

Crown Pastoral Land Tenure Review

Lease name: Mt GRAND

Lease number: PO 349

Analysis on Public Submissions

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

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

April

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ANALYSIS OF PUBLIC SUBMISSIONS

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

MT GRAND TENURE REVIEW 233

1. Details of lease

Lease name: Mt Grand
Location: Hawea Back Road, Hawea.
Lessee: Lincoln University

2. Public notice of preliminary proposal

Saturday 14 November 2009

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

Closing date for submissions:

Monday 2 February 2010

3. Details of submissions received

Number received by closing date: 11

Total Submissions received: 13

Cross-section of 12 groups and 1 individual represented by submissions.

Number of late submissions refused. 0 There were two late submissions received, both of which were accepted by the Commissioner.

4. ANALYSIS OF SUBMISSIONS

4.1. Introduction

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

The following analysis:

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

The points raised have been analysed to assess whether they are matters that are validly-made, relevant to the tenure review and can be properly considered under the Crown Pastoral Land Act 1998 (CPLA). Where it is considered that they are the decision is to **allow** them. Further analysis is then undertaken as to whether to **accept** or **not accept** them.

Conversely where the matter raised is not a matter that is validly-made or relevant or can be properly considered under the CPLA, the decision is to **disallow**. The process stops at this point for those points disallowed.

The outcome of an **accept** decision will be that the point is considered further in formulation of the draft SP. To arrive at this decision the point must be evaluated with respect to the following:

The objects and matters to be taken into account in the CPLA; and

Whether the point introduces new information or a perspective not previously considered; or

Where the point highlights issues previously considered but articulates reasons why the submitter prefers an alternative outcome under the CPLA; or

Is a statement of support for aspects of the Preliminary Proposal which can be considered by the Commissioner when formulating the designations for a Substantive Proposal.

How those accepted points have been considered will be the subject of a Report on Public Submissions which will be made available to the public. This will be done once the Commissioner of Crown Lands has considered all matters raised in the public submissions in formulating a Substantive Proposal.

4.2. Analysis

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
1	The submitters support the creation of CA2 but the area is not wide enough and should include the rough scree area at the head of the basin to the top of range.	1, 3, 4, 5, 6, 8 & 13	Allow	Accept

Rationale for Allow:

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

Rationale for Accept:

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

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
2	The submitters support the creation of CA3 but believe the area should be increased to include all of RAP B4 to line up with the conservation area created in the adjoining Lake Hawea TR.	1, 6 & 8	Allow	Accept

Rationale for Allow:

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

Rationale for Accept:

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

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
3	The submitter supports the creation of CA3 but believes the area should be increased to match the conservation area created in the adjoining Lake Hawea TR.	1	Allow	Accept

Rationale for Allow:

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

Rationale for Accept:

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

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or Not accept
4	The submitters support the creation of CA1	1, 4, 5, 6, 8, 12 & 13	Allow	Accept

Rationale for Allow:

One of the objects of Section 24(b) of the Crown Pastoral Land Act 1998 is to protect the significant inherent values identified on the reviewable land and the submitters support the creation of this CA. The point is therefore allowed.

Rationale for Accept:

As the point relates to the objects and matters to be taken into account in the CPLA, and the submitters make a statement of support for aspects of the Preliminary Proposal it is accepted for further consideration by the Commissioner in the formulation of a substantive proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
5	The submitters support the access easement k-l which is the Hospital Creek access to CA1	1, 3 & 6	Allow	Accept

Rationale for Allow:

One of the objects of Section 24(c) of the Crown Pastoral Land Act 1998 is the securing of public access to and enjoyment of the reviewable land. The point raised by the submitters supports the access provisions and is therefore allowed.

Rationale for Accept:

As the point relates to the objects and matters to be taken into account in the CPLA, and the submitter makes a statement of support for aspects of the Preliminary Proposal it is accepted for further consideration by the Commissioner in the formulation of a substantive proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
6	The submitter suggests CA1 should be increased westwards to match the boundary of RAP AB (assumed to mean RAP A8) and to include the proposed access easement g-f-d.	1	Allow	Accept

Rationale for Allow:

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

Rationale for Accept:

The submitter requests the boundary be moved westward as identified in the plan attached to the submission. The plan actually shows CA1 being increased to the east and it is assumed this is what the submitter is referring to.

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

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
7	The submitter suggests that a landscape covenant be added to the front face to protect the landscape values from inappropriate development.	1	Allow	Not Accept

Rationale for Allow:

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

Rationale for Not Accept:

The submitters raised concerns about the lack of protection on the proposed freehold land that is clearly visible over a wide area of Hawea Flat.

The point does not meet the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. This is because the issue of landscape protection was widely canvassed and discussed in the consultation phase of the review and the submitter has not provided any additional information that would warrant any change in the proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
8	The submitters support CCI for the protection of native fish	1 & 8	Allow	Accept

Rationale for Allow:

One of the objects of Section 24(b) of the Crown Pastoral Land Act 1998 is to protect the significant inherent values identified on the reviewable land and the point raised by the submitter is a statement of support for the protection of the values. The point is therefore allowed.

Rationale for Accept:

As the point relates to the objects and matters to be taken into account in the CPLA, and the submitter makes a statement of support for aspects of the Preliminary Proposal it is accepted for further consideration by the Commissioner in the formulation of a substantive proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
9	The submitter request that CC1 be fenced to exclude stock from the riparian vegetation.	1	Allow	Not Accept

Rationale for Allow:

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

Rationale for Not Accept:

The point does not meet the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. This is because the issue of fencing of the covenant was widely canvassed and discussed in the consultation phase of the review and it was established that fencing the creek was not practical. The submitter has not provided any additional information that would warrant any change in the proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or Not accept
10	The submitters support the landscape covenant	1, 5 & 6	Allow	Accept

Rationale for Allow:

One of the objects of Section 24(b) of the Crown Pastoral Land Act 1998 is to protect the significant inherent values identified on the reviewable land and the point raised by the submitter is a statement of support for the protection of the values. The point is therefore allowed.

Rationale for Accept:

As the point relates to the objects and matters to be taken into account in the CPLA, and the submitter makes a statement of support for aspects of the Preliminary Proposal it is accepted for further consideration by the Commissioner in the formulation of a substantive proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
11	The submitter request that special protection be given to an area within the landscape covenant that has high lizard values, in particular it should be fenced against grazing intrusion by cattle.	1	Allow	Accept

Rationale for Allow:

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

Rationale for Accept:

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

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
12	The submitter supports the access route joining into the easement created through the Tenure Review of Lake Hawea Station should it eventuate.	1	Allow	Accept

Rationale for Allow:

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

Rationale for Accept:

As the point relates to the objects and matters to be taken into account in the CPLA, and the submitter makes a statement of support for aspects of the Preliminary Proposal it is accepted for further consideration by the Commissioner in the formulation of a substantive proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
13	The submitters do not believe the access provided to the Bluenose area is at all reasonable and access for the public should also be available over a-b with some suggesting access to "a" be developed using a nearby paper road.	1, 3, 4, 5, 8, 10 & 13	Allow	Accept

Rationale for Allow:

One of the objects of Section 24(c) of the Crown Pastoral Land Act 1998 is the securing of public access to and enjoyment of the reviewable land. The point raised by the submitter suggests the access provisions are not at all satisfactory. The point is therefore allowed. The aspect relating to access on a paper road is however disallowed as the Commissioner cannot consider this aspect under Part 2 CPLA.

Rationale for Accept:

There is a general view from the submitters that the access provided in the proposal is in no way adequate given the location and importance of this property for access onto the Grandview Range. The comment was made that this is the last opportunity to obtain access onto the range through tenure review. Access along this route would allow for day walks and a biking route where none currently exist.

The point meets the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal because it relates to the objects and matters to be taken into account in the CPLA and the point highlights issues previously considered but articulates reasons why the submitter prefers an alternative outcome under the CPLA.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
14	The submitters recommend an additional biking/tramping route for locals between Lagoon Creek and Hospital Creek should be included in the proposal.	1, 4 & 10	Allow	Accept

Rationale for Allow:

One of the objects of Section 24(c) of the Crown Pastoral Land Act 1998 is the securing of public access to and enjoyment of the reviewable land. The point raised by the submitter suggests the access provisions are not satisfactory. The point is therefore allowed.

Rationale for Accept:

The submitters thought there was a need to provide walking and biking access in the area for recreational purposes. There are existing farm tracks that the submitter considered would provide excellent short trips across the lower country in Mt Grand.

The point meets the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. This is because it relates to the objects and matters to be taken into account in the CPLA and the point highlights issues previously considered but articulates reasons why the submitter prefers an alternative outcome under the CPLA.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
15	The submitters suggests the landscape covenant CC(Landscape) should be designated a CA because the values present warrant greater protection. See also point 15a below.	2, 6, 8 & 13	Allow	Not Accept

Rationale for Allow

The point raised by the submitters' questions whether the proposal protects the values present on the reviewable land. In this case the use of a covenant they believe is not appropriate. As the protection of the significant inherent values is the object of Section 24(b) of the Crown Pastoral Land Act 1998, the point is therefore allowed.

Rationale for Not Accept:

The point does not meet the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal.. While the submitters have presented an alternative outcome this option was discussed during consultation and the advice received from DOC was that the values present did not warrant the protection of full Crown ownership. The submitters have not presented any new information.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
15a	The submitters recommend that CA1 and CA2 be amalgamated into one CA and include the area currently proposed as a landscape covenant. This point is related to point 15 above.	2, 6, 8 & 13	Allow	Not Accept

Rationale for Allow

The point raised by the submitters' questions whether the proposal protects the values present on the reviewable land. In this case the use of a covenant they believe is not appropriate. As the protection of the significant inherent values is the object of Section 24(b) of the Crown Pastoral Land Act 1998, the point is therefore allowed.

Rationale for Not Accept:

The point does not meet the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. While the submitters have presented an alternative outcome this option was discussed during consultation and the advice received from DOC was that the values present did not warrant the protection of full Crown ownership. The submitters have not presented any new information challenge this advice.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
16	The submitters question the wisdom of creating a freehold access strip through CA2. The option of including an easement concession would be more practical.	2 & 5	Allow	Not Accept

Rationale for Allow

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

Rationale for Not Accept:

The point does not meet the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. While the submitters have presented an alternative outcome, the option of using an easement concession was discussed during consultation with DOC and the holders. The submitters have not presented any new information

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
17	The submitter suggests all land over 1000 metres should have a covenant to ensure the land is grazed in a way that is ecologically sustainable.	3	Allow	Accept

Rationale for Allow

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

Rationale for Accept:

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

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
18	The submitters support the creation of conservation areas CA1, CA2 and CA3	3 & 10	Allow	Accept

Rationale for Allow:

One of the objects of Section 24(b) of the Crown Pastoral Land Act 1998 is to protect the significant inherent values identified and the submitter supports designations in the proposal. The point is therefore allowed.

Rationale for Accept:

As the point relates to the objects and matters to be taken into account in the CPLA, and the submitter makes a statement of support for aspects of the Preliminary Proposal it is accepted for further consideration by the Commissioner in the formulation of a substantive proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
19	The submitter would like to see an area on the true right of Lagoon Creek between point 'b' and point 'D' be added to CA2 to protect the SIV's present	3 & 5	Allow	Accept

Rationale for Allow:

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

Rationale for Accept:

The submitters are concerned that an area on the true right of Lagoon Creek currently proposed for freehold disposal contains a number of SIV's that will not be adequately protected under the proposed landscape covenant. The values relate to riparian margins, *Olearia* spp plus the native fish *Galaxias* spp.

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

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
20	The submitters have no objection to the continuation of the easement to Upper Clutha Transport.	4, 6, 8 & 13	Allow	Accept

Rationale for Allow:

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

Rationale for Accept:

As the point relates to the Act and matters to be taken into account in the CPLA, and the submitter makes a statement of support for aspects of the Preliminary Proposal it is accepted for further consideration by the Commissioner in the formulation of a substantive proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
21	The submitters generally support the freeholding of the balance of the property with some changes to the area around Bluenose and the head of Lagoon Creek.	4 & 5	Allow	Accept

Rationale for Allow:

One of the objects of Section 24(b) of the Crown Pastoral Land Act 1998 is to protect the significant inherent values identified on the reviewable land and the point raised by the submitter questions the extent of the proposed freehold suggesting that some botanical and landscape SIV's are not adequately protected in the proposal. The point is therefore allowed.

Rationale for Accept:

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

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
22	The submitter suggests monitoring of the landscape covenant is required to ensure vegetation is not damaged by overgrazing.	4	Allow	Not Accept

Rationale for Allow:

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

Rationale for Not Accept:

The point does not meet the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. This is because the covenant already has provisions under Clause 5 for such monitoring and the implementation of this is considered a post tenure review management issue between DOC and the owner.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
23	The submitters have no problem with the continuation of existing water rights.	4, 6, 8 & 13	Allow	Accept

Rationale for Allow:

The point relates to the continuation of existing rights to take and convey water over the reviewable land. While not considered an object of the CPLA the continuation of these rights is specifically catered for under Section 36(3)(c) CPLA. The point also questions the protection of the SIV's which is one of the objects of Section 24(b) CPLA and is therefore allowed.

Rationale for Accept:

As the point relates to the Act and matters to be taken into account in the CPLA, and the submitter makes a statement of support for aspects of the Preliminary Proposal it is accepted for further consideration by the Commissioner in the formulation of a substantive proposal

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
23a	The submitter is concerned existing water rights may upset the habitat of the <i>Galaxids</i> .	4,	Disallow	

Rationale for Disallow:

The point relates to an existing right to take water which is a matter for the authority issuing the water right. It is not a matter that can be considered under the CPLA and is therefore disallowed.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
24	The submitter recommends the lower boundary of CA1 should be moved down slopes to include the lower Hospital Creek Catchment.	13	Allow	Accept

Rationale for Allow:

One of the objects of Section 24(b) of the Crown Pastoral Land Act 1998 is to protect the significant inherent values identified on the reviewable land and the point raised by the submitter questions whether the boundary of CA1 adequately protects the SIV's in the proposal. The point is therefore allowed.

Rationale for Accept:

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

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
25	The submitter suggests that if the proposal cannot be improved Mt Grand should be retained as a pastoral lease.	4	Allow	Not Accept

Rationale for Allow:

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

Rationale for Not Accept:

The point does not meet the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. The option to withdraw the property from tenure review is solely at the discretion of the Commissioner and is not subject to consultation. Therefore this cannot be considered an alternative outcome. The option to withdraw is an operational decision which is at the Commissioners discretion by statute. The submitter has therefore not provided any new information or a perspective not previously considered. The point is therefore not accepted.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
26	The submitter supports most of the proposal and the proposed designations.	5	Allow	Accept

Rationale for Allow:

One of the objects of Section 24(b) of the Crown Pastoral Land Act 1998 is to protect the significant inherent values identified on the reviewable land and the point raised by the submitter generally supports the proposal and the designations outlined in it. The point is therefore allowed.

Rationale for Accept:

The point meets the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. This is because it relates to the objects and matters to be taken into account in the CPLA, and the submitters make a statement of support for aspects of the proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
27	The submitter recommends that CA1 and CA3 be joined into one CA to include the NE slopes of Grandview Mountain.	13	Allow	Accept

Rationale for Allow:

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

Rationale for Accept:

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

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
28	The submitter recommends CC1 should be extended to the lower boundary of the property.	13	Allow	Accept

Rationale for Allow:

One of the objects of Section 24(b)(ii) of the Crown Pastoral Land Act 1998 is to protect the significant inherent values identified on the reviewable land and Section 24(c)(ii) allows for the freehold disposal of the reviewable land and the point raised by the submitter relates to both these points. The point is therefore allowed.

Rationale for Accept:

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

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
29	The submitter questions the need for the covenant CC1 when the riparian margins and the creek have been significantly modified.	5	Allow	Accept

Rationale for Allow:

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

Rationale for Accept:

The submitter pointed out that it was ridiculous having a covenant over an area where there was no native vegetation and the creek had been modified in places to create a dam. The submitter suggested the presence of *Galaxias* sp in the creek was testimony to their hardiness rather than a reflection of the habitat and placing a covenant on the area would denigrate all other conservation covenants on other properties and could be the source of needless disputes in the future.

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

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
30	The submitter questions why the tall tussock stands on the northern slopes of Grandview Mountain are not included in CA1 or protected with a covenant.	5	Allow	Accept

Rationale for Allow:

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

Rationale for Accept:

The point meets the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. This is because it relates to the objects and matters to be taken into account in the CPLA and the submitters presented reasons why an alternative outcome under the CPLA is preferred. This point is similar point 27 however the recommended method of protection differs.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
31	The submitters support the proposed access easements.	5 & 13	Allow	Accept

Rationale for Allow:

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

Rationale for Accept:

As the point relates to the objects and matters to be taken into account in the CPLA, and the submitters make a statement of support for aspects of the Preliminary Proposal it is accepted for further consideration by the Commissioner in the formulation of a substantive proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
32	The submitter is concerned that there is no 4WD access to the top of the Range and suggests 4WD access over j-g should be included.	5	Allow	Not Accept

Rationale for Allow:

One of the objects of Section 24(c) of the Crown Pastoral Land Act 1998 is the securing of public access to and enjoyment of the reviewable land. The point raised by the submitter suggests the current access provisions are not satisfactory and is therefore allowed.

Rationale for Not Accept:

The point does not meet the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. This is because the matter of public access on this route was well canvassed during the consultation phase and the submitters have not provided any additional information to warrant a change. The point is therefore not accepted. See also point 37.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
33	The submitter is critical the proposal relying on access through the adjoining Lake Hawea Station for public access to the Grandview Range.	5	Allow	Not Accept

Rationale for Allow:

One of the objects of Section 24(c) of the Crown Pastoral Land Act 1998 is the securing of public access to and enjoyment of the reviewable land. The point raised by the submitter suggests the current access provisions are not satisfactory and is therefore allowed.

Rationale for Not Accept:

The submitter was critical of the negotiator for not checking that the easement over Lake Hawea Station was certain to be available before this route was considered as part of the Mt Grand review. At the time this proposal was developed the access route through Lake Hawea Station was accepted by the holder of Lake Hawea, but the proposal had reached the Substantive proposal stage. The Mt Grand tenure review preceded on the basis that Lake Hawea Station review would be concluded before the Mt Grand public submissions closed. Had the Lake Hawea review not proceeded, access provisions on Mt Grand would have been reviewed during the public submission stage.

The point does not meet the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal as the matter was fully traversed during the preparation of the preliminary proposal. No new information and no alternative outcomes are provided. While the issue of public access is a matter that can be considered, the adjoining property does not form part of the reviewable land for this review and access over that land cannot be considered as part of this review.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
34	The submitter thinks it is unreasonable to exclude firearms from the easement conditions.	5	Allow	Not Accept

Rationale for Allow:

One of the objects of Section 24(c) of the Crown Pastoral Land Act 1998 is the securing of public access to and enjoyment of the reviewable land. The point raised by the submitter questions whether the current access provisions excluding firearms meets this object and is therefore allowed. It should be noted that the terms and conditions of the access agreement is a matter between the holder and DOC and strictly speaking not a matter for tenure review. We have however taken the view that the carrying of firearms is considered part of the access to and enjoyment of the reviewable land.

Rationale for Not Accept

The point does not meet the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. While the submitter has presented an alternative outcome, the inclusion of guns and dogs was discussed during consultation with DOC and the holders and not considered appropriate for this location. The submitter has not presented any new information

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
35	The submitters are concerned about the less than ideal public access provisions in the proposal, particularly access to the Grandview Range. Access provisions to the top should be completely reviewed.	5 & 9	Allow	Not Accept

Rationale for Allow:

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

Rationale for Not Accept:

The point does not meet the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. This is because the matter has been widely discussed during the consultation process leading to the proposed access routes and the submitters have not produced any new information or perspective not previously considered. The point does not offer an alternative outcome that has not been previously considered during consultation. The issue of public access is also discussed in points 13 and 32 in relation to specific points rather than the more general nature of this point.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
36	The submitters recommend that grazing pressure in the Landscape covenant area should be limited to 0.5 SU per ha with a monitoring programme in place.	6, 8 & 13	Allow	Accept in part

Rationale for Allow:

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

Rationale for Accept:

This point is in two parts the first of which relates to the stocking rate that should be allowed in the covenant area. This part of the point meets the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. This is because it relates to the objects and matters to be taken into account in the CPLA and the submitters presented reasons why an alternative outcome under the CPLA is preferred.

The second part relates to the monitoring of covenant. This part of the point does not meet the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. This is because the covenant already has provisions under Clause 5 for such monitoring and the implementation of this is considered a post tenure review management issue between DOC and the owner.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
37	The submitters recommend that access route j-g should be available for public access.	6, 8, 9, 10 & 13	Allow	Not Accept

Rationale for Allow:

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

Rationale for Not Accept:

The point does not meet the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. This is because the matter of public access on this route was well canvassed during the consultation phase and the submitters have not provided any additional information to warrant a change. The point is therefore not accepted. See also point 32.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
38	The submitters suggest that easement k-l is not a practical public access route.	6	Allow	Not Accept

Rationale for Allow:

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

Rationale for Not Accept:

The point does not meet the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. This is because the matter of public access on this route was well canvassed during the consultation phase and the submitters have not provided any additional information. The practicality of this route was considered during consultation and the submitter has not suggested an alternative outcome or introduced any new information. The point is therefore not accepted

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
39	The submitter supports DOC management access provisions.	6	Allow	Accept

Rationale for Allow:

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

Rationale for Accept:

As the point relates to the objects and matters to be taken into account in the CPLA, and the submitter makes a statement of support for aspects of the Preliminary Proposal it is accepted for further consideration by the Commissioner in the formulation of a substantive proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
40	The submitter requests an assessment of the historic heritage values be undertaken and that it be given the opportunity to provide further comment.	7	Allow	Not Accept

Rationale for Allow:

One of the objects of Section 24(b)(ii) of the Crown Pastoral Land Act 1998 is to protect the significant inherent values identified on the reviewable land. The submitter is concerned that a detailed survey of the property has not been undertaken to assess the historic values and that they may if present not be afforded the necessary protection. The point is therefore allowed.

Rationale for Not Accept:

The point does not meet the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. This is because advice on the historic values was received from DOC as part of the information gathering process. This is part of the administrative process of tenure review and is not subject to public submission.

The submitter has not provided any additional information in relation to historic values to be considered.

There is no statutory provision for submitters to be consulted on new information, however all submitters have access to the decisions on points raised and can request to be notified when this information is available.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
41	The submitter would like input on the legal nature and content of the proposed easements.	9	Disallow	

Rationale for Disallow:

While one of the objects of Section 24(c) of the Crown Pastoral Land Act 1998 is the securing of public access to and enjoyment of the reviewable land the specific aspect raised by the submitter is not directly related to this review. The point is therefore disallowed. The submitters point concerns a matter between the holders and DOC and any input by the submitter would interfere with their autonomy and would go beyond the purpose of public submissions within the tenure review process under the CPLA. The correct forum for the submitter to have input into the nature and content of the easement documents would be in policy discussions with the Commissioner and DGC.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
42	The submitter suggests the landscape covenant should have a 'freedom to roam' provision to allow access between CA1 and CA2	10	Allow	Accept

Rationale for Allow:

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

Rationale for Accept:

The point meets the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. This is because the submitter has suggested an alternative outcome that being the freedom to roam over the conservation covenant between CA1 and CA2. This is new information not previously considered in the proposal The point is therefore accepted

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
43	The submitter is concerned about the period available for public submissions, suggesting it is not long enough for meaningful consultation.	11	Disallow	

Rationale for Disallow:

The issue of the amount of time available for public submissions is a statutory time frame of 40 working days under Section 43(1)(a) CPLA and therefore not for disposition Extensions to the statutory time frame is a matter for the Commissioner's discretion since the CPLA authorises the Commissioner and not the public for decision making. The point is therefore disallowed.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
44	The submitter is unsure how the proposed easements fit in with other easements created on Glenfoyle and Lake Hawea Station.	11	Disallow	

Rationale for Disallow:

The submitter is concerned about the creation of tracks and how they fit in to the wider network of tracks created from tenure reviews on adjoining properties. As the adjoining properties are not part of the reviewable land the matter is not one that can be considered under the CPLA and is therefore disallowed. The creation of easements over the reviewable land and their connection to the wider network of tracks outside the reviewable land has been considered during the consultation process.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
45	The submitter wants to ensure that all areas of significance needing protection under Sec 6 RMA are identified in the tenure review process before freeholding.	11	Disallow	

Rationale for Disallow:

The submitter wants to ensure all areas of significance needing protection under Section 6 of the Resource Management Act are identified in the tenure review process before freeholding occurs. Issues relating to the Resource Management Act are not matters that can be considered under the CPLA and the point is therefore disallowed.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
46	The submitter supports the proposal	12	Allow	Accept

Rationale for Allow:

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

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

the point is therefore allowed.

Rationale for Accept:

As the point relates to the objects and matters to be taken into account in the CPLA, and the submitter makes a statement of support for aspects of the Preliminary Proposal it is accepted for further consideration by the Commissioner in the formulation of a substantive proposal.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
47	The submitter is concerned about the large percentage of the property being freeholded as some of the land is seriously degraded.	13	Allow	Not Accept

Rationale for Allow:

One of the objects of Section 24(b) of the Crown Pastoral Land Act 1998 is to protect the significant inherent values identified on the reviewable land. The submitter is indicating the values have not

been protected in the proposal due to the low percentage of the land being returned to Crown ownership. He is also concerned that some of the land proposed for freehold disposal is already seriously degraded. This relates to ecological sustainability of the reviewable land being the object of Section 24(a)(i) CPLA. The point is therefore allowed.

Rationale for Not Accept:

The point does not meet the criteria for acceptance by the Commissioner for further consideration in the formulation of a Substantive Proposal. This is because as the point is merely the submitters opinion that is not supported by any additional information not previously available and the submitter in this point does not suggest an alternative outcome.

The point made in relation to the percentage of land being returned to Crown ownership is not relevant to the objects of the CPLA. The area protected is related to the SIVs present on the reviewable land only. There is no predetermined percentage that should be returned to the Crown.

Overview of analysis

In analysing the 13 submissions received 49 points were identified. Of the 13 submissions, 12 generally supported the proposal or aspects of the proposal. Of the 44 points that were allowed 29 have been accepted for consideration in the preparation of a draft substantive proposal. This was largely on the basis on the provision of new information or the submitter provided reasons why an alternative outcome should be considered.

In total there were 47 points and 2 sub points raised, of which 28 are "Allowed" and "Accepted", 1 "Allowed" and "Accepted in part", 15 points "allowed" and Not Accepted" for further consideration (as they were neither statements of support nor provided new information or perspectives), and 5 points "Disallowed" (as they lay outside the scope of the CPLA) and will not be considered further.

Generic Issues

The main issue of concern expressed by a number of the submitters was the provision for public access. There was a view that this review should have provided for access from Hawea Back Road in addition to that provided for in the adjoining Lake Hawea review. There was also a feeling that the access that is currently included is not suitable for the less able.

There was also some concern that the proposed conservation areas were not large enough to cover the areas with SIV's

Gaps identified in the proposal or tenure review process

While a number of submitters were concerned about the public access provisions I would not describe this as a gap in the proposal as the issues were well canvassed during the consultation with the holder and DOC.

Risks identified

Nil

General trends in the submitters' comments

The common issues raised were:

- Strong support for the proposed conservation areas
- Concern about the practicality of the public access route
- Ecological sustainability of the higher altitude land.
- Potential to expand the protected areas.

I recommend approval of this analysis and recommendations

David Paterson
Tenure Review Consultant
Darroch Limited

Date 31/03/2010

Peer Reviewed by

Ken Taylor
Tenure Review Consultant
Darroch Limited

23/03/10
Date 19/02/2010

I recommend approval

REGINA POSORSKI
PORTFOLIO MANAGER
CROWN PROPERTY MANAGEMENT
C/O LINZ, CHRISTCHURCH

Approved/Declined

Commissioner of Crown Lands

Date 1.4.10

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

Appendices

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

Appendix 1

Copy of the Public Notice

Appendix 2

List of submitters

**Table 1
Mt Grand- List of Submitters
Closing date- Monday 2 February 2010**

Sub No.	Date Received	Submitter	Representative	Address	
233001	27 January 2010	CORUF	Jan Kelly	186 Faulks Road	Wanaka 9382
233002	27 January 2010	Geoff Clark	Self	10 Smacks Close	Christchurch
233003	1 February 2010	Shaun Collins	Self	POBox 59	Wanaka 9343
233004	1 February 2010	Forest and Bird -Central Otago-lakes	Denise Bruns	4 Stonebrook Drive	Wanaka 9305
233005	1 February 2010	Otago Conservation Board	Hoani langsbury	POBox 5244	Dunedin 9058
233006	1 February 2010	FMC of NZ	Mike Float/Phil Glasson	POBox 1604	Wellington 6140
233007	1 February 2010	Historic Places Trust	Owen Graham		Dunedin
233008	1 February 2010	Forest and Bird Dunedin	Janet Iedingham	622 Highgate	Dunedin 9010
233009	2 February 2010	Walking Access NZ	Mark Neeson	POBox 12348	Wellington
233010	2 February 2010	Upper Clutha Tracks Trust	Helen Tait	PO Box 208	Wanaka 9343
233011	2 February 2010	QIDC	Ralph Henderson	Private Bag 50072	Queenstown
233012	3 February 2010	CORANZ	Hugh Barr	POBox 1876	Wellington
233013	4 February 2010	Department of Botany	Alan Mark	POBox 56	Dunedin