

## Crown Pastoral Land Tenure Review

Lease name : *Kawarau / Mt  
Difficulty*

Lease number : PO 234 / PO 353

### Public Submissions

These submissions were received as a result of the public advertising of the Preliminary Proposal for Tenure Review.


These submissions are released under the Official Information Act 1982.

*May*

*12*

**Simon de Lautour**

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**From:** Dave Payton [Dave.Payton@opus.co.nz]   
**Sent:** Wednesday, 8 February 2012 15:53  
**To:** Simon de Lautour  
**Subject:** FW: submission on MT DIFFICULTY AND KAWARAU STATION TENURE REVIEW  
**Attachments:** DIFFICULTY & KAWARAU submission.pdf

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**From:** [cpearson86@aol.com](mailto:cpearson86@aol.com) [<mailto:cpearson86@aol.com>]  
**Sent:** Saturday, 4 February 2012 10:27 a.m.  
**To:** [dave.payton@opus.co.nz](mailto:dave.payton@opus.co.nz)  
**Subject:** submission on MT DIFFICULTY AND KAWARAU STATION TENURE REVIEW

Attached is my submission on the MT DIFFICULTY AND KAWARAU STATION TENURE REVIEW.

Best regards Chris Pearson

Chris Pearson  
18 Rewa St  
Dunedin  
New Zealand

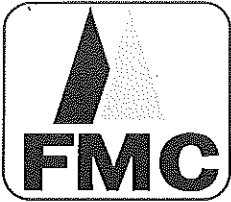
Saturday, February 4, 2012  
Commissioner of Crown Lands  
c- Darroch Ltd  
Private Bag 1913  
Dunedin 9054  
To Whom it may concern

I would like to make the following submission for Preliminary Proposal for the Tenure review of the MT DIFFICULTY & KAWARAU pastoral lease which is undergoing tenure review under the Crown Pastoral Land Act 1998. I am familiar with some of this area (primarily CA1) through cross-country skiing in the early 1990's. I believe that the area CA1 will provide a valuable addition to the growing body of crown land suitable for cross country skiing that is open to public access in the vicinity of the Nevis Road. I would like to express the hope that this will eventually be connected to the Nevis Road and the Old Woman Conservation area through future tenure reviews. I also applaud the innovative use of a special lease (CL) to provide public access to land with high recreational value and which can also support agricultural use. I believe that this could be used as a template for other areas. It could allow more land to be opened to public access without burdening DOC with the cost of administration and pest control. I also feel that this tenure review is commendable because it is particularly well supplied by easements allowing public access.

My major concern for this tenure review is that it leaves two DOC conservation areas as isolated tracts of public land surrounded by land that will be free-holded. The larger of these preexisting DOC reserves (Long Gully / Mt Difficulty Consult # F41172) is my larger concerns. I would like to see CA1 extended along the crest of the Carrick Range to provide access between these two areas I wonder if this could not be done by developing another small special lease as one done in the CL area discussed above. If this is not possible than at least there should be a public foot and cross country ski access along the crest of the Carrick Range from point X on the designation plan to the unnamed peak at the South end of the Long Gully / Mt Difficulty Conservation Area.

Sincerely yours,

Christopher Pearson



# Federated Mountain Clubs of NZ (Inc)

P.O. Box 1604  
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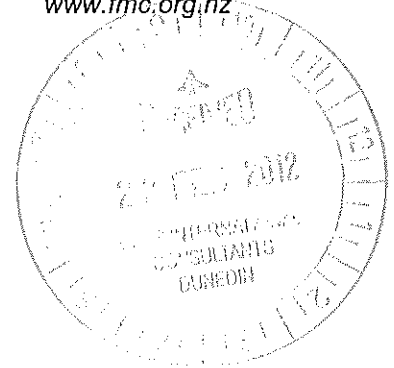
21 February 2012

The Commissioner of Crown Lands,  
Opus International Consultants Ltd.  
Private Bag 1913  
DUNEDIN 9054

Attention David Payton

Dear Sir,

**Re: Preliminary Proposal for Tenure Review**  
**Kawarau Station Pastoral Lease (Po 234)**  
**Mt Diffieulty Pastoral Lease (Po 353)**



I write on behalf of Federated Mountain Clubs of NZ Inc. (FMC) which represents over 11,000 members of tramping, mountaineering, climbing and other outdoor clubs throughout New Zealand. We also indirectly represent the interests and concerns of many thousands of private individuals who may not currently be members of clubs but who enjoy recreation in the back country.

On their behalf, FMC aims to enhance recreation opportunities, to protect natural values, especially landscape and vegetation, as well as historic values and to improve public access to the back country through the tenure review process.

FMC fully supports the objectives of tenure review as set out in the Crown Pastoral Land (CPL) Act 1998, and the Clark (Labour-led) government's stated objectives for the South Island high country especially the following:-

- *\* to promote the management of the Crown's high country in a way that is ecologically sustainable.*
- *\* to protect significant inherent values of reviewable land by the creation of protective measures; or preferably by restoration of the land concerned to full Crown ownership and control.*
- *\* to secure public access to and enjoyment of high country land.*
- *to ensure that conservation outcomes for the high country are consistent with the NZ Biodiversity Strategy.*

[EDC Min (03) 5/3; CAB Min (03) 11/5 refer]

\* Note that regardless of the changes of government and of governments' policies, these objectives are still the law of the land as enshrined in the Crown Pastoral Land Act, 1998.

We recognize that additional objectives (introduced by the Clark Labour-led government) have been reviewed and modified by a previous government, and will no doubt be reviewed again by the 2011 Key (National-led) government, but we still believe they are fundamental to the future well-being of the South Island high country and should be given appropriate weight in the tenure review process.

FMC appreciates this opportunity to comment on the Preliminary Proposal (PP) for the review of Mt Diffieulty and Kawarau Station Pastoral Leases.

## THE PRELIMINARY PROPOSAL

### General description of the proposal:

2.1. An area of approximately 6 hectares to be restored to or retained in full Crown ownership and control as Historic Reserve (R.1) pursuant to Section 35(2)(a)(ii) Crown Pastoral Land Act 1998.

2.2 An area of approximately 987.744 hectares to be restored to or retained in Crown control as Conservation Area (CA 1) pursuant to Section 35(2)(b)(i) Crown Pastoral Land Act 1998 subject to the following qualified designations.

2.2.1 A Grazing Concession (over CA 1) in favour of Kowarau Station Limited, pursuant to Section 36(1)(a) Crown Pastoral Land Act 1998.

2.2.2 An Easement Concession (over CA 1) in favour of Kowarau Station Limited for farm management access, pursuant to Section 36(1)(a) Crown Pastoral Land Act 1998.

2.3. An area of approximately 160 hectares to be restored to or retained in Crown control as Historic Reserve (R 2) pursuant to Section 35(2)(b)(ii) Crown Pastoral Land Act 1998 subject to the following qualified designations.

2.3.1 A Grazing Concession (over R 2) in favour of Kowarau Station Limited, pursuant to Section 36(1)(a) Crown Pastoral Land Act 1998.

2.3.2 The continuation in force of an existing easement in gross (over R 2) in favour of the Carrick Irrigation Company Limited, pursuant to section 36(3)(c) Crown Pastoral Land Act 1998.

2.4 An area of approximately 765.1156 hectares to be restored to or retained in Crown control (CL) under the Land Act 1948 pursuant to Section 35(2)(b)(iv) Crown Pastoral Land Act 1998 subject to the following qualified designation.

2.4.1 A Special Lease (over CL) issued to Kowarau Station Limited, pursuant to Section 36(1)(b) Crown Pastoral Land Act 1998.

2.5. An area of approximately 8175 hectares to be disposed of by freehold disposal to Kowarau Station Limited pursuant to Section 35(3) Crown Pastoral Land Act 1998, subject to Part IVA Conservation Act 1987, Section 11 Crown Minerals Act 1991, the following protective mechanisms and qualified designations:

### Protective mechanisms:

2.5.1 A Conservation Covenant (CC1) of approximately 1280 hectares pursuant to Sections 40(1)(b) and 40(2)(a) Crown Pastoral Land Act 1998 to protect the natural environment and landscape amenity.

2.5.2 A Conservation Covenant (CC2) of approximately 3255 hectares pursuant to Sections 40(1)(b) and 40(2)(a) Crown Pastoral Land Act 1998 to protect the outstanding natural landscape and land above 900 metres.

**Qualified designations:**

**2.5.3 Easements to provide public and conservation management access pursuant to Sections 36(3)(b) Crown Pastoral Land Act 1998.**

**2.5.4 A management purposes easement to provide a right to convey water in favour of the Department of Conservation is to be created pursuant to Sections 36(3)(b) Crown Pastoral Land Act 1998.**

**2.5.5 (i) The continuation in force of an existing easement which provides a right to convey water in favour of the Bannockburn Irrigation Society Incorporated, pursuant to section 36(3)(c) Crown Pastoral Land Act 1998.**

**2.5.5 (ii) The continuation in force of an existing easement which provides a right to convey water in favour of the Carrick Irrigation Company Limited, pursuant to section 36(3)(c) Crown Pastoral Land Act 1998.**

**2.5.5 (iii) The continuation in force of an existing right of way easement over the adjoining land as an appurtenant easement to the land to be disposed of by freehold disposals to Kawarau Station Limited, pursuant to section 36(3)(c) Crown Pastoral Land Act 1998.**

**2.5.5 (iv) The continuation in force of an existing easement for telecommunication purposes in favour of Telecom Mobile communications Limited, pursuant to section 36(3)(c) Crown Pastoral Land Act 1998.**

**2.5.5 (v) The continuation in force of an existing right of way easement in favour of Kawarau Station Limited, as an appurtenant easement over the adjoining Crown land as an operating easement, pursuant to section 36(3)(c) Crown Pastoral Land Act 1998.**

**Introduction and Submissions**

A Report entitled "*Preliminary Reports on Recreational and Related Significant Inherent Values – Central and North Otago Properties*" was prepared by FMC in February 1999. This included Mt Difficulty and Kawarau Station and made recommendations for the designation of a new Conservation Area, easements for recreational use of the property and the freeholding of areas capable of supporting ecologically sustainable pastoral use. The Report included 16 Figures illustrating the main issues discussed in the Report. This older report is attached as an Appendix to this submission which considers the earlier (1999) FMC recommendations and the new proposals included in the Preliminary Proposal (PP) for the review of Mt Difficulty and Kawarau Station Pastoral Leases.

In this submission we present our views and recommendations in the same format as the PP quoted above.

**2.1 An area of approximately 6 hectares to be restored to or retained in full Crown ownership and control as Historic Reserve (R.1) pursuant to Section 35(2)(a)(ii) Crown Pastoral Land Act 1998.**

We note that this small area includes the site of the Natural Bridge over the Kawarau River which was an important crossing place for Maori travelling via traditional routes to the Cardrona Valley and the Wakatipu Basin. We also note that the proposed reserve includes a small terrace near the Natural Bridge which was used as a temporary campsite. The Reserve is to be vested in Te Runanga o Ngai Tahu under Section 26 of the Reserves Act.

*FMC Submission*

*FMC supports this designation and vesting.*

**2.2 An area of approximately 987.744 hectares to be restored to or retained in Crown control as Conservation Area (CA1) pursuant to Section 35(2)(b)(i) Crown Pastoral Land Act 1998 subject to qualified designations.**

This area of almost 1,000ha consists almost entirely of an extensive plateau much of which is located at about 1,250m, the exception being a small area where it plunges down the steep bluffy side of the Nevis Gorge to the river at about 300m. It thus provides an ecological, altitudinal transect of about 1000m height difference between the river bed and the range crest. The area includes the headwaters of Potters Creek, the entire catchment of an unnamed creek north of Potters Creek, and a small part of the upper catchment of Slapjack Creek.

FMC is pleased to note that this area corresponds closely with an area in the SW corner of Kawarau Station, recommended for return to full Crown ownership and control in the FMC Report (1999). The area included both the rolling plateau tussock grasslands and the steep rocky flanks of the Nevis Gorge. Our recommendations in 1999 also included the Stone Hut located at NZMS F42 973.588 at about 950m beside an unnamed creek, high in the Nevis gorge. FMC is convinced that this hut would add greatly to the recreational value of Conservation Area CA1 but the current proposal shows the hut located just 500m outside the proposed CA1 boundary.

The Protected Natural Area (PNA) Programme identified a Recommended Area for Protection (RAP 2/2 Potters Creek), part of which is included within CA1. The area includes extensive tussock grasslands and excellent examples of sub-alpine finger bogs, and rock tor and bluff communities on the higher parts. It is noted that the catchments contain high habitat diversity which includes rare or threatened species of *Carmichaelia*, *Hebe*, *Olearia*, *Acaena* and *Vittadinia*.

The proposal document refers to two historic alluvial goldmining sites, but it is not clear from the description if either or both of these lies within CA1. This is important because the proposal document does point out that the workings represent a class of site which is now rare. For this reason the workings should be protected either within the Conservation Area or in a designated Historic Reserve if they are located elsewhere.

Landscape appreciation and interpretation is an important part of the enjoyment of recreation in the back country. It is for this reason that it is important to note and ensure the protection of the two key features of the landscape in the Conservation Area, and indeed elsewhere within these pastoral leases along the Carrick Range and in the Nevis Gorge. These features are tussock-covered homogeneous, subdued landform of the range and the spectacular rugged gorge.

The subdued landscape and rolling tussock grasslands, together with the contrasting shrublands and areas of sub-alpine cushionfield and finger bogs provide a varied and interesting resource for a variety of forms of recreation which is easily accessible by legal roads and new easements. More active recreation includes tramping, mountain bike and horse riding, while more passive pursuits include botanising, painting, photography, birdwatching and exploration of historic sites. Recreational opportunities would also be enhanced by the inclusion within CA1 of the Stone Hut referred to above.

We submit that consideration should be given to the extension of CA1 to include those parts of CCI which include the Stone Hut and surrounding shrublands, situated beside an unnamed creek running down steeply into the Nevis gorge, and land in the headwaters of Slapjack Creek which also contains significant inherent values. These matters will be discussed further in section 2.5 on freehold disposal.

We approve of the proposal to enclose the Conservation Area within the new fences "U-V" and "W-X" in order to protect the natural values from the adverse effects of unwanted grazing and browsing.

**FMC Submission**

*FMC wholeheartedly supports the proposal to designate almost 1,000ha along the southern boundary of Kawarau Station as Conservation Area CA1. We recommend that negotiations be reopened to include the Stone Hut described above and a larger part of the headwaters of Slapjack Creek within CA1.*

*We request that attention is given to our query about the two goldmining sites, and if appropriate, consideration be given to the protection of these sites as Historic Reserves or inclusion within the Conservation Area*

**2.2.1 A Grazing Concession (over CA1) in favour of Kawarau Station Limited, pursuant to Section 36(1)(a) Crown Pastoral Land Act 1998.**

FMC understands that the proposed Grazing Concession will be limited to 10 years and that the maximum allowable stocking rate is 1500 wethers on 987ha for 3 months in summer/autumn. We calculate that this amounts to approximately 1.1 SU per ha during the grazing period or the equivalent of 0.3 SU per ha per annum. We believe that to allow adjustments in farm management, this is not unreasonable so long as any possible adverse effects are monitored carefully.

Bearing mind the presence of rare and threatened plants within this block, it is important that any possible adverse effects of grazing and browsing are monitored carefully, and if adverse effects on rare or threatened species are recorded, then grazing stock should be removed immediately, and the management regime revised accordingly.

**FMC Submission**

*FMC is not opposed to a 10-year Grazing Concession over Conservation Area CA 1 so long as any possible adverse effects of grazing and/or browsing on native vegetation (especially the rare and threatened plants known to be present in this block), is monitored carefully, and if adverse effects are recorded then stock should be removed immediately, and the management regime should be modified accordingly.*

**2.2.2 An Easement Concession (over CA1) in favour of Kawarau Station Limited for farm management access, pursuant to Section 36(1)(a) Crown Pastoral Land Act 1998.**

FMC understands that it is proposed to grant an easement in favour of Kawarau Station Ltd to use the track "r-o-v-w" through Conservation Area CA1 for farm management purposes. We further understand that this access is required to link parts of the proposed freehold land in the Nevis and Bannockburn catchments. FMC has no objection to the granting of this easement.

**FMC Submission**



*FMC has no objection to the granting of an easement for farm management purposes over the track indicated as "r-o-v-w" in the proposed Conservation Area CA1 in the Preliminary Proposal document.*

**2.3** An area of approximately 160 hectares to be restored to or retained in Crown control as Historic Reserve (R 2) pursuant to Section 35(2)(b)(ii) Crown Pastoral Land Act 1998 subject to qualified designations.

FMC is pleased to note that it is proposed to designate 160ha of land adjacent to the eastern boundary of the Kawarau Station pastoral lease as an Historic Reserve to include the Carricktown Walking Track, and to protect the significant gold mining relics in the vicinity of the walking track and Carricktown township. Again this corresponds closely with recommendations made in our 1999 Report.

We agree with the proposal document where it states that the Carricktown Mining Area ranks in significance alongside the Bendigo and Macetown gold mining areas as outstanding examples of hard rock gold mining and the small communities that grew up around the mines.

The Carricktown site contains good examples of complete mining sites which include mine shafts , battery sites, storage dams and water races which provided the motive power to drive the batteries, and the Carricktown township itself. In and around the township can be found the ruins of no less than 16 buildings including miners huts, hotels, a blacksmiths shop and probably a bakery and butchers shop – a thriving little community in its day.

We note that existing fencing surrounds the site of the proposed Reserve from which cattle are to be excluded on account of the damage they could cause to the historic ruins. We accept that controlled sheep grazing, on the other hand, may be beneficial in controlling excessive pasture and woody weed (notably briar) growth.

The proposal document states that "A farm track approximates this eastern boundary and maybe aligned to the legal road in places". This statement does not satisfy the CPL Act requirement "to secure public access to and enjoyment of high country land". FMC asserts that either (i) the actual formation on the ground should be formally recognized as the legal road, or (ii) the track should be designated as a formal easement for public use on foot or by riders of horses and mountain bikes.

We are very pleased to note the forward-looking comment that "*the southern boundary of the proposal adjoins a similar Historic Reserve proposed to be created on the successful completion of the tenure review on the adjoining Carrick pastoral lease. When that is achieved both areas will form an extended Historic Reserve*".

### **FMC Submission**

*FMC supports and endorses the proposal to create an Historic Reserve at Carricktown, which hopefully in future will be amalgamated with a similar Reserve emerging from the tenure review of Carrick Station. Our only reservation concerns access, which as proposed is not secure and does not satisfy the CPL Act.*

*FMC submits that either (i) the actual formation on the ground of the Carricktown Track should be formally recognized as the legal road, or (ii) the track should be designated as a formal easement for public use on foot or by riders of horses and mountain bikes.*

**2.3.1 A Grazing Concession (over R 2) in favour of Kawarau Station Limited, pursuant to Section 36(1)(a) Crown Pastoral Land Act 1998.**

FMC notes that the purpose for the Grazing Concession is to provide some grazing control over pasture growth within the proposed Historic Reserve. The nominated stocking rate of 300 sheep on 160ha of Reserve land represents a stocking rate of between 1.3 and 1.9 SU per ha per annum, depending on the class of stock involved. We would argue that if the objective is to control excessive pasture growth a more effective approach might be to concentrate the sheep on the Reserve for a shorter period of time – say for a period of 6 months or less during the grazing period in spring and early summer. Note that this grazing regime, because of its more concentrated effect, at a time when there should be adequate moisture for grass growth might serve the purpose better than the originally proposed alternative, but still not have serious adverse effects.

**FMC Submission**

*FMC has no objection to the proposed Grazing Concession involving the grazing of a maximum of 300 sheep per annum over an area of 160 ha (ie between 1.3 and 1.9 SU per ha per annum). However, we submit that for the purpose of controlling pasture growth, a grazing pressure of 300 sheep for 6 months during spring and early summer could be more effective than the original proposal.*

**2.3.2 The continuation in force of an existing easement in gross (over R 2) in favour of the Carrick Irrigation Company Limited, pursuant to section 36(3)(c) Crown Pastoral Land Act 1998.**

We note that this existing easement is described in Appendix 8 contained in the CD appended to the PP document. We note that the terms and conditions of the easement give wide ranging “*Rights and Powers relating to the Grant of Easement*” in Clause 3.1, but that the Irrigation Company is required under Clause 3.2 to “*Cause as little disruption and disturbance.....and damage .....as is reasonably possible*”. Given these conditions, as well as others which appear to be designed to minimise any problems which might be caused by the operation and maintenance of the water race, FMC has no objections to the continuance in force of the existing easement.

**FMC Submission**

*FMC has no objection to the continuation in force of the existing easement in gross in favour of the Carrick Irrigation Co Ltd.*

**2.4 An area of approximately 765.1156 hectares to be restored to or retained in Crown control (CL) under the Land Act 1948 pursuant to Section 35(2)(b)(iv) Crown Pastoral Land Act 1998 subject to a qualified designation.**

FMC notes this proposal with considerable interest because it is the first such proposal in the tenure review programme that we are aware of, to be made under the Land Act 1948. As such, it allows for grazing for up to 60 years under conditions similar to that of a concession over a conservation area, but in this case over Crown Land, and for a much longer period than is usual.

An important difference here is that covenanted protection over freehold land allows the landowner to control access, whereas the proposed Special Lease over Crown Land would permit public access.

This area represents almost all of the Kawarau (Meg) face on the true right of the Kawarau Gorge, including the entire catchment of Cascade Stream which was recognised as RAP 1/1 (Mt Difficulty) in the PNA Report (1986). It also represents substantially the same area as was recommended for landscape and scenic value protection in the 1999 FMC Report. At that time the alternatives of reserve status or binding covenant protection were suggested. We are pleased to see the same values are recognised and proposed for protection in the current PP.

FMC regrets that the proposed protection does not extend over the Carrick ridge to include an unnamed creek draining to the west. These two catchments constitute a matching pair where the essential difference is aspect. The importance and ecological value of these two contrasting catchments was recognised by the PNA survey as RAP 1/1 Mt Difficulty which included both catchments but the current proposal includes only the Cascade Stream. It is recommended that the proposal should be re-negotiated with the aim to include the entire area of RAP 1/1 and its twin catchments. This matter will be discussed further in Section 2.5 (Freehold Disposal).

We agree that the true right of the Kawarau Gorge is a spectacular rocky and dramatic landscape which is highly visible from the main tourist route from Christchurch to Queenstown, and as such is an important scenic corridor which deserved protection. The area is also reported to contain the most diverse, semi-arid tussockland, grassland, and shrubland in the Ecological District. We note that the area also contains no less than five rare or threatened vegetation species. For all these reasons FMC supports the retention of this area under Crown control.

This area is also important for its historic goldmining relics which date back to the rush of the 1860s. These are concentrated along the lower terraces adjacent to the Kawarau River and backed by the spectacular landscape of the gorge. Some of these are available for public interest and enjoyment at Gees Flat where the Mining Centre has been developed on Crown land which is part of the Otago Goldfields Park. It is good that the entire area will become available for public use and enjoyment.

We note that the proposal makes provision for grazing which will be discussed in Section 2.4.1

FMC endorses the availability of public access to both the northern and south-western boundaries of the area, but we have some problems in identifying how access is gained to the northern end. It appears that the proposed access "a – b" continuing as "c – d" leads to point "d" at the Nevis/Kawarau confluence. At that point it appears that both the Kawarau and Nevis Rivers may need to be crossed in order to gain access to the area designated "CL". This requires clarification or provision for public walking access between points "p" and "d".

We are also unclear about another proposed route: "l-m-n-o" (ie from CA 1, along the crest of the Carrick Range and through Slapjack Saddle to the top of the Kawarau (Meg) Face at "l"). Although the proposed new public access routes are not entirely clear from the proposal document (PP) it does appear that a range of new opportunities may emerge from this tenure review. If we have interpreted the PP correctly it seems that there will be an exciting new range of recreational opportunities on this property. We hope that all these routes will be confirmed in the Substantive Proposal, and if so there will be a clear need for a comprehensive DOC Brochure on the new recreational routes for walkers, riders of horses and mountain bikes, and in some cases for 4WD vehicles. We look forward to the confirmation of these new recreational opportunities. The whole topic of recreational access will be discussed more fully in Section 2.5.3 .

### *FMC Submissions*

*FMC submits as follows:-*

- (i) FMC supports the proposal to restore to or retain approximately 765 hectares in Crown control under the Land Act 1948 in order to protect spectacular landscape and important vegetation values.*
- (ii) FMC supports the recognition and protection of the historic goldmining relics on the terraces adjacent to the river.*
- (iii) The recognition of recreational opportunities within this area is important because there is significant undeveloped potential for walking tracks along the river and in the gorge.*
- (iv) FMC endorses the availability of public access to both the northern and south-western boundaries of the area. We have some problems in understanding how it is intended access to point "d" is to be gained. This requires clarification or provision for public access from "p" to "d"*

**2.4.1 A Special Lease (over CL) issued to Kawarau Station Limited, pursuant to Section 36(1)(b) Crown Pastoral Land Act 1998.**

FMC notes that it is proposed to issue a Special Lease to Kawarau Station Ltd to enable controlled grazing over this area of some 765 ha.

The proposal indicates up to 1,200 wethers for a period of 9 months between May and December. We calculate this to be equivalent to approximately 0.8 SU/ha per annum, whereas the PP specifies a maximum of 0.4 SU /ha per annum. FMC therefore points out that either the number of sheep, or the length of the grazing period, will need to be reduced to conform with the specified 0.4 SU/ha per annum maximum.

We note that the PP indicates a comprehensive programme of photo point and quantitative ground cover monitoring, to record changes in soil and vegetation condition. It is proposed that this monitoring programme would consist of a series of permanent quadrats (not quadrants) along 5 transects across the grazed area.

**FMC Submission**

*FMC accepts that a comprehensive monitoring programme has been planned and which is intended to ensure that there are no adverse effects on soil and vegetative condition. It is important that there is also provision to change the grazing regime if the monitoring programme reveals any adverse effects. It is equally important that appropriate changes in the grazing regime are implemented if the monitoring programme indicates that this is necessary. So long as this is recognised and implemented, them FMC is satisfied with the proposal.*

**2.5 An area of approximately 8175 hectares to be disposed of by freehold disposal to Kawarau Station Limited pursuant to Section 35(3) Crown Pastoral Land Act 1998, subject to Part IVA Conservation Act 1987, Section 11 Crown Minerals Act 1991, the following protective mechanisms and qualified designations:**

Most of the lower country on Kawarau and Mt Difficulty is characterised by Yellow Grey Earth Arrow Steepland and Blackstone Hill soils which are classified in Land Use Capability (LUC) Class VI, and which are probably capable of supporting ecologically sustainable land use, so long as a regular fertiliser programme replaces nutrients removed in animal products such as meat and wool.

There is however, a significant area (approximately 1,000ha) above about 900 to 1,000m along the northern extremity of the Carrick Range from the vicinity of Slapjack Saddle to and including, Mt Difficulty which itself rises to 1285m. This high country also extends back along the Carrick Range to the

southern boundary of Kawarau Station. This larger area is dominated by large areas of High Country Yellow Brown Earth Dunstan Steepland and Carrick Hill soils classified LUC Class VIIe, but also includes four separate areas of LUC Class VIII country.

These four areas (none very large, and not more than about 500ha in total) of LUC Class VIII land are by definition, not capable of supporting ecologically sustainable land use and are unsuitable for freehold disposal, but also contain some significant inherent values. The first of these areas (i) lies partly within CA1 and partly within CC1 in the Nevis gorge. The second (ii) lies close to the southern boundary of the property at the head of Long Gully. The third area (iii) of Class VIII land lies just north of the summit of Mt Difficulty and on the Kawarau (Meg) face, while the fourth area (iv) lies above the confluence of the Nevis and Kawarau Rivers.

The northern boundary of CA1 could be adjusted to incorporate all the steep rocky Class VIII land (i) in the Nevis gorge into the CA1 Conservation Area at the same time as consideration is given to the inclusion of the Stone Hut and surrounding shrublands within the CA1 Conservation area as indicated above in section 2.2.

The worst of the eroded and barren land at the head of Long Gully (ii) appears to be included within CA1. However the area of land in this area (all well above 1,000m and classified LUC Class VIIe) is much more extensive and is clearly incapable of supporting ecologically sustainable land use and should not be disposed as freehold. This area, currently proposed as part of CC2 should instead be added to CA1.

We note that a fencing adjustment (S-T) is proposed in the vicinity of area (iii). However, it is not clear from the PP, or from Appendix 3, whether the Class VIII area is intended to be freehold or included in proposed Crown Land (CL). It is our belief and recommendation that the Class VIII land should be fenced into the Crown Land CL.

It is difficult to see how the Class VIII land (iv) above the confluence of the Nevis and Kawarau Rivers could be excluded from the proposed freehold land without excluding all that land within the loop of the Kawarau River north of the confluence of the rivers. This would be inappropriate because we recognise that there is also land capable of ecologically sustainable land use within that area.

We are deeply concerned that there is a very large area (approximating 4,000ha by our calculations) which is characterised by Carrick and Dunstan soils of LUC Classes VIIe in addition to the Class VIII land. Such lands are most unlikely to be capable of supporting ecologically sustainable pastoral use for reasons which have been explained in many previous FMC submissions. We believe that it is inappropriate, and contrary to the CPL Act that such a large area should be designated for freehold disposal.

It is worthwhile noting that whilst the present runholder may manage the area in a very conservative and sympathetic way, the same may not be true for future runholders, whether they be kiwi, corporate or off-shore owners. We must be cognisant of the fact the freeholding will be forever, and decisions made today must ensure permanent land tenure which provides for the ecologically sustainable use of the land.

FMC therefore suggests that designation of all LUC Class VIIe and VIII land should be reviewed with a view to establishing a Sustainable Management Covenant (SMC) (CPL Act S. 97).

We see no reason why some form of grazing management agreement could not be associated with the SMC in order to provide a transitional period time for the runholder to be able to modify his management to accommodate the new conditions of ownership.

We understand that two covenants covering about half the proposed freehold area are proposed to protect significant inherent values in areas which “*have been assessed as being capable of being used for economic use.*” This is not an appropriate criterion for assessing suitability for freehold disposal. Note that objective (a)(ii) of the CPL Act is to “*enable land capable of economic use to be freed from management constraints resulting from its tenure..... subject to (i) to promote the management of land in a way that is ecologically sustainable*”. In other words the appropriate criterion is ecological sustainability and not economic use.

We deal with the actual covenant proposals in Sections 2.5.1 and 2.5.2 below.

### FMC Submissions

*We have no objection to the freeholding of those parts of the Kawarau and Mt Difficulty pastoral leases (lowland and mid altitude areas below about 900m, (generally characterised by soils Classified in LUC Class VI). We believe that with appropriate maintenance to replenish soil nutrients such land should be capable of being managed in a way that promotes ecological sustainability, and satisfies the CPL Act criteria for freeholding.*

*By contrast we do not believe that it is appropriate, or consistent with the CPL Act, that LUC Class VIII land should be disposed as freehold. Instead we have proposed alternative designations for three (i), (ii) and (iii) of the four Class VIII areas identified above. See above for the alternative designations for areas (i), (ii) and (iii).*

*We are also recommending that the remaining Class VIII and VIIe land, most of which is unlikely to be capable of supporting ecologically sustainable land use, should be reviewed with a view to establishing a Sustainable Management Covenant (CPL Act S.97) over the area with provision for transitional, controlled and monitored grazing. We submit that this alternative should be given serious consideration.*

*We note that the PP states that within the proposed freehold area land has been “assessed as being capable of being used for economic use”. According to the CPL Act S.24 freehold disposal is subject to the promotion of ecological sustainability and the protection of significant inherent values, NOT its capability for economic use.*

### Protective mechanisms:

**2.5.1 A Conservation Covenant (CC1) of approximately 1280 hectares pursuant to Sections 40(1)(b) and 40(2)(a) Crown Pastoral Land Act 1998 to protect the natural environment and landscape amenity.**

FMC believes that the terms and conditions of the Covenant appear to be consistent with its declared purpose to protect the “Landscape and Natural Environment” values as described in Schedule I of the Covenant Document. We do however, believe that the extent of natural values and biodiversity of matagouri and Olearia shrublands, particularly in the upper reaches of the Slapjack Creek and in the vicinity of the Stone Hut is similar to that in the existing Slapjack Creek Reserve. This area is also home for one solitary surviving Kowhai tree. FMC submits that this area should be returned to full Crown ownership, as preferred in the CPL Act, and added to CAI

FMC recommended above that a Sustainable Management Covenant (SMC) should be seriously considered for all that land (proposed for freehold disposal in Section 2.5 of the Preliminary Proposal) above about

900m. A significant part Covenant Area CC1 in fact lies above 900m., which is also the altitude above which tussock grasslands are increasingly dominant.

We are not sure whether the terms and conditions of the proposed Covenant CC1 are consistent with our proposal for a SMC over the higher country. If they are not compatible, then it may be necessary to rewrite the terms and conditions of CC1 so that they are consistent with the management of the SMC area.

**FMC Submission**

*FMC submits that there are significant inherent values and biodiversity in the upper reaches of Slapjack Creek and in the vicinity of Stone Hut, akin to those in the existing Slapjack Creek Reserve which justify designation for return to full Crown ownership and control as preferred in the CPL Act, and addition to CA1.*

*FMC has recommended above (Section 2.5) that serious consideration should be given to the establishment of a SMC over that land above about 900m in the area proposed for freehold disposal. If that recommendation is adopted it may become necessary to rewrite the terms and conditions pertaining to Covenant Area CC1.*

**2.5.2** A Conservation Covenant (CC2) of approximately 3255 hectares pursuant to Sections 40(1)(b) and 40(2)(a) Crown Pastoral Land Act 1998 to protect the outstanding natural landscape and land above 900 metres.

There is a catchment on the western face of the Carrick Range (north end) which was identified in the PNA programme and recommended for protection as part of RAP 1/1 Mt Difficulty. This recommendation has not been recognised in the current PP. We regard this as an important oversight as it forms part of the original pair of catchments in the RAP whose ecological study value lies in their contrasting (east /west) aspects. For this reason we submit that the unnamed catchment which saddles with Cascade Stream should be returned to full Crown ownership and control and designated as a Conservation Area.

FMC notes that *"The purpose of the Covenant is primarily to provide protection of the significant inherent landscape values within the area defined as 'Outstanding Landscape Value' within the CODC District Plan and for land over 900m."* We further note that this need has arisen because the values recognised and intended to be protected in the District Plan would not apply to land freeholded as an outcome of tenure review. Furthermore, 900m is also the approximate altitude above which tussock grasslands become increasingly dominant.

However, we are aware that the provisions of the Operative District Plan are in the process of being considered for change under Plan Change 5. If such proposed changes are implemented, then the reasons for Covenant CC2 may either change or become unnecessary. Protection of the significant inherent values recognised within the proposed area of CC2 are however still likely to be required.

We believe it is too early to make recommendations as to the need for, and terms and conditions of, CC2 until the issues surrounding CODC Plan Change 5 have been resolved.

It should also be noted that the same questions arise regarding whether the terms and conditions applicable in Conservation Covenant areas and SMC areas are consistent, as was raised in Section 2.5.1 above.

**FMC Submission**

*Because of the closely related ecological values of both the catchments recognised in the PNA Programme, and its recommendation for protection as part of RAP 1/1 Mt Difficulty, we submit that that the unnamed catchment which saddles with Cascade Stream should be returned to full Crown ownership and control and designated as a Conservation Area.*

*We believe it is too early to make recommendations as to the need for, and terms and conditions of CC2, until the issues surrounding CODC Plan Change 5 have been resolved. All those matters discussed in Section 2.5.2 should be therefore put on hold until the Plan Change 5 issues have been resolved.*

**Qualified designations:**

**2.5.3 Easements to provide public and conservation management access pursuant to Sections 36(3)(b) Crown Pastoral Land Act 1998.**

The Proposal states that: *"It is proposed the land to be freeholded be subject to an easement in gross [sic] labelled "a-b, c-d, e-f-g-h-i, h-j-f, j-k, k-l-m-n-o, k-m-p and q-r" for Public Access and DOC management purposes and labelled "s-g, t-u" for DOC management purposes only pursuant to section 36 (3)(b) CPL Act 1998."*

We have had difficulty in interpreting the precise locations of, and interrelationships between, the proposed access routes which we believe require clarification in order to satisfy the CPL Act requirement to "secure public access."

Nevertheless, we have attempted to interpret the proposals, and present our views in that context as follows:-

**IF OUR ASSUMPTIONS ARE CORRECT, WE COMMENT AS FOLLOWS:-**

- (i) FMC endorses the proposal with respect to "a-b" and "c-d" which seem to simply confirm the right of way established by the existing legal road along the margin of the Clutha River.
- (ii) FMC endorses the proposal to provide Public Access (on foot, ,or horse, or mountain bike) over an existing farm track "e-f-g-h-i" from the vicinity of the Stewart Town Historic Site to the boundary of the existing Long Gully Reserve.
- (iii) Likewise FMC endorses the proposal to provide the same Public Access over an existing farm track "h-j-f" which enables the completion of a loop trip when coupled with the easement "e-f-g-h-i".
- (iv) FMC also endorses the proposed easement "k-l-m-n-o" and its associated links "j-k" and "k-m-p" which would enable a choice of round trips including the easement "e-f-g-h-i" from Stewart Town or an extended trip through Slapjack Saddle to the boundary of CC1 at "o". It is appreciated that easement "k-m-p" also provides parallel Public Access to the existing Reserves above the Long Gully bluffs and at the head of Slapjack Creek.
- (v) FMC also endorses the short easement "q-r" which is important because it provides Public Access from the historic Carricktown Track into the new Conservation Area CA1.

Despite our attempted interpretation of the proposals as set out above we are not entirely clear as to the precise locations of these proposed routes, and how they link together to form round trips, In particular we



are not clear how (a) the public are expected to gain access to "l" at the top of area CL, (b) how the public are expected to gain access to R1 because of difficulties in crossing the Nevis and Kawarau rivers, and (c) how the public gain access to point "e", although this may be from Felton Road and the Stewart Town Reserve. These points require clarification in order to satisfy the CPL Act requirement to "secure public access"

We understand the reasons for restrictions on horse access, and on public access over "f-g-h" during the lambing period and have no objections to these restrictions.

All these new routes which collectively provide a variety of trips (on foot or by those riding horses or mountain bikes) on the northern end of the Carrick Range will be much appreciated by recreational users into the future. These new opportunities are strongly supported by FMC.

We understand that access along the easements "s-g" and "t-u" are for management purposes only by DOC. While it would have been ideal to have had public access to an even greater variety of trips, we have no objection to the exclusive use of these two easements for management purposes only.

### FMC Submissions

*We have had difficulty in interpreting the precise locations of, and interrelationships between, the proposed access routes which we believe require clarification in order to satisfy the CPL Act requirement to "secure public access."*

*Nevertheless, and if our interpretations are correct, FMC appreciates that these proposals for Public Access are intended to provide a wide range of new recreational opportunities for users on foot, or horse or mountain bike. We therefore strongly endorse and support the proposed easements, and the context in which we believe they will be used as explained in (i) (ii) (iii) (iv) and (v) above, to enhance recreation through this tenure review.*

*We have no objections to the restrictions proposed on horse access, and no objection to the proposed restriction on the use of the section "f-g-h" during the lambing period.*

*FMC accepts that the use of easements "s-g" and "t-u" is for management purposes only.*

**2.5.4** A management purposes easement to provide a right to convey water in favour of the Department of Conservation is to be created pursuant to Sections 36(3)(b) Crown Pastoral Land Act 1998.

FMC understands that DOC already has an agreement to convey water to the Kawarau Gorge Mining Centre, this proposed easement will formalise that agreement.

FMC has no objection to the proposal to formalise the right to convey water to the Mining Centre in order to operate mining demonstrations at the Mining Centre

### FMC Submission

*FMC has no objection to the proposal to formalise the right to convey water to the Kawarau Mining Centre in order to operate mining demonstrations at the Mining Centre*

**2.5.5** Continuation of existing easements

The proposed freehold land will be subject to the continuation in force of a number of existing easements pursuant to Section 36(3)(c) of the CPL Act 1998.

2.5.5 (i) The continuation in force of an existing easement which provides a right to convey water in favour of the Bannockburn Irrigation Society Incorporated, pursuant to section 36(3)(c) Crown Pastoral Land Act 1998.

2.5.5 (ii) The continuation in force of an existing easement which provides a right to convey water in favour of the Carrick Irrigation Company Limited, pursuant to section 36(3)(c) Crown Pastoral Land Act 1998.

2.5.5 (iii) The continuation in force of an existing right of way easement over the adjoining land as an appurtenant easement to the land to be disposed of by freehold disposals to Kawarau Station Limited, pursuant to section 36(3)(c) Crown Pastoral Land Act 1998.

2.5.5 (iv) The continuation in force of an existing easement for telecommunication purposes in favour of Telecom Mobile communications Limited, pursuant to section 36(3)(c) Crown Pastoral Land Act 1998.

2.5.5 (v) The continuation in force of an existing right of way easement in favour of Kawarau Station Limited, as an appurtenant easement over the adjoining Crown land as an operating easement, pursuant to section 36(3)(c) Crown Pastoral Land Act 1998.

FMC Submission

*FMC has no objection to the continuation in force of any of the existing easements listed above.*

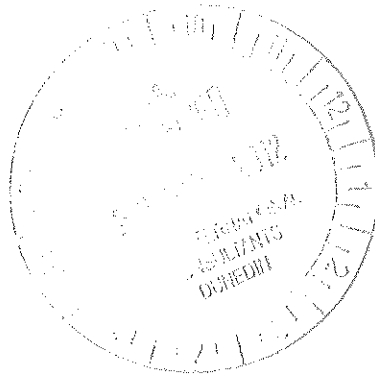
Finally, FMC is grateful to the runholders of Kawarau Station and Mt Difficulty, for granting permission for, and for making helpful suggestions with regard to, our recent inspection of the property. We are also grateful to both Darroch Ltd. and the Commissioner for Crown Lands for this opportunity to make submissions on the Preliminary Proposal for the tenure review of Kawarau Station and Mt Difficulty.

Yours faithfully

*Phil Glasson*

Phil Glasson  
Hon. Secretary, Federated Mountain Clubs of NZ, Inc.

Dave Payton  
Opus International Consultants Ltd,  
Private Bag 1913  
Dunedin 9054



**FOREST  
& BIRD**  
**Dunedin Branch**  
PO Box 5793  
Dunedin  
22.2.12

Dear Sir,

I enclose these submissions on the preliminary proposal for Mt Difficulty and Kawarau Station Pastoral Leases on behalf of the Dunedin Branch of Forest and Bird.

Thankyou for the opportunity to make submissions on this proposal.

Yours sincerely

A handwritten signature in cursive script that reads "Janet Ledingham".

Janet Ledingham  
For the Management Committee of the Dunedin Branch, Forest and Bird Protection Society

Email [jledingham@xtra.co.nz](mailto:jledingham@xtra.co.nz)  
622 Highgate, Maori Hill, Dunedin 9010.  
Phone 03 467 2960

## **Submission on the Preliminary Proposal for Mt Difficulty and Kawarau Station Pastoral Leases**

### **On behalf of the Dunedin Branch Forest and Bird Management Committee.**

This submission is written on behalf of the Dunedin Branch of the Forest and Bird Protection Society which has approximately 900 members, many with strong interests in the High Country values and recreational opportunities as well as in botany and natural history in general. Many of the members enjoy active recreation in the back country and are very aware of the need to ensure the protection of natural values, vegetation and landscape, historical sites and to improve public access through the tenure review process.

The submission is written with reference to the objectives of tenure review as set out in the Crown Pastoral Land (CPL) Act 1998, and the government objectives for the South Island high country, especially the following:-

- *to promote the management of the Crown's high country in a way that is ecologically sustainable.*
- *to protect significant inherent values of reviewable land by the creation of protective measures; or preferably by restoration of the land concerned to full Crown ownership and control.*
- *to secure public access to and enjoyment of high country land.*
- *to ensure that conservation outcomes for the high country are consistent with the NZ Biodiversity Strategy to progressively establish a network of high country parks and reserves.*

This submission is based on knowledge of the lease from visits to the historic areas over many years and an inspection carried out recently. We have also consulted the Conservation Resources Reports (CRR) and are familiar with adjoining Carrick lease.

### **Introduction**

The Mt Difficulty and Kawarau Station Pastoral Leases extend from the Nevis River junction with the Kawarau River southeast along the Kawarau and then up the Carrick Range to Carricktown and south west along the Nevis river to the boundary with the Carrick lease. The leases take in a large part of the Carrick Range, have very high landscape values on all sides especially along the Nevis and Kawarau faces, an impressive number of significant inherent values including vegetation and fauna of importance and in addition a wealth of Historic sites ranging from Carricktown and its environs and the quartz mine and battery sites down to the alluvial mining sites along the Kawarau River banks.

Many of the significant inherent values are proposed for protection in the preliminary proposal and some good access is provided for recreational purposes and enjoyment of the natural and wilderness values of the leases and we hope that a final outcome acceptable to both the lessees and conservation interests will result.

### **The proposal:**

#### **R 1. Approximately 6 hectares to be restored to or retained in full Crown ownership and control as Historic Reserve.**

R1 covers small area next to the natural bridge upstream from the Roaring Meg power station. The values in this small reserve are well described in the proposal and in the CRR and we agree that they warrant protection. The public access provision for R 1 seem to us to be adequate.

**We fully endorse the proposal for R 1 to be a Historic Reserve and the provisions for public access to it..**

**CA 1. An area of approximately 987.744 hectares to be restored to or retained in Crown control as Conservation Area (CA 1) pursuant to Section 35(2)(b)(i) Crown Pastoral Land Act 1998 subject to the following qualified designations.**

The values to be protected by the designation as a Conservation Area are well described in the proposal and in the CRR. They include important vegetation (some rare and threatened species), fauna and landscape values as well as potential for recreation and important historic sites. The eastern part of CA 1 includes a small part of the Potters Creek RAP 2/2 area recommended for protection in the Old Man PNA report. CA 1 includes an important altitudinal sequence running from the Nevis River up on to the crest of the Carrick Range. The landscape includes many natural features including tussock land and a spectacularly rugged gorge running down to the Nevis River. The public access provisions as outlined are endorsed.

**Grazing Concession (over CA 1)**

While ideally we would prefer to have grazing removed from this CA we accept that the loss of summer grazing would have a significant effect on the farming operation.

*We accept the 10 year grazing proposal but submit that monitoring should be carried out and that changes to stocking rates would be made should any adverse effects be recorded.*

**Easement Concession (over CA 1) in favour of Kawarau Station Limited for farm management access, pursuant to Section 36(1)(a) Crown Pastoral Land Act 1998.**

We have no objection to the above.

*We fully support the return of the area designated CA 1 to the crown for the protection of the many significant inherent values within it. We also endorse the provisions for access to CA 1.*

**R 2 Approximately 160 hectares to be restored to or retained in Crown control as Historic Reserve.**

The historic values within R 2 are well known to us and assuredly it should indeed be designated as a Historic Reserve.

Carricktown and its associated mining history and old dwellings and the numerous quartz mine and battery sites sites on the way up to it from Quartzville road form a very significant part of the mining history of the area and are fascinating to explore.

There is good access to this area from Quartzville Road.

*We fully endorse the protection of this area as a Historic Reserve.*

**Grazing Concession (over R 2) in favour of Kawarau Station Limited, pursuant to Section 36(1)(a) Crown Pastoral Land Act 1998.**

We have no objection to the above

**The continuation in force of an existing easement in gross (over R 2) in favour of the Carrick Irrigation Company Limited, pursuant to section 36(3)(c) Crown Pastoral Land Act 1998.**

We have no objection to the above

**CL An area of approximately 765 hectares to be restored to or retained in Crown control (CL) under the Land Act 1948 pursuant to Section 35(2)(b)(iv) Crown Pastoral Land Act 1998 subject to the following qualified designation.**

This area, well described in the proposal and the CRR, which includes the Kawarau Gorge faces between Walker Creek and a fence about 1km down from the Roaring Meg, has very high landscape values when viewed from the SH through the Gorge. As far as vegetation values are concerned, the PNA survey report recommended RAP 1/1, Mt Difficulty, for protection and this RAP which included the entire catchment of Cascade Stream, is largely included in CL. However we believe the whole of the RAP should be included and therefore the CL should be extended to the west to include the unnamed catchment which is part of the RAP.

According to the proposal the CL includes "*the most diverse semi-arid tussockland, grassland and shrubland in the ecological district.*". There are 5 rare or threatened vegetation species which are listed as occurring in the CL.

There are also some rare and threatened species among the many fauna present and some important historic sites along the Kawarau River banks. It would be a great asset to have walking tracks developed along the river banks – presumably reliant on the use of the bridge at the gorge mining centre to cross the river.

*We fully endorse the proposal to retain CL in crown control but submit that the whole of RAP 1/1 Mt Difficulty should be included in the CL.*

**Special Lease (over CL) issued to Kawarau Station Limited, pursuant to Section 36(1)(b) Crown Pastoral Land Act 1998.**

The designation of a special lease to allow for controlled grazing is somewhat unusual. We accept that the river faces are a very valuable area for grazing but we note that 30 year period with provision for a further 30 years is an unusually long term and perhaps would be better broken down into 1. We note the provision for controlled grazing and suggest the stock numbers may be may be too high to achieve the specified 0.4 SU/ha per annum maximum.

Monitoring in the form of a combination of detailed quadrat and permanent photo-point methods at representative sites should be specified in the terms of the Special Lease. Provisions to modify the grazing numbers should any adverse ecological effects be revealed by the monitoring programme also need to be written into the terms of the Special Lease. As far as we can see this has not yet been done.

*We accept the grazing concession outlined in the Special Lease provided monitoring conditions and outcomes are clearly stated.*

**Note: While we accept that the current lessee, Richard Anderson has a conservative approach to the grazing on these leases we are bound to try and ensure that there are no adverse effects on the CL or the CCs should a less conservation-minded lessee acquire the land and take over the grazing concessions in the future.**

**Land proposed for Freehold Disposal**

**An area of approximately 8175 hectares to be disposed of by freehold disposal to Kawarau Station Limited pursuant to Section 35(3) Crown Pastoral Land Act 1998, subject to Part IVA Conservation Act 1987, Section 11 Crown Minerals Act 1991, the following protective mechanisms and qualified designations:**

Much of the land proposed for freeholding is modified and cultivated and capable of sustainable pastoral activity. However we do note that about 1,000 ha of the land above about 900-1000m along the Carrick Range from Mt Difficulty back to Slapjack Saddle is rated as LUC Class VIIe and theoretically therefore has serious limitations for pastoral use.

Four isolated areas - north of Mt Difficulty summit, above the Nevis - Kawarau confluence, at the head of Long Gully and an area across part of CA1 and into CC1, totalling no more than a total of 550 ha have significant inherent values but are rated as LUC Class VIII, defined as unsuitable for pastoral use. These areas are likely to be managed sympathetically by the current lessee but consideration for some mechanism for protection should be given to allow for a less conservative future owner.

**Protective mechanisms:**

**CC1 Conservation Covenant of approximately 1280 hectares pursuant to Sections 40(1)(b) and 40(2)(a) Crown Pastoral Land Act 1998 to protect the natural environment and landscape amenity.**

CC1 comprises the faces above the Nevis River where vegetation cover includes riparian shrublands, short tussocklands and remnant tall tussocklands and the upper part of the true left branch of Slapjack Creek which has mid-altitude mixed shrublands and short tussocklands. Within CC1 there are the significant landscape values of the Nevis faces and part of the RAP 2/1, Slapjack Creek which has according to the PNA report priority natural areas and habitats of threatened species. As stated in the proposal, it "*contains type localities and habitats of species and communities which are at their distributional limits and areas which make a special contribution to the overall quality, natural functioning and ecological integrity of significant inherent values, eg., linkages*".

We note that the impressive landscape within CC1 is recognised in the Central Otago District Plan as an outstanding landscape of national importance.

CC1 also has two historic stone huts, Holly Hut and Stone Hut which it would be of considerable interest to the public. We note that provision for maintenance of these two huts is included in the covenant provisions.

We believe CC1 rather warrants classification as a CA and should be added to CA1 with a similar grazing concession to that proposed for CA1.

*If CC1 was to remain as a CC, with all the above documented values and no rights of access we believe at the very least walking access should be available so that people could enjoy the botanical and other natural values.*

*We recognise the well documented significant inherent values in CC1 and believe it should be added to CA1 with the same grazing concession and monitoring in place.*

**CC2 Conservation Covenant (CC2) of approximately 3255 hectares pursuant to Sections 40(1)(b) and 40(2)(a) Crown Pastoral Land Act 1998 to protect the outstanding natural landscape and land above 900 metres.**

This covenant is in the main to protect landscape values. We submit that the Slapjack Creek catchment between CC1 and CC2 should be added to CC2. We think that the shrubland (including at least one large kowhai) (Figures 1-3) and other values in this area warrant protection as a covenant.

We also submit that there should be an easement to allow the use of the track for access down to the Nevis River from points 'p' and 'd' which, as already mentioned would also allow a round trip from 'a-b-c-d' to points 'p-m-k' or across from Slapjack Saddle at 'm' to 'n-o' at the edge of CA 1. Access from point 'p' down the existing track to the pylon at CC12 - GR 87941 01557, is straightforward and it should then be possible to scramble down from the pylon to Slapjack Creek close to its confluence with the Nevis River (Figures 4,5).

*We agree that the values, largely landscape, in CC2 are worthy of protection by covenant.*

*We ask that Slapjack Creek catchment be included in CC2 with an easement to allow use of the track down towards the Nevis from Slapjack Saddle.*

*We suggest that the eroded area at the head of Long Gully be accorded some form of protection given its LUC status.*

#### **Qualified designations:**

##### **Easements to provide public and conservation management access pursuant to Sections 36(3)(b) Crown Pastoral Land Act 1998.**

We endorse the proposed easements which in general provide for good public access to the Historic and Conservation areas, but :-

*We submit that the 'a-b-d' public access provision should ideally be continued on from 'd' round to Slapjack Creek (if the terrain permits a new track to be formed as a post tenure review project) and then follow up the existing Slapjack Creek track to point 'p' to provide for a round trip.*

*Access from point 'm' at Slapjack Saddle down to the Nevis River via point 'p' would be desirable as a separate issue which would not require any new tracking.*

##### **A management purposes easement to provide a right to convey water in favour of the Department of Conservation is to be created pursuant to Sections 36(3)(b) Crown Pastoral Land Act 1998.**

We have no objection to the above

##### **The continuation in force of an existing easement which provides a right to convey water in favour of the Bannockburn Irrigation Society Incorporated, pursuant to section 36(3)(c) Crown Pastoral Land Act 1998.**

We have no objection to the above

##### **The continuation in force of an existing easement which provides a right to convey water in favour of the Carrick Irrigation Company Limited, pursuant to section 36(3)(c) Crown Pastoral Land Act 1998.**

We have no objection to the above

##### **The continuation in force of an existing right of way easement over the adjoining land as an appurtenant easement to the land to be disposed of by freehold disposals to Kawarau Station Limited, pursuant to section 36(3)(c) Crown Pastoral Land Act 1998.**

##### **The continuation in force of an existing easement for telecommunication purposes in favour of Telecom Mobile communications Limited, pursuant to section 36(3)(c) Crown Pastoral Land Act 1998.**



We have no objection to the above

**The continuation in force of an existing right of way easement in favour of Kawarau Station Limited, as an appurtenant easement over the adjoining Crown land as an operating easement, pursuant to section 36(3)(c) Crown Pastoral Land Act 1998.**

We have no objection to the above

We are grateful to Richard Anderson for allowing us to inspect the leases and for discussions with us.

Janet Ledingham,  
For the Management Committee of the Dunedin Branch, Forest and Bird Protection Society.

22.2.12

## Figures



Figure 1. View down Slapjack Creek towards the Nevis and Kawarau Rivers indicating the extent of the shrublands.



Figure 2. A further view down Slapjack Creek towards the Nevis and Kawarua Rivers.



Figure 3. A large kowhai in the Slapjack Creek shrublands.

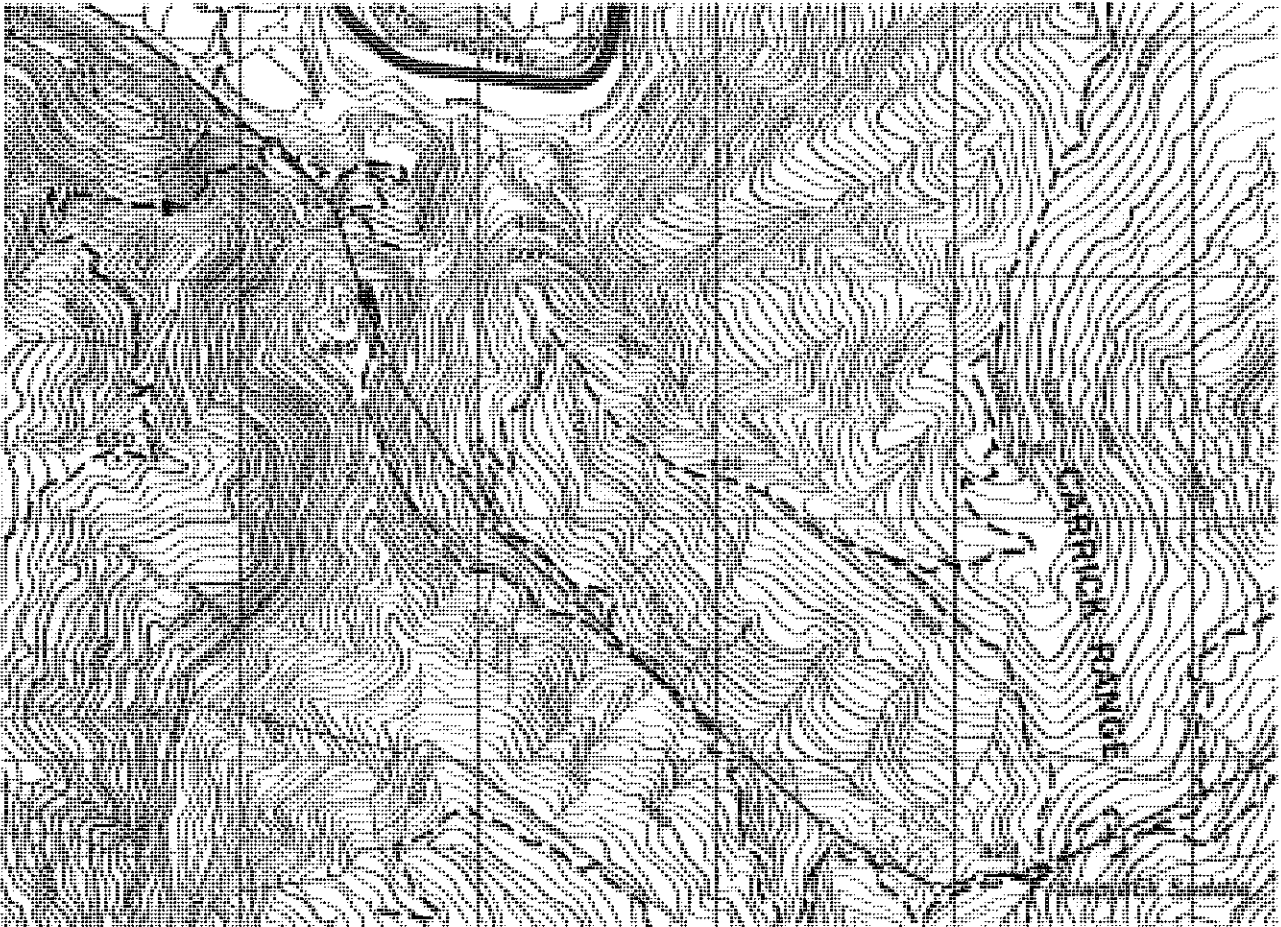


Figure 4. Slapjack Creek showing the existing track down to the pylon, red spot close to point 489m.

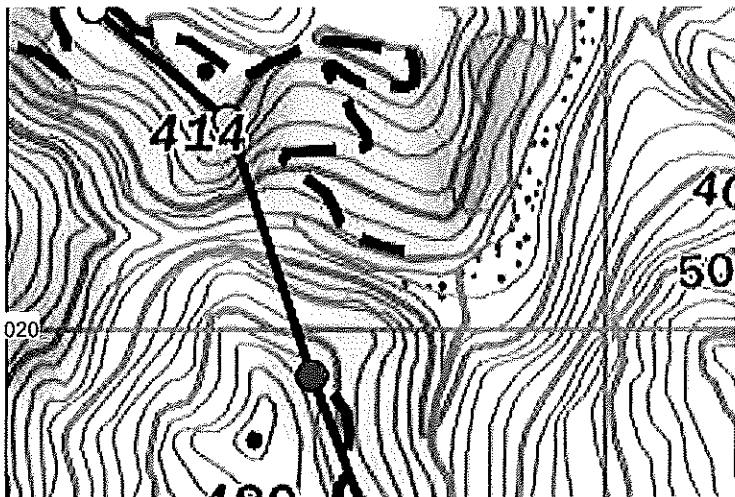
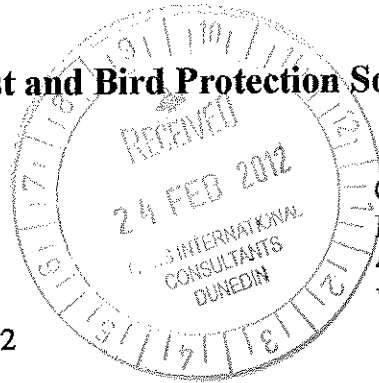


Figure 5. Enlargement of part of the above map. The route from the pylon, red dot, down to Slapjack Creek and the confluence with the Nevis looks possible.

4

**Royal Forest and Bird Protection Society of New Zealand Incorporated.**



Central Otago-Lakes Branch  
Denise Bruns – Secretary  
4 Stonebrook Drive  
WANAKA 9305

23<sup>rd</sup> February 2012

The Commissioner of Crown Land  
C/o Opus International Consultants Ltd  
Private Bag 1913  
DUNEDIN

Dear Sir

**Mt Difficulty – Po 353 and Kawarau - Po 234 Pastoral Leases**  
**Tenure Review Preliminary Proposal.**

We thank you for sending us a copy of this proposal and we would be pleased if you would accept this submission on it. We have inspected these two properties and would like to thank the lessee for allowing us to do so. We understand that while this proposal covers two separate pastoral leases it in effect treats the two as one because they are owned and managed by the one company and will continue that way until such time as a freehold title is issued for the whole (Appendix 2,10) of the proposal,

Our branch of the society with a membership of 171 members fully supports the aims and objectives of the Crown Pastoral Lands Act 1998, and has been involved in the tenure review process for many years now. The branch is familiar with Carrick Range and the Nevis Valley having visited the area on many occasions. These properties were first introduced to us at an early warning meeting on 3<sup>rd</sup> December 1998. We have studied the Conservation Resources Reports for these properties, we cannot but endorse them. Apart from one or two area of concern we see this as a proposal which will secure some good results for conservation, access and recreation.

**1.0 Some General Comments:**

- The landscape values on Mt Difficulty are very high. The whole of its Northeast and its Northwest boundary is the Kawarau River, and being in a gorge and with an untamed river as its foreground anyone travelling up or down SH6, for a distance of approximately 15 kms, cannot help but be impressed by the steep rugged faces containing many rocky outcrops.
- There is a Water Conservation Order on the Kawarau River. An application has been lodged to extend this to cover the Nevis River – the matter is at this stage before the Environment Court.
- Both of these properties are in an area with a low rainfall. They would have also suffered in the past from the various rabbit plagues and will no doubt be under pressure from rabbits into the future. Goats are another pest animal.
- At the head of Potters Creek, and an unnamed creek to the north of that creek, and at the head of Long Gully there are some fringe-bogs and streams in good and relatively unmodified condition (CRR p.12 last para.) - (see photo # )

-2-

- Compared with the lower reaches of these creeks the higher ground is much gentler in aspect, it could be described as a plateau.
- In these high basins at the head of these creeks there is some erosion, probably caused mainly by the wind.
- Gold was discovered throughout Central Otago in 1862-63. There is much in the way of historic and mining interest on the true right of the Kawarau River from where the Nevis River joins the Kawarau River and downstream to where it comes out of the gorge. There was also quartz mining at a higher altitude.
- Both Mt Difficulty and Kawarau are in the northern end of the Carrick Range which is at the north of the Old Man Ecological District.
- The survey report on the Old Man Ecological District published by the then Lands and Survey Department in 1986 describes (page 15, 2.4 CLIMATE) the sunny Molyneux faces of the Cromwell Gorge as the only true semi-arid area in Central Otago,
- Mt Difficulty contains the Recommended Area for Protection; 1/1 Mt Difficulty, 1/2 Long Gully Bluffs, 2/1 Slapjack Creek and on Kawarau Station part of the head waters of 2/2 Potters Creek.
- Two of these, 1/2 Long Gully Bluffs and 2/1 Slap Jack Creek became conservation areas after an earlier review of tenure.
- With all the historic values and the rugged scenery becoming available for those who are able to walk, ride a bike or perhaps ride a horse the recreation values of both of these properties will be greatly appreciated.

## 2.0 Our submission:

**2.1 Area R1: An area of approximately 6 hectares to be restored or to be retained in full Crown ownership and control as an Historic Reserve** [pursuant to section 35(2)(a)(ii) CPLAct 1998]. An area around the stone bridge - Whata te Rere - approximately 300 metres above the Roaring Meg power house was used by the Maori as part of their trail system. *We fully approve of this.* Also it's being vested in Te Runanga o Ngai Tahu under Section 26 of the Reserves Act.

**3.0 Area CA1: An Area of approximately 987,744 hectares to be returned to the Crown for protection as a Conservation Area** [pursuant to section 35(2)(b)(i) CPLAct 1998]. This is good as it will give an altitudinal sequence of the vegetation from the Nevis River to the top of the Carrick Range. It will also be a valuable addition to the area of land which is being proposed to be returned to the Crown as a result of the review of Carrick Station to the south. *We approve of this.* At the same time we would like to see this area extended north to take in more of the land above 900ms.

## 3.1 A Qualified Designations:

### Grazing Concession

*A Grazing Concession over the proposed Conservation Area CA1.* [pursuant to section 36(1)(a) of the CPLAct 1998]. A grazing concession for a period of 10 years to be granted to Kawarau Station Ltd to allow for the grazing of up to a maximum of 1500 wethers for the

period from 1<sup>st</sup> February to 30<sup>th</sup> April in any one year. The proposal states that this is to allow for the adjustment to the wider farming operations to be undertaken including the construction of a considerable amount of new fencing. *We approve of this; 10 years should allow ample time to build any fencing and make the necessary management adjustments.*

### **3.2 An Easement Concession:**

*The proposed Conservation Area CA1 will be subject to an easement concession labelled "r-o-v-w" [pursuant to section 36(1)(a) of the CPLAct 1998]. This concession to be issued to Kowarau Station Ltd provides for farm management purposes in perpetuity. The easement is over an existing 4WD track. We can see this as being necessary. We endorse it.*

### **4.0 Area R2.**

**An area of approximately 160 hectares is proposed to be restored or retained in Crown control as an Historic Reserve [pursuant to section 35(2)(b)(ii)].** This is an area rich in gold mining history and contains the remnants of the historic Carricktown. There are also examples of quartz mining methods and their associated water races. The area is fenced throughout and there is a legal road, which forms the eastern boundary of Kowarau station, running the length of the block. The farm track mostly approximates this road. We note that it is intended to graze sheep to control the pasture but not cattle as cattle would damage the stone remnants; a wise move. *We fully endorse this area being created as an historic reserve.*

#### **4.1 Qualified designation:**

##### **Grazing Concession**

*The proposed Historic Reserve (R2) will be subject to a grazing concession [pursuant to section (36)(1)(a) CPLAct 1998]. It is proposed to issue a grazing concession to Kowarau Station for a period of 30 years for a maximum of up to 300 sheep per annum. It is noted that this concession has no right of renewal, and that a management prescription has been prepared which outlines how the area is to be managed, and that it includes a prescription for photo point monitoring. The photo monitoring will include the stone work as well as the vegetation, composition and condition. We approve of this designation.*

#### **4.2 Continuation of existing easement:**

*The proposed Historic Reserve R2 will be subject to the continuation in force of an existing easement [pursuant to section 36(3)(c) CPLAct 1998]. This is an easement in gross in favour of the Carrick Irrigation Co Ltd to convey water. (Computer Interest Register OT17A/15) We approve of this easement continuing.*

### **5.0 Area CL:**

**An area of approximately 765.1156 hectares labelled "CL" on the plan is proposed to be restored or retained in Crown control under the Land Act 1948 [pursuant to section 35(2)(b)(iv) of the CPLAct 1998].** This area takes in the whole of the spectacular Kowarau Gorge Faces, (The Meg Faces) from Long Gully up to a fence approximately 1 k. South of

-4-

the Meg power house. This face epitomises the spectacular landscape of Mt Difficulty as seen by those travelling to Queenstown and beyond via SH6. We note that as this is to be done under the 1948 Land Act it will allow for grazing for 60 years under similar conditions to that of a concession over a covenanted area of freehold land. *We endorse this.*

The legal road which runs along the Kawarau River bank from "t - d", and then up the true right of the Nevis River will no doubt be 20 metres wide. As the 20 metres will in places be extremely rough going allowances will have to be permitted to climb up and over any obstacles where it is impossible to travel within the 20 metres. It will be necessary to allow for public being made available from "p" - "d" down Slapjack Creek.

### 5.1 Qualified Designations:

#### Special Lease

**5.2** *The area of proposed Crown Land "CL" will be subject to a special lease* [pursuant to section 36(1)(b) of the CPLAct 1998]. This is the first time we have come across a *Special Lease* being offered the holder of a Pastoral Lease on completion of tenure review of any property instead of perhaps a *Grazing Concession* as is being done in CA1. We note that the special lease is for a period of 30 years with the right of renewal for another 30 years. We query the length of the lease; 30 years is a long time, 60 years a great deal longer. *While we endorse it we believe it should be on a 10 year basis* and in keeping with what is being done in CA1.

A controlled grazing regime is to be established; stock numbers to be adjusted after the monitoring of the soil and vegetation. The monitoring programme involves photo points and comprehensive quantitative ground cover measurements within quadrants along five different transect. *We approve of this.*

### 6.0 Area for Freehold Disposal

**An area of approximately 8,175 hectares proposed to be disposed of by freehold disposal to Kawarau Station Ltd, being the leaseholder of Mt Difficulty and Kawarau Stations** [shown edged green on the designation map and pursuant to Section 35(3) of CPLAct 1998]. This area is the combined total of the land not being returned to the Crown for protection from Mt Difficulty and Kawarau: (CA1), Reserves (R1 and R2) or Crown Land (CL).

That portion of land east of "R2" that is part of Kawarau Station and down to and on both sides of the Bannockburn to Nevis road has been mostly modified by over-sowing with seed and aerial top-dressing with fertiliser. Parts of the lower land in this area have been cultivated and are in improved pasture, with some if it under irrigation. There is no reason why this area cannot be managed in a manner that is ecologically sustainable therefore suitable for freehold disposal. *We approve of this.*

While the access being provided for walking, cycling and horse riding on the land proposed to become freehold (some of it on legal roads and some of it on farm tracks) is reasonably comprehensive, access to the legal road on the true right of the Nevis River is lacking. It is essential that at least walking access be provided on the farm track down Slapjack

-5-

Creek, i.e. from "p-d".

## Protective Mechanism

### 6.1 Covenant CC1

*Approximately 1,280 hectares of the proposed freehold is proposed for protection by a conservation covenant "CC1" [pursuant to section 40(1)(b) and 40(2)(a) CPLAct 1998]*

This area south of Slapjack Creek and north of CA1 takes in the balance of the western side of Kawarau Station; from the Nevis River the western boundary of Kawarau Station, to the crest of the Carrick range in the vicinity of Trig T. It is a modified short tussock grassland. The tussock is interspersed with mainly exotic grasses, the higher country above about 900 masl supports some tall tussock (snow tussock). The steep gullies on this whole west face up to about 900 masl contain a good cover of woody shrubs, mainly matagouri, coprosma and with some olearia; sweet briar is also present. It has an impressive landscape which is recognised in the Central Otago District Plan (which is at present under review) as an outstanding landscape of national importance.

The two stone huts located in this area have considerable historic interest, we believe it would be advantageous if the public were to be given access to these huts. The northern most one could be accessed via the farm track starting from point "p" on the easement system, the southern one from point "v" at the edge of the conservation land "CA1".

We note the specific provisions contained within the proposed covenant, they appear to be reasonable but we would query bullet points 2 and 4 mentioned in connection with sweet briar; bullet point 2 is to be discussed with DOC and point 4 states that spraying is permitted only to control sweet briar. Sweet briar is widespread over both these properties in this proposal, especially so at lower levels, and it is inevitably going to become worse as time goes by. Our concern is that any spraying will in all probability be done from the air and be a blanket operation in which case the significant values contained in most of the other woody species we have mentioned above, and others, will suffer. Spraying individual plants from the air by helicopter is a possibility, but spraying from the air using a boom, should not be used as it would kill other woody species with significant value. *Otherwise we approve of this covenant.*

### 6.2 Covenant CC2

*Approximately 3,255 hectares of the proposed freehold proposed for protection as a Conservation Covenant "CC2" [pursuant to section 40(1)(b) and 40(2)(a) of the CPLAct 1998]* This covenant is primarily to provide protection of the significant inherent landscape values within the area as "Outstanding Landscape Value" within the Central Otago District's Plan, some of it over 900 metres. This is in recognition that the District Plan Rules relating to the clearance of vegetation and associated landscape protection currently do not apply to, land freeholded under the CPLAct 1998. As the bulk of this land will be classified as LUC VI



-6-

if properly monitored and the grazing regime altered if any degradation was evident after monitoring, *we would approve of this* for the land below approximately 900 masl.

We have some concern for all that land above 900 masl at the head of Potters Creek and Long Gully, CC2 covers this land. The high land in this area is subject to soil erosion in some parts which will be classed under the soil classification as LUC VII and VIII, (see photos # 1 & 2 ) therefore not suitable for grazing

Apart from the landscape values there are significant values in the remaining short and tall tussock present on this upland. There are excellent examples of diverse finger bogs present.

It is our view that this part of CC2 should be returned to the Crown for protection as it has other significant values in its wetlands and its remnant tall tussock that should not be grazed as it would not be economically viable to replace the nutrients taken off the property in the shape of meat and wool, therefore it would not be ecologically sustainable to do so. Sustainability is defined in the dictionary as:-

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**Oxford Dictionary of English (2<sup>nd</sup> Edition):**

**Sustainable** – adjective – able to be maintained at a certain rate or level: *sustainable economic growth. Ecology* (especially of development, exploitation, or agriculture) conserving ecological balance by avoiding depletion of natural resources.

**promote** – verb – [with obj.] – support or actively encourage (cause, venture etc.): further the progress of: *some regulation is still required to promote competition.*

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“Ecological Sustainability” is not defined in the CPLAct 1998, yet it is the acts main aim – Sec 24 Part 2(a)(i):

- *to promote the management reviewable land in a manner that is “ecologically sustainable”*
- *to protect significant inherent values of reviewable land by the creation of protective measures; or preferably by the restoration of the land concerned to full Crown ownership and control.*
- *to ensure that conservation outcomes for the high country are consistent with the NZ Biodiversity Strategy.*

As we would understand it, the Act requires that the land must be managed in such a manner as to promote, or possibly enhance, the ecology (either indigenous or exotic) that is present in the land at this point in time, not what might have been there about 150 years ago.

It is proposed to erect a new fence shown “W-X” on the plan; it is our contention that this fence should be altered to encompass the head waters of Potters Creek and Long Gully. There is a very good line for a fence running up the ridge on the west side of this area from “W” to the small Slapjack Conservation Area. There is also a good line for a fence running up the ridge on the east side from “X” towards the larger Long Gully Bluffs Conservation Area to meet that area about 500 metres south of Trig F, then a fence could be run across Long Gully at about the 900 masl contour to join these two conservation areas together. This would

-7-

result in an enlargement of CA1 to take in an altitudinal sequence of the flora and fauna present from the Nevis River to the top of the Carrick Range. **Our suggested fence line is shown green on the map enclosed with this submission.**

## **7.0 - Qualified Designations**

### **Public access and management purposes easements**

*It is proposed the land to become freehold be subject to an easement in gross (shown with a dashed orange line on the map). We would approve of all these easements as described except that there is one glaring omission. We believe there should be at least public walking access from "p" down the farm track in Slapjack Creek to "d" – this would allow for a complete circuit to be made around the Mt Difficulty massive. Also it would be desirable to allow public walking access from "v" and "p" down the two farm tracks to the two historic huts on CC1.*

### **7.1 DoC management purposes easement**

*A management purposes easement in favour of the Department of Conservation to convey water to the mining centre at Gees Flat in the Kawarau Gorge – We would approve of this.*

### **7.2 Continuation of existing Easements**

*The proposed freehold land will be subject to the continuation in force of a number (5) existing easements pursuant to section 36(3)(c) of the CPL Act 1998.*

Five easements already in existence for various purposes and persons – *We approve of these continuing.*

## **8.0 Summary**

**8.1** We would see this as a good proposal if the alterations we have suggested were made to it, it would then meet more fully the full requirements of the Act.

**8.2** CA1 should be extended up and into the head waters of Potters Creek and Long Gully for the reasons given above (see 6.2 and attached map) because it is all above 900 metres and as high as 1312 at Trig T, therefore cannot be managed "*in a manner that is ecologically sustainable*". This would also protect the significant inherent values contained in the area.

**8.3** Alterations should be made to the public access easements to allow for access to the two huts on the land covered by CC1 and thus "*make it easier for the public to enjoy*"

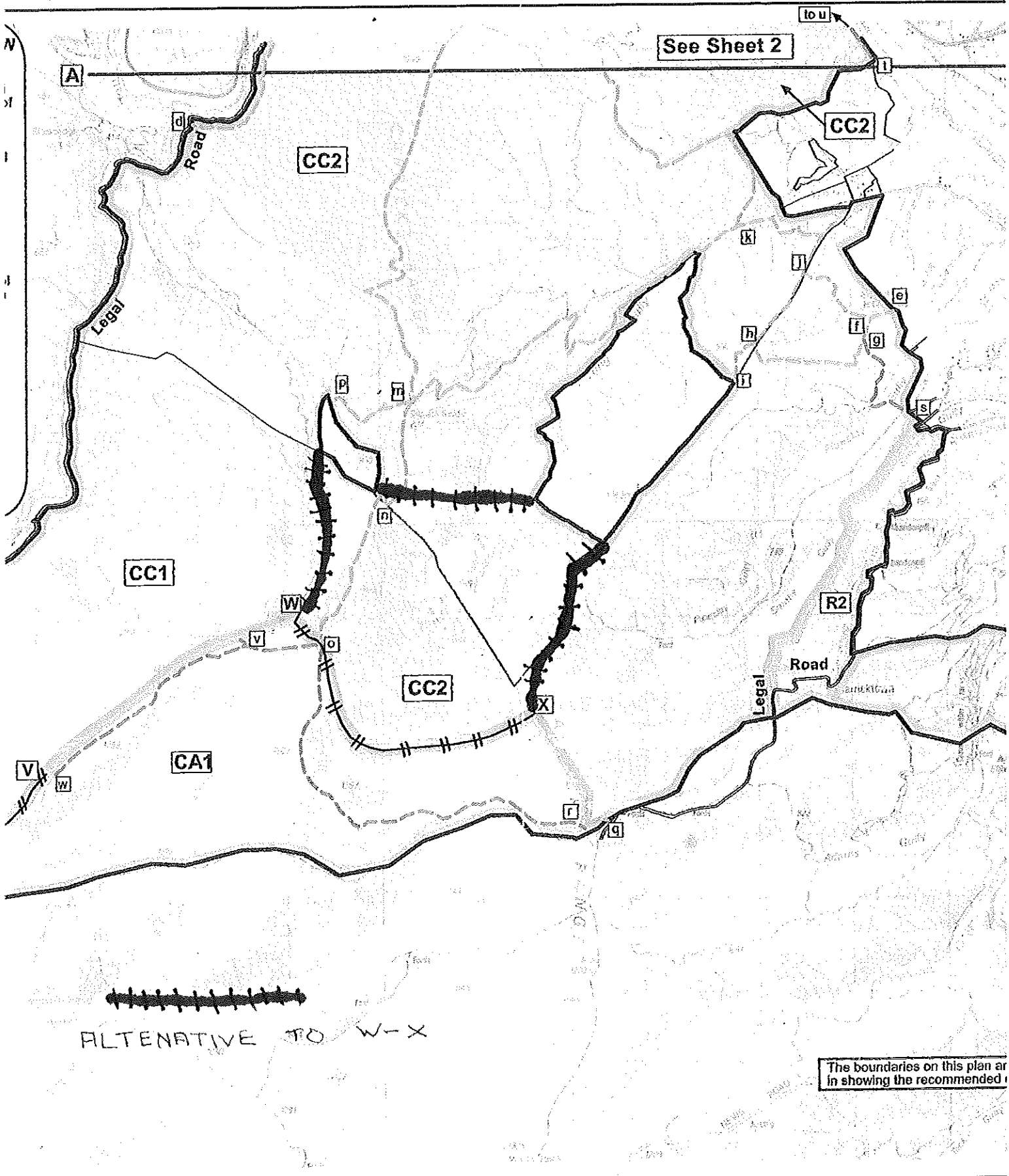
**8.4** Public access should also be made available from "p" to "d"

We thank you for the opportunity to make these comments and await the outcome with interest.

Yours faithfully

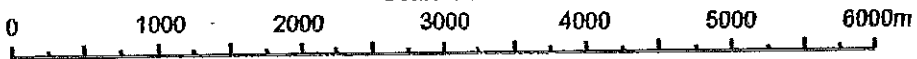


Denis Bruns - Secretary – Central Otago Branch Forest and Bird.



### Mt Difficulty & Kawarau

Scale 1 : 50000



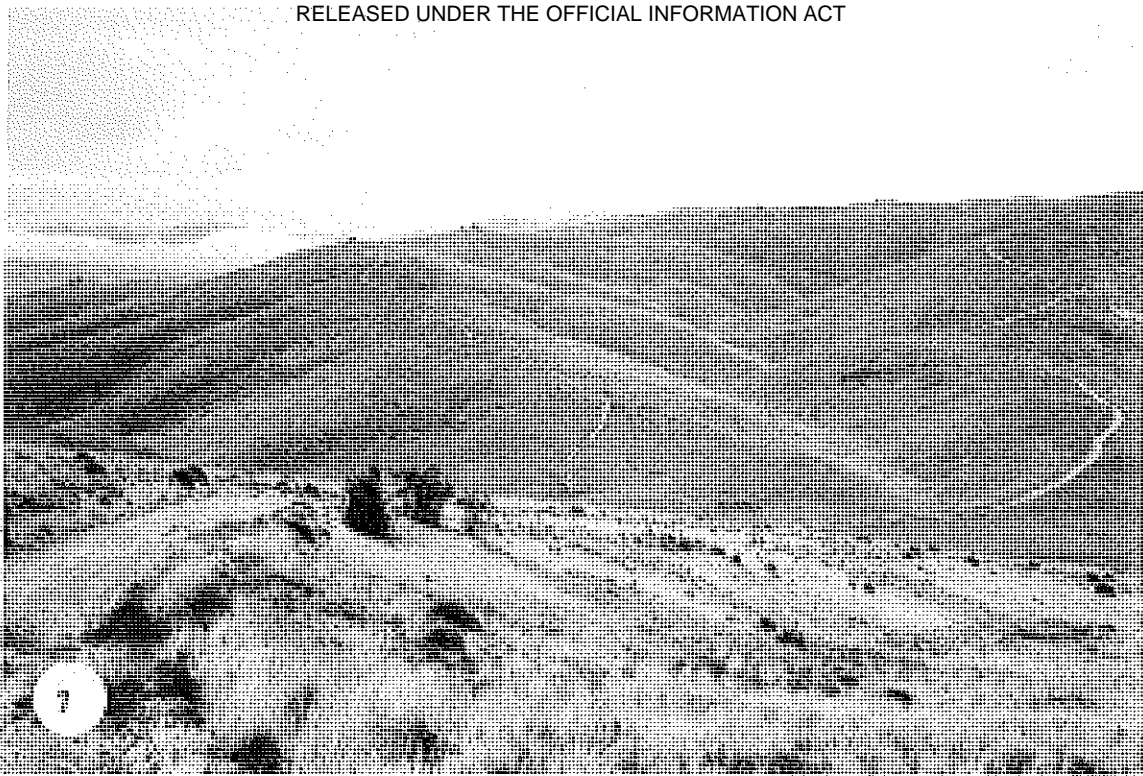


Photo (1) View taken from farm track west of spot height .1253 on the main Carrick Range before dropping into the headwaters of Potters Creek - shows general condition of this higher country. North facing ridges show effects of wind erosion, no doubt Class VIIe or Class VIII land.

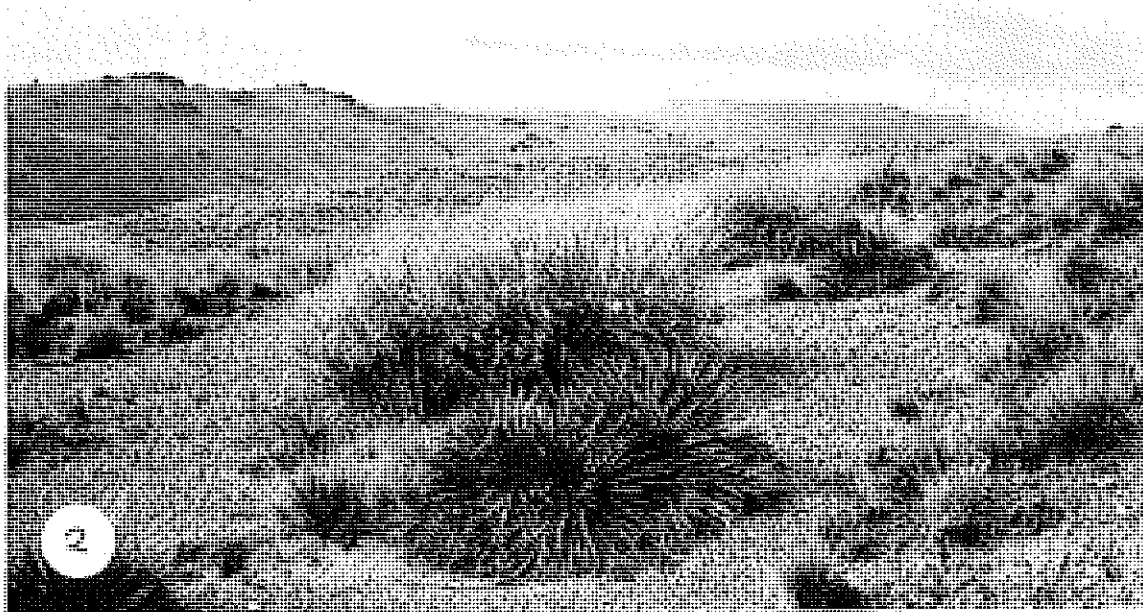


Photo (2) Looking north from the same spot. We believe this higher ground should be returned to the crown and added to CA1 as it will not be able to be managed in a manner that is ecologically sustainable



Photo (3) View looking up the Nevis Valley taken from the main ridge behind the southernmost hut, just south of Spot Height .1220. Shows much bare ground between tussocks.

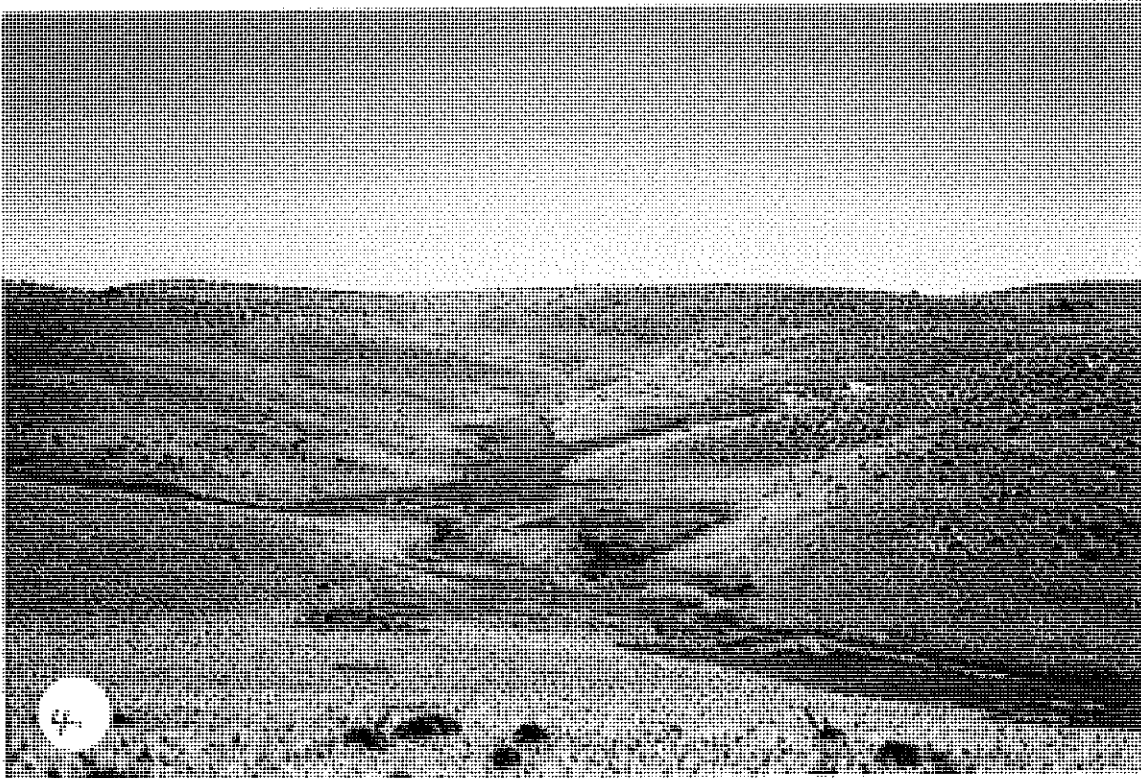
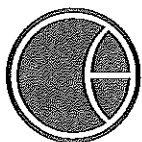


Photo (4) Looking into one of the wetter areas on this plateau-type of country at the head of Potters Creek and Long Gully. Any wet flushes on these properties should not be grazed if their significant values are to be protected. They should be added to CA1 and be returned to the Crown.

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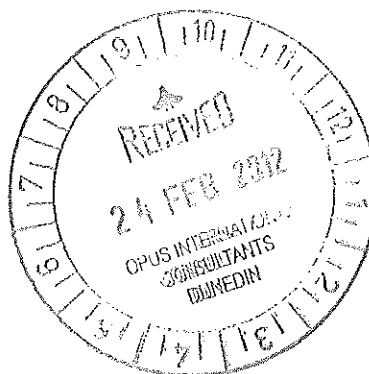


# OTAGO CONSERVATION BOARD

Our ref: SBC-08-34

23 February 2012

Commissioner of Crown Lands  
c/o Opus International Consultants Ltd  
Private Bag 1913  
DUNEDIN 9054



Dear Sir

## **PRELIMINARY PROPOSAL FOR TENURE REVIEW: MT DIFFICULTY AND KAWARAU PASTORAL LEASE (PO 353 & 234)**

The Otago Conservation Board appreciates this opportunity to comment on the Preliminary Proposal for the tenure review of these pastoral leases and would like to thank the lessee for permission to visit and inspect the area on 17 January 2012.

The Otago Conservation Board (OCB) is appointed by the Minister of Conservation to represent the wider Otago community in advocating for the protection of biodiversity and the conservation of natural and historic resources throughout Otago. The Board takes a strong interest in tenure review and makes submissions on all proposals involving Otago.

The Mt Difficulty and Kawarau pastoral leases occupy the spectacular country south of Bannockburn and the Kawarau Gorge. They form the backdrop to Cromwell and are an important part of the cultural landscape of Central Otago.

The proposed creation of conservation areas and the provision of public access as an outcome of this review will protect significant and representative areas of natural communities. It will also facilitate enjoyment of the area by providing many excellent recreational opportunities.

The Board supports the overall proposal and the proposed tenure designations, as they will produce tangible conservation and access benefits.

We do, however, have concerns about some of the details, which we would like to see addressed. Specific comments on the Preliminary Proposal are as follows:-

### **THE PRELIMINARY PROPOSAL**

#### **2.1 Area R1 - Land to be Restored to or Retained in Crown Control**

Area R1, referred to as the Whatatorere Reserve, covers an area of approximately 6 hectares that encompasses the famous natural bridge of the same name. This bridge has been used by people for hundreds of years, and in earlier days was probably one of the most famous landmarks of Otago. Formal protection of this area is a wonderful outcome from the tenure review.

There will also be a superb public access outcome from this proposal, as formal riparian access from Bannockburn to Gibbston will be secured, providing a wonderful opportunity for a walking/cycling track connecting the areas.

Unfortunately, the area is infested with brier rose and we agree that fencing to exclude stock is not needed at this stage.

One improvement would be the creation of a walking/biking easement up the ridge to the southeast of Whatatorere, to the summit of Mt Difficulty, which would then link with the other proposed easement down to Bannockburn.

The OCB fully endorses the proposed creation of the Whatatorere Reserve and the associated easements.

## **2.2 Conservation Area CA1 - Land to be Restored to or Retained in Crown Control**

This comprises about 987 ha of a valley system in the southwest of the property, and includes the headwaters of two creeks flowing into the Nevis River. It features sweeping tussock views and healthy highland bogs, as well as containing substantial remnants of *Chionochloa rigida* tussockland, sub-alpine finger bogs, and rock and tor communities.

It is particularly pleasing that this proposal includes an intact altitudinal sequence from the Nevis River and valley floor up to the tops at 1300 m. Altitudinal sequences and ecological linkages in the form of corridors and riparian margins are important objectives for conservation, as they protect the greatest biodiversity and allow for the ongoing movement of species through habitats.

### **2.2.1 Grazing Concession over CA1**

One concern with this proposal is the length of the proposed ongoing grazing concession, viz. ten years. This will effectively delay the recovery of vegetation by ten years and is an ongoing burden for the ecosystems. We believe that a transition period of five years should be adequate.

### **2.2.2 Easement Concession across CA1**

The Board believes that the creation of this easement for the movement of stock is reasonable.

The OCB fully endorses the proposed creation of this Conservation Area, with the qualification that we would like to see the grazing lease reduced to five years.

## **2.3 Area R2 - Land to be Restored to or Retained in Crown Control**

Area R2 covers about 160 hectares centred on the Carricktown historic area and including the Carricktown walking track. The proposal is to restore it to or retain it in Crown Control as a Historic Reserve. In addition to historic values, the area contains an altitudinal sequence on the north-facing part of the Carrick Range.

The OCB fully endorses the proposed creation of this historic reserve.

### **2.3.1 Grazing Concession over R2**

It is proposed to grant a 30 year grazing concession over this area, with a prescription for photo point monitoring.

This is an exceptionally long grazing lease, and the OCB asks whether the natural values are so low that they do not need a greater level of protection for this area. A grazing concession for a period of 10 years, which is open to review, would be more appropriate.

## 2.4 Area CL - Land to be Restored to or Retained in Crown Control

This area of approx 765 ha is the north-facing slope above the Kawarau Gorge and the main road to Queenstown from Cromwell. It includes spectacular faces, but to the casual eye it appears to be dry, eroding and infested with brier rose. Some of the upper slopes are no more than bare eroding rock faces of Class 7 land.

Despite its appearance, this area contains "the most diverse semi-arid tussockland, grassland and shrubland in the ecological district". During the property inspection, the farmer said that this area was one of the most valuable on the farm as winter grazing on the warmer north-facing slopes.

Consequently, it is proposed that the area is to be restored to or retained in Crown Control, but managed as a Special Lease allowing grazing for thirty years with one right of renewal. We find it odd that the most diverse assemblage of habitats in the Ecological District should be subject to a long-term Special Lease allowing grazing rather than a grazing concession with a much shorter term.

The OCB supports the setting aside of this area, but we would like the current proposal for its management to be reconsidered - with protection undertaken by fencing of threatened and eroding areas; or no grazing lease granted; or a reduction in sheep numbers to allow recovery from the current degraded state.

We submit that, in line with other comparable proposals, a 'grazing concession' for only ten years is more appropriate than a 'Special Lease'.

Comprehensive monitoring using both photo-point and transect monitoring is supported. Access from **b** to **s** along the southern boundary of this area would provide a superb round route for walkers from Bannockburn (see also comments under Area R1).

## 2.5 Area for Freehold Disposal

The relinquishing of an area of about 8175 ha to freehold ownership will allow maintenance of a viable farming operation. Adequate areas of representative indigenous habitat will be set aside if the other proposals outlined above are adopted. Much of the areas proposed for freeholding is covered in exotic pasture, and is often infested with briers, thistles, foxgloves and other weeds.

The OCB does not oppose the freeholding of this area, but it would like additional access easements to be included in the final proposal (see below).

Two conservation covenants covering 4,535 Ha are proposed to protect "significant inherent values".

### 2.5.1 Covenant CC1

This covenant, covering about 1,280 ha at the far southwest corner of the two leases, encompasses the faces above the true right of the Nevis Valley.

The OCB supports this covenant, with particular weight on the provision to exclude cattle.

### 2.5.2 Covenant CC2

This covenant of about 3,255 ha is for the protection of landscape values within the area defined as "Outstanding Landscape Value" in the Central Otago District Plan.

The conditions of this covenant are very general, in accordance with the rules in the District Plan. They permit grazing (with no monitoring), the planting of exotic woodlots, oversowing



and topdressing, and the clearance of vegetation.

The Board believes that the permitting of exotic woodlots is not consistent with the protection of outstanding landscape.

The OCB is opposed to the clearance of native vegetation for the purpose of establishing exotic woodlots. If such woodlots are considered to be acceptable, they must contain non-spreading species only.

### **2.5.3 Public Access and Management Purposes Easements**

The OCB supports all the proposed easements, as they will provide excellent recreation opportunities and make a significant contribution to a network of tracks along the range.

However, additional easements for public access should be created from **b** to **l** and from **p** to **d**, down Slapjack Creek. The latter easement would be a valuable addition for access options between Gibbston and Bannockburn. It would stretch approx 2.5 km down a valley in a remote part of the farm and would pose no threat to farm management or to the farmer's privacy.

### **Discussion of proposed designations and free-hold proposal.**

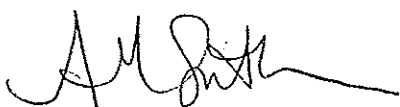
It is advantageous that the tenure reviews of these two pastoral leases are being carried out at the same time as if they were one property, as it allows a better rationalisation of conservation and access priorities, with a better outcome overall for both public interests (conservation and recreation) and for the farmer.

The presence of two conservation areas within the boundaries of the properties (i.e. Slapjacks Creek/Mt Difficulty Conservation Area and Long Gully/Mt Difficulty Conservation Area) - created earlier in recognition of their significant botanical values - already goes a long way towards the protection of examples of shrublands/scrub within this proposal area. This Preliminary Proposal appears to achieve a good balance between the protection of areas of biological significance and the retention of an economically-viable farm operation. In addition, the provision of access easements will be of significant benefit to the general public.

In conclusion, the Otago Conservation Board supports most of the Preliminary Proposal, subject to the modifications discussed above, because it will produce significant conservation outcomes, provide good public access and recreational opportunities, and preserve a viable farming operation.

We appreciate the opportunity to provide comment on this proposal and we are willing to elaborate on any of the issues we have raised.

Yours faithfully

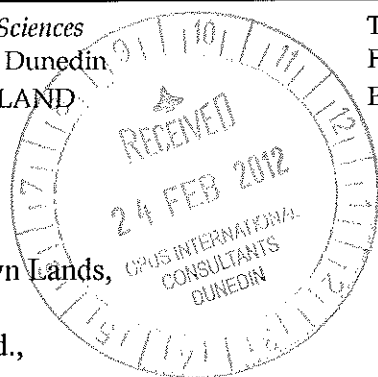


Associate Professor Abigail M. Smith  
Chairperson

6



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February 22, 2012.

Commissioner of Crown Lands,  
C/o Manager,  
OPUS International Ltd.,  
Private Bag 1913,  
DUNEDIN.**SUBMISSION ON PROPOSED TENURE REVIEW: MT DIFFICULTY AND KAWARAU PL'S.**

Dear Sir,

Thank you for sending me document and I appreciate the opportunity to comment on it based on my knowledge of this area on the northeastern end of the Carrick Range, Central Otago.

This is clearly a relatively complex proposal which is obviously justified, but I am concerned with certain aspects of the proposal as I will outline below. The total land area involved is very large, 10,094 ha., comprising 5281 ha of Mt Difficulty and 4813 ha of the adjoining Kawarau P.L.

In relation to the overall proposal:

- 1). I **endorse** the recommended 6ha **proposed Historic Reserve** of Crown Land (R1 on the attached Map) to protect the Natural Bridge over the Kawarau River and adjacent small terrace which has been used as a temporary camp site. This is to be vested in Te Runanga o Ngai Tahu under S. 26 of the Reserves Act but I assume (and **recommend**) that it will remain open to the general public following its reservation.
- 2). Proposed **Historic Reserve R2**, of some 160ha on the southeastern boundary of the property, to be transferred to Crown control for the purpose of protecting significant gold mining relics, including the original Caricktown Village and Walking Track, subject to qualified designations, is also **endorsed**. I also **support** the recommendation to use the existing surrounding fence to exclude cattle from this reserve while allowing **controlled sheep grazing**. However, the indication that "a farm track [which] approximates the eastern boundary and may be aligned to the legal road in places" is clearly not adequate under the CPL Act to "secure public access" to this area and I **recommend** that, either the existing track be formally designated as an easement for public foot, mountain bike and horse access, or the existing access be formally recognised as a legal road. I also note and **endorse** the statement that the southern boundary of this proposed Historic Reserve adjoins a similarly important historic area on the Carrick P.L., which would likely be similarly reserved if and when this property undergoes tenure review, so as to establish a fully representative and so, even more important, historic reserve in the area. The proposed grazing concession over the R2 area, of up to 300 sheep p.a., is **accepted** but I would **recommend** that this grazing be concentrated in the late spring-early summer period to more effectively achieve the apparent purpose of the grazing in controlling rank growth. The proposed continuation of the existing easement of the Carrick Irrigation Coy Ltd, under the minimum impact conditions outlined in Appendix 8, is **accepted**.
- 3). Proposed **Conservation Area (CA1)** of ~987.7 ha to be restored to, or retained in Crown control, subject to qualified designations. This area is an extensive plateau, mostly around 1200-1250m altitude, apart from the steep, mostly bluffed slopes above the Nevis River gorge. This area provides a valuable ecological gradient of some 1000m between the crest of the Carrick Range and the river bed, along the

southern boundary of the Kawarau Station. Part of this area was recommended for protection as RAP 2/2 in the Old Man PNA survey of 1983, based on the extensive tussock grassland and numerous subalpine finger bogs, with local cushionfield, bluff and rock tor communities on the upper slopes. The area is known to contain some **rare and threatened species** of *Olearia*, *Carmichaelia*, *Hebe*, *Acaena* and *Vittadinia australis*. The **proposed grazing** concession over this area for a period of 10 years should be subject to **adequate monitoring**. Photo-points would be recommended for this monitoring, to include both representative areas of the grassland and shrubland communities as well as all of the known rare and threatened plant species. There should also be provision that any adverse effects are immediately addressed through appropriate modification of the management. The proposed **easement "r-o-v-w" is acceptable** as long as the grazing continues. The proposed public access to this area over existing farm tracks is part of a relatively extensive access system of proposed easements and will be discussed as a separate issue later in my submission.

4) **Area CL**, of ~765ha, proposed to be restored to, or retained in Crown control under the Land Act 1948, but pursuant to the CPL Act 1998 (s. 35(2)(b)(iv)). This is a very unusual designation for a property undergoing tenure review and has been justified by the special and spectacular landscape and high ecological values of the extensive northeast aspect slopes of the Carrick land system across from the main highway (SH 6) through the Kawarau Gorge. It includes the entire catchment of Cascade Creek which was identified as a top priority area for protection (RAP 1/1: Mt Difficulty) in the Old Man PNA Survey report (Brumley, et al., 1986). However, the westward extension of the RAP, into the unnamed catchment, which provided an important contrasting aspect across the crest of the Carrick Range has been excluded from equivalent or similar protection and this is an important deficiency in this proposal which I recommend be corrected with adjustment to the area of the proposed CC2, and will be discussed later. The area proposed as CL contains a diverse mixture of semi-arid *Rytidosperma* grasslands, tussockland and shrubland in the Old Man E.D., as well as five **rare and threatened indigenous plant species**. A large number of **invertebrate species**, including many considered rare and endangered, some undescribed and with a high level of endemism, occur here. New Zealand falcon is also present in this area and there are also important, relatively intact remnants of **early goldfield activity** along the river terraces, which adds an important heritage value to this area. The recreational potential of this area is ranked as high but largely unrealised due mostly to general inaccessibility. The proposed new fencing (~500m, labelled "S-T" on the plan), is accepted to include the localised area of serious sheet erosion near the crest of Mt Difficulty from the adjoining area proposed for freeholding. However, as will be discussed later, the summit area to the south of Mt Difficulty, also justifies protection from further grazing. The **proposed access** to this area is along the legal road adjoining the Kawarau river, which would necessitate crossing the Nevis River at point "d" on the western boundary of the property: this seems unrealistic and **needs clarification**. Access is also proposed along part of the top boundary, via the Carrick Range crest ("l-m-n-o" on the map). The **Special Lease** proposed to be issued to allow controlled **grazing** over this ~765ha CL block, which is to provide for up to 1200 wethers annually over the May-December period, appears to be relatively high given that the stipulated grazing is for a maximum of 0.4 SU/ha/yr. This issue **needs to be clarified**. Comprehensive **monitoring** will be a very **important** aspect of the management of this CL block because of its overall sensitivity, and a combination of detailed quadrat and permanent photo-point methods at adequately representative sites is **strongly recommended**. It is also important that adequate **formal provisions** are in place to modify the grazing regime, subject to any adverse ecological effects being revealed by the monitoring programme.

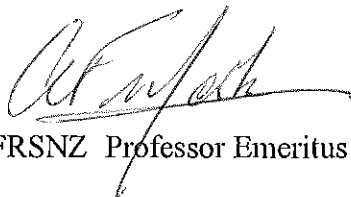
Proposed **freehold disposal** is proposed for ~8175ha (81%) of the property, subject to certain protective mechanisms and qualified designations. I am very concerned that some 1000ha of this area is located at altitudes above 900-1000m, notably along much of the crest of the Carrick Range from the southern boundary of the property through Slapjack Saddle (824m) to Mt Difficulty, at 1285m. These areas are characterised by High Country Yellow-brown Earth soils and have been classified as of Land Use Capability Classes VIIe and VIII. This clearly implies high vulnerability to erosion (as typified by Mt

Difficulty, which has serious erosion persisting from when I surveyed this area for the Otago Catchment Board in 1969 as a member of their High Country Research Team). The **two Covenant proposals** (CC1 of 1280ha and CC2 of 3255ha) do **not adequately conform** with this situation, being justified only for those areas classified as LUC Class VI, which are generally below 900m and most probably capable of being managed in such a way as to promote ecological sustainability. This is a **critical criterion** under the CPL Act to justify freeholding of pastoral leasehold lands. Areas classified as of LUC Class VIIe or VIII on the property would also coincide with the area currently defined in the Central Otago D.C's District Plan for land >900m which has been defined in the plan as of "Outstanding Landscape Value" (though currently subject to review). Much more restrictive pastoral use is required for this land, preferably **cessation of grazing**, which can be further justified for the ~~for the~~ unnamed western-aspect catchment at the northern end of the Carrick Range that was identified as part of the "RAP 1/1: Mt Difficulty", already mentioned in this submission. Ideally these areas should be **added to the CA1** and also embrace the existing **Slapjack Creek Conservation Area**. The proposed new ~4km fence separating CA1 from CC1 and CC2 (shown as "X-W" on the plan) would be more appropriately realigned along the Carrick Range and extended towards Slapjack Saddle, to demarcate <sup>the</sup> boundary between the LUC VIIe-VIII lands above, and the VI lands below. I am not sure of the most practicable solution to this issue but it **must be effectively addressed** under the terms of the CPL Act to recognise that the land >900m on this property (LUC VIIe and VIII), is **incapable of being sustainably managed** for pastoral farming. Those portions of the two proposed **Conservation Covenants** (CC1 and CC2) **below ~900m** are accepted for the purpose stated in the proposal, given the range of "significant inherent values" recognised, and the list of seven specific provisions contained in the proposal, some specific to only one of the proposed covenants, are **accepted**. However, some of these provisions could change pending finalisation of the CODC review of some aspects of its District Plan, so that finality of this aspect of the proposal should perhaps be delayed until this exercise has been completed.

As to the several **Qualified designations**, there is a **complex set of easements** to provide for public and conservation management access, in terms of the CPL Act. Collectively, these easements have the potential to provide important opportunities for public access to many of the wide range of values present on the property and the predictable increased future public interest in visiting and enjoying these heritage values. The distances involved in several of the routes are substantial, which will make **mountain biking, horse riding** and probably **camping** opportunities at specified sites, important. **Formalising** all of these **easements** is an **important** aspect of this tenure review exercise, and clarifying the recommended access to point "d" at the junction of the Nevis and Kawarau Rivers is **recommended**. The proposal to formalise the right of DOC to **convey water** to the Kawarau Mining Centre is **accepted**, as is the continuation of all of the several existing rights outlined in the proposal.

I trust that my recommendations will be seriously considered and, again, I thank you for the opportunity to comment on this proposed tenure review.

Yours sincerely,



Alan F. Mark. FRSNZ Professor Emeritus

7

**Simon de Lautour**

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**From:** Dave Payton [Dave.Payton@opus.co.nz]  
**Sent:** Friday, 24 February 2012 14:55  
**To:** Simon de Lautour  
**Subject:** FW: MtDifficulty/Kawarau Tenure Review PP by CORUF  
**Attachments:** Kawarau\_Mt Difficulty P0 234\_353 PP by CORUF.doc

-----Original Message-----

**From:** Errol & Jan Kelly [<mailto:ejkelly@clear.net.nz>]  
**Sent:** Friday, 24 February 2012 2:50 p.m.  
**To:** Dave Payton - OPUS  
**Subject:** MtDifficulty/Kawarau Tenure Review PP by CORUF

Dear Dave,

Attached is a submission from the Central Otago Recreational Users Forum on Mt Difficulty and Kawarau Leases Preliminary Proposal.

I hope that I have got this right, the area is of considerable interest to our members.

With kind regards,

Jan Kelly,  
secretary.  
CORUF

CENTRAL OTAGO RECREATIONAL USERS FORUM Inc.  
*CORUF*

Address for Service:

186 Faulks Road,  
RD 2,  
Wanaka 9382.  
ejkelly@clear.net.nz

Name:

Jan Kelly, Secretary of CORUF.

To:

The Commissioner of Crown Lands  
c/o Tenure Review Contract Manager,  
OPUS International Consultants Ltd,  
Private Bag 1913,  
DUNEDIN  
Attn: Dave Payton.

*Submission to Preliminary Proposal, Kawarau and Mt Difficulty Pastoral Leases,  
Po 234 and Po 353.*

Dear Sir,

We appreciate the opportunity to submit to the review of Kawarau and Mt Difficulty Pastoral Leases.

Our members and committee are familiar with this country, and have given us their opinions on it. One of our committee has inspected the lease with other parties.

We thank the Lessees for their courtesy in allowing this visit to take place, and for allowing local recreationists to use the trails in the past with permission.

***Central Otago Recreational Users Forum***

The Central Otago Recreational Users Forum is a voice for a diverse group of user interests, representing about 60 recreational clubs and groups. A significant part of our brief is to represent recreation by the public to the statutory managers of public lands.

A fundamental principle guiding us is the belief that public lands should be accessible in some way to the general public, and not restricted only to the very fit and capable, that a variety of outcomes are desirable.

An associated principle is for due care and respect, to the land, the landscape, natural and historical values, and to the private landowners whose properties have easements on them giving us access to conservation land.

With these things in mind, the Central Otago Recreational Users Forum makes the following submissions.

**SUBMISSION by the Central Otago Recreational Users Forum.  
Kawarau and Mt Difficulty Pastoral Leases, Po 234 and Po 353**

The Carrick Range is a significant area to us for biking and walking and riding, and for general recreational enjoyment of this high and attractive land - all close to population centres where there are a great many recreationists and outdoor enthusiasts looking for places to enjoy a quality experience, relatively close to home, even during the working week, in summer and winter.

This location and its opportunities fit well with initiatives to improve the general health, fitness, resilience and self-reliance of communities by providing outdoor recreation opportunities close to where people live.

The landscape qualities of the range are important to us, as enjoyable recreation takes place in a setting, and this one with its extensive open ground and huge views, is particularly attractive.

Our members interests include both active and passive recreation, sheer enjoyment of and refreshment in the outdoors being the unifying factor.

The historic values of the Carrick Range and Kawarau and Nevis River corridors are all significant to the large number of our members who have a keen interest in the retrievable past.

**2.1**

**R1, THE NATURAL BRIDGE, Historic Reserve**

*An area of approximately 6 hectares to be restored to or retained in full Crown ownership and control as Historic Reserve (R.1) pursuant to Section 35(2)(a)(ii) Crown Pastoral Land Act 1998.- (vested in Te Runanga o Ngai Tahu under Section 26 of the Reserves Act).*

**We approve the R1 designation.** This is a significant site, where a striking and rare natural feature became integral to the human use of the river. The long Maori trail that used the natural bridge over the Kawarau makes the site significant; and the subsequent use of the bridge in gold mining days adds a dimension of more recent history. This site obviously deserves full protection as an Historic Reserve.

The easements listed in the Proposal do not include an automatic connection between **b** and **c**. We believe that the Historic Reserve will contain within it full public access. If it does not, then we need to have a public link please between **b** and **c**, through or around the Historic Reserve R1.

**2.3, 2.3.1**

**R2, CARRICKTOWN, Historic Reserve**

*An area of approximately 160 hectares to be restored to or retained in Crown control as Historic Reserve (R 2) pursuant to Section 35(2)(b)(ii) Crown Pastoral Land Act 1998 subject to the following qualified designations.*

*A Grazing Concession (over R 2) in favour of Kawarau Station Limited, pursuant to Section 36(1 )(a) Crown Pastoral Land Act 1998.*

**We approve the R2 designation.** The Carricktown gold mining site and its history are highly significant to the district, and protection as an Historic Reserve is appropriate.

The proposed grazing lease should be monitored. While grazing by sheep (not cattle) will keep the pasture trim, it should not be allowed to be a threat to the integrity of the historic area.

It is appropriate that the R2 designation adjoins the matching R designation in Carrick lease, to allow more complete protection of this historic field.

The status of the access farm track could be clarified, as it is on and off its legal alignment and so doesn't qualify as secure and enduring public access. If the track itself is to be the formal access to and boundary of R2, then it needs to be declared public ground via an access easement.

**We recommend** that the farm track bordering R2 is declared a public access easement on its present alignment.

2.2, 2.2.1, 2.2.2

#### CA1. CONSERVATION AREA.

*An area of approximately 987.744 hectares to be restored to or retained in Crown control as Conservation Area (CA 1) pursuant to Section 35(2)(b)(i) Crown Pastoral Land Act 1998 subject to the following qualified designations.*

*A Grazing Concession (over CA 1) in favour of Kawarau Station Limited, pursuant to Section 36(1)(a) Crown Pastoral Land Act 1998.*

*An Easement Concession (over CA 1) in favour of Kawarau Station Limited for farm management access, pursuant to Section 36(1)(a) Crown Pastoral Land Act 1998.*

We approve the CA1 designation : a qualification to CA1 is noted under CC2 below.

The CA1 block sits well against the matching but smaller CA2 area on Carrick Station adjacent, together they give appropriate protection for and public access to the land on and around the great bluff on the Nevis River. This larger designation also helps to satisfy the need to conserve a complete altitudinal sequence of protected land from the river to the summit of the Carrick Range.

We approve the inclusion in this unit of the interesting unnamed creek catchment just north of the Nevis bluffs with its higher natural qualities, and we approve the inclusion of the upper reaches of Potters Creek. Together these give protection to RAPs OM 2/2 and a good part of OM 2/1.

Visually it is an important strip for the enjoyment of the Carrick Range and the dramatic Nevis Gorge with its wild rapids below. On top of the range is a subtly rounded, cohesive landscape that is attractive in its own right, and is also foreground to the grand landscapes in the Remarkables Conservation Area beyond, together these make a wider unity.

We see that there are opportunities for a wide range of recreational enjoyment on CA1

We do not contest the 10 year grazing concession on CA1, providing it is properly monitored for the safety and integrity of the natural and historic values being protected.

We have no problem with the access designation *r-o-v-w* giving the landowner the right to drive on an existing 4WD track on CA1 for farm purposes. No further tracks should be built, and maintenance of this track done with care for the adjacent vegetation.

2.4, 2.4.1

#### CL. CROWN LAND

*An area of approximately 765.1156 hectares to be restored to or retained in Crown control (CL) under the Land Act 1948 pursuant to Section 35(2)(b)(iv) Crown Pastoral Land Act 1998 subject to the following qualified designation.*

*A Special Lease (over CL) issued to Kawarau Station Limited, pursuant to Section 36(1)(b) Crown Pastoral Land Act 1998.*

This Special Lease covers the steep, rocky, scrubby and dramatic north eastern face of Mt Difficulty, an area inevitably observed from the highway below by the thousands of travellers in the scenic corridor of the Kawarau Gorge. It is a prominent part of a landscape integral to the gorge.

The area of land in the proposed CL is within the Central Otago District Council's "Area of Outstanding Landscape Value" in the operative District Plan.

We approve generally of this CL designation, but note that grazing will be allowed under a very lengthy Special Lease. We recommend that the Special Lease is divided into shorter segments for re-approval. We approve the installation of photo points and other monitoring techniques.

While visual landscape values are dominant, this is also an interesting collection of bluffs and steep ground to explore, where life adaptations have been made to a rare, arid environment. There is much to be discovered, appreciated and learned here.

The existing legal road along the river edge from **t** to **a** is important to us.

We assume the right of public access on and across the Crown Land block CL.



2.5, 2.5.1, 2.5.2

**CC1, CC2 . CONSERVATION COVENANTS.**

*An area of approximately 8175 hectares to be disposed of by freehold disposal to Kawarau Station Limited pursuant to Section 35(3) CPLA 1998, subject to Part IVA Conservation Act 1987, Section 11 Crown Minerals Act 1991, the following protective mechanisms and qualified designations:*

- A Conservation Covenant (CC1) of approximately 1280 hectares pursuant to Sections 40(1)(b) and 40(2)(a) CPLA 1998 to protect the natural environment and landscape amenity.
- A Conservation Covenant (CC2) of approximately 3255 hectares pursuant to Sections 40(1)(b) and 40(2)(a) CPLA 1998 to protect the outstanding natural landscape and land above 900 metres.

We approve the creation of CC1 and CC2 covenants, though it is difficult to understand why the gap between CC1 and CC2 should exist, effectively exempting Slapjack Creek valley from the protective Covenanted area.

CC2 is within the Central Otago District Council's "Area of Outstanding Landscape Value" in the operative District Plan, changing to "Outstanding Natural Landscape" through Plan Change 5.

CC1 is presently in the Rural Resource Zone, upgraded to Significant Amenity Landscape by Plan Change 5. Part of that latter category is presently in dispute through Appeals to the Plan Change for the Nevis landscapes, where appellants have asked that the SNL be changed to ONL.

The Nevis River valley is subject to Appeals relating to its status in the Kawarau River Water Conservation Order. The outcome may impact on formal requirements for protection on CC1.

Together, CC1 and CC2 are on a mountain face which is continuous and highly visible.

We recommend that CC1 is extended to join CC2 at a common boundary.

We recommend that no new tracks are created on the Kawarau face and the Nevis face.

The two stone huts in CC1 are of considerable interest for our Central Otago heritage.

We recommend that access to the huts is provided via a 20 m wide public easement walking track to and around each one, within CC1.

We note that these are historic structures, of ongoing interest to a wider population.

**Qualifications on CC2 / CA1:**

We agree wholly with a proposal being made by others that the southern, higher portion of CC2 be added to CA1. This is the high land between Slapjack /Mt Difficulty Conservation Area, Long Gully Conservation Area, and CA1, and covering the headwaters of Long Gully Creek.

The logic of the proposal is that this expanded CA1 creates a coherent, conserved area out of high altitude land that is not ecologically sustainable if farmed, has good natural values, has a number of small finger bogs and wet seepages, would be significant as a water storage resource on both sides of the range, lies above 900m, would contribute over the long term to biodiversity, and is an important component of the visual and natural integrity of this part of the mountain.

There is a strong landscape benefit to having this wider area set aside as one cohesive unit, thus increasing public recreational enjoyment of the range.

We recommend that the part of CC2 that lies between CA1, Long Gully CA, and Slapjack/Mt Difficulty CA, be added to CA1, so that in its extent it joins these three named areas into contiguous public land.

We also query why the high point on the Carrick Range at 1312 m is in CC1, not CA1.

We recommend that the boundary of CA1 (near fence point 'W' above the Nevis face) is adjusted to take in land upwards of the 1200 m contour, to enclose a high point of the range at 1312 m.

## PUBLIC ACCESS.

*Public foot and non motorised vehicle access and DoC management purposes easement in gross, easement routes a-b and c-d where the route is outside of the unformed legal road, e-f-g-h-l, h-j-f, j-k*  
*Public foot, non motorised vehicle and horse access and DoC management purposes easement in gross k-l-m-n-o, k-m-p, q-r*

We approve the above routes, and note the local limitation (in the Stewartown area) on places where horse riders may use the trails. We are not sure why this is so, other than that an entry point is at the top end of the Bannockburn Sluicing Historic Reserve.

Loop recreational tracks are extremely popular with mountain bikers, walkers and horse riders, being much favoured over one-way trips. We commend the varied combination of loop tracks being created here.

The legal road along the river edge is important to us. Point a is at the "inner" or western end of CL and so has full public access to it out of that block.

But in one sense the legal road between points a and d exists in limbo in this Proposal because while there is river edge access, one can't presently get onto that strip from the other routes being made available. There is no internal "down-the-hill" access to and from it, in other words.

The route to Gees Flat is potentially being made unavailable to us by the condition that only DOC vehicles can use the segment u - t , and we protest this.

CORUF identifies the following significant recreational routes, and asks that they be added to the Proposal as easements for enduring public access.

- (1) We request that the short stretch of track t - u is opened to non-motorised public recreational access, and we request that a change is made to the proposal to achieve this.

Having this access will allow bikers, for example, to start from Bannockburn, proceed up the true right of the Kawarau River to Gees Flat, cross (with conditions, perhaps) by the bridge at the DOC gold-mining centre, and return to Cromwell /Bannockburn area via the main road and adjacent routes. This is a significant loop track that will be much valued by local recreationists, and we request that the segment of it that is in the Lease is put in place as legal public access, starting at point t.

The Conservation Resources Report for Mt Difficulty, p 44, contains a recommendation for "foot and mountain bike access via the 4WD track along the foot of the Kawarau faces from Bannockburn to Gees Flat, Masons Gully and other historic sites in the Kawarau Gorge", and we agree.

- (2) Two zig-zag farm tracks on the main face of CC2, start at about Fencing Point S at the summit of Mt Difficulty and lead down-spur westwards to the Kawarau River.

We request that these two tracks are made available for public access, please.

Without them there is no enduring public access to the Kawarau River via the western side of Mt Difficulty and the Carrick range.

The Conservation Resources Report for Mt Difficulty, p 44, contains a recommendation for "foot and mountain bike access over Mt Difficulty to historic sites beside Kawarau River and to cableways", and we agree.

Opening these two tracks to public use will add considerable value to the public recreational enjoyment of CC2.

- (3) The existing track down Slapjack Creek contributes an additional route to the Nevis Gorge, adding value and difference to the routes already available.

We request that it is added as a public easement, to help access the west side of the Range where so far no down-slope public access easements have been provided. The Nevis Gorge is valued for kayaking, fishing, exploring, rock-hopping and generally visiting the river, and for experience of its confluence with the Kawarau, it is important that public access is provided to it in a reasonable manner.

The *Conservation Resources Report* for Mt Difficulty, on pages 31 and 44, contains two recommendations for a round trip via Slapjack Creek, and foot and mountain bike access through Slapjack Saddle, and we agree.

- (4) Slapjack Saddle can usefully be regarded as a hub at point m where a variety of recreational routes can depart or pass through, adding richer variety to the options available and altogether opening up wider public enjoyment of the high country.
- (5) Having a good mixture of loop routes available will be of considerable interest to organised walking groups who like to try a variety of trails during the year.
- (6) Horse riding groups and individuals, equally, will get much quiet enjoyment on these high tracks with their wide-open views, with day-return trips available for families.

This is mostly hard, arid country and can, we believe, sustain non-invasive general recreational use with little detrimental effect.

- (7) Open public access to points r and q at the south edge of Kawarau lease is absolutely dependant on the access arrangements being made for Carrick Lease adjacent, so that one can reach these start points via the ridge-top track from Duffers Saddle. We remind you of this essential, associated process.
- (8) We envisage that if the adjacent Carrick Lease proposal allows 4WD access as far as points r, q, then drivers could also go into Kawarau and Mt Difficulty lease on tracks where the road surfaces are appropriate. We recommend that 4WD access is made available for a specified season in the summer, using tracks which do not traverse soft ground and wetlands.
- (9) The section of track h- g - f, to be closed for lambing purposes each year between Sept 1 and Oct 31 should be signposted on the ground with the dates of closure and reopening, to remove doubt and forestall any misunderstandings about access rights.

In many parts of the reviewed High Country land it isn't possible to go out at all in spring any more, depriving us of the enjoyment of this vibrant season. We are pleased that there are no other restrictions on the tracks, as the easements are defined.

Thank you for the opportunity to comment on these two Pastoral Leases.

Yours faithfully,

Jan Kelly,  
Secretary,  
Central Otago Recreational Users Forum,  
24 February 2012.

8

Simon de Lautour

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**From:** Dave Payton [Dave.Payton@opus.co.nz]  
**Sent:** Monday, 27 February 2012 12:17  
**To:** Simon de Lautour  
**Subject:** FW: Submission on preliminary proposal for Kawarau-Mt Difficulty  
**Attachments:** Submission on preliminary proposal.docx

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**From:** Peter Wilson [mailto:p.wilson@fish-game.org.nz]  
**Sent:** Monday, 27 February 2012 12:16 p.m.  
**To:** [dave.payton@opus.co.nz](mailto:dave.payton@opus.co.nz)  
**Subject:** Submission on preliminary proposal for Kawarau-Mt Difficulty

Dear Dave

Please find attached a submission from the Otago Fish and Game Council on the advertised preliminary proposal for Kawarau – Mt Difficulty.

Cheers  
Peter Wilson  
Environmental Officer  
Otago Fish and Game Council

David Payton  
Opus International Consultants Ltd  
Private Bag 1913  
Dunedin 9054

27/02/2011

Dear David,

**Re: Kawarau / Mt Difficulty Station Tenure Review – Submission on Preliminary Proposal**

Thank you for the opportunity to submit on the preliminary proposal. This is a public submission on behalf of the Otago Fish and Game Council, and is further to the Fish and Game Resources Report that was submitted in 2000.

The primary concern that Otago Fish and Game has with this preliminary proposal is the lack of motorised vehicle access to Long Gully. This supports a reasonable brown trout fishery, and is fished by our license holders. Anglers, especially older anglers, need motorised access closer to their fishing spots. At the very least, there should be motorised access from point k (on sheet 1) for some distance up the stream. A suggestion of an appropriate point would be where the 110kV powerlines cross Long Gully. Any further access from this point can be on foot, or with the permission of the landowner.

Our final concern relates to the conservation covenant CC2. There are substantial water yield values provided by the tussocks in the headwaters of all of those Lower Nevis tributaries that bolster the Nevis River during times of low flow, but Otago Fish and Game doesn't believe that the conditions on this covenant are strong enough to protect and enhance these tussocks. In particular, the covenant should prohibit burning. The grazing of sheep and top-dressing is acceptable to us.

Yours sincerely,

Peter Wilson  
Environmental Officer  
Otago Fish and Game Council

9

Simon de Lautour

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**From:** Dave Payton [Dave.Payton@opus.co.nz]  
**Sent:** Monday, 27 February 2012 16:53  
**To:** Simon de Lautour  
**Subject:** FW: Mt Difficulty and Kawarau PL - Preliminary Proposal submn NZHPT 1 of 2  
**Attachments:** Archaeology heritage recommendations from Matt 22 Feb 2012.doc

**From:** Owen Graham [mailto:ograham@historic.org.nz]  
**Sent:** Monday, 27 February 2012 4:50 p.m.  
**To:** [Dave.payton@opus.co.nz](mailto:dave.payton@opus.co.nz)  
**Subject:** Mt Difficulty and Kawarau PL - Preliminary Proposal submn NZHPT 1 of 2

Hello Dave,

Attached find the NZHPT submission and annotated maps on Mt Difficulty and Kawarau PL - Preliminary Proposal notified in December 2011. I would be keen for further discussion on the range of heritage matters we have raised should that opportunity be available.

Regards

Owen Graham, Area Manager - Otago/Southland  
New Zealand Historic Places Trust/Pouhere Taonga | Floor 4, 109 Princes Street, P O Box 5467, Dunedin 9058, New Zealand  
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New Zealand Historic Places Trust  
Pouhere Taonga



Our ref: 22015-001

27 February 2012

The Manager  
Opus International Consultant Ltd  
Private Bag 1913  
Dunedin 9054

Attn.: Dave Payton

Dear Mr Payton

**RE: MT DIFFICULTY AND KAWARAU STATION PASTORAL LEASE TENURE REVIEW**

Thank you for your letter of 7 December 2011 concerning this tenure review.

The NZHPT is New Zealand's lead agency in historic heritage management. It is an autonomous Crown Entity established under the Crown Entities Act 2004. Its purpose is to promote the identification, protection, preservation and conservation of the historical and cultural heritage of New Zealand, as provided for in Section 4(1) of the Historic Places Act 1993. Section 54(2) (a) of the Act empowers the NZHPT to advocate its interest at any public forum or in any statutory planning process. This includes High Country tenure reviews undertaken pursuant to Part 2 of the Crown Pastoral Land Act 1998.

We acknowledge that pastoral lease tenure review offers a 'one off' opportunity for the appropriate recognition and protection of significant inherent values, which includes historic and archaeological values. We have reviewed the Summary of Preliminary Proposal, December 2011, and the October 2002 Conservation Resources Report obtained from the LINZ website. We are aware that the Kawarau Station lease was investigated for tenure review purposes in 1998 which resulted in approx. 2/3rds of formerly recorded historic sites. We have also referenced the NZ Archaeological Assn. site record database (Archsite) for up-to-date information on recorded archaeological sites.

We provide the following comments based on our understanding of the significance of the historic values present on this lease, and assessment by NZHPT's Regional Archaeologist for Otago/Southland of additional information available to us. See also additional maps provided with notations attached.

1. It is proposed that Area R1 become a Historic Reserve to protect a small terrace near the Natural Bridge which is known to be a kaika nohoaka or temporary campsite on the old Maori trail system. The Stone Bridge provided a crossing over the Kawarau River to the Cardrona Valley and into the Wakatipu Basin. The NZHPT supports this proposal but also recognises the heritage significance of several other important historic and archaeological sites in this uppermost part of the lease. These include dams ((F41/158), a pack track (F41/162), sluice tailings (F41/161), huts (F41/429), and mine shafts (F41/155).

NZHPT Otago/Southland Area Office, Floor 4, Queens Building, 109 Princes Street  
PO Box 5467, DUNEDIN 9058 Ph (03) 477-9871 Fax (03) 477-3893

The NZHPT recommends that the uppermost part of the lease (as shown on maps attached) be added to the Crown Land possibly with a Special Lease to afford protection to these heritage sites.

2. Area CA1 - land to be restored or retained in Crown Control as a Conservation Area. This contains early alluvial workings as indicated on pages 16 and 17 of the 2002 Conservation Resources Report. Gold mining, discovered in this area in the spring of 1862, wrought huge changes on this landscape. Alluvial areas were mined first with miners working the flats and existing creeks by hand. They built huts close to their workings. These workings are a rare remnant of the earliest attempts at gold mining. The NZ Archaeological Association (NZAA) Site Recording Scheme notes at least two sites in this area; a hut and tailings (F42/75) and gold workings (F42/16) while it is probable that many more remain unrecorded. The NZHPT notes that grazing concessions are included in the preliminary proposal for CA1. We recommend that the concession include conditions that seek to ensure these alluvial working sites are not affected, either through over stocking, fencing or tracking of other farm practices. An appropriate protection mechanism may be to execute a Heritage Covenant.
3. Area R2 Historic Reserve includes Carrick Town and some mining sites in its immediate surrounds. While the NZHPT supports this proposed reserve, we also note that there are other associated battery sites, mining adits, mullock heaps and related infrastructure outside of this reserve. Many of these sites are recorded on the NZAA Site Recording Scheme particularly around Pipeclay Gully and Smiths Gully. In the current proposal the extent of reserve follows and existing fenceline which is convenient however, that dislocates these sites which will be on freehold land.

The NZHPT recommends that the Historic Reserve should be extended to include a wider representation of these related sites. A Heritage Covenant over these other sites is another possible protective mechanism. In this case the NZHPT would welcome further opportunity to discuss how more of these sites may best be protected.

4. The land to be freeholded east of Carrick Town includes a water race system which fed Bannockburn mining. Mining in the area was limited by the lack of water supply. This was addressed by constructing a system of lengthy water races enabling sluicing with high-pressure water. This gave much faster returns. Many of these water races, which left their own signature on the landscape, are still visible today. Indeed some are still being used for farming purposes.

The NZHPT recommends conservation controls for heritage management or a separate Heritage Covenant to protect these sites on proposed freehold land.

5. CC2 is a large area of land to be freeholded subject to conservation covenant CC1. The NZHPT notes that the proposed provisions include sheep grazing, maintenance of existing fencing and maintenance of the existing Holly and Stone Huts. The NZHPT would also like to draw attention to significant sites on the Kawarau Gorge Road included in CC2. Some sites are recorded on the NZAA Scheme (e.g. tailings (F41/132) and a miner's dam (F41/171)). This area includes one of the best remnants of herring bone sluicings along the Kawarau River. The area also includes huts, races and dams, many of which can be seen from the Gibbston Highway.

The NZHPT recommends that the area surrounding these sites is protected by way of a Heritage Covenant, Historic Reserve or restoration to Crown Land providing control of



vegetation and animals to minimise damage. A Special Lease may then be issued with conditions.

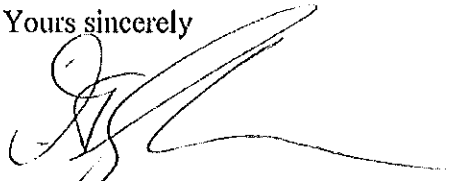
The NZHPT notes that the preliminary proposal includes the creation of Crown reserves and the restoration or retention of conservation areas. The NZHPT is concerned, however, that areas of land to be freeholded contain sites of heritage value; that the historic reserves are not sufficiently extensive; and that special leases are required on areas of proposed Crown Land. I have attached The NZHPT would welcome on-going discussions with the Department of Conservation and/or LINZ to negotiate the best means by which important heritage sites may be protected.

It is also important that current and future owners are made aware that work affecting archaeological sites is subject to the archaeological authority process under the Historic Places Act 1993.

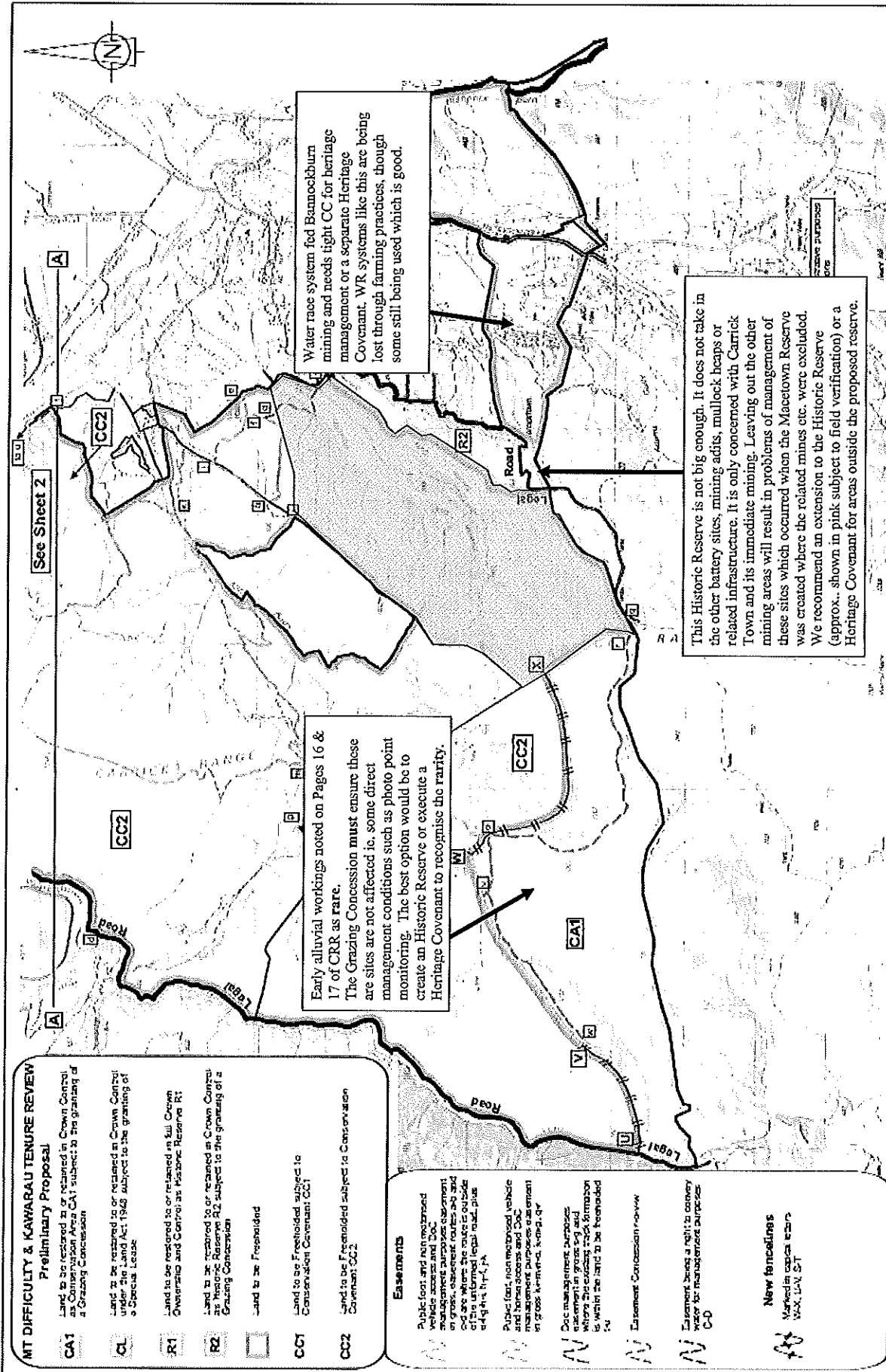
If any activity by the owner or purchaser of the land may modify, damage or destroy any archaeological site(s), an authority (consent) from the NZ Historic Places Trust must be obtained for that work prior to commencement.

Please let me know if you have any queries with respect to the above.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Owen Graham', with a long horizontal flourish extending to the right.

Owen Graham  
Area Manager (Otago/Southland)



**MT DIFFICULTY & KAWARAU TENURE REVIEW**  
**Preliminary Proposal**

**CA1** Land to be retained in or returned to Crown Control under the Land Act 1945 subject to the granting of a Grazing Concession

**CL** Land to be retained in or returned to Crown Control under the Land Act 1945 subject to the granting of a Special Lease

**R1** Land to be retained in or returned in full Crown Ownership and Control as Historic Reserve R1

**R2** Land to be retained in or returned to Crown Control as Historic Reserve R2 subject to the granting of a Grazing Concession

**FR** Land to be Freehold

**CC1** Land to be Freehold subject to Conservation Covenant CC1

**CC2** Land to be Freehold subject to Conservation Covenant CC2

**Easements**

Public foot and non-motorised vehicle access and DOC management purposes. The easement covers all the land and areas where the route is outside of the uniform legal road plus 40m on either side.

Public foot, non-motorised vehicle and horse access and DOC management purposes. The easement covers all the land and areas where the route is outside of the uniform legal road plus 40m on either side.

DOC management purposes. The easement covers all the land and areas where the route is outside of the uniform legal road plus 40m on either side.

Easement covering power lines.

Easement being a right to convey water for management purposes.

**New fence lines**  
 Marked in orange text  
 MAX. 10M SET

Water race system for Bannockburn mining and needs tight CC for heritage management or a separate Heritage Covenant. WR systems like this are being lost through farming practices, though some still being used which is good.

This Historic Reserve is not big enough. It does not take in the other battery sites, mining adits, mullock heaps or related infrastructure. It is only concerned with Carrick Town and its immediate mining. Leaving out the other mining areas will result in problems of management of these sites which occurred when the Macetown Reserve was created where the related mines etc. were excluded. We recommend an extension to the Historic Reserve (approx. shown in pink subject to field verification) or a Heritage Covenant for areas outside the proposed reserve.

Early alluvial workings noted on Pages 16 & 17 of CRR as rare. The Grazing Concession must ensure these are sites are not affected i.e. some direct management conditions such as photo point monitoring. The best option would be to create an Historic Reserve or execute a Heritage Covenant to recognise the rarity.

Version	1	2	3	4	5
Otago Land District	Sheet 1 of 2				
NZMS 260 F41 & F.42	Date 29/10/1999				

**Mt Difficulty & Kawarau**

Scale 1 : 50000

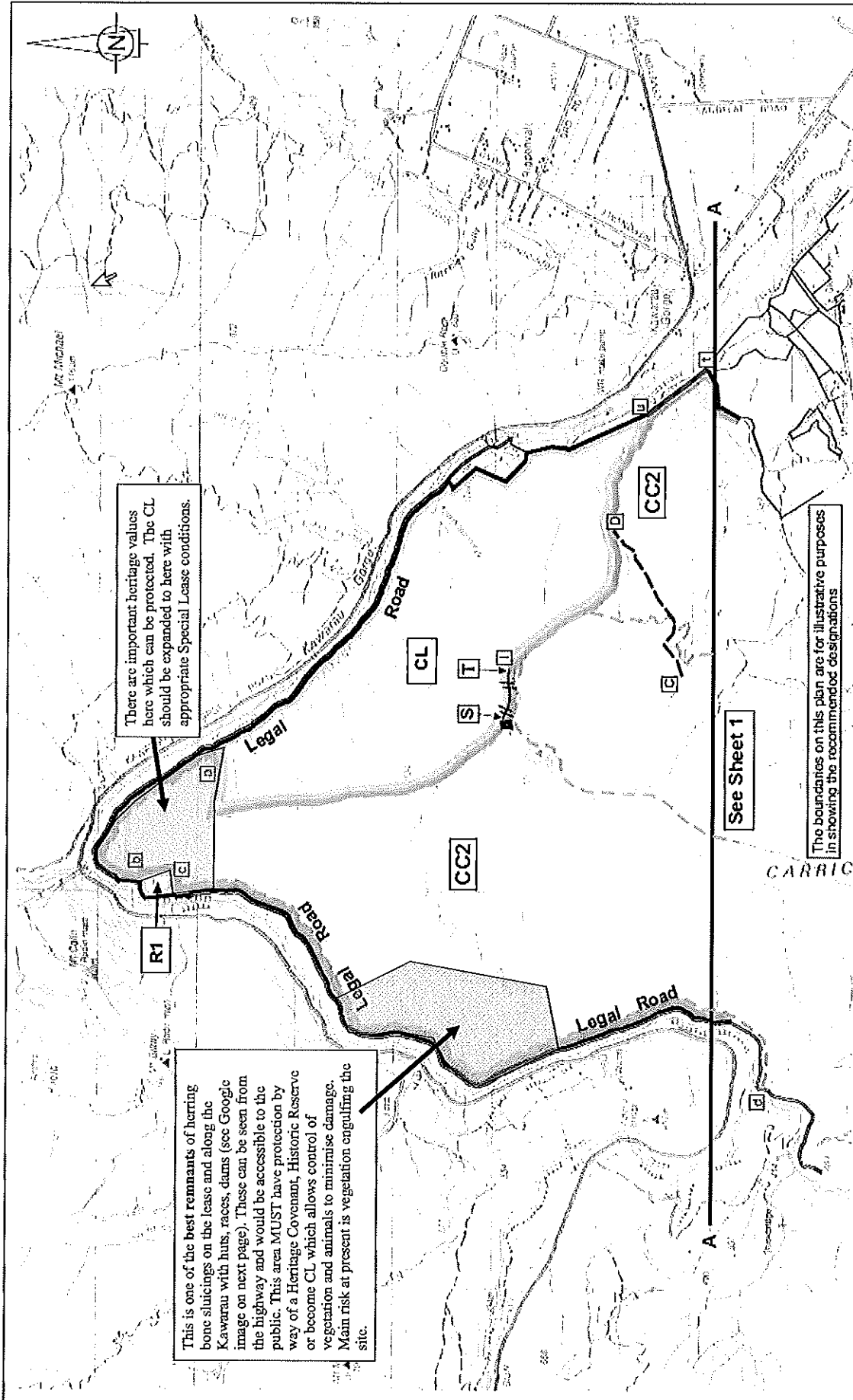
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**OPUS INTERNATIONAL CONSULTANTS**

Confidentiality of the original status check only.

TR 082.1 Mt Difficulty & Kawarau 0\_5\_1.5 designator 10/15/01

Created by: OPUS CONSULTANTS DUNEDIN



<b>OPUS CONSULTANTS</b> INTERNATIONAL Certified a true copy of the original status check plan.	<b>Mt Difficulty &amp; Kawarau</b> Scale 1:5000 0 1000 2000 3000 4000 5000m				
	Version 1 2 3 4 5	Sheet 2 of 2			
<b>NZMS 260 F.41</b> Date 29/10/1999					

Graphics by:  
 OPUS Consultants DUNEDIN

TR 062.1 Mt Difficulty & TR 062.2 Kawarau 8\_5\_1.5 dosgnsplan 10/05/2011



10

**Simon de Lautour**

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**From:** Dave Payton [Dave.Payton@opus.co.nz]  
**Sent:** Tuesday, 28 February 2012 08:53  
**To:** Simon de Lautour  
**Subject:** FW: Mt Difficulty and Kawarau Pastoral Leases  
**Attachments:** CMS 776 Mt Difficulty and Kawarau Station - NZWAC Response to Tenure Review PP.doc

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**From:** George and Pam Williamson [<mailto:gapwilliamson@gmail.com>]  
**Sent:** Monday, 27 February 2012 5:46 p.m.  
**To:** [dave.payton@opus.co.nz](mailto:dave.payton@opus.co.nz)  
**Cc:** [jbarr@linz.govt.nz](mailto:jbarr@linz.govt.nz)  
**Subject:** Mt Difficulty and Kawarau Pastoral Leases

Hi David

As discussed I have been unable to provide you with our submission by the due time 5pm because of remote laptop issues. However I have been able to reconstitute the submission and get it onto an Air New Zealand computer to send by Gmail, but not with Commission letterhead logo.

Please find submission alternate submission attached.

I will mail you the original copy on Commission letter head tomorrow.

With best wishes

George Williamson



**WALKING ACCESS**  
ARA HĪKOI AOTEAROA

27 February 2012

The Commissioner of Crown Lands  
Opus International Consultants Ltd,  
Private Bag 1913,  
**DUNEDIN 9054**

**Preliminary Proposal for Tenure Review of the Mt Difficulty and Kawarau  
Station Pastoral Leases, Po 353 & 234.  
Submission from the Walking Access Commission**

Thank you for the opportunity to comment on the Preliminary Proposal for the tenure review of the Mt Difficulty and Kawarau Station pastoral leases. As you will appreciate, this is the first opportunity that the New Zealand Walking Access Commission (the Commission) has had to comment on this proposal.

We have not had the opportunity to undertake a ground inspection.

The following submission should be considered as new information as, to-date, the tenure review planning, extensive discussion and consultation have all been undertaken without input from the Commission – the statutory body established in 2008 to lead and support public access negotiations.

The Commission's public access statutory role is described below, under section **A. Introduction**, and the detailed submission is presented in section **B. Submission**.

In summary, the Commission seeks to have:

- a track marked through 'R1' to connect with, and be consistent with, the proposed easements 'a-b' and 'c-d';
- the legal status of Country Section 1 Block IV Bannockburn Survey District confirmed as not being included in the pastoral lease;
- more detailed plans made available which clearly show the relationship between pastoral lease boundaries and legal and formed roads;
- appropriate information provided to identify which waterways qualify for marginal strips shown on the plan;
- marginal strips created with sufficient width to enable practical public access;
- unobstructed public walking access along marginal strips, with the use of stiles and/or gates as appropriate in any fence which may cross over a marginal strip;

- the easements and marginal strips clearly depicted in the New Zealand digital cadastral record.
- confirmation that free and enduring public access is available from Kawarau Gorge Road, across the bridge over the river to Gees Flat, to the areas CL and R1;
- detailed information on the possible replacement and/or extension of Long Gully Walkway before further decisions are made;
- controlled public vehicular access across and in addition to the proposed public access easements 'a-b', 'c-d', 'e-f-g-h-l', 'h-i-f', 'j-k', 'k-l-m-n-o', 'k-m-p', and 'q-r'
- public vehicular access along proposed DOC management easement 't-u'
- free and enduring, public vehicular access through the pastoral lease, from legal roads about the east boundary of the pastoral lease (suggesting from Felton Road) to the conservation area CL and confirmation how public access to easement 't-u' may be provided within the pastoral lease;
- an alternative entry and exit route for horse access from Felton Road.

## **A. Introduction**

### **Purpose, Objective and Functions of the NZ Walking Access Commission**

The Walking Access Act 2008 (sections 3, 9 and 10) sets out the purpose, objective and functions of the NZ Walking Access Commission.

Central to its role is the Commission's leadership functions in negotiation and provision of free, certain, enduring and practical access to the outdoors for New Zealanders and visitors.

### **Focus of Submission is Public Access**

The Commission's submission on this Preliminary Proposal is designed, as envisaged by the Act, to achieve certain, enduring and future-focused public access in this area of New Zealand.

The Commission's submission reinforces the objectives of the Crown Pastoral Land Act 1998 (CPL Act), in particular section 24(c) which is to make easier the securing of public access to and enjoyment of reviewable land. Specifically, our submission addresses the public access and public enjoyment matters specified in subsection (2) (c) and (d) of section 40 of the Crown Pastoral Land Act 1998.

The Commission was not consulted during the preparation of this preliminary proposal, which had commenced well before the introduction of the Walking Access Act 2008. Nor has the Commission had the opportunity to undertake a ground inspection.

Therefore, this submission should be considered as new information - provided by

the Crown agency with statutory responsibility<sup>1</sup> for leading and supporting the negotiation, establishment, maintenance, and improvement of –

- walking access (including walkways, which are one form of walking access) over public and private land; and
- types of access that may be associated with walking access, such as access with firearms, dogs, bicycles, and motor vehicles

## B. Submission

### General comments

Legal roads are a critical component of potential public access to and through the review land, and more detailed plans would enable the clear identification of lease boundaries with roads. This is particularly so on the eastern boundary west of Bannockburn.

The lack of clarity in the diagrams makes it hard to determine if a small parcel of land (Country Section 1 Block IV Bannockburn Survey District) by the Kawarau homestead is or is not included in the pastoral lease.

Part 4A of the Conservation Act 1987 applies to the disposition of all land being freeholded under tenure review. While we understand that the Commissioner of Crown Lands may have no statutory function in the reservation from sale of marginal strips, the identification of qualifying waterways is a key factor when considering the adequacy of public access proposed in tenure reviews. This submission has been made without the Commission being able to obtain a legible copy of the Qualifying Water Bodies Report. LINZ, through its Agent, when approached for a copy, did not release one to the Commission. The Commission requests that LINZ reviews its processes for providing timely and pertinent information to the Commission - a statutory body with statutory responsibilities in these matters.

The Preliminary Proposal plan should clearly identify the Qualifying Water Bodies information, or the information should at least be made available with the advertising of the Preliminary Proposal. In addition, all public access, once created, should be clearly and unambiguously depicted in the New Zealand digital cadastral record.

The Preliminary Proposal plan should also clearly depict how all the proposed public access across the pastoral lease joins up with existing legal roads and other land over which the New Zealand public have free and enduring access. That requires the clear depiction of all adjoining legal, formed and unformed roads and other adjoining land the public have free and enduring access over. Without that context it is difficult to provide a comprehensive submission, efficiently.

*The Commission seeks to have:*

1. *More detailed plans made available, which clearly show the relationship between pastoral lease boundaries and legal unformed and formed roads and also all other adjoining land over which the public have free and enduring access;*

<sup>1</sup> Section 3(b) Walking Access Act 2008



2. *The legal status of Country Section 1 Block IV Bannockburn Survey District confirmed as not being included in the pastoral lease;*
3. *Appropriate information provided to identify which waterways qualify for marginal strips and for this information to be shown on the plan - or at least be provided with the summary of the preliminary proposal; and*
4. *All public access easements and marginal strips clearly depicted in the New Zealand digital cadastral record.*

### **Existing public access**

Formed roads (e.g. Bannockburn Road, Quartzville Road and Felton Road) provide public access to parts of the eastern boundary of the reviewable land, with Bannockburn Road running through the eastern part of the Kawarau lease. In addition the apparently unformed extension of Quartzville Road forms part of the eastern boundary of the main block of reviewable land, and continues through Carricktown to the southern boundary. Unformed legal roads form the boundary of the leases alongside the rivers in the Nevis valley and much of the Kawarau valley, and also the boundary east of Bannock Burn.

Public access may also be possible through the Kawarau Gorge Mining Centre Recreation Reserve, but public access to that reserve has not been adequately explained or depicted on the plan to confirm that there is, indeed, enduring and free public access. This needs to be clarified as discussed below.

### **Proposed public access**

The Preliminary Proposal proposes public non-motorised access 'a-b', 'c-d', 'e-f-g-h-l', 'h-i-f', 'j-k', 'k-l-m-n-o', 'k-m-p', and 'q-r', and the location and purpose of the proposed easements is very well explained in section 2.5.3 of the Summary of the Preliminary Proposal. We commend the description and the access proposed.

However, the Commission also recognises that significant time has passed since the original access proposals will have been determined. Public access aspirations and requirements have changed significantly since that time - as reflected by the Government establishing the Commission in 2008, for example. In the Commission's view, it is therefore necessary to review the proposed access to also provide for controlled vehicular use. See the recommendations in the next section – Additional Public Access.

We note that public access is proposed as being available through 'R1", between points 'b' and 'c', and believe that it is important that a track be marked between these points, consistent with the proposed easement 'a-b' and 'c-d'.

The Preliminary Proposal also states that the Long Gully Walkway is to be replaced in part. However there has been no discussion with the NZ Walking Access Commission, the statutory body charged with administering Walkways, but whose consent is required in negotiating or revoking walkways. The Commission therefore requests that appropriate information be provided to enable it to consider the best possible options for the Long Gully Walkway in the context of this Tenure Review.

The Commission presumes that Bannock Burn and part of the stream in Long Gully are qualifying water bodies under Part 4A Conservation Act 1987. On disposition of the pastoral lease, marginal strips will therefore provide legal public access where the pastoral lease presently adjoins these waterways.

The marginal strips to be created are important to enable public access to the individual water bodies themselves, and to enable alternative access alongside the water bodies. The marginal strips should be wide enough to provide effective access along the strip<sup>2</sup>, and access should be unimpeded by structures.

*The Commission seeks:*

5. *To have a track marked through 'R1' to connect with, and be consistent with, the proposed easements 'a-b' and 'c-d';*
6. *Confirmation that free and enduring access is available from Kawarau Gorge Road, across the bridge over the river to Gees Flat, to the areas CL and R1;*
7. *Detailed information on the possible replacement and/or extension of Long Gully Walkway before further decisions are made;*
8. *To ensure that marginal strips to be created on waterways within the reviewable land will be created with sufficient width to enable practical public access; and*
9. *To have unobstructed public walking access along marginal strips, with the use of stiles and/or gates, as appropriate, in any fence which may cross over a marginal strip.*

### **Additional public vehicular access requested**

We note that the easements 'r-q' and 't-u' do not allow for public access with motorised vehicles (except for DOC management purposes). It is the Commission's view that it would be desirable and in the public interest to ensure that these easements are also available for public access with motorised vehicles. While there may not be a current, pressing need for vehicular access, it is prudent and, indeed, necessary to plan ahead and account for future possible needs of the public.

We also note that there is no clear legal access into the easement 't-u' from existing legal roads.

How the easement 't-u' links into public access and to legal roads, such as Felton Road needs to be clearly stated in the report and depicted on the plans. How free and enduring public access to easement 't-u' might be achieved through the pastoral lease also needs to be addressed in the proposal.

Currently there is only one entry and exit point for horse access via proposed

<sup>2</sup> see Conservation Act 1987, section 24AA(5)(2)

easement 'r-q'. This is unduly restrictive and also generates risks. It is the Commission's view that alternative access is necessary and should be provided to manage the risks associated with a single access and also to better provide for the public enjoyment of the land, while still protecting the environment and historic sites. Such additional access should be provided for along the eastern boundary of the pastoral lease from Felton Road.

As previously noted, the access aspirations of the New Zealand public have changed and that vehicular access should now be made available over the proposed walking easements. It is recognised that there will be a need to control future public vehicular access to minimise damage to the tracks and to minimise maintenance costs. These issues may be managed by DOC controlling such vehicular access.

*The Commission seeks:*

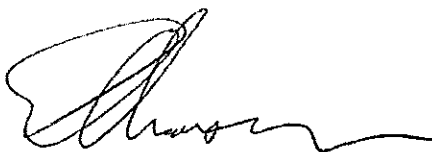
- 10. Public vehicular access along easement 't-u' in addition to that provided for the Department of Conservation Management purposes;*
- 11. Free and enduring public vehicular access and through the pastoral lease, from legal roads about the east boundary of the pastoral lease (suggesting from Felton Road) to the conservation area CL and confirmation how public access to easement 't-u' may be provided across the pastoral lease;*
- 12. An alternative entry and exit route for horse access from Felton Road; and*
- 13. Controlled public vehicular access across and in addition to the proposed public access easements 'a-b', 'c-d', 'e-f-g-h-l', 'h-i-f', 'j-k', 'k-l-m-n-o', 'k-m-p', and 'q-r'.*

Thank you for the opportunity to make a submission on the Preliminary Proposal for tenure review of the Mt Difficulty and Kawarau Station pastoral leases.

We request timely advice as to how the points we have raised have been analysed and what amendments, if any, are subsequently proposed to the Preliminary Proposal designations.

We also request timely dialogue on the Long Gully Walkway. Please contact George Williamson at the NZ Walking Access Commission to discuss – as this issue will require the Commission to implement a statutory process if any changes are to be progressed.

Yours sincerely



For Mark Neeson  
Chief Executive



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**From:** Central Otago [mailto:co4wdc@gmail.com]  
**Sent:** Monday, 12 March 2012 9:59 p.m.  
**To:** Dave.payton@opus.co.nz  
**Subject:** Tenure review Mt Difficulty

David Payton

Opus International Consultants Ltd

Private Bag 1913

Dunedin 9054

Dear David

I'm writing to you in regards to

Preliminary Proposal for tenure review to holders of Mt Difficulty and Kawarau Station leases pursuant to section 34 of Crown Pastoral Land Act 1998.

We would like to express our interest in the Mt Difficulty and Carrick Range areas.

We as a club are interested in these areas and that these areas remain open to public via already formed roads and tracks so that all kiwis get the chance to see these areas. With the correct permission from the lease holder and or land holder were applicable.

Your sincerely

Curtis Crawford

Secretary

Central Otago Four Wheel Drive Club