

Crown Pastoral Land Tenure Review

Lease name: CRAIGROY

Lease number: PO 233

Analysis of Public Submissions

This document builds on the Preliminary Report on public submissions. The analysis determines if an issue that was allowed, and further consulted on, is accepted or not accepted for inclusion in the Substantive Proposal and to what extent. The report complies with the requirements of Section 45 Crown Pastoral Land Act 1998.

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

July

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ANALYSIS OF PUBLIC SUBMISSIONS

Statement Pursuant To Sec 45(a)(iii) Crown Pastoral Land Act 1998 (for Part 2 reviews, or Sec 88(d) for Part 3 reviews)

CRAIGROY TENURE REVIEW NO 262

1. Details of lease

Lease name: Craigroy
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: 29

Total Submissions received: 34

Cross-section of 19 groups and 15 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 submitters state that land in the valley floor with multiple SIV's should be retained in Crown ownership.	1, 3, 4, 7, 11, 14, 16, 18, 21, 23, 24, 25, 27, 28, 30 & 32	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 submitters felt there are a range of SIV's in this area including historic, botanical, native fish and access. The point is therefore allowed.

Rationale for Accept:

It was the general view of the submitters that the range of SIV's present in the valley floor warranted protection by Crown ownership. These values include historic, botanical, native fish recreational, landscape and a need for public access. The overall view of the submitters was that 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
2	Support for the creation of conservation areas CA1 and R1 (Scenic)	2, 3, 4, 6, 7, 8, 11, 13, 14, 18, 19, 21, 23, 24, 25, 31, 32 and 34	Allow	Accept

Rationale for Allow:

As the point is raised 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
3	Support for the grazing concession over CA.	2, 4, 7, 11, 14, 18 & 19	Allow	Accept

Rationale for Allow:

While the grazing concession itself is not an object of the CPLA, it is specifically allowed for under Section 36(a) of the Act and 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
4	The submitters are totally opposed to phase out grazing concession because it is not ecologically sustainable to continue to graze this land.	13, 14 & 19	Allow	Accept

Rationale for Allow:

While the grazing concession itself is not an object of the CPLA, it is specifically allowed for under Section 36(a) of the Act and 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 point highlights issues previously considered but articulates reasons why the submitter prefers an alternative outcome under the CPLA, 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
5	The submitters are opposed to the land designated for freehold disposal because this conflicts with the protection of SIVs.	2, 3, 7, 8, 11, 18, 23, 24, 26, 30 & 32	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 these aspects, 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
6	The terms and conditions of the landscape covenant do not provide adequate protection for the values present in the proposed freehold area.	2, 3, 4, 6, 7, 8, 11, 18, 19, 23, 24, 25, 26, 28, 29, 30 & 32	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 submitters state the landscape covenant document does not adequately describe the values present in the proposed freehold area.	2, 4, 7, 8, 11, 13, 15, 18, 19, 23, 25, 26, 29, 30 & 32	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 6 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 submitter requests that any reference to hydro development is removed from the terms of the landscape covenant.	2	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
9	The submitters request that clause 6 which covers the Minister's 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.	2, 3, 24, 25, 26, 27, 30 & 32	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 6 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 6 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 8 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
10	The land between Nevis Road and the River should be retained in Crown ownership as either recreation reserve or historic reserve.	2, 3, 18, 24, 25, 26, 30 & 32	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
11	The submitters are opposed to the exchange of local purpose reserve (Exch 2) in the proposal	2, 3, 4, 6, 7, 8, 11, 14, 15, 18, 19, 21, 23, 24, 25, 26, 30 & 32	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 submitters questions DOC's advice that there are no SIV's on this land and secondly the decision to freehold under Section 24(c)(ii) CPLA. The point is therefore allowed.

Rationale for Accept:

It was the general view of the submitters that the areas of conservation land did have SIV's and should be included in a river side reserve rather than being included in the proposed freehold land. This point ties in closely with points 8, 9 and 10 above and 12 below.

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
12	The submitters are opposed to the exchange of the conservation land (Exch 1) in the proposal.	2, 3, 4, 6, 7, 8, 11, 14, 15, 16, 18, 21, 23, 24, 25, 26, 30 & 32	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 submitters questions DOC's advice that there are no SIV's on this land and secondly the decision to freehold under Section 24(c)(ii) CPLA. The point is therefore allowed.

Rationale for Accept:

It was the general view of the submitters that the areas of conservation land did have SIV's and should be included in a river side reserve rather than being included in the proposed freehold land. This point ties in closely with points 8, 9, 10 and 11 above.

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
13	The submitters support the provision for public access within the proposal.	3, 7, 8, 11, 13, 14, 18, 19, 22, 23 & 25	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
14	The submitters support the recreation concession on the basis that it terminates on the date of the existing recreation permit.	4, 7, 11, 14, 16, 18, 19, 22 & 26	Allow	Accept

Rationale for Allow:

The point relates to the creation of a concession to the holder of an existing recreation permit that is due to expire in 2010. While not considered an object of the CPLA the creation of a concession is specifically catered for under Section 36 CPLA and is therefore allowed.

Rationale for Accept:

What this point allows for is the completion of the term of an existing recreation permit and the submitters felt this was fair and reasonable on the basis that the concession terminated at the termination date of the existing recreation permit.

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 termination the concession would follow the processes prescribed in the Conservation Act for any future renewals.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
15	The submitters support the continuation of the existing rights to take and convey water in favour of Carrick Irrigation Company.	4, 7, 11, 14, 16, 18, 19 & 22	Allow	Accept

Rationale for Allow:

The point relates to the continuation of existing rights to take and convey water over the reviewable land. While not considered an object of the CPLA the continuation of these rights is specifically catered for under Section 36(3)(c) CPLA and is therefore allowed.

Rationale for Accept:

As the point relates to the Act 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
16	The submitter states the grazing concession should include cattle grazing and should be extended to 10 years.	5	Allow	Not Accept

Rationale for Allow:

While not specifically an object of the CPLA, the point relates 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 terms of the grazing concession were thoroughly discussed during consultation and the submitter has not provided any new information that suggests any change is warranted. The point is therefore not accepted.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
17	The submitter is opposed to the onerous terms and conditions in the covenant document.	5	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 and the point raised by the submitter questions whether the onerous terms are needed to protect the SIV's. The point is therefore allowed.

Rationale for Not Accept:

The submitter was concerned about the onerous terms and conditions in the covenant and that it would severely restrict the ability to farm the property in the future. This point is closely linked to point 18 below in relation to the economics of the property post tenure review.

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 terms of the covenant were thoroughly discussed during consultation and the submitter has not provided any new information that suggest the terms should be less onerous. The point is therefore not accepted.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
18	The submitter notes that the tenure review will impact on the economics of the property rendering it uneconomic	5	Disallow	

Rationale for Disallow:

The objects of the CPLA do not consider the economics of a farm post tenure review therefore this is not a matter that can be considered under the Crown Pastoral Land Act 1998 and the point is therefore disallowed.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
19	The submitter noted that the decision to end the concession in 2010 will have a detrimental impact on the economics of the property post tenure review.	5	Disallow	

Rationale for Disallow:

The objects of the CPLA do not consider the economics of a farm post tenure review therefore this is not a matter that can be considered under the Crown Pastoral Land Act 1998 and the point is therefore disallowed.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
20	The submitter states that the area in R1 Scenic should be freehold.	5	Allow	Not Accept

Rationale for Allow:

The point raised by the submitter questions the decision to return this land to Crown ownership. As Section 24(c)(ii) of the CPLA allows for the freeholding of the reviewable land, the point is allowed.

Rationale for Not Accept:

The submitter considered the land in R1 should be freehold rather than returned to Crown ownership. This point relates to point 24 below where the submitter suggests the conservation boundary should be at around 1400 metres asl.

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 submitter has not provided any new information that would indicate a need for change. The point is therefore not accepted.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
21	The submitter is concerned that the proposed fence line around the water race is not practical.	19	Allow	Not Accept

Rationale for Allow:

The point raised by the submitter questions whether the proposal protects the values present on the reviewable land. In particular placing a fenceline on the water race may require excavation that would impact negatively on the landscape values. 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 submitter has not provided any new information or a perspective not previously considered. The point is therefore not accepted.

While the point raised by the submitter relates to the objects of the CPLA in relation to Section 24(b) the appropriate location of the fence lines is more of an operational matter. The submitter can be assured that the positioning of the fence line is a matter that will be considered in the pre implementation phase with the assistance of a fencing advisor. Any decision to excavate will only be taken with the advise of professional advisors and in accord with District Planning requirements.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
22	The submitter requests the recreation concession for the skidoo operation be extended for an additional 10 years.	5	Allow	Not Accept

Rationale for Allow:

The point relates to the creation of a concession to the holder of an existing recreation permit that is due to expire in 2010. While not considered an object of the CPLA the creation of a concession is specifically catered for under Section 36 CPLA and is therefore allowed.

Rationale for Not Accept:

While the point relates to the objects and matters to be taken into account in the CPLA, the submitter has not provided any additional information in support of the extension of the concession beyond what is already provided for in the proposal. On expiry the concession would follow the processes prescribed in the Conservation Act. The point is therefore not 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 submitter suggests the boundary of CA1 is too low and should be above the water race at about the 1400-1500 metre level to ensure adequate fence line.	5	Allow	Not Accept

Rationale for Allow:

As the point is raised relates to the boundary line of the proposed conservation area there is a tie with the object of Section 24(a)(i), 24(a)(ii) 24(b)(ii) and 24(c)(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 and the freehold disposal of the reviewable land; 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 submitter has not provided any new information or a perspective not previously considered that would suggest the boundary line should be lifted further than is currently proposed. The point is therefore not accepted.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
24	The submitter believes the area proposed for freehold disposal is not large enough and should be extended to the 1400m - 1500 m altitude line.	5	Allow	Not Accept

Rationale for Allow:

As the point is raised relates to the boundary line of the proposed freehold area there is a tie with the object of Section 24(a)(i), 24(a)(ii) 24(b)(ii) and 24(c)(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 and the freehold disposal of the reviewable land; the point is allowed.

Rationale for Not Accept:

This point is related to point 23 above, however the submitter has raised a different aspect that should be treated as a separate point.

The point does not meet the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. The proposed boundary line was discussed at length during the consultation period and the submitter has not provided any new information that would suggest the boundary line should be lifted further than is currently proposed. The point is therefore not accepted.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
25	The submitters strongly oppose the recreation concession for the skidoo operation. It is inconsistent with the conservation management strategy.	9, 12 & 13	Allow	Not Accept

Rationale for Allow:

The point relates to the creation of a concession to the holder of an existing recreation permit that is due to expire in 2010. While not considered an object of the CPLA the creation of a concession specifically allowed for under Section 36 CPLA 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. The issues surrounding the continuation of the recreation permit as a concession were well canvassed during the consultation phase. The submitter has not provided any new information that would suggest the need for change. The point is therefore not accepted.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
26	The submitters request that Nevis road needs to be made public where they deviate from the legal alignment.	10, 16, 20, 26 & 34	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
27	The proposal does not provide adequate public access to the Nevis River and historic areas south of Nevis Crossing.	10, 18, 24 & 26	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 we unhappy that the proposal did not provide for as of right access to the river apart from the crossing itself. 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
28	The submitters expressed concern about the Commissioners comments in the public advertisement, one submitter (Fish & Game) suggesting this would have put the public off making a submission on the proposal.	12, 26, 29. 30 & 32	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
29	The submitter suggested that a recreation permit cannot simply be converted without going through due process.	12	Disallow	

Rationale for Disallow:

The issuing of recreation permits is dealt with under the Land Act and the point therefore is disallowed..

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or Not accept
30	The submitter supports the land in Exch1 and Exch2 being included in the proposal	13 and 22	Allow	Accept

Rationale for Allow:

While not one of the objects of the Crown Pastoral Land Act 1998, the inclusion of conservation area and reserve land is provided for under Section 31 of the Crown Pastoral Land Act 1998. 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
31	The submitters support the proposed landscape covenant as a means of protecting the values.	13, 14, 16 & 19	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 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
32	Support for CA1 subject to the area being increased to include the land below the water race to the existing fence line.	14, 16, 19, 22, 26 & 30	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 land above 1000 metres between the water race and lower fence line contained SIV's that required protection by 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
33	Support for R1 subject to the inclusion of the full Barn Creek catchment previously recorded in RAP Barn Creek.	14, 16, 22, 26 & 30	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 entire Barn Creek catchment contained SIV's that required protection by 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
34	The submitters suggest that R1 including the Barn Creek RAP should be added to an enlarged CA1 including the land below the water race to the fence line.	14 & 22	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 entire Barn Creek catchment and the area of CA1 including the land below the water race to the existing fence line contained SIV's that required protection by Crown ownership. They could see no reason why they should not be included in one CA.

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
35	The submitters want to see public access along the true right of the Nevis River guaranteed.	14 & 16	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 submitters wanted to make sure public access was guaranteed along the true right of the river. This point may stem from the uncertainties of the cadastral mapping in the area. It may also be the submitters concern about possible future land uses impinging on access rights. Access provisions are provided for in the proposal. The Nevis also has existing fixed marginal strips and although not part of the reviewable land will provide additional public access along the river.

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 access is already provided for in the proposal and the submitters have 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
36	The submitters see no reason why public vehicle access is not provided on the easement between c-j.	14, 26, 30, 32 & 34	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 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 recommended the area associated with early gold workings on either side of Nevis Road including the old hotel/settlement/ruins/homestead be designated Lower Nevis Valley Historic Reserve.	15	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 view of the submitter that the historic values in and around the Nevis Crossing are not adequately protected under the proposal and that the creation of an Historic Reserve that included the old hotel/settlement ruins/homestead be designated the "Lower Nevis Valley Historic Reserve".

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
38	The submitter suggests the stocking rates should be reduced and regular monitoring should occur in the grazing concession in CA1.	16, 26 & 30	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 grazing levels noted in the concession document are low enough to adequately protect the botanical and landscape SIV's in the proposal. 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. This is because it relates to the objects and matters to be taken into account in the CPLA and the submitters have 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
39	The submitter suggests the stocking rates should be reduced and regular monitoring should occur in the grazing concession in R1.	16	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 grazing levels noted in the concession document are low enough to adequately protect the botanical and landscape SIV's in the proposal. The point is therefore allowed.

Rationale for Accept:

This point is similar to point 38 above, however two of the submitters who supported the grazing concession albeit with reduced stocking rates on CA1 did not support a grazing concession on R1.

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 have 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
40	The submitters note that grazing the land above 1000 m asl is not ecologically sustainable. This refers to the land between the water race and the existing fence to the west.	16, 19 & 30	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 view of the submitter that the land above 1000 metres asl should not be grazed because it was not ecologically sustainable to do so without the addition of fertiliser inputs. This point relates to point 53.

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
41	The submitters suggests the proposed freehold area should be reduced by lowering of the CA boundary to the existing fence line and the removal of the total area of Barn Creek catchment.	16, 22, 26 & 30	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 the adequacy of the protection of the SIV's in the proposal. The point is therefore allowed.

Rationale for Accept:

The submitters generally supported the freeholding of land that had limited siv's and could be farmed in an ecologically sustainable manner. The exclusion of the Barn Creek catchment and area between the existing fence line and the water race is however required for that support. This point

relates to point 46 below, however that point only refers to the land between the water race and the existing fence being excluded from 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 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
42	The submitters support the use of a landscape covenant as long as the historic values in the valley floor are protected in perpetuity.	16 & 22	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 the adequacy of the covenant to protect of the SIV's in the proposal. The point is therefore allowed

Rationale for Accept:

The submitters support the use of a covenant for the protection of the historic values as long as the protection is in perpetuity. The issue the submitters are raising relates to the clause in the document that gives the Minister the right to not unreasonably withhold approval for hydro electric development on the Nevis.

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
43	The submitters 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.	16, 26, 30 & 33	Disallow	

Rationale for Disallow:

The submitters were 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
44	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.	17	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 consideration 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
45	The submitters state that the easement f-g-h-i-j should become a legal road as it has been maintained by the Local Authority in the past.	18, 20 & 25	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
46	The submitter suggests the higher altitude land between the water race and the fence line to the west should be excluded from the freehold area.	19	Allow	Accept

Rationale for Allow:

One of the objects of Section 24(a)(i) of the Crown Pastoral Land Act 1998 is to manage the land in a way that is ecologically sustainable. Section 24(c)(ii) allows for the freehold disposal of the reviewable land. The submitter supports the freehold disposal of the land that can be farmed in an ecologically sustainable manner. The submitter however questions whether the land between the water race and the existing fence line can in fact be managed in an ecologically sustainable manner if freehold. 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. 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
47	The submitter would like to see a conservation area set aside for the public to enjoy in the vicinity of the Nevis Bridge.	19	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 and the point raised by the submitter questions whether the recreational SIV's are adequately 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. This is because 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
48	The submitters want to see improved access to the Nevis Gorge with an additional easement along the river over the gorge rim to the Carrick boundary	19, 26 & 30	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 the adequacy of the access provisions and is therefore allowed.

Rationale for Accept:

The submitters are concerned about the difficulty in accessing the Nevis Gorge and want to see an added easement from the Nevis Crossing to the Carrick boundary to improve this aspect of 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
49	The submitter states that the mining history in the valley should be preserved in the same way as has happened in the Skippers.	19	Disallow	

Rationale for Disallow:

It is difficult to know what the submitter was thinking with this point but we have interpreted the point to mean that the submitter is suggesting the complete purchase of the property. Part 2 Crown Pastoral Land Act 1998 does not specifically provide for total farm purchase and it is therefore not a point that can be considered by the Commissioner. The point is therefore disallowed.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
50	The submitters state that if it is not possible to improve the proposal, consideration should be given to leaving Craigroy as a pastoral lease.	19, 30 & 32	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 provide any additional information. The point is therefore not accepted.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
51	The submitter suggests the legal road along the eastern boundary of CA1 and also Nevis Road to the north is fenced to keep stock from the road and to easily define the road boundaries.	20	Disallow	

Rationale for Disallow:

The point relates to post tenure review management of the reviewable land. There is no authority under the Crown Pastoral Land Act 1998 to fence roadways. Fencing is undertaken to protect the values and to provide clear boundary between designations. The point is not an issue that can be considered under the Crown Pastoral Land Act 1998 and is therefore disallowed.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
52	The submitter is concerned the concessions created in this proposal may limit public access to the land.	20	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 impact the concession will have on 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 submitter has not introduced any new information or a perspective not previously considered. The point is therefore not accepted.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or Not accept
53	The submitter supports the phase out grazing proposed in CA1 and R1 subject to the inclusion of the Barn Creek catchment area in R1 and the land below the water race and the fence west of the water race.	22	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 proposed conservation areas were large enough to support the grazing levels noted in the concession document and also that the values in the additional areas contained SIV's that warranted the protection of Crown ownership. 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. 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. This point relates to point 40.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
54	The submitter supports the provision for DOC management access	22	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
55	The submitter gave qualified support for the inclusion of Exch1 as long as it was not suitable as a picnic area.	22	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 gives qualified support for the inclusion of the Exch1 land provided it has no SIV's, which in this case would be recreational values. 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. This is because it 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.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or Not accept
56	The submitter said that allowing hydro development on the Nevis would destroy the values present in the valley	24	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 disallowed.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or Not accept
57	The submitter noted that there is no correlation between the CA boundaries on Craigroy and Carrick.	26	Disallow	

Rationale for Disallow:

The land in the adjoining pastoral lease does not form part of the reviewable land for Craigroy and therefore cannot be considered under the Crown Pastoral Land Act 1998. The SIV's on each property have to be treated on their merits and the designations are agreed following consultation. The point is therefore disallowed.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
58	The submitters support the public access easement a-b.	26, 30 & 32	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
59	The submitters request that additional access is included from the river to CA1 between Barn Creek and Coal Creek.	26, 30 & 32	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 submitters requires additional access routes added to provide access from the River to CA1 and loop day walks. The point is therefore allowed.

Rationale for Accept:

The submitters were of the view that the proposal did not provide adequate access from the valley floor to the proposed conservation area. They agreed that there were existing farm tracks located between Barn Creek and Coal Creek that would provide very good day walks from the river and access to the CA's.

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
60	The submitter supports the closure of the easements over the lambing period.	26	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
61	The submitter identified an area of gold workings in an area north of Nevis Crossing and request this should be included in a separate conservation area running from just south of Nevis Road along the rivers edge to the Carrick boundary to the north.	26	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 proposal provides adequate protection for the historic values between Nevis Crossing and Carrick to the north. 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
62	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.	26 & 30	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
63	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	27	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
64	Access to the old Craigroy homestead plus surrounding land and all historic sites should be guaranteed for future cavalcades and the public generally.	28	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:

While the specific matter of a cavalcade is not required, 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 old Craigroy homestead. This point is similar to point 37 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
65	The submitter states that marginal strips do not provide adequate access to and along the river.	30	Disallow	

Rationale for Disallow:

The point relates to the adequacy of access provided by marginal strips. 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.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
66	The submitter wonders how vehicle access for management purposes between points f1-g will be achieved.	30	Allow	Not 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 Not Accept:

The point being raised by the submitter relates to the management easement running along the true right of the river where it passes through a parcel of freehold land that is not part of the reviewable land. The cadastral map shows the existence of an existing legal road that runs between points f1 and g. It is proposed that this legal road will form part of the access route.

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 merely asked the question and 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
67	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.	30 & 32	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
68	Strong support for the proposal.	31 & 34	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
69	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.	32	Disallow	

Rationale for Disallow

The point raised by the submitters' 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
70	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.	32	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 67 & 69. The point is therefore disallowed.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
71	The submitter states new information is available since the holders acknowledgement was signed that has not been considered in the review.	32	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
72	The submitter (Walking Access Commission) would like input on the legal nature and content of the proposed easements.	33	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.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
73	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	32	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.

Overview of analysis

In analysing the 34 submissions received 73 points were identified. Of the 34 submissions, 25 generally supported the proposal or aspects of the proposal. Of the 57 points that were allowed 43 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. Of the 43 points accepted for further consideration 17 supported the proposal or aspects of the proposal.

In total there were 73 points raised, of which 43 are "Allowed" and "Accepted" and 14 points "allowed" and Not Accepted" for further consideration. 16 points were "Disallowed" as they were not matters to be considered under the Crown Pastoral Land Act 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 landscape covenant 17 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. There was support from a number of submitters that the valley floor should be in Crown ownership to protect the range of values present.

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 6 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 public vehicle access from Nevis Road to Carrick along the proposed access easement.

There was strong opposition to the inclusion of the two parcels of conservation land being included as land for exchange. The feeling was that these blocks had SIV's and should be included in a riverside conservation area.

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. 14 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 document needs 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
- 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 document.
- 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 6 from Schedule 2 of the Landscape covenant.

I recommend approval of this analysis and recommendations



David Paterson
Tenure Review Consultant
Darroch Limited

Date 19/01/2010

Peer Reviewed by



Ken Taylor
Tenure Review Consultant
Darroch Limited

Date 19/01/2010

*I recommend approval 26/5/10
KML*

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

Approved/~~Declined~~


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