

Crown Pastoral Land Tenure Review

Lease name: CASTLE DENT

Lease number: PO 196

Final Report on Public Submissions

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

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

May

06

Report in Accordance with Contract 50346

Final Analysis of Public Submissions for Preliminary Proposal

File Ref: CON/50000/16/12494/00/A-ZNO Submission No: QVV 766 Submission Date: 9/2/2006

Office of Agent: Christchurch LINZ Case No: Date sent to LINZ: 17/2/2006

TROG/123

RECOMMENDATIONS

- (1) That the Commissioner of Crown Lands **approves** this report for tenure review of Po196 Castle Dent.

- (ii) That the Commissioner of Crown Lands notes the attached file record of discussion with the holder on 9 February 2006 regarding points approved for consultation.

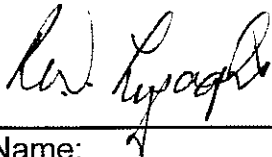
Signed by Q V Valuations:



Barry Dench
Team Leader for Tenure Review

Carolyne Latham
Tenure Review Consultant

Approved/Declined by:



Name:
Date of decision: *23/ 2/ 06*

(1) Details of lease:

Lease Name: Castle Dent
Location: State Highway 8, Bowlers Creek, Lawrence
Lessee: Castle Dent Limited

(2) Public notice of preliminary proposal:

Date, publication and location advertised:

6th August 2005

- The Press Christchurch
- Otago Daily Times Dunedin

Closing date for submissions:

3rd October 2005.

(3) Details of submissions received:

A total of eleven submissions were received, along with a letter from a regular submitter who declined to comment on the proposal.

(4) Analysis of submission:

4.1 Introduction:

Explanation of analysis:

This is a final analysis of submissions. The purpose of this final analysis is to determine whether to accept or not accept the points raised in submissions for inclusion in the substantive proposal.

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 submission number of those submitters making that point.
- Provides a discussion of the point.
- Records the CCL decision whether or not to allow/disallow the point for further consultation.
- Records the CCL decision whether to accept the point for inclusion in the proposal.

The following approach has been adopted when making the decision:

(i) To allow / disallow for further consultation:

The decision to “**Allow**” the point made by submitters is on the basis that the matter raised is a matter than can be dealt with under the Crown Pastoral Land Act 1998. Conversely, where the matter raised is not a matter that can be dealt with under the Crown Pastoral Land Act, the decision is to “**Disallow**”. Those points that are ‘allowed’ will be given further consideration with respect to the proposal.

It should be noted that points relating to the Conservation Act, or any other statutory authority outside of the Crown Pastoral Land Act 1998 are not able to be considered by the Commissioner of Crown Lands.

(ii) To accept/ not accept:

The outcome of an “**Accept**” decision will be that the point is included in the draft Substantive Proposal. To arrive at this decision the point must be evaluated with respect to the following criteria:

- The objectives and matters to be taken into account in the Crown Pastoral Land Act (sections 24 & 25) and;
- The views of all parties consulted and any other matters relevant to the review, balanced against the objectives and matters to be taken into account in the Crown Pastoral Land Act 1998.

4.2 Analysis:

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
1	Endorses CA1, CA2, CA3 and R1(Scenic).	No. 1, 3, 4, 7, 9, 10, 11 and 12	Allow	Accept in part

There was wide support from eight of the submitters for the proposed conservation and reserve areas.

Submitter 1 stated “*The three proposed conservation areas and the scenic reserve are all endorsed*”, in particular “*the retention of the hut near the yards, and the new fencing of CA2 to make it stock proof*”.

Submitter 3 strongly supported *'this change to public land for its hunting and other outdoor recreational values.'*

Submitter 4 echoed the above and added that *"CA2 will be a very desirable addition to the Te Papanui Conservation Park."*

Submitter 7 basically agreed with the proposal stating *"we support the creation of Conservation land as proposed"*, but also pointed out *"it does not totally stand alone as it is an integral part of a wider area."*

Submitter 9 saw it as a very good proposal, in particular because *"it will add a valuable area of tussock land to Te Papanui; the water races have considerable historic value; and it makes a very valuable addition to conservation and the public being so handy to SH8."*

Submitter 10 *"is largely supportive of the proposals"* and was *"pleased to note the proposed allocation of land"*.

Submitter 11 supported *"the designation of about 2397 ha in total as land to be restored to Crown control as conservation areas for scenic reserve"*.

Submitter 12 supported the proposals, and in particular the *"retention of the station hut within CA1 as an emergency and overnight shelter"*.

After consideration of pertinent matters, the majority of the point supported by the submitters will be included in the proposal as the retention of land in Crown ownership and for freehold disposal is an objective of the Crown Pastoral Land Act 1998.

The call to retain the station hut within CA1 as an emergency and overnight shelter is not accepted for inclusion in the proposal, as advice received from the Director-General of Conservation delegate determined it was not suitable for use as emergency shelter due to its location and condition.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
2	Support for the proposed easements and suggestions for different options and designations.	No. 1, 3, 4, 6, 7, 8, 9, 10, 11 and 12.	Allow in part	Accept in part

Ten submissions were received, generally in support of the proposed easements, including the water conveyance easement, but expressing concerns about particular aspects. These were categorised as follows:

1. Public access easement in gross, section "m-n"

Submitter 1 supported this section of the easement subject to access to it being provided across existing freehold land from State Highway 8 and emphasised *"This is essential, and must be assumed to be based on an existing agreement with the property owner, as stated in the preliminary proposal."*

Submitter 9 believed this part of the route appeared to be adequate but noted *"the public access and creek area needs to be protected from cattle."* They went on to state that *"Secure parking on, and access from SH8, will have to be obtained for all time to point 'm'."*

Submitter 12 commented that *"at present the indeterminate track through an awkwardly placed gate and across a paddock to Bowlers Creek is unsatisfactory as access to this pleasant valley."*

Public access over existing freehold land to link point "m" to State Highway 8 is necessary to put the easement into practical effect, however this point cannot be accepted for inclusion in the proposal as such arrangement is outside of the Commissioner of Crown Lands jurisdiction. The Director-General of Conservation delegate advises that the Department of Conservation is currently negotiating with the relevant landowner regarding this matter.

The sub-point concerning protection of the public from cattle has been considered however it is felt that users of a public access easement across a working farm are responsible within reason for their own personal safety, therefore this sub-point cannot be accepted for inclusion in the proposal.

2. Suggestion for alternative route to "a-b" and support for public access on route "v-w"

Submission 9 queried the desirability of having access passing through the sheep yards of Castle Dent and so close to the homestead and suggested that when a practicable and a suitable parking area had been secured for route "m-n", another route be chosen up the spur leading to point "b" on the main ridge. This submission appears to be mistaken in thinking that "a-b" is for public access whereas it exists only for Minister of Conservation management purposes.

Submitter 12 noted public access on route "v-w" from Youngs Road to Gardeners Road and Medwin Road seemed adequate. This appeared to be based on the belief that this route through "CA2" is for public access, rather than as a concession for farm management purposes. Public access would be allowed as of right through CA2 although the entry point is at the northeast side.

As the submissions appear to be based on a mistaken belief, this sub-point was “disallowed” and therefore not accepted for inclusion in the proposal.

3 Access for hunters accompanied by dogs

Submitters 3 and 4 asked that the proposal “*ensures that hunters with dogs can use all the accesses to this block referring to “CA2”.*”

After consideration of pertinent advice, this sub-point was not accepted for inclusion in the proposal as while it touches on the right to be accompanied by dogs on the public access easement although the easement does not actually provide access to CA2, it also relates to management of the proposed conservation land post tenure review

The Department of Conservation is responsible for permitting public recreational hunting under the Conservation Act 1987 and advises that due to the small size they don’t support dogs being permitted in this area or in R1(Scenic).

4. Provision of public vehicle access

Submitter 3 believed “*if recreational hunters are to do their bit for sustainable management on CA1, it would be highly desirable for them to have vehicle access to the top section of it to allow taking out shot animals for the table.*”

Submitter 6 noted that “*for a significant section of the community the only practical way to access, experience and enjoy the great New Zealand outdoors is by vehicle.*” Therefore they requested that “*Managed access by both horse and motorised vehicle be managed in some way, however , permission for access should not be unreasonably withheld when requested over all tracks, paths and roadways in both proposed conservation and freehold areas (including the areas covered by conservation covenants), and permission for access should not be unreasonably withheld when requested.*”

Submitter 7 held a very strong view that there was little point to creating conservation lands if people could not freely access or enjoy them. They proposed a new easement “a-b-c-d-e-f” allowing for the passage of persons and public on foot, horse, motorised and non motorised vehicles at any time. Alternatively they suggested “*establishing legal road existence, as an alternative to the easement provisions, could simply be the realignment and or surveying of the road.*” They believed that “*this route of Young & Medwin Roads is a key element to the overall plans for this and other areas.*”

Submitter 7 made a further point that *“not all people are capable or able to walk or mountain bike and the benefit of 4WD access is that it also creates opportunities for these people to recreate and enjoy the area as much as their able bodied counterparts. We stress that areas like this have the huge potential to allow enjoyment to all.”*

Submitter 8 was concerned that *“there is no provision for public vehicle access or travel in the proposals for the areas being designated. They felt that “The process of the Pastoral Lease reviews is shifting management of many of the backcountry routes, or sections of them, to the Department of Conservation along with a policy of no public vehicles on these lands.” They submitted that “Any plan for the Castle Dent lands must include provision for maintaining existing vehicle routes and make allowance for future possible use by vehicles, including private vehicles.”*

After consideration of all pertinent matters, the sub-point calling for greater public vehicular access is not accepted and will not be included in the proposal. It has been noted that public vehicle access to and through CA1 will be secured under the preliminary proposal and current legislation, and that horses are permitted on all the proposed public easements. Additionally R1(Scenic) and CA2 are readily accessible to the majority of the public, whilst the easements and associated routes marked on the designations plan have not been identified as strategic motorized vehicles routes.

Realignment of legal roads to create access would require action by the Clutha District Council and therefore be outside of the tenure review process, whilst an alternative route utilising the Department of Conservation management easement ‘a-b’ presents an unacceptable intrusion onto the leaseholder whose yards and dwelling are in close proximity.

5. Support for proposed easements in their current form

Submitter 10 was pleased to note that *“appropriate provisions for access are proposed.”*

Submitter 11 supported the proposed easements as put forward in the Preliminary Proposal.

After consideration of pertinent matters the sub-point made by the submitters is accepted for inclusion in the proposal.

6. Support for “right to convey water” “q-r-s-t”

Submitter 9 noted support for the continuation in force of the ‘right to convey water’ granted to Trust Power Generation Ltd.

As the Crown Pastoral Land Act provides for the continuation in force of an existing easement under section 36(3)(c), this sub-point is accepted for inclusion into the proposal.

Summary of sub-points accepted

- Proposed easements to continue in their current form.
- Continuation in force of the “right to convey water” “q-r-s-t” granted to Trust Power Generation Ltd.

Point	Summary of Point Raised	Submission No.	Decision	
3	Proposals for additional conditions on Run Block.	No. 1, 9, 10, 11 and 12.	Allow	Not Accept

Five submissions were received on the proposed freehold Run Block adjacent to CA1. Whilst there were no objections to it being freeholded and used for grazing, the general consensus was that there were important landscape values on this block that deserved additional protection from certain farm management practices in the future.

Submitter 1 suggested *“a covenant protecting it from future afforestation as well as from future management burning is highly desirable (given the tussock grassland dominance of the proposed CA1 area downwind of this area and its vulnerability to wilding tree invasion as well as out-of-control fires).”*

Submitter 9 disagreed with the preliminary proposal description that the area has little inherent conservation values. They believed that *“this area will form a visual landscape ‘buffer’ between the softer tussock covered land above (CA1) and that land below now planted in darker coloured Douglas Firs in private ownership. To further improve this visual corridor we believe the fence alongside the road (within CA1) should be shifted further into the block itself.”* In addition they proposed *“To facilitate this visual transition, a landscape covenant will be required to retain the area in as near as possible its present, although modified state. The covenant should be so designed to prevent burning, ploughing, earth works, tree planting, oversowing and topdressing, or any other activity which would remove or further degrade the tussock cover and woody indigenous vegetation.”*

Submitter 10 saw merit in *“establishing a landscape protection covenant on the Run Block, primarily to prevent burning and exotic afforestation which would significantly impact on the recreation experience obtained from within CA1, as well as introducing serious risks of spread of wilding pines and fire into CA1 and thus affect its significant inherent values.”*

Submitter 11 advocated for *“an additional covenant to prevent the establishment of exotic forestry in the northern block of the land to be freeholded.”*

Submitter 12 suggested *“burning, ploughing and conifer planting should not be permitted in perpetuity. The preservation of this area as largely open country is desirable as a buffer for the landscape transition from the rolling tussockland of CA1 to the plantations on the Run Block’s southern boundary.”*

After consideration of the issues raised and consultation with the Director-General of Conservation it is felt that no additional measures need be made to the proposal. The Department of Conservation’s Conservation Resources Report did not identify any significant landscape values in the area concerned, therefore after consideration of advice received this point is not accepted for inclusion in the proposal.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
4	Extending the upper boundary of CA2 to Young Road.	No. 1	Allow	Not Accept

Submitter 1 proposed that *“The upper boundary of CA2 should desirably be along the legal (Young) road which would provide ready public access to the conservation area as well as access for future management of the Castle Dent freehold property, a preferable alternative to the proposed farm management easement concession ‘v-w’.”* The submitter went on to add *“the ecological importance of this shrubland (in CA2) is enhanced by the presence of two relatively rare species, the daisy shrub and ground orchid”*

After consideration of advice received, this point was not accepted for inclusion in the proposal. The area concerned is currently pasture and devoid of significant inherent values, and its inclusion would not provide any additional benefit to the proposed public access which is provided for as route “d-e-f”. The proposed easement concession “v-w” runs against the existing fence and will have a negligible effect on the significant inherent values in CA2.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
5	Extending CA3 to link with CA2.	No. 1	Allow	Not Accept

Submitter 1 supported retention of area “CA3” as conservation area mainly because it adjoined the marginal strip and has been largely fenced from stock, however proposed that *“Desirably CA3 should be*

extended the few hundred metres downstream to link with the proposed CA2 if practicable."

As the Department of Conservation did not identify any significant inherent values between areas CA2 and CA3 it is felt there is no justification for linked the two areas. It is noted that an existing marginal strip provides a link between the two areas. This point was not accepted for inclusion in the proposal.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
6	Extending R1(Scenic)	No. 1 and 9	Allow	Not Accept

Two submissions were received proposing boundary changes to R1(Scenic).

Submitter 1 noted that the new fencing required to exclude stock from R1(Scenic) is significant due to the highly irregular nature of the proposed boundary. They suggested that *"removal of the c. 45 ha enclave of proposed freehold land where the legal road runs through is recommended, so as to: a) provide greater scope for natural forest succession b) improve the configuration of the proposed reserve, and c) reduce the installation and maintenance cost of the boundary fence."*

Submitter 9 advocated moving proposed fence line "A-B" and existing fence between "B-C" be shifted to include two additional gullies and observed that *"there is also significant potential for a regenerating forest in the bottom ends of the two gullies further to the south which should be included. This would give the southern arm of the 'U' more substance"*. The map enclosed with this submission also showed proposed extensions to both ends of the 'U' in a north easterly direction, encompassing some additional gullies which extended up to the proposed public access easement "d-e-f" and reduced the length of "d-g".

After consideration of pertinent matters this point was not accepted for inclusion in the proposal beyond some minor clarification of the exact boundary between "A-B", to be detailed at the time of boundary definition work.

The northern boundary as proposed was chosen because it separates cultivated pasture and an area infested with gorse, from areas of regenerating kanuka shrubland and silver beech. The southern boundary was proposed as the most practical as it runs along an existing benched track from "A-B" and an existing fence line from "B-C".

Re-investigation of the area confirmed that whilst there are scattered areas of conservation value interspersed with good grazing areas, the benefit from fencing would be outweighed by the cost. However, whilst the boundary as proposed was confirmed as the most practical and effective, it will be determined during boundary definition where any minor adjustments can be made to further enhance the existing conservation values.

Point	Summary of Point Raised	Submission No.	Decision	
7	Fencing required around CC1.	No. 1, 9, 10 and 12	Allow	Not Accept

Four submissions were in support of fencing the proposed Conservation covenant CC1 to allow natural successional processes to take place.

Submitter 1 believed *“this shrubland potentially could develop over time into a stand of silver beech forest, it clearly would be desirable to exclude stock (other than sheep and / or cattle) otherwise the natural successional processes will be seriously affected.”*

Submitter 9 endorsed the covenant and but noted a concern regarding possible threats to maintaining the values from sheep and cattle grazing. The submission acknowledged fencing the area would be an expensive exercise but believed that *“Unless this covenant is strictly adhered to in every respect, fencing is the only answer. We cannot see that there is much grazing value in this area unless stock are forced to graze it; which would be detrimental to the values.”*

This statement is made with reference to the covenant document, Schedule 3, clause 4, last paragraph, which specifies the requirement for the Owner of the said Land to fence the covenant at their expense if stock management practices are reasonably deemed by the Minister to be still having an adverse affect on the Land’s values.

Submitter 10 considered that *“The absence of a requirement to fence CC1 means the value of the covenant will be seriously limited. If preventing grazing will mean that this block has no value as freehold, then it should become part of CA2.”*

Submitter 12 suggested that *“some consideration be given to fencing of this area to help preserve the ecological potential.”*

After consideration of pertinent matters, this point is not accepted for inclusion in the proposal as it has been assumed that the steep slope forming the western boundary of CC1 will act as a deterrent to intrusion by sheep and cattle. The covenant document provides for

monitoring of vegetation cover, and the means for remedying any unacceptable adverse effects includes fencing the area at the owners cost.

In that respect as the land is partly fenced, steep contour has tended to limit stock intrusion and the covenant spells out measures to identify and remedy any unacceptable adverse effects, the point is not accepted

Point	Summary of Point Raised	Submission No.	Decision	
8	Provision for future mineral exploration access.	No. 2	Disallow	Not Accept

Submitter 2 had concerns about the ability of exploration or mining permit holders to secure a workable access agreement once land is transferred to the Department of Conservation.

The submitter requested “ that the Commissioner of Crown Lands takes notice of the mineral potential of the area of current interest when finalising the substantive proposal for Castle Dent tenure review” and goes on to suggest that consideration should be given to the merits of some form of transitional provisions to ensure that future explorers and developers have a right of access to land on reasonable terms for the purpose of carrying out exploration and mining activities, and also any exploration and mining activities under subsequent permits granted in accordance with section 32 of the Crown Minerals Act 1991”.

The submission conceded that the transfer of land to the Department of Conservation does not generally preclude access to the land for purposes of prospecting, exploration and mining. Central to the submitter’s contention is a concern that once land came under Department of Conservation administration for conservation purposes, it would become much more difficult to gain the necessary access permits for mining. The Crown Minerals Act 1991 allows for the application for mining over any Crown land including conservation land.

Notwithstanding that section 35 has provision for land to be held under future Department of Conservation administration or another Crown purpose this should make little difference in the way that a case for granting access for mining purposes would be considered.

If parts of the pastoral lease were restored to or retained by the Crown in order to meet the objects of protection of the significant inherent values, administration of the land including processing of any application for mining purposes would need to be carried out in an even and dispassionate way. Further to that the Crown Minerals Act provides a mechanism for the consideration of mining applications.

Therefore after consideration of all relevant matters this point is not accepted for inclusion into the proposal.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
9	Fencing required around CA3 and Young's wetland.	No. 9 and 12.	Allow	Not Accept

Two submissions were received in support of fencing off CA3 and Young's wetland.

Submitter 9 believed *"To give adequate protection to this marginal strip we believe this should be fenced off if possible"*. They go on to say *"So too should the Young wetlands be fenced off. While they may be somewhat degraded at present, they will recover if protected."* The map accompanying this submission also showed three areas feeding into the wetland which were proposed by the submitter to be fenced off from grazing to maintain long term woody cover.

Submitter 12 added *"We note that the wetland in Young's Valley is not protected in any way and suggest that fencing it to exclude stock would be desirable to allow its recovery to a wetland typical of the area and ideally to protect it by covenant."*

A re-inspection of the wetland in Young's Valley concurred with the original findings that values present were not significant and did not warrant protection. After consideration of the present state of the land and values present this point is not accepted for inclusion in the proposal. The majority of the western boundary of CA3 corresponds with an existing fence, and the proposal already allows for new fencing on the presently unfenced portions.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
10	Support for farm management easement concession "o-p" and "v-w".	No. 1 and 9.	Allow	Accept

Submitter 1 noted support for farm management access for "o-p" across part of "CA1" while submitter 9 supported provision of access "o-p" and "v-w".

As the creation of an easement concession is provided for under the Crown Pastoral Land Act, the point is accepted for inclusion in the proposal.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
11	The legal road through Run Block should be re-surveyed onto the formation where it deviates.	No. 9	Disallow	Not Accept

Submitter 9 made the suggestion that *“The legal road running through the back block where it does not coincide with the present formation should be re-surveyed onto the formation.”*

As there is no provision in the Crown Pastoral Lands Act for the creation or surveying of roads, this point is not accepted for inclusion in the proposal.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
12	Notes legal road access still available to CA1 via Munro Gully and Gardiners Track.	No. 9	Allow	Accept

Submitter 9 made the observation that access to CA1 is also available via an alternative route on existing legal roads to the east of Castle Dent.

As the retention of land in Crown ownership and for freehold disposal plus the securing of public access to and enjoyment of reviewable land are objectives of the Crown Pastoral Land Act 1998 this point is accepted for inclusion in the proposal.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission No.</i>	<i>Decision</i>	
13	To investigate legal means of preventing risk of fire spread into the area.	No. 12	Disallow	Not Accept

Submitter 12 had concerns about the potential for fire to spread onto CA1, particularly from the west. They noted *“There had been a big burn on Beaumont Station just prior to our visit which had crossed the river and burnt a small strip on the Castle Dent side. We suggest that some thought should be given to some legal way to prevent this happening in the future.”*

This point deals with the situation coming under the Local District Council's fire management strategy and relates to future management of the land subsequent to the conclusion of tenure review. Therefore after consideration of relevant matters this point is not accepted for inclusion in the proposal.

Discussion and conclusions:

Discussion relevant to each point has been made under each listed point for simplicity and clarity.

The submissions that came under the jurisdiction of the Crown Pastoral Land Act fell into the following main themes:

In confirmation of the Preliminary Proposal:

- General support for:
 - CA1, CA2, CA3 and R1(Scenic).
 - Minister of Conservation management purposes easement "a-b, c-d-e-f, d-g, e-h, i-j-k, j-l and m-n".
 - Public access easement "f-e-d-g and m-n".
 - Castle Dent Ltd farm management easement concessions "o-p and v-w".
 - Trust Power Generation Ltd continuation in force of easement for conveyance of water "q-r-s-t".
- Acknowledgement that legal road access is available to CA1 via Munro Gully and Gardiners Track.

Considered and not accepted for inclusion in the Preliminary Proposal:

- Retention of the hut within CA1.
- Inclusion of measures to protect the public from cattle while on the easement.
- Public access past Castle Dent homestead along route marked "a-b"
- Public access over easement concession "v-w" that runs through conservation area as there is a general right of public access over conservation areas.
- Inclusion of dogs within proposed conservation area "CA2".
- Public motor vehicle access on the easements being created under the Castle Dent tenure review.
- Additional protection mechanisms in the proposed northern freehold block, the area between CA2 and CA3, and Young's Valley wetland.
- Fencing around CA3.
- Change in covenant conditions to require fencing around "CC1".

- Extensions to the upper boundary of CA2 and R1(Scenic), with the exception of possible minor adjustments to the latter.

A number of submissions covered a range of issues that fell outside of the tenure review process, and explanations for not accepting their inclusion in this final analysis have been provided above. These include:

- Resurveying of the legal road through the run block to coincide with the formed track.
- Provision for access for future mineral exploration.

ATTACHMENT 1

Notes on Holder Consultation for Tenure Review-Public Submissions 9 February
2006

Notes on Consultation for Tenure Review-Public Submissions

Property: Castle Dent
Date: 9 Feb 2006
Present: Ray MacDonald, Tony Perrett (DOC), David Paterson
Venue: Castle Dent
Purpose: Discuss matters raised in public submissions and approved by LINZ for consultation..

Issues discussed:

- Youngs Valley wetlands
- Woody areas outside proposed R1 Scenic boundary.

1. Wetlands in Youngs Valley.

- Very brief discussion about this area. The holder reiterated that this was not a natural wetland. Tony Perrett noted that the values present in this area were not significant and did not warrant protection. The submitters did not provide any further information that warranted a change in the advice from DOC

2. R1 Scenic boundary..

- We discussed the areas of concern to the submitters. The main area centred on a creek on the Southern Boundary of the proposed reserve. The holder acknowledged the presence of areas of conservation value but was of the view that is not practical to fence this area off as much of the bush was scattered and interspersed with good grazing areas.
- Tony Perrett held a similar view and noted that the existing proposed boundary line, which is an existing fence line was seen by DOC as the most practical line for the boundary. The benefits of fencing it out would be outweighed by the cost.
- Given the inclement weather conditions it was considered the best option was to make a final decision on the boundary line at the time of the boundary definition work, when all parties would be present.

3. Other issues:

- The holder raised the possibility of changing the boundary line of the top block to include the hut and holding paddocks in the area to be freeholded. After some brief discussion and advice from Tony Perrett it was decided this would not impact on the proposal in any significant way. The area concerned is likely to be around .5 ha.

Follow Up

1. DP to move forward on the next step and organize boundary work.

REPORT IN ACCORDANCE WITH CONTRACT 50346

Final Analysis of Iwi Submission for Preliminary Proposal

File Ref: CON/50000/16/12494/00/A-ZNO Submission No: QVV 767 Submission Date: 14/02/2006

Office of Agent: Christchurch

LINZ Case No:

Date sent to LINZ: 17/02/2006

TR. 06/12/06

RECOMMENDATIONS

- (1) That the Commissioner of Crown Lands **approves** this report for the review of Po196 Castle Dent pastoral lease.

Signed by Contractor:



Barry Dench
Team Leader for Tenure Review

Approved/Declined by:



Name:
Date of decision: 23/2/06

(1) Details of lease:

Name: Castle Dent
Location: State Highway 8, Bowlers Creek, Lawrence
Lessee: Castle Dent Limited

(2) Details of Iwi Submission:

Received On: 27th September 2005
Received From: David O'Connell
 Manager Kaupapa Taiao
 Office of Te Runanga o Ngai Tahu
On Behalf Of: Te Runanga o Ngai Tahu and the relevant
 Papatipu Runanga: Te Runanga o Otakou, Te
 Runaka o Hokonui, Kati Huirapa ki Puketeraki
 and Te Runanga o Moeraki.

(3) Analysis of submission:

3.1 Introduction:

Explanation of Analysis:

This is a final analysis of the submission received. The purpose of this final analysis is to determine whether to accept or not accept the points raised in the submission, to record the outcome of the consideration on each point and whether or not it has been approved for inclusion in the Substantive Proposal.

The following analysis:

- Summarises each of the points raised.
- Provides a discussion of the point.
- Records the CCL decision whether or not to allow/not allow the point for further consultation.
- Records the CCL decision whether to accept the point for inclusion in the proposal.

The following approach has been adopted when making the decision:

- (i) To allow / disallow for further consultation:

The decision to “**Allow**” the point made by submitters is on the basis that the matter raised is a matter than can be dealt with under the

Crown Pastoral Land Act 1998. Conversely, where the matter raised is not a matter that can be dealt with under the Crown Pastoral Land Act, the decision is to “**Disallow**”. Those points that are ‘allowed’ will be given further consideration with respect to the proposal.

It should be noted that points relating to the Conservation Act, or any other statutory authority outside of the Crown Pastoral Land Act 1998 are not able to be considered by the Commissioner of Crown Lands.

(ii) To accept/ not accept:

The outcome of an “**Accept**” decision will be that the point is included in the draft Substantive Proposal. To arrive at this decision the point must be evaluated with respect to the following criteria:

- The objectives and matters to be taken into account in the Crown Pastoral Land Act (sections 24 & 25) and;
- The views of all parties consulted and any other matters relevant to the review, balanced against the objectives and matters to be taken into account in the Crown Pastoral Land Act 1998.

3.2 Analysis:

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Decision</i>	
1	Support for the proposal in its current form.	Allow	Accept

Ngai Tahu considered that “*the values identified in the Ngai Tahu Cultural Values Report have been integrated into the Preliminary Proposal.*”

As the retention of land in full Crown ownership and control is enabled by the Crown Pastoral Lands Act 1998, after due consideration of the view put forward the point supported by the submitter will be included in the proposal.

Discussion and Conclusions

Te Runanga o Ngai Tahu has provided a submission that takes into consideration the local Maori interest in the Castle Dent Preliminary Proposal. The main point is discussed in detail in this analysis.