

Crown Pastoral Land Tenure Review

Lease name: DINGLEBURN

Lease number: PO 151

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 04

**REPORT IN ACCORDANCE WITH
TENURE REVIEW PROCESS**

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

DINGLEBURN

File Ref:	CON50344/12479 (Po151/1)	Submission No:	AT4019	Submission Date:	20 May 2004
Contractor's Office:	Alexandra	LINZ Case No:	TR04/176	Date sent to LINZ:	4/6/04

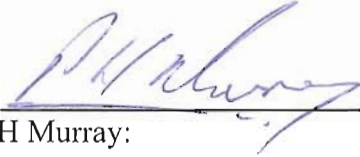
RECOMMENDATIONS:

1. That the Commissioner of Crown Lands (*or his delegate*) note that the analysis of public submissions was approved with respect to points being *approved/not approved* and to consultation with the DGC delegate on approved points raised in submissions (submission AT 4004) on 16 March by Case TR 04/127. ✓
2. That the Commissioner of Crown Lands (*or his delegate*) note that consultation has been carried out with the DGC delegate on approved points raised in public submissions (attached as Appendix 3). ✓
3. That the Commissioner of Crown Lands (*or his delegate*) note that consultation with the Holder has been carried out on approved points raised in public submissions where there was sufficient justification under Section 24 CPL Act to consult further with the Holder (attached as Appendix 4). ✓
4. That the Commissioner of Crown Lands (*or his delegate*) note that there is consensus with the Holder on the points that are recommended be accepted in this submission. ✓
5. That the Commissioner of Crown Lands (*or his delegate*) note and approve the final analysis of public submissions (attached as Appendix 1). ✓
6. That the Commissioner of Crown Lands (*or his delegate*) approve the preparation of a draft substantive proposal for Dingleburn on the basis of the attached analysis. ✓

CERTIFICATION:

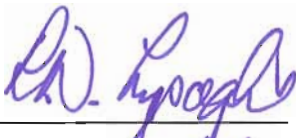
DTZ certifies that this report has been prepared in accordance with Crown Property Management Contract 50344.

Signed for DTZ New Zealand Limited:



P H Murray:

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



Name:

Date of decision:

29/6/04

1. Details of lease:

Lease Name: Dingleburn

Location: Lake Hawea

Lessee: Thomas Guy Mead and Davida Isobel Mead

APPENDICIES:

1. Final Analysis of submissions.
2. List of submitters
3. Notes on consultation with the DGC delegate
4. Notes on consultation with Otago Fish and Game.
5. Notes on consultation with the holder.
6. Amended designations plan.

APPENDIX 1: FINAL ANALYSIS OF SUBMISSIONS:

FINAL ANALYSIS OF SUBMISSIONS

DINGLEBURN TENURE REVIEW

1. **Details of lease:**

Lease Name: Dingleburn
Location: Lake Hawea
Lessee: Thomas Guy Mead and Davida Isobel Mead

2. **Public notice of Preliminary Proposal:**

Date, publication and location advertised:

Saturday – 1 November 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:

19 January 2004

3. **Details of submissions received:**

A total of 14 submissions were received by the closing date. Three submissions were received after 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 a decision:

(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**”.

(ii) To accept/not accept:

Accept: The outcome of an accept decision is that the point is included in the draft substantive proposal. To arrive at this decision the point has been evaluated with respect to the following criteria:

- The objects and matters to be taken into account in the Crown Pastoral Lands Act 1998 (Section 24 & 25 for Part 2 reviews or Sections 83 & 84 for Part 3 reviews) and;
- The views of all parties consulted and any matters relevant to the particular review, balanced against the objects and matters to be taken into account in the Crown Pastoral Lands Act 1998.

Not Accept: The outcome of a not accept decision is that the point is not included in the draft substantive proposal based on consideration of the above criteria. Note that the points that are disallowed in the preliminary analysis are automatically not accepted in the final analysis.

4.2 Analysis:

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
1	Propose that a private road between points “a”-“b” become public road.	1	Allow	Accept

Discussion:

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

The point is related to point 35 that proposes the Crown retain the land under the existing formed road to Green Bush Flat. Although the taking of the road line as legal road is not a matter that can be dealt with under the CPLA, this may be a logical outcome of designating the land under Section 35 (a) (iii) CPL Act.

The holder has agreed that this portion of the road be retained by the Crown to provide for public vehicle access as far as point “b” and the Council has agreed to

the subsequent taking of the land as legal road. This outcome better facilitates the long term maintenance of this portion of the road and better achieves the objects with respect to Section 24 (c) (i) CPL Act. The point is therefore accepted.

Point	Summary of Point Raised	Sub No	Decision	
2	Propose a reserve be established at point "a" at the end of the legal road to provide public access to Lake Hawea.	1, 14	Allow	Accept

Discussion:

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

It has been agreed by the holder that the Crown retain an area on the lower side of the road at point "a" for the purpose of carparking. This area is to abut the Crown land operating strip around Lake Hawea which will have the effect of providing public access to the lake shore. This amendment to the proposal better meets the objects with respect to Section 24 (c) (i) CPL Act. The point is therefore accepted.

Point	Summary of Point Raised	Sub No	Decision	
3	Support all or certain aspects of the proposal:		Allow	Accept
	3.1 Support public access provisions of the proposal.	1, 6, 13		
	3.2 Support protection of SIV's by retention of land in Crown control and in full Crown ownership and control.	1, 2, 4, 6, 8, 9, 13		
	3.3 Support the protection of SIV's by covenants.	1, 4, 6, 7		
	3.4 Support protection of outstanding natural landscapes by covenant.	1, 6		

Discussion:

Although these points do not require a decision by the Commissioner, they are relevant matters in terms of Section 24 CPLA and are therefore allowed.

These points are accepted but do not require a decision by the Commissioner's delegate to amend the proposal.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
4	Propose Area CA2 be extended: - to at least 4 hectares - so allows camping not to encroach on Kanuka woodland.	2, 8	Allow	Not Accept

Discussion:

The point concerns the protection of significant inherent values in the form of the mature Kanuka woodland which is a relevant matter in terms of Section 24(b) (ii) CPL Act and is therefore allowed.

A considerable area of flat open land is available within Crown land on the lake shore adjacent to area CA2 that is suitable for camping. There is therefore insufficient justification for retaining additional reviewable land for this purpose. The point is therefore not accepted.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
5	Oppose unfenced bush line boundaries between proposed freehold and existing and proposed conservation areas	2	Allow	Not Accept

Discussion:

The point concerns the protection of significant inherent values which is a relevant matter in terms of Section 24 (b) CPL Act and is therefore allowed.

The proposal includes approximately 18 km of new boundary fencing and 2.5 km of fence upgrade. Unfenced boundary with proposed conservation area exists mainly where natural barriers occur such as steeply incised creeks or bush where stock does not tend to enter. It is considered that the fencing proposed is sufficient to meet the objects with respect to Section 24 (b) CPL Act and that there is insufficient justification for additional boundary fencing. The point therefore is not accepted.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
6	Oppose the grazing concession proposed for area CA5 for a term of 10 years. - Propose 5 year term adequate	2, 16	Allow	Not Accept

Discussion:

The point concerns the protection of significant inherent values which is a relevant matter in terms of Section 24 (b) CPL Act and is therefore allowed.

Although the protection of SIV's would benefit from a shorter term concession, the holders oppose such a reduction due to the adjustment in the farming system they consider is necessary. Given the reduction in grazing intensity required within the term of the concession and the modest degree of adverse effect on SIV's that will result, insistence on this point cannot be justified in light of the overall proposal. The point is therefore not accepted.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
7	Oppose grazing concession in area CA6 for a term of 15 years. - Propose 5 year term - Due to potential damage to adjacent conservation values - Inhibits ecological restoration of these areas.	2, 3, 16	Allow	Not Accept

Discussion:

The point concerns the protection of significant inherent values and the potential effect on these of sheep and cattle grazing over a 15 year term. This is a relevant matter under Section 24 (b) CPL Act and is therefore allowed.

The same arguments apply to this point as for point 6. The point is therefore not accepted.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
8	The proposed hunting concession should not prohibit hunting by the public.	2	Allow	Accept

Discussion:

The point concerns access to and the enjoyment of the reviewable land for recreational hunting which is a relevant matter in terms of Section 24 (c) (i) CPLA. The point is therefore allowed.

While it is understood that the Director General of Conservation will not grant an additional concession for commercial guided hunting within this area for the term of the proposed concession, the concession does not prohibit non commercial recreational hunting within the concession area. The point is therefore accepted, however no decision to amend the proposal is required.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
9	The hunting concession should provide for the discretion of the Crown to carry out wild animal control.	2	Allow	Accept

Discussion:

The point concerns the protection of significant inherent values with respect to the Crown’s ability to control wild animals within the concession area which is a relevant matter under Section 24 (b) CPL Act. The concession document does not appear to make specific reference to the Crown’s right to carry out wild animal control that may be necessary to protect Conservation Values. The point is therefore worthy of further consideration.

The proposed concession does not override the Crown’s ability to carry out wild animal control under the Wild Animal Control Act or Conservation Act. The point is therefore accepted, however no decision to amend the proposal is required.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
10	Propose Covenants CC1-CC5 prohibit grazing by domestic animals (<i>i.e. reinstate Clause 3.1.1</i>).	2, 4, 13, 16	Allow	Accept

Discussion:

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

The point is accepted. Clause 3.1.1 has been amended to read “*the owner shall not deliberately graze the land*”.

Point	Summary of Point Raised	Sub No	Decision	
11	Propose Covenant Area CC3 be retained in full Crown ownership and control as Conservation Area.	2, 7, 16	Allow	Accept

Discussion:

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

In light of the contiguous nature of CC3 with proposed conservation area CA1 and the importance of an altitudinal sequence of native vegetation in this area being protected, its inclusion within conservation area is justified in terms of Section 24 (b) CPL Act. The holders’ have made a case for the line of the existing track through Area CC3 becoming freehold based on the need to have secure access between the areas of freehold. This is accepted on condition the line of the track being subject to an easement that provides for public access.

Point	Summary of Point Raised	Sub No	Decision	
12	Propose Covenant Area CC4 be retained in full Crown ownership and control.	2, 7, 16	Allow	Accept

Discussion:

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

The same decision and justification that applies to point 11 also applies to this point.

Point	Summary of Point Raised	Sub No	Decision	
13	Propose Covenant Area CC5 be retained in full Crown ownership and control as Conservation Area.	2, 7	Allow	Not Accept

Discussion:

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

The native forest/shrubland within this area from which the SIV's arise is on very steep terrain that affords natural protection from grazing by domestic animals. Public access is not an issue within this area and the SIV's do not require active conservation management. A covenant therefore adequately meets the objects with respect to Section 24 (b) CPL Act. The point is therefore not accepted.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
14	Propose Covenant Area CC6 be extended to include the Lake Faces south of Rocky Point.	2, 4, 8, 11, 13, 16	Allow	Accept

Discussion:

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

It is accepted that the highly visible nature of the lake face on the west side of covenant CC6 justifies landscape protection. Landscape protection on this face needs also to include a clause prohibiting burning vegetation. The holder has accepted a covenant in this area above a contour line of approximately 800 metres. Below this level exists a cultural landscape that is appropriately protected under the District Plan.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
15	Propose Covenant Area CC6 prohibit burning and spraying vegetation. (i.e. reinstate Clause 3.1.5 in Covenant document).	2, 11, 16	Allow	Accept in Part

Discussion:

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

The majority of area CC6 comprises highly modified and hawkweed infested fescue tussock grassland. The SIV's that are being protected within this area arise from the land form and not the vegetation, with the exception of the lake face. Areas of forest on the Timaru Creek faces are within existing or proposed conservation area. The covenant will include a clause prohibiting burning on the lake faces. The point therefore is accepted with respect to the lake faces only but cannot be justified with respect to Section 24 (b) CPL Act on the balance of the covenant area.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
16	Oppose freeholding Green Bush Flat.	3	Allow	Not Accept

Discussion:

The point is raised in conjunction with Point 17. The submission argues that Green Bush Flat is geographically closely related to area CC1 which he submits should be retained in full Crown ownership and control to provide better protection for significant inherent values and public access. These are relevant matters under Section 24 CPLA and the point is therefore allowed.

Green Bush flat is highly modified by pasture development and is economically significant to the farming operation. The area does not contain SIV's that warrant protection under Section 24 (b) CPL Act. The point is therefore not accepted.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
17	Oppose freeholding covenant area CC1.	3, 16	Allow	Not Accept

Discussion:

The point concerns the protection of significant inherent values which is a relevant matter under Section 24 (d) CPL Act and is therefore allowed.

The SIV's identified here are adequately protected by covenant. The area is discontinuous from proposed conservation area and does not hold public interest in terms of access. The point therefore has insufficient justification and is therefore not accepted.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
18	Propose the line of the access track between Bricks Gully and Yards Gully be included in the proposed Conservation Area and that farm access be provided by way of a concession easement.	4, 6, 8, 13	Allow	Not Accept

Discussion:

The current proposal is for the line of the track to be freehold subject to a public access and access for management purposes easement. The submissions are concerned principally with the issue of ensuring access through this area along the lake frontage and from the lake frontage to the proposed conservation area. There is also concern expressed about the severing of the proposed conservation area for conservation management purposes. These are relevant matters under Section 24 CPL Act and the point is therefore allowed.

In light of the non acceptance of this point by the holder and the provision in the proposal for public and DoC access for management purposes by way of an easement over the line of the track, there is insufficient justification for insisting on this point.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
19	Provision be made in the grazing concession over area CA6 for monitoring the security of fences and reviewing the right to ongoing grazing in the event of stock trespass.	4, 8, 13	Allow	Accept

Discussion:

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

Provision is made in the grazing concession for monitoring (*clause 16 and schedule 1, clause 14*) and containment of stock (*schedule 2, clause 1*). The point is therefore accepted however, no amendment to the proposal is required.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
20	Propose a condition included in concession for area CA5 requiring monitoring of vegetation and soil nutrients and cessation of grazing on adverse affects arising.	4, 13	Allow	Not Accept

✓

Discussion:

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

In light of grazing concession CA5 being a phase out of grazing at a reduced stocking rate over a ten year period, detailed monitoring of vegetation and soils is not justified to achieve the objects with respect to Section 24 (b) CPL Act. The point is therefore not accepted.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
21	Propose including a clause in the covenant document requiring monitoring the effects of grazing on SIV's and requiring fencing if adverse effects occur.	4, 13	Allow	Not Accept

✓

Discussion:

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

Given that an existing clause in the document (Clause 3.2.5) provides for a right of access by DoC to examine and record the condition of the land and to carry out maintenance work, there is insufficient justification for an additional clause in meeting the object with respect to Section 24 (b) CPL Act. The point is therefore not accepted.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>
22	Formation of the track "c-p" should be an outcome of the tenure review for proposal to meet object under Section 24 (c) (i) CPLA.	4, 8, 9, 13, 14	Disallow

Discussion:

While the point concerns the securing of practical public access which is a relevant matter under Section 24 (c) (i) CPL Act, the proposal as notified includes the construction of this track as part of the review. No further decision of the Commissioner is therefore necessary to satisfy this point. The point is accordingly disallowed. *is this correct!*

Point	Summary of Point Raised	Sub No	Decision	
23	Propose that the public access easement "c-g" be re routed to the base of the hill on the east side of the peninsula.	4, 8, 16	Allow	Not Accept

Discussion:

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

In light of the holders strong objection to this route for public access and the alternative proposed route on the west side of the peninsula that is to be constructed as part of the review, there is insufficient justification to pursue this point under Section 24 (c) CPL Act. The point is therefore not accepted. *ok/1/10*

Point	Summary of Point Raised	Sub No	Decision	
24	Oppose the proposal on the grounds that it does not meet the objects with respect to Section 24 (a) (i) CPL Act. - Land requires hands on knowledge, management and inputs of grazing animals to maintain the health and biodiversity of grazing land to ensure it is ecologically sustainable to support future generations.	5	Allow	Not Accept

Discussion:

The point concerns the matter of whether the proposal promotes the management of the reviewable land in a way that is ecologically sustainable which is a relevant matter under Section 24 CPL Act and is therefore allowed.

The available scientific evidence for managing the protection of the SIV's identified within this property does not support ongoing grazing as being part of the management mix. There is evidential and scientific support for pastoral farming being ecologically sustainable on the better classes of soil at lower altitude within the property. The vast majority of such areas are designated as proposed freehold. The ecological sustainability of the biological systems which are included within proposed conservation area is evidenced by such systems having been sustained for many millennia in the absence of active management or of grazing animals. The role of managing the recent effects of such factors as pests and human impacts on conservation land is the Department of Conservation's. The available evidence therefore supports this proposal meeting the objects with respect to Section 24 (a) (i) CPL Act. This point is therefore not accepted.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
25	Oppose the proposal on the grounds that the whole property is capable of economic use under Section 24 (c) (ii) CPL Act and should be freeholded.	5	Allow	Not Accept

Discussion:

This is a relevant matter Section 24 (a) (ii) CPL Act and is therefore allowed. .

The objects within Section 24 CPL Act of promoting ecologically sustainable management (*Section 24 (a)(i)*) and the protection of SIV's (*Section 24 (b)*) are considered to be prior objectives to "freeing the land capable of economic use from the existing management constraints" (*Section 24 (a)(ii)*) in the hierarchy of objectives under this section. This point is therefore not accepted.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
26	<p>Oppose the restoration of 70% of the property to full Crown ownership for the protection of significant inherent values on the following grounds:</p> <ul style="list-style-type: none"> - There are no scientific papers supporting reasons for the decision. - There is no indication as to what SIV's occur in the reviewable land that are inseparable and exist only in that location. - What values are of such importance and rarity as to deserve the protection and management provided under the Reserves and Conservation Acts. - No risk analysis for the values or identification of what they require protection from. - No investigation into why protective mechanisms are not used. - No proposed management plan for the area. - No proposed budget for ongoing management of conservation areas. - No impact study of tax payer costs of outcome. 	5	<p>Allow</p> <p>Allow</p> <p>Allow</p> <p>Disallow</p> <p>Disallow</p> <p>Disallow</p> <p>Disallow</p> <p>Disallow</p> <p>Disallow</p> <p>Disallow</p>	Not Accept

Discussion:

The first three matters under this point deal with determining whether SIV's are present that is a relevant matter under Section 24 (b) CPL Act. The point is allowed with respect to these points.

The CPL Act does not require a risk analysis of risks to SIV's, a proposed management plan, an ongoing budget, an impact study of anticipated costs to the tax

payer, an impact study on local community cultures, businesses and enterprises or an analysis of productive returns if the land is freeholded. These are not relevant matters under the CPL Act that the Commissioner can consider and are therefore disallowed.

“Significant inherent values” (SIV’s) in relation to any land, means ‘*inherent value of such importance, nature, quality, or rarity that the land deserves the protection of management under the Reserves Act 1977 or the Conservation Act 1987*’. Reference to these statutes can be made to further define the meaning of “significant inherent value”. These definitions are further defined by “criteria for assessing SIV’s, ‘Department of Conservation standard operating procedure for tenure review’.

The SIV’s identified within the reviewable land are described in the Department of Conservation Resources Report (CRR) for this property. References are made in the CRR to supporting scientific papers.

Guidelines for determining when to use protective mechanisms versus full Crown ownership and control have been developed and are available on the LINZ website. Each case however is to be considered on its merits. The process and information applied to this review in determining the designations does not support this point. The point is therefore not accepted.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>
27	Oppose creation of public access easements without providing public facilities such as car parks or camping areas.	5, 9, 14	Disallow

Discussion:

These are ongoing management issues that will be the responsibility of the Department of Conservation following implementation and are not matters the Commissioner can consider under the CPL Act. Accordingly the point is disallowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>
28	Oppose the proposal on the grounds that it will render the property uneconomic in the long term.	5	Disallow

Discussion:

While the matter of whether the land is capable of economic use is a relevant matter under the CPL Act, ongoing viability of the farming enterprise that results from the review is not a matter the Commissioner can consider under the CPL Act. Accordingly the point is disallowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
30	Propose Area CC6 be returned to full Crown ownership and control as Conservation Area.	7	Allow	Not Accept

Discussion:

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

The SIV's identified within CC6 are confined to "significant landscapes" only which does not justify retention of the land in full crown ownership and control. Vegetation within Area CC6 has largely been modified by grazing and in many places is dominated by hawkweed. Recreation attributes within this area are adequately provided by easements. The point is therefore not accepted.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
31	Propose a condition prohibiting burning be included in all covenants and grazing concessions.	7	Allow	Accepted in Part

Discussion:

The point is similar to Point 15 and concerns the protection of significant inherent values which is a relevant matter under Section 24 (b) CPL Act and is therefore allowed.

With the exception of the eastern portion of CC6, the covenant and concession documents prohibit the lighting of any fire on the land without the prior approval of the MOC. The point is therefore accepted with regard to these instruments. Such a clause is not included for Area CC6, with the exception of the lake face, as the vegetation is largely modified by grazing and is dominated by exotic species. Burning may be a necessary tool for managing the economic use of the land for pastoral farming. Such a practise is considered to result in maintaining the current grassland landscape rather than detracting from it.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
32	Propose the hunting concession include a condition requiring the culling of deer if numbers exceed certain levels.	7	Allow	Not Accept

Discussion:

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

Wild animal control will be managed within the concession area under the Wild Animal Control Act, the same as for all conservation land. An additional clause in the concession is therefore not justified.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
33	Special condition 2 of Schedule 2 for Covenant CC1-CC5 should be made more specific to ensure protection of SIV's.	7	Allow	Accept

Discussion:

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

The protection of SIV's is proposed to be enhanced by amending clause 3.1.1 to read "*The owner will not deliberately graze the land*". The point is therefore accepted.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
34	Propose a public vehicle access easement from the end of the legal road (<i>Point "a"</i>) to adjacent Dingle lagoon (<i>1km east of point "c"</i>).	9, 14	Allow	Not accept

Discussion:

The submission raises the desire to achieve vehicle access to Dingle Lagoon which is a well known brown trout fishery. The matter concerns public access which is a relevant matter under Section 24 (c) (i) CPL Act and is therefore allowed. The point is associated with point 35.

The condition and nature of the road between points "a" and "c" (around Rocky Point) makes it unsuitable for the purpose of public vehicle access for the following reasons:

- The condition and nature of the road makes it generally unsafe for public vehicle use.
- The road is the main access route for moving stock between the two areas of proposed freehold. The narrow nature of the track means that public vehicle access would severely conflict with this use.

The holder is strongly opposed to this road becoming available for public vehicle use as of right. These factors combine to make pursuing this point unjustified in terms of Section 24 (c)(i) CPL Act.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
35	Propose a strip of land along the line of the proposed vehicle access for management proposes easement from the end of the legal road to the Hunter River be retained in Crown ownership to preserve public access options for the future.	9, 35, 14, 16	Allow	Not accept

Discussion:

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

In light of the proposed public foot and non-motorised vehicle access route that is to be constructed along the lake shore as part of the review, the retention of land along the line of the existing track for the purpose of providing public access is not justified. Public access on the existing track will conflict with the farming operation and is opposed by the holder. The existing provisions for public access in this area meet the objects with respect to Section 24 (c)(i) CPL Act. The point is therefore not accepted.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
37	Propose access for management purposes easement also apply to Otago Fish and Game Council.	9, 14	Allow	Accept

Discussion:

This point concerns the management of the reviewable land in a way that is ecologically sustainable and the protection of significant inherent values in the form of trout fishery and game bird habitat that exists within the reviewable land which are relevant matters under Section 24 CPL Act. The point is therefore allowed.

Otago Fish and Game Council have significant interests in the Hunter River that require management. The holder has accepted the inclusion of Fish & Game in the access for management purposes easement. The point is therefore accepted.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
38	Propose a Conservation Covenant be applied to land on either side of the Dingle Lagoon Outlet Stream to protect sports fish habitat.	9, 14	Allow	Accept in Part

Discussion:

The point concerns the protection of SIV'S which is a relevant matter under Section 24 (b) CPL Act and is therefore allowed.

A covenant under the Reserves Act is proposed with Ngai Tahu as the administering authority. This covenant will provide for the protection of the riparian margin which will have the effect of protecting sports fishery habitat. The point is therefore accepted with respect to the outcome sought.

See final analysis

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>
39	Propose the continuation of vehicle access on existing vehicle tracks.	10	Disallow

Discussion:

Having clarified the point with the submitter, I understand the submission is to be interpreted in the way that it is written, i.e. the submitter is not seeking 'as of right' access but a continuation of access on freehold land at the discretion of the holder. There are no vehicle access tracks on proposed conservation area. As this will be the situation that will result from the proposal, there is no decision for the CCL to make. The point is accordingly disallowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
40	Propose a landscape covenant on The Peninsula to protect its natural character.	11	Allow	Not Accept

Discussion:

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

While the landscape on this side of the lake is important, the peninsula is highly modified by farm development and does not justify protection under the Conservation Act. It is considered that such important landscapes are more appropriately managed under the RMA through the district plan. This point is therefore not accepted.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
41	Propose a landscape covenant over the proposed freehold on the Lake Hawea/Hunter Valley Faces north of the Dingle Burn.	11	Allow	Not Accept

Discussion:

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

The majority of the upper slopes along the lake faces above 700 metres are protected by virtue of designating the land for retention as conservation area. The proposed freehold land on the lower slopes, fans and terraces is a cultural landscape modified by farming practices. Such landscapes are more appropriately managed under the RMA through the district plan. This point is therefore not accepted.

Point	Summary of Point Raised	Sub No	Decision	
42	Propose the covenant for Area CC6 prohibit the clearing of woody vegetation (i.e. reinstate Clause 3.1.2 of the document).	11	Allow	Not Accept

Discussion:

The point concerns the protection of significant inherent values in the form of natural landscapes which is a relevant matter under Section 24 (b) CPL Act and is therefore allowed. The point is related to point 15.

With the exception of the lake face portion of CC6, this area generally does not contain woody vegetation. Forest areas within Timaru and Junction Creeks are within existing or proposed conservation area. A clause prohibiting the clearing of woody vegetation is therefore not justified. The point is therefore not accepted.

Point	Summary of Point Raised	Sub No	Decision	
43	Propose covenant CC6 include a stock limitation and trend and condition monitoring of vegetation.	11	Allow	Not Accept

Discussion:

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

Given the nature of the SIV's present within this area and the likelihood of it being developed by oversowing and topdressing, vegetation monitoring and controls on stock numbers is not justified in terms of Sections 24 (a)(i) or (b) CPL Act. The point is therefore not accepted.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
44	Propose covenant CC6 include control over any activity which might have an adverse affect on the natural landscape (<i>i.e. reinstate Clause 3.1.10 in document</i>).	11	Allow	Accept

Discussion:

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

As the purpose of the covenant is quite specifically defined the reinstatement of the standard Clause 3.1.10 in the document is justified. This reinforces the ability of the covenant to protect the SIV identified. The point is therefore accepted.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
45	Propose boundary of proposed freehold within covenant area CC6 be amended to follow the 1000m contour.	11	Allow	Not Accept

Discussion:

The point concerns the protection of significant inherent values in the form of natural landscape and the issue of ecological sustainability, both of which are relevant matters under Section 24 CPL Act. The point is therefore allowed.

To achieve protection of SIV's above 1000 metres in this area requires boundary fencing proposed freehold from proposed conservation land. This is not practically achievable along the 1000 metre contour. The boundary proposed between freehold and conservation area is the most feasible line for fencing and protects the majority of SIV's that arise from the native vegetation that justify retention in crown ownership. The point is therefore not accepted.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
46	Marginal strips should be laid off the Dingle Burn, Timaru Creek, Hunter Valley, Lake Hawea and Dingle Lagoon.	12		Disallow

Discussion:

Marginal strips may result from this tenure review, but it is not a matter the Commissioner can consider under the CPL Act. The laying off of marginal strips is carried out under Section 24 Conservation Act on disposition of Crown land. Accordingly the point is disallowed.

The Dingle Burn, Timaru Creek, Hunter Valley, and Dingle Lagoon all qualify for a marginal strip. The reviewable land does not bounder Lake Hawea but bounders a Crown land operating strip.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
48	Oppose the proposed freehold strip around Rocky Point along the Dingleburn road on the grounds that it splits the altitudinal sequence and does not ensure protection of SIV's from possible adverse effects of road maintenance.	16	Allow	Not Accept

Discussion:

The point concerns the protection of significant inherent values in the form of the altitudinal sequence of indigenous vegetation and the natural landscapes which is a relevant matter under Section 24 (b) CPL Act and is therefore allowed.

The holder seeks to retain a margin of land along the track in freehold tenure to secure his right to maintain the road, although a significant portion of the road is within “crown land operating strip”. The maintenance of the road is consistent with the economic use of the two adjacent areas of proposed freehold land and meets the objective with respect to Section 24 (a)(ii) CPL Act. The proposed freehold strip is only 20 metres wide. Maintenance of the road is unlikely to compromise the protection of the SIV's identified on this face. The point is therefore not accepted.

Note: There are no Points 29, 36 and 47 as analysis found them to be substantially the same as existing points covered in the analysis.

5. Discussion and conclusions:

A total of 16 submissions were received and accepted with 1 submission being received after the closing date and not accepted.

A total of 45 points were raised in submissions, 39 being allowed, 1 allowed in part and 5 being disallowed.

Of the 40 points allowed in part or in whole 13 have been accepted, 3 accepted in part and 24 have not been accepted.

Those points that have been accepted in this submission have resulted in the following changes to the preliminary proposal:

- an additional 128 hectares (approx) of low altitude native shrubland is to be included in land to be retained for conservation purposes instead of being protected by conservation covenant.
- an additional 300 hectares (approx) of proposed freehold is being included in a covenant to protect the natural landscape.
- The margin of Dingle lagoon outlet is to be protected by a covenant under the Reserves Act. ~~not necessary, part of this analysis, see twi analysis~~
- amendments are to be made to the conservation covenant documents that result in better protection of the SIV's identified.
- Approximately 3 km of private road is to be retained by the Crown to provide for public vehicle access, car parking and access to Lake Hawea from the road.
- Otago Fish and Game Council will have access for management purposes to the Dingle Burn and Hunter River.

The outcome is a tenure review proposal that meets the objects with respect to Section 24 CPL Act and is acceptable to the holder. ✓

APPENDIX 2:**LIST OF SUBMITTERS:**

<i>Sub Number</i>	<i>Name of Submitter</i>	<i>Points Raised</i>
1	Queenstown Lakes District Council.	1, 2, 3.1, 3.2, 3.3, 3.4
2	Prof A F Mark	3.2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15
3	G Clark	7, 16, 17
4	Federated Mountain Clubs Inc	3.1, 3.2, 3.3, 10, 14, 18, 19, 21, 22, 23
5	R S Emmerson	24, 25, 26, 27, 28
6	C Pearson	3.1, 3.2, 3.3, 3.4, 18
7	Otago Conservation Board	3.3, 3.4, 11, 12, 13, 30, 31, 32, 33
8	Royal Forest & Bird Protection Society – Upper Clutha Branch	3.2, 4, 14, 18, 19, 20, 22, 23
9	Otago Fish & Game Council	3.2, 22, 27, 34, 35, 37, 38
10	The Landrover Owners Club (Otago) Inc	39
11	Anne Steven	7, 14, 15, 40, 41, 42, 43, 44, 45
12	NZ Federation of Freshwater Anglers Inc	35, 46
13	Otago Tramping & Mountaineering Club Inc	3.1, 3.2, 10, 14, 18, 19, 20, 21, 22, 23
14	Graham Dickson	2
15	Upper Clutha Angling Club	22, 27, 34, 35, 37, 38
16	Royal Forest & Bird Protection Society – Southern Office	6, 7, 10, 11, 12, 14, 15, 17, 23, 35, 40, 47, 48