

# FINAL ANALYSIS OF PUBLIC SUBMISSIONS

## Review of Other Crown Land under Part 3 Crown Pastoral Land Act 1998

### MT IDA SYNDICATE

#### 1. *Details of licence:*

**Licence name:** Mt Ida Syndicate

**Location:** Buster Road, Naseby

**Licensee:** Charles Lawrence John Inder (*1/3 share*)  
William Murray Scott (*1/3 share*)  
Johnstone Douglas Hore (*1/12 share*)  
Grant Malcolm Geddes (*1/12 share*)  
Charles Lawrence John Inder, Johnstone Douglas Hore and Harris Inglis Hunter (*1/12 share*)  
John Murray Scott (*1/12 share*)

**Tenure:** Licence to occupy under Section 68 Land Act 1948, 1 year from 1 July 2007  
Similar annual licences have been held since 1 July 2004  
Previously Unrenewable Occupation Licence under Section 14 Crown Pastoral Land Act 1998, 5 years from 1 July 1999.  
Previously Pastoral Occupation Licence under Section 66AA Land Act 1948, 21 years from 1 July 1978.

#### 2. *Introduction:*

A review of Crown land under Part 3 of the Crown Pastoral Land Act (CPL Act) 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.*

This analysis reflects an assessment of the public submissions in accordance with these objects. It does not attempt to assess the merit or otherwise of the individual submissions, merely whether or not the submissions raised one or more points that come within the scope of the Objects of Part 3 or are otherwise required to be considered in accordance with the CPL Act. 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 CPL Act 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 CPL Act. 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*

### **3. Public notice of preliminary proposal:**

*Date, publication and location advertised:*

Saturday 29 July 2006:

Otago Daily Times	Dunedin
The Press	Christchurch
The Southland Times	Invercargill

*Closing date for submissions:*

17 November 2006

*Designations in Preliminary Proposal:*

8401 hectares to be designated as land to be retained in full Crown ownership and control as a conservation area (Section 85(5)(a)(i) CPL Act)

### **4. Details of submissions:**

A total of 225 submissions were received by the closing date with a further 7 being received by 28 November 2006. A list of submitters is attached as Appendix 3.

### **5. Analysis of Submissions:**

#### **5.1 Explanation of Analysis:**

Each of the submissions received has been reviewed in order to identify the points raised and these have been numbered accordingly. Where submitters have made similar points, these have been given the same number. A preliminary analysis summarised each of the points raised along with the number of the submitters making the point. Discussion of the point and the rationale for the decision whether or not to allow/disallow the point followed.

The decision to “allow” a point made by submitters is on the basis that the matter raised is a relevant matter for the Commissioner to consider when making decisions in the context of Part 3 of the CPL Act and specifically the objects as stated in s. 83.

Points “allowed” during the preliminary analysis were subject to further review in consultation with the Director General of Conservation’s delegate prior to making the further decision whether or not to “accept” the point. This second decision is now included in the analysis.

Conversely, where the matter raised was not considered to be relevant in the context of a review under Part 3 of the CPL Act, the decision was to “disallow” the point. The decision to “disallow”

was only taken where the point raised related to a matter that is clearly outside the provisions of a Part 3 review. Where there was any element of doubt the decision was made to "allow" the point and thus enable further consultation.

While the Crown Pastoral Land review process stopped at that point for those points that were "disallowed", the information gained through the submissions is retained by the Crown agencies concerned as it may be relevant when considering future management of the land.

Consideration of, and consultation, on the allowed points has now been completed to determine which point should be accepted or not accepted for further consideration.

The criteria to "accept" a point is based on an assessment of the views of the parties consulted, balanced against the objects of Part 3 of the CPL Act. The outcome of an "accept" decision is that the point will be included in a substantive proposal. Conversely the outcome of a "not accept" decision is that the point is not included in a substantive proposal.

Note that those points that were disallowed in the preliminary analysis are automatically not accepted. The information gained through points either "not allowed" or "not accepted" is retained by the Crown agencies concerned as it may be relevant when considering future management of the land.

The rationale for the decision to "accept or "not accept" is recorded after the rationale for the point being allowed/disallowed.

## 5.2 Summary:

Support for the designations as proposed was expressed by eleven of the submitters.

Twenty three of the points raised by submitters were identified for further consideration as the review progressed to the next stages. Further consideration of these points has been undertaken in consultation with the Director General of Conservation delegate. The outcome of this further consideration is that six points were accepted for inclusion in the draft substantive proposal. The remaining points were not accepted. While the points "not accepted" were relevant considerations under the CPL Act, they did not provide over-riding evidence that an outcome other than retention of the land in full Crown ownership and control would meet the objects of a Part 3 Review.

Twenty seven of the points raised relate to matters outside the statutory framework of the review and have therefore been disallowed. It is however noted that while these points have been disallowed in the context of the Part 3 Review, they provide significant information that is relevant for consideration by land managers following completion of the review.

An element of the submissions received is the support for the continuation of the 'Mt Ida Syndicate' as custodians of the land. This is reflected in the large number of individual submissions, the participation in providing signed "form letters", the petition received and the other letters of support provided. Some submissions also supported the return to full Crown ownership.

Many of the submitters (from both a lay perspective and professional background) endorse the current occupation as meeting the objects of promoting ecological sustainability, protecting significant inherent values and providing public access.

However, this review is being undertaken in accordance with Part 3 of the Crown Pastoral Land Act and the matters to be taken into account are clearly set out in the Act. Foremost amongst those is that on the expiry of the licence, the land becomes unoccupied Crown land and thus remains in full Crown ownership and control. The decisions whether to 'allow' or 'disallow' and subsequently "accept" or "not accept" the points raised are therefore made within this context.

5.3 Analysis:

Point	Summary of Point Raised	Submitters	Decision	
1	Full support for the proposal as advertised	11	Allow	Accept

*Rationale for allowing Point 1:*

The submitters supported the proposal as meeting the objects of Part 3 CPL Act. Therefore this point is allowed.

*Rationale for accepting Point 1:*

As the submitters supported the proposed designations the point is accepted. No change to the proposal is required.

Point	Summary of Point Raised	Submitters	Decision	
2	Provided further evidence in relation to significant inherent values (SIVs)	7	Allow	Accept

*Rationale for allowing Point 2:*

The submitters provided information about SIVs. Protection of such values is required pursuant to Section 24(b) CPL Act. Therefore this point is allowed.

*Rationale for accepting Point 2:*

The submitters by providing additional information about SIVs strengthened the case for retaining the land in full Crown ownership and control. The point is therefore accepted.

Point	Summary of Point Raised	Submitters	Decision	
3	Submitters supported the payment of compensation to the holders in recognition of their loss of grazing	3	Disallow	

*Rationale for disallowing Point 3:*

Land being reviewed under Part 3 of the CPL Act does not have any ongoing rights and therefore compensation is not payable other than for improvements specified in Section 95 CPL Act. As the point relates to general compensation and this is not provided for in the CPL Act, this point is disallowed in accordance with the process outlined in the explanation above. This matter has however been noted.

Point	Summary of Point Raised	Submitters	Decision	
4	Support for continuation of current use by the Syndicate	210	Allow	Not Accept

*Rationale for allowing Point 4:*

The submitters strongly supported a continuation of the status quo. The review relates to the future of the land under review in accordance with the objects of Part 3 CPL Act. Continuation of the current lease arrangement is not one of the designations provided for under the CPL Act, however Section 86 does provide for a lease alternative. Disposal as a lease could be considered where the objects of the Act are best met by this option. The point is allowed for consideration of this aspect.

*Rationale for not accepting Point 4:*

The support for the status quo is noted. It is however noted that significant inherent values have been observed over much of the land creating a preference for the land to be retained in full Crown ownership and control within the context of a Part 3 Review. The contention that the SIVs exist within the context of a grazing regime is a matter for future land managers to consider outside of the designation of the land. While a special lease under Section 86 of the Act is an alternative designation to full Crown ownership and control, this option only applies where it would provide better protection of the SIVs and if it better promoted ecological sustainability than retention by the Crown. This is not the case and the point is therefore not accepted.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Submitters</b>	<b>Decision</b>	
5	The submitters regard the current use as being ecologically sustainable	54	Allow	Not Accept

*Rationale for allowing Point 5:*

This relates to the promotion of management of the Crown land in a way that is ecologically sustainable as set out in Section 83(a) CPL Act. Therefore this point is allowed.

*Rationale for not accepting Point 5:*

In consultation with the DGC delegate substantial scientific information was considered that raised some questions about the ecological sustainability of continuing to graze tussock grasslands without nutrient inputs. Therefore while the submitters and some field observations indicate that current use may be ecologically sustainable, the wider information would indicate that to "promote" ecological sustainability the preference is to retain the land in full Crown ownership and control. The point is therefore not accepted.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Submitters</b>	<b>Decision</b>
6	The submitters note that the proposal as advertised will adversely affect the affected farmers and community	156	Disallow

*Rationale for disallowing Point 6:*

The submitters appear to make this point on the basis that effect on communities formed part of the Cabinet discussion leading to the CPL Act and is one of the Government's wider high country objectives. Community effects are not however reflected in the CPL Act, therefore the point is disallowed in accordance with the explanation above. This matter has however been noted for consideration in the wider context of the Government's high country objectives.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Submitters</b>	<b>Decision</b>
7	The submitters observe the contribution made by the Syndicate in maintaining the services infrastructure	108	Disallow

*Rationale for disallowing Point 7:*

The recognition of the contribution of the Syndicate to public use is noted. However, this is a management issue not related to decision making under the CPL Act. Therefore this point is disallowed in accordance with the explanation above. The point will be referred to future land managers for consideration.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Submitters</b>	<b>Decision</b>	
8	The submitters note the ready access to the land currently provided by the Syndicate	168	Allow	Not Accept

*Rationale for allowing Point 8:*

The submitters recognise the value of public access to the area and note that it is readily granted at present. Public access is a matter for the Commissioner of Crown Lands to consider pursuant to Section 83(c)(i) CPL Act. Therefore this point is allowed.

*Rationale for not accepting Point 8:*

Public access is an important component of the ongoing use of this land. While the current holders presently manage this access, the Crown also has a role in providing access to public lands. The DGC delegate noted that DoC is able to manage and publicise access in such situations.

It was further noted in consultation that the matter of access, particularly vehicle access will be of major significance in the ongoing management of this area regardless of tenure and status. This is not the sole determinant of the decisions to be made under Part 3 CPL Act, but will require active consideration by future land managers. We note that the object of making easier the securing of public access is secondary to the objects of promoting management of the land concerned in a way that is ecologically sustainable, and protecting significant inherent values and therefore cannot be the sole determinant of any decisions made under a Part 3 review.

The point is not accepted and it is concluded that the proposed designations adequately accommodate public access.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Submitters</b>	<b>Decision</b>
9	The submitter requested that the review be placed on hold until the completion of the current review by the Parliamentary Commissioner for the Environment (PCE) into tenure review is completed	1	Disallow

*Rationale for disallowing Point 9:*

The PCE review referred to is not a matter to consider in terms of Part 3 CPL Act in that it is being undertaken independently outside the CPL Act and also relates primarily to Part 2 Reviews. The point is therefore disallowed for the reasons given in the explanation above.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Submitters</b>	<b>Decision</b>	
10	The submitters regard the current use as protecting SIVs	131	Allow	Not Accept

*Rationale for allowing Point 10:*

This relates to the protection of SIVs as set out in Section 83(b) CPL Act. Therefore this point is allowed.

*Rationale for not accepting Point 10:*

The submitters acknowledged the presence of SIVs on the land. This view was confirmed in consultation along with an acceptance that many of the SIVs were being well managed within the current use. It was however noted that some SIVs were not faring as well. Notwithstanding the protection or otherwise of SIVs under the current use regime, the clear presumption in the CPL Act for Part 3 reviews is that land containing SIVs will be retained in full Crown ownership and control

with the Crown accepting the responsibility for future management. The point is therefore not accepted.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Submitters</b>	<b>Decision</b>	
11	The submitters observe that removing grazing may adversely affect SIVs	19	Allow	Not Accept

*Rationale for allowing Point 11:*

The submitters note that the SIVs on the land are there after a long history of grazing and may be adversely affected by changing this. The protection of SIVs is a requirement of Section 83(b) CPL Act. Therefore this point is allowed.

*Rationale for not accepting Point 11:*

There are a number of views relating to the effect that grazing may or may not be having on the SIVs and also the potential effect of removing grazing. As with the previous point this does not alter the underlying premise of the CPL Act – the presumption is that where SIVs exist the land should be retained in full Crown ownership and control. The point is therefore not accepted. (Managing the land within the Crown is a subsequent matter and the information associated with this point is retained by the Crown agencies concerned as it may be relevant when considering future management)

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Submitters</b>	<b>Decision</b>	
12	The submitters indicate that removing grazing may not promote ecologically sustainable management	13	Allow	Not Accept

*Rationale for allowing Point 12:*

The submitters note that the current ecosystem has developed under a long history of grazing and may be adversely affected by changing this. The promotion of ecologically sustainable management is a requirement of Section 83(a) CPL Act. Therefore this point is allowed.

*Rationale for not accepting Point 12:*

There are a number of views relating to the effect that grazing may or may not be having on the ecological sustainability of the land, and also to the potential effect of removing grazing. In consultation with the DGC delegate, substantial scientific information was considered that raised some questions about the ecological sustainability of continuing to graze tussock grasslands without nutrient inputs. Therefore while the submitters and some field observations indicate that current use may be ecologically sustainable, the wider information would indicate that to "promote" ecological sustainability the preference is to retain the land in full Crown ownership and control. The decision is therefore not to accept the point.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Submitters</b>	<b>Decision</b>	
13	Freehold of the land is recommended or supported	61	Allow	Not Accept

*Rationale for allowing Point 13:*

Freehold disposal is an object of Part 3 of the CPL Act (Section 83(c)(ii)), albeit conditional on meeting the other objects, therefore this point is allowed.

*Rationale for not accepting Point 13:*

As outlined in relation to the previous points, where SIVs are identified a Part 3 review is conducted on the basis that the Crown has (or will have) total ownership and control. Therefore if SIVs are

present or there is any doubt as to ecological sustainability the presumption is that the Crown will retain full ownership and control. Therefore the decision is not to accept the point.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Submitters</b>	<b>Decision</b>	
14	The submitters believe that the conclusions reached are either illogical or incorrect	7	Allow	Not Accept

*Rationale for allowing Point 14:*

This point relates to the application of Part 3 CPL Act, in particular the conclusion that a change of status is required to meet the objects. As the point is tied to meeting the objects, it is allowed.

*Rationale for not accepting Point 14:*

This point has been further considered. While the information previously considered leads to a conclusion that the Syndicate use of the land has had a number of positive elements, a number of these matters do not directly lead to a particular conclusion for a review under Part 3. A Part 3 review is conducted on the basis that the Crown has (or will have) total ownership and control. If SIVs are present on the land concerned, or there is any doubt as to ecological sustainability, the presumption is that the Crown will retain the land in full ownership and control in order to meet the objects of Part 3. This point is therefore not accepted.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Submitters</b>	<b>Decision</b>	
15	Concern is expressed that the mineral resource will be "locked up" if the land is retained by the Crown	2	Disallow	

*Rationale for disallowing Point 15:*

The submitters observe the mining history of the area and the likely mineral resources, but perceive that this will be less accessible if the land is retained in full Crown ownership and control. The area is currently Crown land and as such, access is already subject to the provisions of the Crown Minerals Act. The Crown Minerals Act *per se* is not a consideration for a review under Part 3 CPL Act, therefore the point is disallowed. Further, insufficient evidence has been provided to suggest that the land should be retained for a specified Crown purpose pursuant to Section 86(5)(a)(iii) of the CPL Act. The mineral resource is however noted for future reference.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Submitters</b>	<b>Decision</b>	
16	The submitters question the advice received in relation to SIVs	7	Allow	Not Accept

*Rationale for allowing Point 16:*

The Commissioner is required to consider the protection of SIVs (Section 83(b) CPL Act). In order to do this the Commissioner relies on quality advice. The point is allowed as part of a review of that advice.

*Rationale for not accepting Point 16:*

The information on SIVs has been reviewed and also considered alongside the information provided by submitters in relation to Points 1, 2, 10 and 11. This information has supported the existence of SIVs across the land. It was noted in submissions that the presence of one SIV had not been confirmed however the wider spectrum is well documented and supported. The evidence is that there are a wide range of SIVs on the land and that this information supports retention of the land in full Crown ownership and control rather than any alternative designation. The decision is therefore not to accept the point.



<b>Point</b>	<b>Summary of Point Raised</b>	<b>Submitters</b>	<b>Decision</b>	
17	The submitters express concern that access to the area may be more restrictive to some groups of people if the land is retained by the Crown. This is partially related to a concern that the Crown will not adequately maintain the current infrastructure.	9	Allow	Not Accept

*Rationale for allowing Point 17:*

The point relates to public access and is relevant pursuant to Section 83(c)(i) CPL Act. The point is therefore allowed.

*Rationale for not accepting Point 17:*

As noted in relation to Point 8, public access is an important component of the ongoing use of this land. The current holders manage this access ensuring a balance between readily available access, public safety and track maintenance. However the Crown also has a role in providing access to public lands. The DGC delegate noted that DoC is also able to manage and publicise access in such situations.

It was further noted in consultation that the matter of access, particularly vehicle access will be of major significance in the ongoing management of this area regardless of tenure and status. This is not the sole determinant of the decisions to be made under Part 3 CPL Act, but will require active consideration by future land managers. However, we note that the object of making easier the securing of public access is secondary to the objects of promoting management of the land concerned in a way that is ecologically sustainable, and protecting significant inherent values and is therefore not the sole determinant of any decisions made under a Part 3 review.

The point is not accepted.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Submitters</b>	<b>Decision</b>
18	The submitters note the increased fire risk should the area not be grazed	19	Disallow

*Rationale for disallowing Point 18:*

While fire would adversely affect SIVs, this is a management issue and not related to meeting the objects of Part 3 of the CPL Act. This point is therefore disallowed. However the significant risk posed by fire is noted and the matter will be referred to future land managers for consideration.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Submitters</b>	<b>Decision</b>
19	The submitters express concern about the ability of DoC to appropriately manage this area citing examples of poor DoC management elsewhere	53	Disallow

*Rationale for disallowing Point 19:*

This is a management issue and not related to making a decision under Part 3 CPL Act as outlined in the earlier explanation. This point is therefore disallowed. Concerns about the performance of a Crown agency are noted.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Submitters</b>	<b>Decision</b>
20	The submitters suggested an increased risk of ingress by weeds and pests if the area is not grazed and the diligence of the current holders not continued	28	Disallow

*Rationale for disallowing Point 20:*

While weed invasion would adversely affect SIVs, this is a management issue and not related to meeting the objects of the CPL Act. This point is therefore disallowed. This is however a significant issue for future land managers and is noted.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Submitters</b>	<b>Decision</b>
21	The submitter opposed the creation of large tussock parks	1	Disallow

*Rationale for disallowing Point 21:*

This is not a relevant consideration under the CPL Act for the reasons previously outlined, therefore the point is disallowed. The opposition to the park concept is however noted.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Submitters</b>	<b>Decision</b>	
22	The submitter notes the ready access to the area via existing legal roads	1	Allow	Not Accept

*Rationale for allowing Point 22:*

While not strictly related to the review of this land, the point relates to the securing of public access as set out in Section 83(c)(1) CPL Act, therefore this point is allowed.

*Rationale for not accepting Point 22:*

In consultation the DGC delegate noted that he understood that the track to Tailings (Guffies) Creek is on a legal road line. He also noted that it is access to the surrounding reviewable land that is sought by many, rather than just access over the road itself. However neither the submitter nor the DGC is strictly correct. While there is legal access to Tailings Creek, existing formations are often well removed from these routes. In any event, access to the reviewable land itself is not a matter this review can address. The point is therefore not accepted.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Submitters</b>	<b>Decision</b>
23	The submitters believe that the values of this area are such that it justifies the inclusion of this area in the proposed Oteake Conservation Park	6	Disallow

*Rationale for disallowing Point 23:*

While the establishment of conservation parks is one of the Government's wider high country objectives, the creation of parks *per se* is not reflected in the objects of a Part 3 review under the CPL Act and therefore the point is disallowed. The support for the park concept is however noted.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Submitters</b>	<b>Decision</b>
24	The submitters promote the continuation of a grazing regime within a conservation outcome	16	Disallow

*Rationale for disallowing Point 24:*

This is a management issue not related to decision making under the CPL Act for the reasons previously outlined. Therefore this point is disallowed. The concept of ongoing grazing within a conservation context is noted for the consideration of future land managers.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Submitters</b>	<b>Decision</b>	
25	The submitters note the unique history relating to "The Syndicate" and believe that this history is worthy of protection.	122	Allow	Not Accept

*Rationale for allowing Point 25:*

Aspects of history are an inherent value as defined in the CPL Act and the point is therefore allowed as part of considering this aspect.

*Rationale for not accepting Point 25:*

In consultation the DGC delegate noted that the history of the area is worthy of protection. We consider that the history is not a continuation of the activity itself, but preservation of the structures and artefacts that provide an insight into the historic pastoral and past. This perspective is consistent with the definitions in the CPL Act in that it links historical to "the land" and "place" and does not appear to recognise living history. Therefore in the context of a Part 3 review, the point is not accepted.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Submitters</b>	<b>Decision</b>	
26	The submitters perceive that there is no identifiable benefit in retaining the land in Crown control	10	Allow	Not Accept

*Rationale for allowing Point 26:*

A review under Part 3 of the CPL Act relates to land that is already in full Crown ownership and control (or will be on expiry of the licence). The decision whether to retain land in Crown control (or otherwise dispose of it) is a decision that the Commissioner is required to make under Section 84(5) of the Act. Therefore the point is allowed as the information supplied contributes to this decision making process.

*Rationale for not accepting Point 26:*

As already outlined above there are significant inherent values associated with the land and while there are differing views on ecological sustainability the general presumption supported by the CPL Act is that the land should be retained in full Crown ownership and control. The benefit or otherwise of this is not a determining factor in the Part 3 review and will largely be an effect of post review management. The point is therefore not accepted.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Submitters</b>	<b>Decision</b>
27	The submitter notes the potential for adverse effects arising from greater public use	2	Disallow

*Rationale for disallowing Point 27:*

This is a management issue not related to decision making under Part 3 CPL Act. Therefore this point is disallowed for the reasons outlined previously. As it is a relevant management issue the point is noted for reference by future land managers.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Submitters</b>	<b>Decision</b>	
28	The submitters support retention of the land by the Crown as a preference to freehold disposal	6	Allow	Accept

*Rationale for allowing Point 28:*

The decision whether to freehold the land or retain it by the Crown is required under Section 86(5) CPL Act, therefore this point is allowed.

*Rationale for accepting Point 28:*

As by this statement the submitters support the proposed designations the point is accepted. No change to the proposal is required.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Submitters</b>	<b>Decision</b>	
29	The submitters do not believe that due process has been followed particularly regards consultation	2	Allow	Not Accept

*Rationale for allowing Point 29:*

The Commissioner is required to follow the process established in Part 3 CPL Act including consultation (Section 85). As the submitters question if the correct process has been followed, the point raised is considered to be a relevant matter and has therefore been allowed.

*Rationale for not accepting Point 29:*

The process of consultation has been reviewed. The DGC delegate has been consulted in accordance with Section 85 of the CPL Act. The iwi authority has been consulted in accordance with Section 88(c) CPL Act. The holders and Central South Island Fish and Game have been consulted in accordance with Section 85(2) CPL Act. It is considered that consultation beyond that strictly required by statute has been undertaken. The point is therefore not accepted.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Submitters</b>	<b>Decision</b>	
30	The submitters believe that the advertised proposal will promote better public access	2	Allow	Accept

*Rationale for allowing Point 30:*

Public access is an object of Part 3 of the CPL Act (Section 83(c)(i)), therefore this point is allowed.

*Rationale for accepting Point 30:*

This point is in support of the proposed designations therefore the point is accepted. This point also relates to previous points (8, 17, and 22). No change to the designations is required.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Submitters</b>	<b>Decision</b>
31	The submitter notes the use of the land for educational purposes in association with the current licence	1	Disallow

*Rationale for disallowing Point 31:*

This point relates to an activity on the land rather than an outcome anticipated by Part 3 CPL Act. The point is therefore disallowed. The activity is however noted for consideration as part of future management.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Submitters</b>	<b>Decision</b>	
32	The submitter notes the importance of the river systems within the land and the quality of the water	1	Allow	Accept

*Rationale for allowing Point 32:*

Water is defined as a natural resource in the CPL Act and is therefore an inherent value. The water ways are also associated with the land and often contain related values. The point is therefore allowed.

*Rationale for accepting Point 32:*

During consultation the DGC delegate noted that the importance of water had not been considered in the CRR. However it has been highlighted in recent times and its importance has been categorised as an ecosystem service and it is now considered a SIV. Recent research has shown that depletion of tussock grassland can reduce water yield by a significant amount. One study in the Taieri catchment concluded that summer low flows could be reduced as much as 50% if all the snow tussock grassland was converted to pasture (Waugh 2005). Unmodified tall tussock grassland vegetation provides the highest water yield of any vegetation type.

Water is now recognised as an SIV. This will be protected by the proposed designations therefore the point is accepted. This does not necessitate a change to the proposal.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Submitters</b>	<b>Decision</b>
33	The submitters note possible shortcomings in the previous administration of the licences associated with the land	3	Disallow

*Rationale for disallowing Point 33:*

This is a matter that is not relevant in the context of a review under Part 3 CPL Act. The point is therefore disallowed for the reasons previously outlined. However, concerns relating to perceived shortcomings in Government administration are noted.

Point	Summary of Point Raised	Submitters	Decision
34	The submission included a number of letters in support of the status quo	1	Disallow

*Rationale for disallowing Point 34:*

While the support is noted and is evidence of the wide public enjoyment of the land under the current regime, this is not a relevant consideration under a Part 3 review. The point is disallowed, but noted for future reference.

Point	Summary of Point Raised	Submitters	Decision
35	The submitters request more secure public access through the provision of easements	7	Allow Not Accept

*Rationale for allowing Point 35:*

Public access is an object of the CPL Act (section 83(c)(i)), therefore the point is allowed.

*Rationale for not accepting Point 35:*

This matter has been reviewed. Secure access within the land is provided by the land being retained in full Crown ownership and control. Easements across the reviewable land would only be applicable if part of the reviewable land were to be alienated. The matter of provision to access to the reviewable land itself is outside the scope of a Part 3 review and this point is therefore not accepted.

Point	Summary of Point Raised	Submitters	Decision
36	The submitters suggest the use of covenants to protect SIVs	9	Allow Not Accept

*Rationale for allowing Point 36:*

Protection of SIVs by the use of a protective mechanism such as a covenant is recognised in the CPL Act [Section 88(a)]. The point is therefore allowed.

*Rationale for not accepting Point 36:*

The submitters were looking for practical alternatives to accommodate protection of values while retaining current use. During consultation the DGC delegate noted that he considered the use of covenants in this instance to be inappropriate as they would not protect the full range of SIVs. As outlined in relation to previous points the identified SIVs support retention of the land in full Crown ownership and control. This consideration supports the proposed designations as opposed to covenants and the point is not accepted.

Point	Summary of Point Raised	Submitters	Decision
37	The submitter recommends the retrospective issue of a pastoral lease over the land	1	Disallow

*Rationale for disallowing Point 37:*

The issue of a pastoral lease relates partly to past administration and in that regard is related to point 33. The granting of a pastoral lease is no longer possible because the relevant statutory provisions have been repealed. The point is therefore disallowed.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Submitters</b>	<b>Decision</b>
38	The submitters refer to the deliberations of the Select Committee prior to the passing of the CPL Act and the subsequently established Government High Country Objectives	3	Disallow

*Rationale for disallowing Point 38:*

The points raised are not reflected in the statutory provisions of the CPL Act and are therefore disallowed on the basis that they are not relevant matters for consideration in the context of the Part 3 review. However, the points raised may be considered in the wider context of the Government's high country objectives.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Submitters</b>	<b>Decision</b>	
39	The submitter provides an analysis of the DTZ submission that led to the preparation of a consultative draft of the preliminary proposal	1	Allow	Not Accept

*Rationale for allowing Point 39:*

While aspects of this analysis have been identified in previous points, this submission includes a wider review of how aspects of Part 3 have been dealt with in the process. The point does relate to decisions made under Part 3 CPL Act and is therefore allowed.

*Rationale for not accepting Point 39:*

The information raised in this point has been reviewed. There is no information that would sustain a change to the proposed designations, therefore the point is not accepted.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Submitters</b>	<b>Decision</b>
40	The submitters requests that recognition be given to the previous establishment of firebreak access tracks within the land and the need to maintain these	1	Disallow

*Rationale for disallowing Point 40:*

While fire control remains important on this land, this is a management issue and not related to meeting the objects of the CPL Act. This point is disallowed, but noted for consideration in future land management.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Submitters</b>	<b>Decision</b>
41	The submitters sought a commitment from DoC to maintain historic structures on the land	2	Disallow

*Rationale for disallowing Point 41:*

While historic sites can be deemed to be SIVs under the CPL Act, the particular point relates to management rather than statutory protection and is therefore disallowed. The point will however be referred to the appropriate agencies for consideration in the context of future management of the land.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Submitters</b>	<b>Decision</b>
42	The submitter notes the increased risk to the land from trespassing stock in the absence of formal grazing management	1	Disallow

*Rationale for disallowing Point 42:*

This is a management issue and not directly related to the review of this land under Part 3 CPL Act. The point is disallowed for the reasons previously explained, but noted for future management of the land.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Submitters</b>	<b>Decision</b>
43	The submitter notes that the Mt Ida Syndicate and Soldiers Syndicate are very interrelated believes that both should be reviewed concurrently	1	Disallow

*Rationale for disallowing Point 43:*

While the interaction is acknowledged, Part 3 CPL Act requires that the land in each licence is specifically reviewed, therefore the point is disallowed.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Submitters</b>	<b>Decision</b>
44	The submitter notes family affiliation to Ngai Tahu and cites customary rights	1	Disallow

*Rationale for disallowing Point 44:*

While there is a general philosophy of meeting the intent of the Treaty of Waitangi in all dealings with Crown land, there is no specific provision in the CPL Act to provide specific consideration of the point raised, the point is therefore disallowed.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Submitters</b>	<b>Decision</b>
45	The submitter indicates that the objects of the CPL ACT could be fully met through a continuation of the licence	1	Disallow

*Rationale for disallowing Point 45:*

A review under Part 3 CPL Act is related to the land concerned and the options for designating land in the context of a Part 3 review do not include designating land subject to the continuation of a licence or concession. The point is therefore disallowed. However, the granting of a licence or other form of tenure is a management decision to be made subsequent to the designation of the land in accordance with Part 3 and is noted for consideration by future land managers.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Submitters</b>	<b>Decision</b>
46	The submitters indicate that grazing of the land should cease	2	Disallow



*Rationale for disallowing Point 46:*

This is in effect the reverse of the previous point, and is likewise a management issue for consideration once the Part 3 review process is concluded. The point is therefore disallowed. As with the previous point this perspective is noted for consideration by future land managers.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Submitters</b>	<b>Decision</b>
47	The submitter provides a history of mining and more particularly current interests	1	Disallow

*Rationale for disallowing Point 47:*

While this is important information and assists in identifying affected parties, it is not related to decision making under Part 3 CPL Act. Therefore this point is disallowed. As with point 15, the mineral resource is noted in the context of future management regardless of decisions made under this review.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Submitters</b>	<b>Decision</b>
48	The submitter notes that unlike the RMA, a precautionary approach to future use is not required	1	Disallow

*Rationale for disallowing Point 48:*

This is not a relevant consideration when making a decision under Part 3 CPL Act, therefore this point is disallowed.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Submitters</b>	<b>Decision</b>
49	The submitter promotes the preparation of a joint recreation management plan as part of cooperative management by the Crown and licensees	1	Disallow

*Rationale for disallowing Point 49:*

This is a management action rather than part of the decision making process under Part 3 CPL Act, therefore the point is disallowed. The concept is however noted for consideration in terms of future management options.

<b>Point</b>	<b>Summary of Point Raised</b>	<b>Submitters</b>	<b>Decision</b>	
50	The submitter provides a dialogue on why ongoing grazing would not be ecologically sustainable.	1	Allow	Accept

*Rationale for allowing Point 50:*

While this in part relates to the subsequent management decision, the dialogue is directed towards the designation of the land. As the Commissioner is required to promote the management of Crown land in a way that is ecologically sustainable [Section 83(a) CPL Act] the point is allowed.

*Rationale for accepting Point 50:*

This is the counter argument to points 5 and 12. The point effectively supports the proposed designations. Therefore the point is accepted.