

Crown Pastoral Land Tenure Review

Lease name : Longslip Station

Lease number : Po 020

Report on public submissions

This document includes information on the public submissions received in response to an advertisement for submissions on the tenure review preliminary proposal. The analysis determines if an issue is accepted or not accepted as meeting the objectives of part 2 of the Crown Pastoral Land Act (CPLA) 1998, and if further consideration and consultation should be allowed or disallowed, as per Section 45 CPLA 1998.

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

March 03

**ANALYSIS OF SUBMISSIONS
LONGSLIP TENURE REVIEW**

1. Details of lease:

Property Name: Longslip
Location: Lindis Pass highway, Omarama
Lessee: Longslip Station Limited

2. Public notice of preliminary proposal:

Date, publication and location advertised:

Saturday - 27 April 2002:

- Otago Daily Times Dunedin

Wednesday - 1 May 2002:

- The Press Christchurch
- High Country Herald Timaru

Closing date for submissions:

27 June 2002

The newspapers incorrectly reported 24 June 2002.

3. Details of submissions:

A total of 9 submissions were received by the closing date. A further submission was received on 9 August 2002. The details of these submissions are contained in Appendix 3.

4. Analysis of submissions:

4.1 Introduction:

Explanation of Analysis:

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.

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The following analysis summarises each of the points raised along with the recorded number (*shown in Appendix 3*) of the submitter(s) making the point. Discussion of the point and the decision whether or not to accept/not accept or to allow/disallow the point follows.

The following approach has been adopted when making recommendations:

(i) To accept/not accept:

The decision to “accept” the point made by submitters is on the basis that the matter raised is a relevant matter for the Commissioner to consider when making decisions in the context of the Crown Pastoral Land Act 1998. Conversely, where the matter raised is not relevant in terms of the Commissioner’s consideration, the decision is to “not accept”.

(ii) To allow/disallow:

Where the decision has been made to accept, a further decision has been made as to whether the point made should be “allowed” or “disallowed”. The decision has been made to “allow” if the point raises new information and should be considered further. Where the matter has previously been decided by the Commissioner, and there is not justification for the further consideration then the decision is to “disallow”. Further justification for the decision has been made in the discussion paragraph showing the summary for each point.

4.2 Analysis:

Point	Summary of Point Raised	Sub Nos	Decision	
1	The submitters requested that access be provided in favour of Breast Hill Station across the proposed conservation area on a track that leads to Mount Prospect.	1,9	Accept	Allow

Discussion:

Section 36(3)(b) Crown Pastoral Land Act 1998 (*CPL Act*) provides for the creation of an easement concession in favour of adjacent land. As there is provision for such a concession the point is accepted.

Access to the adjoining property is of considerable importance to the maintenance of boundary fences between the properties. The provision of access to neighbouring properties was not considered during the preparation of the Preliminary Proposal. The point is therefore allowed. The submitters also referred to the cost sharing arrangements in relation to maintaining the common boundary fence, however this aspect is considered to be part of the normal provisions between neighbours with reliance on the Fencing Act. The matter will therefore be one for future discussion between the Department of Conservation and the adjoining landholder.

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<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub Nos</i>	<i>Decision</i>	
2	That an area identified as Recommended Area for Protection Ahuriri 9 plus an extension of this be restored to full Crown ownership and control.	2,3,6	Accept	Disallow

Discussion:

The protection of significant inherent values is a matter for the Commissioner of Crown Lands to consider in relation to Section 24 (b) CPL Act. The preference in this Section of the Act is for such areas to be restored to full Crown ownership and control. As these are matters that the Commissioner considers in tenure review the point is accepted. The Commissioner previously considered an extension of CA4, Avon Burn Conservation Area to incorporate a portion of this RAP. The balance of the RAP had been considered in the preparation of the Conservation Resources Report and due to modifications since the PNA survey protection of this area was not recommended. The inclusion of a portion of the RAP was considered during the consultation phase leading to the Preliminary Proposal and following a detailed ground inspection the restoration of this area to the Crown was not pursued. As this matter has been considered by the Commissioner and no new information has been provided by the submitters the point has been disallowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub Nos</i>	<i>Decision</i>	
3	That an area known as Recommended Area for Protection Ahuriri 10 be restored to Crown.	2,3,6	Accept	Disallow

Discussion:

The protection of significant inherent values is a matter the Commissioner must consider in terms of Section 24 (b) CPL Act. The point is therefore accepted. The area identified by the submitters was recommended for protection as part of a PNA survey completed in 1984. Ongoing farm development since that time has reduced the significance of the inherent values contained in this area. This aspect was considered in the preparation of this Conservation Resources Report for the Commissioner and protection of this area was not proposed by the Commissioner in the Preliminary Proposal. The matter has previously been considered by the Commissioner and the submitters have provided no new information, and in context appear to have relied on the PNA survey report. As there is no new information the point is disallowed.

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Point	Summary of Point Raised	Sub Nos	Decision	
4	That the area identified as CA5 be expanded to include a greater area of Halls totara and celery pine woodland.	2,3,4	Accept	Disallow

Discussion:

The Commissioner of Crown Lands is required to consider the protection of significant inherent values in accordance with Section 24 (b) CPL Act. Significant inherent values include significant vegetation types such as reported by the submitters. For this reason the point is accepted.

The Commissioner previously proposed a larger area for CA5 in the phase leading to the Preliminary Proposal provided to the holder for consultation. During the consultation prior to the Preliminary Proposal this area was inspected and the extent of the significant inherent values defined. The boundaries of this area were amended by the Commissioner in recognition that the woodlands identified were contained in a smaller area. The Commissioner considered these factors in putting a Preliminary Proposal to the holder. One of the submitters suggested that the conservation area be extended to take in the entire valley to allow for expansion of the woodland. These factors were all considered by the Commissioner in putting the Preliminary Proposal and the area of significant inherent values was identified within the Conservation Area 5 as mapped in the Preliminary Proposal. As these factors have been fully considered and no new information has been provided by the submitters the point is disallowed.

Point	Summary of Point Raised	Sub Nos	Decision	
5	To extend the area of CA3 (Ahuriri river margins).	2,3,10	Accept	Disallow

Discussion:

The Commissioner is required to consider the protection of significant inherent values in accordance with Section 24 (b) CPL Act. The point is therefore accepted. The submitters have not identified significant inherent values outside of the area contained in the Preliminary Proposal referred to as CA3. While the Conservation Resources Report identified an area similar to that proposed by the submitters, field investigation identified that a portion of this was cultivated pasture and that the balance was on terraces that did not contain the significant inherent values suggested. As the point has previously been considered and no new information has been provided the point is disallowed.

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<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub Nos</i>	<i>Decision</i>	
6	That CA1 and CA2 be linked by an effective corridor of conservation land. One of the submitters also identified that this corridor should lie mainly on the southern slope of the linking ridge as inclusion of the northern slope appeared impractical.	2,3,6,10	Accept	Disallow

Discussion:

The area identified by the submitters as a proposed corridor does contain significant inherent values. The protection of significant inherent values is a matter for the Commissioner to considered under Section 24 (b) CPL Act. The point is therefore accepted.

The Commissioner proposed protection of this corridor in the phase leading to the Preliminary Proposal. During consultation further field inspection was undertaken and the significance of this area was considered less than that of other areas proposed for restoration to the Crown. The aspect of ecological sustainability of this area for farming purposes was also considered. In the overall balance of the review the Commissioner decided to allow freeholding of this area. The submitters have not provided new information in relation to this area, therefore the point has been disallowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub Nos</i>	<i>Decision</i>	
7	That CA2 be extended eastward to take in a further catchment of snowtussock grassland in relatively good condition in an area closer to public access from the Ahuriri Valley Road.	2,3,6	Accept	Disallow

Discussion:

While the significance of the relatively good condition of the snowtussock has not been expanded on by the submitter it is taken that this a significant inherent value. As the Commissioner must consider the protection of significant inherent values by virtue of Section 24 (b) CPL Act the point is accepted.

The Conservation Resources Report identified significant inherent values within a portion of the area referred to by the submitters. In the phase leading to the Preliminary Proposal the majority of the area identified by two submitters and considerably more than the area identified by the third submitter was identified. This area was reviewed during consultation including a further ground inspection to ascertain the nature and extent of the significant inherent values. The Commissioner considered this information in putting the Preliminary Proposal to the holder and excluded this area from the proposed conservation area. The submitters have not provided any new information in relation to this area and therefore the point has been disallowed.

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Point	Summary of Point Raised	Sub Nos	Decision	
8	The creation of the concession easements, particularly in CA2 is opposed on the basis that existing practices should not be the foundation for future use and management of conservation areas.	4	Accept	Disallow

Discussion:

The granting of a specified concession to a person specified in the proposal is provided for under Section 36 (1) (a) CPL Act. The Commissioner is also required to obtain provisional consent from the Minister of Conservation for such a designation (*Section 41 (1) (a) CPL Act*). The creation of concessions is a matter for the Commissioner to consider including the conditions contained in them pertaining to the protection of the significant inherent values. The point has therefore been accepted. During consultation it was identified that ongoing farm management access on the routes identified in the Preliminary Proposal was a corollary to obtaining protection of the significant inherent values. The conditions pertaining to the concession are such that protection of the significant inherent values is fully recognised. The submitter has not provided any new information for the Commissioner's consideration in relation to this concession, therefore the point is disallowed.

Point	Summary of Point Raised	Sub Nos	Decision	
9	That the conservation areas be expanded to including the entire catchment of the Lindis River as contained within this lease.	4	Accept	Disallow

Discussion:

The inherent values associated with the Lindis River catchment may be regarded as significant, at least in part. While the submitter has not provided any specific information in relation to the significance of the inherent values this may be a matter for the Commissioner to consider under Section 24 (b) CPL Act and therefore the point has been accepted. The inherent values of the Lindis catchment have previously been considered by the Commissioner. Significant inherent values were identified in the upper reaches of the tributaries of the Lindis River and identified in the Conservation Resources Report. The extent of the significance of these values was reassessed in the consultation leading to the Preliminary Proposal. With the exception of the upper reaches along the ridgeline between Pavilion Peak and Mount Melina those areas containing significant inherent values are to be restored to Crown control as part of this review. The ridgeline area has previously been discussed in relation to Point 6 above. As no new information has been provided in relation to significant inherent values contained within this area the point has been disallowed.

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Point	Summary of Point Raised	Sub Nos	Decision	
10	That CA4 should be extended for the full length of the Avon Burn to its confluence with the Ahuriri River.	4	Accept	Disallow

Discussion:

The submitter has advised that he believes that such protection is important for species survival. He also mentions corridors for birdlife to travel from one area to another to ensure its survival. The submitter identifies that the river margins extending to the escarpments shown on the plans would ensure a better chance of survival of plants and fish/insects etc. These attributes may be significant inherent values that the Commissioner is required to consider in relation to Section 24 (b) CPL Act. Therefore the point is accepted. The significance of the inherent values in relation to the Avon Burn has previously been considered by the Commissioner. The majority of these values are likely to be contained in a marginal strip associated with the Avon Burn on disposition. The values of particular significance are contained within the proposed CA4. The submitter has not provided any new information on the significant inherent values that may lie outside these margins. For these reasons the point is disallowed.

Point	Summary of Point Raised	Sub Nos	Decision	
11	That the farming history of this property and existing fencelines being recognised in the Preliminary Proposal is irrelevant and should not have been considered.	4	Accept	Disallow

Discussion:

One of the objects of the Crown Pastoral Land Act is to enable reviewable land capable of economic use to be freed from the management constraints (*direct and indirect*) resulting from its tenure under reviewable instrument (*subject to the management of reviewable land in a way that it is ecologically sustainable*). As consideration of the economic use is an object of the CPL Act the point is accepted.

The submitter is challenging the consideration of one aspect of the Crown Pastoral Land Act in the context of the tenure review. While the past farming history and fencelines on the property are not an overriding consideration in tenure review these matters have been considered by the Commissioner as they reflect practical boundaries. As no new information in relation to them has been provided the point is disallowed.

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<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub Nos</i>	<i>Decision</i>	
12	That 4WD access be made available to the public on the proposed easements and concession easement routes contained within the Preliminary Proposal.	5,7,8	Accept	Allow to enable further consultation

Discussion:

The securing of public access and enjoyment of reviewable land is an object of the Crown Pastoral Land Act (Section 24 (c) (i)). The point is therefore accepted.

While public access is a major component of the Preliminary Proposal for this review the provision of the public 4WD access in relation to the proposed freehold was only considered in part and public 4WD access within the proposed conservation areas was not considered. This point is one where further consultation with the DGC delegate and the holder would be justified. The point is therefore allowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub Nos</i>	<i>Decision</i>	
13	That CA2 be extended in a northward direction incorporating Pavilion Peak and adjacent slopes.	6	Accept	Disallow

Discussion:

The area identified by the submitter contains significant inherent values and in terms of Section 24 (b) CPL Act the Commissioner is required to consider the protection of these. The point is therefore accepted. The Commissioner previously considered the incorporation of this area in the land to be restored to the Crown. Following field inspections during consultation and in the overall context of the review this area was excluded from that land and included in the proposed freehold. The submitter has only restated the information contained in the Conservation Resources Report and this information has previously been considered by the Commissioner. On the basis that no new information is provided the point is disallowed.

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Point	Summary of Point Raised	Submission Nos	Decision	
14	To re-route easement "a-b" from its existing alignment to the farm track which joins the Birchwood Road at the mouth of the Avon Burn.	6	Accept	Disallow

Discussion:

Public access is one of the objects of tenure review (*Section 24 (c) (i) CPL Act*) and therefore the point is accepted.

The submitter states "we are puzzled as why the first part of access easement "a-b" takes a cross country route from the Birchwood Road including crossings of two steep terrace scarps and the Avon Burn, when a much more practical access route is provided by the farm track that begins approximately 4 kms further south near the Ahuriri River. This track passes no farm buildings so recreational use of it would be unlikely to cause any significant disturbance to the owner of the freehold.

The alternative route was previously considered by the Commissioner of Crown Lands. This route was subsequently considered to be inappropriate as it passed through a major rock quarry, therefore giving rise to significant safety issues. The Commissioner then considered the alignment proposed in the Preliminary Proposal, which also follows an existing farm track and will be easily traversed by mountain bikes, contrary to the claims of the submitter. The information provided by the submitter is therefore not new in its nature and the point has been disallowed.

Point	Summary of Point Raised	Sub Nos	Decision	
15	That an easement be created from the vicinity of the mouth of the Avon Burn to CA2. Two alternative routes are suggested.	6,2,3	Accept	Allow

Discussion:

One of the objects of tenure review is to consider the provision of public access to and for the enjoyment of reviewable land (*Section 24 (c) (i) CPL Act*). The Commissioner considers public access as part of any tenure review and as such the point is accepted. The submitters proposed alternate routes either up a leading ridge to the proposed Conservation Area CA2 or up the floor of a valley system that also leads to the proposed conservation area. Access on these routes has not previously been considered by the Commissioner therefore the information provided is new information and the point is allowed.

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Point	Summary of Point Raised	Sub Nos	Decision	
16	That an easement be created linking CA1 CA2.	3,6,10	Accept	Allow

Discussion:

The provision of public access to and for the enjoyment of the reviewable land is a matter to be considered in tenure review (Section 24 (c) (i) CPL Act) and therefore the point is accepted.

This point is also in some ways related to Point 6 above and some of the dialogue relating to previous considerations on this area are contained in relation to that point. During the consultation of tenure review the designation of the corridor of and land linking CA1 and CA2 was changed from restoration to the Crown to proposed freehold.

This removed the opportunity for public access between the two conservation areas and this aspect was not further addressed during consultation. The information provided by the submitter is therefore new information and the point should be further considered. The point has therefore been allowed.

Point	Summary of Point Raised	Sub Nos	Decision	
17	That marginal strips be provided on the Avon Burn, Lindis River and Longslip Creek.	3,6,10	Not accept	

Discussion:

Marginal strips where appropriate will be created on disposition of the land, but this is a matter for the Director General of Conservation in terms of Part IV of the Conservation Act. The Commissioner does not have jurisdiction in relation to marginal strips and therefore the point is not accepted.

Point	Summary of Point Raised	Sub Nos	Decision	
18	That the Burnt Bush Hut and a hut in the Upper Avon Burn be made available for public use.	6	Not accept	

Discussion:

The provision of public accommodation is not a matter for the Commissioner to consider in terms of the Crown Pastoral Land Act 1998 therefore the point is not accepted. It is noted that the submitter also incorrectly assumes that the Burnt Bush Hut is contained within the boundaries of CA1. The hut is to remain an asset of the holder on the proposed freehold adjacent to the boundary of CA1. This lack of clarity in the designations plan is to be corrected.

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<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub Nos</i>	<i>Decision</i>	
19	That the hill faces on the true left of Longslip Creek, immediately above the confluence with the Ahuriri River and directly above State Highway 8, should have the landscape values protected by a binding covenant that precludes inappropriate development, such as further track construction or unsightly buildings.	6	Accept	Allow to enable further consultation

Discussion:

Landscape is an inherent value in terms of the Definitions of the Crown Pastoral Land Act. The protection of significant inherent values is a matter for the Commissioner to consider under Section 24 (b) CPL Act and as such the point is accepted. The degree of significance will be a matter for further review.

While landscape values associated with this lease have previously been considered by the Commissioner there has been no specific consideration of the covenant protection of the area identified. This is a matter that should be subject to further consultation with the Director General of Conservation and the holder and therefore the point is allowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub Nos</i>	<i>Decision</i>	
20	Include the Dingleburn UCL in the tenure review.	6	Accept	Disallow

Discussion:

The Commissioner of Crown Lands may consider the inclusion of unused Crown land that neighbours the reviewable lease in a tenure review (*Section 29 CPL Act*). As there is provision for the inclusion of such land the point is accepted.

The Commissioner of Crown Lands previously considered the inclusion of this land in the review and decided not to include it. The submitter has not provide any new information in relation to this decision and therefore the point is disallowed.

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Point	Summary of Point Raised	Sub Nos	Decision	
21	That the protection of areas CA3, CA4 and CA5 could also be achieved by freehold disposal of the land with long term protection of these areas guaranteed by legal binding covenants.	9	Accept	Disallow

Discussion:

The protection of significant inherent values is a matter for the Commissioner to consider in tenure review (*Section 24 (b) CPL Act*). This section also allows for such protection to be by way of protective mechanisms or preferably restoration to full Crown ownership and control. As this is a matter for the Commissioner to consider the point has been accepted.

The Commissioner previously considered the nature of protection for the significant inherent values contained in these areas and determined that the areas should be restored to full Crown ownership and control. The submitter has not provided any new information that suggests that this is an inappropriate outcome and therefore the point is disallowed.

Point	Summary of Point Raised	Sub Nos	Decision	
22	The submitter opposes recreation access along the banks of the Ahuriri River within CA3 as this is contrary to the protection of the significant inherent values.	9	Accept	Allow to enable further consultation

Discussion:

The protection of significant inherent values is an object of Part 2 of the CPL Act (*Section 24 (b)*). The protection of these significant inherent values identified in CA3 is therefore a matter for the Commissioner to consider and therefore the point has been accepted.

The submitter notes that the site has been identified as a key breeding and feeding site of the threatened black stilt, and other important birds. Public access should be excluded from such a significant nature protection area. This should be enforced at least in the short term until the black stilt programme has been declared a success and the birds no longer at risk of extinction. The submitter further suggests that a covenant would be the best mechanism to ensure these values were protected, or the area could be given Reserve status for the express purpose of protecting the breeding sites. There is no indication from the files that the Commissioner has previously considered other than a conservation area for this site. The submitter has raised some significant concerns as to the protection of the black stilt, which is identified as one of the key reasons for the conservation area and these matters should be subject to further consultation with the DGC delegate. The point is therefore allowed to enable this consultation to proceed.

Point	Summary of Point Raised	Sub Nos	Decision	
23	The submitter opposes the restoration of the 5550 ha area (CA1 and CA2) to the Crown for a number of reasons.	9	Accept	Disallow

Discussion:

Section 24 (b) CPL Act provides for alternative means of protection of significant inherent values by the use of either protective mechanisms or preferably by restoration to full Crown ownership and control. As these options exist in the Act they are matters for the Commissioner to consider and the point is accepted.

The submitter identifies a number of reasons for this position including that the description of the inherent values does not prove they are of such significance to require Crown ownership, or are more significant than in other areas nearby, the proposal contains no risk analysis, there is no conservation management strategy for these areas, the reviewable land in this area is capable of economic use in terms of Section 24 (a) (ii) CPL Act, and that the proposal will have on farm impact. The submitter therefore concludes that the objects of the Act can be achieved by freehold disposal of the area with the use of a conservation covenant to protect the inherent values.

These matters have been given full consideration during the development of the Preliminary Proposal. In this case the preferred option of restoration of the land to Crown control has been taken. The area would have been restored to full Crown ownership and control other than that access in favour of the holder was required. The submitter has not provided any new information in relation to these areas and therefore the point is disallowed.

Point	Summary of Point Raised	Sub Nos	Decision	
24	The submitter supports the freehold of 9392 ha as the area is capable of economic use and freeholding will promote the management of the land in a way that is ecologically sustainable.	9	Accept	Disallow

Discussion:

Subject to the other provisions of Section 24 of the CPL Act the freeholding of land is a matter for the Commissioner to consider in tenure review (Section 24 (c) (ii) CPL Act). As this is a matter to be considered the point is accepted.

The submitter has not provided any new information in relation to the proposed freehold area, but has supported the proposal in this regard. The submitter does suggest that the entire property is capable of economic use and elsewhere in the submission has suggested that the entire property could be freehold subject to covenant protection of the significant inherent values. In point 21 the submitter considered that the values identified in proposed conservation areas CA3, CA4 and CA5 could be achieved by covenants over freehold. As noted there, the Commissioner previously considered the nature of protection for the

significant inherent values contained in these areas and determined that the areas should be restored to full Crown ownership and control. In point 23 the submitter opposed the restoration of conservation areas CA1 and CA2 to the Crown for a number of reasons. As note in relation to that point these matters were given full consideration during the development of the Preliminary Proposal and the preferred option of restoration of the land to Crown control taken. As no new information has been provided the point is disallowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub Nos</i>	<i>Decision</i>	
25	The submitter opposes the unrestricted public access easements that provide access to CA1.	9	Accept	Disallow

Discussion:

The provision of public access to and for the enjoyment of the reviewable land is a matter to be considered in terms of Section 24 (c) (i) CPL Act. For this reason the point is accepted.

The submitter suggests that unrestricted public access to CA1 is opposed for a number of reasons:

- Risks associated with the nature and remoteness of the country.
- Climatic dangers.
- Health and safety issues.
- Public impact on us and our business as neighbours adjoining CA1.
- Boundary fence implications.

These themes are developed in some depth. These matters relate to a large extent to the management of the proposed conservation area on the completion of tenure review.

The basis for restoring land to Crown control relates to the ecologically sustainable use of the land and the protection of significant inherent values. These management factors raised are therefore not of a nature for further consideration in establishing the conservation area. As this is not new information that contributes to the Commissioner's decisions the point is disallowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub Nos</i>	<i>Decision</i>	
26	The submitter supports the easement concessions offered to the holder in connection with the review.	9	Accept	Disallow

Discussion:

The Commissioner can consider the granting of concessions to a person specified in the proposal in terms of Section 36 (1) (a) CPL Act. For this reason the point is accepted.

The submitter's support for the proposed concession is noted, but as no new information is provided the point is disallowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub Nos</i>	<i>Decision</i>	
27	That either new fencing is established without earth disturbance or fencelines are realigned to the toe of slopes.	3,10	Not Accept	

Discussion:

While the protection of significant inherent values is a consideration by the Commissioner under the CPL Act, fencing is not and the point is not accepted. It is noted that the Commissioner has however decided that fencing will occur on practical lines on this property. Bulldozing of the fencelines does not form part of the specification for this fencing.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub Nos</i>	<i>Decision</i>	
28	That an easement be created to provide access to Mt Prospect.	3,10	Accept	Allow

Discussion:

The provision of public access to and for the enjoyment of the reviewable land is a matter to be considered in tenure review (*Section 24 (c) (i) CPL Act*) and therefore the point is accepted.

Access to the proposed conservation area in this vicinity has not been considered previously. This is new information and the point should be considered. The point has therefore been allowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub Nos</i>	<i>Decision</i>	
29	That a camping area be provided in the vicinity of Burnt Bush Hut	3,10	Accept	Allow

Discussion:

Clause 24(c)(i) CPL Act provides for the securing of public access to and enjoyment of public land. The opportunity to camp in this vicinity could contribute to "enjoyment of public land" and therefore the point is accepted. The Commissioner has not previously considered this point, and while the terrain may in fact preclude this option, the point is allowed to enable the point to be considered.

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<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub Nos</i>	<i>Decision</i>	
30	That the current rest area between State Highway 8 and Longslip Creek be restored to the Crown.	3,10	Accept	Allow

Discussion:

Clause 24(c)(i) CPL Act provides for the securing of public access to and enjoyment of public land. The opportunity to rest and picnic in this vicinity could contribute to "enjoyment of public land" and therefore the point is accepted. This area is currently widely used for these purposes. This information has not previously been considered. The boundaries of the lease, the state highway and any potential marginal strips in this area are unclear and need to be considered. The point is allowed for consideration.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub Nos</i>	<i>Decision</i>	
31	That the easement documents need to be changed in relation to public notification of changes, exclusions in relation to Section 126G Property Law Act, temporary closures, or the nature of the instrument.	3,10	Accept	Disallow

Discussion:

Public access is a matter for the Commissioner to consider pursuant to Clause 24(c)(i) CPL Act. Therefore the point is accepted. The terms and conditions of easement documents have been subject to wide review by the Commissioner, therefore the point is disallowed. The final part of this point suggested that to avoid potential OSH and ACC issues public access should be by way of "public paths" rather than easements. This alternative mechanism does not appear in the CPL Act.

(5) Discussion and conclusions:

Discussion relative to the particular points has been made above under each point for simplicity and clarity. There are very few major themes identified through the public process in relation to this lease. A small number of submitters suggested various boundary adjustments to the conservation areas, but their information was based largely on old PNA surveys or restated information contained in the Conservation Resources Report. Very little new information was provided on any aspect and the majority of these points were disallowed.

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Concern regards public access led to a number of submissions and some aspects of this had not previously been considered by the Commissioner. Further consultation with the DGC delegate and the holder in regard to access will be required. Access in favour of a neighbouring property was raised by both the neighbour and the holder. The opportunity for this in terms of the CPL Act is yet to be determined.

The points raised by the submitters have been carefully analysed and full consideration given to them.

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