

Crown Pastoral Land Tenure Review

Lease name: Mt BURKE STATION

Lease number: PO 073

Preliminary Report on Public Submissions

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

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

March 04

**REPORT IN ACCORDANCE WITH
TENURE REVIEW PROCESS**

Analysis of submissions through public notice of Preliminary Proposal
for tenure review

MOUNT BURKE

File Ref: CONS0344/12447 (Po073/1) Submission No: AT4000 Submission Date: 14 January 2004
Contractor's Office: Alexandra LINZ Case No: 1204/16 Date sent to LINZ: 21 Jan 09-03-04
ef

RECOMMENDATIONS:

1. That the Commissioner of Crown Lands or his delegate note the submissions received and approve the analysis of submissions attached as Appendix 1.
2. That the Commissioner of Crown Lands or his delegate authorise DTZ to consult with the Director General of Conservation's delegate on points allowed from public submissions.

CERTIFICATION:

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

Signed for DTZ New Zealand Limited:

PH Murray:

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

O. J. Frost
Name: OWEN JOHN FROST
Date of decision: 09.03.04

1. Details of lease:

Lease Name: Mount Burke
Location: Lake Wanaka
Lessee: Mt. Burke Station Limited

APPENDICIES:

1. Analysis of submissions.
2. Copy of pubic notice.
3. List of submitters.
4. Copy of annotated submissions.

APPENDIX 1: ANALYSIS OF SUBMISSIONS:

ANALYSIS OF SUBMISSIONS

MOUNT BURKE TENURE REVIEW

1. Details of lease:

Lease Name: Mount Burke

Location: Lake Wanaka

Lessee: Mt. Burke Station Limited

2. Public notice of Preliminary Proposal:

Date, publication and location advertised:

Saturday – 4 October 2003:

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

A copy of the notice is attached as Appendix 1.

Closing date for submissions:

1 December 2003

3. Details of submissions received:

A total of 39 submissions were received. Four submissions were received outside the closing date. A list of submitters is attached as Appendix 3 that references the submitters to the points raised in their submission.

4. Analysis of submissions:

4.1 Introduction:

Explanation of Analysis:

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

The following analysis summarises each of the points raised along with the recorded number of the submitter making the point (*shown in Appendix 3*). Discussion of the point and the decision whether or not to allow/disallow the point follows.

The following approach has been adopted when making recommendations:

- (i) To allow/disallow:

The decision to “**allow**” the 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 the Crown Pastoral Land Act 1998. Conversely, where the matter raised is not relevant in terms of the Commissioner’s consideration, the decision is to “**disallow**”.

4.2 Analysis:

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>
1	Propose a public walkway route above the Hawea Motor Camp to: <ul style="list-style-type: none"> - Mount Maude. - Loop Track utilising existing 4WD track to Round Hill. - Should include right for mountain bikes. 	1, 2, 5, 7, 8, 20, 26, 29, 30	Allow

Discussion:

The point concerns public access which is a relevant matter under Section 24 (c) (i) CPL Act and is therefore allowed.

The potential for a track to Mount Maude and a Loop Track that links with the existing lakeside track to Round Hill was identified in the community planning group discussions sponsored by the District Council named Hawea 2020. Comparisons are made in submissions for this track and its relationship to Hawea with the Mount Roy Track and Wanaka.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>
2	There is a need for public access to be provided from Maungawera Road into proposed Quartz Creek Conservation Area.	2, 3, 8, 14, 15, 22, 25, 29, 30, 32	Allow

Discussion:

The point concerns public access which is a relevant matter under Section 24 (c) (i) CPL Act and is therefore allowed.

The intention in the proposal is to provide public access from a carpark at “f” up the marginal strip of Quartz Creek to the proposed conservation area, however as marginal strips that will result from the review were not identified earlier in the process, this was not clear on the designations plan.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>
3	Object to proposed fencing across the top of Mount Gold.	2, 19	Disallow

Discussion:

The submissions are made on the grounds that a fence would detract from the SIV'S, particularly landscape, that have been identified within the area. However no new fence is proposed across the summit of Mount Gold. The point is therefore disallowed on the grounds that there is no factual basis for the Commissioner to consider this point.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>
4	There is a need for public access to be provided from the head of Stevenson’s Arm to the Makarora Arm of Lake Wanaka.	2	Disallow

Discussion:

The point concerns public access which is a relevant matter under Section 24 (c) (i) CPL Act. The proposal does provide public access from the head of Stevenson’s Arm to the Makarora Arm of Lake Wanaka by the way of easement “a-b”. The submission is therefore disallowed on the grounds that there is no factual basis for the Commissioner to consider the point.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>
5	Propose a landscape covenant on The Peninsula: <ul style="list-style-type: none"> - Fall back position to full Crown ownership and control. - Has extremely high visibility from Wanaka town and the lake. 	2, 3, 7, 8, 11, 15, 20, 21, 22, 32	Allow

Discussion:

The point concerns the protection of significant inherent values in the form of natural landscapes which is a relevant matter for the Commissioner to consider under Section 24 (b) CPL Act. The point is therefore allowed.

Some submitters propose a covenant as a less desired outcome than retention of The Peninsula in full Crown ownership and control. The need for public access to points on The Peninsula (*Points 8 & 26*) was frequently included in these submissions.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>
6	Propose a covenant to prevent burning for farming purposes.	2, 29	Allow

Discussion:

The point concerns burning of vegetation as a farming practice and can be related to the promotion of ecologically sustainable land management or the protection of SIV'S, both of which are relevant matters for the Commissioner to consider under Section 24 CPL Act. The point is therefore allowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>
7	<p>Object to the disposal of the East Wanaka Creek catchment subject to a conservation covenant (CC6).</p> <ul style="list-style-type: none"> - The area contains SIV'S in the form of a large area of <i>C. macra</i> of particular conservation significant. - Contains a diverse shrubland. - SIV'S are identified in the CRR. - Has similar SIV'S to Quartz Creek. - Ongoing grazing does not meet Section 24 (a) (i) CPLA. - Area has important recreation value. - Short term grazing concession would be acceptable. 	3, 6, 7, 8, 19, 20, 25, 28, 29, 30, 32, 33, 35	Allow

Discussion:

The point concerns the protection of significant inherent values and the securing of public access to and enjoyment on reviewable land which are matters for the Commissioner to consider under Section 24 (b) and 24 (c) (i). Submitters also raise the point with regard to Section 24 (a) (i). The point is therefore allowed.

This was the second most commonly raised point with many submissions citing statements in the Conservation Resource Report to support their submission. Several

submissions suggested a boundary with proposed freehold at around the 600 metre contour.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>
8	Need for public walkway around The Peninsula.	3, 23, 25	Allow

Discussion:

This point concerns public access which is a relevant matter under Section 24 (c) (i) CPL Act and is therefore allowed.

This point is closely related to Point 26 that proposes public access be provided to the ridge crest of The Peninsula. This point was sometimes made in association with Point 10, as a further justification for retention of The Peninsula in Crown ownership and control.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>
9	<p>Conservation covenants CC1, CC2, CC3, CC4 are inadequate for protecting the SIV'S identified.</p> <ul style="list-style-type: none"> - Should be linked by corridors that are necessary for long term viability of communities and associated wildlife. - CC5 should be extended to include the indigenous vegetation around Little Mount Maude including beech and kanuka to link with CC4. 	3,4, 6,25, 29, 30	Allow

Discussion:

The point concerns the protection of significant inherent values present on the land and their ongoing liability. This is a relevant matter for the Commissioner to consider under Section 24 (b) CPL Act and is therefore allowed.

Not all of the submissions identified with this point made submissions on all of the covenant areas. Submissions on areas CC1 and CC2 were sometimes associated with submissions raising Point 5 or 10. There was a general concern expressed about the relatively small size of the proposed covenants in relation to what submitters saw as the SIV'S present outside the covenanted areas.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>
10	<p>Propose The Peninsula be retained in full Crown ownership and control.</p> <ul style="list-style-type: none"> - Contributes in a major way to the outstanding quality of the natural landscape of the Wanaka area and the wider Central Lakes district. - Has important recreation values. - Potential to be a significant mainland island. - Has high potential to recover to a mixed tussock grassland, shrubland, woodland, forest. - Contains archaeological sites of importance related to Maori and nineteen century goldmining that justify protection. 	<p>3, 6, 7, 8, 9, 11, 12, 14, 19, 20, 21, 22, 23, 24, 25, 26, 29, 30, 31, 33, 34, 35, 39</p>	Allow

Discussion:

The point concerns the protection of significant inherent values, the provision of public access and the promotion of ecological sustainable land management which are all matters relevant for the Commissioner to consider under Section 24 CPL Act. The point is therefore allowed.

This was the most commonly raised point in submissions. The majority of the submission raised the potential for The Peninsula to be used as a “main land island” to provide a special habitat for native wildlife. The importance of The Peninsula to the landscape was also commonly raised.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>
11	<p>The proposed reserve at “R” is inadequate:</p> <ul style="list-style-type: none"> - Needs to be much larger given likely public demand. - A 2 ha to 5 ha reserve is required. - Require a continuous strip to be reserve from “R” south to Quartz Creek. - Access route over Quartz Creek frequently washes out. - Site is unsuitable for trailers and boat launching. - Reserve should be expanded to include the flax paddock. - Reserve should be expanded to include the scrub covered terrace as far as Point “e”. 	3, 8, 25, 29, 30, 32, 35, 37	Allow

Discussion:

The point concerns the protection of significant inherent values and the securing of public access to and enjoyment of the reviewable land which are relevant matters for the Commissioner to consider under Section 24 CPL Act. The point is therefore allowed.

This point is related to Point 14 which proposes a reserve on the south side of Quartz Creek. The unsuitability of the proposed reserve for launching boats and the insecure access across Quartz Creek are the most commonly raised issues concerning this point.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>
12	<p>Object to the clauses in easements “a-b” and “c-d” allowing closing for 2 months over lambing.</p> <ul style="list-style-type: none"> - 2 months closure is unreasonable given the strategic importance of this access. - A shorter period of 4 weeks would be reasonable. - Right to close for 2 months is contrary to the objects of the CPLA to secure public access. - Proposed closure date is a popular time of the year for walking. - Clause allowing temporary closure should be removed altogether. 	3, 4, 7, 8, 14, 20, 24, 29, 30, 35	Allow

Discussion:

The point concerns public access which is a relevant matter under Section 24 (c) (i) CPL Act and is therefore allowed.

The point is related to Point 18 objecting to the right for the holder to temporarily close access for stock movement.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>
13	Conservation covenant area CC4 should be retained in full Crown ownership a control.	26	Allow

Discussion:

The point concerns the protection of significant inherent values which is a relevant matter for the Commissioner to consider under Section 24 (b) CPL Act. The point is therefore allowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>
14	<p>Propose recreation reserve on southern side of Quartz Creek:</p> <ul style="list-style-type: none"> - Area known as The Flax Paddock is more suitable for launching boats than the area proposed and is suitable for car parking and picnicking. - Has more secure access than proposed reserve “R”. - 1 ha would be suitable. - 2 ha would be desirable. - There are few legal access points available to Lake Wanaka. - The need for more reserves and greater public access along the shores of Lake Wanaka has long been recognised. - There are no other suitable sites for boat launching in the vicinity. - Reserve should include area from Flax paddock north to point ‘e’. 	11, 20, 24, 32, 35, 37, 38	Allow

Discussion:

The point concerns the protection of SIV'S in the form of recreation values and the securing of public access to and enjoyment of reviewable land. These are relevant matters for the Commissioner to consider under Section 24 CPL Act. The point is therefore allowed.

This point is related to Point 11 in which submitters have registered their concerns about the limitations of the proposed reserve “R” providing for the public recreation needs.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>
15	The conservation covenants CC1 – CC5 should be fenced to better protect the SIV'S.	3, 4, 14, 25, 29, 30	Allow

Discussion:

The point concerns the protection of significant inherent values which is a relevant matter for the Commissioner to consider under Section 24 (b) CPL Act. The point is therefore allowed.

Concern was expressed particularly about area CC3.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>
16	Public access should be provided to covenants CC1 – CC5.	4, 26	Allow

Discussion:

The point concerns the securing of public access and enjoyment of reviewable land which are relevant matters for the Commissioner to consider under Section 24 CPL Act. The point is therefore allowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>
17	<p>The area between the unformed legal road portion of Maungawera Road and the marginal strip should be retained as conservation area:</p> <ul style="list-style-type: none"> - To protect the visual amenity of Lake Wanaka shore edge. - Would protect against lifestyle development. 	4, 11, 24, 32	Allow

Discussion:

The point concerns the protection of significant inherent values in the form of visual amenity which is a relevant matter for the Commissioner to consider under Section 24 (b) CPL Act. The point is therefore allowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>
18	<p>Oppose clause in easement “c-d” allowing holder to notify temporary closure of easement:</p> <ul style="list-style-type: none"> - Should be restricted to one day per month. 	4, 11, 20, 24, 29, 37, 38	Allow

Discussion:

The point concerns public access which is relevant matter under Section 24 (c) (i) CPL Act and is therefore allowed.

The point is related to Point 12 concerning closure of easements for lambing.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>
19	Interpretative signs should be erected along proposed routes.	4	Disallow

Discussion:

The point relates to a management issue that will follow the implementation of the review. Provision is made in the easement for DoC to erect signs. The matter is therefore not one the Commissioner can consider under the CPLA. The point is therefore disallowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>
20	Object to land being freeholded that has no farming value but has subdivision potential only.	5	Disallow

Discussion:

The Act provides for the freeholding of land capable of economic use of which subdivision for such as lifestyle purposes is one. Freehold disposal cannot be discounted merely on account of its economic use being for lifestyle purposes which may result in land subdivision. This point is therefore not a matter the Commissioner can consider under the CPLA. The point is therefore disallowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>
21	Tenure review should not proceed further while access for submitters prior to making submissions is being denied.	5, 35	Disallow

Discussion:

The point has arisen from a situation where certain groups and individuals have been denied access to the lease by the lessee prior to their making submissions on the preliminary proposal. Under Section 43 the Commissioner is to give notice of the preliminary proposal and under section 26 he must consult the Director General of Conservation and may consult any person or body he thinks fit about the review. His requirement to consult does not however contemplate submitters being allowed

access onto the property. The lessee has a right to exclusive procession and quiet enjoyment of his lease which is not fettered by Part 2 of the act. While the Commissioner may continue to encourage lessees to provide access to the public in the course of their making submissions, he cannot require it of the lessee. The point cannot therefore be considered by the Commissioner and therefore is disallowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>
22	Object to farm access easement concession “p-o”: - Is unnecessary and unjustified.	6, 25	Allow

Discussion:

The point concerns the protection of significant inherent values and the effect that the granting of a concession may have on this, which is a relevant matter for the Commissioner to consider under Section 24 (b) CPL Act. The point is therefore allowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>
23	The proposed Quartz Creek conservation area is too small to protect the SIV'S identified: - To provide for the intended recreation purpose. - Boundary should be altered to include Mount Maude and faces to the east. - To protect the landscape values of the southwest side of Mount Maude and Little Mount Maude which is an important and distinctive part of the skyline backdrop to Albert town, SHW 6 and Maungawera Road. - To provide adequate protection for the Boulder Butterfly (<i>Atipodolycaena species</i>). - To achieve good reserve design along East Branch Quartz Creek.	6, 29, 30,32, 33, 35	Allow

Discussion:

The point concerns the protection of significant inherent values which is a relevant matter for the Commissioner to consider under Section 24 (b) CPL Act. The point is therefore allowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>
24	Propose public access route “e-f” along legal road.	7, 8, 14, 20, 26, 29, 37, 38	Disallow

Discussion:

The point concerns the identification and formation of an unformed legal road. Although the point is noted with respect to the objects of the CPLA regarding public access, legal roads are not a matter that can be considered under the CPLA. The point is therefore disallowed.

It may be appropriate for the Council or DoC to consider utilising the line of the legal road for public access in the future in consultation with the holder. This is not however a CPLA matter.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>
25	Propose alternative public access route from “R” to “e”.	7, 25	Allow

Discussion:

The point concerns public access which is a relevant matter under Section 24 (c) (i) CPL Act and is therefore allowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>
26	Propose public access routes on The Peninsula: <ul style="list-style-type: none"> - Along the ridge crest from the neck to the tip. - From the marginal strip on the west side of The Peninsula to the ridge crest. - From the marginal strip on the eastside of The Peninsula to the ridge crest. 	7, 8, 12, 20, 29, 30, 32, 33	Allow

Discussion:

The point concerns public access which is a relevant matter under Section 24 (c) (i) CPL Act and is therefore allowed. This point is associated with Points 8 and 10.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>
27	Propose The Peninsula be retained in full Crown ownership and control with a grazing concession.	7, 8, 22, 23, 24, 29, 33, 39	Allow

Discussion:

The point concerns the protection of significant inherent values and securing public access to and enjoyment of the land which are relevant matters for the Commissioner to consider under the CPLA. The point is therefore allowed.

The point is related to Point 10 that proposes The Peninsula be retained as conservation area.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>
28	Support the proposal without changes: <ul style="list-style-type: none"> - Reducing grazing area could reduce farm viability. - Unlimited public access as proposed will cause numerous farm management problems. - Have full confidence in RMA to ensure development adequately controlled. - Have enjoyed access with consent of the holder. 	10, 13, 16, 17, 18, 27	Allow in part

Discussion:

The point concerns whether the overall proposal (as per Section 25 (2)) meets the objects of the CPLA, which is a relevant matter for the Commissioner to consider. The point is therefore allowed. The point is however disallowed with regard to farm viability which is not a matter the Commissioner can consider under the CPLA.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>
29	<p>Need for provision of public access from lakeside marginal strip to proposed conservation area within West Wanaka Creek.</p> <ul style="list-style-type: none"> - Would provide a direct access route from easement “d-e”. - Would provide round trip options. 	12, 20, 29, 32, 35	Allow

Discussion:

The point concerns public access which is a relevant matter under Section 24 (c) (i) CPL Act and is therefore allowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>
30	Proposed covenant CC3 should be retained in full Crown ownership and control.	12, 29	Allow

Discussion:

The point concerns the protection of significant inherent values under Section 24 (b) CPL Act. The point is therefore allowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>
31	<p>Special conditions 1 – 5 Schedule 2 in covenant CC6 should be removed:</p> <ul style="list-style-type: none"> - As fall back position to Point 7. 	20, 25, 30	Allow

Discussion:

The point concerns the protection of significant inherent values which is a relevant matter for the Commissioner to consider under Section 24 (b) CPL Act. The point is therefore allowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>
32	Legal unformed road at “i” should be signposted for identification.	14, 20	Disallow

Discussion:

The point relates to a management issue which is not a relevant matter to be considered under the CPLA. The point is therefore disallowed.

Such management issues would expect to be addressed by DoC following implementation.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>
33	A no burning provision in covenant CC3 should apply to adjacent land.	3, 25, 29	Disallow

Discussion:

Covenants cannot address management issues on land outside the covenant area. The point is therefore not able to be addressed by the Commissioner under the CPLA and is therefore disallowed.

The point was made in association with Point 9 suggesting the need for enlarged covenant areas. The concern expressed behind the point can be considered under this point.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>
34	Motorised vehicle access should be provided from the end of the legal road at “e” to the Isthmus.	6, 25	Allow

Discussion:

The point concerns public access which is a relevant matter under Section 24 (c) (i) CPL Act and is therefore allowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>
35	Oppose disposal of the entire property except for the developed flats.	28	Allow

Discussion:

The point concerns the protection of significant inherent values and the need to take a broader view in the protection of these in this instance due to the nature of the area involved and its importance to tourism and recreation. These are relevant matters for the Commissioner to consider under Section 24 (b) CPL Act and the point is therefore allowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>
36	Wilding pines, Hawthorne, broom and briar should be removed and monitored.	29	Disallow

Discussion:

These are management issues that are not relevant to the CPLA. The point is therefore disallowed. Such issues are for DoC’s consideration following implementation of the review.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>
37	Condition 7, Schedule 2 in covenant document for CC4 allowing clearing of track through covenant area should be deleted.	29, 30	Allow

Discussion:

The point concerns the protection of significant inherent values which is a relevant matter for the Commissioner to consider under Section 24 (b) CPL Act. The point is therefore allowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>
38	<p>Covenant document for Areas CC1 – CC5 requires rewording:</p> <ul style="list-style-type: none"> - Clause 3 should include <i>“the owner will not by act or remission interfere with, remove, damage, or endanger the natural features, indigenous animals and plants or historic resources on the covenanted area”</i>. - Schedule 1, Point 3 values of land to be protected should include landscape by adding <i>“the natural values of the land, including its natural environment, natural features, landscape values, including mixed shrubland remnants, Hall’s totara forest remnants and rare native crest <i>Ishnocarpus novae-zelandiae</i> will be preserved and the natural regeneration enhanced”</i>. 	29, 35	Allow

Discussion:

The point concerns the protection of significant inherent values which is a relevant matter for the Commissioner to consider under Section 24 (b) CPL Act. The point is therefore allowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>
39	Propose a recreation reserve behind the lake frontage at Point “e”.	29	Allow

Discussion:

The point concerns the protection of SIV'S in the form of recreation amenity and the securing of public access to and enjoyment of the land which are relevant matters for the Commissioner to consider under the CPL Act. The point is therefore allowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>
40	Easement “e-d” should connect with the marginal strip along its length: - To allow access for those accessing by boat.	29	Allow

Discussion:

The point concerns public access which is a relevant matter under Section 24 (c) (i) CPL Act and is therefore allowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>
41	Covenants should include right for DoC access for monitoring purposes.	29, 35	Allow

Discussion:

The point concerns the legal framework for the future management and protection of the SIV'S as opposed to the actual future management. This is a relevant matter for the Commissioner to consider under Section 24 (b) CPL Act and is therefore allowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>
42	Closure powers for the transferor (<i>Appendix 5, Clause 12 in Preliminary Proposal</i>) should specify reasons in which closure may occur.	29, 32, 35	Allow

Discussion:

The point concerns public access which is a relevant matter under Section 24 (c) (i) CPL Act and is therefore allowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>
43	The forested area within Mount Burke Creek deserves protection.	32	Allow

Discussion:

The point concerns the protection of significant inherent values which is a relevant matter for the Commissioner to consider under Section 24 (b) CPL Act. The point is therefore allowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>
44	Propose recreation reserve at the head of Stevenson’s Arm on the Isthmus at point “a”.	32, 33	Allow

Discussion:

The point concerns the protection of significant inherent values and the securing of public access to and enjoyment of the reviewable land which are relevant matters for the Commissioner to consider under Section 24 CPL Act. The point is therefore allowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>
45	Access routes should be provided by way of designating the route pursuant to Section 35 (2) (a) (iii) for specified Crown purpose of “public highway”.	32, 35	Disallow

Discussion:

Specific provision is made for meeting the objects with respect to public access (Section 24 (2) (c) (i)) by way of protective mechanisms under Section 40 (2) (c) CPLA. It is therefore clear the intention of Section 35 (2) (b) (iii) is to provide for other public purposes not provided for elsewhere in the act and is not intended to provide for public access across or to the land concerned. This point is therefore not a matter the Commissioner can consider and is therefore disallowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>
46	The lake faces northeast of The Peninsula should be retained in full Crown ownership and control: - Landscape of the lake faces is very similar in character and vulnerability to The Peninsula.	33	Allow

Discussion:

The point concerns the protection of significant inherent values which is a relevant matter for the Commissioner to consider under Section 24 (b) CPL Act. The point is therefore allowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>
47	Propose a reserve around the entire lake shore of Stevensons Arm.	35	Allow

Discussion:

The point concerns public access and enjoyment of the reviewable land which is a relevant matter under Section 24 (c) (i) CPL Act and is therefore allowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>
48	The lake faces on the eastern side of Stevenson’s Arm should be retained in full Crown ownership and control: - To protect landscape values.	33	Allow

Discussion:

The point concerns the protection of significant inherent values which is a relevant matter for the Commissioner to consider under Section 24 (b) CPL Act. The point is therefore allowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>
49	There is inadequate protection of SIV'S on Hawea Lake Faces.	33	Allow

Discussion:

The point concerns the protection of significant inherent values which is a relevant matter for the Commissioner to consider under Section 24 (b) CPL Act. The point is therefore allowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>
50	There is inadequate protection of lowland kanuka shrublands: - Lower Quartz Creek. - Lake margin. - Should be protected by covenant.	33, 35	Allow

Discussion:

The point concerns the protection of significant inherent values which is a relevant matter for the Commissioner to consider under Section 24 (b) CPL Act. The point is therefore allowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>
52	The Conservation Resources Report is out of date.	35	Disallow

Discussion:

The point concerns the protection of significant inherent values which is a relevant matter for the Commissioner to consider under Section 24 (b) CPL Act. There is however no evidential support provided in the submission that discredits the proposal in respect of significant inherent values that would support the contention that the CRR is out of date. The point is therefore disallowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>
53	<p>Marginal strip lakeshore vegetation plus upslope habitats of hill toe slope seepages and hillslope woody vegetation should be fenced to protect from the impact of stock:</p> <ul style="list-style-type: none"> - Aquatic and lakeshore vegetation of Lake Wanaka is of particular biological conservation value insofar as this is one of the few large inland South Island lakes that has not been altered in level by hydro electricity control and because native plants still dominate most of the vegetation, invasive naturalised aquatic weeds being few in number and relatively controlled management. 	36	Allow

Discussion:

The point concerns the protection of significant inherent values which is a relevant matter for the Commissioner to consider under Section 24 (b) CPL Act. The point is therefore allowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>
54	Easement route “m – n” is not suitable for mountain bikes: - Propose the route “i-j” in Draft Preliminary Proposal.	35	Allow

Discussion:

The point concerns public access which is a relevant matter under Section 24 (c) (i) CPL Act and is therefore allowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>
55	The margin of Quartz Creek deserves protection for the in-stream aquatic and sports fishery values: - Marginal strips that may result from the review are not identified.	37, 38	Allow

Discussion:

The point concerns the protection of significant inherent values which is a relevant matter for the Commissioner to consider under Section 24 (b) CPL Act. The point is therefore allowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>
56	Maungarewa Road should be surveyed on its correct line.	30	Disallow

Discussion:

The point concerns legal roads which is not a matter which is a relevant for the Commissioner to consider under the CPL Act. The point is therefore disallowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>
57	Propose that a practical and legal public access route be provided to link point ‘k’ with Dublin Bay.	32	Allow

Discussion:

The point concerns public access which is a relevant matter under Section 24 (c) (i) CPL Act and is therefore allowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>
58	Proposed covenant CC5 should be retained in full Crown ownership and control.	12	Allow

Discussion:

The point concerns public access and enjoyment of the reviewable land which is a relevant matter under Section 24 (c) (i) CPL Act and is therefore allowed.

5. Discussion and conclusions:

A total of 35 submissions were received by the closing date with 4 submissions being received after the closing date.

The most frequently raised points were as follows:

- Retention of The Peninsula in full Crown ownership and control as opposed to freehold with two small covenanted areas (Point 10).
- Retention of proposed conservation area CC6 in full Crown ownership and control (Point 7) rather than covenant.
- Proposal for a reserve for public day use and boat launching on the southside of Quartz Creek at the end of Maungawera Road (Points 11 and 14).
- Additional access routes from opposite Lake Hawea township to Mount Maude and across this face (Point 1).

Of the 58 points made 47 are allowed and 11 disallowed.

APPENDIX 2:

Copy of public notice.

APPENDIX 3:

List of submitters.

LIST OF SUBMITTERS:

<i>Sub Number</i>	<i>Name of Submitter</i>	<i>Points Raised</i>
1	L Campbell/D Paterson	1
2	M Horlor	1, 2, 3, 4, 5, 6
3	Prof A F Mark	2, 5, 7, 8, 9, 10, 11, 12, 15, 33
4	Queenstown Lakes District Council	9, 12, 14, 15, 16, 17, 18, 19
5	T Borick	1, 20, 21
6	B Patrick	7, 9, 10, 22, 23, 34
7	Upper Clutha Environmental Society	1, 5, 7, 10, 12, 13, 24, 25, 26, 27
8	Federated Mountain Clubs of NZ (Inc)	1, 2, 5, 7, 10, 11, 12, 13, 24, 26, 27
9	D B McKenzie	10
10	J & J Hazlett	28
11	G C & D M Barnett	5, 10, 14, 17, 18
12	A & S Penniket	10, 26, 29, 30, 58
13	P Hunt	13, 28
14	J Douglas	2, 10, 12, 15, 24, 32
15	J Palmer	2, 5
16	R & S Burdon	28
17	Southern Handgliding & Paragliding Club Inc	28
18	M F Yates	28
19	S A Collins	3, 7, 10
20	Upper Clutha Tramping Club	1, 5, 7, 10, 12, 14, 18, 24, 26, 29, 31, 32
21	J Dickson	5, 10
22	T Dennis	2, 5, 10, 25, 27
23	E G & J I Kelly	8, 10, 27
24	Wanaka Residents Association Inc	10, 12, 14, 17, 18
25	Otago Conservation Board	2, 7, 8, 9, 10, 11, 15, 22, 31, 33, 34
26	B Chinn	1, 10, 13, 16, 24
27	G Telford	27, 28
28	G Clark	7, 35
29	Royal Forest and Bird Protection Society – Upper Clutha Branch	1, 2, 6, 7, 9, 10, 11, 12, 15, 18, 23, 24, 26, 27, 29, 30, 33, 36, 37, 38, 39, 40, 41, 42
30	J L Turnbull	1, 2, 7, 9, 10, 11, 12, 15, 23, 26, 31, 37, 56
31	E Cieraad	10
32	Public Access New Zealand	2, 5, 7, 11, 14, 17, 23, 26, 29, 42, 43, 44, 45, 57
33	NZ Institute of Landscape Architects	7, 10, 23, 26, 27, 44, 46, 48, 49, 50
34	G McArthur	10
35	Royal Forest & Bird Protection Society – Southern Office	7, 10, 11, 12, 14, 21, 23, 29, 38, 41, 42, 45, 47, 50, 52, 54
36	Dr P N Johnston	53
37	Otago Fish & Game Council	11, 14, 18, 24, 55
38	Upper Clutha Angling Club	14, 18, 24, 55
39	Wakatipu Tramping and Mountaineering Club	10, 27

APPENDIX 4:

Copy of submissions.