

## **Crown Pastoral Land Tenure Review**

**Lease name : MORVEN HILLS**

**Lease number : PO 359**

### **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**

**MORVEN HILLS**



**ANALYSIS OF PUBLIC SUBMISSIONS****Statement Pursuant To Sec 45(a)(iii) Crown Pastoral Land Act 1998****MORVEN HILLS TENURE REVIEW****Details of lease**

Lease name:	Morven Hills.
Location:	Lindis Pass Road some 60km from Cromwell and 50 km from Omarama..
Lessee:	Morven Hills Limited.

**Public notice of preliminary proposal**

Date advertised:	28 March 2015.
Newspapers advertised in:	
- The Press	Christchurch
- The Otago Daily Times	Dunedin
- The Southland Times	Invercargill.
Closing date for submissions:	27 May 2015.

**Details of submissions received**

Number received by closing date:	12
Number of late submissions received/accepted:	1
Cross-section of groups/individuals represented by submissions:	
	Submissions were received from two environmental NGOs, three recreational groups, four Crown entities, and four individuals.
Number of late submissions refused/other:	Nil.

## 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 [i.e relates to the right property and tenure review], 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 cannot 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

The submissions have been numbered in the order in which they were received and the points have been arranged so similar points are grouped together.

Appendix III provides a table of the points raised by the various submitters.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
1	Statements of support for aspects of the proposal.	1,2,4,5,6,7,8,9,11,12,13	Allow	Accept

Various submitters made specific statements of support for the proposed designations, or specific parts of them as follows:

Submitter 1 supported SR1 & CA1 noting that SR1 importantly secures foot and cycle access over the 4WD track leading onto the pylon route and the upper levels of CA1 offers reasonable skiing potential. They also supported the proposed public access easement.

Submitter 2 supported the proposed areas of freehold and retention of CA1 and SR1 by the Crown. They also supported the proposed easements but consider the single public access easement is woefully inadequate in giving full effect to section 24(c)(i) CPLA and suggested two additional public access easements should be created (See Points 2 & 4).

Submitter 4 expressed support for the Preliminary Proposal in their capacity as neighbours and owners of three adjoining pastoral leases. They considered the current proposal satisfies the needs of all parties who have had ample opportunity to research the property. They specifically expressed support for the conservation covenants, grazing concessions, easements and the land proposed to be freeholded.

Submitter 5 supported the proposed easement routes "a-b" and "c-d", and the establishment of CA1.

Submitter 6 fully supported retaining the full Dunstan Creek part of the property as part of CA1. They also supported the proposed grazing concession over part of CA1, strongly supported SR1 and are supportive of four of the six covenant proposals. They were pleased with the proposed public access and management easements and endorsed the continuation of the existing easement in favour of Telecom New Zealand.

Submitter 7 supported the proposed covenant CC1a in respect to the protection it provides the historic values associated with the Dip Creek sites and also the proposed CC2 covenant.

Submitter 8 stated that they thought this was an excellent tenure review proposal. They fully supported SCR, SR1, CC1, CC2, the southern part of CC3 (subject to adding ecological services of water capture and storage in the values statement), CC4, CC5, public access easements 'a-b-c' and 'b-d' together with the car parking area proposed at point 'a'. They also expressed support for the proposal to retain CA1 in Crown ownership, (an alternative designation option was however suggested for that area – see point 19). They also supported the proposed grazing concession (GC), easement concession ('d-e') and continuation of the existing easement in favour of Telecom New Zealand.

Submitter 9 strongly supported SR1 and expressed support for the proposed covenants CC1, CC2, CC3, CC4 and grazing concession (GC). The proposed DoC management easement is also

supported but it is noted the submitter incorrectly interpreted that easement as enabling public walking, non-motorised and motorised vehicle access. Continuation of the existing easement and existing interests were also supported.

Submitter 11 strongly supported SR1 in principle, as well as parts of CA1 together with the access to it via the Pylon track, CC1 and the protection of historic values within CC1a & CC2. They also support the measures proposed to protect skinks in CC1 and the Scientific Reserve SCR.

Submitter 12 fully supported SR1, SCR, CC2, parts of CA1 together with CC3, CC4, and CC5. The submitter also supported the proposed public access along the Pylon Track.

Submitter 13 considered the tenure review would led to a valuable addition to the conservation estate and significantly improve public access in the area of Lindis Pass and Northern Dunstan Range.

All the above submitters also sought some changes to the proposal, as covered under other points.

Rationale for Allow or Disallow

In providing support for the designations or parts of them, most submitters mentioned aspects related to the protection of significant inherent values or public access. The protection of significant inherent values is identified in section 24(b) CPLA, and the making easier of public access is indicated in section 24(c)(i) CPLA. These matters can therefore be properly considered under the CPLA. The point has therefore been allowed.

Rationale for Accept or Not Accept

Statements of support for aspects of the preliminary proposal can be considered by the Commissioner when formulating the designations for a Substantive Proposal. Point 1 has therefore been accepted.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
2	A public access easement should be provided along the 4WD track on the south boundary of Bluecliffs block	1,2,12,13	Allow	Accept

Submitter 1 noted this 4WD track is an ideal walking route and also suggested it is quite suitable for descending on mountain bikes as part of a "loop" trip involving the high tops of the Chain Hills south of Old Man Peak and the Pylon track. They also suggested an alternative would be to incorporate the 4WD track and wider area with public access opportunities into CA1 – that suggestion is dealt with under Point 3.

Submitter 2 also advocated this alternative access to CA1 (the red line on submitters plan attached), and to provide opportunity for a "loop" track. They felt the proposed easement along the Pylon track is reasonably unappealing as it gives one way access unless "pick-ups" are arranged at either end. They stated that low impact activities involving walking and mountain biking had been identified by FMC and others as the primary methods of public enjoyment on Morven Hills.



Submitter 12 suggested this additional easement should be for public walking and mountain bike access. They stated the access would create a loop track in conjunction with the Pylon track, the Chain Hills summit and existing and proposed public access at the south boundary of Morven Hills and that it would also allow for emergency exit from the Chain Hills summit via a formed track.

Submitter 13 suggested this additional access easement represents a fairly easy ridge-way track that offers sweeping views over Central Otago and provides direct access to the southeast corner of CA1.

#### Rationale for Allow or Disallow

This point relates to securing public access to the reviewable land, which is an object of tenure review under s24(c)(i) CPLA. The point has therefore been allowed.

#### Rationale for Accept or Not Accept

The point relates to the objects and matters to be taken into account in the CPLA, and while appropriate public access has been previously considered, the submitters have articulated an alternative outcome and given reasons, being to provide alternative access to CA1 and enable the possibility of a loop track offering sweeping views and the opportunity for an emergency exit route from the Chain Hills. The point has therefore been accepted for further consideration.

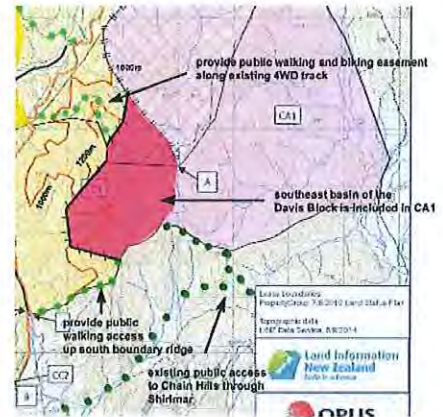
Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
3	The CA1 boundary should be extended to include additional land on the western faces of the Chain Hills including part of Davis Block	1,9,12	Allow	Accept

Submitter 1 suggested the southern boundary of CA1 could be altered to incorporate the existing 4WD track running from the crest of the Home Hills to the Pylon road near the southern boundary of Bluecliffs block. They identified two potential revised boundary options. The first involves moving the proposed boundary fence to a ridgeline south of the 4WD track and the second is to utilise the existing fenceline on the southern boundary of the property. The suggested boundary adjustment was identified as an alternative to utilising an easement over the 4WD track discussed under Point 2.

Submitter 9 suggested the CA1 boundary should be extended down to the Pylon track, at 900-1000m with a fence on the top side of the Pylon track. They consider the environmental/ecological importance and biodiversity and landscape values of the entire western aspect tussock faces to the east of the transmission line justifies that outcome.

They also suggested extending the boundary downhill to take in the southeast basin of Davis Block. They considered those proposed boundary adjustments also result in fence lines that would likely require much less maintenance.

Submitter 12 stated they would like to see better recognition and protection of the SIVs on the Davis block. They would prefer that the south eastern basin (shown shaded in red on the attached plan) be included in CA1 noting that very little of this basin is under 1000m, it is steep and has primarily snow tussock cover.



They also stated if the Davis block stays within CC1 the covenant provisions will need to be amended to strengthen the level of protection (see Point 15).:

Rationale for Allow or Disallow

This point relates to securing public access to the reviewable land and to the protection of significant inherent values which are objects of tenure review under sections 24(b) & (c) CPLA. The point has therefore been allowed.

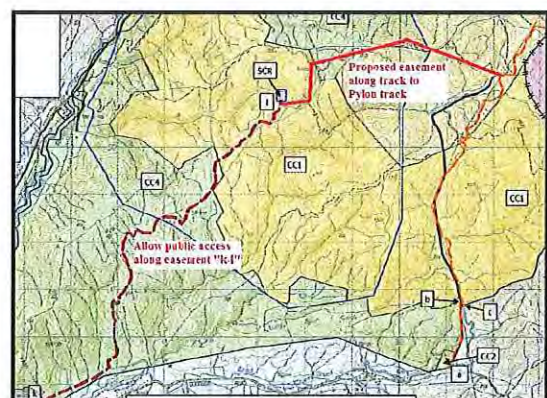
Rationale for Accept or Not Accept

The point relates to the objects and matters to be taken into account in the CPLA, and while appropriate public access and protection of SIVs have been previously considered, the submitters have articulated an alternative outcome and given reasons, relating to improving public access opportunities, providing better protection for SIVs and achieving a boundary fence line that is likely to require lower maintenance. The point has therefore been accepted for further consideration.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
4	Public access should be permitted on the DoC management easement "k-l" and that access should extend to the east to meet up with the Pylon track to enable a loop track.	2, 5,	Allow	Accept

(This point is also related to point 5).

Submitter 2 suggested public access should be enabled through the central zone of the proposed freehold (red dashed and solid line on submitters plan attached). They considered this would be a very appealing walk/bike as it follows the main ridge allowing great views and also forms a loop via the pylon track and Goodger Road. It is assumed the submitter is advocating public access be restricted to foot and mountain bike access for this route as they proposed that all public access easements should not allow the use of motorised vehicles.



Submitter 5 suggested public walking, mountain bike and horse access is enabled along the same route identified by submitter 2. In support of this access they stated:

- The track provides a circuit, off the state highway, and good access into and through a high quality scenic setting with dramatic views and access to the proposed SCR.



- The connection with the proposed easement provides a sensible round trip to be made, with an easy return to Goodger Road.
- There are very few good high country tracks of this length, which are readily accessible to the public.

Rationale for Allow or Disallow

This point relates to securing public access to the reviewable land, which is an object of tenure review under s24(c)(i) CPLA. The point has therefore been allowed.

Rationale for Accept or Not Accept

The point relates to the objects and matters to be taken into account in the CPLA, and while appropriate public access has been previously considered, the submitters have articulated an alternative outcome and given reasons, being to provide a route through the centre zone of the property providing great views and enabling a loop track to be created. The point has therefore been accepted for further consideration.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
5	Public access should be permitted on the DoC management easement "k-l".	6,8,13	Allow	Accept

(This point is also related to point 4).

Submitter 6 expressed concern that there is generally no public access proposed to most of the land intended to be freeholded subject to Conservation Covenant. They were concerned in particular that the public could only visit SCR (access "k-l") at the invitation of DoC or with the lessee's permission. They suggested the proposed management easement be modified to allow for limited public access, perhaps with registration required first.

Submitter 8 stated they understood why public access to this important site is not available due to security threats to both farm and skink however they expressed hope that access permission can be negotiated for members of the public who have a genuine scientific interest in skinks and their habitat.

Submitter 13 suggested public access is quite limited for such a large station and as a minimum it should be extended to include the DoC management easement providing access to SCR which they state is public land that would otherwise be landlocked without any possibility of public access.

Rationale for Allow or Disallow

This point relates to securing public access to the reviewable land, which is an object of tenure review under s24(c)(i) CPLA. The point has therefore been allowed.

Rationale for Accept or Not Accept

The point relates to the objects and matters to be taken into account in the CPLA, and while appropriate public access has been previously considered, the submitters have articulated an alternative outcome and given reasons related to providing public access through land proposed to

be freeholded subject to Conservation Covenants and also providing rights to access public land. The point has therefore been accepted for further consideration.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
6	Public horse riding should be enabled from the Lindis Pass through to Goodger Road on or in the vicinity of the Pylon track.	3, 5	Allow	Accept

Submitter 3 considered horses should be allowed on what they referred to as the easement a-e and especially through SR1 at the Lindis Pass end of the easement. It is assumed from that description the submitter means the full length of the Pylon track should be available for horse access. They stated that would preserve historical horse access to this high country area, in particular enabling horse access to the Breast Hill and Old Man Peak Track and St Bathans.

Submitter 5 suggested public horse access (together with public motorised vehicle access, as per point 14), should be enabled from Goodger Road to the proposed CA1 and then through CA1 to the foot of the Lindis Pass on or in the vicinity of the proposed easement 'a-b', c-d' and easement concession 'd-e'. In support of this option they state there are very few good high country tracks of this length, which are readily accessible to the public.

#### Rationale for Allow or Disallow

This point relates to securing public access to the reviewable land, which is an object of tenure review under s24(c)(i) CPLA. The point has therefore been allowed.

#### Rationale for Accept or Not Accept

The provision of public access is an object of tenure review under s24(c)(i) CPLA. While public access involving use of horses has previously been considered the submitter has articulated reasons why they consider horse access should be available. Those reasons relate to preserving historical access to this high country area which they state is readily accessible to the public as well as forming part of, and enables, access to a wider series of high country trails. The point has therefore been accepted for further consideration

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
7	The legal road from Polson's Hut through to the middle of CC3 should be pegged and demarcated.	3	Disallow	N/A

The submitter suggested the position of the legal road should be demarcated and they opposed what they perceived as replacement of the legal road with an easement providing the public with a lesser or restricted access where the easement overtops the legal road. (This represents an incorrect interpretation as the easement will not be created over any sections of the Pylon track that are aligned with the legal road).

#### Rationale for Allow or Disallow

Legal roads are not included in the land under review and consequently this is not a matter that can be considered under the CPLA. The point has therefore been disallowed.

## Rationale for Accept or Not Accept

N/A

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
8	Public access easements should be clearly identified	4	Disallow	N/A

The submitter stated that as public access on the proposed public access easement will be uncontrolled there will be an increased risk of fire, rubbish, the spread of disease, difficulty to carry out pest control and increased threat of stock rustling. Impacts on the landowner's private property rights were also highlighted as reasons why easements must be clearly identified to ensure the public respect the privilege of that access. Health and safety issues were also highlighted as reasons requiring public access areas to be clearly identified.

## Rationale for Allow or Disallow

The need for signage to clearly identify the public access easement together with active management of public access are matters for the Department of Conservation to consider post tenure review and are not issues that can be considered in tenure review under the CPLA. The point has therefore been disallowed.

The comments of the submitter will however be referred to the Department of Conservation to assist in their consideration of post tenure review management requirements.

## Rationale for Accept or Not Accept

N/A

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
9	Controls on burning will lead to increased risk and expense of fire fighting in the event of fire spreading from the DoC land.	4	Disallow	N/A

The submitter stated the conservation land will place restrictions on the ability to carry out controlled burning on the proposed freehold thereby increasing the risk and potential impact of a fire spreading from the DoC land which could severely impact on the property financially.

## Rationale for Allow or Disallow

The submitter's concerns are primarily related to the potential financial impact on the farming operation of any accidental fire that may spread from the conservation land. The submitter has not suggested any mechanisms available under the CPLA to mitigate or minimize those potential risks or impacts. The point really relates to reinforcing the potential risks and impacts associated with accidental fires occurring within the proposed conservation land. In effect it therefore becomes a post tenure review conservation management issue for DoC and is not a matter that can be properly considered under the CPLA. On this basis the point has been disallowed.

The comments of the submitter will however be referred to the Department of Conservation to assist in their consideration of post tenure review management requirements.

Rationale for Accept or Not Accept
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N/A

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
10	Deer fencing should be utilised for new boundary fencing between public and private farm land.	4	Allow	Not accept

The submitter stated new fencing must be of a high standard and suggested that this should be deer fencing to clearly separate the boundaries between conservation land and freehold land. They also suggested that signage should be included to help define those boundaries.

Rationale for Allow or Disallow
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Clearly defining designation boundaries and use of an appropriate standard of fencing to achieve effective stock control between farm land and conservation land is a function of tenure review under the CPLA. The point can be properly considered under the CPLA and is therefore allowed.

Rationale for Accept or Not Accept
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The point relates to the objects and matters to be taken into account in the CPLA however, while fencing is often undertaken as part of implementing a tenure review designation this is not specifically a tenure review matter. That aspect of the point has therefore not been accepted for further consideration. The submitters additional suggestion that signage should also be utilised to help define those boundaries is considered to be a post tenure review management matter for DoC and not an issue that can be considered in tenure review under the CPLA. That aspect of the point has therefore also not been accepted

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
11	Farming relics on the land being acquired by DoC should be left intact and there should be signage erected explaining the Morven Hills history.	4	Disallow	N/At

The submitter stated the Morven Hills property is significant historically from a local, national and pastoral perspective as it is a remnant of the original land claim in the area. They recommended that all farming relics on the areas acquired by DoC are left intact and felt removal of evidence of previous farming activities, such as old station fencing, is contrary to protecting historic places. They also suggested appropriate signage be erected on the Lindis Pass summit explaining the Morven Hills history.

## Rationale for Allow or Disallow

This point relates to the management of the conservation land after tenure review, which is not a matter that can be considered within tenure review under the CPLA. The point has therefore been disallowed.

The comments of the submitter will however be referred to the Department of Conservation to assist in their consideration of post tenure review management requirements.

## Rationale for Accept or Not Accept

N/A

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
12	The financial settlement needs to be sufficient to compensate for the loss of grazing and negative impacts on the farming operation.	4	Disallow	N/A

The submitter stated that as the lessees had relinquished over one third of their property the financial settlement should be sufficient to compensate for the loss of grazing and negative impacts arising from the granting of conservation covenants and public access easements.

## Rationale for Allow or Disallow

Financial implications are not matters able to be considered under the CPLA in determining appropriate designation outcomes. The tenure review financial settlement is determined by a valuation process which is undertaken separately to designation of the reviewable land under section 35(2) CPLA. The submitters suggestion is therefore not a matter that can be further considered within the tenure review under the CPLA, and the point has therefore been disallowed

## Rationale for Accept or Not Accept

N/A

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
13	Values identified within areas being retained in Crown ownership could have been satisfactorily protected under QEII Covenants and be granted freehold.	4	Allow	Accept

The submitter expressed a general concern that the large area of land to be controlled by DoC places an ongoing cost on the NZ tax payer as those areas will require surveying, fencing, specialist management, monitoring and maintenance. They considered the significant inherent values in those areas could have been satisfactorily protected using QEII Covenants with the land being freeholded.

## Rationale for Allow or Disallow

The point relates to the protection of significant inherent values, which is an object of tenure review under section 24(b) CPLA. The point has therefore been allowed.

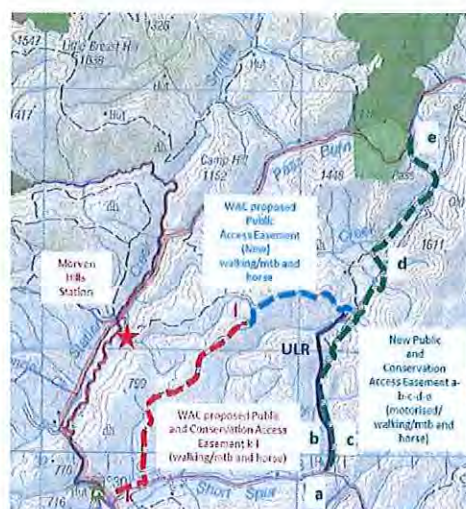
Rationale for Accept or Not Accept

The point relates to the objects and matters to be taken into account in the CPLA. Although the designation options for the areas proposed to be retained in Crown ownership have been previously considered in considerable depth the submitter has suggested an alternative outcome and articulated reasons for that relating to the ability to adequately protect SIV's using QEII covenants with reduced ongoing cost on the NZ tax payer. The point has therefore been accepted for further consideration.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
14	Public motorised vehicle access should be enabled from the Lindis Pass through to Goodger Road on or in the vicinity of the Pylon track	5	Allow	Accept

The submitter suggested that in addition to public foot and bicycle access public access should be expanded to include public motorised access (together with public horse access, as per point 6) from Goodger Road to CA1 and then through CA1 to the foot of the Lindis Pass, on or in the vicinity of the proposed easement 'a-b', 'c-d' and the easement concession 'd-e' (shown with green dashed line on submitters plan attached). In support of public vehicle access the submitted noted:

- The formed track was largely created in the early 1950s to enable the construction and maintenance of the transmission line.
- The track provides good 4WD access into and through a high quality scenic setting with dramatic views.
- Use of the track would enable a significant round trip, including parts of Goodger Road and Lindis Pass Tarras Road.
- There are few good high country tracks of this length, which are readily accessible to the public.
- It would provide an opportunity to enjoy the area for people who may be unable to walk or mountain bike or travel by horse along this route.



While unimpeded public access is preferred the submitter acknowledged some restriction of public access during winter could be considered given the nature of the route and potential for severe climatic conditions.

Rationale for Allow or Disallow

This point relates to public access and the enjoyment of reviewable land which is a matter that is relevant to tenure review under s24(c)(i) CPLA. The point has therefore been allowed.

Rationale for Accept or Not Accept

The point relates to the objects and matters to be taken into account in the CPLA, and although public motorised access has been previously considered, the submitters have articulated reasons for expanding the current foot and non-motorised access to include motor vehicle use. Those reasons include the track provides good 4WD access through a high quality scenic setting, its use would enable a significant round trip, there are few similar opportunities elsewhere in the high

country and it would provide access for people unable to walk or mountain bike the route. The point has therefore been accepted for further consideration.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
15	Some amendments are required to the CC1 covenant to better provide for the protection the SIVs.	6, 9, 12	Allow	Accept

Submitters 6 & 9 considered this covenant should contain a no burning stipulation. This represented the only proviso for their support for the proposal to freehold this area.

Submitter 12 suggested the following amendments are required to strengthen the protective provisions of CC1:

1. Davis Block (if it is not included in CA1 as per their suggestion under point 3) as follows:
  - the complete set of values must be stated in Schedule 1 Part 2
  - limit stocking to sheep only and OSTD to levels that will protect existing native vegetation and promote a recovery trend.
  - establish a fertiliser programme with ongoing grazing requiring fertiliser to be applied at maintenance levels.
  - require records of stocking and fertiliser application to be maintained and be available for review.
  - include a requirement for vegetation monitoring with provision for adjusting stocking if no improvement in tussock cover is evident over time or if it degrades further and if that occurs, inclusion of an option for the land to be returned to Crown ownership and management as part of CA1.
2. Wider area of the CC1 covenant:
  - CC1 boundaries should align with block boundaries to simplify management, they specifically stated the covenant should include all of the Top Airstrip, Hogget and Rocky Gully blocks (shown shaded in yellow on attached plans).
  - stocking limits are set in the Special Conditions
  - exclude or set very low limits for cattle within Station Range, Manuka Gullies and Rocky Hills blocks.
  - clarify that fencing off areas and destocking them is one outcome if monitoring shows deterioration.
  - deer and goats should be explicitly excluded
  - a fertiliser programme should be required, top dressing to avoid wetlands and core shrubland areas, fertiliser application becomes a condition for continued grazing.
  - there be provision for methods of monitoring other than just photo points where considered appropriate.



Rationale for Allow or Disallow

The point relates to the protection of significant inherent values, which is an object of tenure review under section 24(b) CPLA. The point has therefore been allowed.

Rationale for Accept or Not Accept

The point relates to the objects and matters to be taken into account in the CPLA, and although the protection of SIV's within CC1 has been previously considered in considerable depth the

submitters have suggested an alternative outcome with reasons being articulated that relate to strengthening the protective provisions of the proposed covenant as mentioned above. The point has therefore been accepted for further consideration.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
16	CC1a or parts thereof should be retained in Crown ownership	6, 8, 9, 11, 12	Allow	Accept

Submitter 6 suggested that this entire area should be retained in Crown ownership and that the inherent values justify Scenic Reserve status.

Submitter 8 stated CC1a has all the characteristics of land classified as LUC Class VIII with no productive value. They highlighted the area contains 2 important forest remnants which they suggested should be recognised and the entire area protected as a Conservation Area or Scenic Reserve subject to a grazing concession if that is necessary.

Submitter 9 strongly recommended this entire area be designated as Scenic Reserve, stating the wide range of inherent values would justify that status.

Submitter 11 recommended the bluffs and small strip of valley floor are separated out from any grazing land above and are retained in full Crown ownership as a Conservation Area or Scientific Reserve. They consider the SIVs justify retention of those areas in Crown ownership, suggesting there is no supportable reason to dispose of the bluffs to a grazing property if grazing of those areas is not an option.

Submitter 12 suggested this areas attributes and values justify its retention in Crown ownership with Scenic Reserve, or better Scientific Reserve status. They also suggest it be fenced off from the balance of the Ewe block.

#### Rationale for Allow or Disallow

The point relates to the protection of significant inherent values, which is an object of tenure review under section 24(b) CPLA. The point has therefore been allowed.

#### Rationale for Accept or Not Accept

The point relates to the objects and matters to be taken into account in the CPLA, and although the appropriate level of protection for SIVs within CC1a has been previously considered in considerable depth, the submitters have suggested an alternative outcome with reasons being articulated that relate to a higher level of protection being justified for the SIV's occurring within this area as mentioned above. The point has therefore been accepted for further consideration.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
17	Public access and protective provisions within CC1a should be expanded.	6,8	Allow	Accept

Submitter 6 suggested the public wander at will access provisions that apply to the area containing historic values on the western side of the state highway should be extended up the (Dip) creek bed for an unspecified distance. They also suggested other conditions within the covenant should



include no burning or vegetation clearance, wild animal control and limited sheep grazing. It is noted that the matters raised by this submitter under this point effectively reflect a fall-back position to the designation outcome they suggested under point 16.

Submitter 8 also advocated that CC1a should be retained in Crown ownership (point 16) but they were also pleased to note the wander at will public access provision for the historic sites within the current proposal and they expressed the hope that the sites ecological significance in the lower reaches of Dip Creek will be treated in the same way. While not stated, this could be viewed as meaning extension of the provision for wander at will access would represent an alternative but less acceptable position to the submitter in the event their primary suggestion of retaining the area in Crown ownership is not able to be achieved.

Rationale for Allow or Disallow
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This point relates to public access and the enjoyment of reviewable land and also the protection of significant inherent values which are matters that are relevant to tenure review under sections 24(c)(i) and 24(b)CPLA. The point has therefore been allowed.

Rationale for Accept or Not Accept
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The point relates to the objects and matters to be taken into account in the CPLA.

Although public access and the protective provisions for SIV's occurring with CC1a have been previously considered in some depth the submitters have suggested an alternative outcome with reasons being articulated. Those reasons relate to extending the provision for public access to include sites of ecological significance in the lower reaches of Dip Creek and inclusion of specific protective covenant conditions to improve the overall level of protection of the SIVs. The point has therefore been accepted for further consideration.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
18	The historic woolshed and sheep dip site should be given recognition and protection under the tenure review proposal.	6,7	Allow	Accept

Submitter 6 noted the omission of any mention of the historic woolshed in the proposal. They considered that the structure deserves recognition and protection, and recommend that the proposal be changed to provide that recognition and protection. No specific protective mechanism was suggested to achieve that outcome.

Submitter 7 suggested that a Heritage Covenant be placed on the woolshed exterior and interior, its setting and the nearby sheep dip site. They consider that outcome is consistent with the 2004 disposal policy for Government departments' management of historic heritage which states "*Government departments will ensure that in disposing of a place with historic heritage value....heritage values are protected*". They also state a Conservation Plan should be prepared to identify the cultural heritage significance for the Woolshed and set how the Woolshed should be managed into the future. They suggested a Heritage Covenant and Conservation Plan would also have benefits to the owners and in comparison to the existing Central Otago District Plan such protection would enable the inter-relationship between the Woolshed's setting and sheep dip to be managed carefully in balance with the needs of the farming operations.

## Rationale for Allow or Disallow

The point relates to the protection of significant inherent values, which is an object of tenure review under section 24(b) CPLA. The point has therefore been allowed.

## Rationale for Accept or Not Accept

The point relates to objects and matters that can be taken into account in the CPLA. The submitters have suggested an alternative outcome and although protection under a Heritage Covenant has been previously considered, the submitters have articulated reasons for that relating to compliance with Government policy, benefits associated with protection under a Heritage Covenant and preparation of a Conservation Plan as mentioned above. The point has therefore been accepted for further consideration.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
19	Additional land should be designated Scenic Reserve.	6,8,9,11,12	Allow	Accept

Submitter 6 suggested the area of CA1 to the west of the Pylon track should be added into the Lindis Pass Scenic Reserve. As the Lindis Pass Scenic Reserve is not part of the land under review it is assumed the submitter is advocating the designation for the area of CA1 west of the Pylon track be changed to SR1 which is intended to form an extension to the existing Lindis Pass Scenic Reserve. The submitter stated that changing the designation to Scenic Reserve would enhance the conservation status of the land from "stewardship land" which the Parliamentary Commissioner for the Environment has confirmed has less protection.

Submitter 8 suggested all of CA1 should be designated as Scenic Reserve to enhance the level of protection for the same reasons as stated by submitter 6. In support of that outcome they stated that "stewardship" land areas were designated because their conservation values were largely unknown and that is no longer the case with CA1. They considered Scenic Reserve is also appropriate given its scenic value will be enjoyed by future users of the Pylon track, some 4 to 5 km of which passes through CA1.

Submitter 8 also stated that much of CC3 north of Dip Creek and bounded by the highway has most of the same SIVs as SR1 thereby justifying the same designation as Scenic Reserve. They suggested all that part of CC3 adjacent to the Pass Burn faces through the Lindis Pass road corridor and the land within CC3 bounded by CC1a, Dip Creek and SR1/CA1 should be designated Scenic Reserve. They stated it should not become Stewardship land.

Submitter 9 highlighted the visual importance of the landscape values in this area and suggested:

- the western section of SR1 should be extended further west, up to the ridge descending below the unnamed peak 1440 m.
- the upper Dip Creek catchment, at least as far southeast as the Pylon track, should be included in SR1 because of its important complementary position and condition of the tall tussock grassland.
- additional areas within the southern part of CA1 and expanded areas which they recommended for Crown retention in that area (point 3) be designated Scenic Reserve. They considered that designation is justified on ecological grounds and would also enhance its protective status compared with "stewardship land".

Submitter 11 suggested:

- the proposed southern boundary of eastern section of SR1 be relocated to include at least the catchment off Double Peak (as shown with a blue dashed line on the attached aerial photo). They consider realignment of that boundary is necessary for issues of landscape legibility and coherence. They also pointed out a more coherent boundary would be of benefit as the Reserve will be set aside under different legislation.
- changes to the boundaries of the western section of SR1 to enable the entire upper basin leading up to and including the 1440m peak on the ridgeline to be included within SR1 – (as shown with a solid blue line on the attached aerial photo). They highlighted the currently proposed new fenceline bisects a highly visible basin which is part of a wider landscape unit. They consider the cross-slope boundary will result in a visual fenceline effect which is at odds with the high value landscape rating. They suggested it is also not consistent with the principle that high altitude areas should be retired from grazing to allow ecologically sustainable management of vulnerable soils and vegetation. They also highlighted the importance of this additional area including the high peak at point 1440m for recreational walking access opportunities involving high value boundary circuits within the Scenic Reserve.
- Scenic Reserve designation should also be applied to:
  - the head waters of Dip Creek falling within CA1 and the eastern part of CC3
  - The Black Hill Dark Block and all of Double Peak.
 They consider the hill-face eastward of the 1440m peak in Black Hill Dark block is of high landscape and ecological quality and is one part of an integral unit.



Submitter 12 suggested:

- the western section of SR1 should be extended to include at least the whole upper basin below Peak 1440 and including that Peak for the same reasons as outlined by submitter 11.
- the entire Black Hill Dark block should be retained by the Crown as Scenic Reserve. They support retention of the shady south dark side of Double Peak but state that the values within this area are present across the whole southern face between Double Peak and Peak 1440m, essentially being the whole of the Black Hill Dark block.
- The steep eroding land on the southwest flank of Peak 1440 be fenced off and included within SR1 to promote ecological sustainability.

#### Rationale for Allow or Disallow

The point relates to the protection of significant inherent values, which is an object of tenure review under section 24(b) CPLA. The point has therefore been allowed.

#### Rationale for Accept or Not Accept

The point relates to the objects and matters to be taken into account in the CPLA. Although the extent of land appropriate for Scenic Reserve status represents an issue that has been previously considered the submitters have suggested an alternative outcome with reasons

articulated relating to improving landscape legibility and coherence, enhanced conservation status, avoidance of boundary or fence effects on the landscape and consistency in the designation outcomes for areas that are complimentary in terms of their position and condition. The point has therefore been accepted for further consideration

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
20	CC5 should be fenced and retained in Crown ownership and control as Scientific Reserve	6, 9,11,12	Allow	Accept

Submitter 6 suggested (in a summary of their views and an annotated plan) that CC5 be redesignated as Scientific Reserve. It is noted however that elsewhere in the submission they stated they agreed with the proposal for a covenant be used to protect the SIVs within the CC5 area. They suggested the unfenced boundaries be fenced.

Submitter 9 suggested because of the range of scientific values and its location close to the highway this area should receive more secure protection. They strongly recommended CC5 be designated as a Scientific Reserve.

Submitter 11 also recommended Scientific Reserve status for this area stating it should be fenced from grazing, particularly from cattle stating that wetlands provide a vital contribution to biodiversity and water storage.

Submitter 12 supported protection of this area but suggested retention in Crown ownership and control as Scientific Reserve is justified given the scientific values of the wetland containing nationally significant threatened species, potential paleological evidence and geological feature. They also consider the area should be fenced to prevent stock, and cattle in particular, having access to the wetland.

Rationale for Allow or Disallow

The point relates to the protection of significant inherent values, which is an object of tenure review under section 24(b) CPLA. The point has therefore been allowed.

Rationale for Accept or Not Accept

The point relates to the objects and matters to be taken into account in the CPLA. Although protection of the SIV's within CC5 has been previously considered in considerable depth the submitters have suggested an alternative outcome and articulated reasons for that outcome relating to improving the level of protection for the scientific values as mentioned above. The point has therefore been accepted for further consideration

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
21	Some amendments are required to the CC1a special conditions to better provide for the protection of historic values associated with the Dip Creek sites.	7	Allow	Accept

The submitter supported the CC1a covenant as a means for enabling protection of the historic values associated with the Dip Creek sites but also suggested that Special conditions should include provision for:

- monitoring flora and fauna impacts on the historic remains, and
- enabling the sheep dip and hut sites to be fenced to exclude cattle.

They also suggested direct management of the site is required, particularly in relation to the sheep dip and the hut remains.

#### Rationale for Allow or Disallow

The point relates to the protection of significant inherent values, which is an object of tenure review under section 24(b) CPLA. The point has therefore been allowed.

#### Rationale for Accept or Not Accept

The point relates to objects and matters that can be taken into account in the CPLA. Although the protection of historic values within CC1a is an issue that has been previously considered the submitter has suggested an alternative outcome and articulated reasons for that relating to the potentially damaging impact that vegetation growth and cattle grazing may have on the historic values. The point has therefore been accepted for further consideration.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
22	Some amendments are required to the CC2 special conditions to better provide for the protection of historic values associated with Polson's Hut and related historic sites.	7	Allow	Accept in part

The submitter supported the CC2 covenant as a means for enabling protection of the historic values associated with the Polson's Hut site but also suggested that the hut and its enclosure should be fenced and that monitoring measures should be included to ensure the hut is weather tight.

#### Rationale for Allow or Disallow

The point relates to the protection of significant inherent values, which is an object of tenure review under section 24(b) CPLA. The point has therefore been allowed.

#### Rationale for Accept or Not Accept

The point relates to objects and matters that can be taken into account in the CPLA. The protective provisions relating to the CC2 covenant were previously considered in considerable detail. The submitter has however suggested an alternative outcome and articulated a reason for the need for monitoring, being to ensure Polson's Hut is weather tight. That aspect of the point has therefore been accepted for further consideration. The submitter's additional suggestion that the hut and its enclosure be fenced was also a matter that was previously considered in some depth. As the submitter has not articulated a specific reason for that suggestion, that aspect of the point has not been accepted.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
23	An easement should be provided from the Pylon track along the southern boundary of the property to CA1.	9, 12	Allow	Accept

Submitters 9 and 12 suggested a public walking access easement should be provided from the Pylon track along the ridge on the southern boundary of the property between the Pylon track and CA1/the crest of the Chain Hills (shown with green dotted line on attached plan). They stated that access would provide the opportunity of a loop track from Polsons Hut car park to the summit of the Chain Hills utilising the existing access on Shirimar.



Rationale for Allow or Disallow

This point relates to the provision of public access and enjoyment of the reviewable land, which is an object of tenure review under s24(c)(i) CPLA. The point has therefore been allowed.

Rationale for Accept or Not Accept

The point relates to the objects and matters to be taken into account in the CPLA. Public access in the southern part of the property is a matter that has been previously considered. The submitter has however suggested an alternative outcome with a reason, being to the opportunity to create a loop track as mentioned above. The point has therefore been accepted for further consideration.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
24	Provision should be included for land proposed to be taken for road and works associated with the proposed realignment of SH8 at Dip Creek.	10	Disallow	N/A

The submitter outlined a proposal to realign the part of SH8 where it crosses Dip Creek to remove a dangerous tight corner and narrow bridge. They identified that the proposed realignment is within the CC1a land, predominantly west of the existing SH8 alignment. They also advised they are aware of the existing historical values in this area having obtained an archaeological assessment which provided advice on the process that must be followed in order to protect the historic features during and after construction. They requested that provision be included within the tenure review for:

- the land proposed to be taken for the road realignment
- the excavation of material from the proposed borrow area to the east of SH8; and
- the occupation of land to facilitate construction

They requested the exclusion of the land required for those activities from any of the proposed covenants and inclusion of provision to enable ongoing rights of access over the land surrounding the proposed SH8 alignment for the purpose of carrying out surveys, investigations and associated activities.

## Rationale for Allow or Disallow

Tenure review must deal with all of the land within the reviewable instrument, the boundaries of which are defined by survey information within the cadastral record system. While the proposal to acquire land for road serves to flag a potential future adjustment in those boundaries, until that action is completed, via use of legislation other than the CPLA, the roading proposal is not relevant to the matters to be taken into account in tenure review under the CPLA. The point has therefore not been accepted.

The existence of this potential roading issue has now however been highlighted by the submitter and the status of the road realignment proposal will be monitored for the remainder of the tenure review process. That will ensure any actual boundary adjustment or commitment by LINZ and the holder to relinquish part of reviewable land for this project will be identified and captured if it occurs prior to the Substantive Proposal being finalised. That would necessarily include any related adjustment in the proposed CC1a covenant.

## Rationale for Accept or Not Accept

N/A

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
25	Fencing specification should include the requirement for all equipment to be cleaned prior to use so it is free of exotic weed seeds.	11	Allow	Accept

The submitter is actively involved in pest plant control operations within the existing Lindis Pass Scenic Reserve and is consequently aware of the risks of new exotic weed infestation originating from equipment brought onto the land. They suggest inclusion of a clause within the fencing specification requiring all equipment to be cleaned prior to use so that it is free of exotic weed seeds.

## Rationale for Allow or Disallow

The point relates to the protection of significant inherent values, which is an object of tenure review under section 24(b) CPLA. The point has therefore been allowed.

## Rationale for Accept or Not Accept

The point relates to the objects and matters to be taken into account in the CPLA, since fencing specifications are part of the proposal document. The risks of new exotic weed infestation originating from fencing contractors equipment is not a perspective that has been previously considered. The submitter has also suggested an alternative outcome and given a reason. The point has therefore been accepted for further consideration.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
26	A mature kowhai tree on the Lindis Faces should be protected	11, 12	Allow	Accept

Submitter 11 recommended that a mature Kowhai tree growing on the lower part of the Lindis Faces within CC3 (as shown on the attached map) should be protected. They suggested the Kowhai should be given named recognition in the Proposal and discrete rabbit fencing installed to enable it and its seedlings to be protected.



Submitter 12 also suggested that the single kowhai tree should be specially protected and an area fenced off around it to allow seedlings to grow. They stated this is the only record of a kowhai in this area

#### Rationale for Allow or Disallow

The point relates to the protection of significant inherent values, which is an object of tenure review under section 24(b) CPLA. The point has therefore been allowed.

#### Rationale for Accept or Not Accept

The point relates to the objects and matters to be taken into account in the CPLA. The presence of this mature kowhai tree and its potential ecological significance represents new information. The submitters have also suggested an alternative outcome and given a reason. The point has therefore been accepted for further consideration.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
27	Land over 1000m altitude should be retained and managed by the Crown for conservation.	12	Allow	Accept

The submitter stated that best practice is that it is not ecologically sustainable to continue grazing tall tussock grasslands above approximately 1000m altitude because of the physical conditions resulting in very slow rates of plant growth which is exacerbated by the very limited or absence of fertiliser inputs to replace nutrients removed in meat and wool production. The submitter stated they could accept freeholding of some areas on a case by case basis where a covenant requires fertiliser application, vegetation monitoring, limits to stocking and provisions for destocking in the event of further degradation and or no fertiliser application.

#### Rationale for Allow or Disallow

The point relates to the protection of botanical SIVs and also maintenance of vegetative ground cover in a wider sense which is an ecological sustainability issue for all of the land under review. Protection of SIV's and ecological sustainability are relevant matters for tenure review under sections 24(b) and 24(a)(i) CPLA and the point has therefore been allowed.

#### Rationale for Accept or Not Accept

The point relates to the objects and matters to be taken into account in the CPLA. While the sustainability of continued grazing has been previously considered especially for areas above 1000m altitude within proposed covenants and also areas designated to become unencumbered freehold the submitter has suggested an alternative outcome. They have also



provided reasons relating to harsh environmental conditions which result in slow rates of plant growth and inadequate replacement of nutrients in the absence of fertiliser inputs. The point has therefore been accepted for further consideration.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
28	The outcome of tenure review on Morven Hills have regard to the outcomes sought and policies for the Central Otago Uplands Place.	12	Allow	Not Accept

The submitter suggested the tenure review outcome on Morven Hills have regard to the draft Otago Conservation Management Strategy, in particular the strategies for the Central Otago Upland Place which include threatened species populations are improving, retention of intact altitudinal sequences and protecting the opportunity for a future tussock grasslands park.

#### Rationale for Allow or Disallow

The point relates to the protection of significant inherent values, which is an object of tenure review under section 24(b) CPLA. The point has therefore been allowed.

#### Rationale for Accept or Not Accept

The policies within the draft Otago Conservation Management Strategy referred to by the submitter represent a source document for DoC in providing some aspects of technical conservation advice relating to SIV's within the reviewable land. The point does not introduce new information or a perspective not previously considered. The submitter also has not actually suggested an alternative outcome or reason for such. The point is therefore not accepted for further consideration.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
29	The lower Bluecliffs block should receive a high level of protection.	12	Allow	Accept

(Also relates to point 36)

The submitter stated that the vegetation, invertebrate and landscape values in this area (within Bluecliffs block which is shown as GC on the designations plan) extend well below the Pylon track over land that is around 880-900m altitude and also that the values are included in RAPs A3 and B5 which extend across the valley floor and into the Top Airstrip block. While the submitter prefers that all the RAP areas were part of CA1 they accept the area could continue to be grazed and OSTD. They suggested a high level of protection could be achieved through strengthening the provisions of the CC3 covenant by stating the full extent of the values within Schedule 1 Part 3 and modifying the Special Conditions to:

- limit stocking to sheep only and OSTD to levels that will protect exiting native vegetation and promote a recovery trend.
- establish a fertiliser programme with ongoing grazing requiring fertiliser to be applied at maintenance levels.
- Require records of stocking and fertiliser application to be maintained and be available for review.

- Vegetation monitoring with provision for adjusting stocking if no improvement in tussock cover is evident over time or if it degrades further.

Rationale for Allow or Disallow
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The point relates to the protection of significant inherent values, which is an object of tenure review under section 24(b) CPLA. The point has therefore been allowed.

Rationale for Accept or Not Accept
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The point relates to the objects and matters to be taken into account in the CPLA. While the appropriate level of protection for the SIVs occurring within Bluecliffs Block has been previously considered in considerable depth, the submitter has suggested an alternative outcome with reasons relating to strengthening the protective provisions over specific areas to adequately protect the SIVs. The point has therefore been accepted for further consideration

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
30	The protective provisions within the CC3 covenant need to be strengthened.	12	Allow	Accept

The submitter suggested the protective provisions within the CC3 document need to be tightened up to properly protect the values. In particular they suggested:

- The Values of the area be fully stated and described in Part 3.
- The Special conditions be amended to include stocking limits, exclusion of cattle from wetlands, a requirement for a maintenance fertiliser programme, cessation of grazing if there is no fertiliser application, a requirement for vegetation monitoring and remedial actions to be taken if it demonstrates lack of recovery and a requirement for animal pest control as for CC1.

They also suggested that Special condition 7a. should read "must be predominantly briar or other exotic shrub species"

Rationale for Allow or Disallow
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The point relates to the protection of significant inherent values, which is an object of tenure review under section 24(b) CPLA. The point has therefore been allowed.

Rationale for Accept or Not Accept
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The point relates to the objects and matters to be taken into account in the CPLA. The appropriate protective provisions for the CC3 covenant is a matter that has previously been considered. However, the submitter has suggested an alternative outcome with reasons relating to the need to strengthening the protective provisions to provide adequate protection to the values. The point has therefore been accepted for further consideration

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
31	The values present within CC4 need to be fully stated in the covenant document.	12	Allow	Accept

The submitter highlighted that there are no values stated in Section 3 of the covenant document and that represents an omission given the special conditions require that no activities be carried out the would adversely affect the values.

Rationale for Allow or Disallow

The point relates to the protection of significant inherent values, which is an object of tenure review under section 24(b) CPLA. The point has therefore been allowed.

Rationale for Accept or Not Accept

The point relates to the objects and matters to be taken into account in the CPLA, and the submitter has identified an apparent gap in the proposed CC4 instrument which represents new information. The point has therefore been accepted for further consideration

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
32	CC4 should be extended to include Ileans block.	12	Allow	Accept

The submitter stated the CC4 covenant should be extended to include Ileans block (shown edged in purple on the attached plan) to protect the Olearia savannah landscape.



Rationale for Allow or Disallow

The point relates to the protection of significant inherent values, which is an object of tenure review under section 24(b) CPLA. The point has therefore been allowed.

Rationale for Accept or Not Accept

The point relates to the objects and matters to be taken into account in the CPLA. While the extent of the proposed CC4 covenant is a matter that has been previously considered the submitter has suggested an alternative outcome involving extension of the covenant for reasons relating to the need to provide protection to the Olearia savannah landscape. The point has therefore been accepted for further consideration.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
33	The rocky steep faces above the highway in the southwest corner of the lease should be included within CC3.	12	Allow	Accept

The submitter suggested the steep rocky faces above the Lindis River in the southwest corner of the property (as shown shaded yellow on the attached plan) should be included within the CC3 covenant. They stated these faces are a highly visible part of the Lindis Pass Road corridor and the remnant shrublands that are present have been identified as having significant inherent value.



They also suggest it is likely the terrain is good habitat for skinks and invertebrates.

Rationale for Allow or Disallow

The point relates to the protection of significant inherent values, which is an object of tenure review under section 24(b) CPLA. The point has therefore been allowed.

Rationale for Accept or Not Accept

The point relates to the objects and matters to be taken into account in the CPLA, and the submitter has identified a potential gap in the proposal in respect to providing protection of SIVs in a localised area. This represents new information or a perspective not previously considered and the point has therefore been accepted for further consideration.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
34	A public access easement should be provided along the 4WD track on the true left of lower Dip Creek between SH8 and the Pylon track.	12	Allow	Accept

The submitter suggested there should be public walking and mountain bike access via an easement along the 4WD track on the true left of Dip creek connecting the highway to the Pylon route. (Shown with green dotted line on attached plan). They state the proposed easement provides the best opportunity to appreciate the landscape features of the Dip Creek face and Black Hill Dark block as well as protecting future opportunity for an off-road loop track in the wider area and providing an "escape route" from the Pylon track in adverse weather conditions.



Rationale for Allow or Disallow

The provision of appropriate public access can be properly considered under the CPLA, as securing public access is an object of tenure review under section 24(c) CPLA, The point has therefore been allowed.

Rationale for Accept or Not Accept

The point relates to the objects and matters to be taken into account in the CPLA, and while appropriate public access has been previously considered, the submitter has articulated an alternative outcome and given reasons, being to provide the opportunity to appreciate the landscape features of the Dip Creek face and Dark Hill block as well as protecting future opportunity for a loop track and an escape route from the Pylon track in adverse weather. The point has therefore been accepted for further consideration.

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
35	Ensure there is unfettered public access along the Lindis River for its full length through the property	12	Allow	Accept in part Not Accept in part (re marginal strips)

The submitter noted that the marginal strip on the Lindis River is a fixed one and is not entirely co-incident with the actual river and its margins. They suggested the marginal strip may not therefore provide unfettered public access along the river.

#### Rationale for Allow or Disallow

The provision of appropriate public access can be properly considered under the CPLA, as securing public access is an object of tenure review under section 24(c) CPLA, The point has therefore been allowed.

#### Rationale for Accept or Not Accept

The reservation of marginal strips from sale or disposition is a function of the Conservation Act 1987, and while triggered by the disposal of Crown land under tenure review, it is not a matter that can be considered under the CPLA. That part of the point relating to marginal strips is therefore not accepted.

The provision of public access is an object of tenure review under s24(c)(i) CPLA and the submitter has suggested that there should be public access along those parts of the Lindis River which are not co-incident with the existing fixed marginal strip and are therefore in the land under review, for the reason of continuous public access up the river. This point has not previously been considered, and this part of the point has therefore been accepted for further consideration.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
36	All of the RAPs B5 and A6 should be retained in Crown ownership	13	Allow	Accept

The submitter noted that most of RAPs B5 and A6 are not included within the areas proposed to be retained in Crown ownership and they felt that represents a significant omission that should be addressed because that outcome represents the preference under the CPLA. RAP B5 encompasses parts of Bluecliffs and Top Airstrip blocks. (Extension of protection for those areas which are currently included within CC1 and CC3 is also dealt with under point 29). RAP A6 encompasses part of Farmers Gully Block which is currently included within CC3.

#### Rationale for Allow or Disallow

The point relates to the protection of significant inherent values, which is an object of tenure review under section 24(b) CPLA. The point has therefore been allowed.

#### Rationale for Accept or Not Accept

The point relates to the objects and matters to be taken into account in the CPLA. Although the extent of land required to be retained in Crown ownership is a matter that has been previously considered in considerable depth the submitter has suggested an alternative outcome with a reason relating to complying with the preference under the CPLA for Crown retention to enable the protection of SIVs. The point has therefore been accepted for further consideration.

## Summary

### Overview of analysis:

Submissions were received from 13 parties comprising 2 non-government environmental organisations, 4 Crown entities, 3 recreation group and 4 individuals.

Overall, the submissions were highly supportive of the proposal with 11 out of the 13 submitters expressing statements of support for aspects of the proposal.

Matters relating to protection of SIVs generated most response with 20 points being extracted. Almost all of those points suggested expansion in either the level or extent of protection currently proposed for SIVs. Interest in protecting the well-recognised scenic values of the Lindis Pass was particularly apparent with 5 submitters suggested expansion of the area proposed to be retained in Crown ownership as Scenic Reserve. 5 submitters also suggested the CC1a covenant area should be retained in Crown ownership.

There was also considerable interest in public access with 12 points made by 11 submitters. Almost all of those points relate to suggestions for increasing the opportunity for public access either by creation of additional easements or expanding the access options available under the currently proposed easements. The creation of additional public access easements that enable opportunities for 'loop' tracks was identified as being important by many submitters.

From the 36 points derived, 30 were allowed for further consideration. Of these 30 allowed points, 28 were accepted for further consideration in the formulation of the draft Substantive Proposal.

Appendix III lists the points raised by each submitter.

### Generic issues:

Overall, there was a very high degree of at least qualified support for the Morven Hills proposal. Where alternative outcomes were sought, this mostly related to providing improved protection of significant inherent values and more extensive opportunities for public access.

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

The following potential gaps were identified in the proposal:

- the values statement within the CC4 covenant does not include all of the SIVs that occur within the area encompassed by that covenant.
- no formal protection has been provided for a localised area containing SIVs above the Lindis River.
- public access may not be secure along part of the Lindis River.

### Risks identified:

The proposal to realign a section of SH8 at Dip Creek (highlighted by submitter 10) represents a potential risk as the area of the proposed work would impact on part of the CC1a covenant containing historic values. The risk mainly relates to the potential conflict that could exist in respect to ensuring protection of the historic values in conjunction with undertaking the proposed road realignment and new bridge construction works as well as future road maintenance work. Other risks relate to the need to ensure any adjustment in the boundaries of the reviewable land, or commitment entered into by LINZ and the holder to relinquish part of the reviewable land for road prior to completion of the tenure review process is "captured" within all necessary documentation.

General trends in the submitters' comments:

Discussed under generic issues above.

List of submitters:

A list of submitters is included in Appendix II and a summary of the points raised by submitters is included in Appendix III.

I recommend approval of this analysis and recommendations:



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Dave Payton – Tenure Review Contract Manager

Date: 18/6/2015

Peer reviewed by



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Bob Webster – Tenure Review Consultant

Date: 18/6/2015

Approved/Declined



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Commissioner of Crown Lands

Date:

**Appendices:**

- I Copy of Public Notice
- II List of Submitters
- III Points Raised by Submitters
- IV Copy of Annotated Submissions