

Crown Pastoral Land Review of other Crown Land

Lease name: MT GLADSTONE

Lease number: OM 016

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 attached is released under the Official Information Act 1982.

March

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ANALYSIS OF PUBLIC SUBMISSIONS**Statement Pursuant to Section 88(d) Crown Pastoral Land Act
MT GLADSTONE (Om016): REVIEW OF OTHER CROWN LAND 12653****Details of license**

Licence name:	Mt Gladstone
Location:	. Awatere Valley
Licensee:	Mt Gladstone Run Limited

Public notice of preliminary proposal

Date advertised:	Saturday 29 th November 2008	
Newspapers advertised in:	The Marlborough Express	Blenheim
	The Press	Christchurch
	The Otago Daily Times	Dunedin
Closing date for submissions:	17 th February 2009	

Details of submissions received**Number received by closing date: 8****Cross-section of groups/individuals represented by submissions:**

Five submissions were received from groups representing deerstalkers, trampers, outdoor recreationalists and mountain clubs. One submission was received from an environmental protection group, one from an historic places trust, one from the licensee, and one from a private couple.

Number of late submissions received: 1**Background**

A review of Crown land under Part 3 of the Crown Pastoral Land Act 1998 (CPLA) is conducted in accordance with the objects of Part 3 as set out in Section 83 of the Act:

83 Objects of Part 3- the objects of this Part are -

- (a) *Promote the management of Crown land in a way that is ecologically sustainable; and*
- (b) *to enable the protection of significant inherent values of Crown land; and*
- (c) *subject to paragraphs (a) and (b), to make easier-*
 - (i) *The securing of public access to and enjoyment of Crown land;**and*

(ii) the freehold disposal of Crown land capable of economic use.

It is noted that the provisions of Part 3 are different to those considered in Tenure Review under Part 2 of the Act.

The presumption when undertaking a review of Crown land under Part 3 of the CPLA is that the land is either already in 'full' Crown ownership and control or will be so on expiry of any non-renewable licence. In the case of land held under a non-renewable licence (such as the land being reviewed in this case), there is no ongoing right of renewal and the licensee(s) have no pre-emptive rights to the land concerned on expiry of the licence.

The objects of Part 3 must therefore be considered in this context. Unlike in Part 2 (section 24(b)), no preference is expressed in section 83 (b) for restoration to full Crown ownership and control as a means of protecting significant inherent values as the land concerned is already (or will be) in full Crown ownership and control. Object (a) and (b) are of equal value and carry equal weight in terms of consideration, whereas object (c) is subject to both (a) and (b).

Section 84 specifies that in acting under this Part of the Act, the Commissioner of Crown Lands (or his delegate) must take into account the objects of Part 3 and Section 86(5) specifies the ways in which Crown land may be designated under Part 3 of the CPLA. It is necessary to consider how the potential designations available under s. 86(5) meet the objects of Part 3.

Section 86(5) states:

The land (or various areas of it) must be designated as-

- (a) *Land to be retained in full Crown ownership and control-*
 - (i) *As conservation area; or*
 - (ii) *As a reserve for a purpose specified in the proposal; or*
 - (iii) *For some specified Crown purpose; or*
- (b) *Either or both of the following:*
 - (i) *Land suitable for disposal by special lease (on terms specified in the proposal);*
 - (ii) *Land suitable for disposal in fee simple under the Land Act 1948*

ANALYSIS OF SUBMISSIONS

Introduction

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

The following analysis:

1. Summarises each of the points raised along with the recorded number (shown in the appended tables) of the submitter(s) making the point.
2. Discusses each point.
3. Recommends whether or not to **allow** the point for further consideration.
4. If the point is **allowed**, recommends whether to **accept or not accept** the point for further consideration.

The points raised have been analysed to assess whether they are matters that are validly made, relevant to the review of other Crown land and can be properly considered under the 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; Le., they are **not accepted** for further consultation.

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

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
1	The POL expired in 1985 and the land should have reverted to the Crown then.	1,4.	Allow	Not Accept

Rationale for Allowing:

The point relates to the status of the land which is a relevant matter under S.86 CPLA.

Rationale for Not Accepting:

The existence or otherwise of an unrenovable occupation licence does not affect the process of a review under Part 3 CPLA. While the Commissioner must undertake a review of land held under an unrenovable occupation licence (S.66 (1) (a)), the Commissioner may also undertake reviews of any unused Crown land (S.86 (1) (b)). The Objects of the review (S.83) and the designations possible (S.86(5)) are the same if the land is held under an unrenovable licence or is unused Crown land. The submitters do not introduce new information or a perspective not previously considered, therefore the point is not accepted.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
2	Much of the area is unsuitable for grazing.	1,4,6.	Allow	Accept
<p><u>Rationale for Allowing:</u></p> <p>This point relates to the Objects of Part 3 CPLA regarding management of land in a way that is ecologically sustainable (S.83 (a)).</p> <p><u>Rationale for Accepting:</u></p> <p>The Preliminary Proposal identified that much of the area is unsuitable for grazing, and while the submission does not present any additional or new information in that regard, the point is in support of that aspect of the Preliminary Proposal.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
3	The submitters note that the area is next to, or part of, the most used route to the Inland Kaikoura Range.	1,4,6,8,9.	Allow	Accept
<p><u>Rationale for Allowing:</u></p> <p>This point relates to access and the enjoyment of Crown land, which are both matters <i>relevant</i> to the Objects of Part 3 CPLA (S.83(c) (i)). While consideration of access to Crown land can be properly considered under Part 3 CPLA, access through or to adjoining freehold land cannot form part of this <i>review</i> (cf point 6)</p> <p><u>Rationale for Accepting:</u></p> <p>The significance of the land under consideration in the provision of access to other Crown land is a perspective not previously considered.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
4	Big game species are present for recreational hunting.	1,4.	Allow	Accept
<p><u>Rationale for Allowing:</u></p> <p>This point may relate to the enjoyment of Crown land and is therefore a <i>relevant</i> matter under the Objects of Part 3 CPLA (S.83(c) (i)).</p> <p><u>Rationale for Accepting:</u></p> <p>The area's setting of <i>very high natural value</i> for outdoor recreation, including hunting, has already been recognized as a significant inherent value, and the point is in support of that aspect of the Preliminary Proposal.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
5	The Hodder Huts are the only recreational huts in the Inland Kaikoura Range area, and receive significant use. <i>(see also points 7 and 24)</i>	1,4.	Allow	Not Accept
<p><u>Rationale for Allowing:</u> The Hodder Huts are located in the licence area and their recreational use is relevant in terms of making the enjoyment of Crown land easier (S.83(c) (i) CPLA).</p> <p><u>Rationale for Not Accepting:</u> The presence and significant use of the Hodder Huts was noted in the Preliminary Proposal, however only holder's improvements can be considered under Part 3 CPLA (S.95). The Hodder Huts have been determined to not be a holder's improvement, as they were not erected, made, or paid for by the holder, and the point can therefore not be properly considered under the CPLA.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	
6	Secure public access is sought across adjoining land.	1, 3, 4, 5, 6, 8.	Disallow	
<p><u>Rationale for Disallowing:</u> The submitters highlight the lack of secure public access to the licence area and beyond. The Objects of Part 3 include to make easier the securing of public access to and enjoyment of Crown land (see point 3), but there is no provision under Part 3 CPLA to consider access over land other than the specific land under review. The access sought by the submitters is primarily across adjoining freehold land, and can not be properly considered under the CPLA.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	
7	The submitters believe the Hodder Huts should remain under the control of the Marlborough Tramping Club (and submitter 3 mentions "in co-operation with DoC". <i>(see also points 5 and 24)</i>	1,3,4,6,9.	Disallow	
<p><u>Rationale for Disallowing:</u> There is no provision under Part 3 CPLA to prescribe the future management of any improvement on the land, other than the holder's improvements. The Hodder Huts have been determined to not be a holder's improvement. It is therefore not possible to determine how the Hodder Huts would be managed in the future as part of this review.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	
8	The submitters express their view that the area to be retained by the Crown should be part of a Conservation Park.	1,4,6.	Disallow	
<p><u>Rationale for Disallowing:</u></p> <p>Land to be retained in full Crown ownership and control can only be designated as conservation area, a reserve to be held for a specified purpose, or for some other specified Crown purpose (S.86(5)). The creation of parks <i>per se</i> is not reflected in the Objects of Part 3 and can not be properly considered under the CPLA.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
9	The submitters support the total licence area becoming a conservation area.	1.	Allow	Not Accept
<p><u>Rationale for Allowing:</u></p> <p>The designation of land is a requirement under S.86 (5) CPLA.</p> <p><u>Rationale for Not Accepting:</u></p> <p>The Preliminary Proposal identified that there are some areas of the land under consideration that do not have significant inherent values, and there are areas capable of economic and sustainable grazing. This is not a statement of support for the proposal, but rather the submitter's perspective. The point does not introduce new information or a perspective that has not been previously considered. Therefore the point is not accepted.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
9a	The submitters state that none of the licence area should be transferred to the adjoining landowner.	4,6	Allow	Not Accept
<p><u>Rationale for Allowing:</u></p> <p>There are no provisions in the CPLA for the transfer of land to the adjoining landowner. However, this point is interpreted as concerning the designation of land, and the designation of land is a requirement under S.86 (5) CPLA.</p> <p><u>Rationale for Not Accepting:</u></p> <p>The Preliminary Proposal identified that there are some areas of the land under consideration that do not have significant inherent values, and are capable of economic and sustainable grazing, and these have been designated for freehold disposal accordingly. While the adjoining landowner has no pre-emptive right to the land concerned, the point does not present any additional or new information as to why the designation for freehold disposal is not appropriate.</p>				

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
10	The submitters advocate the use of existing boundaries.	1,4,6.	Allow	Not Accept
<p><u>Rationale for Allowing:</u> This point relates to the designation of the land which is a requirement under S.86 (5) CPLA.</p> <p><u>Rationale for Not Accepting:</u> The Preliminary Proposal identified that there are some areas of the land under consideration that do not have significant inherent values, and there are areas capable of economic and sustainable grazing. The point does not introduce any new information or perspectives that have not already been considered in the course of developing the proposed designations.</p>				

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
11	The submitter supports the Holder retaining all grazeable land.	2	Allow	Not Accept
<p><u>Rationale for Allowing:</u> This point is interpreted as relating to the designation of the land which is a requirement under S.86 (5) CPLA.</p> <p><u>Rationale for Not Accepting:</u> The object of making easier the freehold disposal of Crown land capable of economic use (S.83(c)(ii)), is subject to both the promotion of the management of Crown land in a way that is ecologically sustainable (S.83(a)), and enabling the protection of significant inherent values of Crown land (S.83(b)). While there are areas of land considered to be capable of being grazed in an ecologically sustainable manner, significant inherent values have been identified on some of this land. Under S.86 (5) CPLA this land is proposed to be designated as land to be retained in full Crown ownership and control to protect the significant inherent values. The point is not one of support for the proposal, but rather the submitter's perspective. The point does not introduce new information or a perspective not previously considered. Therefore the point is not accepted.</p>				

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
12	Matters raised in previous submissions by the Holder are still relevant.	2	Allow	Not accept
<p><u>Rationale for Allowing:</u> Representatives of the holder have made a number of detailed submissions in relation to the review of this land, over several years. The matters or points raised previously which are relevant to the Objects of Part 3 CPLA, remain relevant.</p>				

Rationale for Not Accepting:
 The relevant matters or points raised in previous submissions have been taken into account in the preparation of the Preliminary Proposal. The point does not introduce new information or a perspective not previously considered and is therefore not accepted.

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
13	The submitter states that the public was not given information relating to fencing.	2	Allow	Not Accept

Rationale for Allowing:
 Section 88(b) CPLA provides that S.43 applies to Part 3 reviews. This requires that public notice of the Preliminary Proposal include a description of the proposal in general terms.

Rationale for Not Accepting:
 While information relating to the proposed fencing was not provided, the point does not suggest any different outcome because of this. The point is not accepted as it does not introduce a perspective not previously considered or articulate an alternative outcome under the CPLA.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
14	The submitters express concern at the practicality of the proposed fencing.	2,5.	Allow	Accept

Rationale for Allowing:
 Fencing relates to the management of land in a way that is ecologically sustainable, and the protection of significant inherent values. These matters are relevant under S.83 (a) and (b) CPLA.

Rationale for Accepting:
 This perspective that the proposed fencing may not be practical is a new one. Any proposed fencing must be practical, and an on-the-ground assessment of fence lines will be required when formulating the designations for a Substantive Proposal.

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
15	The submitter notes that grazeable land in the Trail Stream catchment has not been designated for disposal in fee simple, and states that this area provides essential summer grazing.	2.	Allow	Not Accept

Rationale for Allowing:
 Consideration of the suitability of land for grazing *per se* is not a relevant matter under the Objects of a Part 3 review. However the management of land in a way that is ecologically sustainable, and the freehold disposal of land capable of economic use (S.83 (a) and (c) (ii)» are relevant matters.

Rationale for Not Accepting:
 The object of making easier the freehold disposal of Crown land capable of economic use (S.83(c)(ii)», is subject to both the promotion of the management of Crown land in a way that is ecologically sustainable (S.83(a)», and enabling the protection of significant inherent values of Crown land (S.83(b)». While there are areas of land considered to be capable of being grazed in an ecologically sustainable manner, significant inherent values have been identified on some of this land, and under S.86 (5) CPLA this land is proposed to be designated as land to be retained in full Crown ownership and control to protect the significant inherent values. This point does not introduce new information, a perspective not previously considered, or a valid alternative outcome under the CPLA.

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
16	The submitter states that grazing is required to protect species habitat, and that identified significant values are on the land after 157 years of grazing.	2	Allow	Accept

Rationale for Allowing:
 Habitat of native species is likely to be a significant inherent value which should be protected, and is therefore a relevant matter under S.83 (b) CPLA.

Rationale for Accepting:
 While grazing is generally considered an economic use in terms of S.83(c) (ii) CPLA, it could also be a mechanism to protect/maintain species habitat in terms of S.83 (b). This is a perspective not previously considered, and the point is therefore allowed.

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
17	The submitter considers that areas of forest may not be remnant, and that 'rare' species may not be endangered on Mt Gladstone.	2	Allow	Not Accept

Rationale for Allowing:
 The point relates to the assessment of significant inherent values, and is therefore a relevant consideration in terms of S.83 (b) CPLA.

Rationale for Not Accepting:

The forest and/or rare species present are considered to be significant-inherent values in their own right, whether or not they are remnants or endangered on Mt Gladstone. The point does not introduce new information or a perspective not previously considered.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
18	The submitters believe that factors other than domestic stock have affected the area (Le. Hieracium (2, 9) and feral goats (2)).	2,9.	Allow	Accept

Rationale for Allowing:
While historical factors *per se* (e.g. previous grazing by feral animals) are not a relevant consideration in a Part 3 Review, an understanding of factors at play in the area is required when considering the management of the land in a way that is ecologically sustainable (S.83(a) CPLA), and the protection of significant inherent values (S.83(b) CPLA).

Rationale for Accepting:
The significance of factors other than domestic stock to be considered in the management of the land in a way that is ecologically sustainable, and the protection of significant inherent values, is a new perspective not fully considered previously.

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
19	The submitter refers to the need to consider improvements (especially the Hodder Huts) in the area.	2	Allow	Not Accept

Rationale for Allowing:
Section 95 CPLA provides how Holder's improvements are to be dealt with in a substantive proposal. The consideration of Holder's improvements can properly be considered under the CPLA.

Rationale for Not Accepting:
Holder's improvements are defined in S.2 CPLA, and mean an improvement effected, erected, made, or paid for by the Holder, but do not include any improvement affecting or disturbing soil (Le. under S.16(1) CPLA). The Hodder Huts have been specifically considered and have been determined to not be a Holder's improvement. Other improvements such as fencing will need to be considered as part of formulating a Substantive Proposal, but the point does not introduce new information or a perspective not previously considered.

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
20	The submitter points out that the Commissioner has the authority under S.85 to "consult any body or person..." and believes that the review lacks balance as a result of limited input from a farming perspective.	2	Allow	Not Accept

Rationale for Allowing:

S.85 (2) provides that the Commissioner may consult any person or body the Commissioner thinks fit, about devising a Preliminary Proposal.

Rationale for Not Accepting:

There is no requirement or mechanism in Part 3 CPLA to 'balance' a farming perspective with the Objects of S.83 (a) and (b).

Under the Objects of Part 3, the 'farming perspective' relates primarily to the capability of the land for economic use, but economic use is only considered after promotion of management of the land in a way that is ecologically sustainable (S.83(a)) and enabling the protection of significant inherent values (S.83(b)) have been addressed. Some 2850ha of land has been identified in the Preliminary Proposal as land to be retained in full Crown ownership and control to 'satisfy S.83 (a) and (b) CPLA, and following that, some 954ha of land has been identified as being land capable of economic use. The submitter has not introduced new or specific information in relation to this aspect therefore the point is not accepted.

Point	Summary of point raised	Submission number	Allow or disallow	
21	The submitter believes that the Crown has not met its own contracts with the Holder.	2	Disallow	

Rationale for Disallowing:

The point primarily relates to the history of reviewing the land in the licence area, and the impact this has had on the family associated with the Holder. This is a serious allegation, but there are no specific breaches identified. The requirements to undertake the current review are clearly set out in S.86 (2) CPLA. Part 3 CPLA has no provision for considering the relationship between the Holder and the Crown, or addressing the allegation. While the point can be noted, it is not one that can be properly considered under Part 3.

Point	Summary of point raised	Submission numbers	Allow or disallow
22	Appreciation is expressed for the efforts of the Pitts family in relation to the provision of access and the safe use of	3,8,9.	Disallow

the area.
<p><u>Rationale for Disallowing:</u> The point is noted. However an individual family's contribution to historical and current access to, and use of, the area is not necessarily relevant to the securing of public access to and enjoyment of Crown land. The point is not one that can properly be considered under Part 3 CPLA.</p>

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
23	Concern is expressed at the possibility of the holders of adjoining land restricting access as a result of the review.	3,8.	Allow	Not Accept

<p><u>Rationale for Allowing:</u> The point relates to the securing of public access to and enjoyment of Crown land, matters which are included in the Objects of Part 3 CPLA.</p> <p><u>Rationale for Not Accepting:</u> There are no provisions under Part 3 CPLA to consider land other than the specific land under review. The review can not therefore consider the provision, or possible restriction, of access over adjoining freehold land. The possible activities of adjoining land holders are not a relevant matter for consideration of a review under Part 3 CPLA.</p>
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Point	Summary of point raised	Submission number	Allow or disallow	
24	The submitter expresses concern that the Hodder Huts could be removed. <i>(see also points 5 and 7)</i>	3	Disallow	

<p><u>Rationale for Disallowing:</u> Only Holder's improvements can be considered under Part 3 CPLA. The Hodder Huts have been determined to not be a Holder's improvement under S.2 CPLA, and the point cannot therefore be properly considered under the CPLA.</p>
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Point	Summary of point raised	Submission number	Allow or disallow
25	The submitter believes the Summary of Public Information is deficient, and that a background to the purpose of POLs and the history of this one are important background to the proposal.	5	Disallow

Rationale for Disallowing:
The Commissioner is required to describe the proposal in general terms as part of the public notice (S.43 (1) (b) CPLA). While further background may be interesting, the purpose of POLs and the history of the present licence are not relevant matters for consideration under the Objects of a Part 3 Review.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
26	The submitters support the broad intention of the proposal.	5,8.	Allow	Accept

Rationale for Allowing:
The point relates to the designation of the land, which is a relevant matter under S.86 (5) CPLA.

Rationale for Accepting:
The point is a statement of support for the broad intention of the Preliminary Proposal, which can be considered by the Commissioner when formulating a Substantive Proposal.

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
27	The submitter supports the proposed freehold designations immediately west of the Hodder River and west of Gladstone Stream.	5	Allow	Accept

Rationale for Allowing:
The point relates to the designation of the land, which is a relevant matter under S.86 (5) CPLA.

Rationale for Accepting:
The point is a statement of support for the retention of approximately 2850ha in full Crown ownership and control which can be considered by the Commissioner when formulating a Substantive Proposal.

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
28	The submitter does not believe that a case can be made for freeholding areas south of the existing boundary along the northern faces.	5.	Allow	Not Accept

Rationale for Allowing:
The point relates to the designation of the land, which is a relevant matter under S.86 (5) CPLA.

Rationale for Not Accepting:
The point does not introduce new information or a perspective not previously considered.

Point	Summary of point raised	Submission number	Allow or disallow	
29	The submitter considers that the designations boundary across the northern face of Mt Gladstone should be the existing fence line, with grazing above through a DoC concession, and that affected existing freehold land be traded against the areas proposed for freeholding.	5.	Disallow	

Rationale for Disallowing:
The vast majority of the fence line referred to by the submitter is located on adjoining freehold land. There is no provision under Part 3 CPLA for consideration of adjoining land (i.e. the review can not consider the existing freehold land between the licence area and the existing fence line) and there is no provision for 'trading' land. There is also no provision for a designation subject to a DoC concession, the options being for land to be retained in full Crown ownership and control (as a conservation area, a reserve for a specified purpose, or for some other specified Crown purpose) or as land suitable for disposal (S.86 (5) (a) and (b)) The point cannot therefore be properly considered under the CPLA.

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
30	The submitter agrees that fencing is required to exclude stock from the catchments of the Trail, Gladstone and Totara Streams.	5	Allow	Accept

Rationale for Allowing:
Fencing is directly related to the protection of significant inherent values, which is part of the Objects of Part 3 CPLA (S.83 (b)).

Rationale for Accepting:
This is a statement of support for an aspect of the Preliminary Proposal which can be considered by the Commissioner when formulating a Substantive Proposal.

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
31	The submitter expresses a	5	Allow	Accept

	preference for grazing not to be permitted through the areas to be retained by the Crown, and cites supporting references.			
<p><u>Rationale for Allowing:</u> This point concerns the protection of significant inherent values, which is part of the Objects of Part 3 CPLA (S.83 (b)).</p> <p><u>Rationale for Not Accepting:</u> The Preliminary Proposal had no provision for grazing in areas proposed to be retained by the Crown. This is a statement of support for an aspect of the Preliminary Proposal which can be considered by the Commissioner when formulating a Substantive Proposal.</p>				

Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
32	Landscape values on areas to be freeholded need protecting from inappropriate land use.	5.	Allow	Not Accept

<p><u>Rationale for Allowing:</u> Landscape values may be a significant inherent value, and the protection of significant inherent values is part of the Objects of Part 3 CPLA (S.83 (b)).</p> <p><u>Rationale for Not Accepting:</u> The significant inherent values of the landscape were considered in formulating the designations for the Preliminary proposal. The point does not introduce new information or a perspective not previously considered, and is therefore not accepted</p>				
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Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
33	Access into Trail Stream catchment via the unnamed stream (Surprise Creek?) north of Trail Stream should be secured.	5.	Allow	Accept

<p><u>Rationale for Allowing:</u> The securing of public access to Crown land is part of the Objects of Part 3 CPLA (S.83(c)).</p> <p><u>Rationale for Accepting:</u> The point introduces new information and a perspective not previously considered.</p>				
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Point	Summary of point raised	Submission number	Allow or 'disallow	Accept or not accept
34	No historic or heritage sites are recorded in the licence	7.	Allow	Not Accept

	<p>area.</p> <p><u>Rationale for Allowing:</u> The point is in relation to the identification of significant inherent values, the protection of which is part of the Objects of Part 3 CPLA (S.83 (b)).</p> <p><u>Rationale for Not Accepting:</u> The submitter does not introduce any new information.</p>
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Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
35	The submitter recommends that a comprehensive heritage assessment of the land is undertaken.	7.	Allow	Not Accept

<p><u>Rationale for Allowing:</u> The point is in relation to the identification of significant inherent values, the protection of which is part of the Objects of Part 3 CPLA (S.83 (b)).</p> <p><u>Rationale for Not Accepting:</u> The identification of historic sites has been previously considered. The submitter does not introduce new information or a perspective not previously considered.</p>				
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Point	Summary of point raised	Submission number	Allow or disallow	
36	The submitter believes that current and possible future owners of the land should be made aware of the provisions of the Historic Places Act 1993.	7.	Disallow	

<p><u>Rationale for Disallowing:</u> While one of the Objects of Part 3 CPLA is to enable the protection of significant inherent values, the designations to enable this protection are tightly prescribed in S.86 (5). There is no provision for disposal with caveats, or for the promotion of other legislation. The provisions of the Historic Places Act stand in their own right, and the point is not one that can be properly considered under Part 3 CPLA.</p>				
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Point	Summary of point raised	Submission number	Allow or disallow	Accept or not accept
37	The submitter considers the retention in Crown ownership of 2850 hectares is extreme, and that the land should be put to economic and productive use.	9.	Allow	Not Accept

<p><u>Rationale for Allowing:</u> The point relates to the designation of land, which is a relevant matter under S.86 (5) CPLA.</p> <p><u>Rationale for Not Accepting:</u> The designation of the land has been previously considered. The point does not introduce new information or a perspective not previously considered, or promote an alternative outcome under the CPLA.</p>				

Point	Summary of point raised	Submission number	Allow or disallow	
38	The submitter makes the case for a holistic and regional approach to be taken in deciding the future of the land.	9.	Disallow	

<p><u>Rationale for Disallowing:</u> The requirements for the review of unrenovable occupation licences are prescribed in the CPLA. Only the specific land under review can be considered and there is no provision for considering matters other than those provided for in the Objects of Part 3 (S.83), and matters to be taken account of under S.84. The point is not one able to be properly considered under the CPLA.</p>				
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Summary and Conclusion

<p>Overview of analysis: A total of 39 points have been identified from the 9 submissions. Twenty nine of the points raised by submitters are considered to be validly made and relevant to the review, and can be properly considered under the CPLA.</p> <p>Ten of the points raised relate to matters outside the statutory framework of Part 3 CPLA and have therefore been disallowed. While they have been disallowed, some of these points may be relevant for consideration by land managers following completion of the review.</p> <p>Of the points allowed, 11 were accepted for consideration by the Commissioner when formulating the designations for a Substantive Proposal, and 18 were not accepted. Points were not accepted principally because the points did not introduce new information or a perspective not previously considered, or did not articulate reasons for an alternative outcome under the CPLA.</p> <p>Generic issues: No generic issues relating to Part 3 reviews were identified.</p> <p>Gaps identified in the proposal or tenure review process: One matter that had not previously been considered was the provision of public access to Trail Stream through part of the area proposed for freehold disposal.</p> <p>Risks identified:</p>

Two potential risks to the Crown have been identified;

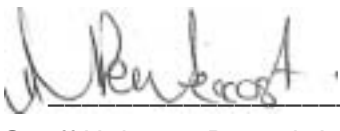
- A submission from the Holder indicates that the Holder believes that the Crown has not met *its* own contracts with the Holder.
- The Holders also apparently dispute the ownership of the Hodder Huts, which have been determined to not be a Holder's improvement in terms of S.95 and S.2 CPLA.

General trends in the submitters' comments:
The predominant issues identified relate to the recreational use of the area (including access to and through the area, and the on-going use of the Hodder Huts), the suitability or otherwise of parts of the area for grazing, and the designation boundaries on the north face of Mt Gladstone.

List of submitters:

1	Nelson Branch NZDA	Warren Plum	Secretary
2	Pitts Family	Allan & Beverley Pitts	
3	Marlborough Tramping Club	B E Beveridge	President
4	New Zealand Deerstalkers' Association Incorporated	Dr Hugh Barr	National Advocate
5	Top of the South Regional Office, Forest & Bird	Debs Martin Andrew Dennis	Regional Field Officer Committee Member
6	Council of Outdoor Recreation Associations of New Zealand Inc	Dr Hugh Barr	Secretary
7	New Zealand Historic Places Trust	Ann Neill	General Manager, Central Region Office
8	Federated Mountain Clubs of NZ (Inc)	Phil Glasson	Secretary
9	Noel & Lynda Pope		

I recommend approval of this analysis and recommendations

GP 

Geoff Holgate: Darroch Ltd

Date 5-02-2010

Peer reviewed by




Darroch Ltd

Date 5/2/10

recommends

REG. T. OSORSKI
PORTFOLIO MANAGER
CROWN PROPERTY MANAGEMENT
C/O I.INZ, CHRISTCHURCH

Approved/Declined



Commissioner of Crown Lands

Date 12.2.10