,21,22, 24	Allow	Accept

**Rationale for Allow**  
 The point relates to the protection of significant inherent values as required by Section 24(b) CPLA. The point is therefore allowed.

**Rationale for Accept**  
 Submitters not only refer to SIVs identified and therefore considered but also raise the new perspective of altitudinal sequences not previously considered. In addition raise the new matter of ease of future management and point out that the photo depicting “a-b” is different from the plan and suggest the additional area be to the line shown on the photo thereby giving enhanced altitudinal sequence. The point is therefore accepted.

<b>Point</b>	<b>Summary of point raised</b>	<b>Submission numbers</b>	<b>Allow or disallow</b>	<b>Accept or not accept</b>
13	Three submitters have requested to further alter the boundary line to include the Totara Stream Hut within CA1	3,14,19,	Allow	Not Accept

<p>Rationale for Allow The point relates to the protection of SIVs which is a consideration under Section 24(b) CPLA. The point is therefore allowed.</p>
<p>Rationale for Not Accept No new information has been presented to include the hut in CA1 that has not been examined previously in proposing the covenant. The point is therefore not accepted.</p>

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
14	Submitters have requested to include the lower part of McNaughton's Stream in CA1 to protect a range of values, provide an altitudinal sequence and enhance access.	3,7,14	Allow	Accept

<p>Rationale for Allow The point relates to the protection of SIVs which is a consideration under Section 24(b) CPLA. The point is therefore allowed.</p>
<p>Rationale for Accept Submitters not only refer to SIVs identified and therefore considered but also raise the issue altitudinal sequences and enhanced access not previously considered. The point is therefore accepted.</p>

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
15	Seven submitters have indicated a need to provide protection for SIVs by full Crown ownership or Crown control or covenant of a large area of the south eastern part of the land from the mouth of Howards Stream to the Orari River down Hat Spur.	3,17,19,20,21,22,24	Allow	Accept

<p>Rationale for Allow The point relates to the protection of SIVs which is a consideration under Section 24(b) CPLA. The point is therefore allowed.</p>
<p>Rationale for Accept The submitters introduced various new information and perspectives not previously considered in developing the preliminary proposal which the Commissioner can consider in formulating the designations for a substantive proposal. The point is therefore accepted.</p>

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
15a	In addition one submitter has asked for a covenant over the Mt Edith ridgeline eastward to the Orari River by extending CC1.	4	Allow	Not Accept

<p>Rationale for Allow The point relates to the protection of SIVs which is a consideration under Section 24(b) CPLA. The point is therefore allowed.</p>
<p>Rationale for Not Accept No new information has been presented that was not available and that has not been examined previously in proposing designation. The point is therefore not accepted.</p>

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
15b	The submitters request full Crown ownership for the area between the track and the Orari River	17,20	Allow	Not Accept

<p>Rationale for Allow The point relates to the protection of SIVs which is a consideration under Section 24(b) CPLA. The point is therefore allowed.</p>
<p>Rationale for Not Accept No new information has been presented that was not available and that has not been examined previously in proposing designation. The submitters particularly refer to the benefits that would accrue to the river margins which are not in the tenure review therefore any land restored to crown ownership would be very narrow and probably non continuous depending on the track location upon survey. The point is therefore not accepted.</p>

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
15c	There was considerable interest to protect and fence a small wetland on the Orari River terrace	17,19,20,21,22, 24	Allow	Not Accept

<p>Rationale for Allow The point relates to the protection of SIVs which is a consideration under Section 24(b) CPLA. The point is therefore allowed.</p>
<p>Rationale for Not Accept No new information has been presented that was not available and that has not been examined previously in proposing designation. The point is therefore not accepted.</p>

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
16	One submitter requested a covenant over the SW slopes of Mt Edith to protect a site of geological importance; "Mt Edith Patterned Ground".	3	Allow	Not Accept

<p>Rationale for Allow The point relates to the protection of SIVs which is a consideration under Section 24(b) CPLA. The point is therefore allowed.</p>
<p>Rationale for Not Accept No new information has been presented that was not available and that has not been examined previously in proposing designation. The point is therefore not accepted.</p>

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
17	Submitters have requested an extension of the covenant over Mt Edith Hut to include the NE faces of tall tussock grassland and small area of shrub-lands. (also see 15a)	3,4	Allow	Accept
<p><b>Rationale for Allow</b> The point relates to the protection of SIVs which is a consideration under Section 24(b) CPLA. The point is therefore allowed.</p>				
<p><b>Rationale for Accept</b> While consideration was given to suitable protection of the hut was considered no consideration was given to what area surrounding the hut should be included to the landscape in which the building is located. The point can therefore be accepted.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
18	Submitters have asked that the CCL consider the creation of sustainable management covenants to define farming practices for the protection of soil and water.	3,14	Allow	Accept
<p><b>Rationale for Allow</b> The point relates to the protection of soil and water that are the basis of ecological sustainability which is an object under Section 24(a)(i) CPLA to be taken into account by the commissioner, Section 25 CPLA. Provision is made for sustainable covenants under Section 36 (3) (a) CPLA. The point is therefore allowed.</p>				
<p><b>Rationale for Accept</b> The application of a sustainable management covenant has not previously been considered therefore this is new information to be considered in the formulation of a substantive proposal. The point is therefore accepted.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
19	Ten submitters oppose the provision to allow a track through CC1 due to instability and rare SIVs.	4,7,9,14,17,19,20,21,22,24	Allow	Accept
<p><b>Rationale for Allow</b> The point relates to the provisional consent to developing a track through a proposed covenant over remnant hardwood forest and shrub land on steep terrain. Ecological sustainability, Section 24(a), and protection of SIVs, Section 24(b) are objects of the CPLA to be considered. The point is therefore allowed.</p>				
<p><b>Rationale for Accept</b> Ten submitters have focused on this point where a conflict of intent is noted. The submitters' note a matter that has clearly been considered but articulate reasons for further consideration. The relatively small area is to be protected by a covenant yet the conditions of the instrument pre-judge the right to install a track without full investigation that would be normal for granting such consent. There no is detail in the Preliminary Proposal reporting as to the investigation</p>				

that took place for a track to be developed through some of the steepest faces along Andrew's Stream. Therefore the point is accepted.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
20	Several submitters have raised the subject of unsuitable easements along steep fence lines and in particular easement "a-b" does not provide "good" walking access being very steep along a fence line. It would be better on the route to the north as marked on the photograph.	4,5,9,19,20	Allow	Accept
Rationale for Allow Consideration of public access is a requirement under Section 24(c)(i) CPLA the point is therefore allowed.				
Rationale for Accept The submitters point out that the plan and illustrative photograph show different routes for this access, one being considerably more difficult than the other. This is new information that indicates insufficient investigation therefore the point is accepted.				

Point	Summary of point raised	Submission numbers	Allow or disallow
21	Submitters expressed concern that easements "a-b", "c-d" and "i-j" rely on legal roads to reach them which may not be on formed tracks.	4,7,20	Disallow
Rationale for Disallow There is no provision in the CPLA for the CCL to investigate legal roads. Therefore the point is disallowed.			

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
22	Submitters requested the provision for public access to and within CC1	6,13,18	Allow	Not Accept
Rationale for Allow Consideration of public access is a requirement under Section 24(c)(i) CPLA the point is therefore allowed.				
Rationale for Not Accept The submitter has not introduced any new information in relation to this aspect of the review and it also observed that the proximity of the area to Andrews Stream and adjacent legal road give access to this steep area. The point has therefore been fully covered and is not accepted.				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
22a	Submitters request public access to all hut covenants	13,18	Allow	Accept

**Rationale for Allow**  
 Consideration of public access is a requirement under Section 24(c)(i) CPLA the point is therefore allowed.

**Rationale for Accept**  
 The submitters note that there is not provision for public access to the historic huts proposed to be protected by covenant. Consideration of public access has not been recorded and is new information. Therefore the point is accepted.

<b>Point</b>	<b>Summary of point raised</b>	<b>Submission numbers</b>	<b>Allow or disallow</b>
23	A request that CC1 should be fenced	6	Disallow

**Rationale for Disallow**  
 The point relates to the fencing of a specified area. There is no requirement in the CPLA for the CCL to fence land. The point is therefore disallowed.

<b>Point</b>	<b>Summary of point raised</b>	<b>Submission numbers</b>	<b>Allow or disallow</b>	<b>Accept or not accept</b>
23a	Submitters request that CC1 be restored to full Crown ownership and control.	21,22,24	Allow	Not Accept

**Rationale for Allow**  
 The point relates to the protection of SIVs which is a consideration under Section 24(b) CPLA. The point is therefore allowed.

**Rationale for Not Accept**  
 The submitters bring no new information to the discussion. Also note point 15 which overlaps this area. Therefore the point is not accepted.

<b>Point</b>	<b>Summary of point raised</b>	<b>Submission numbers</b>	<b>Allow or disallow</b>	<b>Accept or not accept</b>
24	The submitter suggests that a stock limitation be placed on CC1 initially.	6	Allow	Not Accept

**Rationale for Allow**  
 The point relates to the protection of SIVs which is a consideration under Section 24(b) CPLA. The point is therefore allowed.

**Rationale for Not Accept**  
 While a valid issue the point has been considered as well as being an ongoing management issue. Therefore the point is not accepted.

<b>Point</b>	<b>Summary of point raised</b>	<b>Submission numbers</b>	<b>Allow or disallow</b>	<b>Accept or not accept</b>
25	Submitters asks that Mt Catherine be included in CA1	7,14,19	Allow	Not Accept

**Rationale for Allow**  
 The point relates to the protection of SIVs which is a consideration under Section 24(b) CPLA. The point is therefore allowed.

Rationale for Not Accept  
 While a valid issue the point has been considered and no new information is submitted. Therefore the point is not accepted.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
26	Submitters request a further addition to include the area east of Blue Mountain between Stone Hut (sheet 2) and the FH (shown as Sheet 2) and along the proposed easement "i-j", and/or to and including the Mt Edith ridge and hut, into CA1.	7,19	Allow	Not Accept

Rationale for Allow  
 The point relates to the protection of SIVs which is a consideration under Section 24(b) CPLA. The point is therefore allowed.

Rationale for Not Accept  
 No new information is submitted. Reference to provision of access to a historic hut is covered in point 22a. Therefore the point is not accepted.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
27	The submitters request public access over easement "f-e" "g-h" to enable a loop route from Mowbray Road to Lochaber Road	7,9,12,18,19	Allow	Accept

Rationale for Allow  
 The point relates to public access which is considered under Section 24(c)(i) CPLA and is therefore allowed.

Rationale for Accept  
 While use of the above easements via the Blue Mountain steading area may have been fully considered alternative routes that may link with the above easements does not appear to have been considered to give desired round routes. The point is therefore accepted.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
27a	The submitter has asked that there be 4WD access over easement "e-f" and "g-h".	13	Allow	Not Accept

Rationale for Allow  
 The point relates to public access which is considered under Section 24(c)(i) CPLA and is therefore allowed.

Rationale for Not Accept  
 Access along this route has been explored extensively with the only 4WD access on this route via the station steading. In view of already extensive consideration the point is not accepted.

<b>Point</b>	<b>Summary of point raised</b>	<b>Submission numbers</b>	<b>Allow or disallow</b>	<b>Accept or not accept</b>
28	The submitters state that the proposal fails to meet the object of securing public access and enjoyment of reviewable land and that more loop routes are required.	7,9,18	Allow	Accept
<p><b>Rationale for Allow</b> The point relates to public access and enjoyment, an object under Section 24(c)(i) CPLA. The point is therefore allowed.</p>				
<p><b>Rationale for Accept</b> Through routes were consideration in the Preliminary Proposal that were largely associated with existing legal roads but the submitters raise the new the matter of more loop routes to provide relatively easy access. This is a general point that is covered more specifically under other related points. The point is therefore accepted.</p>				

<b>Point</b>	<b>Summary of point raised</b>	<b>Submission numbers</b>	<b>Allow or disallow</b>
29	The six submitters request that the terrace land fronting the Orari River, north between Andrews Stream and the lease boundary (at "d") become full Crown ownership.	8,9,17,21,22,24	Disallow
<p><b>Rationale for Disallow</b> The land concerned is freehold land not included in the tenure review. The point is therefore disallowed.</p>			

<b>Point</b>	<b>Summary of point raised</b>	<b>Submission numbers</b>	<b>Allow or disallow</b>	<b>Accept or not accept</b>
30	The submitter casts doubt that the proposed freehold "is capable of ongoing economic use in an ecologically sustainable manner" as has been stated in the proposal.	9	Allow	Accept
<p><b>Rationale for Allow</b> The point relates to both the promotion of the management of reviewable land in a way that is ecologically sustainable (Section 24(a)(i) CPLA), and Section 24(b) relating to the protection of significant inherent values of reviewable land. The point is therefore allowed.</p>				
<p><b>Rationale for Accept</b> The point does not appear to have been fully considered as the proposal has evolved with several other submitters inferring similar comments to specific areas when making other points. The point is therefore accepted.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
31	Six submitters raise the issue of access to CA1 from the easement "i-j" and from Andrews Stream – from the east and south.	4,9,12,13,18,19	Allow	Accept
Rationale for Allow The point relates to public access and enjoyment which is considered under Section 24(c)(i) CPLA and is therefore allowed.				
Rationale for Accept Access from the east onto the Four Peaks Range has received no specific consideration. The point is therefore accepted.				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
32	One submitter states that access easement "i-j" should not be provided stating it is a route to nowhere.	10	Allow	Not Accept
Rationale for Allow The point relates to public access which is considered under Section 24(c)(i) CPLA and is therefore allowed.				
Rationale for Not Accept The point has been intensively considered and no new information is provided. The route will endure irrespective of the easement because of proximity to unformed legal road outside the CCL consideration. The point is therefore not accepted.				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
33	A request is made that a historic heritage survey be undertaken.	11	Allow	Not Accept
Rationale for Allow The point relates to the protection of SIVs which is a consideration under Section 24(b) CPLA and consultation under Section 26 CPLA. The point is therefore allowed.				
Rationale for Not Accept The CCL has received a Conservation Resources Report from the Director General of Conservation containing a section on historic facets including huts and the pack track. Therefore the point is not accepted.				

Point	Summary of point raised	Submission numbers	Allow or disallow
34	One submitter requests that marginal strips be created on streams originating in CA1 and others are of sufficient width to ensure practical public access.	13	Disallow

**Rationale for Disallow**  
The setting aside of marginal strips are not a matter for the Commissioner to consider under the CPLA. Therefore the point is disallowed.

<b>Point</b>	<b>Summary of point raised</b>	<b>Submission numbers</b>	<b>Allow or disallow</b>
35	The submitter requests that any future farming concessions in CA1 (or additional CAs) not exclude public access.	14	Disallow

**Rationale for Disallow**  
Future management of areas designation for conservation is not a matter the Commissioner can consider under the CPLA. Therefore the point is disallowed.

<b>Point</b>	<b>Summary of point raised</b>	<b>Submission numbers</b>	<b>Allow or disallow</b>	<b>Accept or not accept</b>
36	A statement is made that free holding may lead to intensification of farming leading to a reduction in water quality.	15,17	Allow	Accept

**Rationale for Allow**  
The point relates to the inter-relationship of ecological sustainability under Section 24(a)(i) and the enabling of reviewable land capable of economic use to be freed from land management constraints resulting from its tenure under Section 24(a)(ii). The point is therefore allowed.

**Rationale for Accept**  
Water is a natural resource being one part of the base resource of soil and water upon which ecological sustainability depends. The submitter raises a perspective not fully considered previously therefore the point is accepted.

<b>Point</b>	<b>Summary of point raised</b>	<b>Submission numbers</b>	<b>Allow or disallow</b>	<b>Accept or not accept</b>
37	The submitter requests that some amendments be made to covenant CC1 (and any extension).	17	Allow	Accept

**Rationale for Allow**  
The point relates to the protection of SIVs which is a consideration under Section 24(b) CPLA, and the method of protection under Section 40(2) CPLA. The point is therefore allowed.

**Rationale for Accept**  
The submitter raises matters, particularly the type of stock that may be grazed. Pertinent matters are raised that do not appear to have been fully considered therefore could not be translated into documentation. The point is therefore accepted.

<b>Point</b>	<b>Summary of point raised</b>	<b>Submission numbers</b>	<b>Allow or disallow</b>	<b>Accept or not accept</b>
38	The submitter requests that access infrastructure (gates etc) to be planned to ensure continued access for horses and people with disabilities.	18	Allow	Accept

**Rationale for Allow**  
 The point relates to public access which is considered under Section 24(c)(i) CPLA and is therefore allowed.

**Rationale for Accept**  
 The submitter correctly notes the comment in the public information summary relating to stiles at all fence lines and gateways. However the draft documentation states "...install stiles or gates to suit the purpose of the easement". While the easement is to include horse use as well as people by "...by non-motorised vehicle powered by a person or persons...", taken to include wheel chairs, where suitable, or people who may walk but be infirm, the submitter infers "to suit the purpose" appears somewhat vague. While the submitter raises a point of general the suitability of the constructed access to deliver good access it specifically raises accessibility for horses and people with disabilities worthy of further consideration. The point is therefore accepted.

Point	Summary of point raised	Submission numbers	Allow or disallow
39	One submitter suggests advising the Holders to reconsider changing land designation in pursuing tenure review	19	Disallow

**Rationale for Disallow**  
 It is not the Commissioners prerogative to provide tenure review advice to the Holder. There is no such provision in the CPLA. Therefore the point is disallowed.

Point	Summary of point raised	Submission numbers	Allow or disallow
40	A submitter has requested that tracks within designated conservation areas be maintained.	19	Disallow

**Rationale for Disallow**  
 Future management of areas designation for conservation is not a matter the Commission can consider under the CPLA. Therefore the point is disallowed.

Point	Summary of point raised	Submission numbers	Allow or disallow
41	The submitter asks that all legal roads be retained	19	Disallow

**Rationale for Disallow**  
 Matters relating to legal roads are not function for the commissioner under the CPLA. Therefore the point is disallowed.

Point	Summary of point raised	Submission numbers	Allow or disallow
42	Two submitters ask for all public and protected areas plus non-ephemeral streams on land designated freehold to be fenced.	19,23	Disallow

**Rationale for Disallow**  
 The point relates to the fencing of a specified area. There is no requirement in the CPLA for the CCL to fence land. The point is therefore disallowed.

<b>Point</b>	<b>Summary of point raised</b>	<b>Submission numbers</b>	<b>Allow or disallow</b>
43	The submitter asks that a fully integrated catchment wide approach is taken in assessing the effects of tenure review.	23	Disallow

**Rationale for Disallow**  
 While a commendable objective the Commissioner is only responsible to consider land included in the tenure review under the CPLA.

<b>Point</b>	<b>Summary of point raised</b>	<b>Submission numbers</b>	<b>Allow or disallow</b>	<b>Accept or not accept</b>
44	The submitter requests that there be recognition and protection of the existing environment and water.	23	Allow	Accept

**Rationale for Allow**  
 The point relates the object of the CPLA to promote management in a way that is ecologically sustainable, Section 24(a)(i) CPLA. The point is therefore allowed.

**Rationale for Accept**  
 Water is a natural resource and part of the requirement for sustainability of the environment. It is highly integrated into the land condition associated with water catchment. The water segment of the sustainability equation is new information not previously considered. Therefore the point is accepted.

<b>Point</b>	<b>Summary of point raised</b>	<b>Submission numbers</b>	<b>Allow or disallow</b>
45	The submitter asks that there be recognition of the contribution that the upper reaches of the river make to improving water quality below the gorge (Orari Gorge).	23	Disallow

**Rationale for Disallow**  
 The point relates to promoting the management of a resource beyond the land under consideration. The CPLA does not give the Commissioner the ability to consider a resource in that way. The point is therefore disallowed.

<b>Point</b>	<b>Summary of point raised</b>	<b>Submission numbers</b>	<b>Allow or disallow</b>
46	The submitter asks the CCL to consider potential downstream impacts from tenure review.	23	Disallow

**Rationale for Disallow**  
 The Commissioner has no requirement under the CPLA to consider matters beyond the land in the tenure review. The point is therefore disallowed.

<b>Point</b>	<b>Summary of point raised</b>	<b>Submission numbers</b>	<b>Allow or disallow</b>	<b>Accept or not accept</b>
47	The submitter requests that the maximum amount of tussock grassland is retained.	23	Allow	Not Accept
<p><b>Rationale for Allow</b>                      The point relates to the protection of SIVs which is a consideration under Section 24(b) CPLA. The point is therefore allowed.</p>				
<p><b>Rationale for Not Accept</b>                      Tussock is a strong component of the land under consideration and has been fully considered. The submitter offers no new information or matters for consideration nor specifies the reasons for the request. Therefore the point is not accepted.</p>				

<b>Point</b>	<b>Summary of point raised</b>	<b>Submission numbers</b>	<b>Allow or disallow</b>
48	The submitter states that In recognition of the threat posed by pest plants to the biodiversity and landscape that removal mechanisms are developed.	23	Disallow
<p><b>Rationale for Disallow</b>                      The point relates to the control of unwanted organisms which is not a function of the CPLA. The point is therefore not allowed.</p>			

## **Summary and Conclusion**

### Overview of analysis

Submissions were received from 24 groups or individuals. From these submissions 61 points including related points were identified, 40 of which were relevant to a review under Part 2 Crown Pastoral Land Act 1998. These points were allowed. The remaining twenty-one points dealt with matters outside the scope of Part 2 Crown Pastoral Land Act 1998 and were therefore disallowed. The 40 points allowed included five that were support for components of the review and along with 21 that introduced new considerations have been accepted for consideration in formulating a substantive proposal. Fourteen points were not accepted as they neither supported the proposal nor provided information or perspectives not previously considered.

Further consideration in developing the substantive led to CA1 being expanded and additional access.

### Generic issues

There has been some difficulty in the way the CPLA applies to this somewhat complex and relatively eastern property by the various specialists and the Holder in fully comprehending the relationship between the natural resource and human utilisation. This was reflected in the repeated theme of further and better access and the level of protection required over generally a larger area.

### Gaps identified in the proposal or tenure review process

No gaps were identified.

### Risks identified

There is a risk that the base resource of soil and water may be given less consideration when developing the proposal than the more apparent vegetation and current use.

### General trends in the submitters' comments

The number of points identified and the number of unrelated submitters making points on the sufficiency of suitable access and the extent of SIV protection is significant. Many submissions were from local persons or groups showing a high level of interest and use or potential use of the area for recreation. These factors indicate that the need for "*The securing of public access to and enjoyment of reviewable land*" may have been significantly under appreciated.

A second matter but less submitted on was the sustainability and level SIV protection under freehold tenure where the protection of the water quality and quantity was a concern if more intensive farming is practiced in the future.

It is apparent that this area may be more important and have more conflicting issues than may have been seen by the crafters of the proposal. This is even noted in the wide divergence of opinion by the persons involved over time when the earlier drafts are reviewed.