

Crown Pastoral Land Tenure Review

Lease name: MT ASPIRING STATION

Lease number: PO 231

Analysis of Public Submissions

This document includes information on the public submissions received in response to an advertisement for submissions on the Preliminary Proposal. The report identifies if each issue raised is allowed or disallowed pursuant to the Crown Pastoral Land Act. If allowed the issue will be subject to further consultation with Department of Conservation, or other relevant party.

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

October

09

**ANALYSIS
OF
PUBLIC SUBMISSIONS**

MT ASPIRING



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)

MT ASPIRING TENURE REVIEW NO 261**Details of lease**

Lease name:	Mt Aspiring pastoral lease
Location:	Mt Aspiring is located at the end of the Wanaka Mt Aspiring Road approximately 44 kilometres from Wanaka and 320 kilometres from Dunedin.
Lessee:	Mt Aspiring Company Limited

Public notice of preliminary proposal

Date advertised:	Saturday 21st February 2009
Newspapers advertised in:	
	<ul style="list-style-type: none"> • The Press Christchurch • The Otago Daily Times Dunedin • The Southland Times Invercargill
Closing date for submissions:	22 April 2009

Details of submissions received

Number received by closing date:	16
Cross-section of groups/individuals represented by submissions:	

Submissions were received from mainly non government environmental and recreation groups together with a territorial local authority, private individuals and a government department.

Number of late submissions refused/other:	Nil
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ANALYSIS OF SUBMISSIONS**Introduction**

Each of the submissions received has been reviewed in order to identify the points raised and these have been numbered accordingly. Where submitters have made similar points these have been given the same number.
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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.

Analysis

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

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

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
1	Statements of support for aspects of the proposal.	1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16	Allow	Accept
Rationale for Allow or Disallow				

General Support:

Submitter 2 expresses support for the majority of the proposal, with two recommendations for additional protection over proposed freehold land, outlined in points 11 and 12 below.

Submitter 3 believes that in the main, this is a good proposal that will secure the objectives sought by the Crown Pastoral Land Act 1998.

Submitter 9 supports the preliminary tenure review only if adequate steps are taken to protect and enhance the recreational experiences for the majority of visitors users who simply wish to walk, tramp or ski in the natural quiet that the land has to offer. These steps focus on opposition to concessions (points 4 and 5 below), consideration of mountain bike access over conservation land (point 10 below), covenants over all freehold land (point 12 below), and additional conditions for the hill easements and easements into the East Branch of the Matukituki Valley (points 20 and 21 below).

Submitter 11 broadly supports the proposal but stated they have concerns about the potential for developments on the proposed freehold land. They also recommended changes to the proposed concessions (points 2, 3 and 4 below), suggests a blanket wander at will provisions over parts of the freehold land (point 15 below) and want the proposed conservation covenant CC1 to be retained in Crown ownership (point 16 below).

Submitter 12 also expresses support for the proposal with the only concern related to ensuring public vehicle access is restricted up the West Matukituki Valley, outlined in point 22 below, sub point (b).

Submitter 15 is generally supportive of the proposal subject to concerns with the proposed recreation concession and Cascade Hut, outlined in points 4 and 24 below. The submitter has also stated that they are not opposed to continued grazing on the flats between Cascade Hut and Aspiring Huts however, it should be noted that grazing is not proposed over this area ..

Support for Proposed Conservation Areas:

Submitters 7, 10, 11, 13, 14 and 16 endorse all the proposed conservation areas. Although these submitters support the conservation areas, many have reservations about the proposed concessions within two of the five conservation areas, these are dealt with in points 2, 3, 4, 7 and 8 below.

In addition to the above submitters support for specific grazing concessions was provided by Submitters 9 and 15 who support the Mill Creek (GC1) and Cattle Face (GC2) grazing concessions. Submitter 14 only supports the Mill Creek grazing concession, while Submitter 11 only supports the Upper Matukituki Faces grazing concession (GC3).

Submitters 7, 10 and 13 while stating their support for these conservation areas expressed concern about the lack of monitoring where CA2 and Conservation Covenant CC1 have a common boundary, this is discussed below in point 13.

Support for area Proposed to be Freeholded:

Submitters 5, 7, 10, 13 and 14 support the proposed freehold land. Submitter 5 provided a generic comment by stating they support the freeholding of land through tenure review insofar as it facilitates to retain Mt Aspiring Station as an operating farm unit which assists in the management of the land and contributes to the local economy.

Support for Proposed Conservation Covenants:

Submitters 7, 10, endorse the proposed conservation covenants CC1 and CC2 but are concerned that the bush margin of covenant CC1 along the boundary with the proposed conservation land may be at risk from cattle grazing. This concern is outlined in point 13 below.

Submitter 14 also supports both covenants but without any additional concerns.

Submitter 11 only supports conservation covenant CC1, while submitters 13 and 16 only support conservation covenant CC2.

Support for Proposed Easements:

Submitter 1 supports the provision for carrying guns but suggest provision for hunting dogs should also be included. This suggestion is dealt with under point 17.

Submitter 2 provides specific support for easements up the East Branch by stating that it is good to see vehicle access up the East Branch is prevented.

Submitters 4, 5, 7, 8, 11, 13, 14, 15 and 16 support the public access provisions provided.

Submitter 11 makes further suggestions of wander at will provisions could be provided, this is outlined in point 15 below.

Submitter 8 supports non motorised access including horse riding and believes that these easements should not preclude this access. Suggestions relating to public horse access are outlined in point 19 below.

Submitter 10 accepts the access provisions will be adequate for conservation and recreational purposes and by the public generally, but suggest periodic vehicle access be provided for. This suggestion is outlined in point 22 below, sub point (a).

Submitters 7, 10, 13 and 14 specifically endorsed the management easement near Raspberry Creek car park to convey water and land helicopters.

The above statements of support are valid matters as they are relevant to the tenure review and relate to the objects the CPLA and they have therefore been allowed for further consideration.

Rationale for Accept or Not Accept

The point relates to the objects and matters to be taken into account in the CPLA and statements of support for aspects of the proposal can be considered by the commissioner when formulating the designations for a Substantive Proposal.

The point has therefore been accepted for further consideration in the formulation of the Substantive Proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
2	The Mill Creek grazing concession (GC1) within Conservation Area CA1 should be amended to have a shorter term and/or suggestions of monitoring provisions.	3, 7, 10, 11, 13, 16	Allow	Accept

Rationale for Allow or Disallow

Submitter 3 considers the term of the grazing concession too long and believes the period and stock levels are based on untested assumptions about the impact of grazing on vegetation. They have not suggested any change in the term of the concession.

Submitter 3 does however, along with submitters 7, 10 and 13 suggest monitoring provisions be included with the ability to adjust grazing if the results of monitoring are found to be having detrimental effects on the vegetation.

Submitter 13 believes monitoring should be automatic given the long period of the grazing concession.

Submitters 7, 10 and 16 suggest the term of the grazing concession be reduced from 10 years to 5 years. Submitters 7 and 10 consider the proposed stocking rate is unlikely to do a great deal of ecological damage but preferred a shorter grazing term of 5 years to allow the indigenous vegetation to recover earlier. Submitter 16 considers cattle grazing is resulting in damage to forest margins and believes a 5 year term would better ensure the sustainable management and protection of the significant inherent values.

Submitter 11 simply questions the need for a 10 year term when 5 years is used in most tenure reviews.

Submitters 16 states that the concession document does not include a description of the values to be protected and request a Schedule 3 is added with a section describing the values and outlining the purpose is for recovery of indigenous shrublands. They further

request spraying be added to clause 10.1 (f) on page 5 to preclude the activity from the concession.

The point relates to the protection of biodiversity and landscape significant inherent values. Section 24(b) of the CPLA relates to the protection of significant inherent values, so this point has been allowed for further consideration.

Rationale for Accept or Not Accept

The point relates to the objects and matters to be taken into account in the CPLA and while the point highlights issues that have been previously considered submitters articulate reasons why they prefer an alternative outcome. In regard to monitoring provisions it also introduces a perspective not previously considered.

The point has therefore been accepted for further consideration in the formulation of the Substantive Proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
3	The Cattle Face grazing concession (GC2) within Conservation Area CA1 should be amended to have a shorter term and/or suggestions of better monitoring provisions including the ability to mitigate the effects of grazing if needed.	3, 7, 10, 11, 13, 14, 16	Allow	Accept

Rationale for Allow or Disallow

Submitter 3 consider the terms of the grazing concession are too liberal and believes the period and stock levels are based on untested assumptions about the impact of grazing on vegetation. They consider the period proposed to be excessive but do not specify a period for a shorter concession term.

Submitter 3 does however, suggest stricter monitoring provisions be included in the concession with the ability to adjust grazing if the results of monitoring are found to be having detrimental effects on the vegetation.

Submitter 10 takes this suggestion further by suggesting the Minister should have the discretionary power to modify or terminate the concession if the monitoring outlined in Schedule 3 shows grazing is having detrimental effects on the vegetation.

Submitters 7, 10, 13, 14 and 16 suggest the term of the grazing concession be reduced from 15 years to 10 years as they have concerns about the stocking rate potentially having adverse ecological effects on the vegetation and delaying its recovery. Submitters 10 and 14 further suggests the stocking rate should be reduced part way through the 10 year period they are requesting as they do not consider the higher exotic component justification for a 15 year concession. Submitter 13 does not see any justification for a 15 year term given the average useful life of sheep is 5 years and for cattle 10 years.

Submitters 7, 10 and 16 also question how stock will be confined to the concession area since the upper boundary is unfenced and therefore suggest monitoring of the tussock grasslands. It is interpreted the submitters are suggesting stock will likely graze the tussock grasslands beyond the consented area and monitoring provisions should therefore be extended to encompass the wider area that will potentially be subject to grazing.

Submitter 11 simply questions the need for a 15 year term when 5 years is used in most tenure reviews.

Submitter 16 requests the description of values within Schedule 3 include that it provides for the recovery and expansion of indigenous shrublands. They further request spraying be precluded by adding that to clause 10.1 (f) on page 5 and in Schedule 3 to preclude the activity from the concession.

The point relates to the protection of biodiversity and landscape significant inherent values. Section 24(b) of the CPLA relates to the protection of significant inherent values, so this point has been allowed for further consideration.

Rationale for Accept or Not Accept

The point relates to the objects and matters to be taken into account in the CPLA and while the point highlights issues that have been previously considered submitters articulate reasons why they prefer an alternative outcome.

The point has therefore been accepted for further consideration in the formulation of the Substantive Proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
4	Oppose the proposed recreation concession to Trilane Industries to operate Whare Kea Lodge on Albert Burn Saddle within Conservation Area CA1.	3, 4, 7, 9, 10, 11, 13, 14, 15, 16	Allow	Accept

Rationale for Allow or Disallow

Submitters considered the recreation concession activity an inappropriate use of the area as it impacts on the inherent quiet enjoyment and remote experience the area provides. The lodge is also considered to impact on the landscape values. Several submitters also considered the application of the recreation concession should not occur within the Tenure Review process and instead be an application outside of tenure review directly with DoC.

Submitter 3 opposes the tenure review process being used for the granting of the recreation concession. They believe they should apply for the concession from the Department of Conservation after tenure review. Submitter 7 also considers it inappropriate to grant a new concession within the proposal.

Submitters 4 and 7 consider the recreation concession allowing helicopter landings is an inappropriate use of the area. Submitter 7 states the reason for that as being aircraft movements associated with the enterprise are intrusive and unacceptable in such country.

Submitter 9 points out that the east Matukituki Valley is the more remote and quieter of the two branches. Beyond the Glacier Burn is very remote with few visitors, challenging tramping tracks becoming routes only and no huts in the area. The draft Mt Aspiring Plan designates the east branch as remote. The Lodge itself appears to be largely for private use which is at odds with the Conservation General Policy. They also suggest the activity of the commercial lodge near the boundary to Mt Aspiring National Park and the helicopter flights are incompatible with the recreational opportunities in this remote setting.

Submitters 10 state they were opposed the original recreation permit for the lodge on Albert Burn Saddle when it was a pastoral lease and they consider it would be entirely inappropriate to grant a new Concession to continue operation of this lodge when the surrounding area becomes part of CA1. They understand it is normal for recreation permits to expire on completion of tenure review and would only continue if a new concession was granted by DoC as the manager of new Conservation Area. They do not consider the application of this concession should be part of the tenure process because it precludes most of the public input that might otherwise occur.

Submitter 13 also believes because the land is being returned to the Crown and managed by DoC any application for a new concession post tenure review should be applied for directly to DoC and be open to public submission. They further suggest the hut should be removed on completion of tenure review or DoC could purchase it if the department sees a need for it in that location.

Submitter 15 also opposes the concession on the basis that on completion of tenure review the operation granted as a recreation permit has no rights to continue. They suggest the term of potentially 30 years (15 years with a right of renewal for 15 years provided all conditions met) will potentially compromise consideration of future management options over the conservation land. They would support a term of 5 years for a temporary recreation concession.

Submitter 11 also previously opposed the operation of the lodge and has suggested at the very least, the concession should require the concessionaire to provide a public shelter attached to the existing building.

Submitter 14 considers the location of this recreation concession in the high alpine zone adjacent to Mt Aspiring National Park is a planning anomaly. They suggest continuation of this concession cannot be justified once the Conservation Area is formalised but if it is approved it should be for a maximum period of 8 years.

Submitter 16 believes the proposed recreation concession is contrary to the objects of the CPLA as it does not provide for public access and enjoyment of the site and enjoyment of the wider area. They also consider it does not meet requirements of S39 because it does not adequately describe the potential effects of the activity or describe actions to avoid, remedy or mitigate any adverse effects. The submitter outlines the adverse effects as including noise disturbance related to helicopter activity and degradation of the remote experience for users of the area due to the visibility of the lodge and associated activities. They also suggest the proposed concession is inconsistent with a range of DoC policies

and objectives plus they point out tenure review does not offer the same consultation opportunity for public hearing as a concession does.

The point relates to the protection of recreational and landscape significant inherent values plus public enjoyment of the reviewable land. Section 24(b) of the CPLA relates to the protection of significant inherent values and Section 24(c) relates to making easier the securing of public access and enjoyment of reviewable land, so this point has been allowed for further consideration.

Rationale for Accept or Not Accept

The submitters outline a number of factors based around three main areas for their opposition to the proposed concession.

Firstly a number of submitters believe it is inappropriate use of the area in the remote setting adjacent to the National Park where they said helicopter landings would be intrusive. The private use of the lodge is considered at odds with the Conservation Act 1987 and the 30 year term would compromise future management options of the land.

The second main area of concern was that the tenure review process should not be used to grant the concession. Submitters outlined the expectation is that recreation permits issued over pastoral lease land will be extinguished on successful completion of tenure review and granting a concession for continuation of the activity as an outcome of tenure review does not offer the same opportunity for public hearing as the DoC concession process. A number of submitters believe the normal process of recreational permits expiring on completion of tenure review should be followed and any new concession be applied for directly with DoC outside tenure review.

The third area of concern was raised by one submitter who believes the proposed recreation concession is contrary to the objects of the CPLA.

The point relates to the objects and matters to be taken into account in the CPLA and it also introduces new perspectives not previously considered. Furthermore, while some submitters also highlight issues that have previously been considered, reasons have been articulated as to why an alternative outcome is preferred.

The point has therefore been accepted for further consideration in the formulation of the Substantive Proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
5	Oppose any new concessions that involve motorised access.	9	Allow	Accept

Rationale for Allow or Disallow

This point is interpreted as opposing any new concessions involving motorised transport being implemented within the Tenure Review process due to the potential disturbance that may result from those activities and the consequent adverse affect on other recreational

users quiet enjoyment of the area. The submitter used examples such as helicopter or fixed wing aircraft, or vehicular.

The point relates to the protection of recreational significant inherent values plus public enjoyment of the reviewable land. Section 24(b) of the CPLA relates to the protection of significant inherent values and Section 24(c) relates to making easier the securing of public access and enjoyment of reviewable land. This point has therefore been allowed for further consideration.

Rationale for Accept or Not Accept

The point relates to the objects and matters to be taken into account in the CPLA and introduces a new perspective not previously considered.

The point has therefore been accepted for further consideration in the formulation of the Substantive Proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
6	The lower part of proposed Conservation Area CA3 could be freeholded subject to conservation covenants.	4	Allow	Not Accept

Rationale for Allow or Disallow

The submitter states that the case for including the lower part of proposed CA3 where the vegetation is dominated by introduced species of pastures grasses is not well made. They suggest covenants could be used.

Although the submitter is suggesting a lower level of protection from that currently proposed the point still relates to the protection of significant inherent values. Section 24(b) of the CPLA relates to the protection of significant inherent values. It also relates to enabling land capable of economic use to be freed from the management constraints resulting from its tenure under reviewable instrument which is an object under Section 24(a) of the CPLA. This point has therefore been allowed for further consideration.

Rationale for Accept or Not Accept

It appears the submitter may have misinterpreted the description which was a general statement stating that below about 1000 metres, depending on the topography, the vegetation is dominated by introduced species of pastures grasses. The boundary more closely follows the 1000 to 1100 metre contour when not defined by rocky outcrops or riparian zones.

The boundary between CA3 and proposed freehold land was extensively investigated during consultation leading up to finalising the preliminary proposal and generally follows the upper elevation to which grazing extends.

Although the point relates to the objects and matters to be taken into account in the CPLA, it does not introduce new information or a perspective not previously considered. Also, while it does highlight issues previously considered and the submitter articulates reasons why they prefer an alternative outcome it is considered those reasons have previously been thoroughly investigated.

The point has therefore not been accepted for further consideration in the formulation of the Substantive Proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
7	The Upper Matukituki grazing concession (GC3) within Conservation Area CA3 should be amended.	7, 10, 13, 16	Allow	Accept in part (being Sub-points (a), (b), (c) and (e))
Rationale for Allow or Disallow				

The main areas highlighted by submitters were suggestions for better monitoring provisions, a reduction in the term of the proposed grazing concession and more occurrences in the concession document that state merinos are to be excluded as currently there is one entry in clause 2 of Schedule 1.

Sub-point (a)

Better monitoring provisions of the values.

Submitter 7 considers the monitoring provisions of periodic inspections and consultation with the concessionaire to be not sufficient given the 30 year term. They accept the reasons for the inclusion of this concession but request that the monitoring provisions should be more comprehensive without providing any detail as to what that may entail. The submitter also appears to have not sighted the provision that excludes merino sheep in clause 2 of Schedule 1 as they also request this to be stated in the concession document.

Sub-point (b)

Shorter Grazing Concession

Submitters 10 and 13 consider 30 years too long a period for the grazing concession and suggest a term of 10 years with a potential right of renewal for a further 10 years depending on the results of monitoring and the 10 year review of the management prescription.

Submitter 16 also considers a 30 year term is not consistent with protection of the sivs and they have suggested in the body of their submission a term of 10 years with provision for a further 10 years should monitoring show that the sivs are not being degraded. It is noted this suggestion is at variance with the "Decisions sought" summary section of this submission which suggests a non renewable concession term of 10 years as being appropriate.

Sub-point (c)

Monitoring of stock movement

Submitters 10 is concerned about uphill stock migration to the higher areas of native vegetation and has suggested provisions to monitor stock movements be added to the concession with the ability to modify the concession if needed to minimise damage to higher zones of native vegetation. They note there is no mention to exclude merinos in Schedule 3 of the management prescription.

Sub-point (d)

Fencing

Submitter 13 suggests fencing should be considered at lower levels if the concession is not successful as determined from the monitoring provisions. They suggest if monitoring is carried out as prescribed and merinos are not permitted there should be an indication within 10 years on how successful the concession is.

Sub-point (e)

Amendments to exclude spraying and other vegetation clearance

Submitters 16 was also concerned the concession does not preclude spraying or other means of vegetation clearing, in addition to the shorter concession they have made a number of additional requests as listed below.

- (i) The description of the values needs to include it provides for recovery and expansion of indigenous vegetation.
- (ii) Add spraying or other vegetation clearance to clause 10.1 (f) and to clause 1 (a) in Schedule 3 in the section on vegetation.
- (iii) Amend clause 2 in Schedule 2 to exclude merinos.
- (iv) Amend clause 10 in Schedule 2 so that any new concession is dependant upon monitoring showing no degradation of sivs and ensure that the sivs are sustainable, natural regeneration is adequate and that shrublands are naturally expanding.

The point relates to the appropriate protection of significant inherent values. Section 24(b) of the CPLA relates to the protection of significant inherent values, hence this point has been allowed for further consideration.

Rationale for Accept or Not Accept

Sub-point (a), (b), (c) and (e)

These sub-points relate to objects and matters to be taken into account in the CPLA and although they do not present new information they do outline perspectives not previously considered as the concession was only considered necessary for the occasional stock drift that may occur. These sub-points have therefore been accepted for further consideration in the formulation of the Substantive Proposal.

Sub-point (d)

The issue of the proposed freehold boundary being fenced has been investigated and it was concluded contour boundary fencing is not practical given the nature of the terrain. It

was recognised in particular a contour fence line would result in the need for continuous maintenance plus it would potentially have a significant detrimental impact on the landscape.

Investigation has confirmed stock drift beyond the proposed freehold boundary is expected to be minor. As such, the proposal is considered to be consistent with the objects of the CPLA. In the unlikely event short sections of new possibly lower altitude fencing were considered to be required in the future to ensure the protection of sivs within CA3, that would be addressed as a post tenure review management issue for DoC and the landowner.

Although the point relates to the objects and matters to be taken into account in the CPLA, and it highlights an issue previously considered where the submitter articulates reasons why they prefer an alternative outcome, this issue has been thoroughly considered and addressed.

The point has therefore not been accepted for further consideration in the formulation of the Substantive Proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
8	The Upper Matukituki grazing concession (GC3) within Conservation Area CA3 is opposed.	14	Allow	Accept
Rationale for Allow or Disallow				

The submitter considers the grazing concession would formalise any breaches that may occur over conservation land where the conditions of the agreement are to not graze the land. They suggest stock management including the type of stock can be used by the owner to avoid breaches and the Department of Conservation use monitoring to ensure compliance.

The point relates to the appropriate protection of significant inherent values. Section 24(b) of the CPLA relates to the protection of significant inherent values, hence this point has been allowed for further consideration.

Rationale for Accept or Not Accept

The submitter rejects the proposal as they believe it would merely formalise any breaches in respect to grazing of the proposed conservation land.

The point relates to the objects and matters to be taken into account in the CPLA and while it highlights an issue previously considered, the submitter articulates reasons why an alternative outcome under the CPLA is preferred.

The point has therefore been accepted for further consideration in the formulation of the Substantive Proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
9	Proposed Conservation Area CA5 should be freeholded with an easement to provide access into the National Park.	4	Allow	Not Accept
Rationale for Allow or Disallow				

The submitter considers that because the area is dominated by modified pasture on grassy flats that the lessee can better manage the area in terms of weed control compared to government agencies with controlled grazing. They suggest an easement would be sufficient to provide access into the National Park.

The point relates to the appropriate protection of significant inherent values plus enabling land capable of economic use to be freed from the management constraints resulting from its tenure under reviewable instrument and also public access. Section 24(b) of the CPLA relates to the protection of significant inherent values while enabling land capable of economic use to be freed from the management constraints is an object under Section 24(a) of the CPLA and Section 24(c) relates to public access. The point has therefore been allowed for further consideration.

Rationale for Accept or Not Accept

The designation of these grassy flats was thoroughly considered and debated at length during the formal consultation process leading up to the development of the preliminary proposal. Various options were explored over the entire flats covering approximately twice the area of Conservation Area CA5. On balance, in terms of protection of values and management of the land in a way that is ecologically sustainable it was considered appropriate to designate approximately half of the flats as land to be retained in Crown ownership as conservation land and the other half as freehold land.

The submitter considers “these sorts of areas” have not been managed well by government agencies elsewhere and controlled grazing represents a better management option. However, no evidence or examples have been provided by the submitter to support their claim.

Although the point relates to the objects and matters to be taken into account in the CPLA, and it highlights an issue previously considered where the submitter articulates reasons why they prefer an alternative outcome, this issue has been thoroughly considered and addressed.

The point has therefore not been accepted for further consideration in the formulation of the Substantive Proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
10	Mountain bike access over proposed Conservation Area CA5 to the boundary of Mt Aspiring National Park needs to be considered.	9	Disallow	N/A
Rationale for Allow or Disallow				

The point is considered to be a post tenure review land management issue for DoC and not a relevant matter able to be dealt with by the CPLA.

This point has therefore been disallowed for further consideration within tenure review but the comments made by the submitters will be referred to the Department of Conservation to take into account in determining future management of CA5.

Rationale for Accept or Not Accept

N/A

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
11	Freehold land on the hill slopes proposed to be subject to a conservation covenant should be returned to Crown ownership.	2	Allow	Not Accept
Rationale for Allow or Disallow				

The submitter has said the land on the true right side of the West Branch of the Matukituki River that is not part of the valley floor or toe of the hill and is currently proposed as part of conservation covenant CC should become conservation land.

The point relates to the appropriate protection of significant inherent values. Section 24(b) of the CPLA relates to the protection of significant inherent values, hence this point has been allowed for further consideration.

Rationale for Accept or Not Accept

The submitter suggests the land in the West Matukituki which is not part of the valley floor become Crown land but they have not presented any substantial reasons why that outcome is preferred other than saying the land should be left to revert back to its natural state. They state this valley is of outstanding beauty and to continue to graze the higher land is really a poor reflection on this country. However, they have not elaborated why they consider a conservation covenant could not protect the values identified.

The area in question was extensively discussed during the formal consultation process leading up to the development of the preliminary proposal. It essentially comprises of a warm face dominated by introduced species and it represents an important component of the Mt Aspiring farming operation. It was considered most of the ecological significant inherent values associated with these faces are confined to riparian margins and rocky colluvial fans which are either naturally protected or in the case of the larger areas of woody vegetation are specifically protected by clause 9 in Schedule 2 of the proposed conservation covenant.

Although the point relates to the objects and matters to be taken into account in the CPLA, it does not introduce new information or a perspective not previously considered. Also, while the point does highlight issues previously considered, the submitter has not articulated reasons why they prefer an alternative outcome and therefore it has not been accepted for further consideration in the formulation of the Substantive Proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
12	Parts or all of the proposed unencumbered freehold land should be subject to a covenant.	2, 9	Allow	Accept
Rationale for Allow or Disallow				

Submitter 2 suggests the land behind the Homestead should be subject to a conservation covenant and also suggests a covenant could be considered along the river margins above and below their confluence of around 20-30 metres wide. They consider a transition zone from riverbed to farmland would have merit in an area of outstanding beauty.

Submitters 9 suggest there should be covenants over any land that is to be freeholded to control subdivision and development. They consider the district plan and RMA cannot be relied on to prevent inappropriate development and believe few New Zealanders would want to see development in the Matukituki Valley. They also emphasis this area is the periphery of the national park which they consider an equally sensitive landscape as lakeside zones. They further suggest discrete development zones could be identified within tenure review to absorb a limited amount of development and protect the rural nature of the balance of the freehold under a landscape covenant.

The point relates to the appropriate protection of significant inherent values. Section 24(b) of the CPLA relates to the protection of significant inherent values, hence this point has been allowed for further consideration.

Rationale for Accept or Not Accept

Submitter 2 has simply made a statement of preference without providing any reason for a covenant behind the homestead. Their statement concerning a covenant along the river margins was simply a statement to say consideration could have been given to a covenant, the submitter did not make a definite request. It is noted the 20-30 metre wide protection zone they suggest is essentially provided by existing marginal strips, the exact location of which will be determined during implementation survey. Marginal strips are not

part of the reviewable land and they are therefore handled outside of the tenure review process.

Submitter 9 has provided a clear argument why they advocate a conservation covenant should be applied over all proposed freehold land. They argue this is to control subdivision and development as the district plan and RMA can not be relied on to protect the landscape, particularly being a buffer to the National Park which they consider makes it a sensitive landscape.

The point relates to the objects and matters to be taken into account in the CPLA. While it has not introduced any new information it highlights an issue previously considered and submitter 9 articulates reasons why an alternative outcome under the CPLA is preferred. On this basis the point has been accepted for further consideration in the formulation of the Substantive Proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
13	Areas of Conservation Covenant CC1 along the bush margin need additional protective conditions.	7, 10, 13,	Allow	Accept
Rationale for Allow or Disallow				

The point relates to those parts of Conservation Covenant CC1 that have a common boundary with Conservation Area CA2 and the National Park along the bush margin of the beech forest. The submitters are concerned about the potential damage to the bush edge by cattle grazing and request monitoring with the provision to remove cattle if needed.

Submitters 7, 10 and 13 make these points under statements of support for CA2 with suggestions for monitoring the bush margin boundary where it borders Conservation Covenant CC1. It is interpreted they are recommending modifications to the covenant, otherwise management of conservation land is a post tenure review DoC management issue.

Submitters 7, 10 & 13 advocate provision should be made for monitoring potential damage to bush edges of CA2. Submitter 10 adds that provision should also be made for mitigation measures such as fencing or restricting grazing to sheep only be applied if warranted by monitoring.

Submitters 7 & 10 request in a later section of their submissions (relating specifically to CC1) that the parts of the covenant that border with CA2 and the National Park should be amended to exclude cattle grazing by allowing sheep only grazing where there is a risk of damage to the bush edge. They do not suggest prior monitoring as outlined in earlier parts of their submission on the same boundary, therefore it is interpreted their request to exclude cattle is after monitoring first establishes they are having an adverse impact that warrants mitigation measures.

Submitter 13 clearly states that if monitoring shows that damage is occurring then steps could be taken to either fence certain areas or endeavour to graze sheep only on that area.

The point relates to the appropriate protection of significant inherent values. Section 24(b) of the CPLA relates to the protection of significant inherent values, hence this point has been allowed for further consideration.

Rationale for Accept or Not Accept

The issue of the effects of cattle along this particular bush margin was discussed during the formal consultation process leading up to the development of the preliminary proposal. It was generally considered cattle impact is relatively minor as parts of the boundary currently show good signs of beech forest regeneration. It is however acknowledged cattle grazing does have the potential to damage the bush margin depending on grazing intensity. Fencing is not generally considered a practical option due to the turbulent nature of the many tributary water courses of the Matukituki River that occur in this area and the forest succession process along the beech forest margin that results in falling dead limbs causing a continuous maintenance issue.

The point relates to the objects and matters to be taken into account in the CPLA. While it has not introduced any new information it highlights an issue previously considered and the submitters' articulate reasons why an alternative outcome under the CPLA is preferred.

The point has therefore been accepted for further consideration in the formulation of the Substantive Proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
14	Amend special condition of Conservation Covenant CC1 to better protect the woody vegetation.	13, 16	Allow	Accept (being Sub-points (a) & (b))
Rationale for Allow or Disallow				

Sub-point (a)

Cultivation on the fans

Submitter 13 suggests the covenant should preclude cultivation on the fans.

Sub-point (b)

Better protection of the woody vegetation

Submitter 16 express concern the covenant allows the felling and removal of trees and shrubs together with burning and chemical spraying. They are concerned that although clearance in the areas marked on the aerial photographs is prohibited (clause 9 of Schedule 2), clearance is not defined in the covenant. They further suggest it is unfortunate the covenant boundaries are not marked on the aerial photos as they consider it is difficult to determine if most of the areas of woody vegetation are protected.

They suggest many of the remnant shrublands and forests in this area are likely to be on an “At Risk” environment and comment that this appears not to have been considered.

The following specific amendments to the covenant document were suggested:

- (i) Define clearance to include spraying or mechanical means, and mob stocking.
- (ii) Amend clause 9 schedule 2 to ensure that all patches of shrublands and forests are circled (within the aerial photos referred to in clause 9 of Schedule 2) and burning and spraying and mob stocking is prohibited.

The point relates to the appropriate protection of significant inherent values. Section 24(b) of the CPLA relates to the protection of significant inherent values, hence this point has been allowed for further consideration.

Rationale for Accept or Not Accept

Sub-point (a)

Submitter 13 in advocating no cultivation on the fans has not specifically outlined the reasons why they are seeking that outcome. The protection of landscape and possibly also remnant patches of shrubland and forest vegetation is interpreted as being the basis for this request. The traditional use of this land has been only to cultivate parts of the flats, being only the land located downstream from Raspberry Creek and therefore the fans have not been cultivated.

The sub-point relates to objects and matters to be taken into account in the CPLA and while it does not introduce new information it introduces a perspective not previously considered. The sub-point has therefore been accepted for further consideration in the formulation of the Substantive Proposal.

Sub-point (b)

The sub-point relates to the objects and matters to be taken into account in the CPLA. While it has not introduced any new information and highlights an issue previously considered the submitters articulate reasons why an alternative outcome under the CPLA is preferred.

The sub-point has therefore been accepted for further consideration in the formulation of the Substantive Proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
15	Amend special condition of Conservation Covenant CC1 to have a blanket wander at will provision for the valley above the Otago Boys High School bridge.	11	Allow	Not Accept

Rationale for Allow or Disallow

The Submitter suggest wandering at will is likely to happen given the large number of people who utilise the area and therefore it maybe better to have a blanket wander at will provision for the valley above the Otago Boys High School bridge. They believe it would be compatible with the nature of the existing pastoral lease and save surveying a large number of easements.

Although the submitter has not referred to a covenant in their suggestion, it is interpreted this provision would be added to covenant (CC1) as the preferred mechanism to implement wander at will provision over freehold land. Their request is interpreted as providing public wander at will provisions over all of the river flats upstream of the Otago Boys High School Bridge. It is noted that this would include the river flats on the south side of the valley from Raspberry Creek car park down to the Otago Boys High School Bridge which is presently proposed as unencumbered freehold land.

Securing of public access to the reviewable land is an object of tenure review under Section 24(c)(i) of the CPLA and therefore the point has been allowed for further consideration.

Rationale for Accept or Not Accept

This idea has been previously considered as it formed part of the DGC recommendations. However, from the early information gathering meetings it was established wander a will access would be too disruptive on the farming operation. Additional information was obtained from the Department of Conservation and the lessee on the main recreational routes used in the valley and the proposed public access easements in the current proposal were the result.

Although the point relates to objects and matters to be taken into account in the CPLA, it does not introduce new information or a perspective not previously considered. Also, while it does highlight issues previously considered and the submitter articulates reasons why they prefer an alternative outcome it is considered those reasons have been thoroughly investigated.

The point has therefore not been accepted for further consideration in the formulation of the Substantive Proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
16	Proposed Conservation Covenant CC2 for the <i>Olearia hectorii</i> should be designated as a conservation area by extending proposed Conservation Area CA3.	11	Allow	Not Accept

Rationale for Allow or Disallow

The submitter considers the area of *Olearia hectorii* are too important to be designated within freehold land as they are one of the best stands in the Matukituki Valley which is itself one of about three strongholds nationally. They consider because the species are

difficult to regenerate and it's highly palatable to stock there is little logic in managing the site as a covenant that permits grazing in parts. They consider it is important that only local genetic *Olearia hectorii* stock is used in the recruitment programme. They suggest the area of CC2 be incorporated into proposed Conservation Area CA3.

The point relates to the appropriate protection of significant inherent values. Section 24(b) of the CPLA relates to the protection of significant inherent values, hence this point has been allowed for further consideration.

Rationale for Accept or Not Accept

The designation of this area has been extensively considered previously. It formed part of proposed Conservation Area CA3 in the draft Preliminary Proposal. The lessee has been involved with its recruitment over the years and advised his preference is to freehold the area subject to a covenant so he can continue this process. During consultation, detailed discussions between all parties around an integrated restoration programme for the *Olearia hectorii* was developed. This programme while ultimately controlled by the department of Conservation involves continued input from the lessee.

Although the point relates to objects and matters to be taken into account in the CPLA, it doesn't introduce new information or a perspective not previously considered. Also, while it does highlight issues previously considered and the submitter articulates reasons why they prefer an alternative outcome it is considered those reasons have been thoroughly investigated.

The point has therefore not been accepted for further consideration in the formulation of the Substantive Proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
17	All public easements should allow for hunting dogs providing access to riverbed and/or conservation land for game bird hunting.	1	Allow	Accept

Rationale for Allow or Disallow

The submitter highlights that the area has a long history of game bird hunting and dogs are essential to retrieve birds that have fallen into the river or are on the far bank. They suggest a clause could be added to the easement requiring hunters to carry a current sheep measles certificate.

Securing of public access to and enjoyment of the reviewable land is an object of tenure review under Section 24(c)(i) of the CPLA and therefore the point has been allowed for further consideration.

Rationale for Accept or Not Accept

Discussions with the holder on whether to allow dogs over the easements for hunting on the adjoining conservation land was largely in relation to pig dogs, where it was considered

they were unnecessary given there are no pigs in the area. The use of retrieval dogs for duck shooting and the hunting of Canada Geese was not discussed.

Although the point relates to objects and matters to be taken into account in the CPLA, it has not introduced new information, but it does introduce a perspective not previously considered.

The point has therefore been accepted for further consideration in the formulation of the Substantive Proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
18	Fish and Game access for management purposes should be provided over all the DoC management easements.	1	Allow	Not Accept
Rationale for Allow or Disallow				

The submitter states that on occasion they may need to access the land for management purposes and understand they have the same access rights for this purpose as DoC. They have requested the proposal provides management access for them.

It is expected those rights will be available under the proposed DoC management easements but until those access rights are formally confirmed by DoC the submitter has requested a letter from DoC or LINZ confirming they have the same rights for management access. It is unclear whether access to parts of the proposed freehold is being requested or solely to the proposed conservation area.

The point relates to the protection of recreational values comprising sports fish and game bird hunting (by allowing the management of these species), which are significant inherent values. Section 24(b) of the CPLA relates to the protection of significant inherent values therefore this point has been allowed for further consideration.

Rationale for Accept or Not Accept

Consultation with Fish and Game Council and the Department of Conservation has established Fish and Game Council staff can access DoC management easements for management purposes as invitees of DoC with agreement from the relevant Area Manager provided their management is consistent with the management of the conservation area.

Although the point relates to objects and matters to be taken into account in the CPLA, it doesn't introduce new information or a perspective not previously considered. Also, while it does highlight issues previously considered and the submitter articulates reasons why they prefer an alternative outcome, those reasons have been investigated and addressed.

The point has therefore not been accepted for further consideration in the formulation of the Substantive Proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
19	All public access easements should include provisions for horse access.	8	Allow	Accept
Rationale for Allow or Disallow				

The submitter has expressed their preference that horse riding should not be precluded from the public access easements.

Securing of public access to the reviewable land is an object of tenure review under Section 24(c)(i) of the CPLA and therefore the point has been allowed for further consideration.

Rationale for Accept or Not Accept

Although the submitter has expressed their preference that horse riding be permitted in the public access easements, they have not provided any specific detail on why. They have however, outlined their objectives as shown below and while those objectives are not specific to this point, they clearly outline why they consider horse access should be permitted.

“To promote, support, fund and advocate for the establishment of a functional interconnecting network of tracks for walking, hiking, cycling, mountain biking, horse riding, roller skating, and any similar recreational leisure activities in the Upper Clutha area, whenever such trails will contribute to the social, cultural, environmental or economic wellbeing of residents or visitors to the District”.

The provision for horse access has never been advocated by DoC. The Holder supported this position and in consultation actually sought clarification that the proposed public access provisions did not extend to use of horses. The provision of this public access option was consequently not considered in detail.

Although the point relates to objects and matters to be taken into account in the CPLA, the submitter does not introduce new information, but does introduce a perspective not previously considered.

The point has therefore been accepted for further consideration in the formulation of the Substantive Proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
20	Easements “l-m”, “n-o”, “p-q”, “r-s” and “t-u” need year round access with adequate parking space and signage.	8, 9	Allow in part (Sub Points (a), (b) and (c)).	Accept in part (being Sub-point (a))
Rationale for Allow or Disallow				

Sub point (a)

Review closure period after 10 years

Submitter 8 believes the public access easements “l-m” and “p-q” should include the right to review the 3 week closure period after 10 years to reflect the provision provided for in easement “t-u”.

Sub point (b)

Year round access over easements

Submitter 9 requests that access be permitted during the entire year over the various foot access easements through the proposed freehold land below proposed Conservation Area CA3.

Sub point (c)

Parking space provided with easements

Submitter 9 requests adequate parking space is provided for the various foot access easements through the freehold below CA3.

Sub point (d)

Easements marked and signposted

Submitter 9 requests the various foot access easements through the freehold below CA3 be clearly marked and signposted.

Sub-points (a), (b) and (c) relate to securing public access to and enjoyment of the reviewable land which is an object of tenure review under Section 24(c)(i) of the CPLA and therefore these sub- points have been allowed for further consideration.

Sub-point (d) is considered to be a post tenure review land management issue for DoC and not a relevant matter able to be dealt with by the CPLA. This sub-point has therefore been disallowed for further consideration within tenure review but the comments made by the submitter will be referred to the Department of Conservation to take into account in determining future management of the easements.

Rationale for Accept or Not Accept

Sub point (a)

Although the submitter has expressed their preference that the three week closure period be reviewed after 10 years for all three easements, they have not provided any detail on why. They have however, outlined their objectives as documented in point 19 above which while not specific to this point, we interpret does clearly outline why they might want the closure period reviewed.

Although the sub point relates to objects and matters to be taken into account in the CPLA, the submitter does not introduce new information or a perspective not previously considered. The submitter does highlight issues previously considered but articulates reasons why an alternative outcome under the CPLA is preferred.

The point has therefore been accepted for further consideration in the formulation of the draft Substantive Proposal.

Sub point (b) and (c)

Although the submitter has expressed their preference that the easements do not have a three week closure period and have adequate parking space, they have not provided any detail on why.

Although the sub-points relate to objects and matters to be taken into account in the CPLA, the submitter does not introduce new information or a perspective not previously considered. While these sub-points highlight issues previously considered, the submitter has not articulated reasons why they prefer an alternative outcome and therefore they have not been accepted for further consideration in the formulation of the Substantive Proposal.

Sub point (d)

N/A

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
21	Easement “e-f” should not allow mountain bikes and easement “h-i”, “g-c” and “a-b” should be promoted as a biking and walking route.	9	Allow in part (Sub point a)	Accept in part (Sub-point (a))
Rationale for Allow or Disallow				

Sub point (a)

Exclude mountain bike access

The submitter suggests easement “e-f” north of the Glacier Burn should not allow mountain bike access in order to prevent bike access beyond the freehold boundary into the National Park. Mountain bike access should stop at “d” as it may be difficult to police and prevent bikes entering the park.

Sub point (b)

Promote proposed easements as a loop track

The loop track created by “h-i”, “g-c”, crossing the river and over “a-b” should be promoted as a biking and walking route.

Sub-point (a) relates to securing public access to the reviewable land which is an object of tenure review under Section 24(c)(i) of the CPLA and therefore the point has been allowed for further consideration.

Sub-point (b) is considered to be a post tenure review land management issue for DoC and not a relevant matter able to be dealt with by the CPLA. This sub-point has therefore been disallowed for further consideration within tenure review but the comments made by the submitters will be referred to the Department of Conservation to take into account in determining future management of the easements.

Rationale for Accept or Not Accept

Sub point (a)

This sub-point relates to objects and matters to be taken into account in the CPLA, and highlights an issue previously considered but the submitter articulates reasons why an alternative outcome under the CPLA is preferred.

This sub-point has therefore been accepted for further consideration in the formulation of the Substantive Proposal.

Sub point (b)

N/A.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
22	Concerns relating to public vehicle use of easement "j-k".	10, 12	Allow	Accept (being Sub-points (a) & (b))

Rationale for Allow or Disallow

Sub point (a)

Provision for periodic public vehicle access

Submitter 10 suggests public access easement "j-k" up the west Matukituki Valley to the boundary of the freehold needs to include provision to periodically allow public vehicle access for specific occasions and events that occur at Aspiring Hut. This is to safeguard access in the event the property changes ownership and where a future owner (possibly overseas) may not be as accommodating as the current lessee.

Sub point (b)

Exclude public vehicle access

Submitter 12 believes public access easement "j-k" up the west Matukituki Valley should only provide vehicle access for conservation management purpose and not be available to the public. They consider by allowing public vehicles up to point "k" would effectively be moving the road end to Cascade Hut and replacing the scenic walk up the valley with a busy road. Although the proposal does not allow public vehicles beyond point "j" and therefore the submitter is effectively endorsing the proposal, they expressed concern about the legal road and believe it is aligned to the existing 4WD track.

Sub-point (a) relates to securing public access to and enjoyment of the reviewable land which is an object of tenure review under Section 24(c)(i) of the CPLA and therefore the point has been allowed for further consideration.

Sub-point (b) concerns public enjoyment of the reviewable land which relates to Section 24(c) of the CPLA. It also involves securing management access to the reviewable land which relates to the protection of the significant inherent values. Section 24(b) of the CPLA relates to the protection of significant inherent values. This point has therefore been allowed for further consideration.

Rationale for Accept or Not Accept

Sub point (a)

The point relates to objects and matters to be taken into account in the CPLA and introduces a new perspective not previously considered.

The point has therefore been accepted for further consideration in the formulation of the Substantive Proposal.

Sub point (b)

The submitter is inadvertently providing support for the proposal by expressing their view that easement "j-k" should not allow public vehicles (as it currently doesn't) as they consider public vehicle access may be available by the legal road.

The point relates to the objects and matters to be taken into account in the CPLA and the submitter is endorsing the current proposal, statements of support for aspects of the proposal can be considered by the commissioner when formulating the designations for a Substantive Proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
23	The public road up the west Matukituki Valley needs to be aligned to the existing 4WD track to provide secure public vehicle access into the future.	11	Disallow	N/A

Rationale for Allow or Disallow

The submitter suggests resurveying the existing 4WD track formation to align with the existing public (legal) road to safeguard public access regardless of the future ownership of the proposed freehold land.

Redefinition of formations within the reviewable land as legal road or consideration of the legal status of roads that are located outside of the reviewable land are not matters able to be dealt with by the Crown Pastoral Land Act and this point is therefore disallowed.

Rationale for Accept or Not Accept

N/A

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
24	Status of the Cascade Hut site needs to be confirmed in case it is found to be located on proposed freehold land, so right of occupation can be secured.	15	Disallow	N/A
Rationale for Allow or Disallow				

Based on the current status plan the Cascade Hut is located within Mt Aspiring National Park and is therefore located outside the reviewable land. On this basis it is not a matter able to be dealt with under the CPLA.

If during implementation survey the hut is found to be located on the proposed freehold land, securing its occupation and continued use would at that stage be a post Tenure Review issue to be addressed by the respective parties with an interest in the facility. The point is therefore disallowed for further consideration.

Rationale for Accept or Not Accept

N/A

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
25	Investigate the current impact of stock on the water quality of the Matukituki River, and ensure this area is freeholded subject to provisions that provide for the ecological sustainability of the river.	16	Disallow	N/A
Rationale for Allow or Disallow				

The submitter is concerned about the impact cattle may have on the Matukituki River and what they consider inevitable degradation of the river banks and water quality given they have unrestricted access to the river. They question the ecological sustainability of this continued land use.

The Matukituki River is outside the reviewable land and therefore the issue is not a matter that is able to be dealt with under the CPLA. The point is disallowed for further consideration.

Rationale for Accept or Not Accept

N/A

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
26	Conservation Covenant CC2 should have interpretation panels about the <i>Olearia hectorii</i>	14	Disallow	N/A

Rationale for Allow or Disallow

The submitter has stated that they strongly recommend interpretation panels to encourage the public to learn about the *Olearia hectorii* species.

The point is considered to be a post tenure review land management issue for DoC and not a relevant matter able to be dealt with by the CPLA. This sub-point has therefore been disallowed for further consideration within tenure review but the comments made by the submitter will be referred to the Department of Conservation to take into account in determining future management of the covenant.

Rationale for Accept or Not Accept

N/A

Summary and Conclusion

Overview of analysis:

Sixteen submissions were received from mainly non government environmental and recreation groups together with a territorial local authority, private individuals and a government department.

Fifteenth out of the total of sixteen submitters expressed statements of support for various aspects of the proposal.

There was particular opposition to the proposed recreation concession on the Albert Burn Saddle within proposed Conservation Area CA1 to operate a lodge involving helicopter landings. A total of ten submitters opposed this activity.

There was also a significant focus on the two grazing concessions over proposed Conservation Area CA1. Nearly half of all submitters suggested these concessions should be over shorter periods of time with better vegetation monitoring provisions.

Four submitters also suggested amendments to the other major grazing concession in the proposal. Most of these were suggesting a shorter term.

7 points from the 26 points derived related to concessions but this aspect of the proposal attracted the majority of the submissions.

4 points related to various aspects of the proposed conservation covenants. These were focused towards better protection of indigenous vegetation.

6 points related to various aspects of the proposed easements, usually by only one or two submitters.

From the 26 points derived from the 16 submissions received 21 were allowed (either fully or in part) for further consideration. 15 of the allowed points and sub-points were accepted for further consideration in the formulation of the draft Substantive Proposal.

Generic issues:

The key generic issues identified are:

- Opposition of a recreation concession involving motorised transport such as helicopters adjacent to a National Park.
- Suggestions to amend grazing concessions to a shorter term with better vegetation monitoring provisions.
- Suggestions for greater protection of indigenous vegetation in the covenants currently proposed.
- Suggestions for amended provisions within the public access easements by different interest groups ranging from horse trekkers to recreational groups wanting year round access.

Gaps identified in the proposal or tenure review process:

The only gap identified was the issue of full public awareness that the proposed recreation concession as part of tenure review represents the only opportunity for public consultation on this matter. It is apparent from submissions that this aspect of the proposal may have otherwise had a higher profile and also potentially there may have been a greater opportunity for public input if it was dealt with outside of the tenure review process.

Risks identified:

No risks identified.

General trends in the submitters' comments:

The majority of comments and suggested changes to the advertised Preliminary proposal advocated by submitters related to three main issues:

1. Remove any recreation concessions that involve motorised access and structures adjacent to the National Park as these are considered inappropriate activities in such a remote environment.
2. A reduction in the term of grazing concessions, particularly high altitude areas considered to have outstanding ecological significant inherent values.
3. Provide better protection of indigenous vegetation within the covenants if particular areas may be threatened from stock grazing.

The general trend among submitters is one of support for the main designations with most submissions focussing on suggesting small adjustments to the proposed concessions over conservation land. This is probably a reflection of the relatively clear division between grazed and un-grazed land. It is also reflective of the property's history and lessee's long standing involvement with facilitating public access for recreation and their recognition of an integration of farming, recreation and conservation interests.

List of submitters:

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

I recommend approval of this analysis and recommendations



Simon deLautour – Tenure Review Consultant

Date 7/10/2009

Peer reviewed by



Dave Payton – Tenure Review Contract Manager

Date 7-10-09

Approved/Declined

Commissioner of Crown Lands

Date _____

Appendices:

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

APPENDIX I

Copy of Public Notice

**Land
Information**

New Zealand Logo

CROWN PASTORAL LAND ACT 1998**MT ASPIRING TENURE REVIEW
NOTICE OF PRELIMINARY PROPOSAL**

Notice is given under Section 43 of the Crown Pastoral Land Act 1998 by the Commissioner of Crown Lands that he has put a Preliminary Proposal for tenure review to Mt Aspiring Company Limited as lessee of Mt Aspiring Pastoral Lease:

Legal description of land concerned:

Pastoral lease land:

Part Run 715, Run 773 and Part Run 458 being all the land in the Instrument of Title OT386/143 comprising 9,674.3439 hectares.

General description of the proposal:

1. An area of approximately 613.5 hectares to be restored to full Crown ownership and control as conservation area pursuant to Section 35(2)(a)(i) Crown Pastoral Land Act 1998.
2. An area of approximately 6,970 hectares to be restored to Crown control as conservation area pursuant to Section 35(2)(b)(i) Crown Pastoral Land Act 1998 subject to qualified designations.

Qualified Designations:

- 2.1 The proposed conservation area is a qualified designation being subject to grazing concessions in favour of Mt Aspiring Company Limited pursuant to Section 36(1)(a) Crown Pastoral Land Act 1998.
- 2.2 The proposed conservation area is a qualified designation being subject to a recreation concession in favour of Trilane Industries Limited pursuant to Section 36(1)(a) Crown Pastoral Land Act 1998.
3. An area of approximately 2091 hectares to be disposed of by freehold disposal to Mt Aspiring Company Limited pursuant to Section 35(3) Crown Pastoral Land Act 1998 subject to Part IVA Conservation Act 1987, Section 11 Crown Minerals Act 1991 and protective mechanisms.

Protective Mechanisms:

- 3.1 The proposed freehold is subject to protective mechanisms being conservation covenants pursuant to Sections 40(1)(b) and 40(2)(a) Crown Pastoral Land Act 1998.

- 3.2 The proposed freehold is subject to protective mechanisms being easements pursuant to Sections 40(1)(b) and 40(2)(c) Crown Pastoral Land Act 1998 to provide public access to the proposed conservation areas.
- 3.3 The proposed freehold is subject to protective mechanisms being easements pursuant to Sections 40(1)(b) and 40(2)(b) Crown Pastoral Land Act 1998 to provide conservation management access to the proposed conservation areas.
- 3.4 The proposed freehold is subject to a protective mechanism being an easement pursuant to Sections 40(1)(b) and 40(2)(b) Crown Pastoral Land Act 1998 to convey water and for management purposes.

Further information including a copy of the designations plans, conservation covenants, easements and concession documents is available on request from the LINZ contractor at the following address:

David Payton
Tenure Review Contract Manager,
Opus International Consultants Ltd,
Private Bag 1913
Dunedin, 9016
Phone: (03) 471 5500; Fax (03) 474 8995.

Inspections: Any person wishing to inspect the property is advised to contact the LINZ contractor in the first instance at the above address.

Submissions: Any person or organisation may send a written submission on the above proposal to the Commissioner of Crown Lands, C/- Opus International Consultants Ltd at the above address.

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

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

Closing date of submissions:

Written submissions must be received no later than 22 April 2009.

APPENDIX II

List of Submitters

Submitter number	Date received	Submitter	Representative	Address
1	30 Mar 09	Fish and Game Otago	John Hollows, Environmental Officer.	PO Box 76 Dunedin 9054
2	9 April 09	Geoff Clark		10 Smacks Close, Papanui, CHRISTCHURCH 8051.
3	9 April 09	Otago Tramping and Mountaineering Club	David Barnes	PO Box 1120 Dunedin
4	15 April 09	North Otago Tramping and Mountaineering Club	John Chetwin, Secretary.	PO Box 217 OAMARU 9444
5	20 April 09	Queenstown Lakes District Council	Ralph Henderson, Senior Policy Analyst	10 Gorge Rd, Private Bag 50072, QUEENSTOWN
6	20 April 09	Dunstan High School	Eric Schusser Head of Department Outdoor Education	12 Enterprise St ALEXANDRA 9320
7	20 April 09	Royal Forest and Bird Protection Society, Dunedin Branch	Janet Ledingham	PO Box 5793, DUNEDIN
8	21 April 09	Upper Clutha Tracks Trust	John Wellington	272 Ballantyne Rd RD2 WANAKA 9382
9	21 April 09	Backcountry Skiers Alliance	John Robinson Secretary	PO Box 168 ALEXANDRA
10	21 April 09	Federated Mountain Clubs of New Zealand Inc.	Phil Glasson, Secretary	PO Box 1604 WELLINGTON 6140
11	21 April 09	Otago Conservation Board	Hoani Langsbury, Chairperson	Box 5244 DUNEDIN
12	21 April 09	New Zealand Deerstalkers' Association Incorporated	Dr Hugh Barr National Advocate	Level 1, 45-51 Rugby Street PO Box 6514 WELLINGTON 6141
13	22 April 09	Royal Forest and Bird Protection Society, Central Otago - Lakes Branch	Denis Bruns Secretary	4 Stonebrook Drive, WANAKA 9305
14	22 April 09	Alan Mark, Emeritus Professor	Department of Botany University of Otago	Division of Sciences, PO Box 56, DUNEDIN 9054
15	22 April 09	New Zealand Alpine Club	Phil Doole President	PO Box 786 CHRISTCHURCH 8140
16	22 April 09	Royal Forest and Bird Protection Society Southern Office	Sue Maturin Otago Southland Field Officer	Box 6230 DUNEDIN

APPENDIX III

Points Raised by Submitters

Point Raised	Number submitters	Submitter number																Details of point raised
		1	2	3	4	5	7	8	9	10	11	12	13	14	15	16		
1	15	1	2	3	4	5	7	8	9	10	11	12	13	14	15	16	Statements of support for aspects of the proposal.	
2	6	3	7	10	11	13	16										The Mill Creek grazing concession (GC1) within Conservation Area CA1 should be amended to have a shorter term and/or suggestions of monitoring provisions.	
3	7	3	7	10	11	13	14	16									The Cattle Face grazing concession (GC2) within Conservation Area CA1 should be amended to have a shorter term and/or suggestions of better monitoring provisions including the ability to mitigate the effects of grazing if needed.	
4	10	3	4	7	9	10	11	13	14	15	16						Oppose the proposed recreation concession to Trilane Industries to operate Whare Kea Lodge on Albert Burn Saddle within Conservation Area CA1.	
5	1	9														Oppose any new concessions that involve motorised access.		
6	1	4														The lower part of proposed Conservation Area CA3 could be freeholded subject to conservation covenants.		
7	4	7	10	13	16											The Upper Matukituki grazing concession (GC3) within Conservation Area CA3 should be amended.		
8	1	14														The Upper Matukituki grazing concession (GC3) within Conservation Area CA3 is opposed.		
9	1	4														Proposed Conservation Area CA5 should be freeholded with an easement to provide access into the National Park.		
10	1	9														Mountain bike access over proposed Conservation Area CA5 to the boundary of Mt Aspiring National Park needs to be considered.		

11	1	2																	Freehold land on the hill slopes proposed to be subject to a convers covenant should be returned to Crown ownership.
12	2	2	9																Parts or all of the proposed unencumbered freehold land should be subject to a covenant.
13	3	7	10	13															Areas of Conservation Covenant CC1 along the bush margin need additional protective conditions.
14	2	13	16																Amend special condition of Conservation Covenant CC1 to better protect the woody vegetation
15	1	11																	Amend special condition of Conservation Covenant CC1 to have a blanket wander at will provision for the valley above the Otago Boys High School bridge
16	1	11																	Proposed Conservation Covenant CC2 for the <i>Olearia hectorii</i> should be designated as a conservation area by extending proposed Conservation Area CA3.
17	1	1																	All public easements should allow for hunting dogs providing access to riverbed and/or conservation land for game bird hunting.
18	1	1																	Fish and Game access for management purposes should be provided over all the DoC management easements.
19	1	8																	All public access easements should include provisions for horse access.
20	2	8	9																Easements "l-m", "n-o", "p-q", "r-s" and "t-u" need year round access with adequate parking space and signage.
21	1	9																	Easement "e-f" should not allow mountain bikes and easement "h-i", "g-c" and "a-b" should be promoted as a biking and walking route
22	2	10	12																Concerns relating to public vehicle use of easement "j-k".
23	1	11																	The public road up the west Matukituki Valley needs to be aligned to the existing 4WD track to provide secure public vehicle access into the future.

24	1	15																	Status of the Cascade Hut site needs to be confirmed in case it is found to be located on proposed freehold land, so right of occupation can be secured
25	1	16																	Investigate the current impact of stock on the water quality of the Matukituki River, and ensure this area is freeholded subject to provisions that provide for the ecological sustainability of the river.
26	1	14																	Conservation Covenant CC2 should have interpretation panels about the <i>Olearia hectorii</i>