

Crown Pastoral Land Tenure Review

Lease name:

ALLANDALE / GREENVALE

Lease number: PS 068 / PS 067

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.

May

08

PRELIMINARY ANALYSIS OF PUBLIC SUBMISSIONS
FOR PRELIMINARY PROPOSAL
ALLANDALE AND GREENVALE PASTORAL LEASES

File Ref: Ps067 and Ps068	Submission No: CH 0286	Submission Date: 14/3/2008
Office of Agent: Christchurch	LINZ Case No: <i>TL08/63</i>	Date sent to LINZ: 14/3/2008

RECOMMENDATIONS

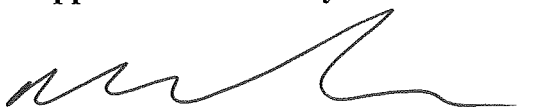
1. That the Commissioner of Crown Lands **notes** the receipt of this report for land held under Allandale and Greenvale pastoral leases.
2. That the Commissioner of Crown Lands **approves** the recommendations in this report to allow or disallow the points raised in the submissions received.
3. That the Commissioner of Crown Lands **authorises** further consultation with the Director General of Conservations delegate on those points allowed.

Signed by Opus:

Bob Webster
Tenure Review Consultant

Peer Review:

Mike Todd
Senior Property Consultant

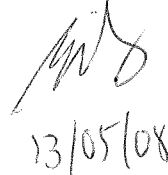
*I recommend approval***Approved/Declined by:**

Name:

Date of decision: *15 / 5 / 08*

Mathew Clark
Manager Pastoral
Crown Property Management
c/o LINZ, Christchurch

DR STEPHEN CHARLES URLICH
TECH LEAD TENURE REVIEW
CROWN PROPERTY MANAGEMENT
c/o LINZ, CHRISTCHURCH


13/05/08

1. Details of leases:

Lease Name: Allandale pastoral lease and Greenvale pastoral lease
Location: Kingston, Lake Wakatipu
Lessee: Lake Wakatipu Station Limited

2. Public notice of Preliminary Proposal:***Date, publication and location advertised:***

Saturday 8th December 2007.

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

Closing Date for Submissions:

26 February 2008.

3. Details of Submissions received:

A total of 12 submissions were received by the closing date. One further submission was received on 28th February 2008, which was approved by LINZ on the same day for inclusion in the analysis.

A further two letters were received from clubs indicating that they did not wish to make submissions. Details of submitters are contained in Appendix 1.

4. Preliminary Analysis of Submissions:**4.1 Introduction:*****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.

The following analysis:

- Summarises each of the points raised along with the recorded number (shown in the appended tables) of the submitter(s) making the point.
- Discusses each point.
- Recommends whether or not to allow the point for further consultation.

The points raised have been analysed to assess whether they are matters that can be dealt with under the Crown Pastoral Land Act 1998 (CPLA). Where it is considered that they are the recommendation is to allow them.

Conversely where the matter raised is not a matter that can be deal with under the CPLA, the decision is to disallow. The Process stops at this point for those points disallowed.

Further consultation with both the Director General of Conservation's delegate and the leaseholders has to be completed on all those points that have been allowed.

4.2 Analysis:

The submissions have been analysed in the order in which they were received, and points have been listed in the order in which they appear.

Appendix II provides an alternative grouping of points by area and issues.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission Numbers.</i>	<i>Allow or disallow</i>
1	Greater protection is required for the area shown as CC1b.	1, 9, 11, 12, 13	Allow

Rationale

Submitter 1 argues that the area concerned is of sufficient visual importance to warrant its retention in the proposed conservation area. The submitter considers that pressure would be imposed in the future to have the covenant removed, resulting in a distinct 'straight line' of forest and pastureland.

Submitters 9 and 13 also advocate the retention of this land in conservation area CA, or alternatively that the covenant should allow sheep grazing only. They submit that cattle and deer would be likely to prevent regeneration.

Submitter 11 suggests that the higher part of this area (shown in an amended designation plan) should be retained as part of the conservation area. If this is not to be the case they suggest that area should be grazed only lightly by sheep. This submitter also suggests that only sheep grazing should be allowed for the remainder of the area, and that erecting new fences should require the Minister's approval.

Submitter 12 suggests the description of the values in CC1b be changed to "natural character, in particular the general absence of unnatural forms, colours and shapes." The submitter also suggests the covenant should be restricted to sheep grazing and that new fencing should be prohibited.

The point relates to the protection of landscape qualities, which can qualify as significant inherent values. Section 24(b) of the CPLA identifies the protection of significant inherent values as an objective of tenure review, so this point is allowed for further consideration.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission Numbers.</i>	<i>Allow or disallow</i>
2	The hill land west of CC1b should be retained as conservation area.	1, 11	Allow

Rationale

The submitters contend that the slopes immediately to the west of the area shown as CC1b also warrant landscape protection. Submitter 1 suggests the boundary should be either the spur descending to the south-west from point 'c', or running across the contour to approximately point 'A' on the preliminary proposal plan. Submitter 11 suggested a mid slope conservation boundary, as shown in the plan attached to that submission, to provide greater protection of the snow tussock landscape above this line, and to avoid a fenceline effect emerging in the snow tussock zone.

The point relates to the protection of landscape qualities, which can qualify as significant inherent values. Section 24(b) of the CPLA identifies the protection of significant inherent values as an objective of tenure review, so this point is allowed for further consideration.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission Numbers.</i>	<i>Allow or disallow</i>
3	Farm management easement 'f-d' should be more restrictive.	1	Allow

Rationale

The submitter contends that the proposed easement concession 'f-d' should be only be used in relation to stock movement, and should be restricted to horses. The submitter is concerned that other activities could be carried out under the terms of 'farm management'.

Tenure review includes determining the appropriate terms of an easement concession, taking into account the protection of significant inherent values under section 24(b). The point is therefore allowed for further consideration.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission Numbers.</i>	<i>Allow or disallow</i>
4	Statements of support for the proposal.	2, 3, 4, 5, 8, 9, 10, 13	Allow in part

Rationale

Many submitters specifically made statements in support of the proposal, including the proposed distribution of conservation and freehold land, the covenants, and access easements and easement concessions.

Submission 10 provided unqualified support for the retention of the area shown as CA, and the covenants and easements. The other listed submitters made statements of support of the overall outcome, while also advocating various other modifications which are covered by other points in the analysis.

Some of these submissions suggest that the conservation area should be added to the Eyre Mountains Conservation Park.

Points both in favour and in opposition can be considered. Making easier the securing of public access and enjoyment of reviewable land is an object of tenure review, as stated in section s24(c)(i) CPLA. The protection of significant inherent values such as landscape or other conservation values is indicated as an object of tenure review under section 24(b). However, the addition of the proposed land to the Eyre Mountains Conservation Park is a matter for consideration by the Department of Conservation after tenure review. Therefore the point has been allowed in part.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission Numbers.</i>	<i>Allow or disallow</i>
5	Public access should be provided across the proposed freehold on the existing track from near Robert Creek up to point 'f' or to Mitchells hut near point 'F'.	2, 5, 8	Allow

Rationale

The track is across proposed freehold. Submitter 2 seeks to enable recreational hunters to transport harvested wild animals out from the new conservation area using vehicular access, up to point 'f' and beyond. The route beyond point 'f' is covered in point 6.

Submitters 5 and 8 suggest that public access should be provided up the same route except that they suggest it should go to Mitchells hut near point 'F'. These submitters suggest that accessing the new conservation land from Robert Creek would otherwise be a difficult proposition. Submitter 8 suggests a foot access easement, and it appears that submitter 5 is also not necessarily proposing public motorised vehicle access.

The provision of public access is an object of tenure review, as indicated in s24(c)(i) CPLA and therefore the point has been allowed for further consideration.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission Numbers.</i>	<i>Allow or disallow</i>
6	Vehicular access for recreational hunting should be allowed in the proposed conservation land along route 'f-d', and also up the track from near Kingston towards Mt Dick.	2	Disallow

Rationale

Submitter 2 is concerned with enabling recreational hunters to transport harvested wild animals out from the new conservation area using vehicular access. However, the routes indicated will be across areas that will be public conservation land, or is public conservation land already. The management of conservation areas for public use is a matter for the Department of Conservation to consider after tenure review, and is not something for consideration as part of tenure review. The point has therefore been disallowed for further consideration within the tenure review, but the Department of Conservation may wish to take the views into account in determining future management.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission Numbers.</i>	<i>Allow or disallow</i>
7	Huts should not be demolished or removed from the area being retained for conservation.	2	Disallow

Rationale

The submitter is unsure what huts exist on area shown as CA, but considers that if there are any huts, they should be available for public use.

This point relates to post tenure review management by the Department of Conservation. It is not a matter to be taken into account in tenure review. The point has therefore been disallowed for further consideration within the tenure review, but the Department of Conservation may wish to take the views into account in determining future management.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission Numbers.</i>	<i>Allow or disallow</i>
8	Clear signage should be installed to indicate entry points for public access.	3	Disallow

Rationale

The provision of signage is a matter for the Department of Conservation to determine after the tenure review. It is not a matter to be prescribed within the tenure review proposal itself. The point has therefore been disallowed for further consideration within the tenure review. However, the Department of Conservation may wish to take this view into account in their implementation of the proposal.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission Numbers.</i>	<i>Allow or disallow</i>
9	There should be adequate provision for vehicle parking at the beginning of routes.	3	Allow

Rationale

The provision of parking may involve specific designations within the tenure review. The submitter has not identified any particular locations where the current proposal needs to provide parking, and indeed the current proposal provides no additional public access across proposed freehold. However, the point can be taken as a general view to be taken into account in any further adjustments to the proposal. Since parking relates to access and the enjoyment of the reviewable land, as indicated under section 24(c)(i), the point has been allowed for further consideration as the review progresses.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission Numbers.</i>	<i>Allow or disallow</i>
10	Ensure there is good public access between Kingston and the existing and future conservation land.	4, 7, 9, 11, 12	Allow in part

Rationale

Submission 4 notes that there is a legal road between Kingston and the Glen Allen Scenic Reserve, and also states that there is an existing track that is not well formed, and which may not match the legal road. The submission states that the local community is interested in improving the existing route and/or the legal road as a trail, possibly all the way to Fairlight.

Submission 7 also states that access to the Glen Allen Scenic Reserve across what will become freehold needs to be addressed. Since the current proposal makes no specific allowance for public access, it is assumed from this comment that the submitter supports the provision of such access.

Submitters 9 encountered a locked gate somewhere near Kingston, which they considered would make access difficult. Submitter 11 was also disappointed to find a locked gate on what the thought was legal road, and considers that public access across the leasehold land should be established, which should allow horses and possibly for vehicles, until or unless the council can provide practical access along the road reserve.

Submitter 12 suggests the creation of an easement for walking and mountain bike access.

The provision of public access across land under review is a matter that can be taken into account in tenure review under section 24(c)(i). However, existing conservation land or land which is currently legal road is not included in the tenure review, and the upgrade of any tracks across the review land is also outside the review process, being a post tenure review matter. To the extent that this point relates to the consideration of appropriate public access across the land under review, the point is allowed for further consideration.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission Numbers.</i>	<i>Allow or disallow</i>
11	Allandale and Greenvale pastoral leases have mineral potential which should be recognised. Provision should be made for mineral prospecting activities to continue to be undertaken. Arrangements should be put in place to ensure that future mineral explorers and developers have the right of access to Crown and freehold land on reasonable terms.	6	Disallow

Rationale

The submitter points out that the Allandale and Greenvale area is of considerable interest with respect to potential mineral wealth, and that there is a current prospecting permit (permit no 39322 – Glass earth NZ Ltd) which covers the entire area under review.

The submitter acknowledges that transferring land to the Department of Conservation or to freehold ownership does not preclude prospecting, exploration, or mining, and that access arrangements over any such land can be sought under section 61 of the Crown Minerals Act 1991. However, the submitter considers that gaining such rights becomes more difficult where the land is administered by the Department of Conservation, due to the fact that the land is managed for conservation objectives.

Mineral wealth, or gaining access to prospect or mine, can only be taken into account in tenure review if it is relevant with respect to the objects set out in section 24 CPLA. Section 24 (a)(ii) indicates an object of the CPLA is to “*enable reviewable land capable of economic use to be freed from the management constraints (direct and indirect) resulting from its tenure under reviewable instrument.*” However, subsurface mineral wealth is outside the domain of the land under review. Tenure review applies only to the land itself. Subsurface mineral wealth is controlled under the Crown Minerals Act 1991, and its ownership is not affected by tenure review. In addition, the management constraints referred to in section 24(a)(ii) are those that relate to pastoral lease tenure, not mining activities. Taking mineral wealth into account would therefore appear to have no relevance with respect to section 24(a) CPLA.

Section 24(b) CPLA identifies the protection of significant inherent values as an object of tenure review. However, mineral wealth would not appear to be an inherent or a significant inherent value as defined in section 2 CPLA.

Consequently it is considered that the point is not relevant with respect to the objects of tenure review as defined in section 24 CPLA, and therefore the point is disallowed.

However, it is considered that the current Prospecting Permit that applies to this area will not be affected by the tenure review outcome. In addition, applying for access for further prospecting or mining in the future, whether over conservation or freehold land, is enabled via the Crown Minerals Act 1991.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission Numbers.</i>	<i>Allow or disallow</i>
12	Objection to the stated maximum of 800 ewes indicated in covenant CC2. The proposal should also clearly prescribe a full boundary fence, allow for stock access points, and allow the landowner to monitor water quality.	7	Allow

Rationale

The submitter is concerned with the detail of covenant CC2. The covenant is designed to protect significant inherent values, and the submitter’s point relates to enabling that protection, while freeing up land capable of economic use from pastoral constraints. As such, the point relates to sections 24(a)(ii) and section 24(b) of the CPLA and is therefore allowed for further consideration.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission Numbers.</i>	<i>Allow or disallow</i>
13	In relation to the water supply easement, management should be able to undertake repairs at any time to safeguard water supply to livestock.	7	Allow

Rationale

The submitter refers to Appendix 4 in the actual proposal document. He points out that while clause 17.2 provides for an unrestricted right to undertake repairs to the water-line, clause 10 states that the transferor may close all or any part of the easement. The submitter considers that the easement terms should make it clear that management should have the right to maintain the line at all times.

The point relates to the terms of the easement, which balances up the need to protect significant inherent values under section 24(b) with the goal of freeing up land for economic use indicated in section 24(a)(ii), and the matter is therefore allowed for further consideration.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission Numbers.</i>	<i>Allow or disallow</i>
14	In relation to the stock access easement concession c-d-e, the rates and charges need to be specified.	7	Allow

Rationale

The submitter is referring to appendix 5 in the actual proposal document. Since the submitter is concerned with the detail of the easement concession document, which needs to be determined within the tenure review, the matter is allowed for further consideration.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission Numbers.</i>	<i>Allow or disallow</i>
15	The stock access easement concession c-d-e is too narrow.	7	Allow

Rationale

The submitter is referring to appendix 5 in the actual proposal document, and advocates that the conditions be changed to allow movement of stock in a controlled manner, rather than specifying a width. Since the submitter is concerned with the detail of the easement concession, it is allowed for further consideration.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission Numbers.</i>	<i>Allow or disallow</i>
16	Corrections are needed with respect to the depiction of the archaeological site CC1c, and the depiction and terms of the easement 'a-b'.	7	Allow

Rationale

The submitter argues that the alignment of the route 'a-b' and the location of the archaeological site CC1c are not correctly shown on the plan. The submitter would also like the easement document to make it clearer that the easement is only for the Department of Conservation, and that access is subject to discussion with management prior to use.

The point relates to the detail of the easement, which needs to be determined within the tenure review, and therefore the matter is allowed for further consideration.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission Numbers.</i>	<i>Allow or disallow</i>
17	The exact alignment of easement concession 'f-d' needs to yet be determined.	7	Allow

Rationale

The submitter refers to Appendix 6 in the actual proposal document. The submitter considers that the best alignment of easement 'f-d' has yet to be determined. The best location of easement concessions is a matter to be taken into account in the tenure review, so the matter is allowed for further consideration.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission Numbers.</i>	<i>Allow or disallow</i>
18	Leasing of the Glen Allen Reserve flats needs to be discussed with the Department of Conservation	7	Disallow

Rationale

Glen Allen Scenic Reserve is not included in the land under review, so the matter is disallowed for further consideration in the tenure review. The submitter does correctly point out that it would be appropriate to discuss any possible use of that land with the Department of Conservation.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission Numbers.</i>	<i>Allow or disallow</i>
19	The advice provided by the Department of Conservation needs to be updated with respect to the consideration of lowland biodiversity and the use of LENZ.	8, 11	Allow

Rationale

The submitters point out that since the initial DOC Conservation Resources Report in 1999 there have been further developments in the identification of significant inherent values, particularly relating to lowland biodiversity and the use of the Land Environments of New Zealand (LENZ) system for determining environments that are poorly protected. They argue that the lower altitude parts of the property should be reinspected with respect to such values.

This point relates to the protection of significant inherent values and is therefore related to section 24(b) CPLA. It is therefore allowed for further consideration.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission Numbers.</i>	<i>Allow or disallow</i>
20	The middle area of CC1a has significant inherent values that may not be adequately protected under the proposed covenant.	8, 9, 11, 12, 13	Allow

Rationale

Submitter 8 states that central part of CC1a has a good cover of short tussock with a dominance of native inter-tussock herbs, and also matagouri, and that these values may not be adequately protected if grazing was allowed to continue.

Submitters 9 and 13 also indicate the occurrence of a valuable remnant of short tussock grassland in the area and suggest the covenant should only allow light sheep grazing, to control rank grass growth and weeds, in favour of short tussock. Submitter 11 holds the same view, if protection of the area is to be by covenant.

Submitter 11 considers that this area, containing short tussock grassland, should be retained in the conservation area, given that it is enjoyed at close quarters by the public, and in view of the contribution it makes to the landscape and ecology of the area. The amended designation plan attached to the submission also suggests a small isolated area which has native shrubland in the northernmost piece of CC1a should be included in the conservation area.

If protection is to be by covenant submitter 11 considers that the covenant should prevent further fencing or structures (clause 3.1.4 should not be deleted), and further planting should be prohibited (clause 3.1.3 should not be deleted) unless with indigenous species likely to have existed there. The submitter also considers that the clause prohibiting the removal of trees, shrubs or other plants (clause 3.1.2) should only apply to indigenous species, and that burning, spraying, top dressing or sowing of seed, cultivation, earthworks or other soil disturbance should also be prohibited (clauses 3.1.5 and 3.1.6 should not be deleted).

Submitter 12 notes that the central area of CC1a contains representative short tussock grassland, and that it is a land environment that is acutely or chronically threatened. They also consider that the area is viewable at close quarters by the public, and that there is a need for public access through the area. This submitter believes that the area should be retained in the conservation area. The submitter argues that if light grazing is required for grassland restoration, this should be carried out under Department of Conservation management, where restoration is the goal, rather than economic return.

This point relates to the appropriate protection of significant inherent values. It therefore relates to section 24(b) CPLA, and is allowed for further consideration.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission Numbers.</i>	<i>Allow or disallow</i>
21	A small wetland on the valley floor near Waterwheel Creek contains significant inherent values that warrant protection.	8, 9, 11, 12, 13	Allow

Rationale

Submitters 8, 9, and 13 state that there is a small wetland on the flats near Waterwheel Creek that would warrant some form of protection. Submitter 13 suggests the wetland should be fenced off.

Submitter 11 identifies a wetland at grid ref 688262 (2168800 5526200) which they consider warrants protection by covenant.

Submitter 12 identifies a wetland at grid ref 68522 26141 (2168522 5526141) which they consider warrants consideration for protection. Although they have not visited it, they noted the presence of wetlands birds.

It is uncertain but possible that all the indicated submitters are referring to the same wetland.

This point relates to the appropriate protection of significant inherent values. It therefore relates to section 24(b) CPLA, and is allowed for further consideration.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission Numbers.</i>	<i>Allow or disallow</i>
22	Conservation area CA should be extended along Roberts Creek, south-west from point 'E', to include all remaining riparian beech.	9, 11, 12, 13	Allow

Rationale

The submitters identify that there is beech forest along the margins of Robert Creek, south-west from point 'E'. They submit this area should be fenced and included in the area CA. They state that some of this has recently been burnt, but would have the potential to recover if grazing was excluded.

This point relates to the protection of significant inherent values, which is an object of tenure review under section 24(b). The point has therefore been allowed for further consideration.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission Numbers.</i>	<i>Allow or disallow</i>
23	Additional controls are needed with respect to stock movement along route c-d-e.	9, 11, 13	Allow

Rationale

All three submitters have expressed a view that stock should not be allowed to delay and cause grazing damage along the route.

Submitter 11 also suggests that the shape of the holding paddock at 'd' should be related to the topography. This submitter would also like the easement concession to identify what is

acceptable and unacceptable in terms of vegetation damage by stock, and to require the Concessionaire to remove weeds that are a result of stock movement.

This point relates to the protection of significant inherent values, which is an object of tenure review under section 24(b). The point has therefore been allowed for further consideration.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission Numbers.</i>	<i>Allow or disallow</i>
24	Covenant CC2 should protect the shrublands in the gullies.	9, 11, 12, 13	Allow

Rationale

Submitter 9 considers that the covenant should provide better support to the shrublands in the gullies. Submitters 11 and 12 would like to see these values explicitly recognised in the covenant document. Submitter 11 considers that adherence to the covenant conditions prohibiting burning, spraying or topdressing and oversowing, plus the exclusion of cattle, should encourage the riparian woodland. Submitter 13 considers that the boundaries of CC2 should be extended to protect the gully shrublands.

Submitters 11 and 12 also consider that the new fence C-D should not be cleared by bulldozer as that would leave an undesirable scar.

This point relates to the protection of significant inherent values, which is an object of tenure review under section 24(b). The point has therefore been allowed for further consideration.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission Numbers.</i>	<i>Allow or disallow</i>
25	Some additional land use controls are needed over the land proposed to be freeholded in the Robert Creek catchment.	9, 11, 12, 13	Allow

Rationale

Submitter 9 considers it likely that conifers will be planted in the proposed freehold in the Roberts Creek catchment, and is concerned that this could create wilding spread into the conservation area. They seek some control measures to prevent this happening. Submitters 11 and 12 are concerned that an unnatural division in the landscape may emerge along the edge of the new conservation area. They proposed a 300 metre wide buffer zone along the margin of the conservation area where oversowing and top dressing (submitter 11), and burning and spraying (submitters 11 and 12) are not allowed, to encourage a visual transition into the conservation land, and to limit the risk of damage to vegetation in the conservation land.

Submitter 11 also suggests that further plantation forestry should not be permitted past the larger tributary coming off point 1426, and that the top margin should relate to natural landform rather than being in straight lines. Submitter 12 also suggests that the covenant should protect against straight line boundaries between forestry and the conservation land. Both submitters 11 and 12 suggest there should be a grazed buffer between any forestry land and the conservation area, and submitter 12 suggests a bond should be attached to the covenant for wilding tree control.

Submitter 13 considers that it is critical that conditions be established pertaining to the control of wilding tree spread.

Since the point relates to the protection of significant inherent values, as indicated in section 24(b), it is allowed for further consideration.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission Numbers.</i>	<i>Allow or disallow</i>
26	There has been an excessive amount of development on the pastoral lease land in Robert Creek.	11	Disallow

Rationale

The submitter is concerned that consent must have been granted for an extensive amount of tracking and fencing in the Roberts Creek area of the lease land.

The granting of development consents is outside the tenure review process as defined under the CPLA and the point has therefore been disallowed. However, both LINZ and DOC may wish to take note of the submitters comments and photographs.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission Numbers.</i>	<i>Allow or disallow</i>
27	Horse and 4WD access should be allowed to trig 102 and No 102.	11	Disallow

Rationale

Trig 102 and No 102 are points inside the proposed conservation area. While public access is generally allowed in such land, any specific controls of conservation land are really a post tenure review matter for the Department of Conservation. The point has therefore been disallowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission Numbers.</i>	<i>Allow or disallow</i>
28	The conservation boundary in the area of 'B' and 'G' needs to be adjusted to better protect wetland areas.	11	Allow

Rationale

The submitter considers that the lines shown on the designation plan may not adequately protect a wetland area. This point relates to the protection of significant inherent values and is thus relevant under section 24(b). the point is therefore allowed for further consideration.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission Numbers.</i>	<i>Allow or disallow</i>
29	A terrace riser parallel to Cainard Road contains native shrubland which should be protected by covenant and fenced off from stock	11, 12	Allow

Rationale

The point relates to the protection of significant inherent values. This is an objective of tenure review, as identified in section 24(b) CPLA, so the point is allowed for further consideration.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission Numbers.</i>	<i>Allow or disallow</i>
30	Ensure fences are sensitively and practically sited.	11, 12	Allow

Rationale

The submitters are concerned with landscape sensitivity. Submitter 12 makes a general comment that bulldozers should not be used to clear fencelines, and that landscape architects should review all proposed fencelines and oversee contractors during fence construction to ensure fences are sensitively and practically sited. This submitter specifically suggests that fenceline C-N (D?) should not be bulldozed.

Submitter 11 likewise suggests that fenceline C-D should not be bulldozed, and suggests a different conservation boundary in the CC1b area, to avoid an upslope-downslope fenceline effect in the snow tussock zone. Details of this are covered in point 2.

The point relates to landscape protection, which can form a significant inherent value. The protection of significant inherent values is an object of tenure review as defined in section 24(b), and therefore the point is allowed for further consideration.

4.3 *Summary of submissions:*

Most submissions were in general support of the proposal. A number of the submitters contended that one or two of the areas proposed for freeholding with covenants have a wider range of values than identified in the proposal, and suggested those areas require a higher level of protection.

There was notable interest in the issue of public access. It is of note that the proposal itself does not include any specific new public access provisions, rather it relies on the direct connections that will exist between proposed conservation land and existing legal access. Points raised in submissions suggest it would be appropriate to review the public access that will exist after the review, including the practicality of public access through the land adjoining the review.

In addition to the 13 submissions, on 20th Feb 08 a letter was received from the Canterbury Land Rover Owners Club Inc. A letter was also received from the North Otago Mountaineering Club after closing date, on 5th March 08. Neither letter stated support for nor

opposition to the proposal, and each stated that they were not making a submission. Consequently, those letters have not been treated as submissions.

Appendices:

- I List of Submitters**
- II Points Raised by Submitters**
- III Copies of Submissions**
- IV Additional letters received (not treated as submissions)**

APPENDIX I

List of Submitters

Submitter number	Date received	Submitter	Representative	Address
1	12 Feb 08	Geoff Clark		10 Smacks Close, Papanui, CHRISTCHURCH 8051.
2	12 Feb 08	New Zealand Deerstalkers' Association Incorporated	Dr Hugh Barr, National Advocate	Level 1, 45-51 Rugby Street, PO Box 6514, WELLINGTON
3	18 Feb 08	Backcountry Skiers Alliance	John Robinson, Secretary.	PO Box 168, ALEXANDRA
4	21 Feb 08	Queenstown Lakes District Council	Ralph Henderson, Senior Policy Analyst	10 Gorge Rd, Private Bag 50072, QUEENSTOWN
5	22 Feb 08	Stephen Parry		24 Trent St, INVERCARGILL
6	25 Feb 08	Ministry of Economic Development	Rob Robson, Manager, Petroleum and Minerals Policy	33 Bowen St, PO Box 1473, WELLINGTON 6140
7	25 Feb 08	Rimanui Farms Ltd	Kevin Lowe	Level 8, 57-59 Symonds St, Private Bag 92142, AUCKLAND
8	25 Feb 08	Federated Mountain Clubs of New Zealand Inc.	Barbara Marshall, Secretary	PO Box 1604, WELLINGTON
9	26 Feb 08	Royal Forest and Bird Protection Society, Dunedin Branch	Janet Ledingham	PO Box 5793, DUNEDIN
10	26 Feb 08	Otago Conservation Board	Hoani Langsbury, Chairperson	Box 5244, DUNEDIN
11	26 Feb 08	Royal Forest and Bird Protection Society, Upper Clutha Branch	Anne Steven, Executive Committee Member	PO Box 38, LAKE HAWEA
12	26 Feb 08	Royal Forest and Bird Protection Society, Southern Office	Sue Maturin, Otago Southland Field Officer	PO Box 6230, DUNEDIN
13	28 Feb 08	Alan Mark		Division of Sciences, PO Box 56, DUNEDIN
<u>Additional letters received (not treated as submissions):</u>				
	22 Feb 08	Canterbury Land Rover Owners Club Inc.	M A Moodie	PO Box 13-275, CHRISTCHURCH
	10 Mar 08	North Otago Tramping and Mountaineering Club	John Chetwin, Secretary	PO Box 217, OAMARU 9444

APPENDIX II

Points Raised by Submitters

(grouped by areas and issues)

Point	Submission number												Detail of point raised
Robert Creek faces - general													
22							9		11	12	13		Conservation area CA should be extended along Roberts Creek, south-west from point 'E', to include all remaining riparian beech.
25							9		11	12	13		Some additional land use controls are needed over the land proposed to be freeholded in the Robert Creek catchment.
26									11				There has been an excessive amount of development on the pastoral lease land in Robert Creek.
12					7								Objection to the stated maximum of 800 ewes indicated in covenant CC2. The proposal should also clearly prescribe a full boundary fence, allow for stock access points, and allow the landowner to monitor water quality.
24							9		11	12	13		Covenant CC2 should protect the shrublands in the gullies.
Robert Creek faces – access issues													
3	1												Farm management easement 'f-d' should be more restrictive.
5		2		5			8						Public access should be provided up the existing track to point 'f'.
6		2											Vehicular access for recreational hunting should be allowed in the proposed conservation land along route 'f-d', and also up the track from near Kingston towards Mt Dick.
14					7								In relation to the stock access easement concession c-d-e, the rates and charges need to be specified.
15					7								The stock access easement concession c-d-e is too narrow.
17					7								The exact alignment of easement concession 'f-d' needs to yet be determined.
23							9		11		13		Additional controls are needed with respect to stock movement along route c-d-e.
Mataura River faces and CC1b													
1	1						9		11	12	13		Greater protection is required for the area shown as CC1b.
2	1								11				The hill land west of CC1b should be retained as conservation area.

Kingston / Allen Creek flats - general													
13					7								In relation to the water supply easement, management should be able to undertake repairs at any time to safeguard water supply to livestock.
18					7								Leasing of the Glen Allen Reserve flats needs to be discussed with the Department of Conservation
20						8	9			11	12	13	The middle area of CC1a has significant inherent values that may not be adequately protected under the proposed covenant.
21						8	9			11	12	13	A small wetland on the valley floor near Waterwheel Creek contains significant inherent values that warrant protection.
28										11			The conservation boundary in the area of 'B' and 'G' needs to be adjusted to better protect wetland areas.
29										11	12		A terrace riser parallel to Cainard Road contains native shrubland which should be protected by covenant and fenced off from stock
Kingston / Allen Creek flats – access issues													
10			4			7		9			11	12	Ensure there is good public access between Kingston and the existing and future conservation land.
16						7							Corrections are needed with respect to the depiction of the archaeological site CC1c, and the depiction and terms of the easement 'a-b'.
27										11			Horse and 4WD access should be allowed to trig 102 and No 102.
General points – area non specific													
4		2	3	4	5			8	9	10		13	Support for the protection of conservation values and recreation opportunities provided by the proposal.
7		2											Huts should not be demolished or removed from the area being retained for conservation.
8			3										Clear signage should be installed to indicate entry points for public access.
9			3										There should be adequate provision for vehicle parking at the beginning of routes.
11						6							Allandale and Greenvale pastoral leases have mineral potential which should be recognised. Provision should be made for mineral prospecting activities to continue to be undertaken. Arrangements should be put in place to ensure that future mineral explorers and developers have the right of access to Crown and freehold land on reasonable terms.
19								8			11		The advice provided by the Department of Conservation needs to be updated with respect to the consideration of lowland biodiversity and the use of LENZ.
30											11	12	Ensure fences are sensitively and practically sited.