



Crown Pastoral Land Tenure Review

Lease name : Glen Dhu Station

Lease number : Po 379

Report on public submissions

This document includes information on the public submissions received in response to an advertisement for submissions on the tenure review preliminary proposal. The analysis determines if an issue is accepted or not accepted as meeting the objectives of part 2 of the Crown Pastoral Land Act (CPLA) 1998, and if further consideration and consultation should be allowed or disallowed, as per Section 45 CPLA 1998.

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

March 03

ANALYSIS OF SUBMISSIONS
GLENDHU TENURE REVIEW

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1. Details of lease:

Lease Name: Glendhu
Location: Wanaka
Lessee: Robert Ian McRae and Pamela June McRae

2. Public notice of preliminary proposal:

Date, publication and location advertised:

Saturday – 27 July 2002:

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

A copy of the notice is attached as Appendix I.

Closing date for submissions:

20 September 2002

3. Details of submissions received:

A total of 13 submissions was received. Three submissions were received outside the closing date. A list of submitters is attached as Appendix 3 that references the submitters to the points raised in their submission.

4. Analysis of submissions:

4.1 Introduction:

Explanation of Analysis:

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

The following analysis summarises each of the points raised along with the recorded number (*shown in Appendix 3*) of the submitter(s) making the point. 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:

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- (i) To accept/not accept:

The decision to "accept" 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 "not accept".

- (ii) To allow/disallow:

Where the decision has been made to accept, a further decision has been made as to whether the point made should be "allowed" or "disallowed". The decision has been made to "allow" if the point raises new information and should be considered further. Where the matter has previously been decided by the Commissioner, and there is not justification for the further consideration then the decision is to "disallow". Further justification for the decision has been made in the discussion paragraph showing the summary for each point.

4.2 Analysis:

Point	Summary of Point Raised	Sub No	Decision
1	<p>Covenant Area A should be retained in full Crown ownership and control.</p> <ul style="list-style-type: none"> - Has very high intrinsic values including landscape. - Area has considerable recreation potential. - Better integrity and security for conservation management. - Potential exists for conservation values to be greatly improved. 	1, 3, 9, 10, 11	Accept Disallow

Discussion:

As the submissions deal with the protection of significant inherent values which is a relevant matter for the Commissioner to consider under Section 24 CPL Act, the point is accepted. No new information has been provided in the submissions. The significance of the landscape in this area was identified by the DGC delegate and is protected by way of a covenant. The recreation value of the area was assessed as providing an opportunity for a walk along the existing 4WD track to the high point at point 762 m which provides a good viewing point. Consultation occurred with the holder on this point and it was subsequently concluded that a similar view point could be achieved within the proposed conservation area "Area 1 (north)". The provision of public access was consequently withdrawn from the proposal. No information has been provided that justifies further consideration of this issue. The point is therefore disallowed.

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<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
2	<p><i>Covenant Area B</i> should be retained in full Crown ownership and control.</p> <ul style="list-style-type: none"> - Has very high intrinsic values including landscape. - Better integrity and security for conservation management. - Potential exists for conservation values to be greatly improved. - This area is not capable of sustaining current or potential economic use. 	1, 2, 3, 6, 9, 10, 11, 12	Accept	<p>RELEASED UNDER THE OFFICIAL INFORMATION ACT</p> <p>Allow for further consultation</p>

Discussion:

As the submissions deal with the protection of significant inherent values which is a relevant matter for the Commissioner to consider under Section 24 CPL Act, the point is accepted. New information has been provided in the submissions in the form of information on the presence of rare plant communities on adjacent reviewable land and the possible effect of fragmentation in reserve design resulting from the present boundaries (submissions 2, 6 and 11). New boundaries that may result from further consultation on these points may justify further consideration of the designation in terms of Section 35 CPL Act. The points raised therefore justify consideration by the Commissioner in conjunction with other points raised in the submissions. The point is therefore allowed for the purpose of further consultation.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
3	<p><i>Conservation Covenant Area C</i> should be retained in full Crown ownership and control.</p> <ul style="list-style-type: none"> - Has very high intrinsic values including landscape. - Better integrity and security for conservation management. - Potential exists for conservation values to be greatly improved. - This area is not capable of sustaining current or potential economic use. - Contains the same characteristics as Areas 1 north and south. 	1, 2, 3, 6, 9, 10, 11, 12	Accept	<p>RELEASED UNDER THE OFFICIAL INFORMATION ACT</p> <p>Allow for further consultation</p>

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Discussion:

As the submissions deal with the protection of significant inherent values which is a relevant matter for the Commissioner to consider under Section 24 CPL Act, the point is accepted. Similar issues are raised in submissions on this point as raised for Point 2. For the same reasons as for point 2, this point justifies consideration by the Commissioner. The point is therefore allowed for the purpose of further consultation.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
4	The two areas of Covenant C should be linked. - Area of proposed freehold between has limited productive value.	1	Accept	Allow for further consultation

Discussion:

As the submissions deal with the protection of significant inherent values which is a relevant matter for the Commissioner to consider under Section 24 CPL Act, the point is accepted. No new information has been provided by the submission, however the point relates to Point 25 which raises the issue of reserve design and appropriate boundaries for the protection of significant inherent values that have been identified. Submission 6 raises the related point being *"the high edge to interior ratios of the proposed shrubland covenants in the preliminary proposal would only entrench the state of fragmentation in this landscape"*. In light of the number of submissions which raise the issue of reserve design and the fact that the Commissioner has not considered this issue in relation to the protection of significant inherent values identified, there is justification for the Commissioner considering this matter further. The point is therefore allowed for further consultation.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
5	The two portions of Covenant Area B should be combined.	2	Accept	Allow for further consultation

Discussion:

As the submissions deal with the protection of significant inherent values which is a relevant matter for the Commissioner to consider under Section 24 CPL Act, the point is accepted. No new information has been provided by the submissions, however the point generally relates to reserve design as do Points 4 and 25. For the same reason as provided for these points which concerns the better protection of the significant inherent values present, there is justification for the Commissioner considering this matter further. The point is therefore allowed for further consultation.

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<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
6	Proposed Conservation Area 1 (<i>south</i>) should be extended to include Trig Point FF and Point 782m. - Provides an important viewpoint for walking access from the Wanaka Mount Aspiring Road. - Should include an important shrubland located immediately west of Trig Point FF.	2, 3, 6, 13	Accept	Disallow

Discussion:

The point concerns public access and the protection of significant inherent values which are relevant matters under Section 24 CPL Act and therefore is accepted. The submissions provide no new information on the significant inherent values or the recreational attributes of this area. The botanical and landscape attributes of the area raised in the submissions were identified by the DGC delegate in the Conservation Resources report. The DGC delegate did not recommend that Trig point FF and Point 782m be included within the area to be retained by the Crown in the revised conservation recommendations of November 1999. In light of the advice from the DGC delegate and the contractor a decision was taken by the Commissioner not to include this area in the proposal. The point concerning public access to Trig FF and point 782m is considered separately under point 13. The points raised with respect to retaining this area in Crown ownership have previously been considered by the Commissioner and do not justify further consideration by him. Accordingly the point is disallowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
7	Proposed Conservation Area 1 (<i>south</i>) should include 4WD track on sou'west side of Point 782m. - Provides better landscape protection and public access to viewpoint.	2	Accept	Disallow

Discussion:

The point concerns public access which is a relevant matter under Section 24 (c) (i) CPL Act and the protection of significant inherent values under Section 24 (b) CPL Act and is therefore accepted. No new information is provided by the submission on the recreational attributes or the significant inherent values of this area. The attributes of this area as described in the submission and the conservation resources report were fully considered by the Commissioner and a decision taken not to include the area in proposed conservation area. This decision was consistent with the recommendation of the DGC delegate on the proposed boundary of Area 1 (*south*). There is therefore no justification for the Commissioner to consider further this matter and accordingly the point is disallowed.

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<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
8	Proposed Covenant Area A to protect landscape should be extended to its original proposed area (1300 ha).	2	Accept	Allow for further consultation

Discussion:

The point concerns the protection of significant inherent values that arise from natural landscape which is a relevant matter in terms of Section 24 (b) and is therefore accepted. The point relates to Point 20 which submits that a covenant to protect the landscape should apply to the whole property. There were 7 submissions which expressed concern at the level of protection of significant inherent values arising from landscape in the proposal. As landscape is a subjective element of assessment, submissions themselves can be considered a form of new information. Advice from the DGC delegate supports the point with respect to the area north of Rocky Hill. Although this matter has previously been considered, there is justification for the Commissioner considering this matter further due to the general level of concern expressed in submissions about the level of landscape protection in the proposal. Accordingly, the point is allowed for further consultation.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
9	Diamond Lake/Rocky Hill Track should have provision for extension north along 650 metre contour.	2, 13	Accept	Disallow

Discussion:

The point concerns public access which is a relevant matter under Section 24 (c) (i) CPL Act and is therefore accepted. This point relates to an issue raised by Point 1, that recreation access is an important attribute of this area. The submissions provide no new information on this issue. Public access north of Area 1 has been considered previously by the Commissioner and was included in the Draft Preliminary Proposal as E1. This easement was strongly opposed by the holder on the grounds that it would result in conflict with the farming operation. The DGC delegate advised that the route would be likely to receive only a moderate level of use and supported it being dropped from the proposal. In light of this advice the Commissioner made a decision not to include public access over this area in the review. There is no new information presented in the submissions that justifies the Commissioner consulting further on this matter. Accordingly the point is disallowed.

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<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
10	Provision should be made for public access to Parkins Bay from Wanaka Mount Aspiring Road. - As proposed in DPP and DGC delegate recommendations. - There is very limited public access to Glendhu Bay. - The public demand for lake access is increasing. - The access that is provided in the proposal does not meet the objects of the CPL Act.	2, 3, 6, 10, 13	Accept	Allow for further consultation

Discussion:

The point concerns public access and enjoyment of the reviewable land under Section 24 (c) (i) CPL Act. Although the submissions emphasise the need for access to the margin of Lake Wanaka, which is not reviewable land and therefore does not strictly meet the objects of Section 24 (c) (i) CPL Act, the point can be considered in light of the general securing of public enjoyment of the reviewable land. Section 36 (3) (b) CPL Act makes provision for the creation of an easement in gross. The point is therefore accepted. Although this particular matter has previously been considered by the Commissioner, the number of submissions on this point and related points (points 17, 19, 34 and 36) confirms a general dissatisfaction among the public with the provision of public access in the proposal which justifies the Commissioner considering the point further. The point is therefore allowed for further consultation.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
11	Provision should be made for a public access easement up the Fern Burn to the Glendhu lease boundary to provide access to proposed conservation area on adjoining lease.	2, 6, 10, 13	Accept	Disallow

Discussion:

The point concerns public access and enjoyment of the reviewable land under Section 24 (c) (i) CPL Act. The submissions raise the issue of public access up the Fern Burn to provide access to proposed conservation area on the adjacent lease. Although the submissions emphasise the need for access to land which is not reviewable land and therefore does not strictly meet the objects of Section 24 (c) (i) CPL Act, the point can be considered in light of the general securing of public enjoyment of the reviewable land. Section 36 (3) (b) CPL Act makes provision for an easement in gross. The point is therefore accepted. This matter has previously been considered by the Commissioner in submission AT0034.

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It was advised by the DGC delegate in the revised conservation resources recommendations of November 1999 (*appended to submission AT0034*) that the Fern Burn would clearly qualify for a marginal strip. There is therefore no justification for the Commissioner considering the point further. The point is therefore disallowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
12	Provision should be made for public access along the true right bank of the Motatapu and Matukituki Rivers where the marginal strip does not provide practical access.	2, 13	Accept	Allow for further consultation

Discussion:

The point concerns public access which is a relevant matter under Section 24 (c) (i) CPL Act and is therefore accepted. The submissions provide no new information in raising the possible walking route from the Wanaka Mount Aspiring Road to the Matukituki River and thence to the West Wanaka Bridge. This route had previously been identified as being a possible popular walk by the DGC delegate but no explanation was provided as to why it was not included in the proposal. Consequently the Commissioner has not given full consideration to this matter. The point is therefore allowed for further consultation.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
13	Public access should be provided from the Wanaka Mount Aspiring Road to Trig FF. - By way of an easement over the existing 4WD track. - By aligning the boundary to allow construction of a walkway within the reserve.	2, 6, 10, 13	Accept	Allow

Discussion:

The point concerns public access to a point within the reviewable land which is a relevant matter in terms of Section 24 (c) (i) CPL Act and is therefore accepted. The submissions provide new information in identifying this route as a potentially popular public walk. This route has not previously been considered by the Commissioner. The point therefore justifies consideration and is allowed.

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<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
14	A public walking route should be clearly defined along the lakeshore rather than relying on the marginal strip.	3	Accept	Allow

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Discussion:

The point concerns public access to and enjoyment of the reviewable land which is a relevant matter under Section 24 (c) (i) CPL Act and is therefore accepted. The Commissioner has not previously considered such a proposal which justifies consideration. The point is therefore allowed for further consultation.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
15	Public foot access should be provided for on existing 4WD tracks north of rocky hill.	3	Accept	Disallow

Discussion:

The point is similar to point 9 and concerns the securing of public access to and enjoyment of the reviewable land which is a relevant matter under Section 24 (c) (i) CPL Act and is therefore accepted. The submission provides no new information on this issue. Public access north of Area 1 has been considered previously by the Commissioner and was included in the Draft Preliminary Proposal as E1. This easement was strongly opposed by the holder on the grounds that it would result in conflict with the farming operation. The DGC delegate acknowledged that the route would be likely to receive only a moderate level of use and supported it being dropped from the proposal (letter dated 6 April 2002). In light of this advice the Commissioner made a decision not to include such this easement in the review. There is no new information presented in submissions that justifies the Commissioner consulting further on this matter. Accordingly the point is disallowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
16	Public foot access should be provided for on existing 4WD tracks south of Point 782m.	3	Accept	Allow for further consultation

Discussion:

The point concerns the securing of public access to and enjoyment of reviewable land which is a relevant matter under the CPL Act and is therefore accepted. This route had previously been identified as being a possible popular walk by the DGC delegate but no explanation was provided as to why it is not included in the proposal. The Commissioner has therefore not fully considered this matter. The point is therefore allowed for further consultation.

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<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
17	<p>Public foot access should be provided for from Wanaka Mount Aspiring Road to Lake Wanaka in the vicinity of the Fern Burn, including a carpark near road.</p> <ul style="list-style-type: none"> - There is a general paucity of public access to the lake from the road in this vicinity. - Close proximity to Wanaka causes demand for public access to the lake to be high. 	3, 6, 13	Accept	Allow for further consultation

Discussion:

The point concerns public access to and enjoyment of the reviewable land which is a relevant matter under the CPL Act and is therefore accepted. The issue of public access from the road to the lake in this vicinity has previously been considered by the Commissioner. It was considered that the marginal strip that will exist along the Fern burn on disposition will provide practical access for the public to the lake. However, the conditions on which it was considered acceptable to remove a proposed car park from the proposal have not been met. This point is also linked to Point 34 concerning the creation of a possible reserve at the mouth of the Fern Burn. These issues should be considered together and in this light these points justifies further consideration. The point is therefore allowed for further consultation.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
18	<p>Support the tenure review proposal.</p> <ul style="list-style-type: none"> - Proposal provides extensive public access through easements. - Recognises and provides for significant indigenous vegetation and habitats through designations. 	4	Accept	Disallow

Discussion:

Support is noted. As the point deals with decisions made under the CPL Act the point is accepted. The submissions do not require a further decision by the Commissioner and the point is therefore disallowed.

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<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
19	<p>The portion of reviewable land between Wanaka Mount Aspiring Road and Lake Wanaka next to Glendhu Bay motorcamp should be retained in full Crown ownership and control.</p> <ul style="list-style-type: none"> - Has no current economic use as is severed from balance of farm by the road. - Has significant inherent values for public recreation as provides access to the lake and an area for parking, picnicking and boat launching. - Houses built here would detract from the landscape. - There is very little public land in the Glendhu Bay area despite being in close proximity to Wanaka. 	5, 13	Accept	Allow

Discussion:

The point relates to the protection of significant inherent values and the designation of a specific area which are relevant matters for the Commissioner to determine under Sections 24 and 35 CPL Act and is therefore accepted. The submissions provide new information on public needs for recreation areas adjacent to Lake Wanaka in that they highlight the high demand for public access to the lake frontage and the limited opportunities that presently exist. They also raise the issue of landscape protection being an added justification for the area being retained in Crown ownership. These issues have not previously been considered by the Commissioner and justify consideration. The point is therefore allowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
20	<p>There should be a covenant to protect the landscape over the whole property.</p> <ul style="list-style-type: none"> - Such a covenant to also protect pockets of shrubland not presently protected. 	6, 10	Accept	Allow for further consultation

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Discussion:

This point is related to Point 8. The submission relates to the protection of significant inherent values that arise from the landscape which is a relevant matter under Section 24 (b) CPL Act and is therefore accepted.

Advice from the DGC delegate supports the point by describing the property as being an important landscape due to it being "the gateway to the Matukituki and Motatapu valleys" and "highly visible". Although this issue has previously been considered, there is justification for the Commissioner considering this matter further owing to the level of concern expressed in submissions about the level of landscape protection in the proposal. Accordingly, the point is allowed for further consultation.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
21	The area of wetland/shrubland adjacent to Matukituki River requires protection. - Contains important remnant communities of "nationally vulnerable" ranked threatened species <i>Olearia hectorii</i> , <i>Carmichaelia kirkii</i> and <i>Olearia lineata</i> .	6, 8, 9, 10, 11, 12	Accept	Allow

Discussion:

The point relates to the protection of significant inherent values and the designation of a specific portion of the land which are relevant matters under Section 24 (b) CPL Act and is therefore accepted. The submissions provide new information on the presence of previously unidentified communities of threatened plants within the reviewable land which may justify protection. Submission 11 describes in some detail the presence on the property of "substantial populations of at least two nationally threatened species, *Olearia hectorii*, *Carmichaelia kirkii*". Submission 12 lists *Olearia lineata* as being present which is listed by DoC as 'Nationally Sparse'. These populations are described as being located adjacent to the Matukituki river adjacent to Area B proposed covenant. Submission 12 also describes in the same general location a "large previously undescribed wetland system which is relatively unmodified" which she believes to be of national significance. In light of this new information the point is allowed for further investigation and consultation.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
22	Proposed conservation areas should be adequately fenced to protect significant inherent values.	6, 10, 11	Accept	Allow

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Discussion:

The point relates to fencing in the context of the protection of significant inherent values. The protection of significant inherent values is a relevant matter in terms of Section 24 (b) CPL Act. Although the act does not specify fencing as an obligation of the Commissioner, fencing may be a relevant matter with regard achieving adequate protection of significant inherent values. Consequently, fencing is a matter that can reasonably be considered by the Commissioner in determining whether the designation achieves the objects of the CPL Act. The point is therefore accepted. The DGC delegate has provided advice on new fencing requirements for protecting the significant inherent values identified in the conservation resources report and the proposal is consistent with this advice. Submission 11 provides new information on botanical values present on the property and submits that these values will require fencing for their protection. The Commissioner has previously not considered the issue of fencing in relation to the protection of these areassignificant inherent values within the proposed conservation areas and covenants. The point is therefore allowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
23	Oppose use of QEII Trust Act for Covenant A. - Should be one covenant under Conservation Act to achieve uniform management.	6, 10	Accept	Disallow

Discussion:

The submission relates to the protection of significant inherent values and the effect of different administering authorities that result from the use of different legislation under which covenants are applied. This is a relevant matter in terms of Section 24 (b) (i) CPL Act and is therefore accepted. No new information is provided by the submissions. Although the submissions raise a reasonable concern, the issue has been considered previously by the Commissioner in submission AT1011 approved 16 August 2001 and a determination made to accept a QEII covenant for the purpose specified. The point is therefore disallowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
24	Conservation covenants should provide for public access.	6	Accept	Disallow

Discussion:

The point relates to the provision of public access to and enjoyment of reviewable land which is a relevant matter in terms of the Section 24 (c)(i) CPL Act and is therefore accepted. This point relates to point 1 where submitters have submitted that the proposed covenant areas should be designated to be retained in Crown ownership partly to accommodate public access. No new information has been provided in this submission that has not previously been considered by the Commissioner.

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No recreation attributes have been identified in the conservation resources report within the proposed covenant areas with the exception of Area A which provides several vantage points which may provide a popular walking route. This issue has however been considered and it decided that proposed conservation Area 1 (north) provides a similar view point. Advice from the DGC delegate on proposed covenant "C" was that the only recreation attribute within this area is a "lookout point" at "b" shown "a...b" on plan with PP. The significant inherent values identified in the conservation resources report for the proposed covenant areas are natural landscape and botanical values arising from the native shrublands. These matters were considered in submission AT1011. There is therefore insufficient justification for the Commissioner to consider this matter further. Accordingly the point is disallowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
25	<p>Proposed Conservation Area 1 (north) should be expanded to include the whole eastern side of Rocky Hill.</p> <ul style="list-style-type: none"> - Protects significant inherent values arising from shrubland communities not presently protected. - Better reserve design. - Would provide for greater integrity and security for conservation management. 	6, 11	Accept	Allow

Discussion:

This point relates to point 21 concerning the protection of significant inherent values through the inclusion of shrubland communities not presently protected and to points 2 and 3 where the issue of better reserved design is raised. These are relevant matters in terms of Section 24 (b) of the CPL Act and the point is therefore accepted. The point raises matters that have not previously been considered by the Commissioner. The point is therefore allowed for further consultation.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
26	A carpark should be provided at the top end of E2.	6, 10	Accept	Allow

Discussion:

The point concerns public access which is a relevant matter under Section 24 (c) (i) CPL Act and is therefore accepted. The Commissioner has not previously considered a carpark at this site and the submission introduces new information. The point justifies consideration and is therefore allowed.

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<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
27	Land designated for conservation purposes must guarantee public access.	7	Not accept	

Discussion:

The issue of public access on land held for conservation purposes is not a matter the Commissioner can considered under the CPL Act. The point therefore is not accepted.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
28	An easement should apply over the 4WD track from West Wanaka Road to Covenant Area A that provides for vehicle access.	7	Accept	Allow

Discussion:

The point concerns public access which is a relevant matter under Section 24 (c) (i) CPL Act and is therefore accepted. The Commissioner has not previously considered specifically the possibility of providing access for 4WD vehicles within the review area. The point justifies consideration and is therefore allowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
29	Public road along the true left of the Motatapu River should be upheld.	7	Not accept	

Discussion:

Public roads are not a matter the Commissioner can consider under the CPL Act. The point is therefore not accepted.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
30	Support various aspects of the proposal.			
30.1	Proposed Easement E2.	1, 2, 7, 10 11, 13	Accept	Disallow
30.2	Conservation Areas 1 and 2.			
30.3	Covenants A, B and C.			

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Discussion:

Support is noted. As the submissions deal with decisions made under the CPL Act the point is accepted. The submissions with respect to these points do not require a further decision by the Commissioner. The point is therefore disallowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
31	Sufficient carparking should be provided close to Diamond Lake and within Area 2.	7	Not Accept	

Discussion:

The issue of carparking within proposed conservation area is not a matter the Commissioner can consider under the CPL Act. This is a matter to be determined by the future administering authority. The point is therefore not accepted.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
32	The two parts of Covenant Area C should be linked by an easement to provide for public foot access.	9	Accept	Disallow

Discussion:

The point concerns public access which is a relevant matter under Section 24 (c) (i) CPL Act and is therefore accepted. This point is linked to Point 24 concerning the provision of public access within the proposed covenant areas. No new information has been provided in this submission that has not previously been considered by the Commissioner. The point raised, as for point 24, does not justify further consideration and is accordingly disallowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
33	There should be a further opportunity for submissions on an amended proposal.	8, 9	Accept	Allow

Discussion:

The submission concerns the giving of notice of a Preliminary Proposal under Section 34 (i) as required by Section 43 CPL Act. The point is a relevant matter for the Commissioner to consider under the CPL Act and is therefore accepted. In light of the number of possible changes to the proposal that may result from further consultation on the wide range of matters raised in submissions, there is justification for the Commissioner considering such an option. The point is therefore allowed.

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<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
34	A recreation area is necessary on the western side of the Fern Burn at its mouth with Lake Wanaka for day picnicking.	6, 10, 13	Accept	Allow for further consultation

Discussion:

The point relates to the protection of significant inherent values arising from the recreational attributes of land at the mouth of the Fern Burn. This is a relevant matter in terms of Section 24 (b) of the CPL Act and is therefore accepted. The point is linked to Point 17 which concerns the provision of public access to the lake in the vicinity of the Fern burn. The submissions provide new information by identifying the public demand for recreational areas adjacent to Lake Wanaka. Considered along with Point 19, the point suggests a need for further consideration being given to the provision of recreation reserve areas adjacent to the lake. The point is therefore allowed for further consultation.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
36	Provision for public access in the proposal is inadequate.	3, 11, 13	Accept	Disallow

Discussion:

The submission concerns public access which is a relevant matter under Section 24 (c) (i) CPL Act and is therefore accepted. The point is noted, however the submission lacks specificity on which the Commissioner can make a decision. The point is therefore disallowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
37	Small triangle of proposed freehold in sou'west corner of Area 1 (north) should be retained in full Crown ownership and control to provide access to the Motatapu River and for public carparking.	13	Accept	Allow

Discussion:

The point relates to public access to the Motatapu River which is a relevant matter under Section 24 (c) (i) CPL Act and is therefore accepted. The specific issue of public access to the Motatapu River at this point has not previously been considered. The point justifies consideration and is therefore allowed for further consultation.

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<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	<i>Decision</i>
38	The upper boundary of Area 2 should be the ridge crest as viewed from Glendhu Bay and Parkins Bay.	13	Accept	Disallow

Discussion:

The point concerns the protection of significant inherent values arising from the natural landscape in the vicinity of Area 2 which is a relevant matter under Section 24 (c) (i) CPL Act and is therefore accepted. The submission provides no new information that has not previously been considered. Advice from the DGC delegate was that the main attribute justifying the retention of Area 2 in full Crown ownership and control is the native shrub community contained here. Landscape is a significant inherent value that was considered as a secondary attribute. There has been no new information provided in the submission to justify further consideration. The point is therefore disallowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
39	All the visual catchment of the bay at the northern end of Area 2 out to the point at the eastern extremity of the reviewable land should be retained in Crown ownership.	13	Accept	Allow

Discussion:

The point concerns the protection of significant inherent values under Section 24 (b) CPL Act and is therefore accepted. The submission raises the issue of the appropriate boundary to protect the significant inherent values arising from the forest/shrubland within Area 2. The submitter submits that the proposed boundary would create an unnatural line in the landscape if vegetation within the freehold was cleared. The issue of the appropriateness of the boundary with respect to landscape protection has not been previously considered by the Commissioner. The submission also raises the issue of practical public access from the proposed reserve to the legal road along the shore line to Paddock Bay. It submits that the present boundary would prohibit such an access route. The issue of public access has not been previously considered by the Commissioner. The point justifies the Commissioner considering further this issue. The point is therefore allowed for further consultation.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
40	All existing marginal strips should be exchanged for movable strips under Section 24E Conservation Act.	13	Not accept	

Discussion:

The creation of marginal strips is a provision of Part IV of the Conservation Act 1987 administered by the Director General of Conservation. Part 2 of the CPL Act does not extend to any decision making process in relation to the creation of marginal strips. This point is not a matter for consideration by the CCL and the point is therefore not accepted.

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<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
41	<p>Terms of easements E2 and E3 require amending:</p> <ul style="list-style-type: none"> - To include express requirement for Section 49 Conservation Act procedures to apply when changes made. - Section 126G Property Law Act be expressly excluded from the terms of the easement. - Temporary suspension/ closure provisions of easement document. 	13	Accept	Allow

Discussion:

This point relates to public access which is a relevant matter under Section 24 (c) (i) of the CPL Act and the point can therefore be accepted. These are generic matters concerning the future legal administration of the easements that may affect the efficacy of the easements which the Commissioner may wish to consider further. These matters have been raised in previous submissions on other tenure reviews and the Commissioner's decision has been generally to allow them so that consideration may be given to these issues on review of document templates. The point is therefore allowed for further consultation.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
42	<p>Potential conflict between intent of the easement transfer and actions taken by landowner under OSH and ACC.</p> <ul style="list-style-type: none"> - dedication of access routes as public roads. 	13	Not Accept	

Discussion:

The point relates to statutory matters under other legislation which the Commissioner has no authority to consider under the CPL Act. Public roads are also not a matter the Commissioner can consider under the CPL Act. The point therefore cannot be accepted.

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5. **Discussion and conclusions:**

A total of 13 submissions were received with 3 being received outside the closing date for submissions. The points raised in the submissions can be condensed to the following main points:

- There is general opposition to the use of covenants as opposed to retaining the land in Crown ownership.
- Many submitters are of the view that the public access provided for in the proposal is inadequate, particularly with respect to access to Lake Wanaka.
- New evidence is presented on botanical values which may indicate that significant inherent values are present arising from rare shrub communities that have not been protected by the proposal.

Eight of the 13 submissions were from public interest groups that represent a large number of individuals, both locally and nationally.

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