

Crown Pastoral Land Tenure Review

**Lease name : GLENCOE – EAST
OTAGO**

Lease number : PO 366

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

GLENCOE TENURE REVIEW NO 353

1. Details of lease

Lease name: Glencoe (East Otago)
Location: Mt Misery Road, Herbert.
Lessee: Windsor Blue Limited

2. Public notice of preliminary proposal

Saturday 20 December 2014

- The Press Christchurch
- Otago Daily Times Dunedin
- Southland Times Invercargill

Closing date for submissions: 16 March 2015

3. Details of submissions received

Number received by closing date: 11

Total Submissions received: 11

A cross-section of 6 groups or organisations, 3 statutory bodies and 2 individuals is represented by the submissions.

Number of late submissions refused. Nil

4. Analysis of Submissions

4.1. 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.

4.2. Analysis

Point	Summary of point raised	Submission numbers	Allow or Disallow
1	Submitter would like a ban on hunters and dogs in CA1 because of the risks they pose to the neighbouring land.	1	Disallow

Rationale for Disallow:

Allowing recreational hunters into the proposed conservation area is a post tenure review management matter designed to control animal pests. It is not a matter that the Commissioner can consider in the formulation of a Substantive Proposal and it is therefore disallowed.

Point	Summary of point raised	Submission numbers	Allow or Disallow	Accept or Not Accept
2	Submitters support the proposal. Specific reference to the public access provisions and umu site.	2, 3, 9	Allow	Accept

Rationale for Allow:

The proposal meets the objects of Part 2 of the CPLA and the point raised by the submitter is a statement of support for the proposal. This point is therefore allowed.

Rationale for Accept:

As the point relates to the objects and matters to be taken into account in the CPLA, and the submitter makes a statement of support for aspects of the Preliminary Proposal, it is accepted for further consideration by the Commissioner in the formulation of a substantive proposal.

Point	Summary of point raised	Submission numbers	Allow or Disallow	Accept or Not Accept
3	Submitters want the area included in CC3 increased to include the Red Hut, and the adjacent bluff area.	3	Allow	Accept

Rationale for Allow:

The object of Section 24(b) of the CPLA is to protect the SIVs identified on the reviewable land and the point raised by the submitter relates to the protection of the values. This point is therefore allowed.

Rationale for Accept:

The point meets the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. The point introduces a perspective not previously considered. The inclusion of the Red Hut was not something that was sought by DoC and therefore not specifically discussed during consultation.

Point	Summary of point raised	Submission numbers	Allow or Disallow	Accept or Not Accept.
4	Submitter recommends a further physical assessment to check for two early pastoral huts showing on plans of Table Hill Trig and the Wilden Run Hut	3	Allow	Accept

Rationale for Allow:

Section 24(b) of the CPLA is to enable the protection of the SIVs of the reviewable land. Heritage values if present on the reviewable land could be considered an SIV. As this point relates to the protection of the SIVs it is therefore allowed.

Rationale for Accept:

The point does meet the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. This is because it relates to the objects and matters to be taken into account in the CPLA, the point introduces new information or a perspective not previously considered.

The historic information provided by DoC in the CRR was based on field inspections and previous reports carried out on the property. The submitter suggests there may be two additional sites requiring assessment.

Point	Summary of point raised	Submission numbers	Allow or Disallow
5	Submitter wants the holders advised of their responsibilities under Heritage NZPT Act on the area proposed for freehold disposal.	3	Disallow

Rationale for Disallow:

The Commissioner has no responsibility or authority under Heritage New Zealand Pouhere Taonga Act 2014. This point is therefore disallowed

Point	Summary of point raised	Submission numbers	Allow or Disallow
6	Submitter wants any historic hut sites fenced to prevent damage from cattle.	3	Disallow

Rationale for Disallow:

While fencing is often undertaken as part of implementing a tenure review designation, this is not specifically a tenure review matter. The point is therefore disallowed.

Point	Summary of point raised	Submission numbers	Allow or Disallow	Accept or Not Accept
7	Submitters support the creation of CA1 and the conservation covenants over the proposed freehold.	4, 5, 6, 9, 10	Allow	Accept

Rationale for Allow:

The object of Section 24(b) of the CPLA is to protect the SIVs identified on the reviewable land and the point raised by the submitter relates to the protection of the values. This point is therefore allowed.

Rationale for Accept:

As the point relates to the objects and matters to be taken into account in the CPLA, and the submitter makes a statement of support for aspects of the Preliminary Proposal, it is accepted for further consideration by the Commissioner in the formulation of a substantive proposal.

Point	Summary of point raised	Submission numbers	Allow or Disallow
8	Submitter supports the fencing of D-E	5	Disallow

Rationale for Disallow:

While fencing is often undertaken as part of implementing a tenure review designation, this is not specifically a tenure review matter. The point is therefore disallowed.

Point	Summary of point raised	Submission numbers	Allow or Disallow
9	Submitter would like to see the existing fence around CA1 repaired to a suitable boundary standard.	5, 8, 10	Disallow

Rationale for Disallow:

While fencing is often undertaken as part of implementing a tenure review designation, this is not specifically a tenure review matter. The point is therefore disallowed.

Point	Summary of point raised	Submission numbers	Allow or Disallow
10	Submitter recommends appropriate monitoring of CA1 using photo points to ensure unintended stock grazing does not damage the SIV's	5	Disallow

Rationale for Disallow:

The management of conservation areas post tenure review is not a matter for the Commissioner. The point is therefore disallowed.

Point	Summary of point raised	Submission numbers	Allow or Disallow	Accept or Not Accept
11	Submitter supports the freehold disposal with covenants, subject to a condition that requires the control of wilding conifers, gorse and broom.	5	Allow	Accept in part

Rationale for Allow:

Section 24(c)(ii) provides for the freehold disposal of the reviewable land and Section 24(b)(i) the protection of the SIV's by the creation of a protective mechanism. As this point relates to these aspects, it is therefore allowed.

Rationale for Accept in part:

As the point relates to the objects and matters to be taken into account in the CPLA, and the submitter makes a statement of support for aspects of the Preliminary Proposal, it is accepted for further consideration by the Commissioner in the formulation of a substantive proposal. The submitter also refers to the control of wilding pines, gorse and broom. The covenant does provide for the control of weeds, which would include gorse and broom. There is also a clause requiring the owner to keep the land free of exotic trees. This part of the point therefore does not introduce any new information or a perspective not previously considered.

Point	Summary of point raised	Submission numbers	Allow or Disallow	Accept or Not Accept
12	The submitters are concerned that the covenant CC1 allows grazing, and wants adequate monitoring to ensure grazing does not impact on the values.	5, 6, 9	Allow	Not Accept

Rationale for Allow:

The object of Section 24(b) of the CPLA is to protect the SIVs identified on the reviewable land and the point raised by the submitter relates to the protection of the values by ensuring the values are not damaged by stock grazing. This point is therefore allowed.

Rationale for Not Accept:

The point does not meet the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. While this point meets the objects and matters to be taken into account in the CPLA, it does not introduce any new information or a perspective not previously considered.

By way of explanation there is some confusion about the details surrounding stock grazing the covenant area. The summary inadvertently referred to the covenant allowing grazing. CC1 was originally the designation proposed on the area now designated CA1 and it was proposed that the grassy areas between the bush and the fence could be grazed. The covenant document clearly states that grazing is not permitted on CC1. The covenant is not fully fenced due to the contour. This will result in some unintentional grazing of the covenant and the wording of the covenant may need to be looked at to cater for this. The covenant allows for monitoring and any damage caused from unintentional grazing will be picked up as part of this process.

Point	Summary of point raised	Submission numbers	Allow or Disallow	Accept or Not Accept
13	Planting of exotic trees should be prohibited in the covenant (CC1)	5	Allow	Not Accept

Rationale for Allow:

The object of Section 24(b) of the CPLA is to protect the SIVs identified on the reviewable land and the point raised by the submitter relates to the protection of the SIV's by ensuring they are not damaged by growing exotic pine trees. This point is therefore allowed.

Rationale for Not Accept:

The point does not meet the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. While this point meets the objects and matters to be taken into account in the CPLA, it does not introduce any new information or a perspective not previously considered.

Clause 3.2.3 of the covenant documents requires the owner to keep the land free of exotic trees.

Point	Summary of point raised	Submission numbers	Allow or Disallow
14	Submitters support the fencing of CC2 by the holder prior to implementation.	5, 9	Disallow

Rationale for Disallow:

While fencing is often undertaken as part of implementing a tenure review designation, this is not specifically a tenure review matter. In this case the fencing is not part of the tenure review, but being undertaken by the holder before implementation. The point is therefore disallowed.

Point	Summary of point raised	Submission numbers	Allow or Disallow	Accept or Not Accept
15	Submitters want CC2 increased to include the small supply catchment identified in the CRR.	5, 6	Allow	Accept

Rationale for Allow:

The object of Section 24(b) of the CPLA is to protect the SIVs identified on the reviewable land and the point raised by the submitter relates to the protection of the values by seeking to enlarge the area included in the covenant. This point is therefore allowed.

Rationale for Accept:

The point does meet the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. The submitters have introduced potentially new information or a perspective that may not previously have been considered. This location of the covenant was well canvassed during consultation, however the submitters refer to a supply catchment area and this may constitute new information.

Point	Summary of point raised	Submission numbers	Allow or Disallow	Accept or Not Accept
16	Submitters suggest an enlarged CC2 should be designated as a conservation area.	5, 6, 10	Allow	Accept

Rationale for Allow:

The object of Section 24(b) of the CPLA is to protect the SIVs identified on the reviewable land and the point raised by the submitter relates to the protection of the values by suggesting a covenant would not adequately protect the values, and the land should be designated as a conservation area. This point is therefore allowed.

Rationale for Accept:

The point meets the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. The point introduces new information or a perspective not previously considered and articulates reasons why the submitters prefer an alternative outcome under the CPLA. The recommendation from DoC was that a covenant would adequately protect the values and as a result the option of designating this area as a CA was not canvassed during consultation with the holder.

Point	Summary of point raised	Submission numbers	Allow or Disallow	Accept or Not Accept
17	Submitter suggests a public access easement should be provided between CC1 and CC2 and wander at will access provided over CC2.	5, 6, 8, 9, 10	Allow	Accept

Rationale for Allow:

The object of Section 24(c)(i) of the CPLA is to make easier the securing of public access to and enjoyment of the reviewable land and the point raised by the submitter relates to this point. This point is therefore allowed.

Rationale for Accept:

The point meets the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. The submitters have introduced new information or a perspective that may not previously have been considered. Access to CC1 and CC2 was not sought by DoC and therefore did not form part of the consultation process.

Point	Summary of point raised	Submission numbers	Allow or Disallow	Accept or Not Accept
18	Submitters suggest CC3 should be designated as a conservation area	5, 6, 9, 10	Allow	Not Accept

Rationale for Allow:

The object of Section 24(b) of the CPLA is to protect the SIVs identified on the reviewable land and the point raised by the submitter relates to the protection of the values by suggesting the SIV's require the area to be designated as a conservation area. This point is therefore allowed.

Rationale for Not Accept:

The point does not meet the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. While this point meets the objects and matters to be taken into account in the CPLA, it does not introduce any new information or a perspective not previously considered. While the submitters have suggested an alternative in relation to the designation, this is not new information as it was considered during the consultation process. The proposed covenant area was originally recommended by DoC as part of a larger conservation area incorporating more of the Waianakarua faces.

During the initial consultation with DoC and the holder, a revised area and designation for the Waianakarua faces was discussed. This resulted in a reduced conservation area (CA1) centred on the steep bushy faces. This did not include the area now included in CC3. While there is no specific note outlining consultation on whether this area should be designated a conservation area, correspondence from DoC supported a covenant as an appropriate mechanism.

Point	Summary of point raised	Submission numbers	Allow or Disallow	Accept or Not Accept
19	Submitter would like access provided to the resulting conservation area.(Relates to point 18). See also point 23	5	Allow	Accept

Rationale for Allow:

The object of Section 24(c)(i) of the CPLA is to make easier the securing of public access to and enjoyment of the reviewable land and the point raised by the submitter relates to this point. This point is therefore allowed

Rationale for Accept:

The point meets the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. The submitters have introduced new information or a perspective that may not previously have been considered. Access to CC3 was not sought by DoC and therefore did not form part of the consultation process.

Point	Summary of point raised	Submission numbers	Allow or Disallow	Accept or Not Accept
20	Submitter supports the public access provisions in the proposal.	5	Allow	Accept

Rationale for Allow:

The object of Section 24(c)(i) of the CPLA is to make easier the securing of public access to and enjoyment of the reviewable land and the point raised by the submitter relates to this point. This point is therefore allowed

Rationale for Accept:

As the point relates to the objects and matters to be taken into account in the CPLA, and the submitter makes a statement of support for aspects of the Preliminary Proposal, it is accepted for further consideration by the Commissioner in the formulation of a substantive proposal.

Point	Summary of point raised	Submission numbers	Allow or Disallow	Accept or Not Accept
21	Submitters are concerned CA1 is not fully fenced. Reference was made to the area where CA1 adjoins the formed track.	6	Allow	Accept

Rationale for Allow:

The object of Section 24(b) of the CPLA is to protect the SIVs identified on the reviewable land and the point raised by the submitter relates to the protection of the values by suggesting the boundary fencing of the proposed conservation area may not be adequate to protect the values. This point is therefore allowed.

Rationale for Accept:

The point meets the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. The submitters have introduced new information or a perspective that may not previously have been considered. The portion of CA1 mentioned by the submitter was thought to be fenced already. If this is not the case then additional fencing needs to be considered.

Point	Summary of point raised	Submission numbers	Allow or Disallow	Accept or Not Accept
22	Submitters suggest a covenant is required on the land over 700 metres asl, to restrict cattle grazing from damaging wetland areas.	6, 10	Allow	Accept

Rationale for Allow:

The object of Section 24(b) of the CPLA is to protect the SIVs identified on the reviewable land and the point raised by the submitter relates to the protection of the values by suggesting a covenant is required to protect the wetland areas from cattle damage. Section 40(2)(a) allows for the use of a "Protective Mechanism" to protect the SIV's. This point is therefore allowed.

Rationale for Accept:

The point meets the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. The submitters have introduced new information or a perspective that may not previously have been considered. The use of a covenant to restrict cattle grazing was not specifically discussed on this area and therefore did not form part of the consultation process.

Point	Summary of point raised	Submission numbers	Allow or Disallow	Accept or Not accept
23	Submitter wants public access to CC3. See also point 19.	6	Allow	Accept

Rationale for Allow:

The object of Section 24(c)(i) of the CPLA is to make easier the securing of public access to and enjoyment of the reviewable land and the point raised by the submitter relates to this point. This point is therefore allowed.

Rationale for Accept:

The point meets the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. The point introduces new information or a perspective not previously considered. Access to CC3 was not sought by DoC and has not been considered during the preparation of the preliminary proposal.

Point	Summary of point raised	Submission numbers	Allow or Disallow
24	Submitter believes the Red Hut should be made available for public use. (See also point 18)	6	Disallow

Rationale for Disallow:

This point relates to Point 18 which sought to have an enlarged CC3 designated as a conservation area. That point was allowed and accepted. Assuming the land is designated as a conservation area, the use of the Red Hut post tenure review would be a management decision by DoC. This is therefore not a matter for the Commissioner to consider and as a consequence the point is disallowed.

Point	Summary of point raised	Submission numbers	Allow or Disallow	Accept or Not Accept
25	Submitters believe the public vehicle access provisions need to be clarified.	6, 8, 9	Allow	Not Accept

Rationale for Allow:

The object of Section 24(c)(i) of the CPLA is to make easier the securing of public access to and enjoyment of the reviewable land and the point raised by the submitter relates to this point. This point is therefore allowed.

Rationale for Not Accept:

The point does not meet the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. While this point meets the objects and matters to be taken into account in the CPLA, it does not introduce any new information or a perspective not previously considered. By way of explanation there was a comment in the summary that could have been interpreted as suggesting vehicle access was provided to Bells Saddle. This caused some confusion from the submitters whether the vehicle access was over the full length of the easement or just over a-b-c. The legal documents attached to the proposal document supplied to the submitters were quite clear about this point. Further clarification is therefore not required. Vehicle access was the major issue in this review and it was discussed at every consultation meeting with the holder and DoC.

Point	Summary of point raised	Submission numbers	Allow or Disallow
26	Submitter wants the access provided by the legal road along the southern boundary clarified.	6	Disallow

Rationale for Disallow:

The tenure review relates to the reviewable land only. Unformed legal roads are not part of the reviewable land and therefore not subject to the provisions of the CPLA. The point is therefore disallowed.

Point	Summary of point raised	Submission numbers	Allow or Disallow	Accept or Not Accept
27	Submitter wants CA1 extended to include all the tussock area surrounding Mt Miserable.	7	Allow	Not accept

Rationale for Allow:

The object of Section 24(b) of the CPLA is to protect the SIVs identified on the reviewable land and the point raised by the submitter relates to the protection of the values by suggesting the land in question has SIV's that require protection and should be designated as a conservation area. This point is therefore allowed.

Rationale for Not Accept:

The point does not meet the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. While this point meets the objects and matters to be taken into account in the CPLA, it does not introduce any new information or a perspective not previously considered. This area was originally recommended for Crown ownership by DoC. During consultation, DoC reviewed the values present and as a result did not consider the values needed any formal protection.

Point	Summary of point raised	Submission numbers	Allow or Disallow	Accept or Not Accept
28	Submitter wants public access to the summit of Mt Miserable and north to the Waianakarua River.	7	Allow	Accept

Rationale for Allow:

The object of Section 24(c)(i) of the CPLA is to make easier the securing of public access and enjoyment on the reviewable land and the point raised by the submitter relates to this point. This point is therefore allowed.

Rationale for Accept:

The point meets the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. The point introduces new information or a perspective not previously considered. The issue of public access to Mt Miserable and the Waianakarua River was

not sought by DoC and has not been considered during the preparation of the preliminary proposal.

Point	Summary of point raised	Submission numbers	Allow or Disallow
29	The submitter wants the existing farm tracks along a-b-d-e defined by survey and removed from the lease when the survey is completed.	8	Disallow

Rationale for Disallow:

The submitter is referring to the unformed legal roads being legalised as part of the tenure review process. As the submitter rightly states, the legal roads do not form part of the reviewable land and as a consequence this is not a matter the Commissioner can consider under the CPLA. The point is therefore disallowed.

Point	Summary of point raised	Submission numbers	Allow or Disallow	Accept or Not Accept
30	Submitter supports the easements b-c and e-f and carpark proposed at point c.	8	Allow	Accept

Rationale for Allow:

The object of Section 24(c)(i) of the CPLA is to make easier the securing of public access to and enjoyment of the reviewable land and the point raised by the submitter relates to this point. This point is therefore allowed.

Rationale for Accept:

As the point relates to the objects and matters to be taken into account in the CPLA, and the submitter makes a statement of support for aspects of the Preliminary Proposal, it is accepted for further consideration by the Commissioner in the formulation of a substantive proposal.

Point	Summary of point raised	Submission numbers	Allow or Disallow	Accept or Not Accept
31	The submitter would like to see practical public access provided to CA1	8	Allow	Accept

Rationale for Allow:

The object of Section 24(c)(i) of the CPLA is to make easier the securing of public access to and enjoyment of the reviewable land and the point raised by the submitter relates to this point. This point is therefore allowed.

Rationale for Accept:

The point meets the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. The point highlights issues previously considered but articulates reasons why the submitter prefers an alternative outcome under the CPLA. The submitter noted the unformed legal road that runs from the track north into CA1 may not be a practical access point and that a more appropriate route may be available further east.

Point	Summary of point raised	Submission numbers	Allow or Disallow	Accept or Not Accept
32	The submitter states that the landscape and status of the steep slopes on the true right of the North Branch Waianakarua River should be compatible with the adjoining land on Mt Stalker.	9	Allow	Not Accept

Rationale for Allow:

The object of Section 24(b) of the CPLA is to protect the SIVs identified on the reviewable land and the point raised by the submitter relates to the protection of the values in the North Branch Waianakarua River. This point is therefore allowed.

Rationale for Not Accept:

The point does not meet the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. While this point meets the objects and matters to be taken into account in the CPLA, it does not introduce any new information or a perspective not previously considered. The submitter does not offer any suggestions about how the values should be protected.

Point	Summary of point raised	Submission numbers	Allow or Disallow	Accept or Not Accept
33	If the land around Mt Miserable is to be freehold, the submitter believes it should be managed in some way, and suggests the use of a sustainable management covenant.	9	Allow	Not accept

Rationale for Allow:

The object of Section 24(b) of the CPLA is to protect the SIVs identified on the reviewable land and the point raised by the submitter relates to the protection of the values by suggesting the land in question has SIV's that require protection with a SMC. This point is therefore allowed.

Rationale for Not Accept:

The point does not meet the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. While this point meets the objects and matters to be taken into account in the CPLA, it does not introduce any new information or a perspective not previously considered. The option of using a SMC was considered in the recommendations to LINZ and although not specifically recorded, was considered during consultation but not thought to be the appropriate mechanism for this area.

Point	Summary of point raised	Submission numbers	Allow or Disallow	Accept or Not Accept
34	Because of the issues associated with Stewardship Land, the submitter suggests CA1 should be designated as a reserve to ensure adequate protection.	9	Allow	Accept

Rationale for Allow:

The object of Section 24(b) of the CPLA is to protect the SIVs identified on the reviewable land and the point raised by the submitter relates to the protection of the values by suggesting the land in question has SIV's that require protection greater than that provided with the present designation. This point is therefore allowed.

Rationale for Accept:

The point meets the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. The point highlights issues previously considered but articulates reasons why the submitter prefers an alternative outcome under the CPLA and the point introduces new information or a perspective not previously considered. The submitters are concerned that conservation land created from tenure review is considered Stewardship Land by DoC and as a consequence the SIV's will not be adequately protected. This aspect has not been considered as part of the preliminary proposal.

Point	Summary of point raised	Submission numbers	Allow or Disallow	Accept or Not Accept
35	The submitter supports the freehold disposal of the land, with a proviso that the higher tussock areas are adequately protected. (See also points 22 and 33 above)	9	Allow	Accept

Rationale for Allow:

The object of Section 24(b) of the CPLA is to protect the SIVs identified on the reviewable land and the point raised by the submitter relates to the protection of the higher tussock areas. This point is therefore allowed.

Rationale for Accept:

The point meets the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. The point highlights issues previously considered but articulates reasons why the submitter prefers an alternative outcome under the CPLA.

This area was originally recommended for Crown ownership by DoC. During consultation, DoC reviewed the values present and as a result did not consider the values needed any formal protection. While this point suggests support for an aspect of the proposal, the main aspect of this point is the protection of the tussock grassland. This point will be discussed in conjunction with point 22 above.

Point	Summary of point raised	Submission numbers	Allow or Disallow	Accept or Not Accept
36	The submitter would like CC1 designated as a conservation area to better protect the values	9	Allow	Accept

Rationale for Allow:

The object of Section 24(b) of the CPLA is to protect the SIVs identified on the reviewable land and the point raised by the submitter relates to the protection of the higher tussock areas. This point is therefore allowed.

Rationale for Accept:

The point meets the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. The point highlights issues previously considered but articulates reasons why the submitter prefers an alternative outcome under the CPLA. DoC did not consider the area needed to be in Crown ownership to protect the values and as a consequence was not discussed during consultation with the holder.

Point	Summary of point raised	Submission numbers	Allow or Disallow	Accept or Not Accept
36a	The submitter would like CC1 designated as a conservation area to allow for public access.	9	Allow	Accept

Rationale for Allow:

The object of Section 24(c)(i) of the CPLA is to make easier the securing of public access to and enjoyment of the reviewable land and the point raised by the submitter also relates to this point. This point is therefore allowed.

Rationale for Accept:

The point meets the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. The point highlights issues previously considered but articulates reasons why the submitter prefers an alternative outcome under the CPLA. The need for public access to this area was not sought by DoC and as a consequence was not discussed during consultation with the holder.

Point	Summary of point raised	Submission numbers	Allow or Disallow	Accept or Not Accept
37	The submitter supports the public access provisions in easement a-b-c.	9	Allow	Accept

Rationale for Allow:

The object of Section 24(c)(i) of the CPLA is to make easier the securing of public access to and enjoyment of the reviewable land and the point raised by the submitter relates to this point. This point is therefore allowed.

Rationale for Accept:

As the point relates to the objects and matters to be taken into account in the CPLA, and the submitter makes a statement of support for aspects of the Preliminary Proposal, it is accepted for further consideration by the Commissioner in the formulation of a substantive proposal.

Point	Summary of point raised	Submission numbers	Allow or Disallow	Accept or Not Accept
38	The submitter wants public vehicle access to Bells Saddle.	9	Allow	Not Accept

Rationale for Allow:

The object of Section 24(c)(i) of the CPLA is to make easier the securing of public access to and enjoyment of the reviewable land and the point raised by the submitter relates to this point. This point is therefore allowed.

Rationale for Not Accept:

The point does not meet the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. While this point meets the objects and matters to be taken into account in the CPLA, it does not introduce any new information or a perspective not previously considered. While the submitter articulates reasons why an alternative outcome is preferred under the CPLA, the option of vehicle public access to Bells Saddle was well canvassed during the consultation phase. The track from the Red Hut to Bells Saddle was not considered suitable to be opened to the public. Issues around safety and high maintenance costs were the main reasons for not including vehicle access over this portion.

Point	Summary of point raised	Submission numbers	Allow or Disallow	Accept or Not Accept
39	Submitter would like to see CC1 enlarged to include the bush area to the west and a small finger to the south.	10	Allow	Not Accept

Rationale for Allow:

The object of Section 24(b) of the CPLA is to protect the SIVs identified on the reviewable land and the point raised by the submitter relates to the protection of the land surrounding CC1. This point is therefore allowed.

Rationale for Not Accept:

The point does not meet the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. While this point meets the objects and matters to be taken into account in the CPLA, it does not introduce any new information or a perspective not previously considered. While the submitter articulates reasons why an alternative outcome is preferred under the CPLA, the option of the boundary of CC1 was well canvassed during the consultation phase. Consideration was given to extending the area further west, however the proposed boundary was thought to be a practical boundary line for the covenant.

Point	Summary of point raised	Submission numbers	Allow or Disallow
40	The submitter wants CC1 completely fenced off to ensure no stock access.	10	Disallow

Rationale for Disallow:

While fencing is often undertaken as part of implementing a tenure review designation, this is not specifically a tenure review matter. The point is therefore disallowed.

Point	Summary of point raised	Submission numbers	Allow or Disallow
41	The submitter suggests the public are losing 1570 hectares and access to Mt Miserable in this proposal.	11	Disallow

Rationale for Disallow:

The submitter is making a general statement and does not raise a specific point that can be considered under the CPLA. The point is therefore disallowed.

Point	Summary of point raised	Submission numbers	Allow or Disallow	Accept or Not Accept
42	Submitter believes the access provisions do not meet the Objects of the CPLA because it only provides access through and not to and enjoyment of the reviewable land.	11	Allow	Not Accept

Rationale for Allow:

The object of Section 24(c)(i) of the CPLA is to make easier the securing of public access and enjoyment on the reviewable land and the point raised by the submitter relates to this point. This point is therefore allowed.

Rationale for Accept:

The point does not meet the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. While this point meets the objects and matters to be taken into account in the CPLA, it does not introduce any new information or a perspective not previously considered. Public access provisions are an important aspect of this proposal. Access is provided to CA1, passed the conservation covenants and to the rear of the property to meet up with easements on Kinross. It also provides access to the existing Reserve on the southern boundary. The provisions certainly make easier the securing of public access and also the enjoyment of the reviewable land in CA1 and the balance of the property along the easement length. Point 28 will consider further aspects of public access.

Summary and Conclusion

Overview of analysis

In analysing the 11 submissions received 43 points were identified. Of the 43 points raised, 31 were allowed for further consideration. Of the 31 that were allowed, 21 have also been accepted in total or part for consideration in the preparation of a draft substantive proposal. This was largely on the basis on the provision of new information or the submitter provided reasons why an alternative outcome should be considered, or was a statement of support for aspects of the proposal. Of the 21 accepted for further consideration 7 were statements of support for aspects of the proposal.

In total there were 43 points raised, of which 21 are "Allowed" and "Accepted" for further consideration, 10 "Not accepted" and 12 points "Disallowed" and will not be considered further.

Generic Issues

There was strong support for the retention of CA1 in Crown ownership. A number of submitters also considered the three conservation covenants should also be retained in Crown ownership. Public access was another point of some concern. There was some confusion about the public vehicle access provisions, with a number of submitters thinking vehicle access was provided to Bells Saddle.

A further point raised was the decision to designate the CA1 as a conservation area rather than as a reserve. The recent release of the Commissioner of the Environment report on Stewardship Land has resulted in a change in thinking by NGO's in relation to how the land is designated.

Gaps identified in the proposal or tenure review process

None identified.

Risks identified

No specific risks have been identified through the public notification process.

General trends in the submitters' comments

The common issues raised were:

- The need to include CC1, CC2 and CC3 in the proposed conservation area.
- The need for additional public access over Mt Miserable.
- Support for CA1.
- A push to have the conservation area changed to a Reserve.

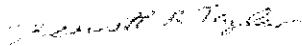
I recommend approval of this analysis and recommendations



David Paterson
Tenure Review Consultant
Rural Value

Date 01/05/2015

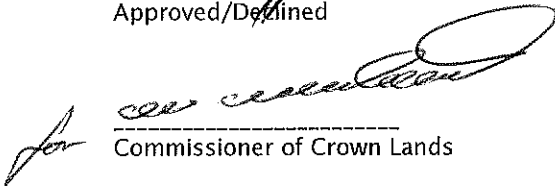
Peer Reviewed by



Ken Taylor
Principal Consultant
Rural Value

Date 01/05/2015

Approved/~~Declined~~



Commissioner of Crown Lands

Date 22-6-2015

Appendices

1. Copy of Public Notice
2. List of Submitters
3. Copy of Annotated Submissions

Appendix 1

Copy of the Public Notice



CROWN PASTORAL LAND ACT 1998

GLENCOE TENURE REVIEW

NOTICE OF PRELIMINARY PROPOSAL

Notice is given under Section 43 of the Crown Pastoral Land Act 1998 by the Commissioner of Crown Lands that he has put a preliminary proposal for tenure review to Windsor Blue Limited as lessee of Glencoe (East Otago) pastoral lease.

Legal description of land concerned:

Pastoral lease land:

Section 5 Block XIV Otepopo SD being all the land contained in Instrument of Title OT 11B/1498 (Otago Land Registry) comprising 1900 hectares more or less.

General description of proposal:

- (1) 330 hectares (approximately) to be designated as land to be restored to or retained in full Crown ownership and control as Conservation Area under Section 35 (2)(a)(i) Crown Pastoral Land Act 1998
- (2) 1570 hectares (approximately) to be designated as land to be disposed of by freehold disposal to Windsor Blue Limited, subject to protective mechanisms and a qualified designation under Section 35 (3) Crown Pastoral Land Act 1998

Further information including a copy of the designations plan plus the draft covenant and easement documents, are available on request from LINZ at the following address:

Land Information New Zealand
Crown Property
CBRE House, 112 Tuam Street
Private Bag 4721
CHRISTCHURCH 8140
Phone: 0800 665 463 (Option 2 then Option 4)
Email: pastoral&tenurereview@linz.govt.nz

Inspections:

Any person wishing to inspect the lease should contact LINZ in the first instance at the above address.

Submissions:

Any person or organisation may send a written submission on the above proposal to the Commissioner of Crown Lands at the above address.

All submissions are being collected and held by LINZ either directly or through its agents or contractors.

Submitters should note that all written submissions may be made available, in full, by LINZ to its employees, agents and contractors, the Department of Conservation and the public generally.

Closing date of submissions:

Written submissions must be received by the Commissioner at the above address no later than 5pm Monday 16th March 2015.

Appendix 2

List of submitters

Glencoe - Submissions Received				
	Name	Address 2	Date Received	Acknowledgement Sent
	Ngäi Tahu	Sophie McGregor	29/01/2015	30/01/2015
1	Mt Stalker Ltd	Hamish Paterson	19/02/2015	19/02/2015
2	NZ Deerstalkers Assoc	Robyn Bradley	2/03/2015	5/03/2015
3	Heritage NZ	Jonatham Howard	4/03/2015	5/03/2015
4	Otago Conservation Board	Pat Garden	9/03/2015	9/03/2015
5	Department of Botany	Alan Mark	9/03/2015	9/03/2015
6	Forest & Bird	Janet Ledingham	11/03/2015	12/03/2015
7	Chris Pearson	18 Rewa Street	11/03/2015	12/03/2015
8	Walking Access	Mark Neeson	11/03/2015	12/03/2015
9	Federated Mountain Clubs of New Zealand	Robin McNeill	12/03/2015	12/03/2015
10	Waitaki Branch Forest & Bird	Margaret Steer	13/03/2015	16/03/2015
11	NZ Horse Network	Vivien Dostine	16/03/2015	16/03/2015

Appendix 3

Copy of Annotated Submissions

