

Crown Pastoral Land Tenure Review

Lease name: THE LARCHES

Lease number: PO 254

Preliminary Report on Public Submissions

This document includes information on the public submissions received in response to an advertisement for submissions on the Preliminary Proposal. The report identifies if each issue raised is allowed or disallowed pursuant to the Crown Pastoral Land Act. If allowed the issue will be subject to further consultation with Department of Conservation, or other relevant party.

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

November

08

PRELIMINARY ANALYSIS OF PUBLIC SUBMISSIONS
FOR PRELIMINARY PROPOSAL
THE LARCHES PASTORAL LEASE

File Ref: PRY-C60-12531-TNR-PO254-A/03

Submission No: DN0296

Submission Date: 09/10/2008

Office of Agent: Dunedin

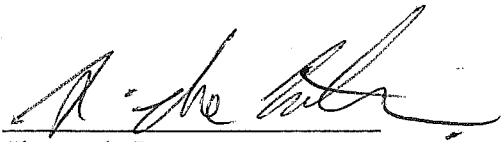
LINZ Case No: TR09/41

Date sent to LINZ: 10/11/2008

RECOMMENDATIONS

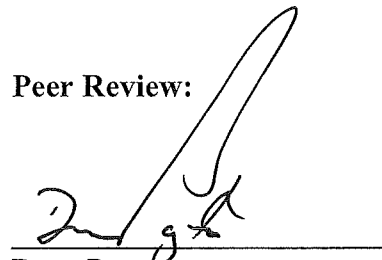
1. That the Commissioner of Crown Lands **notes** the receipt of this report for land held under The Larches pastoral lease.
2. That the Commissioner of Crown Lands **approves** the recommendations in this report to allow or disallow the points raised in the submissions received.
3. That the Commissioner of Crown Lands **authorises** further consultation with the Director General of Conservations delegate on those points allowed.

Signed by Opus:



Simon de Lautour
Tenure Review Consultant

Peer Review:



Dave Payton
Tenure Review Contract Manager

Approved/Declined by:



Name:

Date of decision: 17/11/08

I recommend approval



S. Ulrich

17-11-08

Mathew Clark (Manager Pastoral)
Land Information New Zealand
Under delegated authority of the
Commissioner of Crown Lands.

1. Details of leases:**Lease Name:** The Larches pastoral lease**Location:** Cardrona Valley, Wanaka**Lessee:** Leslie James William Stewart and Roger Norman Macassey and James Peter Robertson, Polson Higgs Nominees 2006 Limited and GCA Legal Trustee 2005 Limited**2. Public notice of Preliminary Proposal:*****Date, publication and location advertised:***Saturday 19th July 2008.

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

Closing Date for Submissions:

30 September 2008.

3. Details of Submissions received:

A total of 19 submissions were received by the closing date.

4. Preliminary Analysis of Submissions:**4.1 Introduction:*****Explanation of Analysis:***

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

The following analysis:

- Summarises each of the points raised along with the recorded number (shown in the appended tables) of the submitter(s) making the point.
- Discusses each point.
- Recommends whether or not to allow the point 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 1998 (CPLA). Where it is considered that they are the recommendation is to allow them.

Conversely where the matter raised is not a matter that can be dealt with under the CPLA, the decision is to disallow. The Process stops at this point for those points disallowed.

Further consultation with both the Director General of Conservation’s delegate and the leaseholders has to be completed on all those points that have been allowed.

4.2 Analysis:

The submissions have been analysed in the order in which they were received, and points have been listed in the order in which they appear.

Appendix II provides a summary of the points and issues.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission Numbers.</i>	<i>Allow or disallow</i>
1	Current prospecting activity by Glass Earth shows the property and surrounding area has potential minerals. It is critical that exploration and mining companies get ongoing access to the land. Provision should be made for mineral prospecting activities to continue to be undertaken. Arrangements should be put in place to ensure that future mineral explorers and developers have the right of access to Crown and freehold land on reasonable terms.	1	Disallow

Rationale

The submitter points out that the Criffel diggings have previously been mined for gold and that there is a current prospecting permit (permit no 39322 – Glass Earth NZ Ltd) which covers the entire area of the Larches pastoral lease. The permit covers some 18,050 km² of the Otago region.

The submitter acknowledges that transferring land to the Department of Conservation or to freehold ownership does not preclude prospecting, exploration, or mining, and that access arrangements over any such land can be sought under section 61 of the Crown Minerals Act 1991. However, the submitter considers that gaining such rights becomes more difficult where the land is administered by the Department of Conservation, due to the fact that the land is managed for conservation objectives.

Mineral wealth, or gaining access to prospect or mine, can only be taken into account in tenure review if it is relevant with respect to the objects set out in section 24 CPLA. Section 24 (a)(ii) indicates an object of the CPLA is to “enable reviewable land capable of economic use to be freed from the management constraints (direct and indirect) resulting from its tenure under reviewable instrument.” However, subsurface mineral wealth is outside the domain of the land under review. Tenure review applies only to the land itself. Subsurface mineral wealth is

controlled under the Crown Minerals Act 1991, and its ownership is not affected by tenure review. In addition, the management constraints referred to in section 24(a)(ii) are those that relate to pastoral lease tenure, not mining activities. Taking mineral wealth into account would therefore appear to have no relevance with respect to section 24(a) CPLA.

Section 24(b) CPLA identifies the protection of significant inherent values as an object of tenure review. However, mineral wealth would not appear to be an inherent or a significant inherent value as defined in section 2 CPLA.

Consequently it is considered that the point is not relevant with respect to the objects of tenure review as defined in section 24 CPLA, and therefore the point has been disallowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission Numbers.</i>	<i>Allow or disallow</i>
2	The conservation covenants should be extended to cover other parts of the proposed freehold land identified with significant inherent values.	2, 8, 12, 16, 18	Allow

Rationale

Submitter 2 poses the question, “why is only a small area of the hillside covered under a conservation covenant and why is the wetland immediately above CC1 not included in CC1?”

Submitters 8 and 16 suggest there are many areas of shrublands not subject to a covenant which contribute to the landscape values seen from the Cardrona Valley. They advocate a covenant over those areas to exclude burning, clearing and spraying and further suggest burning should be banned from the whole freehold. Submitter 16 suggested increasing the area of CC1. Both submitters also consider much of the mid and lower slopes have the same landscape values as those in CC2 (LU2 from the CRR) and therefore should be protected with a covenant under the same conditions up to the fence line at about 1,000m. Submitter 8 qualifies this by suggesting if the shrublands can not be protected then retaining the property as a pastoral lease should be considered, submitter 16 stated if all points can not be resolved then an alternative is that the review could be aborted and retained as a pastoral lease.

Submitter 12 believes all of the country below the duck pond near the top of CC1 should be covenanted to protect the shrublands dominated by kanuka. They suggest if the proposal can not be improved then they see no harm in leaving it as a pastoral lease.

Submitter 18 express similar views to submitters 8 and 16 in terms of extending the covenant over the highly visible slope that contain kanuka and other woody species such as oleria, coprosma, bush lawyer, porcupine scrub, native broom and manuka which form an outstanding natural landscape.

The point relates to the protection of shrubland and landscape values, which are significant inherent values. Section 24(b) of the CPLA relates to the protection of significant inherent values, so this point has been allowed for further consideration.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission Numbers.</i>	<i>Allow or disallow</i>
3	The conditions of the Conservation Covenant CC2 have been questioned with proposed amendments.	2, 9, 12, 16	Allow

Rationale

Submitter 2 poses the question, “instead of allowing spraying over CC2 which could include native plants, why not state the species targeted?” The proposal currently allows spraying within CC2 except for shrublands located on boulder fields, bluffs or on the margins of water courses.

Submitter 9 does not support allowing fertilising and over-sowing within CC2 as the area should be given protection for its natural values. They expressed concern burning is permitted over the covenants when the public access easements pass through them. They also question how the values within CC1 will be protected if stock and particularly cattle are permitted to wander onto it.

Submitter 12 is concerned burning is only banned over shrublands located on boulder fields, bluffs or on the margins of water courses and considers there should be no burning anywhere on the block.

Submitter 16 also asks how the shrublands will be protected and expresses concern that grazing within CC1 will compromise the values. They suggest a monitoring regime needs to be implemented and ensure fencing is erected if this shows grazing is having adverse effects.

The point relates to the protection of significant inherent values, shrubland and landscape values. Section 24(b) of the CPLA relates to the protection of significant inherent values, so this point has been allowed for further consideration.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission Numbers.</i>	<i>Allow or disallow</i>
4	The exclusion of dogs on the easement has been questioned.	2	Allow

Rationale

The submitter poses the question, “what’s the problem with dogs on the easement? DOC allow dogs on some of the land that they look after, so why not allow them to decide as part of their management policy?”

The point relates to the conditions of public access across freehold land. Although the point also relates to recreational hunting on the adjoining conservation land which is a Department of Conservation management issue outside of tenure review, the provision of public access across freehold land and enjoyment of the reviewable land is a matter that can be taken into account under Section 24(c)(i) CPLA. The point has therefore been allowed for further consideration.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission Numbers.</i>	<i>Allow or disallow</i>
5	Objection to aspects of the public access route relating to use of an unformed legal road from Mt Barker Road to the start of the public access easement on the property boundary at (b)	4, 5, 7, 11, 13, 14, 16, 17	Allow in part

Rationale

Sub-point (a)

Objection to using the unformed legal road from Mt Barker Road to the property boundary and a request for further consultation.

Submitters 4, 5 and 7 believe access from Mt Barker Road to the public access easement at (b) has not been thought out and highlight the legal road is right next to a number of private properties and if this route is used for access it will result in an invasion of those people's privacy and quiet enjoyment. They claim the track in some places will be less than 10 metres from private sitting rooms. They suggest it will also impact on the remote experience of track users. They stress that they strongly object to the access route and are aggrieved the affected parties have not been involved in Tenure Review discussions or consulted. They invite the parties involved to discuss the matters they have raised and possible alternative access options.

The legal road between Mt Barker Road and the property boundary is not included in the land under review. It is consequently not a matter that can be considered under the CPLA and therefore sub point (a) is disallowed. The comments of the submitters and their request for consultation to occur over possible alternative options will however be referred to DoC for them to consider addressing outside of the tenure review process. It will be suggested any consultation should necessarily also involve the local authority responsible for the use and management of the legal road in question.

Sub-point (b)

Question whether use of legal road provides adequate public access or is even necessary given the existence of other access options for the Pisa Range.

Submitter 7 states other alternatives exist already for entry to the Pisa Range citing the easement through Avalon station as an example. This statement is interpreted as questioning the need and justification for the proposed access.

Submitters 4, 7 and 11 suggest the Robert Studholme Historic Site located further up the Cardrona Road represents a better entry point to the property. Submitter 11 supplied a series of photos of this site showing what they term to be a "sustainable option" for access into the property. They point out the site has Transit approved parking and there are no people or houses that would be affected in that area.

Submitters 13 and 16 simply note there is a need for good practicable and adequate public access off the Mt Barker Road to point (d). This section includes the legal road portion of the proposed public access route and we interpret this as suggesting that aspects of the proposed use of the current paper road maybe considered inadequate in providing good practical public access.

Submitter 17 has similar views and advised they would like to see a more direct access route to

point (d) from Mt Barker Road.

Submitter 14 is concerned the unformed legal road could be closed and therefore considers it is not secure public access.

The issues raised by the submitters under this sub point are interpreted as relating to concerns as to whether proposed use of the unformed road represents good practical and secure access to the reviewable land. Several of the submitters also question whether it is justified and some suggest alternative access options which appear to involve possible route options within the reviewable land.

Securing of public access to the reviewable land is an object of tenure review under Section 24(c)(i) of the CPLA and therefore sub-point (b) has been allowed for further consideration.

Point	Summary of Point Raised	Submission Numbers.	Allow or disallow
6	Aspects of the proposed public access easement (b-d-e) are not acceptable and alternatives should be investigated. Issues include too dangerous, not practical, not logical, not safe and secure, the steep ravine between points b-d is inaccessible and creating it will have a visual impact and may cause erosion and mud slides.	4, 7, 9, 12, 13, 14, 15, 16, 18, 19	Allow

Rationale

This point generally relates to strong opposition to the proposed public access easement. Some submitters suggested alternatives need to be investigated including the existing farm track as outlined in point 7 below.

Submitters 4 and 7 point out construction of the proposed track will involve soil disturbance and need to zig zag up a highly visible face, thus having a high visual impact. Submitter 7 questions the need for this when tracks of a more logical, safer and better climb are already formed. They also consider construction of a new track will create an erosion risk and raise concerns about potential mudflows into streams and increased dust.

Submitter 7 also states the track is not logical with a steep ravine between (b) and (d) and is likely to be too steep for horse riding. They consider it is too dangerous with the steep drop offs given the likely use from inexperienced trampers being located close to Wanaka. They point out it is too close to the neighbouring deer farm and any mustering by helicopters would impact on horse trekkers.

Submitter 9 recommend that a “hidden track be put in place on the easement where possible to prevent random multiple tracking by users. They also comment the access track is between (b) and (d) is inaccessible and suggests an alternative route be investigated that does not require constant maintenance to provide safe and secure walking, bike and horse access. They suggest it could be dangerous to inexperienced users as well.

Submitter 12 highlights the 10 metre wide easement following the fence between (b) and (d) will have to be constructed across the steep sided gulch and in places there is not 10 metres available

between the fence and the gulch.

Submitters 13, 14, 15, 16 and 19 also consider the access between (b) and (d) is unsatisfactory and not practical where some describe it as creating an unnecessary dog leg. Most suggest an alternative needs to be found without a specific proposal.

Submitter 18 is strongly opposed to the easement and cutting a new track due to the high visual impact. They suggest use of the existing farm track for public access (Point 7 below).

Submitter 19 also expresses concern stating much of route above the level of the gully is not suitable as a cycle track without considerable and expensive formation work to create a bench with grades of no more than 1:6 to 1:8.

Securing of public access to the reviewable land is an object of tenure review under Section 24(c)(i) of the CPLA and therefore the point has been allowed for further consideration.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission Numbers.</i>	<i>Allow or disallow</i>
7	The existing farm track should form the public access easement.	4, 7, 9, 14, 15, 17, 18, 19	Allow

Rationale

Most submitters support use of the entire route of the existing farm track shown as (a-b-c) while some suggest use of only part of it.

Submitter 7 has suggested the existing track be used to avoid the high cost to tax payers of creating a new track. [Point 8 below relates to submissions on cost of the proposed track.] They further suggest fencing of the track represents a more cost effective solution and addresses holder concerns about stock disturbance by the public.

Submitter 9 suggests using the existing track to the base of CC1 and then pass through CC1 to the proposed easement route near the property boundary.

Submitter 14 expressed concern about use of the unformed legal road as it may be closed (point 5 above) and suggest inclusion of provision for public access over a section of the management easement (a-b) in the event the public can not access b from the Mt Barker Road.

Submitters 14 and 15 also suggest provision should be made for public access over the remaining section of the management access easement (b-c). (Point 6 above). Submitter 14 states this requirement is necessary in the event that practical access from b-d is not possible.

Submitter 17 considers the existing track would not only provide a better standard of track but also an easier gradient for most walkers and more suitable for mountain bikers. They acknowledge it may need to be closed at times for farm management purposes together with locked gates to prevent vehicles.

Submitter 18 has similar views pointing out use of this track avoids the need for cutting another visible track into the hill.

Submitter 19 expresses a preference for the proposed management purposes easement for public access or alternatively suggest part of the farm track should be used, commencing at point (b) (to minimise impact on the farm homestead), and follow the farm track to the conservation area boundary. Alternatively they suggest following the farm track from point (b) for approx 250 m before climbing through the kanuka gully to reconnect with the farm track at a higher altitude, (shown on plan attached to submission). They consider this to be the best alignment for the environment from the perspective of visibility assessment and suggest signage and closure during lambing to minimise interference with farming activities.

Securing of public access to the reviewable land is an object of tenure review under Section 24(c)(i) of the CPLA and therefore the point has been allowed for further consideration

Point	Summary of Point Raised	Submission Numbers.	Allow or disallow
8	The creation of the proposed public access easement (b-d-e) is considered too costly for DoC and therefore should be created as part of tenure review and guaranteed a practical and reasonable route will be formed.	12, 15, 19	Disallow

Rationale

Submitters 12 and 15 states there must be a guarantee that the route starting from (b) is reasonable and is formed otherwise reasonable access may never occur as part of this review.

Submitter 19 is concerned the track would not be created as part of Tenure Review and would therefore not provide immediate public bike access. They also expressed concern with the expense to DoC in constructing the track given they may have other priorities. They consider funding for its creation should be part of Tenure Review and formed as part of the review otherwise it is not providing good public access to the conservation area.

Construction of the track and the timing of that activity after the easement area has been created is a post tenure review matter for DoC to determine. The standard of the track to be constructed for this route is also a matter to be determined by DoC post tenure review. Ensuring the proposed route provides practical access is however a relevant matter able to be dealt with by the CPLA and is addressed under Point 6.

This point has therefore been disallowed for further consideration within tenure review.

The comments of the submitters will however be referred to DoC to assist in their consideration of track construction and management requirements at the appropriate time.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission Numbers.</i>	<i>Allow or disallow</i>
9	Consideration be given to extending the Mt Barker legal road from within the lease boundary to connect with the Cardrona Valley legal road over the exiting private road.	6, 19	Disallow

Rationale

Submitter 6 considers the private road that links the Mt Barker legal road within the lease to the Cardrona Valley legal road should be legalised.

Submitter 19 mentions continuous practical public access across the Cardrona riverbed through the property from the Mt Barker legal road to the Cardrona Valley legal road should be negotiated as part of Tenure Review but acknowledges the riverbed itself is not within the property. They mention there may be a suitable site for a foot bridge and suggest this should be confirmed with the Otago Regional Council who would grant the consent..

Much of the road described as private may be located on the marginal strip adjacent to the Cardrona River and not within the reviewable land. No matter where this formation is located the road beyond the lease boundary is outside the reviewable land and therefore is not a matter that can be dealt with under the CPLA.

The point has therefore been disallowed for further consideration within tenure review.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission Numbers.</i>	<i>Allow or disallow</i>
10	Ensure that Freeholding land through Tenure review will not act as an impediment to the creation of a wider network of trails in the Cardrona valley including a proposed Cardrona – Wanaka trail.	6	Allow

Rationale

The Submitter is supportive of increasing public access in the district by creating a network of cycle and walking tracks such as the proposed Cardrona – Wanaka trail promoted by local organisations. They are concerned the proposed freehold land will act as an impediment to this community based proposal.

While the submitter makes no specific proposal to provide access tracks through the proposed freehold land it does potentially relate to provision of public access within the reviewable land and also point 17 below where a number of submitters have proposed access along the river margin.

Securing of public access to the reviewable land is an object of tenure review under Section 24(c)(i) of the CPLA and therefore the point has been allowed for further consideration.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission Numbers.</i>	<i>Allow or disallow</i>
11	Concerns about Department of Conservation resources to manage land acquired through Tenure Review.	6	Disallow

Rationale

The Submitter is concerned about the management of weed and pest species in the long term given the lack of additional funding or any evidence of a management plan.

The management of DoC land and the resources they use relates to post tenure review management by the Department of Conservation and is not a matter to be taken into account in tenure review. The point has therefore been disallowed for further consideration within tenure review. The comments of the submitter will however be referred to DoC to assist their consideration of future management requirements.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission Numbers.</i>	<i>Allow or disallow</i>
12	Parking, toilet facilities, rubbish removal and camping have not been addressed in the proposal.	7, 12	Allow in part

Rationale

Submitter 7 makes the statement that there are no plans for parking, toilet facilities, rubbish removal and camping but does not provide a proposal. It is interpreted that they are suggesting these facilities should be provided for as part of the current proposal.

Submitter 12 considers an area for parking needs to be set aside before finalising a substantive proposal.

The submitters have not identified any specific location for a parking area but it is interpreted that provision for this facility should possibly be provided within the reviewable land. As parking is a matter that relates to public access and enjoyment of the reviewable land which is an object of tenure review under section 24(c)(i) of the CPLA, this sub point has been allowed for further consideration.

The sub point raised by Submitter 7 in relation to provision of toilet facilities, rubbish removal and camping are considered to be post tenure review land management issues for DoC and not relevant matters able to be dealt with by the CPLA. This sub point has therefore been disallowed for further consideration within tenure review but the comments made by the submitter will be referred to the Department of Conservation to take into account in determining future management of the easement.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission Numbers.</i>	<i>Allow or disallow</i>
13	Confirmation that all appropriate studies of the historic sites have been undertaken and they be given extra ordinary protection.	7, 9	Allow in part

Rationale

Submitter 7 has asked for confirmation all appropriate studies have been undertaken to ensure all historic sites have been considered. The sub point is interpreted as relating to providing for the protection of historic sites which are significant inherent values. As enabling protection of significant inherent values is an object of tenure review under section 24(b) of the CPLA, this sub point has been allowed for further consideration.

Submitter 9 considered the historic remains within CA1 should be given extra ordinary protection.

This sub point relates to the protection of significant inherent values located on land designated to be restored to full Crown ownership and control as a conservation area. The management of historic sites located within conservation land is considered to be post tenure review land management issues for DoC and not a relevant matter able to be dealt with by the CPLA. This sub point has therefore been disallowed for further consideration within tenure review but the comments made by the submitter will be referred to the Department of Conservation to take into account in determining future management of CA1.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission Numbers.</i>	<i>Allow or disallow</i>
14	Statements of support for the proposal.	8, 9, 10, 12, 13, 14, 15, 16, 18	Allow

Rationale

Many submitters made statements of support to various aspects of the proposal.

Submitters 8, 9, 10, 12, 13, 14, 15, 16 and 18 provided unqualified support to restore to full Crown ownership and control the area shown as CA1 to protect the landscape, ecological, recreational and historic values.

Submitter 14 expresses conditional support for CC1.

Submitters 8 and 9 were supportive of CC1 and CC2 but suggest CC2 would be more appropriately added to CA1, (Point 15 below) and support the easements if the problem of the steep gully between b and d can be resolved in terms of an alternative route, (Point 6 above).

Submitters 12 and 16 support the easements except the section between the steep gully between b and d and suggest an alternative must be provided, (Point 6 above).

Statements of support are regarded as meeting the objects of the CPLA and therefore the point has been allowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission Numbers.</i>	<i>Allow or disallow</i>
15	Conservation covenant CC2 should be conservation land and be added to CA1.	8, 9, 12, 13, 14, 16	Allow

Rationale

Submitters 8, 9, 12, 13, 14, 16 suggest CC2 would be more appropriately added to CA1 because of the land class, significant inherent values present and what they consider to be an area unlikely to be ecologically sustainable under pastoral use. Two of the submitters have highlighted the hieracium problem and consider Crown ownership is more appropriate to manage this problem.

This point relates to the appropriate protection of significant inherent values. It therefore relates to section 24(b) CPLA, and has been allowed for further consideration.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission Numbers.</i>	<i>Allow or disallow</i>
16	Proposed conservation covenant CC1 be fenced and that brier and wilding pines be actively eliminated.	9, 13	Allow in part

Rationale

The submitter 9 recommends CC1 be fenced against grazing, as appropriate, to allow the shrublands to recover and Submitter 13 suggests continued grazing will prevent establishment of any palatable indigenous species and probably also lead to the demise of the existing indigenous woody vegetation.

This sub point relates to the appropriate protection of significant inherent values. It therefore relates to section 24(b) CPLA, and is allowed for further consideration.

Submitter 9 also suggests that brier and wilding pines be actively eliminated. This sub point is considered to be a post tenure review land management issue for DoC and not a relevant matter able to be dealt with by the CPLA. This sub point has therefore been disallowed for further consideration within tenure review but the comments made by the submitter will be referred to the Department of Conservation to take into account in determining future management of CC1.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission Numbers.</i>	<i>Allow or disallow</i>
17	A track be created along the Cardrona River riparian strip to allow a loop trip with adjacent land using the Avalon track and also allow a proposed network of trails such as the Cardrona – Wanaka trail to be realised.	9, 17, 18, 19	Allow in part

Rationale

This point relates to the QLDC Walking and Cycle Strategy which is supported by a number of NGO's to create a linked network of walking and cycle tracks.

Submitters 9, 17 and 18 have suggested a track be created on the riparian strip of the Cardrona River running beside the river connecting the proposed Larches easement to the existing DoC Avalon track to complete a circuit. They further suggest a short easement be created from the river bed up onto Mt Barker Road to ensure public access.

Submitter 19 states the location of marginal strips and legal roads need to be clarified now to establish if easements are required to provide practical public access through the property, preferably on both sides of the Cardrona River for the same reasons as Submitters 9,17 and 18.

The existing marginal strip may or may not be able to be used to gain access along the entire length of the Cardrona River within the property. This is unknown until a field investigation but based on the assumption it would be necessary to use part of the reviewable land to provide practical access the point is a relevant matter to consider at part of tenure review.

The provision of public access across land under review is an object of tenure review, as indicated in Section 24(c)(i) CPLA and therefore the sub point has been allowed for further consideration.

Submitters 17 and 18 have also suggested the two legal roads should be linked by access across the Cardrona riverbed. This suggestion is similar to Point 9. As the riverbed is not part of the reviewable land this sub point is not a relevant matter able to be dealt with by the CPLA and is therefore disallowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission Numbers.</i>	<i>Allow or disallow</i>
18	Adequate permanent public vehicular access needs to be provided to conservation area CA1.	10	Allow

Rationale

The submitter recommends permanent public vehicular access be provided to CA1 now. They consider this would make the area more attractive for recreational hunting. They note vehicle access is provided for DoC staff and state that such access should also be provided for responsible recreational hunters and should be permanently provided.

The provision of public access across land under review is an object of tenure review, as indicated in Section 24(c)(i) CPLA and therefore the point has been allowed for further consideration.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission Numbers.</i>	<i>Allow or disallow</i>
19	Retain any usable huts on the conservation area.	10	Disallow

Rationale

The submitter recommends that any usable muster or other huts on CA1 not be removed or demolished and be available for public use once the land is surrendered.

The point is considered to be a post tenure review land management issue for DoC and not a relevant matter able to be dealt with by the CPLA. This point has therefore been disallowed for further consideration within tenure review but the comments made by the submitter will be referred to the Department of Conservation to take into account in determining future management of CA1.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission Numbers.</i>	<i>Allow or disallow</i>
20	The whole property upslope from the lower elevation of CC1 should be protected in full Crown ownership and control.	13, 14	Allow

Rationale

Submitter 13 believes continued grazing of CC1 without fencing will result in the shrublands not reaching their ecological potential and would eventually lead to their demise.

Submitter 14 identifies the remnant indigenous shrublands occur on a chronically threatened environment and represent the most visually significant indigenous vegetation remaining on the lower slopes of the western Pisa Range.

Both submitters propose the entire lower slope from the lower elevation of CC1 should formerly protected and revert to full Crown management and control. Submitter 13 suggests a stock proof fence along this boundary would be the only internal fence required on the property. Both submitters qualify this and their other points by suggesting the property should continue as a pastoral lease if all their recommendations can not be implemented.

The point relates to the protection of significant inherent values which is an object of tenure review, as indicated in Section 24(b) CPLA and therefore the point has been allowed for further consideration.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission Numbers.</i>	<i>Allow or disallow</i>
21	Land to be freeholded with wilding pines on it should be subject to a sustainable land management covenant to control the pines.	8, 14	Allow

Rationale

Submitter 8 suggests removal of wilding trees should be mandatory.

Submitter 14 is concerned about the ecological sustainability of the land proposed for freeholding. Their concern relates to the presence of several woody weed species, including wilding pines. The submitter believes continued presence of wilding pines will not promote ecologically sustainable management as they will contribute to an increasing wilding problem on neighbouring land.

The point relates promoting the management of reviewable land in a way that is ecologically sustainable which is an object of tenure review, as indicated in Section 24(a)(i) CPLA and therefore the point has been allowed for further consideration.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission Numbers.</i>	<i>Allow or disallow</i>
22	Concern about adverse impacts associated with increased traffic using the Mt Barker Road.	7	Disallow

Rationale

The submitter is concerned about the effect of the proposal on the poorly maintained Mt Barker Road. In particular the reduction in safety, increased dust and impact on the surface condition of the Mt Barker Road resulting from increased traffic.

The Mt Barker Road is not included in the land under review. It is consequently not a matter that can be considered under the CPLA and therefore the point is disallowed. The comments of the submitters will however be referred to DoC for them to consider raising in the event the Department undertake consultation with the local authority responsible for and management of the road in question over wider access issues.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission Numbers.</i>	<i>Allow or disallow</i>
23	Concern about freeholding of river and marginal riverbed land.	2	Allow

Rationale

The submitter objects to what they perceive as significant areas of river and marginal riverbed land being included within the area proposed to be freeholded.

This point is interpreted as questioning whether part of the proposed freehold land is capable of economic use. It therefore relates to section 24(a)(ii) CPLA, and has been allowed for further consideration.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Submission Numbers.</i>	<i>Allow or disallow</i>
24	Provision for wander at will within CC1 and CC2	9	Allow

Rationale

The submitter notes that it is not clear whether the public may wander in Covenants CC1 and CC2. It is interpreted the submitter is advocating inclusion of provision for public wander at will within those covenants.

Securing of public access to the reviewable land is an object of tenure review under Section 24(c)(i) of the CPLA and therefore this point has been allowed for further consideration.

4.3 Summary of submissions:

Submissions were received from a wide range of interested individuals, non government environmental and recreation groups together with a government agency and a territorial local authority.

There was notable interest in the issue of public access with 11 of the submitters objecting to aspects of the proposed public access easement (b-d-e). Most of the objections related to practical issues related to the difficulty of crossing the gully at the commencement of the easement plus the steepness and likelihood of erosion associated with construction of the track. The potential visual impact of a new track was also a major concern for several submitters. Two submitters suggested the existing farm track should be used for public as well as management access.

Several submitters commented on a wider community driven incentive to provide a network of cycle and walking tracks in the area and several submissions related to additional easements along side the Cardrona River to form part of this network.

A number of submitters also objected to the proposed route to gain public access to the property along the unformed legal road outside the reviewable land.

Approximately half the submitters expressed support for the proposed conservation area designation but several of those also suggested changes to the freehold designation including extending the area of formal protection over land containing indigenous shrubland visible from State Highway 89.

From the 24 points derived from the 19 submissions received 18 were allowed (either fully or in part) for further consideration.

Appendices:

- I** **List of Submitters**
- II** **Points Raised by Submitters**
- III** **Copies of Submissions**

APPENDIX I

List of Submitters

Submitter number	Date received	Submitter	Representative	Address
1	22 Aug 08	Ministry of Economic Development	Barry Winfield, Senior Analyst, Petroleum and Minerals Policy	33 Bowen St, PO Box 1473, WELLINGTON 6140
2	29 Aug 08	Geoff Clark		10 Smacks Close, Papanui, CHRISTCHURCH 8051.
3	8 Sep 08	North Otago Tramping and Mountaineering Club	John Chetwin, Secretary.	PO Box 217, OAMARU
4	11 Sep 08	Trevor Bain		945 Mt Barker Rd, RD 1, WANAKA
5	11 Sep 08	Rudi Sanders		935 Mt Barker Rd, WANAKA
6	12 Sep 08	Queenstown Lakes District Council	Ralph Henderson, Senior Policy Analyst	10 Gorge Rd, Private Bag 50072, QUEENSTOWN
7	12 Sep 08	Sanders Family Bain Family Hart family Hewitt Family Powell Family		935 Mt Barker Rd, WANAKA 945 Mt Barker Rd, WANAKA 925 Mt Barker Rd, WANAKA 903 Mt Barker Rd, WANAKA 953 Mt Barker Rd, WANAKA
8	12 Sep 08	Royal Forest and Bird Protection Society, Dunedin Branch	Janet Ledingham	PO Box 5793, DUNEDIN
9	12 Sep 08	Central Otago Recreational Users Forum	Jan Kelly, Secretary	186 Faulks Rd, RD 2, WANAKA
10	15 Sep 08	New Zealand Deerstalkers' Association Incorporated	Dr Hugh Barr, National Advocate	Level 1, 45-51 Rugby Street, PO Box 6514, WELLINGTON
11	15 Sep 08	Bronwyn Bain		945 Mt Barker Rd, WANAKA
12	15 Sep 08	Royal Forest and Bird Protection Society, Upper Clutha Branch	Denise Bruns, Secretary	Upper Clutha Branch, 4 Brookstead Drive, WANAKA
13	15 Sep 08	Alan Mark	Emeritus Professor, Department of Botany University of Otago	Division of Sciences, PO Box 56, DUNEDIN
14	15 Sep 08	Royal Forest and Bird Protection Society, Southern Office	Sue Maturin, Otago Southland Field Officer	PO Box 6230, DUNEDIN
15	15 Sep 08	Otago Conservation Board	Hoani Langsbury, Chairperson	Box 5244, DUNEDIN
16	16 Sep 08	Federated Mountain Clubs of New Zealand Inc.	Phil Glasson, Secretary	PO Box 1604, WELLINGTON
17	19 Sep 08	Upper Clutha Tramping Club Incorporated	Sue Webb, Committee Member	PO Box 733, WANAKA

18	23 Sep 08	Upper Clutha Environment Society (Inc)		PO Box 443, WANAKA
19	25 Sep 08	Lake Wanaka Cycling Inc	Tim Dennis	C/o PO Box 713, WANAKA

APPENDIX II

Points Raised by Submitters

Point Raised	Number of submitters	Submitter number										Details of point raised
1	1	1										Current prospecting activity by Glass Earth shows the property and surrounding area has potential minerals. It is critical that exploration and mining companies get ongoing access to the land. Provision should be made for mineral prospecting activities to continue to be undertaken. Arrangements should be put in place to ensure that future mineral explorers and developers have the right of access to Crown and freehold land on reasonable terms.
2	5	2	8	12	16	18						The conservation covenants should be extended to cover other parts of the proposed freehold land identified with significant inherent values.
3	4	2	9	12	16							The conditions of the Conservation Covenant CC2 have been questioned with proposed amendments.
4	1	2										The exclusion of dogs on the easement has been questioned.
5	8	4	5	7	11	13	14	16	17			Objection to aspects of the public access route relating to use of an unformed legal road from Mt Barker Road to the start of the public access easement on the property boundary at (b)
6	10	4	7	9	12	13	14	15	16	18	19	Aspects of the proposed public access easement (b-d-e) are not acceptable and alternatives should be investigated. Issues include too dangerous, not practical, not logical, not safe and secure, the steep ravine between points b-d is inaccessible and creating it will have a visual impact and may cause erosion and mud slides.
7	8	4	7	9	14	15	17	18	19			The existing farm track should form the public access easement.
8	3	12	15	19								The creation of the proposed public access easement (b-d-e) is considered too costly for DoC and therefore should be created as part of tenure review and guaranteed a practical and reasonable route will be formed.
9	2	6	19									Consideration be given to extending the Mt Barker legal road from within the lease boundary to connect with the Cardrona Valley legal road over the exiting private road.
10	1	6										Ensure that Freeholding land through Tenure review will not act as an impediment to the creation of a wider network of trails in the Cardrona valley including a proposed Cardrona – Wanaka trail.
11	1	6										Concerns about Department of Conservation resources to manage land acquired through Tenure Review.
12	2	7	12									No Parking and toilet facilities have been provided for.
13	2	7	9									Confirmation that all appropriate studies of the historic sites have been undertaken and they be given extra ordinary protection.
14	9	8	9	10	12	13	14	15	16	18		Statements of support for the proposal.

15	6	8	9	12	13	14	16					Conservation covenant CC2 should be conservation land and be added to CA1.
16	2	9	13									Proposed conservation covenant CC1 be fenced and that brier and wilding pines be actively eliminated.
17	4	9	17	18	19							A track be created along the Cardrona River riparian strip to allow a loop trip with adjacent land using the Avalon track and also allow a proposed network of trails such as the Cardrona – Wanaka trail to be realised.
18	1	10										Adequate permanent public vehicular access needs to be provided to conservation area CA1.
19	1	10										Retain any usable huts on the conservation area.
20	2	13	14									The whole property upslope from the lower elevation of CC1 should be protected in full Crown ownership and control.
21	1	8	14									Land to be freeholded with wilding pines on it should be subject to a sustainable land management covenant to control the pines.
22	1	7										Concern about adverse impacts associated with increased traffic using the Mt Barker Road
23	1	2										Concern about freeholding of river and marginal riverbed land.
24	1	9										Provision for wander at will within CC1 and CC2

APPENDIX III

Copies of Submissions