

Crown Pastoral Land Tenure Review

**Lease name:
DINGLEBURN STATION**

Lease number: PO 151

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 CPLA. If allowed the issue will be subject to further consultation with Department of Conservation, or other relevant party.

March 04

**REPORT IN ACCORDANCE WITH
TENURE REVIEW PROCESS**

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

DINGLEBURN

File Ref: CON50344/12479 (Po151/1) **Submission No:** AT4004 **Submission Date:** 20 February 2004
Contractor’s Office: Alexandra **LINZ Case No:** **Date sent to LINZ:**

RECOMMENDATIONS:

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

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:**

(signed) RW Lysaght

Name:

Date of decision: 16 March 2004

1. Details of lease:

Lease Name: Dingleburn

Location: Lake Hawea

Lessee: Thomas Guy Mead and Davida Isobel Mead

APPENDICIES:

1. Analysis of submissions.
2. Copy of public notice.
3. List of submitters.
4. Copy of annotated submissions.
5. Copy of late submissions.

APPENDIX 1: ANALYSIS OF SUBMISSIONS:

ANALYSIS OF SUBMISSIONS

MOUNT BURKE 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 recommendations:

- (i) To allow/disallow:

The decision to “**allow**” the point made by submitters is on the basis that the matter raised is a relevant matter for the Commissioner to consider when making decisions in the context of

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

4.2 Analysis:

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

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 designation as a road is not a matter that can be dealt with under the CPLA, gazetting as road may be a logical outcome of the retention of the line of the road to the proposed carpark at “b” which may better fulfil the objects of the Act with respect to Section 24 (c) (i) CPL Act. The point therefore justifies further consideration.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>
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

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.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>
3	Support all or certain aspects of the proposal:		Allow
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.

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

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.

<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

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.

<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

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.

<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

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.

<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

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.

<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

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.

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

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.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>
11	Proposed Covenant Area (CC1) be retained in full Crown ownership and control as Conservation Area.	2, 7, 16	Allow

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.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>
12	Proposed Covenant Area (CC4) be retained in full Crown ownership and control.	2, 7, 16	Allow

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.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>
13	Proposed Covenant Area (CC5) be retained in full Crown ownership and control as Conservation Area.	2, 7	Allow

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.

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

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.

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

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.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>
16	Oppose freeholding Green Bush Flat.	3	Allow

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.

<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

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.

<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

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.

<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

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.

<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

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.

<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

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.

<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.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>
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

Discussion:

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

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>
24	<p>Oppose the proposal on the grounds that it does not meet the objects with respect to Section 24 (a) (i) CPL Act.</p> <ul style="list-style-type: none"> - 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

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.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>
25	<p>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.</p>	5	Allow

Discussion:

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

<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. - No analysis of impact on local community, culture and business enterprises. - No analysis of productive returns if land was to be freeholded. 	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>

Discussion:

The first three matters under this point deal with determining whether SIV’s exist which 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.

<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

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.

<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 both Covenants and the grazing concessions.	7	Allow

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.

<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

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.

<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

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.

<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

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.

<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

Discussion:

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

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

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 what exists within the reviewable land which are relevant matters under Section 24 CPL Act and is therefore allowed.

<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

Discussion:

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

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>
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

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.

<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

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.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>
42	Propose the covenant for Area CC6 prohibit the clearing of woody vegetation (<i>i.e. reinstate Clause 3.1.2 of the document</i>).	11	Allow

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.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>
43	Propose covenant CC6 include a stock limitation and trend and condition monitoring of vegetation.	11	Allow

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.

<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

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.

<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

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.

<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 boulder Lake Hawea but bouders a Crown land operating strip.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>
47	Propose area CC6 be retained in “ <i>full Crown ownership and control</i> ” as conservation area.	16	Allow

Discussion:

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

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>
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

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.

Note: There are no Points 29 and 36 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 46 points were raised in submissions, 37 being allowed, 1 allowed in part and 5 being disallowed.

APPENDIX 2:

Copy of public notice.

APPENDIX 3:

List of submitters.

LIST OF SUBMITTERS:

<i>Sub Number</i>	<i>Name of Submitter</i>	<i>Points Raised</i>
1	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

APPENDIX 4:

Copy of annotated submissions.

APPENDIX 5:

Copy of late submissions.

REPORT IN ACCORDANCE WITH TENURE REVIEW PROCESS

Analysis of iwi submission on Preliminary Proposal for tenure review

DINGLEBURN

File Ref:	CON/50344/12479 (Po151/1)	Submission No: AT4005	Submission Date: 20 February 2004
Contractor’s Office:	Alexandra	LINZ Case No:	Date sent to LINZ:

RECOMMENDATIONS:

1. That the Commissioner of Crown Lands (*or his delegate*) note the submission received from the iwi authority and approve the analysis of the submission attached as Appendix 1.
2. That the Commissioner of Crown Lands (*or his delegate*) authorise DTZ to consult with the Director General of Conservation’s delegate on the points accepted from this submission.

CERTIFICATION:

In preparing this report and recommendations, DTZ New Zealand Limited certifies that it has complied with and met the process document, legislation and contract requirements for tenure review.

Signed for DTZ New Zealand Limited:

P H Murray:

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

(signed) RW Lysaght

Name:

Date of decision: 16 March 2004

1. Details of lease:

Lease Name: Dingleburn

Location: Lake Hawea

Lessee: Thomas Guy Mead and Davida Isobel Mead

APPENDICES:

1. Analysis of submission.
2. Copy of annotated submission.
3. Supplementary submission received from iwi authority.

ANALYSIS OF IWI SUBMISSION

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 2.

Closing date for submissions:

19 January 2004

3. **Details of submission received:**

The submission was received from the office of Te Rununga O Ngai Tahu on 19 December 2003.

4. **Analysis of submission:**

4.1 *Introduction:*

Explanation of Analysis:

The following analysis summarises each of the points raised. Discussion of the point and the decision whether or not to accept/not accept or to allow/disallow the point follows.

The following approach has been adopted when making recommendations:

(i) To allow/disallow:

The decision to “**allow**” the point made by submitters is on the basis that the matter raised is a relevant matter for the Commissioner to consider when making decisions in the context of the Crown Pastoral Land Act 1998. Conversely, where the matter raised is not relevant in terms of the Commissioner’s consideration, the decision is to “**disallow**”.

4.2 *Analysis:*

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Decision</i>
1	That the Department of Conservation consult with Papatipu Rununga to identify an appropriate name for the proposed conservation area at the mouth of the Dingleburn River/Whakakea to highlight the significance of the area to Ngai Tahu.	Disallow

Discussion:

The naming of Conservation areas is not a matter that the Commissioner can consider under the CPL Act and therefore the point is disallowed. Such matters should be raised with the Department of Conservation on gazettal through the appropriate process.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Decision</i>
2	That Mount Dingle/Turihuka remain in Crown ownership and be managed as a conservation area in partnership with Papatipu Rununga.	Allow

Discussion:

The point concerns the designation of the land which is a relevant matter under Section 24 (b) CPL Act and is therefore allowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Decision</i>
3	That the Rununga O Ngai Tahu and the Kaitiaki Papatipu Rununga be formerly notified of the hunting concession in the Dingleburn Preliminary Proposal.	Disallow

Discussion:

The notification of Ngai Tahu by DoC under Section 4 of the Conservation Act is not a matter that the Commissioner can consider under the CPL Act. The point is therefore disallowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Decision</i>
4	That Dingleburn Lagoon/Turihuka including the margins of the Lagoon outlet be restored to full Crown ownership and control as conservation area under Section 35 (2) (a) CPL Act.	Allow

Discussion:

The submission notes the cultural significance of the Dingleburn Lagoon and outlet to Ngai Tahu owing to its historical importance as a mahinga kai site for Maori living in the area and that a Kaianga was located beside the lagoon. The submission seeks the protection of native wetland species including flax, raupo and other native wetland species that were noted in the Conservation Resources Report. The submission therefore seeks the protection of significant inherent values associated with cultural and natural values which are relevant matters under Section 24 (b) CPL Act and is therefore allowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Decision</i>
5	That LINZ advise Te Rununga O Ngai Tahu whether Dingleburn River/Whakakea fits the criteria for a marginal strip. - if the Dingleburn River does not fit the criteria for a marginal strip, a 20 metre strip should be protected as conservation area under Section 35 (2) (a) (i) CPL Act.	Disallow

Discussion:

While the point is noted and the Rununga have been advised that Dingleburn River will qualify for a marginal strip, this is not a matter the Commissioner can be determined under the CPL Act. The point is therefore disallowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Decision</i>
6	That the land surrounding Lake Hawea from the Timaru River to the Hunter Valley be protected by conservation covenant under Section 40 (2) (a) CPL Act.	Allow

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.

5. *Discussions and conclusions:*

The submission includes a number of points of note for the Department of Conservation but which cannot be considered under the CPL Act. Protection of native vegetation surrounding Dingleburn Lagoon and its outlet and the natural landscape along the Lake Hawea faces are the two main points of interest raised in the Iwi submission. These points justify further consultation with the DGC delegate.

APPENDIX 1:

Analysis of submission.

APPENDIX 2:

Copy of annotated submission.

APPENDIX 3:

Supplementary submission from iwi authority.