

Crown Pastoral Land Tenure Review

Lease name: BEN NEVIS

Lease number: PO 241

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.

July

10

ANALYSIS OF PUBLIC SUBMISSIONS

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

BEN NEVIS TENURE REVIEW 275

1. Details of lease

Lease name: Ben Nevis
Location: Nevis Valley Road, Cromwell.
Lessee: Pioneer Generation Limited

2. Public notice of preliminary proposal

Saturday 12 September 2009

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

Closing date for submissions:

Friday 30 November 2009

3. Details of submissions received

Number received by closing date: 36
Total Submissions received: 41

Cross-section of 21 groups and 20 individuals represented by 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	Accept or not accept
1	The submitter requested additional protection of an area of stacked stone tailings on the true left and right of Schoolhouse Creek.	1	Allow	Accept

Rationale for Allow:

The point raised by the submitters' questions whether the proposal protects the values present on the reviewable land. As the protection of the significant inherent values is the object of Section 24(b) of the Crown Pastoral Land Act 1998 and the point relates to this aspect, the 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 because it relates to the objects and matters to be taken into account in the CPLA, and the submitters presented reasons why an alternative outcome under the CPLA is preferred.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
2	A long standing agreement between the holders of Ben Nevis, Craigroy and Carrick regarding the location and maintenance of a fence adjoining the river has not been recognised in this proposal.	2	Disallow	

Rationale for Disallow:

The point made by the submitters relates to the location of fence line along the rivers edge on Ben Nevis constructed in 1968 to allow the owners of the three adjoining properties to run 250 cows in the valley, split 25% each to Craigroy and Carrick and 50% to Ben Nevis. The fence was meant to be placed on the ridge line but the owner of Ben Nevis erected it along the edge of the river instead. He agreed to the maintenance of this fence and if it was destroyed it would be shifted to the correct location. This matter is not relevant to Section 24 of the CPLA. As the point does not relate to the objects CPLA it is therefore disallowed.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
3	Strong support for the creation of conservation areas CA1, CA2, CA3, CA4, CA5 and R1(Scenic)	3, 4, 5, 6, 8, 10, 13, 14, 15, 16, 20, 22, 23, 25, 26, 27, 29, 30, 31, 34 and 38	Allow	Accept

Rationale for Allow:

As the point is raised is in accordance with the object of Section 24(a)(i), 24(b)(ii) CPLA which is to promote the management of reviewable land in a way that is ecologically sustainable and to enable the protection of significant values of reviewable land by the restoration of the land concerned to full Crown ownership and control; the point is 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
4	The land between Nevis Road and the River should be retained in Crown ownership as either recreation reserve or historic reserve.	3, 4, 5, 8, 10, 13, 14, 15, 16, 20, 22, 23, 25, 27, 30, 31, 34, 38 and 40	Allow	Accept

Rationale for Allow:

One of the objects of Section 24(b) of the Crown Pastoral Land Act 1998 is to protect the significant inherent values identified on the reviewable land and the point raised by the submitter questions whether the values identified are adequately protected in the proposal. The point is therefore allowed.

Rationale for Accept:

It was the general view of the submitters that the values present in the area between the road and the river warranted protection by Crown ownership. The combination of historic, native fish, botanical and public access were the main issues discussed.

The point meets 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 and the submitters presented reasons why an alternative outcome under the CPLA is preferred.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
5	The submitters consider CC1, CC2 and the upper part of CC3 should be conservation land and be added to CA1.	3, 16, 20, 23, 26, 31 and 38	Allow	Accept

Rationale for Allow:

The point raised by the submitters' questions whether the proposal protects the values present on the reviewable land. As the protection of the significant inherent values is the object of Section 24(b) of the Crown Pastoral Land Act 1998, the point is therefore allowed.

Rationale for Accept:

The submitters went into some detail about the values present in these areas of the proposed covenants. They were concerned that continued grazing of some of the higher land especially, would not be ecologically sustainable and therefore this designation would not meet the objects of the CPLA.

The point meets the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal because it relates to the objects and matters to be taken into account in the CPLA, and the submitters presented reasons why an alternative outcome under the CPLA is preferred.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
6	The terms and conditions of the landscape covenant do not provide adequate protection for the values present in the proposed freehold area.	3, 4, 5, 8, 10, 13, 14, 22, 23, 25, 26, 27, 29, 30, 31, 33, 34, 37, 38 and 40	Allow	Accept

Rationale for Allow:

One of the objects of Section 24(b) of the Crown Pastoral Land Act 1998 is to protect the significant inherent values identified on the reviewable land and the point raised by the submitter questions whether the values identified are adequately protected in the proposal. The point is therefore allowed.

Rationale for Accept:

The submitters raised a number of issues in relation to the terms and conditions in this covenant. The area of most concern was the inclusion of the clause that allowed the Minister of Conservation the ability to consent to hydro electric development. Other concerns related to the lack of protection for native fish, historic sites and botanical values present in what is described as the flood plain area. These aspects are included in other points later in the analysis.

The point meets 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 and the submitters presented reasons why an alternative outcome under the CPLA is preferred.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
7	The landscape covenant document does not adequately describe the values present in the proposed freehold area.	3, 4, 5, 6, 8, 13, 19, 27, 30, 38 and 40	Allow	Accept

Rationale for Allow:

One of the objects of Section 24(b) of the Crown Pastoral Land Act 1998 is to protect the significant inherent values identified on the reviewable land and the point raised by the submitter questions whether the values identified are adequately protected in the proposal. The point is therefore allowed.

Rationale for Accept:

The submitters raised a number of issues in relation to the description of the values present in the area covered by this covenant. This point relates closely to point 8 above. The values not adequately described include native fish, rare plants and historic values. A number of submitters suggested the significance of some of these values has only recently been established. The implication from the submitters is that because they are not listed they are not specifically protected by the covenant.

The point meets 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 and the submitters presented new information and reasons why an alternative outcome under the CPLA is preferred.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
8	The submitters request that clause 7 which covers the Ministers right to not unreasonably withhold consent for hydro electric development, of the landscape covenant is removed as it is in conflict with the objects and does not promote ecological sustainability as is required by the CPLA.	3, 5, 8, 10, 16, 20, 22, 29, 30, 31, 38 and 40	Allow	Accept

Rationale for Allow:

One of the objects of Section 24(a) of the Crown Pastoral Land Act 1998 is to promote the management of reviewable land in a way that is ecologically sustainable. The submitters imply that the inclusion of clause 7 in the covenant will ultimately impact on the sustainability of the reviewable land and therefore the point is allowed.

Rationale for Accept:

The submitters were strongly of the view that clause 7 should be removed because it is in conflict with the objects of the CPLA.

The point meets the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal because it relates to the objects and matters to be taken into account in the CPLA, and the submitters presented reasons why an alternative outcome under the CPLA is preferred. This point is closely linked to point 6 above. It has been included as a separate point because the aspect of ecological sustainability and the conflict with the objects of the CPLA has been introduced into the discussion.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
9	The submitters support the provision for public access within the proposal.	3, 4, 5, 8, 10, 13, 14, 15, 16, 20, 22, 27, 30, 31, 38 and 40	Allow	Accept

Rationale for Allow:

One of the objects of Section 24(c) of the Crown Pastoral Land Act 1998 is the securing of public access to and enjoyment of the reviewable land. The point raised by the submitter supports the access provisions and 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
10	The terms and conditions of the conservation covenant do not provide adequate protection of the values present.	3, 4, 5, 23, 35, 38 and 40	Allow	Accept

Rationale for Allow:

One of the objects of Section 24(b) of the Crown Pastoral Land Act 1998 is to protect the significant inherent values identified on the reviewable land and the point raised by the submitter questions

whether the values identified are adequately protected in the proposal. The point is therefore allowed.

Rationale for Accept:

The submitters raised a number of issues in relation to the terms and conditions in this covenant. The view of the submitters was that the values present in this area met the criteria for full Crown ownership. Some also noted that continued grazing especially with cattle would not be ecologically sustainable in the long term. These aspects are included in other points later in the analysis.

The point meets 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 and the submitters presented reasons why an alternative outcome under the CPLA is preferred.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
11	The submitter said that allowing hydro development on the Nevis would destroy the values present in the valley	3	Disallow	

Rationale for Disallow:

The point made by the submitters relates to the use of the land post tenure review and is therefore not a matter that is relevant to Section 24 of the CPLA. Hydro electric development would occur on Nevis River which is not part of the reviewable land. The effects of any development on the river would be considered as part of a resource consent that will be necessary as hydro electric development is not allowed for in the District Plan. As the point does not relate to the objects CPLA it is therefore is disallowed.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
12	The submitter is opposed to the land designated for freehold disposal.	6, 27, 29, 33, 34, 37, 38 and 40	Allow	Accept

Rationale for Allow:

The point raised by the submitters' questions whether the proposal protects the values present on the reviewable land. As the protection of the significant inherent values is the object of Section 24(b) and the freehold disposal of the reviewable land under Section 24(c) of the Crown Pastoral Land Act 1998 and the point relates to this aspect, the point is therefore allowed.

Rationale for Accept:

The submitters were collectively of the view that the values present in the proposed freehold area were sufficient to warrant the protection of Crown ownership and the CPLA preference for Crown ownership should have been followed in this case.

The point meets the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal because it relates to the objects and matters to be taken into account in the CPLA and the submitters presented reasons why an alternative outcome under the CPLA is preferred.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
13	The submitters request that the interests of crib owners on the pastoral lease be recognised in the proposal to set the land aside as conservation area.	7 and 9	Allow	Accept

Rationale for Allow:

As the point raised by the submitter questions whether the current designation of this land as Conservation land under Section 35(2)(a)(ii) CPLA meets the objects set out under Section 24(a)(ii) and Section 24(c)(ii) CPLA, the point is therefore allowed.

Rationale for Accept:

The submitters have a long history of occupation in the Nevis Valley and they consider the proposal does not take the history into account.

The point meets the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal because it relates to the objects and matters to be taken into account in the CPLA, and the submitters presented reasons why an alternative outcome under the CPLA is preferred.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
14	Support for conservation covenants CC1, CC2, CC3	10 and 15	Allow	Accept

Rationale for Allow:

As one of the objects of Section 24(b)(i) of the CPLA is to enable the protection of the significant values by the creation of protective mechanisms and the point relates to the creation of protective mechanisms; it 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
15	The submitters request that any reference to hydro development is removed from the terms of the landscape covenant.	10, 15 and 20	Allow	Accept

Rationale for Allow:

One of the objects of Section 24(a) of the Crown Pastoral Land Act 1998 is to promote the management of reviewable land in a way that is ecologically sustainable. The submitters imply that the inclusion of a reference to hydro electric development in the covenant will ultimately impact on the sustainability of the reviewable land and therefore the point is allowed.

Rationale for Accept:

The submitters were concerned that they were restricted from talking about the future hydro electric development plans for the Nevis and yet a legal document included in the proposal mentioned this issue. They felt all reference to hydro development should be removed from the proposal.

The point meets the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal because it relates to the objects and matters to be taken into account in the CPLA, and the submitters presented reasons why an alternative outcome under the CPLA is preferred.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
16	The submitter requests recognition of the mineral potential of the property and seeks access rights over both the freehold and conservation land post tenure review.	11 and 21	Disallow	

Rationale for Disallow:

The submitter was concerned that the proposal did not recognise the mineral potential of the property and made no provision for access to the land for mineral exploration or prospecting.

The processing of mineral exploration and access is provided for under the Crown Minerals Act and is not a matter for the Commissioner to consider in tenure review therefore the point is disallowed.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
17	The submitters request that formed roads need to be made public where they deviate from the legal alignment.	12, 31 and 38	Disallow	

Rationale for Disallow:

Legal road lines are not part of the reviewable land and therefore not subject to the provisions of the Crown Pastoral Land Act 1998. The point is therefore disallowed. Legalisation of roads is a matter for the territorial authority.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
18	The proposal does not provide adequate public access to the Nevis River and historic areas south of Nevis Crossing.	12, 16, 22, 25, 29, 37, 40 and 41	Allow	Accept

Rationale for Allow:

One of the objects of Section 24(c) of the Crown Pastoral Land Act 1998 is the securing of public access to and enjoyment of the reviewable land. The point raised by the submitter questions whether the current access provisions are adequate and is therefore allowed.

Rationale for Accept:

The submitters were unhappy that the proposal did not provide for as of right access to the river along Nevis Road, apart from the crossing itself and one other spot in the proposed freehold area. The proposal also did not provide for access to the historic sites in the proposed freehold.

The point meets 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 and the submitters presented reasons why an alternative outcome under the CPLA is preferred.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
19	The submitters expressed concern about the Commissioner's comments in the public advertisement, one submitter (Fish & Game) suggesting this would have put the public off making a submission on the proposal.	14, 15, 37 and 40	Disallow	

Rationale for Disallow:

The point made by the submitters relates to the management of the review rather than the objects of the CPLA. As the point does not relate to the objects CPLA it is therefore not a matter that can be considered under Part 2 of CPLA. The point therefore is disallowed.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
20	The submitter requests that the heliskiing concession to the holder should not be included in the proposal	14 and 15	Allow	Not Accept

Rationale for Allow:

The point relates to the creation of a concession to the holder of the reviewable land. This is specifically catered for under Section 36 of the Crown Pastoral Land Act 1998 and 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. This is because the matter of the concession was thoroughly discussed during consultation and the submitter has not provided any additional information. The point is therefore not accepted.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
21	The submitter requests adequate permanent signage and adequate car parking is provided.	14	Allow in part	Not Accept

Rationale for Allow/Disallow:

The issue of signage is a post tenure review management matter for DOC and this part of the point is disallowed. The second part relating to the provision of adequate car parking relates to the objects of Section 24(c) of the Crown Pastoral Land Act 1998, the securing of public access to and enjoyment of the reviewable land. The point relates to public access and 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. This is because the matter of car parking was discussed during the consultation phase and it was considered that parking would be available on the Nevis road verge and no additional car parking was needed. The submitters have not produced any new information or perspective not previously considered therefore the point is not accepted.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
22	The submitter supports the proposed landscape covenant but wanted it clearly stated in the covenant that the area is an "Outstanding Landscape	15	Allow	Accept

Rationale for Allow:

As one of the objects of Section 24(b)(i) of the CPLA is to enable the protection of the significant values by the creation of protective mechanisms and the point relates to the creation of protective mechanisms; it 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
23	The submitters stated they had no objection to the proposed concession easements	16, 20, 23 and 38	Allow	Accept

Rationale for Allow:

The point relates to the creation of a concession to the holder of the reviewable land. This is specifically catered for under Section 36 of the Crown Pastoral Land Act 1998 and 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
24	The submitters support the heliskiing concession should run its course but any renewal should be publicly advertised.	16, 20, 26, 31 and 38	Allow	Accept

Rationale for Allow:

The point relates to the creation of a concession to the holder of the reviewable land. This is specifically catered for under Section 36 of the Crown Pastoral Land Act 1998 and 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. On renewal the concession would follow the processes prescribed in the Conservation Act.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
25	The submitter supports the grazing concession over CA4 with restrictions on grazing pressure	16, 20, 23 and 31.	Allow	Accept

Rationale for Allow:

While not specifically an object of the Crown Pastoral Land Act 1998, the granting of a grazing concession is specifically allowed for under Section 36 of the Act and this point refers to this aspect it 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
26	Submitters considered CA5 should be expanded to include CC1 and together be included as part of CA1.	16, 20, 26 and 38	Allow	Accept

Rationale for Allow

The point raised by the submitters' questions whether the proposal protects the values present on the reviewable land. As the protection of the significant inherent values is the object of Section 24(b) of the Crown Pastoral Land Act 1998, the point is therefore allowed.

Rationale for Accept:

The submitters felt that the values present in CC1 meet the criteria for Crown ownership and given the fact that the boundary between CA5 and CC1 is not going to be fenced they considered the most appropriate approach would be to include it with CA5. They also could see no reason why an enlarged CA5 could not be included as part of CA1.

The point meets 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, and the submitters presented reasons why an alternative outcome under the CPLA is preferred.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
26.1	The submitters suggest the grazing concession is not needed over CA5 if CC1 is included as a part of CA5.	16, 20 and 23	Allow	Not Accept

Rationale for Allow:

One of the objects of Section 24(b) of the CPLA is to enable the protection of the significant values. The point relates to this object and is therefore a matter that can be considered under the Crown Pastoral Land Act 1998 and is therefore allowed.

Rationale for Not Accept:

The submitter has previously suggested that CC1 should be included in CA5 and if this was the case the grazing concession over CA5 would not be required.

The point does not meet the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. This is because the submitter has not produced any new information and is simply stating a fact.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
27	The submitters support the proposed freehold area with certain exceptions.	16 and 20	Allow	Accept

Rationale for Allow:

One of the objects of Section 24(b)(ii) of the Crown Pastoral Land Act 1998 is to protect the significant inherent values identified on the reviewable land and Section 24(c)(ii) allows for the freehold disposal of the reviewable land and the point raised by the submitter relates to both these points. The 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
28	Additional public access is required north of Nevis Crossing along y-z and a zig-zag track further north.	16, 20 22, 23, 26, 30, 31, 34, 38, 40 and 41	Allow	Accept

Rationale for Allow:

One of the objects of Section 24(c) of the Crown Pastoral Land Act 1998 is the securing of public access to and enjoyment of the reviewable land. The point raised by the submitter questions whether the current access provisions are adequate and is therefore allowed.

Rationale for Accept:

The submitters thought the access route provided for Fish and Game should also be made available for the public generally. A number also mentioned a zig zag track further north that should also be made available for access.

The point meets 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 submitters presented additional information and presented reasons why an alternative outcome under the CPLA is preferred.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
29	The land from the Nevis Crossing to Commissioners Creek with historic values should be retained in Crown ownership.	16, 19, 23, 33, 34, 35 and 40	Allow	Accept

Rationale for Allow:

One of the objects of Section 24(b) of the Crown Pastoral Land Act 1998 is to protect the significant inherent values identified on the reviewable land and the point raised by the submitter questions whether the SIV's identified are adequately protected in the proposal. The areas of main concern to the submitters relate to the gold mining history and the access to it. The point is therefore allowed.

Rationale for Accept:

It was the general view of the submitters that all the historic values present between the Crossing and Commissioners Creek warranted protection by Crown ownership. These values include the gold mining relics, buildings, tailings plus guaranteed access to the river. The overall view of the submitters was that there are a number of SIV's present and the most appropriate method of protecting these values was through Crown ownership.

The point meets 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 and the submitters presented reasons why an alternative outcome under the CPLA is preferred.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
30	The submitter requested formal protection of the historic buildings including the woolshed.	16	Allow	Not Accept

Rationale for Allow:

The point raised by the submitters' questions whether the proposal protects the values present on the reviewable land. As the protection of the significant inherent values is the object of Section 24(b) of the Crown Pastoral Land Act 1998 and the point relates to this aspect, the 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. This is because the matter of the protection of the historic buildings was covered during consultation and the submitter has raised no further information in relation to this matter and the point is therefore not accepted.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
31	The submitters support the provision for DOC management access	16, 20 and 31	Allow	Accept

Rationale for Allow:

One of the objects of Section 24(a) of the Crown Pastoral Land Act 1998 is to promote the management of reviewable land in a way that is ecologically sustainable. Management access to the conservation areas is necessary to meet this object and therefore the point is 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
32	The submitters support the provision of Fish and Game management access.	16, 20 & 26	Allow	Accept

Rationale for Allow:

One of the objects of Section 24(a) of the Crown Pastoral Land Act 1998 is to promote the management of reviewable land in a way that is ecologically sustainable. Management access to the sports fishery area is necessary to meet this object and therefore the point is 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
33	The submitters request that additional 4WD access is provided onto the spurs into the conservation areas.	17 & 28	Allow	Not Accept

Rationale for Allow:

One of the objects of Section 24(c) of the Crown Pastoral Land Act 1998 is the securing of public access to and enjoyment of the reviewable land. The point raised by the submitter questions whether the current access provisions are adequate and 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 as the matter was fully traversed during the preparation of the preliminary proposal and the decision to restrict the seasonal access by vehicles to the main track through to Coal Pit Saddle was made on the grounds of public safety, track maintenance and disturbance to adjacent land use. No new information has been provided that would cause this decision to be revisited.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
34	The submitter requests the provision for walking dogs should be included in the public access easements.	17	Allow	Not Accept

Rationale for Allow:

One of the objects of Section 24(c) of the Crown Pastoral Land Act 1998 is the securing of public access to and enjoyment of the reviewable land. The point raised by the submitter questions whether the current access provisions are adequate and 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. This is because the matter of dogs on the easements has been widely discussed during the consultation process and the submitters have not produced any new information or perspective not previously considered.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
35	The submitter is concerned about the increased fire risk in the valley with the removal of grazing.	18	Disallow	

Rationale for Disallow:

The point raised by the submitter relates to the post tenure review management of the conservation estate and is not a matter to be considered in the context of the Crown Pastoral Land Act 1998.

Therefore the Commissioner of Crown Lands cannot make a decision in relation to this matter and the point is disallowed.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
35.1	The submitter requests that grazing should be permitted on previously grazed areas in the proposed conservation area.	18	Allow	Not Accept

Rationale for Allow:

While not specifically an object of the CPLA, the point could relate to the creation of a grazing concession to the holder of the reviewable land. This is specifically catered for under Section 36 of the Crown Pastoral Land Act 1998 and is therefore the point is 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. This is because the matter of the grazing the land going to conservation was thoroughly considered during consultation and therefore does not provide any new information. The holder did not wish to continue grazing the conservation areas other than CA4

and CA5. If other parties wish to discuss grazing the conservation estate, that is a matter to be considered outside of tenure review. The point is therefore not accepted.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
36	The submitters wonder why CA1 and CA2 are separate conservation areas and suggest they should be treated as one area CA1.	20, 26 & 38	Allow	Accept

Rationale for Allow:

One of the objects of Section 24(b) of the Crown Pastoral Land Act 1998 is to protect the significant inherent values identified on the reviewable land and the point raised by the submitter questions whether the values identified are adequately protected in the proposal. The point is therefore allowed.

Rationale for Accept:

The submitters observed that there was no obvious reason why there were two separate conservation areas for CA1 and CA2. They pointed out that by combining the two areas would provide a continuous sequence from the Nevis River to the mountain tops.

The point meets 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, and the submitters presented reasons why an alternative outcome under the CPLA is preferred.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
37	The submitter is not convinced about the benefits of grazing CA2 and monitoring should take place to determine whether it is beneficial to graze this area.	20	Disallow	

Rationale for Disallow:

The point raised by the submitter relates to the post tenure review management of the conservation estate and is not a matter to be considered in the context of the Crown Pastoral Land Act 1998. The proposal itself has no grazing concession over CA2.

Therefore the Commissioner of Crown Lands cannot make a decision in relation to this matter and the point is disallowed.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
38	The submitter supports phase out grazing on CC1, CC2 and the upper part of CC3 if these areas are included in CA1.	20 & 31	Allow	Accept

Rationale for Allow:

The point relates closely to point 5 which sort to have the land in CC1, CC2 and part of CC3 included in CA1. What this point is suggesting is that the land needs to be de stocked to protect the values. As the protection of the significant inherent values is the object of Section 24(b) and phase out grazing is provided for in Section 36 of the Crown Pastoral Land Act 1998 and the point raised by the submitter relates to both points, it 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 has introduced new information in relation to phase out grazing, 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
39	The submitters support the freeholding of the lower portion of CC3 recorded on the plan as CC3A.	20, 26 & 38	Allow	Accept

Rationale for Allow:

One of the objects of Section 24(b)(ii) of the Crown Pastoral Land Act 1998 is to protect the significant inherent values identified on the reviewable land and Section 24(c) allows for the freehold disposal of the reviewable land and the point raised by the submitter relates to both these points. The 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
40	The submitter questions the need for DOC management access over u-v.	20	Allow	Accept

Rationale for Allow:

One of the objects of Section 24(a) of the Crown Pastoral Land Act 1998 is to promote the management of reviewable land in a way that is ecologically sustainable. Management access to the conservation areas is necessary to meet this object and therefore the point is allowed.

Rationale for Accept:

The point meets the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal because it relates to the objects and matters to be taken into account in the CPLA, and the submitters presented reasons why an alternative outcome under the CPLA is preferred.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
41	The marginal strip on the Nevis River between the crossing and the Dell should be widened to allow public access along the river margins.	23 & 38	Disallow	

Rationale for Disallow:

Land associated with marginal strips is not part of the reviewable land and therefore not subject to the provisions of Part 2 of the Crown Pastoral Land Act 1998. The point is therefore disallowed. The Director General of Conservation may separately consider such matters when considering the disposition of the land.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
42	The submitters state that if it is not possible to improve the proposal, consideration should be given to leaving Ben Nevis as a pastoral lease.	23, 34, 38 & 40	Allow	Not Accept

Rationale for Allow:

The submitters have sought a number of significant changes to the proposal as outlined previously. What they are suggesting in this point is that the Commissioner should consider withdrawing the property from tenure review if these improvements are not incorporated into the proposal. Section 33 of the Crown Pastoral Land Act 1998 allows for the Commissioner to discontinue a review at any time. The 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. This is because the point itself does not provided any additional information. The point is therefore not accepted.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
43	The submitter requests the legal road from Nevis Crossing to Coal Pit Saddle be moved to align with the formed farm track which is the line of the access easement. One submitter suggesting it should be made a public road.	24, 30 & 40	Disallow	

Rationale for Disallow:

Legal road lines are not part of the reviewable land and therefore not subject to the provisions of the Crown Pastoral Land Act 1998. The point is therefore disallowed. Legalisation of roads is a matter for the territorial authority.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
44	The submitter suggests easement concession will not be required if CC2 is added to CA1.	26	Allow	Not Accept

Rationale for Allow:

This point relates to Point 5 which sought to have CC2 included into CA1 on the basis of protection of the SIV's. The securing of farm management access over the reviewable land is allowed for under the Crown Pastoral Land Act 1998. The point raised by the submitter is a consequence of point 5.

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. This is because the submitter has not produced any new information and is simply stating a fact.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
45	The submitter requests access easement c-e should include 4WD access as far as practical with a suitable carpark provided.	26	Allow	Not Accept

Rationale for Allow:

One of the objects of Section 24(c) of the Crown Pastoral Land Act 1998 is the securing of public access to and enjoyment of the reviewable land. The point raised by the submitter questions whether the current access provisions are adequate and is therefore allowed.

Rationale for Not Accept:

The submitter was concerned about the distance to the conservation area from the proposed 4WD easement. He considered c-e should also include 4WD access as far as practically possible with a carpark provided. This point is closely related to point 16 above where the submitters sought 4WD access to a number of different points.

The point does not meet the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal as the matter was fully traversed during the preparation of the preliminary proposal and the decision to restrict the seasonal access by vehicles to the main track through to Coal Pit Saddle was made on the grounds of public safety, track maintenance and disturbance to adjacent land use. No new information has been provided that would cause this decision to be revisited.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
46	The submitter states the tenure review process is flawed when land of national significance is proposed for freehold disposal	27	Disallow	

Rationale for Disallow:

The submitter has raised some generic concerns about the tenure review process rather than a specific matter about Ben Nevis Tenure Review to be considered under Part 2 CPLA. Therefore the point is disallowed.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
47	Strong support for the proposal.	28 & 39	Allow	Accept

Rationale for Allow:

The submitters have expressed their support for the proposal that has been prepared in accordance with the objects of the Crown Pastoral Land Act that are:

- (a) To-
 - (i) Promote the management of reviewable land in a way that is ecologically sustainable
 - (ii) Subject to subparagraph (i), to enable reviewable land capable of economic uses to be freed from the management constraints (direct and indirect) resulting from its tenure under reviewable instrument; and
- (b) To enable the protection of the significant inherent values of reviewable land-
 - (i) By the creation of protective mechanisms; or (preferably)
 - (ii) By the restoration of the land concerned to full Crown ownership and control;
- (c) Subject to paragraphs (a) and (b) to make easier-
 - (i) The securing of public access to and enjoyment of reviewable land; and
 - (ii) The freehold disposal of reviewable land,

the 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
48	The submitter raised their concern about the quality of the cadastral mapping in the area, suggesting the review should be reconsidered once the correct location of the river and marginal strips is known.	31	Disallow	

Rationale for Disallow:

The submitter was concerned about the quality of the cadastral information in the Nevis Valley. The implication is that there may be land that is either eroded or accrued from the pastoral lease that should in the submitters view be incorporated into a riverside reserve. The point is not an issue that can be considered under Part 2 of the CPLA and is therefore disallowed.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
49	The submitter notes the easement w-x will not be necessary if the land between the road and the river is Crown land.	30	Allow	Not Accept

Rationale for Allow:

One of the objects of Section 24(c) of the Crown Pastoral Land Act 1998 is the securing of public access to and enjoyment of the reviewable land. The point raised by the submitter questions the current access provisions and 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. This is because the submitter has not produced any new information and is simply stating a fact.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
50	The submitter suggests that the proposal should better reflect the symbiotic relationship that exists between conservation and farming values.	32	Allow	Not Accept

Rationale for Allow:

The submitter is suggesting there should be a balance between Section 24(a)(ii) and Section 24(b)CPLA and also consideration of qualified designations and protective mechanisms to achieve a "symbiotic relationship". As the point relates to these objects it 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. This is because the submitter has not produced any new information to suggest any change is required.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
51	In the event that the freehold area is confirmed the appropriate protection for the historic values is a heritage covenant under the Historic Places Act	33	Allow	Accept

Rationale for Allow:

One of the objects of Section 24(b) of the Crown Pastoral Land Act 1998 is to protect the significant inherent values identified on the reviewable land by the creation of protective mechanisms. Section 24(c) allows for the freehold disposal of the reviewable land and Section 40(5) allows for the creation of a covenant under Section 6 of the Historic Places Trust Act 1993 with the consent of the Historic Places Trust and the point raised by the submitter relates to these points. The 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 introduces new information in relation to a Historic Places Trust Covenant 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
52	The submitter suggests low altitude values have been ignored at the expense of high altitude values.	34	Allow	Not Accept

Rationale for Allow:

One of the objects of Section 24(b) of the Crown Pastoral Land Act 1998 is to protect the significant inherent values identified on the reviewable land. The submitter is indicating the low altitude values have not been protected in the proposal. The 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. The proposal includes a significant area of lowland biodiversity particularly in CA2. The point raised was discussed widely in the formulation of the preliminary proposal and the submitter has not produced any new information that would warrant further consideration of this point. The point is therefore not accepted.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
53	Access to the Nevis flats, Ben Nevis homestead and all historic sites should be guaranteed for future cavalcades and the public generally.	35	Allow	Accept

Rationale for Allow:

One of the objects of Section 24(c) of the Crown Pastoral Land Act 1998 is the securing of public access to and enjoyment of the reviewable land. The point raised by the submitter questions whether the current access provisions are adequate and is therefore allowed.

Rationale for Accept:

The submitter was concerned that the public continue to have access to the historic gold sites, buildings and relics in the area. The submitter specifically mentioned the Ben Nevis homestead and continued access to this area by future cavalcades This point is similar to point 18 which also related to access to the historic sites.

The point meets 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 and the submitters presented reasons why an alternative outcome under the CPLA is preferred.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
54	The submitter wants to ensure the Nevis River retains its current form with the protection of native and introduced fish and historic values.	36	Disallow	

Rationale for Disallow:

The Nevis River does not form part of the reviewable land and is therefore not subject to the provisions of the Crown Pastoral Land Act 1998. The point is therefore disallowed.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
54.1	The submitter wants to ensure the less measurable qualities of the Nevis Valley-peace and beauty are retained.	36	Allow	Not Accept

Rationale for Allow

The point raised by the submitter questions whether the proposal protects the values present on the reviewable land. These values relate to the peace and beauty of the area. As the protection of the significant inherent values is the object of Section 24(b) of the Crown Pastoral Land Act 1998 and the point relates to this aspect, the 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 because the submitter has not presented any additional information or perspective not previously considered.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
55	The submitter request that an area of Carex wetland on the true right of Schoolhouse Creek be included in the CA.	38	Allow	Accept

Rationale for Allow

The point raised by the submitters' questions whether the proposal protects the values present on the reviewable land. As the protection of the significant inherent values is the object of Section 24(b) of the Crown Pastoral Land Act 1998 and the point relates to this aspect, the point is therefore allowed.

Rationale for Accept:

The submitter was unsure if the Carex wetlands were included in the proposed conservation area due to the scale of the designations plan. The point meets the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal because it relates to the objects and matters to be taken into account in the CPLA and the submitters presented reasons why an alternative outcome under the CPLA is preferred.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
56	The submitter is opposed to the grazing concession over CA4, but if retained requests the terms and conditions be modified to better protect the values	38	Allow	Accept

Rationale for Allow:

One of the objects of Section 24(b) of the CPLA is to enable the protection of the significant values. The point relates to this object and is therefore a matter that can be considered under the Crown Pastoral Land Act 1998 and is therefore allowed.

Rationale for Accept:

The submitter is concerned that the values will not be adequately protected with the grazing concession as it currently written and if it was to be retained it would require modification to the terms and conditions to allow regular monitoring.

The point meets the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal because it relates to the objects and matters to be taken into account in the CPLA, and the submitters presented reasons why an alternative outcome under the CPLA is preferred.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
57	The submitter is opposed to the grazing concession over CA5, but if retained requests the terms and conditions be modified to better protect the values	38	Allow	Accept

Rationale for Allow:

One of the objects of Section 24(b) of the CPLA is to enable the protection of the significant values. The point relates to this object and is therefore a matter that can be considered under the Crown Pastoral Land Act 1998 and is therefore allowed.

Rationale for Accept:

The submitter is concerned that the values will not be adequately protected with the grazing concession as it currently written and if it was to be retained it would require modification to the terms and conditions to allow regular monitoring.

The point meets the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal because it relates to the objects and matters to be taken into account in the CPLA, and the submitters presented reasons why an alternative outcome under the CPLA is preferred.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
58	The conservation covenant document does not adequately describe the values present in the proposed freehold area.	38	Allow	Accept

Rationale for Allow:

One of the objects of Section 24(b) of the Crown Pastoral Land Act 1998 is to protect the significant inherent values identified on the reviewable land and the point raised by the submitter questions whether the values identified are adequately protected in the proposal. The point is therefore allowed.

Rationale for Accept:

The submitter raised a number of issues in relation to the description of the values present in the area covered by this covenant. This point relates closely to point 10 above. The values not adequately described include native fish and botanical values. The implication from the submitters is that because they are not listed they are not specifically protected by the covenant.

The point meets 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 and the submitters presented new information and reasons why an alternative outcome under the CPLA is preferred.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
59	The submitter requests a wander at will provision be included in the landscape covenant if the land between the road and Nevis River is not returned to the Crown.	38	Allow	Accept

Rationale for Allow:

One of the objects of Section 24(c) of the Crown Pastoral Land Act 1998 is the securing of public access to and enjoyment of the reviewable land. The point raised by the submitter questions whether the current access provisions are adequate and 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. This is because it relates to the objects and matters to be taken into account in the CPLA and the submitters' articulate reasons why an alternative outcome under the CPLA is preferred.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
60	The submitters note that the review has been influenced by a prior agreement between PGL and DOC and this has resulted in an understatement of or exclusion of the SIV's by DOC. SIV's should be determined on their merits.	38 & 40	Allow	Not Accept

Rationale for Allow:

Two of the objects of Section 24(a) of the Crown Pastoral Land Act 1998 are to promote the management of reviewable land in a way that is ecologically sustainable and Section 24(b) to enable the protection of the significant inherent values. The point relates to both issues and is therefore a matter that can be considered under the Act. The 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. This is because the submitters have not introduced new information or a perspective not previously considered.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
61	The submitter suggests the tenure reviews of Ben Nevis, Craigroy and unused Crown land associated with the River should be included as one review to ensure all the land along the river that falls outside the pastoral leases is included.	40	Disallow	

Rationale for Disallow

The point raised by the submitter questions whether the proposal covers all the land between the boundaries of Ben Nevis and Craigroy. The implication is that there may be other unused Crown land that has not been identified that should also be included. The point relates to land that does not

form, part of the reviewable land and is therefore is not subject to the Crown Pastoral Land Act 1998. The point relating to including both pastoral leases in the one review is a matter of agreement between the Crown and the holders. The point is therefore disallowed.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
62	The submitter (Fish & Game) is concerned that the process has led to unreasonableness in the review. Issues of concern include the accuracy of the SIV assessment, effect of any agreements and the format of the reviews as separate reviews.	40	Disallow	

Rationale for Disallow:

The point relating to unreasonableness is not validly made as it is subjective matter of opinion and cannot be considered under the Crown Pastoral Land Act 1998. The three issues of concern have been considered under separate points 7, 60 and 61. The point is therefore disallowed.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
63	The submitter states new information is available since the holders acknowledgement was signed that has not been considered in the review. This information includes the better identification of SIV's, changes to the District Plan, status of native fish, and botanical values and Ngai Tahu position as a result of evidence presented to the WWCO hearing.	40	Allow	Accept

Rationale for Allow:

One of the objects of Section 24(b) of the Crown Pastoral Land Act 1998 is to protect the significant inherent values identified on the reviewable land. The submitter is indicating that extent of the SIV's has been better understood with surveys completed after the holders had signed the holders acknowledgement. As the point relates to the protection of SIV's it 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 introduces new information in relation to the SIV's it is accepted for further consideration by the Commissioner in the formulation of a substantive proposal.

It should be noted that most of the reports referred to by the submitter were made available to and considered by the Commissioner prior to the approval for advertising.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
64	The submitter requests that streams with native fish habitat that don't qualify for marginal strips are protected with Crown reserve strips or permanent secure covenants	40	Allow	Accept

Rationale for Allow:

One of the objects of Section 24(b) of the Crown Pastoral Land Act 1998 is to protect the significant inherent values identified on the reviewable land. The submitter suggests that the current protection is inadequate in terms of the Crown Pastoral Land Act 1998. The 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 because it relates to the objects and matters to be taken into account in the CPLA, and the submitters presented reasons why an alternative outcome under the CPLA is preferred.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
65	The submitter (Walking Access Commission) would like input on the legal nature and content of the proposed easements.	41	Disallow	

Rationale for Disallow:

While one of the objects of Section 24(c) of the Crown Pastoral Land Act 1998 is the securing of public access to and enjoyment of the reviewable land the specific aspect raised by the submitter is not directly related to this review. The point is therefore disallowed. LINZ should be contacted to discuss the legal nature and content of the easements.

Overview of analysis

In analysing the 41 submissions received 68 points were identified. Of the 41 submissions, 24 generally supported the proposal or aspects of the proposal. Of the 53 points that were allowed 38 have been accepted 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.

In total there were 68 points raised, of which 38 are "Allowed" and "Accepted", 15 points "allowed" and Not Accepted" for further consideration, and 15 points "Disallowed" and will not be considered further.

Generic Issues

The submitters were generally not happy with the level of protection afforded the proposed freehold areas by the covenants. In terms of the covenants CC1, CC2 and CC3, the issue was these areas warranted the protection of full Crown ownership with grazing removed. There were issues of ecological sustainability raised in this regard.

In terms of the landscape covenant 20 of the 41 submitters felt the terms of the covenant did not provide adequate protection of the values and that a significant area of the proposed freehold should be retained in Crown ownership. In this regard 19 submitters felt the land between Nevis Road and the River should be retained in Crown ownership. There were two main reasons why submitters did not think the covenant provided adequate protection. The first relates to the description of the values being protected. The second relates to a specific clause in the covenant, Clause 7 in Schedule 2. This clause relates to the Ministers consent for hydro electric development. Many of the submitters felt this clause was in conflict with the objects of the CPLA in that it did not promote ecological sustainability of the reviewable land.

Public access was another point raised by a number of submitters. The main concern again was access to the historic sites along the rivers edge and access to the river for fishing and recreational uses such as kayaking. There was also a push for increased 4WD access to the proposed conservation areas.

A further point that appeared over a number of submissions was that there was some level of pre determination in the final outcome as a result of a perceived agreement between DOC and Pioneer Generation over the Kawarau Water Conservation order.

The overriding issue foremost in the minds of the majority of the submitters was the future prospect of hydro electric development on the Nevis River. Fish and Game Otago produced a template for

submitters to use in their submissions. 16 submitters used this template and the issues raised were pretty much aligned to those presented by Fish and Game.

Gaps identified in the proposal or tenure review process

It is clear from the submissions that the covenant documents both landscape and conservation, need to be reviewed to better define the values present in the respective areas. As part of this review the access provisions to the river need to be considered.

Risks identified

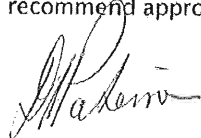
There is a risk that the Commissioners statement on the public notice is seen in some way to deter the public on making submissions to the proposal.

General trends in the submitters' comments

The common issues raised were:

- Strong support for the proposed conservation areas
- Some concern about the practicality of the public access route
- Support for allowing increased public vehicle access to the conservation areas
- Significant opposition to the freehold disposal of lower flats, especially those between the road and the river.
- Strong opposition to the terms and conditions in the covenant documents.
- Inadequate protection of the historic values.
- Inadequate public access provisions to the river and historic sites.
- General support for the public access provisions.
- Support for the removal of Clause 7 from Schedule 2 of the Landscape covenant.

I recommend approval of this analysis and recommendations



David Paterson
Tenure Review Consultant
Darroch Limited

Date 04/02/2010

I recommend approval
K M Lee

Peer Reviewed by

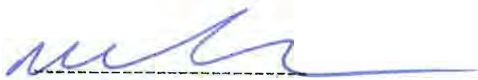


Ken Taylor
Tenure Review Consultant
Darroch Limited

Date 04/02/2010

Approved/Declined

KARYN MICHELLE LEE
PORTFOLIO MANAGER
CROWN PROPERTY MANAGEMENT
C/- LINZ, CHRISTCHURCH



Commissioner of Crown Lands

Date 10.6.10

Mathew Clark (Manager Pastoral)
Land Information New Zealand
Under delegated authority of the
Commissioner of Crown Lands.

Appendices

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