

Crown Pastoral Land Tenure Review

Lease name: LAKE HAWEA

Lease number: PO 286

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.

February 09

**FINAL ANALYSIS OF SUBMISSIONS
STATEMENT PURSUANT TO SECTION 45(a)(iii) CROWN PASTORAL LANDS ACT 1998**

LAKE HAWEA TENURE REVIEW

1. Details of lease:

Lease Name: Lake Hawea
Location: Lake Hawea
Lessee: Lake Hawea Station Limited

2. Public notice of Preliminary Proposal:

Date, publication and location advertised:

Saturday – 10 October 2005:

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

A copy of the notice is attached as Appendix 1.

Closing date for submissions:

28 November 2005

3. Details of submissions received:

A total of 12 submissions were received by the closing date with a further 5 submissions arriving over the two days following the closing date. A list of submitters is attached as Appendix 1 which 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 1*). 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**”.

- (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) 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	Recreational usage of area CA5 may result in the risk of human faecal contamination of domestic water supplies gained from Grand View Creek.	1	Disallow

Discussion:

The maintenance of potable water supply and the future management of impacts from public access are not matters the Commissioner can consider under the CPL Act. The point is therefore disallowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
2	Seek an additional public access easement route through area FH1 outside the southern boundary of area CA6 to provide more practical access route from Gladstone to Breast Hill. Easement to include right to construct and maintain.	2	Allow	Accept in part

Discussion:

The point concerns securing practical public access to and enjoyment of the reviewable land which is a relevant matter under the CPL Act. The point is therefore allowed.

The submission proposes this route as part of the Te Araroa walkway which extends the length of the Southern Alps. The proposal has been amended to include public access on a practical route along the northern boundary of area CA6 to give access from the Timaru Creek to Breast Hill track to the shores of Lake Hawea. The easement includes a right to construct and maintain the track. This route is expected to be used year round by individuals with moderate to extensive experience in back country travel. It will provide practical access to link with the proposed Te Araroa route to the east. Practical access will also be available

from the exit point of the Timaru River track to the lake Hawea shore via area CA7. Access can then be gained via the lake shore to the towns of Gladstone and Hawea.

The point is therefore accepted with respect to the object of the route however differs from that proposed by the submitter being on the northern boundary of area CA6.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
3	Proposed conservation covenant area CC1 should become conservation area. - the area has important recreation values. - for the protection of grey shrub and beech forest remnants. - for the protection of indigenous vegetation, invertebrates and landscape.	3, 8, 14	Allow	Accept

Discussion:

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

In light of the significance of the grey shrubland within this area and the presence of a number of rare plant species, the restoration of this area to full Crown ownership and control as conservation area is justified in terms of section 24(b) CPL Act. This will provide a continuous area of conservation land comprising native bush and grey shrubland along the south side of Timaru River. The point is therefore accepted.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
4	Propose all land within area FH2 to the base of the hill between area CA6 and Timaru River become conservation area. - To protect landscape values	3	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 the CPL Act. The point is therefore allowed.

Natural landscape is the only inherent value of importance that has been identified within this area. These values have been adequately protected by a covenant which specifically protects landscape values over all the area between area CA6 and Timaru River (area FH2). The point is therefore not accepted.

Point	Summary of Point Raised	Sub No	Decision	
5	Land proposed to be protected by sustainable management covenant should be retained in Crown ownership and control. <ul style="list-style-type: none"> - Continuation of farming this area will result in further destruction and erosion. - Does not adequately provide for public access. 	3, 14	Allow	Not Accept

Discussion:

The point concerns the promotion of the management of the reviewable land in a way that is ecologically sustainable which is a relevant matter under the CPL Act. The point is therefore allowed.

DoC did not consider the inherent values within this area to be significant and thus Section 24(b) CPL Act could not be applied. It is considered that the botanical values and landscape values will largely be protected by virtue of the sustainable management covenant.

The vegetation cover on these blocks, particularly the snow tussock, is in a degraded condition with a high percentage of bare ground so the restoration of vegetation cover is a key objective for ecologically sustainable management of this area. Snow tussock (*Chionochloa rigida*) is a key component of the natural plant community that has evolved here. With the possible exception of exotic conifers, there are no known exotic species that are known to persist in this environment. Introducing exotic conifers into this area as a means of resource protection has major implications for nature conservation on adjacent land and therefore would not be considered a desirable option. Restoring the original native plant community is therefore likely to be the best option. A significant component of the vegetation is currently *Hieracium lepidulum*. Domination by this species can result in increased tussock mortality which in turn can lead to a retrogressive succession leading to accelerated top soil loss. It is observed that a level of sheep grazing in late spring/ summer reduces the level of seeding and spread of *H. lepidulum* and may therefore reduce its dominance. It is therefore anticipated that the ongoing grazing of this area by sheep at a very low level as prescribed by the SMC document will be a component of managing the gradual restoration of this area. Ongoing monitoring of the cover will allow future stocking rates to be reviewed/ adjusted in light of the objective data obtained and ensure future economic use of the area is managed in an ecologically sustainable way. The covenant provides for the Commissioner to require the land to be destocked in the event of monitoring showing a deterioration of the cover due to grazing (see point 13).

Freehold disposal of the area will free the land from the constraints of its current tenure and allow for economic uses such as those associated with the tourist accommodation currently operating on the property. Public access through this area is adequately provided for by access easements over the existing farm tracks.

The proposal to dispose of these areas subject to a sustainable management covenant will therefore meet the objects of the CPL Act. That is not to say that a proposal to retain these areas in Crown control as proposed by submitters 3 and 14 would not also have met the objects of the act. The fact is however that the holder would not have agreed to such a proposal. The question then becomes whether the Commissioner should accept such a proposal in light of the application of the objectives to the whole property. The review results in a proposal where all the significant inherent values are protected, in the main by restoration of the land to Crown ownership as conservation area. There is a comprehensive suite of right of way easements to provide convenient public access on routes across proposed freehold land to proposed conservation areas. The proposal not only meets the objects of the CPL Act but also results in considerable public benefits in terms of conservation and public access that justifies the choice of a sustainable management

covenant over the restoration of the land to Crown ownership subject to the granting of a grazing concession.

The point is therefore not accepted.

Point	Summary of Point Raised	Sub No	Decision	
6	Areas CA2 and CA4 should be joined to become one area: - To protect landscape values - Land is unsuitable for ecologically sustainable farming.	3	Allow	Not accept

Discussion:

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

The land between areas CA2 and CA4 has not been identified as containing inherent values that justify protection by restoration of the land to Crown ownership for conservation. Landscape values are adequately protected by the District Plan in this area. Much of this area is suitable for ecologically sustainable pastoral farming. The point is therefore not accepted.

Point	Summary of Point Raised	Sub No	Decision	
7	Area FH4 should be retained in Crown ownership and control as conservation area. - To protect landscape values	3	Allow	Not Accept

Discussion:

The point concerns the protection of significant inherent values in the form of natural landscapes. This is a relevant matter under the CPL Act. The point is therefore allowed.

There have been no inherent values identified within this area that warrant protection in terms of section 24(b). The natural landscape values are adequately protected under the District Plan. The majority of this area is suitable for ecologically sustainable pastoral farming due to its warm aspect and the balance it provides to the farming operation. The point is therefore not accepted.

Point	Summary of Point Raised	Sub No	Decision	
8	Area CA3 should be expanded down slope to protect landscape values	3	Allow	Not Accept

Discussion:

This point concerns the protection of significant inherent values which is a relevant matter under the CPL Act. The point is therefore allowed.

The proposed lower boundary of area CA3 is an existing fence. The inherent values below this fence are largely confined to landscape. Landscape values within area FH1 are to be

protected by a landscape covenant. There is therefore insufficient justification to provide protection under section 24(b) CPLA. The point is therefore not accepted.

Point	Summary of Point Raised	Sub No	Decision	
9	<p>Land between areas CA3 and CA5 should be retained in full Crown ownership and control as conservation area.</p> <ul style="list-style-type: none"> - Similar to adjacent country - Is vulnerable land not suited to ecologically sustainable farming - Includes area RAP A7 	4, 5, 6, 9, 14, 16	Allow	Not Accept

Discussion:

This point concerns the protection of significant inherent values which is a relevant matter under the CPL Act. The point is therefore allowed.

This area has a significant area of exotic grassland, having been oversown in the past. Much of it is of warm aspect with moderate slope suitable for ecologically sustainable pastoral farming. Consequently the holder is opposed to relinquishing it from their farming operation. The bluff communities, the patch of forest remnant and associated surrounding shrubland which are the most important botanical attributes in this area are protected under this proposal. There is therefore insufficient justification for further pursuing this area being retained in Crown ownership as conservation area. The point is therefore not accepted.

Point	Summary of Point Raised	Sub No	Decision	
10	<p>Area CA5 should be extended to include headwaters of Breast Creek.</p> <ul style="list-style-type: none"> - To conform to boundary of RAP B4 (310ha). 	4, 5, 6, 9, 16	Allow	Not Accept

Discussion:

This point concerns the protection of significant inherent values which is a relevant matter under the CPL Act. The point is therefore allowed.

The majority of the area identified as having important botanical values by the RAP survey (RAP B4) is protected within proposed conservation area CA5. The portion of RAP B4 that is not included in area CA5 would have required approximately 2km of new fencing. This is not considered justified in light of the overall outcome (ie section 24(b) in light of section 25 (2) CPL Act). The point is therefore not accepted.

Point	Summary of Point Raised	Sub No	Decision	
11	A decision on freeholding of areas SMC-A, SMC-B and SMC-C be deferred until such time as results of monitoring determine that the economic use is ecologically sustainable. - For 10 years - For 15 years	4, 5, 6, 8, 9, 16	Allow	Not Accept

Discussion:

The point concerns the promotion of the management of the reviewable land in a way that is ecologically sustainable which is a relevant matter under the CPL Act. The point is therefore allowed.

For this point to be accepted it would require the Commissioner to designate the land as land to be retained in Crown control under the Land Act 1948 subject to say a special lease under Section 67(2) or 67(4) of the Land Act 1948 or a grazing permit under Section 68 and to defer the decision on whether to dispose of the land in light of the results of monitoring. The land does not contain SIV's that justifies retention of the land in Crown ownership pursuant to Section 24(b) CPLA. As discussed under point 5, ecologically sustainable management of these areas will need to result in the restoration of the vegetative cover. Given the prevalence of the invasive hawkweed *Hieracium lepidulum* within these areas, restoration of the cover is unlikely to occur without some form of active management. At least in the initial stages of recovery, this may require some level of grazing to control *Hieracium lepidulum* dominance and to avoid a retrogressive succession to exotic weeds. If and when grazing within this area becomes inconsistent with maintaining a strong vegetative cover, it can be required under the SMC to be reduced or discontinued (see point 13) in the absence of a voluntary decision by the owner to do so. The economic use of the land can then devolve to some other more sustainable use such as commercial recreation associated with tourist accommodation. Thus the sustainable management covenant would promote the management of the land in a way that is ecologically sustainable. That is not to say that retention of the land in Crown control under the Land Act 1948 subject to say a special lease would not also achieve the same outcome, however this option was not acceptable to the holder. In light of the significant gains to the public from the overall proposal in terms of conservation and public access, insisting on the retention of these areas in Crown ownership for the reason of managing the land in a way that is ecologically sustainable is not justified as this objective can be adequately achieved under a sustainable management covenant pursuant to section 97 CPL Act (see point 5). The point is therefore not accepted.

Point	Summary of Point Raised	Sub No	Decision	
12	Submit that the land condition monitoring of Sustainable Management Covenant areas is inadequate.	4, 5	Allow	Accepted in part

Discussion:

The point concerns the promotion of the management of the reviewable land in a way that is ecologically sustainable which is a relevant matter under the CPL Act. The point is therefore allowed.

The conditions of the sustainable management covenant have been reassessed following submissions. The type of vegetation is relatively homogeneous over the three blocks as is the level of grazing. The response in the vegetation to the grazing will therefore be similar between blocks. The 6 transects currently proposed will adequately cover the different

vegetation types and aspects throughout the blocks and provide adequate interpretive data for management of the area as a whole. It is not intended to produce sufficient monitoring data from each block to produce separate management prescriptions. It is therefore considered that the 6 transects is sufficient. It is however agreed that benefits can be relatively cheaply achieved from increasing the number of photo points. These have been increased from a total of 6 (2 per block) to 12 (4 per block).

The SMC document has been amended to include a more detailed prescription of the monitoring methodology so that more meaningful information will result on which management decisions can be made by the land owner. This will result in more robust data on which administrative decisions by the Commissioner can be based. The Commissioner will establish the monitoring before the land is disposed of and the Commissioner is to regularly inspect the area. The point is therefore accepted in part.

Point	Summary of Point Raised	Sub No	Decision	
13	<p>The Sustainable Management Covenant document requires re drafting:</p> <ul style="list-style-type: none"> - The objective needs more clearly stated. - Clause referring to rental is inappropriate for freehold land. - The remittable rent needs ability to be increased every 3-5 years. - The term "commit waste" requires defining. - Clause 7 of Soil Conservation and Rivers Control Act 1941 requires stating in full. - Clause 9 referring to vermin requires defining. - Requirement to remove wilding conifers should be replaced with "trees with potential for wilding spread" in clause 9 - Clause 18 should be broader to include ability to vary the deed on no improvement to the existing soil/vegetation. - CCL should have the ability to cause permanent or temporary cessation of grazing. 	4, 16	Allow	Accept in part

Discussion:

The point is related to point 28 and concerns the promotion of the management of the reviewable land in a way that is ecologically sustainable which is a relevant matter under the CPL Act. The point is therefore allowed.

With regard the objectives of the covenant, these are required to be consistent with the purpose of a sustainable management covenant as set out by Section 97(1) CPLA. The objective has been given improved focus by amending clause 1 of the Second Schedule so it specifically refers to providing for the restoration of the vegetation cover of the Land. The point is therefore accepted in part with regard this point.

The document refers to a "rentcharge" which is different from a rental. A rentcharge is a charge against the land which applies only in the circumstance of the conditions of the covenant not being complied with. The point is therefore not accepted with regard this point.

With regard to the rentcharge being increased, the covenant provides that the rentcharge increase by the rate of inflation. This point is therefore accepted.

The term "commit waste" has been deleted from the document as it is agreed the meaning of the phrase is obscure. It has been replaced with a more specific reference to protecting the soil. This point is therefore accepted.

The intention of clause 7 of the Second Schedule is to require compliance with the whole of the Soil Conservation and Rivers Control Act 1941 and not just part of it. This point is therefore not accepted.

The word "vermin" has been replaced by "wild animals" which gives greater meaning and is consistent with the Wild Animal Control Act which the schedule refers to. The point is therefore accepted.

The phrase "wilding conifers" has been replaced with "exotic wilding trees with the potential to spread". This gives a more accurate expression of the intent of the obligation of the Grantor with regard controlling weeds. This point is therefore accepted.

There is considerable uncertainty and a lack of scientific knowledge about managing the restoration of degraded grasslands such as these. Burning vegetation and grazing by both domestic and feral animals are the most obvious threats to restoring the vegetation cover on this land. The deed includes the ability for the Grantee to impose controls on these. Beyond these threats, invasion by aggressive weed species such as Hieracium sp. has the potential to inhibit the recovery of tussocks. There is considerable uncertainty as to the effective remedy for addressing such a retrogressive succession, should it occur, however the application of nitrogen fertiliser could be one way. It is however considered unreasonable and unenforceable to include a condition giving the Grantee a right to impose potentially significant costs on the Grantor. This point is therefore not accepted.

Clause 6 of the covenant allows for the Commissioner to reduce the number of sheep allowed on the land having regard to the monitoring programme required by clause 15. This point is therefore accepted.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
14	Proposed reserves R1, R2 and R3 are too small. - A minimum of 3 hectares unless they include land from operating strip.	4, 14	Allow	Not Accept

Discussion:

This point concerns the public amenity value identified within the land adjacent to the Crown land operating strip around Lake Hawea which has been identified as a significant inherent value. This point is therefore a relevant matter under the CPL Act. The point is therefore allowed.

The proposed designations plan with the preliminary proposal depicts proposed lake side reserve areas R1 and R2 as including all the reviewable land between the lake and the Timaru River Road from Gladstone to the bay in which the group of cottages are located. These areas combine with the Crown land operating strip for providing public access and recreation use along the shores of Lake Hawea. This area is considered ample for the likely

future needs for public access and recreation along the lake shore. The point is therefore not accepted.

There is no R3 on the proposed designations plan with the preliminary or substantive proposals.

In addition to that proposed under the preliminary proposal an additional right of way easement is proposed for vehicle access from Timaru River to the Crown land operating strip at point 174E 207N G39.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
15	Unconditionally support these aspects of the proposal:		Allow	Accept
	15.1 Support CA1	4, 5, 6, 8, 9, 14, 16		
	15.2 Support CA2	5, 6, 8, 9, 14, 16		
	15.3 Support CA3	5, 6, 8, 9, 14, 16		
	15.4 Support CA4	5, 6, 8, 9, 14, 16		
	15.5 Support CA5	5, 6, 8, 9, 14, 16		
	15.6 Support CA6	5, 6, 8, 9, 14, 16		
	15.7 Support CA7	5, 6, 8, 9, 14, 16		
	15.8 Support CC	5, 7		
	15.9 Support CC2	4, 5, 6, 7, 8, 9, 16		
	15.10 Support R1, R2, R3	5, 6, 8, 9		
	15.11 Support SMC	5, 7		
	15.12 Support proposed public access easements.	8		

Discussion:

The points concern the designations of the reviewable land which is a relevant matter under the CPL Act. The point is therefore allowed.

The point does not require a decision by the Commissioner.

Point	Summary of Point Raised	Sub No	Decision	
16	Propose that area FH3 be subject to a sustainable management covenant	5, 6, 9, 14	Allow	Not Accept

Discussion:

The point concerns the promotion of the management of the reviewable land in a way that is ecologically sustainable which is a relevant matter under the CPL Act. The point is therefore allowed.

Area FH3 differs from the areas in which a sustainable management covenant is proposed in that it is north facing and therefore warmer. Consequently it has been oversown and topdressed through its mid altitude zone and is regularly maintained with fertiliser. This renders it less susceptible to the potential long term adverse effects of grazing. The presence of over sown country within this block will tend to attract sheep off the more fragile higher altitude country allowing it to recover. It is therefore determined that a sustainable management covenant is not justified within this block. The point is therefore not accepted.

Point	Summary of Point Raised	Sub No	Decision	
17	Propose an access track be built from the lake shore up the margin of Johns Creek to point GR 187 165	5, 6, 13	Disallow	

Discussion:

Public access rights presently exist within the marginal strip on both sides of Johns Creek. The construction of access tracks within marginal strips is not a matter the Commissioner can consider as part of this review. The point is therefore disallowed.

Point	Summary of Point Raised	Sub No	Decision	
18	Is inappropriate to delete clause 3.1.1 (prohibiting grazing) from covenant CC1.	6	Allow	Accept

Discussion:

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

This point is no longer relevant as it is proposed that this area become conservation area. The point is however accepted.

Point	Summary of Point Raised	Sub No	Decision	
19	A consultant should be engaged to develop management prescriptions for the SMC areas and to recommend changes in management as a result of monitoring.	6	Allow	Not Accept

Discussion:

The point concerns the promotion of the management of the reviewable land in a way that is ecologically sustainable which is a relevant matter under the CPL Act. The point is therefore allowed.

Apart from some broad parameters such as stocking rate, management for the restoration of degraded grasslands such as these cannot be prescribed in detail due to the seasonal variability affecting plant growth, the uncertainty of the future evolution of species composition within such grasslands and the impracticality of enforcing a detailed management prescription. An approach that relies more on co-operation and shared information between the land owner and administering authority and less on detail prescription and enforcement is considered more likely to succeed. Notwithstanding these points, it is relevant to note that the Commissioner has the right under the covenant to destock the land. The point is therefore not accepted.

Point	Summary of Point Raised	Sub No	Decision	
20	Public foot and non motorised vehicle access should be provided for on the vehicle track up Johns Creek. - From Johns Creek margin at point GR 187 165	6, 8, 9, 10, 11, 12, 14, 15, 16	Allow	Not Accept

Discussion:

The point concerns the securing of public access to and enjoyment of the reviewable land which is a relevant matter under the CPL Act. The point is therefore allowed.

The vehicle access route up Johns Creek passes close to the farm homestead and buildings. Public access up this route is therefore strongly opposed by the holder as it would impinge on their privacy and cause conflict with farming operations. The suggested alternative route of providing public access up the marginal strip of Johns Creek then joining with the vehicle access track above the homestead is also opposed by the holder as this route also comes within close proximity to the homestead. It also follows the farm access track over which considerable stock movement occurs that would conflict with public access. The alternative public access routes as proposed either through conservation area or via Grand View Creek satisfy public access requirements in terms of section 24(c) (i) CPL Act. The point is therefore not accepted.

Point	Summary of Point Raised	Sub No	Decision	
21	Unconditionally support the freeholding of following areas: 21.1 FH1 21.2 FH2 21.3 FH3 21.4 FH4	 7 5, 6, 7 7 5, 6, 7, 9	Allow	Accept

Discussion:

The points concern the designations of the reviewable land which is a relevant matter under the CPL Act. The point is therefore allowed.

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

Point	Summary of Point Raised	Sub No	Decision	
22	<p>Oppose restoration to Crown control as conservation area areas CA1-CA7.</p> <ul style="list-style-type: none"> - Ecological sustainability could be achieved through protective mechanisms and district plan - Public access can be provided by easements. - SIV's can be protected by protective mechanisms. 	7	Allow	Not Accept

Discussion:

This point concerns the designation of reviewable land and the promotion of ecologically sustainable land management, both of which are matters that are relevant under the CPL Act. The point is therefore allowed.

The preference under the CPL Act for protecting significant inherent values is for the land to be restored to full Crown ownership and control. The designation is therefore consistent with this objective. Restoring area CA1 to CA7 to full Crown ownership and control as conservation area also promotes the management of the land in a way that is ecologically sustainable and protects the significant inherent values present as conservation management will lead to a natural succession of the vegetation back to its original cover. Public access is also provided for by designating the land as conservation area. The point is therefore not accepted.

Point	Summary of Point Raised	Sub No	Decision	
23	<p>Require a realignment and upgrade of the boundary fence between Breast Hill and Forest Range and the proposed conservation areas.</p>	7	Allow	Not Accept

Discussion:

Fencing can be a relevant matter if it relates to achieving one of the objects of the CPL Act. Upgrading and realignment of the boundary fence onto legal lines maybe relevant in terms of section 24(b) and section 24(a)(i) CPL Act. The matter is therefore allowed.

Boundary fencing is not a legal requirement of the CPL Act. The Commissioner's obligations with respect to protecting the significant inherent values identified within area CA2 are met by the existing boundary fence with Forest Range lease to the east, despite the fact that it may not be precisely on the legal boundary. The issue of fencing on the exact legal boundary of the property is one that can appropriately be addressed under the Boundary Fences Act if that is the desire of one or both of the parties. The point is therefore not accepted.

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Point	Summary of Point Raised	Sub No	Decision
24	Require adequate signage and publicity to differentiate conservation areas from neighbouring "private land".	7	Disallow

Discussion:

Sign posting and matters of managing public access are not ones that can be considered under the CPL Act. The point is therefore disallowed.

Point	Summary of Point Raised	Sub No	Decision
25	Require an undertaking in writing from the CCL that Forest Range Limited will be adequately compensated in the event of fire spreading from proposed conservation area.	7	Disallow

Discussion:

The point concerns indemnity for fire risk following tenure review implementation. This is not a matter the Commissioner can consider under the CPL Act. The point is therefore disallowed.

Point	Summary of Point Raised	Sub No	Decision
26	Require to be consulted before and during survey of legal boundaries	7	Disallow

Discussion:

The survey of boundaries on implementation of the tenure review is a matter dealt with by survey prescription, standards and regulation. Consultation with adjoining lessees and land owners over survey may be a matter that occurs in the course of implementation of the review, however it is not a matter that is provided for under the CPL Act and is therefore not a matter the Commissioner can consider under public submissions. The point is therefore disallowed.

Point	Summary of Point Raised	Sub No	Decision	
27	Conservation covenant CC2 requires tighter conditions to ensure protection of shrublands. - Monitoring - Provision for fencing	8	Allow	Not Accept

Discussion:

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

The values the covenant is intended to protect includes the riparian vegetation and a stand of *Hebe cupressoides*. The conditions of the covenant that are presently proposed provide for Department of Conservation staff to access the land for the purposes of monitoring and for fencing of the land at the Department's expense should this be deemed to be necessary. The management of the surrounding land is constrained by a sustainable management covenant that prohibits burning vegetation and limits stocking. No further tightening of the conditions of the covenant is considered justified to protect the SIV's present. The point is therefore not accepted.

Point	Summary of Point Raised	Sub No	Decision	
28	The sustainable management covenant requires additional conditions: <ul style="list-style-type: none"> - Requirement to control weeds. - No exotic weedy plant introduction. - Limitations on earthworks, buildings. 	8	Allow	Accept in part

Discussion:

The point is related to point 13 and concerns the promotion of the management of the reviewable land in a way that is ecologically sustainable which is a relevant matter under the CPL Act. The point is therefore allowed.

The sustainable management covenant proposed requires that the grantor (Lake Hawea station Limited) *keep the land clear fromall noxious weeds and exotic wilding trees with the potential to spread and shall comply strictly with the provisions of the Biosecurity Act 1993.* The Regional Weed and Pest Strategy in turn specifies the particular species that are prohibited from planting or require controlling under the Biosecurity Act. The point is therefore accepted with respect to these matters. Earthworks are addressed by clause 13, schedule 2 of the document which prohibits removal of soil or injuring the surface in any way however, buildings are not a matter that is appropriately addressed under the sustainable management covenant and is dealt with through the District Plan under the RMA. This point is therefore accepted in part with regard this point.

Point	Summary of Point Raised	Sub No	Decision	
29	The small wetland at the head of the north west branch of Breast Creek should be protected if significant.	8	Allow	Not Accept

Discussion:

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

The small wetland at the head of the north branch of Breast Creek does contain ecological values of some interest, however, in light of the conditions of the sustainable management covenant, these values are not considered to be under any threat. No further level of protection is therefore considered justified. The point is therefore not accepted.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
30	<p>Area CA 1 should be extended to the south to include the steep shady faces above Johns Creek.</p> <ul style="list-style-type: none"> - Not ecologically sustainable for farming. - Has considerable conservation values. - Will assist in protecting integrity of landscape. - Will provide public access links between areas CA1 and CA3. 	9, 16	Allow	Not Accept

Discussion:

The point concerns the protection of significant inherent values and the securing of public access which are relevant matters under the CPL Act. The point is therefore allowed.

Much of this face has been oversown and topdressed and is modified to exotic grass sward up to an altitude of approximately 850m asl. Being a shady face, it provides important balance to the drier north facing country on the property. It also forms an important stock access route from the back of the property to the homestead area. Although containing important landscape values, the area does not contain significant botanical values. It is considered that landscape values within this area are adequately protected under the District Plan and that there is insufficient justification for further protection under the CPL Act. Practical public access routes exist within proposed conservation area. The point is therefore not accepted.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
31	The proposed new fence I-J should not involve soil disturbance to avoid visual scarring.	9	Allow	Accept

Discussion:

The point concerns the protection of significant inherent values in the form of protecting landscape values which is a relevant matter under the CPL Act. The point is therefore allowed.

It is not proposed that the fenceline I-J be dozed prior to fencing. The point is therefore accepted.

Point	Summary of Point Raised	Sub No	Decision	
32	Area CA 5 should be extended down Grand View Creek to meet with the marginal strip.	9	Allow	Not Accept

Discussion:

This point is related to point 38 and concerns access to and enjoyment of the reviewable land which is a relevant matter under the CPL Act. The point is therefore allowed.

There is insufficient justification in terms of ecological values for area CA5 to be extended down Grand View Creek to join with the end of the marginal strip. Public access up Grand View Creek to join with area CA5 is already provided for in the proposal by way of an easement. The point is therefore not accepted.

Point	Summary of Point Raised	Sub No	Decision	
33	Area R1 should be extended north: <ul style="list-style-type: none"> - To include the small area of lease between the lake and the road north of the freehold sections. - To include land between the road and the lake up to GR 170 214. 	5, 9, 11, 12, 13, 15, 16	Allow	Accept in part

Discussion:

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

It is considered that the Crown Land operating strip along Lake Hawea provides adequate land for recreation purposes, however it is accepted that there is a case for additional public access to be provided from the road in the vicinity of GR 170214 to join with the Crown land lake margin. Consequently a new public access easement has been included in the proposal for this purpose. The point is therefore accepted in part.

Point	Summary of Point Raised	Sub No	Decision	
34	Propose a conservation covenant over areas FH1 to prevent subdivision and built development.	9	Allow	Accept

Discussion:

The point concerns the protection of significant inherent values in the form of protecting landscape values which is a relevant matter under the CPL Act. The point is therefore allowed.

The proposal has been amended to include a conservation covenant over areas FH1 and FH2 (2182 ha) which restricts subdivision to two lots within the area currently zoned Rural residential on application to the Minister of Conservation. New buildings are restricted within this area to a residence and associated outbuildings on each of the two new allotments

allowed under the covenant which are not to be converted for commercial purposes. The point is therefore accepted.

Point	Summary of Point Raised	Sub No	Decision	
35	Consideration be given to allowing public use for picnicking on the high terrace above the mouth of Timaru River.	9, 14	Allow	Not Accept

Discussion:

The point concerns the securing of access to and enjoyment of the reviewable land which is a relevant matter under the CPL Act. The point is therefore allowed.

There is ample provision made for public access and use along the margin of Lake Hawea either within the existing Crown land operating strip that exists around Lake Hawea or through access provisions in this proposal. There is insufficient justification for providing additional public access on the terrace overlooking the mouth of Timaru River. Public access is already provided for within the boundary of area CA 7 to the edge of this terrace. Additional public access through developed farmland is unjustified in this circumstance. The point is therefore not accepted.

Point	Summary of Point Raised	Sub No	Decision	
36	Propose additional public access easements through area FH2: <ul style="list-style-type: none"> - Up Timaru Creek corner ridge. - Up creek north of Bushy Creek. 	9	Allow	Not Accept

Discussion:

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

These two routes have been considered and found to be not suitable for public access. Public access to area CA1 is considered to be adequately provided for by the proposed easement l-m up Bushy Creek and through potential routes within area CA 6 and easement n-o. The point is therefore not accepted.

Point	Summary of Point Raised	Sub No	Decision	
37	Area FH3 should be subject to a sustainable management covenant. <ul style="list-style-type: none"> - provision should be made in covenant to allow future fencing of shrubland if monitoring shows adverse effect from grazing. 	9	Allow	Not Accept

Discussion:

The point concerns access to and enjoyment of the reviewable land which is a relevant matter under the CPL Act. The point is therefore allowed.

This is the same as point 16. The area previously proposed as conservation covenant area CC 1 is now proposed as conservation area. Boundary fencing this area would be extremely expensive and is presently not considered necessary due to the increasingly impenetrable nature of the shrubland for stock. The point is therefore not accepted.

Point	Summary of Point Raised	Sub No	Decision	
38	Propose an additional public access easement on vehicle track up Grand View Creek.	9, 14	Allow	Accept

Discussion:

This point is related to point 32 and concerns access to and enjoyment of the reviewable land which is a relevant matter under the CPL Act. The point is therefore allowed.

It is accepted that the preliminary proposal lacked an appropriate route for mountain bikers to access the Grand View Range and convenient access to area CA5. A public access easement up Grand View Creek has been agreed by the holder that provides access for the public on foot, horse back and non motorised vehicle. It is expected that this easement will link with a public access easement proposed for the adjoining pastoral lease to the south giving access to point "k" on the designations plan. The point is therefore accepted.

Point	Summary of Point Raised	Sub No	Decision	
39	Propose additional public access route down ridge from new fence "L" to point "b" then onto end of new fence "O".	9, 16	Allow	Accept in part

Discussion:

This point concerns access to and enjoyment of the reviewable land which is a relevant matter under the CPL Act. The point is therefore allowed.

This route is associated with the proposed access route up the boundary of area CA6 and CA1 via easement n-o. An easement L-b linking the southern end of the main ridge of CA1 with the proposed public access easement along the existing vehicle track to "b" has merit as it would provide a more logical and convenient route for those using this route who wish to go south along the track to "k". The submission is accepted with respect to this aspect. Addition to this amendment is the inclusion of an additional area of proposed conservation land adjoining this easement on which a hut can be sited. This will provide greater public safety for those using this route in that shelter is provided in an otherwise exposed locality.

Advice from DoC concerning access b-O which provides a more direct route to area CA3 is that it is not justified as they do not perceive area CA3 as being widely used for public recreation and access to this area exists off the track c-i. The submission is therefore not accepted with respect to this aspect. The point is therefore accepted in part.

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Point	Summary of Point Raised	Sub No	Decision	
40	An easement should be created through proposed freehold FH1 and FH2 in places where the creation of practical access around Lake Hawea requires that the route diverge from the Crown land operating strip.	11, 12, 13, 15	Allow	Not Accept

Discussion:

This point concerns access to and enjoyment of the reviewable land which is a relevant matter under the CPL Act. The point is therefore allowed.

This point has been investigated and it was found that there exists a practical route along the edge of Lake Hawea within the Crown land operating strip from CA7 at Timaru River mouth to the southern extent of the property south of Gladstone. It is therefore considered that an easement is not required. The point is therefore not accepted.

Point	Summary of Point Raised	Sub No	Decision
41	Public toilets are required on area R2	11, 12, 13, 15	Disallow

Discussion:

The provision of public toilets is a public area management issue that is not a relevant issue under the CPL Act. The point is therefore disallowed.

Point	Summary of Point Raised	Sub No	Decision
42	There should be no freedom camping on area R1.	11, 12, 15	Disallow

Discussion:

Public camping is a public management issue that is not a relevant issue under the CPL Act. The point is therefore disallowed.

Point	Summary of Point Raised	Sub No	Decision
43	Wilding trees and plants such as <i>Buddleia</i> , gorse and broom should be removed from the proposed reserve areas.	9, 11, 12, 15	Disallow

Discussion:

The control of exotic weed plants in reserves and conservation areas is not a matter the Commissioner can consider under the CPL Act. The point is therefore disallowed.

Point	Summary of Point Raised	Sub No	Decision
44	Support the removal of wilding trees from area CA6	11, 12, 13, 15	Disallow

Discussion:

This point is related to point 43. The control of exotic weed plants in reserves and conservation areas is not a matter the Commissioner can consider under the CPL Act. The point is therefore disallowed.

Point	Summary of Point Raised	Sub No	Decision	
45	Area FH2 should be subject to a covenant prohibiting buildings and burning of indigenous vegetation.	9, 11, 12, 14, 15, 16	Allow	Accept in part

Discussion:

The point concerns the protection of significant inherent values in the form of natural landscape and protection of indigenous vegetation that is a relevant matter under the CPL Act. The point is therefore allowed.

The proposal has been amended to prohibit without the Minister's consent the construction of buildings within the area of FH1 and FH2 (2182 ha) with the exception of a dwelling on each of the two lots provided for by the covenant within the Rural Residential zone. The covenant prohibits the felling, removal or damage of native trees or shrubs with the exception of burning or spraying bracken fern and matagouri under 1 metre. The point is therefore accepted in part with this regard.

Point	Summary of Point Raised	Sub No	Decision	
46	Require an additional explanation as to how it is proposed that the public get access to point "k" on proposed public access easement.	11, 12, 13, 14, 15	Allow	Accept

Discussion:

This point concerns access to and enjoyment of the reviewable land which is a relevant matter under the CPL Act. The point is therefore allowed.

It is proposed that point "k" be accessed via the easement up Grand View Creek that is to be linked with an easement over the existing 4WD track being proposed in tenure review of the adjacent property to the south. This will provide public access via existing farm tracks to area CA4 and the south end of CA2. This is provided as further explanation and the point is therefore accepted.

Point	Summary of Point Raised	Sub No	Decision	
47	Propose formal protection of the stand of kanuka outside the south west boundary of area CA6.	13	Allow	Not Accept

Discussion:

The point concerns the protection of an area of indigenous vegetation that may constitute a significant inherent value. This is a relevant matter under the CPL Act. The point is therefore allowed.

Shrublands in the montaine bioclimatic zone are a significant inherent value within this property, however a significant area of these, that includes kanuka stands, is protected under this proposal. The significance of this small stand of kanuka does not justify the moving of the existing fence. The point is therefore not accepted.

Point	Summary of Point Raised	Sub No	Decision	
48	Propose as of right foot access over existing vehicle access track c-d.	14	Allow	Not Accept

Discussion:

This point concerns access to and enjoyment of the reviewable land which is a relevant matter under the CPL Act. The point is therefore allowed.

The holder is strongly opposed to public access over this portion of the farm tracks as it traverses through the middle of developed farmland and is the main corridor for stock movement through to the front of the property. An equally convenient route for public access to area CA4 is expected to be provided via Grand View Creek that is suitable for mountain bike access. Public access on route c-d is therefore not required to achieve convenient access to areas CA2 or CA4. The point is therefore not accepted.

Point	Summary of Point Raised	Sub No	Decision
49	Object to the high cost of new fencing proposed.	14	Disallow

Discussion:

Although the cost of tenure review maybe of public interest, it is not a relevant matter the Commissioners can consider in terms of under the CPL Act. The point is therefore disallowed.

Point	Summary of Point Raised	Sub No	Decision	
50	Object to the scattered nature of land proposed as conservation area. <ul style="list-style-type: none"> - results in high fencing costs. - Results in numerous difficult public access easement route being required. 	14	Allow	Not Accept

Discussion:

The point relates to both the cost of tenure review implementation and the effectiveness of the proposal in meeting the objects with respect to section 24(b) and 24 (c)(i). The point with respect to cost is not a matter the Commissioner can consider under the objects of the CPLA and therefore the point is disallowed with regard to this aspect. With regard to the latter aspect, which is a relevant matter under the CPL Act, the point is allowed.

The scattered mosaic nature of the proposed conservation areas is a direct reflection of the location of the significant inherent values that have been identified on the property. Reserve design is only one aspect that is considered in enabling the protection of significant inherent values. While it is acknowledged that large contiguous areas have some benefits for managing conservation outcomes, this cannot always be achieved if the values present on the reviewable land are scattered. Given the nature of the specific significant inherent values being protected within the reviewable land, the relatively scattered nature of the proposed conservation areas is not considered an impediment to achieving their protection. The point with respect to Section 24(b) is therefore not accepted.

The desired public access routes on this property are unlikely to change with a different pattern of proposed conservation areas. The routes chosen generally follow existing farm tracks and are not difficult. The more difficult routes are within proposed conservation areas. The use of easements to provide public has allowed the objects with respect to section 24(c)(i) CPLA to be more effectively achieved than through designating fewer large conservation areas. The point with respect to Section 24(c)(i) CPLA is therefore not accepted.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
51	Propose a new fence on the northern boundary of CA6.	2	Allow	Accept

Discussion:

The point concerns the protection of significant inherent values through fencing that is a relevant matter under the CPL Act. The point is therefore allowed.

A new fence is proposed into the gully at the head of area CA6 which was not shown on the preliminary proposal plan. The northern boundary of this area below the fence is impassable to stock due to the nature of the terrain or the thick vegetation. The significant inherent values identified are adequately protected as a result. The point is therefore accepted.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>	
52	The public would be well served by a track up Bushy Creek.	17	Allow	Accept in part

Discussion:

This point concerns access to and enjoyment of the reviewable land which is a relevant matter under the CPL Act. The point is therefore allowed.

The proposal includes a public access easement on a convenient route from Timaru River Road to a point where there is convenient and practical access within the marginal strip on Bushy Creek. This route in turn leads to a point within area CA1 where access can be gained by experienced and fit trampers up a ridge to Breast Hill. The responsibility for forming a track on this route lies with the Department of Conservation. The point is therefore accepted with respect to making legal provision for such a track but not accepted with respect to the forming of it.

5. Summary and conclusions:

A total of 12 submissions were received by the closing date for submissions with 5 submissions being received following but within 2 days the closing date. Owing to the closeness of receipt of the late submissions to the closing date these submissions have been accepted and are analysed along with the balance of the submissions.

A total of 52 points were raised in submissions, 41 being allowed, one point allowed in part and 10 being disallowed.

Public access and access to and use of the lake margin were points that attracted particular attention by submitters.

Of the 42 points allowed, 9 points are accepted, 8 are accepted in part and 25 not accepted.

Further consultation with the holder following receipt of submissions resulted in the following changes to the proposal:

- An additional public access easement has been created up Grandview Creek that will provide a suitable mountain bike route to conservation areas CA2 and CA4.
Note: Practical access to the top of the Grandview Range will be contingent on agreement being reached with the lessee of Mt Grand lease for access over an existing vehicle track to link with point "k".
- Previously proposed conservation covenant area CC1 is now designated as land to be restored to full Crown ownership and control as conservation area.
- An additional public access easement has been created to provide public vehicle access from the Timaru River Road to the Crown Land operating strip that surrounds Lake Hawea north of the existing freehold sections on Lake Hawea (easement z-aa).
- An additional public access easement has been created to provide a legal access route from the ridge at the southern end of area CA1 to join the existing easement along the farm track f-b (easement bb-cc). This route is proposed to form part of the Te Araroa Walkway.
- An additional public access easement has been created to provide a legal access route from the ridge at the southern end of area CA1 off easement n-o to provide a route along the northern boundary of area CA6 to link with Timaru River Road just north of the picnic area at John's Creek. This route is proposed to form part of the Te Araroa Walkway.
- An additional conservation area (CA9) of approximately 1 ha is to be created in a sheltered gully east of point "L" and abutting new easement bb-cc to provide a hut site that, when constructed, will provide shelter in adverse weather conditions.
- Proposed freehold areas FH1 and FH2 are to be subject to a conservation covenant that will prohibit subdivision without the Minister's consent with the exception of two lots being provided for within the area currently zoned Rural Residential located adjacent to the town of Gladstone. The covenant will also prohibit without the Minister's consent the erection of any buildings or structures with the exception of a residence and associated outbuildings on each of the two allotments allowed by the covenant. These may not be converted for commercial purposes.
- Some minor amendments have been made to the sustainable management covenant to better express the agreed intent of the document to facilitate the restoration of the vegetation cover.