

## **Crown Pastoral Land Tenure Review**

Lease name : Mt Pisa  
Lease number: Po 271

Lease name: Mt Pisa II  
Lease number : Po 272

### **Report on public submissions**

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

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

January **02**

**(1) Details of lease:**

**Lease Name:** Mount Pisa  
**Location:** Cromwell  
**Lessee:** Mount Pisa Station Limited

**(2) Public notice of preliminary proposal:**

***Date, publication and location advertised:***

*Saturday – 12 January 2002:*

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

A copy of the notice is attached as Appendix I.

***Closing date for submissions:***

8 March 2002

**(3) Details of submissions received:**

A request was received from Royal Forest and Bird Society, Southern Office for the Commissioner to receive a late submission that was granted. Seven submissions were received outside the closing date. A total of 18 submissions were received. The list of submitters is attached as Table 1 which references to the points raised by the submitters attached as Table 2.

**(4) Analysis of submissions:**

***4.1 Introduction, symbols and abbreviated terms***

The symbols and abbreviations used in this report are as set out in the Crown Pastoral Land Standard 8 for Preliminary Proposal for tenure review issued by the office of the Chief Crown Property Office, 13 March 2000.

***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. An annotated copy of the submissions recording the point made is attached as Appendix II. Table 1 lists the submitters with a reference to the points raised that are summarised in Table 2.

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The following analysis summarises each of the points raised along with the recorded number of the submitter making the point. A discussion is included on the point raised and the recommendation on whether the Commissioner should accept/not accept or allow/disallow the point.

The following approach has been adopted when making recommendations:

(i) *To accept/not accept:*

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

(ii) *To allow/disallow:*

Where the recommendation is to accept, a further recommendation has been made as to whether the point made should be “allowed” or “disallowed”. It has been recommended that the decision be to “allow” if the matter raised should be considered further. Where the matter has previously been decided by the Commissioner and there is no justification for further consideration the recommendation is to “disallow”. Further justification for the recommendation has been made in the discussion paragraph showing the summary for each point.

4.2 *Analysis:*

<i>Point</i>	<i>Summary of point raised</i>	<i>Number of subs</i>	<i>Recommendation</i>	
1	Agree with the proposed designations conditional on some changes.	13	Accept	Disallow
1.1	Support access provisions.			

*Discussion:*

Conditional support is noted. As the submissions deals with decisions made under the CPL Act the point is accepted. As there has been no new information provided with respect to this point that effects the decision made by the CCL, the point should be disallowed.

<i>Point</i>	<i>Summary of point raised</i>	<i>Number of subs</i>	<i>Recommendation</i>	
2	Oppose the 21 year grazing concession, request that this aspect of the proposal be excluded or reduced to 3 – 5 year term:	15	Accept	Allow
2.1	- Is not consistent with Section 24 (a) (i) and 24 (b) CPLA.			
2.2	- 21 years is excessive for the justification of providing a transition period for the lessee.			

*Discussion:*

As the arguments raised to support these submission are relevant matters under Sections 24 (a) (i) and 24 (b) of the CPL Act the point can be accepted. It was noted in the submission on consultation that the 21 year grazing concession proposal was the result of the consultation process and not necessarily strictly in compliance with the objects of the CPL Act. It is therefore an appropriate matter for the Commissioner to reconsider and accordingly should be allowed.

<i>Point</i>	<i>Summary of point raised</i>	<i>Number of subs</i>	<i>Recommendation</i>	
3	Proposed new boundary at too higher altitude, boundary should be lower existing fence.  - does not protect inherent values  - does not promote sustainable land management.	5	Accept	Allow

*Discussion:*

The matter of siting of boundary fences is relevant in terms of Section 24 (a) (ii) and (b) CPL Act and therefore can be accepted. No new information was provided in submissions although further consideration and justification for boundaries may be justified. The point should be allowed so that the matter may be reconsidered and further justification provided.

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<i>Point</i>	<i>Summary of point raised</i>	<i>Number of subs</i>	<i>Recommendation</i>	
4	Proposal should include an open space covenant to protect the landscape on the mid-upper slopes of the proposed freehold.	5	Accept	Disallow

*Discussion:*

Landscape amenity can come within the meaning of a significant inherent value, the protection by covenant of which can be considered under Section 24 (b) (i) CPL Act. It is therefore a relevant matter for the Commissioner's consideration and can be accepted. The landscape amenity was not considered to constitute a significant inherent value in the preparation of the Preliminary Proposal. The matter therefore has been considered and no new information has been provided in the submissions. Accordingly this point may be disallowed.

<i>Point</i>	<i>Summary of point raised</i>	<i>Number of subs</i>	<i>Recommendation</i>	
5	Oppose the hut concession.	8	Accept	Allow

*Discussion:*

The submitters raise this point in relation to the hut's significance to the recreation values of the area. Recreation can come within the meaning of a significant inherent value. The hut is on the land and therefore is a relevant matter for the Commissioner to consider under Section 24 (b) CPL Act and therefore can be accepted. The hut concession is associated with the grazing concession and should therefore be considered further by the Commissioner in relation to that point. Furthermore, the submissions provide new information on the significance of the hut to public use and recreation of the area and therefore should be allowed.

<i>Point</i>	<i>Summary of point raised</i>	<i>Number of subs</i>	<i>Recommendation</i>	
6	Oppose horse trekking and 4WD safari concession.  The concession should be restricted to the northern end of the property only:  - Concession should be restricted to week days only.  - 9 year term is too long.  - Oppose concession as level of use may have severe adverse effects.	5	Accept	Allow

*Discussion:*

The matters raised with respect to this point concern the protection of significant inherent values and the potential impact of the concession on them. The granting of the concession and its conditions are relevant matters under Section 24 (b) (ii) and also Section 24 (c) (i) and therefore can be accepted. The assessment of the effects of the proposed concession on the protection of significant inherent values is a relatively subjective matter on which submissions themselves are new information. These submissions should therefore be allowed.

<i>Point</i>	<i>Summary of point raised</i>	<i>Number of subs</i>	<i>Recommendation</i>	
7	Cardrona to Cromwell pack track requires surveying on line of existing track formation.	6	Not accept	

*Discussion:*

Roading is not a relevant matter for the Commissioner to consider under tenure review and cannot be accepted.

<i>Point</i>	<i>Summary of point raised</i>	<i>Number of subs</i>	<i>Recommendation</i>	
8	Object to DoC sign posting requiring users of easement to consult landowner.	1	Not accept	

*Discussion:*

DoC sign posting is a conservation management issue that is not relevant to this review and therefore cannot be accepted.

<i>Point</i>	<i>Summary of point raised</i>	<i>Number of subs</i>	<i>Recommendation</i>	
9	Express concern about the temporary suspension provisions of the draft easement document.	1	Accept	Disallow

*Discussion:*

As access is a relevant matter under Section 24 (c) (i) of the CPL Act the point can be accepted. As the temporary suspension of access is a statutory provision under the Conservation Act it is not a matter that can be allowed.

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<i>Point</i>	<i>Summary of point raised</i>	<i>Number of subs</i>	<i>Recommendation</i>	
10	A portion of the lease has been omitted in the review.	1	Accept	Disallow

*Discussion:*

As the objects of the CPL Act are to be considered by the Commissioner in relation to all the reviewable land included in the review this point is a relevant matter under the CPL Act. Consequently, the point can be accepted. The small rectangle of land referred to in the submission is not part of the lease, having been surrendered from the lease previously. It is therefore not a matter the Commissioner should allow.

<i>Point</i>	<i>Summary of point raised</i>	<i>Number of subs</i>	<i>Recommendation</i>	
11	Express a preference for the access easement to be on alternative route up Breakneck Spur.	3	Accept	Disallow

*Discussion:*

As access is a relevant matter under Section 24 (c) (i) of the CPL Act the point can be accepted. This access route was considered in the Conservation Resources Report and was excluded in preference to the access route up the existing 4WD track. No new information has been provided. As the matter has previously been adequately considered it should be disallowed.

<i>Point</i>	<i>Summary of point raised</i>	<i>Number of subs</i>	<i>Recommendation</i>	
12	Propose a covenant that prohibits burning where significant inherent values have been identified within proposed freehold area.	2	Accept	Disallow

*Discussion:*

As the protection of significant inherent values is a relevant matter under Section 24 (2) (b) CPL Act the point can be accepted. No new information has been provided on significant inherent values within the proposed freehold area. Areas within the proposed freehold previously identified as containing significant inherent values are very small and the matter has previously been considered. On this basis the point should therefore be disallowed.

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<i>Point</i>	<i>Summary of point raised</i>	<i>Number of subs</i>	<i>Recommendation</i>	
13	Wish to continue to have access for 4WD vehicle use on tracks along the top of Pisa Range.	2	Accept	Allow

*Discussion:*

On going access by 4WD vehicles within the proposed conservation area is a relevant matter in terms of Section 24 (c) (i) CPL Act despite it being a management issue determined by the Department of Conservation following implementation of the review. The policy adopted by DoC with respect to allowing 4 WD access will determine to some degree whether the proposal meets this part of the objects of the Act. The submissions can therefore be accepted. The Commissioner may wish to seek advice from the department on its likely future policy in this area. We therefore recommend the submissions be allowed.

<i>Point</i>	<i>Summary of point raised</i>	<i>Number of subs</i>	<i>Recommendation</i>	
14	4WD vehicle access over proposed freehold should not be unreasonably withheld.	2	Accept	Disallow

*Discussion:*

Public access is a relevant matter under Part 2 CPL Act and therefore can be accepted. The issue of 4WD access over the track to the proposed conservation area has previously been considered and no new information is provided in the submissions. On this basis the submission may be disallowed.

**(5) Discussion and conclusions:**

Discussion relevant to each particular point has been provided under each point summarised from the submission. The most commonly raised point was opposition to the granting of a 21 year concession for grazing within the proposed conservation area. The general tone of the submissions was in support of the designations conditional on changes to certain aspects of the proposal.



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**TABLE 1:**

**Schedule of Submitters**

<i>Sub No</i>	<i>Submitter</i>	<i>DATE RECEIVED</i>	<i>Points Raised</i>
1	Royal Forest and Bird Protection Society – Southern Office	13 March 2002	1, 2, 3, 4, 5, 6.
2	Royal Forest and Bird Protection Society – Upper Clutha Branch	7 March 2002	1, 2, 4, 7.
3	Royal Forest and Bird Protection Society – Dunedin Branch	15 February 2002	1, 2, 5, 6.
4	Public Access New Zealand	11 March 2002	1, 2, 3, 5, 7, 8, 9, 10.
5	Federated Mountain Clubs of New Zealand	6 March 2002	1, 2, 4, 5, 6, 7.
6	Royal Forest and Bird Protection Society – Nelson/Tasman Branch	11 February 2002	1, 2, 3, 11.
7	Otago Conservation Board	8 March 2002	1, 2, 3, 4, 7, 11, 12.
8	Combined 4WD Clubs	5 March 2002	13.
9	Dunstan 4WD Club	5 March 2002	6, 13, 14.
10	A F Mark, Department of Botany, Otago University	7 February 2002	1, 2, 3, 4, 5, 7, 11, 12.
11		11 March 2002	1, 2, 5, 7.
12		11 March 2002	1, 2, 5, 6.
13		11 March 2002	1, 2.
14	John Douglas, Safari Excursions	4 March 2002	2, 5, 7.
15		13 March 2002	1, 6.
16		12 February 2002	2.
17		12 February 2002	2.
18		7 February 2002	1, 2.

**TABLE 2:  
 POINTS RAISED BY SUBMISSIONS**

<i>Point</i>	<i>Summary of point raised</i>	<i>Number of subs</i>	<i>Recommendation</i>	
1	Agree with the proposed designations conditional on some changes.	13	Accept	Disallow
1.1	Support access provisions.			
2	Oppose the 21 year grazing concession, request that this aspect of the proposal be excluded or reduced to 3 – 5 year term:	15	Accept	Allow
2.1	- Is not consistent with Section 24 (a)(i) & 24 (b) CPLA.			
2.2	- 21 years is excessive for the justification of providing a transition period for the lessee.			
3	Proposed new boundary fence too high altitude, boundary should be lower existing fence.  - does not protect inherent values  - does not promote sustainable land management	5	Accept	Allow
4	Proposal should include an open space covenant to protect the landscape on the mid-upper slopes of proposed freehold	5	Accept	Disallow
5	Oppose the hut concession.	8	Accept	Allow

<i>Point</i>	<i>Summary of point raised</i>	<i>Number of subs</i>	<i>Recommendation</i>	
6	Oppose horse trekking and 4WD safari concession.	5	Accept	Allow
6.1	The concession should be restricted to the northern end of the property only:			
6.2	- Concession should be restricted to week days only.			
6.3	- 9 year term is too long.			
6.4	- Oppose concession as level of use may have severe adverse effects.			
7	Cardrona to Cromwell pack track requires surveying on line of existing track formation.	7	Not accept	
8	Object to DoC sign posting requiring easement users to consult landowner.	1	Not accept	
9	Express concern about the temporary suspension provisions of the draft easement document.	1	Accept	Disallow
10	Lease boundary is incorrect on designations plan.	1	Accept	Disallow
11	Express a preference for the access easement to be on alternative route up Breakneck Spur.	3	Accept	Disallow
12	Propose a covenant that prohibits burning where significant inherent values have been identified within proposed freehold area.	2	Accept	Disallow
13	Wish to continue to have access for 4WD vehicle use on tracks along the top of Pisa Range.	2		Allow
14	4WD vehicle access over proposed freehold should not be unreasonably withheld.	1	Accept	Disallow

**REPORT IN ACCORDANCE WITH  
CPL PRELIMINARY PROPOSAL FOR TENURE REVIEW  
STANDARD 8**

**Analysis of submissions received through public notice of  
preliminary proposal for tenure review**

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**File Ref:** Po271 & Po272/1 **Report No:** AT 2033 **Report Date:** 18 April 2002

**LINZ Ref:** 12543

**Office of Agent:** Alexandra

**LINZ Case No:**

**Date sent to LINZ:**

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**RECOMMENDATION:**

- (1) That the Commissioner of Crown Lands or his delegate **note** the analysis of submissions contained in this report and **accept/not accept** and **allow/disallow** the points raised as recommended in this report.

**CERTIFICATION:**

DTZ New Zealand Limited certifies that this report has been prepared in accordance with the CPL Preliminary Proposals for Tenure Review Standard.

**Signed by DTZ New Zealand Limited:**

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P H Murray:

**Approved/Declined** (*pursuant to a delegation from the Commissioner of Crown Lands*) **by:**

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Name:

Date of decision:

**(1) Details of lease:**

*Lease Name:* Mount Pisa  
*Location:* Cromwell  
*Lessee:* Mount Pisa Station Limited

**(2) Public notice of preliminary proposal:**

*Date, publication and location advertised:*

*Saturday – 12 January 2002:*

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

A copy of the notice is attached as Appendix I.

*Closing date for submissions:*

8 March 2002

**(3) Details of submissions received:**

A request was received from Royal Forest and Bird Society, Southern Office for the Commissioner to receive a late submission that was granted. Seven submissions were received outside the closing date. A total of 18 submissions were received. The list of submitters is attached as Table 1 which references to the points raised by the submitters attached as Table 2.

**(4) Analysis of submissions:**

**4.1 Introduction, symbols and abbreviated terms**

The symbols and abbreviations used in this report are as set out in the Crown Pastoral Land Standard 8 for Preliminary Proposal for tenure review issued by the office of the Chief Crown Property Office, 13 March 2000.

*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. An annotated copy of the submissions recording the point made is attached as Appendix II. Table 1 lists the submitters with a reference to the points raised that are summarised in Table 2.

The following analysis summarises each of the points raised along with the recorded number of the submitter making the point. A discussion is included on the point raised and the recommendation on whether the Commissioner should accept/not accept or allow/disallow the point.

The following approach has been adopted when making recommendations:

(i) *To accept/not accept:*

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

(ii) *To allow/disallow:*

Where the recommendation is to accept, a further recommendation has been made as to whether the point made should be “allowed” or “disallowed”. It has been recommended that the decision be to “allow” if the matter raised should be considered further. Where the matter has previously been decided by the Commissioner and there is no justification for further consideration the recommendation is to “disallow”. Further justification for the recommendation has been made in the discussion paragraph showing the summary for each point.

4.2 *Analysis:*

<i>Point</i>	<i>Summary of point raised</i>	<i>Number of subs</i>	<i>Recommendation</i>	
1	Agree with the proposed designations conditional on some changes.	13	Accept	Disallow
1.1	Support access provisions.			

*Discussion:*

Conditional support is noted. As the submissions deals with decisions made under the CPL Act the point is accepted. As there has been no new information provided with respect to this point that effects the decision made by the CCL, the point should be disallowed.

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Point	Summary of point raised	Number of subs	Recommendation	
2	Oppose the 21 year grazing concession, request that this aspect of the proposal be excluded or reduced to 3 – 5 year term:	15	Accept	Allow so that further consultation can be undertaken with the holder and the Director General of Conservation
2.1	- Is not consistent with Section 24 (a) (i) and 24 (b) CPLA.			
2.2	- 21 years is excessive for the justification of providing a transition period for the lessee.			

*Discussion:*

As the arguments raised to support these submissions are relevant matters under Sections 24 (a) (i) and 24 (b) of the CPL Act the point can be accepted. It was noted in the submission on consultation that the 21 year grazing concession proposal was the result of the consultation process and not necessarily strictly in compliance with the objects of the CPL Act. It is therefore an appropriate matter for the Commissioner to reconsider and accordingly should be allowed. However, in deciding to designate the land subject to the concession, the CCL did take into account the objects of the CPL Act. Furthermore, the provisional consent to the designation required by the CPL Act was granted by the Minister of Conservation's delegate. It is not accepted therefore that the decision was made outside the objects of the CPL Act.

However, it is clear that the proposed designation is one which has attracted a significant level of criticism as a result of the public notification of the Preliminary Proposal. Given the weight of the submissions received, and also given the fact that the proposed designation raises issues of significance and sensitivity in the context of the tenure review of this pastoral lease, the CCL should engage in further consultation with the parties regarding the proposed concession.

Point	Summary of point raised	Number of subs	Recommendation	
3	Proposed new boundary at too higher altitude, boundary should be lower	5	Accept	Allow so that

	existing fence. - does not protect inherent values - does not promote sustainable land management.		Released under the Information Act	further consultatio n can be undertake n with the holder and the Director General of Conservati on
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*Discussion:*

The matter of siting of boundaries y-fences is relevant in terms of Section 24 (a) (ii) and (b) CPL Act and therefore can be accepted. No new information was provided in submissions although further consideration and justification for boundaries may be justified in light of the extent to which the public submissions have raised concerns about this issue. The point should be allowed so that the matter may be reconsidered and further justification provided.

Point	Summary of point raised	Number of subs	Recommendation	
4	Proposal should include an open space covenant to protect the landscape on the mid-upper slopes of the proposed freehold.	5	Accept	DisaAllow to enable further consultation to be undertaken with the holder and the Director General of Conservation

*Discussion:*

Landscape amenity can come within the meaning of a significant inherent value, the protection by covenant of which can be considered under Section 24 (b) (i) CPL Act. It is therefore a relevant matter for the Commissioner's consideration and can be accepted. The landscape amenity was not considered to constitute a significant inherent value in the preparation of the Preliminary Proposal. However with the content of the submissions indicating a strong view that the landscape amenity is a significant inherent value, the CCL proposes to undertaken further consultation with



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the holder and the Director General of Conservation. The matter therefore has been considered and no new information has been provided in the submissions. Accordingly this point may be disallowed so that the further consultation can take place.

Point	Summary of point raised	Number of subs	Recommendation	
5	Oppose the hut concession.	8	Accept	Allow to enable further consultation with the holder and the Director General of Conservation

*Discussion:*

The submitters raise this point in relation to the hut's significance to the recreation values of the area. Recreation can come within the meaning of a significant inherent value. The hut is on the land and therefore is a relevant matter for the Commissioner to consider under Section 24 (b) CPL Act and therefore can be accepted. The hut concession is associated with the grazing concession. On this basis, and in light of the decision to undertake further consultation with the holder and the Director-General of Conservation concerning the grazing concession, -and should therefore be considered further by the Commissioner in relation to that point- Further consideration should be given to the decision to grant a right to occupy the hut pursuant to the proposed concession. Furthermore, the submissions provide new information on the significance of the hut to public use and recreation of the area and therefore should be allowed.

Point	Summary of point raised	Number of subs	Recommendation	
6	Oppose horse trekking and 4WD safari concession.  The concession should be restricted to the northern end of the property only:  - Concession should be restricted to week days only. - 9 year term is too long. - Oppose concession as level of use may have severe adverse effects.	5	Accept	Allow

*Discussion:*

The matters raised with respect to this point concern the protection of significant inherent values and the potential impact of the concession on them. The granting of the concession and its conditions are relevant matters under Section 24 (b) (ii) and also Section 24 (c) (i) and therefore can be accepted. The assessment of the effects of the proposed concession on the protection of significant inherent values is a relatively subjective matter on which submissions themselves are new information not previously considered by the CCL. These submissions should therefore be allowed.

<i>Point</i>	<i>Summary of point raised</i>	<i>Number of subs</i>	<i>Recommendation</i>	
7	Cardrona to Cromwell pack track requires surveying on line of existing track formation.	6	Not accept	

*Discussion:*

Roading is not a relevant matter for the Commissioner to consider under tenure review and cannot be accepted.

<i>Point</i>	<i>Summary of point raised</i>	<i>Number of subs</i>	<i>Recommendation</i>	
8	Object to DoC sign posting requiring users of easement to consult landowner.	1	Not accept	

*Discussion:*

DoC sign posting is a conservation management issue that is not relevant to this review and therefore cannot be accepted.

<i>Point</i>	<i>Summary of point raised</i>	<i>Number of subs</i>	<i>Recommendation</i>	
9	Express concern about the temporary suspension provisions of the draft easement document.	1	Accept	Disallow

*Discussion:*

As access is a relevant matter under Section 24 (c) (i) of the CPL Act the point can be accepted. As the temporary suspension of access is a statutory provision under the Conservation Act it is not a matter that can be allowed.

<i>Point</i>	<i>Summary of point raised</i>	<i>Number of subs</i>	<i>Recommendation</i>	
10	A portion of the lease has been omitted in the review.	1	Not Accepted	Disallow

*Discussion:*

Tenure review is undertaken in respect of either land subject to pastoral lease or other land which has been incorporated into the tenure review according to the provisions of the CPL Act. The area of land which is referred to in this submission is not included in the tenure review. As the objects of the CPL Act are to be considered by the Commissioner in relation to all the reviewable land included in the review this point made in this submission is not a relevant matter under the CPL Act. Consequently, the point can be accepted. The small rectangle of land referred to in the submission is not part of the lease, having been surrendered from the lease previously. It is therefore not a matter the Commissioner should allow.

<i>Point</i>	<i>Summary of point raised</i>	<i>Number of subs</i>	<i>Recommendation</i>	
11	Express a preference for the access easement to be on alternative route up Breakneck Spur.	3	Accept	Disallow

*Discussion:*

As access is a relevant matter under Section 24 (c) (i) of the CPL Act the point can be accepted. This access route was considered in the Conservation Resources Report and was excluded in preference to the access route up the existing 4WD track. No new information has been provided. As the matter has previously been adequately considered it should be disallowed.

<i>Point</i>	<i>Summary of point raised</i>	<i>Number of subs</i>	<i>Recommendation</i>	
12	Propose a covenant that prohibits burning where significant inherent values have been identified within proposed freehold area.	2	Accept	Disallow

*Discussion:*

As the protection of significant inherent values is a relevant matter under Section 24 (2) (b) CPL Act the point can be accepted. No new information has been provided on

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significant inherent values within the proposed freehold area. Areas within the proposed freehold previously identified as containing significant inherent values are very small and the matter has previously been considered. On this basis the point should therefore be disallowed.

Point	Summary of point raised	Number of subs	Recommendation	
13	Wish to continue to have access for 4WD vehicle use on tracks along the top of Pisa Range.	2	Accept	DisaAllow

*Discussion:*

~~On-going access by 4WD vehicles within the proposed conservation area is a relevant matter in terms of Section 24 (c) (i) CPL Act. To this extent the submission can be accepted. However the submission is specifically concerned with the issue of ongoing access following implementation of the tenure review. This is despite it being a management issue determined by the Department of Conservation following implementation of the review. The policy adopted by DoC with respect to allowing 4WD access will determine to some degree whether the proposal meets this part of the objects of the Act. The submissions can therefore be accepted. Any policy adopted by DoC in the future, once responsibility for the land is vested in the Minister of Conservation as an outcome of the tenure review must be consistent with the relevant legislation and the general law. However future management policy of land which has vested by application of the CPL Act is not a matter for the CCL to consider as a part of the tenure review process. The submissions should be disallowed. The Commissioner may wish to seek advice from the department on its likely future policy in this area. We therefore recommend the submissions be allowed.~~

Point	Summary of point raised	Number of subs	Recommendation	
14	4WD vehicle access over proposed freehold should not be unreasonably withheld.	2	Accept	Disallow

*Discussion:*

Public access is a relevant matter under Part 2 CPL Act and therefore can be accepted. The issue of 4WD access over the track to the proposed conservation area has previously been considered and no new information is provided in the submissions. On this basis the submission may be disallowed.

(5) **Discussion and conclusions:**

Discussion relevant to each particular point has been provided under each point summarised from the submission. The most commonly raised point was opposition to the granting of a 21 year concession for grazing within the proposed conservation area. The general tone of the submissions was in support of the designations conditional on changes to certain aspects of the proposal.

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**TABLE 1:**

**Schedule of Submitters**

<i>Sub No</i>	<i>Submitter</i>	<i>DATE RECEIVED</i>	<i>Points Raised</i>
1	Royal Forest and Bird Protection Society – Southern Office	13 March 2002	1, 2, 3, 4, 5, 6.
2	Royal Forest and Bird Protection Society – Upper Clutha Branch	7 March 2002	1, 2, 4, 7.
3	Royal Forest and Bird Protection Society – Dunedin Branch	15 February 2002	1, 2, 5, 6.
4	Public Access New Zealand	11 March 2002	1, 2, 3, 5, 7, 8, 9, 10.
5	Federated Mountain Clubs of New Zealand	6 March 2002	1, 2, 4, 5, 6, 7.
6	Royal Forest and Bird Protection Society – Nelson/Tasman Branch	11 February 2002	1, 2, 3, 11.
7	Otago Conservation Board	8 March 2002	1, 2, 3, 4, 7, 11, 12.
8	Combined 4WD Clubs	5 March 2002	13.
9	Dunstan 4WD Club	5 March 2002	6, 13, 14.
10	A F Mark, Department of Botany, Otago University	7 February 2002	1, 2, 3, 4, 5, 7, 11, 12.
11		11 March 2002	1, 2, 5, 7.
12		11 March 2002	1, 2, 5, 6.
13		11 March 2002	1, 2.
14	John Douglas, Safari Excursions	4 March 2002	2, 5, 7.
15		13 March 2002	1, 6.
16		12 February 2002	2.
17		12 February 2002	2.
18		7 February 2002	1, 2.

**TABLE 2:  
 POINTS RAISED BY SUBMISSIONS**

Point	Summary of point raised	Number of subs	Recommendation	
			Accept	Disallow
1	Agree with the proposed designations conditional on some changes.	13	Accept	Disallow
1.1	Support access provisions.			
2	Oppose the 21 year grazing concession, request that this aspect of the proposal be excluded or reduced to 3 – 5 year term:	15	Accept	Allow so that further consultation can be undertaken with the holder and the Director General of Conservation
2.1	- Is not consistent with Section 24 (a)(i) & 24 (b) CPLA.			
2.2	- 21 years is excessive for the justification of providing a transition period for the lessee.			
3	Proposed new boundary fence too high altitude, boundary should be lower existing fence. - does not protect inherent values - does not promote sustainable land management	5	Accept	Allow so that further consultation can be undertaken with the holder and the Director General of Conservation
4	Proposal should include an open space covenant to protect the landscape on the mid-upper slopes	5	Accept	DisaAllow

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	of proposed freehold			so that further consultation can be undertaken with the holder and the Director General of Conservation
5	Oppose the hut concession.	8	Accept	Allow so that further consultation can be undertaken with the holder and the Director General of Conservation



Point	Summary of point raised	Number of subs	Recommendation	
6	Oppose horse trekking and 4WD safari concession.	5	Accept	Allow
6.1	The concession should be restricted to the northern end of the property only.			
6.2	- Concession should be restricted to week days only.			
6.3	- 9 year term is too long.			
6.4	- Oppose concession as level of use may have severe adverse effects.			
7	Cardrona to Cromwell pack track requires surveying on line of existing track formation.	7	Not accept	
8	Object to DoC sign posting requiring easement users to consult landowner.	1	Not accept	
9	Express concern about the temporary suspension provisions of the draft easement document.	1	Accept	Disallow
10	Lease boundary is incorrect on designations plan.	1	Not aAccept	Disallow
11	Express a preference for the access easement to be on alternative route up Breakneck Spur.	3	Accept	Disallow
12	Propose a covenant that prohibits burning where significant inherent values have been identified within proposed freehold area.	2	Accept	Disallow
13	Wish to continue to have access for 4WD vehicle use on tracks along the top of Pisa Range.	2	Accept	DisaAllow
14	4WD vehicle access over proposed freehold should not be unreasonably withheld.	1	Accept	Disallow

## DECISION OF THE COMMISSIONER OF CROWN LANDS

### MOUNT PISA TENURE REVIEW

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OFFICIAL INFORMATION ACT

**(1) Details of lease:**

*Lease Name:* Mount Pisa  
*Location:* Cromwell  
*Lessee:* Mount Pisa Station Limited

**(2) Public notice of preliminary proposal:**

*Date, publication and location advertised:*

Saturday – 12 January 2002:

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

A copy of the notice is attached as Appendix I.

*Closing date for submissions:*

8 March 2002

**(3) Details of submissions received:**

A request was received from Royal Forest and Bird Society, Southern Office for the Commissioner to receive a late submission that was granted. Seven submissions were received outside the closing date. A total of 18 submissions were received. The list of submitters is attached as Table 1 which references to the points raised by the submitters. ~~attached as Table 2.~~

**(4) Analysis of submissions:**

**4.1 Introduction, symbols and abbreviated terms**

The symbols and abbreviations used in this report are as set out in the Crown Pastoral Land Standard 8 for Preliminary Proposal for tenure review issued by the office of the Chief Crown Property Office, 13 March 2000.

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*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. An annotated copy of the submissions recording the point made is attached as Appendix II. Table 1 lists the submitters with a reference to the points raised that are summarised in Table 2.

The following analysis summarises each of the points raised along with the recorded number of the submitter making the point. A discussion is included on the point raised and an explanation given for the decision of the Commissioner on whether he has accepted/not accepted or allowed/disallowed the point.

The following approach has been adopted when making a decision:

(i) *To accept/not accept:*

It has been decided that the decision be to "accept" the point made by submitters where the matter raised is a relevant matter for the Commissioner to consider when making decisions in the context of the Crown Pastoral Land Act 1998. Conversely, where the matter raised is not relevant in terms of the Commissioner's consideration, it has been decided that the decision be to "not accept".

(ii) *To allow/disallow:*

Where the decision is to accept, a further decision has been made as to whether the point made should be "allowed" or "disallowed". It has been decided that the decision be to "allow" if the matter raised should be considered further. Where the matter has previously been decided by the Commissioner and there is no justification for further consideration the decision is to "disallow". Further justification for the decision has been made in the discussion paragraph showing the summary for each point.

4.2 *Analysis:*

<i>Point</i>	<i>Summary of point raised</i>	<i>Number of subs</i>	<i>Decision</i>	
1	Agree with the proposed designations conditional on some changes.	13	Accept	Disallow
1.1	Support access provisions.			

*Discussion:*

Conditional support is noted. As the submissions deals with decisions made under the CPL Act the point is accepted. As there has been no new information provided with respect to this point that effects the decision made by the CCL, the point should be disallowed.

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<i>Point</i>	<i>Summary of point raised</i>	<i>Number of subs</i>	<i>Decision</i>	
2	Oppose the 21 year grazing concession, request that this aspect of the proposal be excluded or reduced to 3 – 5 year term:	15	Accept	Allow so that further consultation can be undertaken with the holder and the Director General of Conservation
2.1	- Is not consistent with Section 24 (a) (i) and 24 (b) CPLA.			
2.2	- 21 years is excessive for the justification of providing a transition period for the lessee.			

*Discussion:*

As the arguments raised to support these submissions are relevant matters under Sections 24 (a) (i) and 24 (b) of the CPL Act the point can be accepted. It was noted in the submission on consultation that the 21 year grazing concession proposal was the result of the consultation process and not necessarily strictly in compliance with the objects of the CPL Act. However, in deciding to designate the land subject to the concession, the CCL did take into account the objects of the CPL Act. Furthermore, the provisional consent to the designation required by the CPL Act was granted by the Minister of Conservation's delegate. It is not accepted therefore that the decision was made outside the objects of the CPL Act.

However, it is clear that the proposed designation is one which has attracted a significant level of criticism as a result of the public notification of the Preliminary Proposal. Given the weight of the submissions received, and also given the fact that the proposed designation raises issues of significance and sensitivity in the context of the tenure review of this pastoral lease, the CCL should engage in further consultation with the parties regarding the proposed concession.

<i>Point</i>	<i>Summary of point raised</i>	<i>Number of subs</i>	<i>Decision</i>	
3	Proposed new boundary at too higher altitude, boundary should be lower existing fence.  - does not protect inherent values  - does not promote sustainable land management.	5	Accept	Allow so that further consultation can be undertaken with the holder and the Director General of Conservation

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*Discussion:*

The matter of siting of boundaries is relevant in terms of Section 24 (a) (ii) and (b) CPL Act and therefore can be accepted. No new information was provided in submissions although further consideration and justification for boundaries may be justified in light of the extent to which the public submissions have raised concerns about this issue. The point should be allowed so that the matter may be reconsidered and further justification provided.

<i>Point</i>	<i>Summary of point raised</i>	<i>Number of subs</i>	<i>Decision</i>	
4	Proposal should include an open space covenant to protect the landscape on the mid-upper slopes of the proposed freehold.	5	Accept	Allow to enable further consultation to be undertaken with the holder and the Director General of Conservation

*Discussion:*

Landscape amenity can come within the meaning of a significant inherent value, the protection by covenant of which can be considered under Section 24 (b) (i) CPL Act. It is therefore a relevant matter for the Commissioner's consideration and can be accepted. The landscape amenity was not considered to constitute a significant inherent value in the preparation of the Preliminary Proposal. However with the content of the submissions indicating a strong view that the landscape amenity is a significant inherent value, the CCL proposes to undertake further consultation with the holder and the Director General of Conservation. Accordingly this point may be allowed so that the further consultation can take place.

<i>Point</i>	<i>Summary of point raised</i>	<i>Number of subs</i>	<i>Decision</i>	
5	Oppose the hut concession.	8	Accept	Allow to enable further consultation with the holder and the Director General of Conservation

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*Discussion:*

The submitters raise this point in relation to the hut's significance to the recreation values of the area. Recreation can come within the meaning of a significant inherent value. The hut is on the land and therefore is a relevant matter for the Commissioner to consider under Section 24 (b) CPL Act and therefore can be accepted. The hut concession is associated with the grazing concession. On this basis, and in light of the decision to undertake further consultation with the holder and the Director-General of Conservation concerning the grazing concession, Further consideration should be given to the decision to grant a right to occupy the hut pursuant to the proposed concession. Furthermore, the submissions provide new information on the significance of the hut to public use and recreation of the area and therefore should be allowed.

<i>Point</i>	<i>Summary of point raised</i>	<i>Number of subs</i>	<i>Decision</i>	
6	Oppose horse trekking and 4WD safari concession.  The concession should be restricted to the northern end of the property only:  - Concession should be restricted to week days only. - 9 year term is too long. - Oppose concession as level of use may have severe adverse effects.	5	Accept	Allow

*Discussion:*

The matters raised with respect to this point concern the protection of significant inherent values and the potential impact of the concession on them. The granting of the concession and its conditions are relevant matters under Section 24 (b) (ii) and also Section 24 (c) (i) and therefore can be accepted. The assessment of the effects of the proposed concession on the protection of significant inherent values is a relatively subjective matter on which submissions themselves are new information not previously considered by the CCL. These submissions should therefore be allowed.

<i>Point</i>	<i>Summary of point raised</i>	<i>Number of subs</i>	<i>Decision</i>	
7	Cardrona to Cromwell pack track requires surveying on line of existing track formation.	6	Not accept	

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*Discussion:*

Roading is not a relevant matter for the Commissioner to consider under tenure review and cannot be accepted.

<i>Point</i>	<i>Summary of point raised</i>	<i>Number of subs</i>	<i>Decision</i>	
8	Object to DoC sign posting requiring users of easement to consult landowner.	1	Not accept	

*Discussion:*

DoC sign posting is a conservation management issue that is not relevant to this review and therefore cannot be accepted.

<i>Point</i>	<i>Summary of point raised</i>	<i>Number of subs</i>	<i>Decision</i>	
9	Express concern about the temporary suspension provisions of the draft easement document.	1	Accept	Disallow

*Discussion:*

As access is a relevant matter under Section 24 (c) (i) of the CPL Act the point can be accepted. As the temporary suspension of access is a statutory provision under the Conservation Act it is not a matter that can be allowed.

<i>Point</i>	<i>Summary of point raised</i>	<i>Number of subs</i>	<i>Decision</i>	
10	A portion of the lease has been omitted in the review.	1	Not accept	

*Discussion:*

Tenure review is undertaken in respect of either land subject to pastoral lease or other land which has been incorporated into the tenure review according to the provisions of the CPL Act. The area of land which is referred to in this submission is not included in the tenure review. The point made in this submission is not a relevant matter under the CPL Act.

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<i>Point</i>	<i>Summary of point raised</i>	<i>Number of subs</i>	<i>Decision</i>	
11	Express a preference for the access easement to be on alternative route up Breakneck Spur.	3	Accept	Disallow

*Discussion:*

As access is a relevant matter under Section 24 (c) (i) of the CPL Act the point can be accepted. This access route was considered in the Conservation Resources Report and was excluded in preference to the access route up the existing 4WD track. No new information has been provided. As the matter has previously been adequately considered it should be disallowed.

<i>Point</i>	<i>Summary of point raised</i>	<i>Number of subs</i>	<i>Decision</i>	
12	Propose a covenant that prohibits burning where significant inherent values have been identified within proposed freehold area.	2	Accept	Disallow

*Discussion:*

As the protection of significant inherent values is a relevant matter under Section 24 (2) (b) CPL Act the point can be accepted. No new information has been provided on significant inherent values within the proposed freehold area. Areas within the proposed freehold previously identified as containing significant inherent values are very small and the matter has previously been considered. On this basis the point should therefore be disallowed.

<i>Point</i>	<i>Summary of point raised</i>	<i>Number of subs</i>	<i>Decision</i>	
13	Wish to continue to have access for 4WD vehicle use on tracks along the top of Pisa Range.	2	Accept	Disallow

*Discussion:*

Access by 4WD vehicles within the proposed conservation area is a relevant matter in terms of Section 24 (c) (i) CPL Act. To this extent the submission can be accepted. However the submission is specifically concerned with the issue of ongoing access following implementation of the tenure review. This is a management issue determined by the Department of Conservation following implementation of the review.



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Any policy adopted by DoC in the future, once responsibility for the land is vested in the Minister of Conservation as an outcome of the tenure review must be consistent with the relevant legislation and the general law. However future management policy of land which has vested by application of the CPL Act is not a matter for the CCL to consider as a part of the tenure review process. The submissions should be disallowed.

<i>Point</i>	<i>Summary of point raised</i>	<i>Number of subs.</i>	<i>Decision</i>	
14	4WD vehicle access over proposed freehold should not be unreasonably withheld.	2	Accept	Disallow

*Discussion:*

Public access is a relevant matter under Part 2 CPL Act and therefore can be accepted. The issue of 4WD access over the track to the proposed conservation area has previously been considered and no new information is provided in the submissions. On this basis the submission may be disallowed.

**(5) Discussion and conclusions:**

Discussion relevant to each particular point has been provided under each point summarised from the submission. The most commonly raised point was opposition to the granting of a 21 year concession for grazing within the proposed conservation area. The general tone of the submissions was in support of the designations conditional on changes to certain aspects of the proposal.