

Crown Pastoral Land Tenure Review

Lease name: GLEN DENE

Lease number: PO 136

Final Report on Public Submissions - Pt 2

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

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

May

05

a small area up to j-j1 is no longer included within the reviewable land. The submitters point will in the most part be met apart from one small area the j-ji goes through. The submitters point should not be accepted for inclusion in the draft substantive proposal. The DGC's delegate is satisfied with the proposed outcome.

| <i>Point</i> | Summary of point raised | Submission numbers | Allow or disallow | Accept or not accept |
|--------------|----------------------------------------|---------------------------|--------------------------|-----------------------------|
| 61 | Closure period to be only for lambing. | 19 | Allow | Not Accept |

Rationale

Allow/Disallow

The securing of access and enjoyment of the reviewable land is an object of section 24 (c) (i) CPLA 1998 and is therefore allowed.

Accept/Not Accept

The closure period for lambing /fawning is limited to the period 20 November - 20 December. This is considered to be reasonable and the DGC's delegate and the holder accept the proposed closure period. The submitters point is not accepted for inclusion in the draft substantial proposal.

| <i>Point</i> | Summary of point raised | Submission numbers | Allow or disallow | Accept or not accept |
|--------------|------------------------------------------------------------------|---------------------------|--------------------------|-----------------------------|
| 62 | Walking only access to be established from Neck to Isthmus Peak. | 19 | Allow | Not Accept |

Rationale

Allow/Disallow

The securing of access and enjoyment of the reviewable land is an object of section 24 (c) (i) CPLA 1998 and is therefore allowed.

Accept/Not Accept

Access to Isthmus Peak is proposed to be provided from the access track from Stewarts Creek. The topography of the land down to the Neck from Isthmus Peak does not provide for easy access and would not be supported by the holder. The cost to create access would be expensive. In view of the access obtained to Isthmus Peak as mentioned previously this option has not been perused. The submitters point is not accepted for inclusion in the draft substantial proposal.

| <i>Point</i> | Summary of point raised | Submission numbers | Allow or disallow | Accept or not accept |
|--------------|-----------------------------------------------------------------------------|---------------------------|--------------------------|-----------------------------|
| 63 | 63.1 The restoration to the Crown of Forest and shrubland in river gullies. | 20 | Allow | Not Accept |
| | 63.2 The restoration to the Crown of the steep north | 20 | Allow | Not Accept |

| | | | | |
|--|-----------------------------------------------------------------------------------------|----|-------|------------|
| | eastern slopes. | | | |
| | 63.3 The restoration to the Crown of the open tops of Mt Burke -Isthmus and Peak Ridge. | 20 | Allow | Not Accept |
| | 63.4 Freehold land to be subject to a Landscape Covenant. | 20 | Allow | Accept |
| | 63.5 Restoration of remnants of native bush with restricted burning off. | 20 | Allow | Accept |

Rationale

Allow/Disallow

The protection of SIV's is an object of section 24 (b) CPLA 1998 and these points are therefore allowed.

Accept/Not Accept

- 63.1 As mentioned in 63.4 below substantial parts of the property have been protected by formal mechanisms. Some isolated areas may not have formal protection but it is difficult to provide formal protection for every last area of forest and shrubland on the property. The submitters concerns are considered to be substantially met by the areas now proposed to be protected by the conservation areas and covenants. This point is not accepted for inclusion in the draft substantive proposal.

- 63.2 As the proposal has evolved, a decision has been made as to areas to be protected. Landscape values in this area have not been afforded formal protection as values on other parts of the property were considered more important - namely the Wanaka faces. While further consultation with the DGC's delegate and the holder confirms that alterations be made to the proposal which will meet the submitters concerns at least in part and the suggested amendments set out above this point should not be accepted for inclusion in the draft substantive proposal.

- 63.3 Protection of this area has been achieved in that the upper Wanaka Faces are now subject to a Reserves Act Conservation Covenant. Covenant protection over CC1 is considered acceptable in the context of the whole review and covers the tops on the Lake Hawea faces. The property at the southern end is protected by CA3 which better meets reserve criteria as it contains a complete lake to lake altitudinal sequences and is likely to adjoin conservation lands arising from the Mt Burke tenure review which makes for a substantial well buffered conservation holding. Further consultation with the DGC's delegate and the holder confirms that alterations be made to the proposal which will meet the submitters concerns at least in part by obtaining formal protection even though

much of the land may not remain in Crown ownership. The submitters point is not accepted for inclusion in the draft substantive proposal

63.4 This has been achieved at least in part in that the upper Wanaka Faces are now subject to a Reserves Act Conservation Covenant and CA3 has been extended up the Wanaka faces considerably. Covenant protection over CC1 is considered acceptable in the context of the whole review, in that CA3 better meets reserve criteria as it contains a complete lake to lake altitudinal sequences and is likely to adjoin conservation lands arising from the Mt Burke tenure review which makes for a substantial well buffered conservation holding. Landscape values have not been afforded formal protection on the Neck faces as other parts of the property were considered to be more important namely the Wanaka faces. Of the total area of the pastoral lease of 7786ha approximately 4770ha will be either Conservation Area or Covenant. Further consultation with the DGC’s delegate and the holder confirms that alterations be made to the proposal which will meet the submitters concerns at least in part and the amendments set out above should be accepted for inclusion in the draft substantive proposal

63.5 Burning of areas not subject to formal protection will be regulated under the Resource Management Act/Voluntary burning code. In theory at least burning of native bush will not be permitted. As mentioned in 63.4 substantial parts of the property have been protected by formal mechanisms. Some isolated areas may not have formal protection but it is difficult to provide formal protection for every last area of native bush on the property. With the areas that are proposed to be covered the submitters concerns are considered to be substantially met by the areas covered by the conservation areas and covenants and those areas that are proposed to be extended since the preliminary proposal was advertised. This point is accepted for inclusion in the draft substantive proposal.

| <i>Point</i> | Summary of point raised | Submission numbers | Allow or disallow | Accept or not accept |
|--------------|---------------------------------------------------------------------|---------------------------|--------------------------|-----------------------------|
| 64 | Provision of public access to Lake Wanaka via a generous shoreline. | 21 | Allow | Accept |

Rationale

Allow/Disallow

The securing of access and enjoyment of the reviewable land is an object of section 24 (c) (i) CPLA 1998 and is therefore allowed. This is on the basis that the submitter would require part of the reviewable land to provide the generous shoreline.

Accept/Not Accept

A marginal strip exists along the Lake Wanaka boundary with the property and an extension of Conservation Area CA3 up to the 500m contour is proposed for 10km of the 14 km of frontage to Lake Wanaka. At the Neck CA1 is proposed to go from the State Highway to the Marginal strip adjoining Lake Wanaka. Access to that is available from the Lake. The topography of the land does not lend itself to a formed

access being created. The point is accepted in that access is available to the Marginal strip that fronts Lake Wanaka and the areas of Conservation Area that are now proposed along the Lake frontage also.

| <i>Point</i> | Summary of point raised | Submission numbers | Allow or disallow | Accept or not accept |
|--------------|--------------------------------------------------------|---------------------------|--------------------------|-----------------------------|
| 65 | Halls Creek access to be principal access to the tops. | 23 | Allow | Not Accept |

Rationale

Allow/Disallow

Submitter 23 provides a good description of the suggested alternative track. The securing of access and enjoyment of the reviewable land is an object of section 24 (c) (i) CPLA 1998 and is therefore allowed.

Accept/Not Accept

Public access to the tops has been identified from a point immediately on the south side of Stewarts Creek. The track from the state highway will connect onto the land holder's farm track and then up to Isthmus Peak and along the tops to CA3. Access from Halls Creek would result in significantly greater costs for forming a track and issues with access and car parking from the State Highway. For these reasons the submitter's alternative is not accepted for inclusion in the draft substantive proposal.

| <i>Point</i> | Summary of point raised | Submission numbers | Allow or disallow | Accept or not accept |
|--------------|---------------------------------------------------------------------|---------------------------|--------------------------|-----------------------------|
| 66 | If stiles are required in Deer fences a type of fence is suggested. | 23 | Allow | Accept |

Rationale

Allow/Disallow

The securing of access and enjoyment of the reviewable land is an object of section 24 (c) (i) CPLA 1998 and is therefore allowed.

Accept/Not Accept

Access is a matter that is relevant to Sections 24 and 25 Crown Pastoral Lands Act 1998. Details of the type of access provisions over/through deer fences if required has not been considered in detail yet but these matters have been addressed on other properties. We are aware of the issues involved and we will consult the Implementation Contractors fencing advisor if the issue arises to ensure practical access. The acceptance of this point in the draft substantive proposal is supported by the DGC's delegate and the holder.

| Point | Summary of point raised | Submission numbers | Allow or disallow | Accept or not accept |
|-------|-----------------------------------------------------------------|--------------------|-------------------|----------------------|
| 67 | That unrestricted 4WD access be provided to and along the tops. | 25 | Allow | Not accept |

Rationale

Allow/Disallow

The securing of access and enjoyment of the reviewable land is an object of section 24 (c) (i) CPLA 1998 and is therefore allowed.

Accept/Not Accept

In relation to access to the tops for walkers and mountain bikes is proposed. Vehicle access to the tops is currently only available over a track that starts from the State Highway at Dinner Creek and the lower portion of the track passes through the holder's yards at Dinner Creek then progresses through the holder's deer paddocks. The holder has rejected the submitters suggested access for several reasons including being opposed to vehicles traveling through the yards and through deer paddocks and potential damage to tracks. We also do not support public vehicle access in this instance for the same reasons. The objects of Section 24 Crown Pastoral Lands Act 1998 is to make public access easier and these objects are considered to be met by access to the tops for both walkers and mountain bikes. The non acceptance of this point is supported by the DGC's delegate and the holder.

| Point | Summary of point raised | Submission numbers | Allow or disallow | Accept or not accept |
|-------|----------------------------------------------------------------------------------------------------|--------------------|----------------------------------------------------|----------------------|
| 68 | All access onto SH 6 to be used for public or management to be formed and sealed to TNZ standards. | 26 | Allow <i>should probably have been Disallow</i> | Not Accept |

Rationale

Allow/Disallow

The securing of access and enjoyment of the reviewable land is an object of section 24 (c) (i) CPLA 1998 and is therefore allowed.

Accept/Not Accept

The easements are obtained as part of the Tenure Review process. The requirements that Transit would require to be taken into account if and when the access is formed. These matters are issues that will be dealt with by either the Implementation Contractor in the implementation phase if the access is formed at that time or the Department of Conservation if access is formed at a later stage. The issues will be advised to both parties. This point is not accepted for inclusion in the draft substantive proposal.

| <i>Point</i> | Summary of point raised | Submission numbers | Allow or disallow | Accept or not accept |
|--------------|-------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|--------------------------|-----------------------------|
| 69 | Pedestrian access to CA1 should be created immediately opposite the parking area and security of tenure for car park and access arranged. | 26 | Allow | Accept |

Rationale

Allow/Disallow

The securing of access and enjoyment of the reviewable land is an object of section 24 (c) (i) CPLA 1998 and is therefore allowed.

Accept/Not Accept

An area adjoining CA1 that would be a safe pull off area for members of the Public has been identified in conjunction with a roading engineer representing Transit. The access into CA1 would be directly from that pull off area and it is on the same side as CA1 so pedestrians would not have to cross the State Highway. This point is accepted for inclusion in the draft substantive proposal.

| <i>Point</i> | Summary of point raised | Submission numbers | Allow or disallow | Accept or not accept |
|--------------|------------------------------------------------------------------|---------------------------|--------------------------|-----------------------------|
| 70 | Access to CA3 does not meet TNZ’s sight visibility requirements. | 26 | Allow | Accept |

Rationale

Allow/Disallow

The securing of access and enjoyment of the reviewable land is an object of section 24 (c) (i) CPLA 1998 and is therefore allowed.

Accept/Not Accept

The access onto the relevant land that was proposed through the gateway to the north of The Craig Burn has been looked at carefully and the submitter’s position is agreed with. This has prompted further consultation with the DGC’s delegate and the Holder to look at an alternative solution. Following the proposed extension of CA3 down the Lower Craig Burn an alternative access to the property is now possible. A car park is now proposed on the western side immediately south of the Craig Burn. Access would then be by way of a walking track on the western side of the roadside fencing along the road where it crosses the Craig Burn then onto the reviewable land immediately north of the Craig Burn. The route would then be up the ridge overlooking the Craig Burn and follow the Lower Craig Burn around to the former car park at ‘b’ on the reviewable. This provides a scenic walk onto the reviewable land and the public will be within Conservation Land at all times. The location of the car park and access onto the property has been inspected by a traffic engineer representing Transit New Zealand and is considered to be acceptable in terms of Transit New Zealand’s requirements. The alternative car park and access is also supported by both the DGC’s representative and the holder for acceptance of

inclusion in the draft preliminary proposal. This is considered to be a superior option for access when compared to the option promoted in the Preliminary Proposal. This point is accepted for inclusion in the draft substantive proposal.

| <i>Point</i> | Summary of point raised | Submission numbers | Allow or disallow | Accept or not accept |
|--------------|--------------------------------------------------------|---------------------------|--------------------------|-----------------------------|
| 71 | Security of tenure to be provided for parking for CA3. | 26 | Allow | Accept |

Rationale

Allow/Disallow

The securing of access and enjoyment of the reviewable land is an object of section 24 (c) (i) CPLA 1998 and is therefore allowed.

Accept/Not Accept

The access onto the relevant land that was proposed to be through the gateway to the north of The Craig Burn has been looked at carefully and the submitter's position is agreed with. This has prompted further consultation with the DGC's delegate and the Holder to look at an alternative solution. A car park is now proposed on the western side of and immediately south of the Craig Burn. This will be within land that is now proposed to be within Conservation Land following further consultation with the DGC's delegate and the holder and the proposal to extend CA3 down the Lower Craig Burn to the State Highway. This will meet the submitter's requirement for security of tenure and is accepted by both the DGC's delegate and the holder for inclusion into the draft substantive proposal.

| <i>Point</i> | Summary of point raised | Submission numbers | Allow or disallow | Accept or not accept |
|--------------|------------------------------------------------------------------------------------------------------------|---------------------------|--------------------------|-----------------------------|
| 72 | Before any work starts on road, Traffic Management Plan and Application to undertake work to be submitted. | 26 | Allow | Not Accept |

Rationale

Allow/Disallow

At least seven days notice required.

The securing of access and enjoyment of the reviewable land is an object of section 24 (c) (i) CPLA 1998 and is therefore allowed.

Accept/Not Accept

This is a matter that is on land that is beyond the reviewable land and is controlled by other legislation. It is a matter to be considered by the Department of Conservation in relation to any work that it may wish to undertake. This point is not accepted for inclusion as it is not a Tenure Review matter but a requirement that will apply to the Department of Conservation during implementation or subsequently when areas are developed. This is not a point that is accepted for inclusion in the draft substantive proposal.

| <i>Point</i> | Summary of point raised | Submission numbers | Allow or disallow | Accept or not accept |
|--------------|---------------------------------------|---------------------------|--------------------------|-----------------------------|
| 73 | 73.1 Insufficient conservation gains. | 27 | Allow | Not Accept |
| | 73.2 Insufficient Access. | 27 | Allow | Not Accept |

Rationale

Allow/Disallow

73.1 The protection of SIV's is an object of section 24 (b) CPLA 1998 and is therefore allowed.

73.2 The securing of access and enjoyment of the reviewable land is an object of section 24 (c) (i) CPLA 1998 and is therefore allowed.

Accept/Not Accept

73.1 Following the public submission process CA3 is proposed to be extended down the Lower Craig Burn providing a continuous link from Lake Wanaka to the State Highway adjoining Lake Hawea and also proposed to be extended up the Wanaka face further up to a contour of 500m. The area of CA1 at the Neck is also proposed to be further extended and CA2 is proposed to be extended further north of the Craig Burn. A large Conservation Covenant is now proposed on the Lake Wanaka faces above the 500m contour and extended further down Dinner Creek. Additional access points are proposed at Bum Bay and over land to the north of the Camping Ground. The DGC's delegate is happy with the conservations gains obtained from this review. The point is not accepted for inclusion in the draft substantive proposal.

73.2 Good access to CA3 and further access to the Lake is proposed to be secured as part of the review. The proposed access to Bum Bay has been negotiated as a result of points raised in the public submission process. In addition the Crown has recently purchased land for future erosion and that has provided additional public access to Lake Hawea to the north of the Deviation. The property has few tracks which is a limiting factor in providing additional access onto the property. The submitters point has been met in part but the costs and practicality of providing additional tracks etc, apart from opposition from the holder, is a limiting factor in pursuing further access. The point is not accepted for inclusion in the draft substantive proposal.

| <i>Point</i> | Summary of point raised | Submission numbers | Allow or disallow | Accept or not accept |
|--------------|---------------------------------------------------------------|---------------------------|--------------------------|-----------------------------|
| 74.1 | All land not required for Conservation to remain as leasehold | 27, 28 | Allow | Not Accept |
| 74.2 | Submitter 28 is seeking additional non vehicular access. | 28 | Allow | Not Accept |

Rationale

Allow/Disallow

74.1 The protection of SIV's is an object of section 24 (b) CPLA 1998 and is therefore allowed.

74.2 The securing of access and enjoyment of the reviewable land is an object of section 24 (c) (i) CPLA 1998 and is therefore allowed.

Accept/Not Accept

74.1 The objects of Section 24 Crown Pastoral Land Act 1998 provides for land that is capable of economic use does not have significant inherent values and is ecologically sustainable can to be freed from management constraints and freeholded. The holder has entered into the Tenure Review process with the hope he can freehold land that does not have significant inherent values and is ecologically sustainable. A significant portion of the reviewable land will remain as Crown Land or will be freeholded with covenants. The holder does not support the submitter's intentions and would not proceed with the review on the basis suggested by the submitter. The gains for the Conservation estate are considered to be good and the review is considered to meet the objects of the Crown Pastoral Land Act 1998. The submitter's position cannot be supported. The point is not accepted for inclusion in the draft substantive proposal.

74.2 Good access to CA3 and further access to the Lake have been secured as part of the review. The proposed access to Bum Bay has been negotiated as part of the review. In addition the Crown has recently purchased land to mitigate the possible effects of for future erosion and that has provided additional public access to Lake Hawea to the north of the Deviation. The property has few tracks which is a limiting factor in providing additional access onto the property. The submitters point has been met in part but the costs and practicality of providing tracks etc, apart from opposition from the holder, is a limiting factor in pursuing further access. The point is not accepted for inclusion in the draft substantive proposal.

| <i>Point</i> | Summary of point raised | Submission numbers | Allow or disallow | Accept or not accept |
|--------------|--------------------------------------------------------|---------------------------|--------------------------|-----------------------------|
| 75 | Freeholding will not assist ecological sustainability. | 27 | Allow | Not Accept |

Rationale

Allow/Disallow

The protection of SIV’s is an object of section 24 (b) CPLA 1998 and is therefore allowed.

Accept/Not Accept

The Commissioner of Crown Lands has accepted an invitation from the Land Holder to undertake a review of the pastoral lease pursuant to the Crown Pastoral Lands Act 1998. The objects of the Act are to:

- (i) Promote the management of reviewable land in a way that is ecologically sustainable:
- (ii) Subject to subparagraph (i), enable reviewable land capable of economic use to be freed from the management constraints (direct and indirect) resulting from its tenure under reviewable instrument; and

The parties have attempted to ensure that the management of the land is promoted in an ecologically sustainable manner and the land that is capable of economic use has been freeholded. Large areas of the land that is proposed to be freeholded has conservation covenants to ensure that it continues to be managed in an ecologically sustainable manner. This point is not accepted for inclusion in the draft substantive proposal.

| <i>Point</i> | Summary of point raised | Submission numbers | Allow or disallow | Accept or not accept |
|--------------|------------------------------------------------------------|---------------------------|--------------------------|-----------------------------|
| 76 | Insufficient protection for Outstanding Natural Landscape. | 27, 28 | Allow | Accept |

Rationale

Allow/Disallow

Does not wish to see additional buildings.

The protection of SIV’s is an object of section 24 (b) CPLA 1998 and is therefore allowed.

Accept/Not Accept

Much of the outstanding natural landscape encompassed by the Wanaka faces is proposed to be protected by an extension of CA3 and an extensive Covenant.

| <i>Point</i> | Summary of point raised | Submission numbers | Allow or disallow | Accept or not accept |
|--------------|-------------------------------------------------------------------------------------------|---------------------------|--------------------------|-----------------------------|
| 77 | Submitter concerned that in season burning is not an appropriate form of land management. | 28 | Allow | Not Accept |

Rationale

Allow/Disallow

The protection of SIV’s is an object of section 24 (b) CPLA 1998 and is therefore allowed.

Accept/Not Accept

The parties have attempted to ensure that the management of the land is promoted in an ecologically sustainable manner and the land that is capable of economic use has been freeholded. Large areas of the land that is proposed to be freeholded has conservation covenants to ensure that it continues to be managed in an ecologically sustainable manner. Burning is a management tool that is sometimes used in a controlled manner to clear land to assist with grazing. Burning also occurs on occasions due to natural causes such as lightning strikes. Large parts of the property will be protected from burning by conservation area or conservation covenant. This point is not accepted for inclusion in the draft substantive proposal.

| <i>Point</i> | Summary of point raised | Submission numbers | Allow or disallow | Accept or not accept |
|--------------|------------------------------------------------------------|---------------------------|--------------------------|-----------------------------|
| 78 | Removal of wilding pines along edge of SH6 and Lake Hawea. | 29 | Allow | Not Accept |

Rationale

Allow/Disallow

This is assumed to be the parts of the land between the State Highway and the pastoral lease that is within the reviewable land. The protection of SIV’s is an object of section 24 (b) CPLA 1998 and is therefore allowed.

Accept/Not Accept

This is an issue that is controlled by other legislation. The parties have attempted to ensure that the management of the land is promoted in an ecologically sustainable manner and the land that is capable of economic use has been freeholded. Large areas of the land that is proposed to be freeholded has conservation covenants to ensure that it continues to be managed in an ecologically sustainable manner. This point is not accepted for inclusion in the draft substantive proposal.

| <i>Point</i> | Summary of point raised | Submission numbers | Allow or disallow | Accept or not accept |
|--------------|-----------------------------------------------------------------------------------------------|---------------------------|--------------------------|-----------------------------|
| 79 | Crown ownership of area around Lake Hawea would allow further development of a cycling track. | 30 | Allow | Not Accept |

Rationale

Allow/Disallow

The securing of access and enjoyment of the reviewable land is an object of section 24 (c) (i) CPLA 1998 and is therefore allowed.

Accept/Not Accept

The Crown holds land around Lake Hawea to the 349.05m contour or 20.12m from the 346.92m contour whichever is greater. The issue with Lake Hawea is that the topography of the land adjoining the shoreline does not provide for such a venture to be developed very easily and it would be very expensive. The DGC delegate has not shown any interest in this idea and if additional good developed farming land was required it would not receive the support of the holder. The current lakeshore is still an immature lakeshore and the Crown has obtained additional land from the holder to help mitigate possible effects of further erosion. In view of the topography, erosion issues and potential costs this matter has not been pursued further. This point is not accepted for inclusion in the draft substantive proposal.

| <i>Point</i> | Summary of point raised | Submission numbers | Allow or disallow | Accept or not accept |
|--------------|------------------------------------------------------------|---------------------------|--------------------------|-----------------------------|
| 80 | Stock to be kept from the foreshore of the lake by fencing | 30 | Disallow | Not Accept |

Rationale

Allow/Disallow

This relates to land that is outside of the reviewable land and is therefore disallowed.

Accept/Not Accept

As the decision has been made to not allow this point it is automatically not accepted.

| <i>Point</i> | Summary of point raised | Submission numbers | Allow or disallow | Accept or not accept |
|--------------|-------------------------------------------------------------------------------|---------------------------|--------------------------|-----------------------------|
| 81 | Concern of lack of management plan for land proposed to be taken over by DoC. | 6, 31 | Allow | Not Accept |

Rationale

Allow/Disallow

The protection of SIV’s is an object of section 24 (b) CPLA 1998 and is therefore allowed.

Accept/Not Accept

The future management of easements is the responsibility of the Department of Conservation once the Tenure Review has been completed. A formal meeting has been held between the holders and the Wanaka Area Office Manager for the Department of Conservation to discuss the future management of the easements. This is outside of the Tenure Review process. This point is not accepted for inclusion in the draft substantive proposal.

| <i>Point</i> | Summary of point raised | Submission numbers | Allow or disallow | Accept or not accept |
|--------------|---------------------------------------------------------|---------------------------|--------------------------|-----------------------------|
| 82 | Concern over future maintenance arrangements of tracks. | 31 | Allow | Not Accept |

Rationale

Allow/Disallow

The securing of access and enjoyment of the reviewable land is an object of section 24 (c) (i) CPLA 1998 and is therefore allowed.

Accept/Not Accept

The future management of easements is the responsibility of the Department of Conservation once the Tenure Review has been completed. A formal meeting has been held between the holders and the Wanaka Area Office Manager for the Department of Conservation to discuss the future management of the easements. This is outside of the Tenure Review process. This point is not accepted for inclusion in the draft substantive proposal.

| <i>Point</i> | Summary of point raised | Submission numbers | Allow or disallow | Accept or not accept |
|--------------|-------------------------------------------------------------------------------|---------------------------|--------------------------|-----------------------------|
| 83 | Requirement for easements to be signposted so users are aware of trespassing. | 31 | Allow | Not Accept. |

Rationale

Allow/Disallow

The securing of access and enjoyment of the reviewable land is an object of section 24 (c) (i) CPLA 1998 and is therefore allowed.

Accept/Not Accept

The future management of easements is however the responsibility of the Department of Conservation once the Tenure Review has been completed. A formal meeting has been held between the holders and the Wanaka Area Office Manager for the Department of Conservation to discuss the future management of the easements. This is outside of the Tenure Review process. This point is not accepted for inclusion in the draft substantive proposal.

| <i>Point</i> | Summary of point raised | Submission numbers | Allow or disallow | Accept or not accept |
|--------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|--------------------------|-----------------------------|
| 84 | Concern in relation to easements and the need for adequate toilets, controls over camping, controls to permit vehicles to use easements, parking of tramper's vehicles and appropriate parking. | 31 | Allow | Not Accept |

Rationale

Allow/Disallow

The securing of access and enjoyment of the reviewable land is an object of section 24 (c) (i) CPLA 1998 and is therefore allowed.

Accept/Not Accept

The future management of easements is however the responsibility of the Department of Conservation once the Tenure Review has been completed. A formal meeting has been held between the holders and the Wanaka Area Office Manager for the Department of Conservation to discuss the future management of the easements. This is outside of the Tenure Review process. This point is not accepted for inclusion in the draft substantive proposal.

| <i>Point</i> | Summary of point raised | Submission numbers | Allow or disallow | Accept or not accept |
|--------------|------------------------------------------------------------------|---------------------------|--------------------------|-----------------------------|
| 85 | Suggestion that closure period of 4-5 days for mustering needed. | 31 | Allow | Not Accept |

Rationale

Allow/Disallow

The securing of access and enjoyment of the reviewable land is an object of section 24 (c) (i) CPLA 1998 and is therefore allowed.

Accept/Not Accept

The future management of easements is however the responsibility of the Department of Conservation once the Tenure Review has been completed. A formal meeting is to be set up for the holders to meet with the Wanaka Area Office Manager for the Department of Conservation to discuss the future management of the easements. This is outside of the Tenure Review process. This point is not accepted for inclusion in the draft substantive proposal.

| <i>Point</i> | Summary of point raised | Submission numbers | Allow or disallow | Accept or not accept |
|--------------|---------------------------------|---------------------------|--------------------------|-----------------------------|
| 86 | Fencing issues to be addressed. | 6,32 | Allow | Accept |

Rationale

Allow/Disallow

Assume that this refers to fencing along b-c, around the wetlands at the Neck and through proposed freehold to CA3. Fencing is proposed as Deer fencing. This issue is also dealt with elsewhere in this report. The protection of SIV's is an object of section 24 (b) CPLA 1998 and is therefore allowed.

Accept/Not Accept

The fencing issues are being dealt with. The DGC's delegate and the land holder have been consulted and agreement reached as to fencing. Deer fencing is proposed in areas of existing deer fencing around an area at the wetlands at The Neck and also at the Craig Burn.

The submitters issue in relation to fencing should be satisfied by the fencing proposed. This point is accepted for inclusion in the draft substantive proposal.

| <i>Point</i> | Summary of point raised | Submission numbers | Allow or disallow | Accept or not accept |
|--------------|---------------------------------------------------------------------------|---------------------------|--------------------------|-----------------------------|
| 87 | Hunting and fishing should not be allowed as of right over easement land. | 32 | Allow | Not Accept |

Rationale

Allow/Disallow

The securing of access and enjoyment of the reviewable land is an object of section 24 (c) (i) CPLA 1998 and is therefore allowed.

Accept/Not Accept

Following consultation with the holder and the DGC delegate the carriage of guns is not permitted on any of the easements that are proposed. The easement is for access only and does not permit access to adjoining freehold land. The easement documents will not prevent the carriage of fishing equipment and neither the holder nor the DGC's delegate has expressed any concerns over this issue. Fishing is likely to be undertaken by members of the public who will use the easements at Bum Bay, Dinner Flat and north of the Camping ground. As mentioned above the easements provide access and do not allow members of the public to enter any areas for which they would have to obtain access through freehold land. While the easements will prevent the carriage of guns, the carriage of fishing equipment is not contemplated as being an issue. The point is not accepted for inclusion in the draft substantive proposal.

| <i>Point</i> | Summary of point raised | Submission numbers | Allow or disallow | Accept or not accept |
|--------------|-----------------------------------------------------------------------------------------|---------------------------|--------------------------|-----------------------------|
| 88 | Supports mountain biking if access easement provided but no commercial use as of right. | 32 | Allow | Accept |

Rationale

Allow/Disallow

The securing of access and enjoyment of the reviewable land is an object of section 24 (c) (i) CPLA 1998 and is therefore allowed.

Accept/Not Accept

The proposed easement that goes from Stewarts Creek to the tops and along to CA3 does not provide for Commercial Operations as of right. The agreement of the holder is also necessary before Commercial Access can be granted. The objectors comments in this matter would appear to be met by the restriction included in the easement condition. This point is accepted for inclusion in the draft substantive proposal.

| <i>Point</i> | Summary of point raised | Submission numbers | Allow or disallow | Accept or not accept |
|--------------|--------------------------------|---------------------------|--------------------------|-----------------------------|
| 89 | Supports CC1. | 33 | Allow | Accept |

Rationale

Allow/Disallow

Although this point does not require a decision by the Commissioner it is relevant in terms of section 24 (b) CPLA 1998 and is therefore allowed.

Accept/Not Accept

The point raised on these submissions support this part of the preliminary proposal. Further consultation with the DGC’s delegate and the holder confirms that this point should be accepted for inclusion of the draft substantive proposal.

| <i>Point</i> | Summary of point raised | Submission numbers | Allow or disallow | Accept or not accept |
|--------------|-----------------------------------------|---------------------------|--------------------------|-----------------------------|
| 90 | Considers ample access to: 90.1 Lake | 33 | Disallow | Not Accept |
| | 90.2 And DoC areas provided for. | 33 | Allow | Accept |

Rationale

Allow/Disallow

90.1.1 The securing of access across the reviewable land to land outside of the reviewable land is not a matter that is provided for in the CPLA 1998. This is not a matter for the Commissioner to consider and is therefore disallowed.

90.2 The protection of access and enjoyment of reviewable land is an object of section 24 (c) (i) CPLA 1998 and is therefore allowed.

Accept/Not Accept

90.1 As the decision has been made to not allow this point it is automatically not accepted.

90.2.1 Access to CA3 is now to be from the Craig Burn. A car park is proposed on the south side of the Craig Burn with access into CA3 from the north side of the Craig Burn. This provides an easy walk into the lower Craig Burn with good views up Mt Burke Creek. The access is all within the Conservation Area. A second point of access is available from Stewarts Creek up to Isthmus Peak then along the tops to CA3. Access to CA2 will not be a problem as it adjoins the State Highway for approximately 2km. Access to CA1 will be provided for in a pull off area on the Wanaka side of the Neck. This will also give good views into the area. The point is accepted for inclusion in the draft substantive proposal.

| <i>Point</i> | Summary of point raised | Submission numbers | Allow or disallow | Accept or not accept |
|--------------|-------------------------------------------------------------------------------|---------------------------|--------------------------|-----------------------------|
| 91 | Area of kanuka at Dinner Flat should be protected with a link to Halls Creek. | 34 | Allow | Not Accept |

Rationale

Allow/Disallow

The protection of SIV's is an object of section 24 (b) CPLA 1998 and is therefore allowed.

Accept/Not Accept

The DGC's delegate has confirmed that the area of kanuka was not identified as being a significant inherent value. Larger more viable areas of kanuka are protected in CA3 and CC1. At the southern end of the property CA3 has been extended down the Craig Burn and also up the Wanaka faces considerably. Covenant protection over CC1 also protects significant areas of Kanuka. CA3 better meets reserve criteria as it contains a complete lake to lake altitudinal sequences and is likely to adjoin conservation lands arising from the Mt Burke tenure review which makes for a substantial well buffered conservation holding. It is neither practical nor efficient to protect every last isolated remnant of native vegetation on the property through tenure review. Further consultation with the DGC's delegate and the holder confirms that this point should not be accepted for inclusion in the draft substantive proposal.

| <i>Point</i> | Summary of point raised | Submission numbers | Allow or disallow | Accept or not accept |
|--------------|-------------------------------------------------------------------------|---------------------------|--------------------------|-----------------------------|
| 92 | Isthmus Peak and north facing slopes to be retained in Crown ownership. | 34 | Allow | Not Accept |

Rationale

Allow/Disallow

The protection of SIV's is an object of section 24 (b) CPLA 1998 and is therefore allowed.

Accept/Not Accept

Landscape values in this area have not been afforded formal protection as values on other parts of the property were considered more important - namely the Wanaka faces. Further consultation with the DGC's delegate and the holder confirms that proposed alterations to the proposal will meet the submitters concerns at least in part and this point should not be accepted for inclusion in the draft substantive proposal.

| <i>Point</i> | Summary of point raised | Submission numbers | Allow or disallow | Accept or not accept |
|--------------|-----------------------------------------------------------------------------------------|---------------------------|--------------------------|-----------------------------|
| 93 | Concern over introduction of noxious weeds from use of tracks and Doc to be responsible | 35 | Disallow | Not Accept |

Rationale

Allow/Disallow

This is covered by statutes other than the CPLA 1998. It is therefore disallowed.

Accept/Not Accept

As the decision has been made to not allow this point it is automatically not accepted.

| <i>Point</i> | Summary of point raised | Submission numbers | Allow or disallow | Accept or not accept |
|--------------|--------------------------------------------------------------|---------------------------|--------------------------|-----------------------------|
| 94 | Concern over suitability of tracks for any form of vehicles. | 35 | Disallow | Not Accept |

Rationale

Allow/Disallow

This is a general comment. It is not a point under the objects of the CPLA 1998 so is therefore disallowed.

Accept/Not Accept

As the decision has been made to not allow this point it is automatically not accepted.

| <i>Point</i> | Summary of point raised | Submission numbers | Allow or disallow | Accept or not accept |
|--------------|-----------------------------------------|---------------------------|--------------------------|-----------------------------|
| 95 | All hunting to be controlled by holder. | 35 | Disallow | Not Accept |

Rationale

Allow/Disallow

This is also covered by statutes other than the CPLA 1998 so is therefore disallowed.

Accept/Not Accept

As the decision has been made to not allow this point it is automatically not accepted.

| <i>Point</i> | Summary of point raised | Submission numbers | Allow or disallow | Accept or not accept |
|--------------|---------------------------------------------------------|---------------------------|--------------------------|-----------------------------|
| 96 | Toilet facilities to be put in place before track used. | 35 | Allow | Not Accept |

Rationale

Allow/Disallow

The securing of access and enjoyment of the reviewable land is an object of section 24 (c) (i) CPLA 1998 and is therefore allowed.

Accept/Not Accept

Access is a matter that is relevant to Sections 24 and 25 Crown Pastoral Lands Act 1998. The future management of easements is however the responsibility of the Department of Conservation once the Tenure Review has been completed. A formal meeting has been held between the holders and the Wanaka Area Office Manager for the Department of Conservation to discuss the future management of the easements. This is outside of the Tenure Review process. This point is not accepted for inclusion in the draft substantive proposal.

| <i>Point</i> | Summary of point raised | Submission numbers | Allow or disallow | Accept or not accept |
|--------------|-------------------------------------------------------------------------------|---------------------------|--------------------------|-----------------------------|
| 97 | DoC to be responsible for extinguishing fires started by public or own staff. | 35 | Disallow | Not Accept |

Rationale

Allow/Disallow

This is covered by statutes other than the CPLA 1998. It is therefore disallowed.

Accept/Not Accept

As the decision has been made to not allow this point it is automatically not accepted.

| <i>Point</i> | Summary of point raised | Submission numbers | Allow or disallow | Accept or not accept |
|--------------|-------------------------------------------------------------------------------------|---------------------------|--------------------------|-----------------------------|
| 98 | Wants proposal of Glen Dene to retain certain areas under covenant to be respected. | 35 | Disallow | Not Accept |

Rationale

Allow/Disallow

This is a general comment. It is not a point under the objects of the CPLA 1998 so is therefore disallowed.

Accept/Not Accept

As the decision has been made to not allow this point it is automatically not accepted.

| Point | Summary of point raised | Submission numbers | Allow or disallow | Accept or not accept |
|-------|----------------------------------------------------------------------------|--------------------|-------------------|----------------------|
| 99 | Questioned why Reserve in review if transfer to Crown already a done deal. | 35 | Disallow | Not Accept |

Rationale

Allow/Disallow

Agreement confirmed as unconditional on 25 June 2004 with settlement 29/30 June 2004. The land is no longer within the reviewable land. This is not a matter that the Commissioner to consider and is therefore disallowed.

Accept/Not Accept

As the decision has been made to not allow this point it is automatically not accepted.

| Point | Summary of point raised | Submission numbers | Allow or disallow | Accept or not accept |
|-------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-------------------|----------------------|
| 100 | 100.1 Conservation Covenants between CC1 and SH6 to protect beech trees and woodland. | 36 | Allow | Accept |
| | 100.2 Supports values in the catchments of Halls Creek, Stewart Creek and unnamed gullies being protected by Conservation Covenant as indicated in the Preliminary Proposal. | 18 | Allow | Accept |

Rationale

Allow/Disallow

100.1 The protection of SIV's is an object of section 24 (b) CPLA 1998 and is therefore allowed.

100.2 The protection of SIV's is an object of section 24 (b) CPLA 1998 and is therefore allowed.

Accept/Not Accept

100.1 Conservation Covenant 1 comes down Stewarts and Halls Creeks to the State Highway and partway down Dinner Creek. These covenants protect the beech trees and woodland. The submitters concerns are substantially met and should be accepted for inclusion in the draft substantive proposal.

100.2 The point raised on these submissions support this part of the preliminary proposal. Further consultation with the DGC's delegate and the holder confirms that this point should be accepted for inclusion of the draft substantive proposal.

| <i>Point</i> | Summary of point raised | Submission numbers | Allow or disallow | Accept or not accept |
|--------------|-----------------------------------------------------------------------------|---------------------------|--------------------------|-----------------------------|
| 101 | No burning on Wanaka faces and a buffer zone around CA1 to prevent burning. | 37 | Allow | Accept |

Rationale

Allow/Disallow

The protection of SIV’s is an object of section 24 (b) CPLA 1998 and is therefore allowed.

Accept/Not Accept

Burning below the 500m contour along all but the upper 4km of the Wanaka faces will be excluded as it is proposed to be included within in Conservation Area CA3. Burning of areas above that is not subject to formal protection but will be regulated under the Resource Management Act/Voluntary burning code. In theory at least burning of native bush will not be permitted. The submitters concerns are considered to be met at least in part by the areas covered by the conservation area and the extension of that up the Wanaka Faces that was not included in the preliminary proposal. Following further consultation with the DGC’s delegate and the holder CA1 is also proposed to be extended to provide a better buffer zone around the wetlands at the Neck. This point is accepted for inclusion in the draft substantive proposal.

| <i>Point</i> | Summary of point raised | Submission numbers | Allow or disallow | Accept or not accept |
|--------------|-------------------------------------------------|---------------------------|--------------------------|-----------------------------|
| 102 | Provide public access along Wanaka faces to CA3 | 37 | Allow | Not Accept |

Rationale

Allow/Disallow

The securing of access and enjoyment of the reviewable land is an object of section 24 (c) (i) CPLA 1998 and is therefore allowed.

Accept/Not Accept

A marginal strip exists down Lake Wanaka from the Neck. CA3 is proposed to be extended along much of the lower Wanaka face and this will improve the opportunity for public access. Access to CA3 is also provided from the Craig Burn and from Stewarts Creek. The topography of the land down the Wanaka faces does not provide for easy access and would not be supported by the holder. The cost to create access would be expensive. In view of the access obtained to CA3 as mentioned previously this option has not been pursued. This point is not accepted for inclusion in the draft substantive proposal.

| <i>Point</i> | Summary of point raised | Submission numbers | Allow or disallow | Accept or not accept |
|--------------|-----------------------------------------------|---------------------------|--------------------------|-----------------------------|
| 103 | Extend CC2 northwards to Neck and up streams. | 37 | Allow | Accept |

Rationale

Allow/Disallow

The protection of SIV’s is an object of section 24 (b) CPLA 1998 and is therefore allowed

Accept/Not Accept

Following consultation with the DGC’s Delegate and the holder the area that was previously proposed as CC2 has now been included as part of CA3 which is proposed to be extended 6km further up the Wanaka faces leaving approx 4km that will not have formal protection beyond the marginal strip. The submitters point has been met in part and should be accepted for inclusion in the draft substantive proposal.

5 Summary and Conclusion

A large number of submissions were received from a wide cross section of the community including conservation groups, Transit New Zealand, Local Authorities, and Community Associations, recreation groups, adjoining land owners and individuals.

Generic issues

The trend was seeking greater area of formal protection of the reviewable land and increased provision for public access compared to the proposals outlined in the preliminary proposal.

The allowed points were reviewed with the DGC’s delegate and the holder. The Transit New Zealand submission opposed public access onto the property through the farm track to the north of the Craig Burn. This forced a rethink and a review of the lower Craig Burn area which had not been identified in the Conservation Resources Report. Subsequent consultation with the DGC’s delegate and the holder identified that the lower Craig Burn gorge should be added to CA3. This will provide a Lake to Lake transect for CA3 and the opportunity for an alternative access into CA3 from the State Highway directly north of the Craig Burn. A car park is proposed to be established within the proposed extension to CA3 on the south side of the Craig Burn and this avoids the need for access through the holders farm track and access onto the State Highway from an undesirable access point.

This has now provided the opportunity for the proposed access into CA3 to be entirely within land proposed to be held as Conservation Area. It would be approximately a 15min walk to the area previously identified as a car park area and the views are quite spectacular.

In response to public submissions all the proposed Conservation areas are proposed to be enlarged with Conservation Area Three extended up the Wanaka faces

approximately 5km to the 500m contour. Conservation Area One is proposed to be extended down to Lake Wanaka and Conservation Area Two will be extended further north up Lake Hawea to near the deviation. The Crown has recently purchased significant areas of land adjoining Lake Hawea from the holders as the lakeshore along the western shore is still maturing and significant areas including the land below the deviation will be retained by the Crown.

Some small additions are proposed to be made to Conservation Covenant One with clarification to the covenant conditions. A new Conservation Covenant (CC2) is proposed to be added on the Wanaka faces above the extension to Conservation Area Three to protect mainly landscape values.

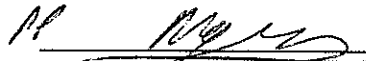
The DGC's delegate is now happy with the proposals and considers that as a result of the changes proposed to be made following consideration of Public Submissions that a good outcome will be achieved.

The general trends in the submitter's comments were increased public access and greater protection of the Wanaka faces, lake margins and increased protection of wetlands and covenant areas.

I recommend approval of this analysis and recommendations

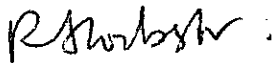


Robin Whelan
Property Consultant



Dave Payton
Property Consultant

Approved/~~Declined~~ by:



Name: ROBERT JOSEPH WEBSTER

Date of decision: 10 / 3 / 05

FINAL REPORT

ON

Te RUNANGA O NGAI TAHU

SUBMISSION

GLEN DENE



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- I *List of points raised in submission*
- II *Copy of annotated submission and Ngai Tahu reports dated 19 November 2004 and 21 February 2005*
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ANALYSIS OF Te RUNANGA o NGAI TAHU SUBMISSION
STATEMENT PURSUANT TO SECTION 45(a) (iii) CROWN PASTORAL LAND
ACT 1998

GLEN DENE

File Ref: CON/50000/16/12471/00/A-ZNO Submission No: DN249/1 Submission Date: 17/03/05

Office of Agent: Dunedin

LINZ Case No:

Date sent to LINZ: 18/03/05

1. Details of lease:

Lease Name: Glen Dene
Location: Lake Hawea
Lessees: Glen Dene Limited.

2. Public notice of Preliminary Proposal:

Date, publication and location advertised:

Saturday 17 April 2004.

- The Press Christchurch
- Otago Daily Times Dunedin
- The Timaru Herald Timaru

Closing Date for Submissions:

14 June 2004.

3. Details of Submission received:

A submission dated 14 June 2004 was received on 14 June 2004.

Received From: Takarei Norton, Natural Resources Unit Project Co-ordinator,
Office of Te Runanga o Ngai Tahu.

On Behalf Of: Te Runanga o Ngai Tahu and Kaitiaki Papatipu Runaka.

4. *Preliminary Analysis of Submissions:*

4.1 *Introduction:*

Explanation of Analysis:

The submission received has been reviewed in order to identify the points raised and these have been numbered accordingly.

The following methodology was used to analyse each point:

- A summary of each of the points raised along with the recorded number for each point (as shown in Appendix I).
- Discussion of the point.
- Recommendations whether or not to allow for further consultation.

The following approach has been adopted when making the recommendation to allow for further consultation:

The points raised have been analysed to assess whether they are matters that can be dealt with under the Crown Pastoral Land Act. Where it is considered that they are, the recommendation is to allow them.

Further consultation with representatives of Te Runanga o Ngai Tahu [TRoNT] and the leaseholders has been completed on all those points that were allowed.

A recommendation to accept or not accept is based on these criteria:-

Accept: the outcome of an accept decision will be that the point is included in the draft Substantive Proposal. To arrive at this decision the point is evaluated with respect to:

- The objects and matters to be taken into account in the Crown Pastoral Lands Act 1998 (Sections 24 and 25 for Part 2 reviews or Sections 83 and 84 for Part 3 reviews) and
- the views of all parties consulted and any other matters relevant to the 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 will be that the point is not included in the draft Substantive Proposal, based on consideration of the above criteria. Note that those points that are disallowed in the preliminary analysis are automatically Not Accepted.

4.2 Analysis:

| <i>Point</i> | <i>Summary of Point Raised</i> | <i>Recommended Decision</i> | <i>Accept/Not Accept</i> |
|--------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|--------------------------|
| 1 | <p>That the Commissioner provides the greatest method of protection available under the Crown Pastoral Land Act for an area at The Neck which may include the option of freehold ownership.</p> <p>The Runanga are unsure what is the best way to protect these values and request an inspection of the lease to determine these matters.</p> | Allow | Accept |

Rationale

Allow/Disallow

Cultural values have been identified on the lease, which TRoNT consider represent significant inherent values. TRoNT expressed their wish to reinstate the area and discuss with LINZ possible protection mechanisms to determine if and how these values should be protected in terms of the objects of Section 24 (b) (i) CPLA 1998.

Ngai Tahu considers the values at The Neck to be of immense cultural, historical, spiritual and traditional significance.

Accept/Not Accept

Under the Crown Pastoral Lands Act 1998 the definition of “Significant Inherent Values” is defined as “inherent value of such importance, nature, quality, or rarity that the land deserves the protection of management under the Reserves Act 1977 or the Conservation Act 1987”. The submission from the Ngai Te Runanga o Ngai Tahu states that the Neck is of cultural, spiritual and historical significance to Ngai Tahu which are the significant inherent values identified.

Three consultation meetings have been held with various Ngai Tahu representatives together with two further written reports which have clarified the importance to Ngai Tahu of the “Significant Inherent Values” they have identified at the Neck. This consultation has also clarified the nature of the protection and extent of the core area that Ngai Tahu considers justifies protection. The particular values that Ngai Tahu has identified include:

- The main village at the Neck was located near the lagoon that was flooded when Lake Hawea was raised about 1960.

- While the main village is not located on the reviewable land the area of Manuhaewa and Orokotewhatu are believed to be located in the Neck region and probably overlap.
- The area at the Neck is considered very important by Ngai Tahu as many of the trails all went through the Neck.
- The Neck was an important area for food gathering and teaching.
- The areas above the road are believed to have provided defensive positions and part of the overall area that was used by Ngai Tahu.
- The Neck is considered to be a spiritual place by Ngai Tahu and other factors that are important are the links between Lakes Wanaka and Hawea, and the location between a number of cultural and historical sites.
- The Neck is considered to be the one site that connects all the values and all the cultural and historical sites.
- The isthmus and high part of The Neck was believed to be used as a pa to defend the mahinga kai and tribal authority of the Lakes Wanaka and Hawea regions.
- The area identified provides the wetlands and lake to lake transect and an area for viewing and teaching the values.

The difficulty that arises is that no physical sites exist on the area above and to the east of the existing track to the BCL site to identify a specific area where boundaries can be set or for that matter on the balance of the land of interest in this area.

The area to the east of the track totaling approximately 28ha is believed to have been a defensive area and our understanding of the reasons that Ngai Tahu have for this area are that it is an area where all the cultural and historical sites can be seen and that they believe that this opportunity is not able to be achieved from an area to the west of the track.

Ngai Tahu's first indication of the actual area that they were seeking "the greatest method of protection" over was approximately 700ha. Following reinspection that has now been refined to an area of approximately 63.5ha.

The area provides a presence in the area for teaching and encompasses part of the area that defensive positions were believed to be.

Both Manuhaea and Orokotewhatu are much larger than the area of approximately 700ha originally requested by Ngai Tahu to be retained in full Crown Control.

Following further consultation only a small part of Manuhaea and Orokotewhatu has subsequently been requested for full protection and access, as Ngai Tahu recognize the farming interest that the holder has in the area.

The best viewing area is from the elevated area to the east of the main formed track and while similar views are available from lower down these do not provide the more extensive views available from the higher level.

A 30m wide strip to provide access to a viewing area east of the existing track adjacent to the State Highway boundary fence was suggested to the holders and Ngai Tahu. The holders rejected this out of hand and Ngai Tahu also did not accept this as an option reiterating that the 28ha area east of the track is the minimum area required to provide for the protection of the significant inherent values that they have identified.

In our opinion while a significant part of the objectives that Ngai Tahu have set out may be met from inclusion of a reduced area of approximately 5ha to the east of the track, to fully meet the objects of the Act the full area of 28ha as shown in Appendix V and marked Plan 2 is considered necessary.

An option available for viewing at a higher level is available from the proposed public access to Isthmus Peak. However vehicle access is not available and it is an extensive walk to Isthmus Peak which would not be suitable for many elderly people.

The holders consider that their research does not support the Ngai Tahu position. Apart from cultural differences the holders pointed out that their research had been aimed at seeking written proof of the facts whereas much of the Ngai Tahu information is based on oral accounts of the history and spiritual and cultural values.

The holders have advised that they are willing to accommodate the Ngai Tahu interest in approximately 35.5ha of the wetlands area and an area below the State Highway towards Lake Hawea but will not agree to any area to the east of the track.

The holders are concerned at the impact that the loss of the area will have on their farming operation which they consider will impact disproportionately on their ability to manage the block.

The loss of an area of 28ha to the east of the track to the farming operation will impact on the overall farming operation, however, in our view the concerns of the holders can be largely mitigated by a level of co-operation between the parties.

The 28ha east of the track that is proposed to be included in the Conservation Area could be grazed which would control any fire risk. Access tracks in the area may be accommodated by refencing and/or co-operation with the land holder.

It is considered that issues raised by the holder concerning the need to maintain security of farm access could best be resolved by including the existing track within the proposed freehold designation. This proposal would require an easement to provide for public foot and non motorised access and management vehicle access over the full width of the enclave of freehold land that encompasses the track. This is to enable access between the wetlands block which goes down to Lake Wanaka and the 28ha block to the east of the track. No public access would be provided for to the track that accesses the state highway, as sightlines to the north are insufficient.

It is considered that formal protection is justified and required over a larger area at the Neck containing significant inherent values than was previously provided in the Preliminary Proposal. CA1 is therefore proposed to be increased from approximately the 6ha set out in the Preliminary Proposal to an area of 63.5ha which includes 28ha to the east of the track.

Ngai Tahu consider that significant inherent values exist over the 700 hectare area they originally identified at the Neck. However, following consultation Ngai Tahu advised that they are prepared to accept that their interest can be accommodated by a reduced area of 63.5ha. This area is now proposed to be designated as land to be retained in full Crown ownership and control (CA1).

In summary this point is supported and should be accepted as it now meets the Ngai Tahu position.

| <i>Point</i> | <i>Summary of Point Raised</i> | <i>Recommended Decision</i> | <i>Accept/Not Accept</i> |
|--------------|----------------------------------------------------------------------------------------------------------------|-----------------------------|--------------------------|
| 2 | That the Commissioner ensures Conservation Areas 1, 2 & 3 are provided for at the completion of Tenure Review. | Allow | Accept |

Rationale

Allow/Disallow

The point concerns the protection of significant inherent values, which is a relevant matter in terms of section 24 (b) (i) & (ii) CPLA 1998 and is therefore allowed.

Accept/Not Accept

The point supports this part of the preliminary proposal. Further consultation with the DGC’s delegate and the holder confirms that this point should be accepted for inclusion in the draft substantial proposal.

| <i>Point</i> | <i>Summary of Point Raised</i> | <i>Recommended Decision</i> | <i>Accept/Not Accept</i> |
|--------------|---------------------------------------------------------------------------------------------------------|-----------------------------|--------------------------|
| 3 | The Commissioner ensures the Recreation Reserve is provided for at the completion of the Tenure Review. | Disallow | Not Accept |

Rationale

Allow/Disallow

The lessee’s interest in this land has now been acquired by the Crown. It is no longer part of the reviewable land. The point is therefore disallowed. The Crown will have the opportunity now to discuss the future management and ownership and control of this area with Ngai Tahu.

Accept/Not Accept

As the decision has been made to disallow this point it is not accepted.

| <i>Point</i> | <i>Summary of Point Raised</i> | <i>Recommended Decision</i> | <i>Accept/Not Accept</i> |
|--------------|-----------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|--------------------------|
| 4 | That a Conservation Covenant as per Section 77 Reserves Act 1977 be provided for: 4.1 the area containing the umu site 4.2 access | Allow Allow | Not Accept Not Accept |

Rationale

Allow/Disallow

4.1 The umu may be within Crown land held for Lake Hawea adjoining the reviewable land. This will need to be confirmed by survey. The protection of SIV’s is an object of section 24 (b) CPLA 1998 and is therefore allowed. If the umu is determined to be outside of the reviewable land then any action would be outside of the Tenure Review process.

4.2 This relates to access. The protection of access is an object of section 24 (c) (i) CPLA 1998 and is therefore allowed. If the umu is outside of the reviewable land then this would not be a relevant matter for Tenure Review as the access proposed is across the reviewable land not to or for the enjoyment of the reviewable land. A survey check will be required to determine this.

Accept/Not Accept

4.1 Land adjoining the area where the umu was identified was recently purchased for future erosion. A survey of that area shows that the umu site is within the land that the Crown holds for Lake Hawea. As the umu site is not within the reviewable land it cannot be dealt with as part of the Tenure Review and is therefore not accepted.

4.2 As the umu is on Crown land outside of the reviewable land then access to that site is an issue outside of Tenure Review. In this instance access to the umu site is available from Crown Land held for Lake Hawea. The provision of access across reviewable land to land outside of the Tenure review is not provided for in the Crown Pastoral Lands Act 1998.

5. Discussions and Conclusions

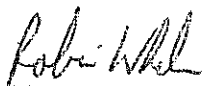
The submission requested that a substantial area (assessed at approximately 700 hectares) at the Neck be provided with the greatest method of protection, which could be freehold ownership for Ngai Tahu. This matter is viewed as one of the highest priorities in tenure review for Ngai Tahu. Subsequently Ngai Tahu requested that the land be Conservation Area and has identified an area of approximately 63.5ha to be held in Crown Control. The holder accepts that an area of approximately 35.5ha be retained in Crown Control but have advised that they would be totally opposed to any land to the east of the track to the BCL site at the Neck being included as Conservation Area or retained by the Crown under any other mechanism.

The Ngai Tahu interest in providing protection for significant inherent values they have identified would be met by the retention in Crown Control of an area of approximately 63.5ha. This includes approximately 28ha to the east of the track to the BCL site from which views of Silver Island and the values in the Neck would be available from. While the holder is opposed to any area to the east of the track some amendments to the farm management in the area and a degree of co-operation between the parties would assist in mitigating any impacts from the loss of that area.

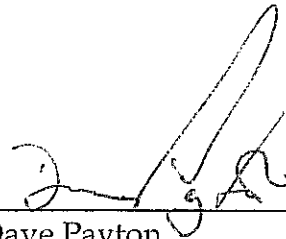
The area that the proposed Recreation Reserve was proposed for has now been acquired by the Crown and is no longer part of the reviewable land so this point is not accepted.

The Ngai Tahu submission supports the proposed Conservation Areas. This point is noted and the areas to be included in the Conservation Areas have been increased.

The land that an umu was located on is outside of the reviewable land so the point is not accepted. Access to that land is available from the Crown land held for Lake Hawea so that point is also not accepted.

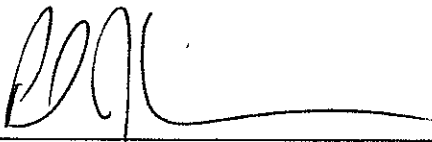


Robin Whelan
Property Consultant



Dave Payton
Property Consultant

Approved/Declined by:



Name:

Date of decision: 24/03/05