



## **Crown Pastoral Land Tenure Review**

**Lease name: Alphaburn**

**Lease number: Po 380**

### **Part Three**

### **Public submissions**

**These submissions were received as a result of the public advertising of the preliminary proposal for tenure review.**

**September 03**

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28 April 2002

The Commissioner of Crown Lands  
c/ Knight Frank (NZ) Limited  
PO Box 27, Alexandra



Dear sir;

We are writing in response to the Tenure Review Proposal for Alpha Burn Station. We support the tenure review proposal as it stands. We do not see the need for any more land to be retained by the Crown as suggested by Julian Hawarth of the Upper Clutha Environmental Society. There is more need to preserve the farmland in this area which is situated close to large areas of public lands

Mr. Hawarth's statement that the proposed area from Damper Bay to Glendhu Bay is "highly visible from Wanaka and Glendhu Bay" is incorrect and puts doubt on the whole of his proposal.

Mr. Hawarth's suggestion seems selfish as there are plenty of public areas that can be used for recreation by people of all ages. It is also incorrect that the only "modified farmland" is behind Damper Bay. The whole area-including the wetland-has been 'modified' by top dressing and oversowing, fern burning and the swamp partly drained.

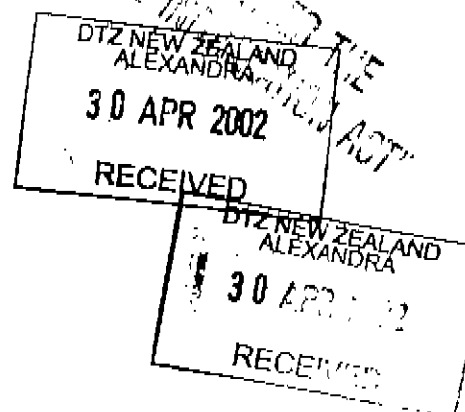
We believe what the tenure review proposal gives for public access and use is ample.

Yours faithfully,

Commissioner of Crown lands  
c/o Knight Frank (N.Z.) Ltd  
P.O. Box 27  
Alexandra.

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Dear Sir,

We are writing in protest about the proposals made by the Upper Clutha Environmental Society with respect to the recent Tenure Review of Alpha Burn Station.

The area of land from Dampier Bay to Glenesh Bay, in the opinion of the Upper Clutha Environmental Society, should be retained as Crown land. They make the claim that the tract of land is in its natural, undeveloped state. If Society can be accused of submitting false information to the general public because, in fact the 800 acres in question have been overgrown, top dressed and fenced. This land provides a warm and sheltered lambing block which is essential to the management of the stock on Alpha Burn Station.

The McRae have been generous in giving up 1117 hectares for public land use so the claim the Society makes that there is a lack of Public Land in this area is again erroneous.

We support the recent Tenure Review Proposal.

as it has been notified and do not support  
the proposals by The Upper Clutha Environmental  
Society

Yours faithfully,

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To: Right Frank Ltd

for the Commissioner of Crown Lands  
fromSubmission on the Lances Review  
proposal for Alphaburn Station.

We support the proposal as  
suggested i.e. 3437ha be freeholded  
and 1117ha remaining in Crown land.

We strongly oppose the suggestion  
that an area between the Glade  
Road and the lake be retained  
as Crown land for the following  
reasons -

1. It has been modified by grazing  
and over sowing plus fertiliser for  
many years.
2. If it is not owned and well  
fenced by private ownership  
it will become waste land -  
unsightly and a huge fire risk
3. The district council plan will  
have sufficient rules to prevent  
it becoming developed for residential  
purposes.
4. With the road on one side  
and lake reserves on the other  
access by the public will never be  
a problem.





TELEPHONE  
E-mail

30 April 2002

The Commissioner of Crown Lands,  
C/- The Manager  
Knight Frank (NZ) Ltd  
Land Resources Division  
PO Box 27  
ALEXANDRA

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Dear Sir

**Preliminary Proposal for Tenure Review: Alphaburn Station**

I am grateful for this opportunity to comment on the preliminary proposal for the Alphaburn Station.

The objective of the Tenure Reviews is to formalise and enhance recreation opportunities, to protect significant inherent values, and to ensure public access on high country pastoral leases through the tenure review process.

I fully supports the aims of tenure review: *"to promote the management of reviewable land in a way that is ecologically sustainable... to enable the protection of the significant inherent values of the reviewable land... and to make easier the securing of public access to and enjoyment of reviewable land"* (Crown Pastoral Land Act 1998, S.24).

**THE PRELIMINARY PROPOSAL**

The following are included in the proposal: -

- (1) 1117 ha to be designated as land restored to the Crown as follows;
  - (a) 1095 ha of higher altitude snow tussock and bush remnants will become conservation land.
  - (b) A 22 ha area of Scaife's Lagoon of scenic and conservation interest will become conservation land as a proposed reserve for wildlife management.
- (2) 125 ha of the conservation land will be subject to a grazing concession.
- (3) 3312 ha will become freehold land subject to certain protective mechanisms.
- (4) An easement to provide for public foot access above the shores of Lake Wanaka from Glendhu Bay to Dampier Bay Recreation Reserve, as well as a car park.
- (5) The very popular Roys Peak walk, which is at present an unofficial walkway, will be formalised by way of an easement, and a car park will be provided.
  - (a) An easement will be provided for conservation management purposes on the 4WD track to Roys Peak.

(6) There is to be a conservation covenant over 567 ha in the heads of the Alphaburn and Fern Burn catchments.

## COMMENT

I support the general principles of tenure review and also supports the general thrust of the changes proposed for Alphaburn Station. I am pleased to note that some of the items discussed at an Early Warning meeting have been included in the Preliminary Proposal. In particular I am pleased that access to Roys Peak will be formalised by way of an easement, (subject to a right of closure during lambing season). I am also pleased to see the inclusion of the easement above the shores of Lake Wanaka from Glendhu Bay to Dampier Bay.

However, there are a number of important issues for recreation still to be resolved on Alphaburn. In the main I support the designations included in the Preliminary Proposal, and the protective mechanisms proposed on the land to be disposed of as freehold because these go a long way towards achieving good conservation and recreation outcomes, but there are exceptions. The disposal of the freehold should be subject to further consideration of the matters discussed below.

Our main problems with the Preliminary Proposal are not so much with what is included, but rather with what is omitted. The matters, which should be subject to further consideration, are as follows: -

- To maintain landscape integrity along the front faces, the boundary between freehold land and new conservation area should match the boundary on neighboring Hillend Station. The proposed boundary on Alphaburn Station at about 1300m is much too high and should be lowered to about 800m on the spur to the north of Waterfall Creek.
- The Preliminary Proposal includes reference to the possibility of completing a through trip to the Motatapu Road via the Fern Burn. However there is no provision for public access over the land to become freehold in the valley of the Fern Burn. An easement to allow for public foot access should be included in the Substantive Proposal.
- I understand that the CCL's advice to Knight Frank on 5 April 2000 concerning the Alphaburn tenure review was that "the CPLA allows the Commissioner to address landscape issues in making decisions. This means that the Commissioner needs specific advice on this aspect... *and that advice must now be provided*". Furthermore, landscape values were identified in the Conservation Report on Alphaburn prepared for the earlier round of tenure review negotiations in 1996. In that report it was recommended that the front faces of Alphaburn be protected under a landscape covenant. The report stated, "*The whole of Alphaburn Station contains very high visual and scenic values and is within an area that is renowned for outstanding scenic views. The lake faces of Roys Peak are an important landmark and backdrop view to Wanaka and the surrounding area..... Much of Alphaburn Station is highly visible from the lake and public roads and vulnerable to insensitive alteration such as tracking and structures.*" The report continued: "*A landscape covenant over any proposed freehold land viewed from Mount Aspiring Road will assist in ensuring development is in sympathy with the landscape character. It will in effect ensure that farming can continue into the future, but subdivision for lifestyle units, tourist development or afforestation should be ruled out. Landscape protection over the Wanaka faces below Roys Peak is highly desirable and restrictions should ensure that any new works are handled sensitively*". I do not accept that the provisions of the Queenstown Lakes District Plan under the Resource Management Act 1991 are sufficiently robust or durable to afford the necessary level of protection from the adverse effects of inappropriate developments. Failure to include any mechanism for landscape protection over the Wanaka faces is a serious omission from the Preliminary Proposal. I therefore recommend the inclusion of a Landscape Conservation Covenant over the Roys Peak

faces, with terms and conditions similar to the Covenant proposed for an 85 ha area on Dalrachney, in the Substantive Proposal for the tenure review of Alphaburn.

I urge the Commissioner of Crown Lands to reconsider these matters and incorporate appropriate provisions in the Substantive Proposal for the tenure review of Alphaburn.

### Federated Mountain Club (FMC) Report on Recreation and Related Public Interest Values on Alpha Burn Station

A report was commissioned by FMC in 1997 to assess the recreational and related public interest values of Alphaburn Station. The report considers that there are an unusually large number of features of significant natural and recreation value on Alphaburn Station. In part these are related to its unique location close to a major tourist centre like Wanaka, in part to its proximity to major attractions such as Mount Aspiring National Park and the Treble Cone skifield, and in part to the very high landscape values of the property itself and its surroundings including Lake Wanaka.

### Conclusions from the FMC Report

I reproduce here the conclusions from the report (*in italics*) together with my commentary on how these conclusions relate to the recommendations in the Preliminary Proposal for tenure review of Alphaburn.

*Major gains for recreation and conservation are possible as outcomes of tenure review on Alpha Burn Station. The main points are as follows.*

- *Because of the increasing numbers of visitors to the Lakes District it is highly desirable to increase the range of recreational opportunities available to the public. This would also reduce the risk of over crowding on the more popular tracks.*

The proposals in the Preliminary Proposal will increase the recreational opportunities in the area.

- *The existing unofficial walkway to Roys Peak should be formally recognised as an easement allowing year-round access to Roys Peak, Mt Alpha and beyond.*

This is welcome.

- *The existing Warburton Walkway to the Trig near the Alpha Burn boundary by Lake Wanaka could be extended to Damper Bay and continue on via the recreation reserve along the lakeside to Glendhu Bay. This would allow the achievement of a long held aim to provide walking access around the lakeside from Wanaka to Glendhu Bay. Access to Damper Bay from the Mount Aspiring Road would be highly desirable, and this might be achieved with minimal disturbance to stock by providing an easement along the property boundary line. Reasons for providing protection in the form of a reserve and allowing public access to Damper Bay include the following: - continuation of the existing Warburton Walkway, completion of the lakeside track to Glendhu Bay, provision of an ideal picnic spot en route, protection of the best example of native lakeside vegetation, and allowing public access to such a reserve.*

Again, this objective has been substantially accommodated.

- *Car parking space for people visiting Roys Peak and Damper Bay is likely to be required, as space available for walkers to Roys Peak is limited now. Car parking and a picnic area at the eastern end of Glendhu Bay would also be desirable.*

I am pleased to note that this is included in the proposals.

- *The areas of greatest conservation interest on the lower parts of Alpha Burn Station include the wetland known as Scalfes Lagoon, the lakeside shrubland remnants at Damper Bay, and remnant beech forest in Fern Burn. It would be highly desirable to have these areas protected as reserves*

managed by DOC, but an alternative might be the establishment of binding covenants over the same areas.

There are 3 areas listed in the report. I am very pleased to note that the first and third have been included in the Preliminary Proposal. More importantly I believe strongly that the lakeside shrubland in the vicinity of Damper Bay should be included in the areas to be reserved for the public.

- *Conservation and recreation values are very high on the least modified parts of the slopes of Coromandel, Roys Peak and Mt Alpha above about 800 to 1000m. This would include all LUC Class VIII land and much of the Class VIIe land susceptible to erosion. These areas should be transferred to DOC for management as conservation land and grazing should be terminated.*

I am pleased to note that in the main this is included in the draft proposals, and in particular am pleased to note that there is no provision for ongoing grazing other than a limited amount in a very small area. Although I accept the need for some transitional arrangement regarding grazing we consider that the 20-year term of the proposed grazing permit is too long. We consider that 5 years would be more appropriate and that it should be no more than 10 years.

- *Access to these new conservation lands and to the Fern Burn beech forest will be required. This could be achieved from the Motatapu Road via the Fern Burn gully with minimal disturbance to farm operations.*

I consider that such alternative access to the new conservation land is important and that the suggested route would also provide access to the Fern Burn beech forest with minimal disturbance to farm operations. An easement would allow the completion of the round trip referred to in the Preliminary Proposal document.

- *The lower parts of the front faces described above have very high landscape and scenic values, not only in their own right but because of their commanding position near an important tourist destination and above the road leading to the National Park and to Treble Cone skifield. These faces deserve protection under a binding covenant, against the adverse effects of inappropriate development.*

I am concerned to note that no provision for a landscape protection covenant over the front faces of Alphaburn is included in the proposals. This area is a prominent landscape, viewed from Wanaka and the Mt Aspiring Road. This is one of this property's most significant inherent values, and one that affects the experience of the wider community as a whole, rather than just those with an interest in active recreation. It is vital that the whole area be subject to a very high level of landscape protection.

I strongly recommend that the entire freehold area be subject to a protective covenant under Section 40(1)(c) of the Crown Pastoral Land Act. The covenant would protect the landscape values and would meet the requirements of s40 (2)(a) and (d), which state that covenants can be granted, *inter alia*, for:

- "(a) The protection of a significant inherent value of the land
- (d) public enjoyment of the land."

- *To preserve landscape integrity across this front faces the boundary between the intended freehold and new conservation land needs to be thoughtfully sited in relation to boundaries already decided on neighboring properties.*

The proposed boundary appears to be close to the 1300m contours on the spur to the north of Waterfall Creek. I believe that this is much too high. The existing snowline fence across the Roys Peak face is suitable for much of its length, but instead of continuing almost due south to a point high on the spur above Waterfall Creek, the boundary should follow the snow tussock margin down to a point as close as possible to the freehold boundary on Hillend Station.

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CONCLUSIONS

The Preliminary Proposal for the tenure review of Alaphurn Station contains many good clauses, which will result in valuable gains for public recreation and conservation.

I urge that discussion be re-opened with the lessors to seek an improved arrangement, which would include the matters I have detailed above.

Finally, I appreciate this opportunity to comment on the Preliminary Proposal for the tenure review of Alaphurn Station, and wish the right to be heard in support of this submission if a hearing is held.

Yours sincerely

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29<sup>th</sup> April 2002  
(106)

The Commissioners of  
C/- Knight Brownlands  
P.O. Box 27  
Alexandra.

Dear Sir



DI & VC McKEA, TENURE REVIEW

Please accept our submission  
in support of the above  
tenure review as it has  
been publicly notified.

We also wish to record  
our strong objection to

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the attempt by the Upper  
Clutha Environmental  
Society to lobby publicly  
against such tenure review  
and in particular the  
Society's request for the  
Dunper Bay area of  
Alphaburn Station to  
be designated a recreational  
reserve.

Yours faithfully

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DTZ NEW ZEALAND  
ALEXANDRA  
1 30 APR 2002  
RECEIVED

24-4-2002.

~~The Manager~~  
Mr. Frank. Knight  
Land Resources  
Box 27 Alexandra  
Dear Sir

I would like to  
make a submission to the  
alphabern tenure review  
The lagoon has been  
locally known as the  
flendhu lagoon + the small  
one on the Karaka side  
oo Quakys for over 100 years.  
I would like these names  
retained just as you retained  
the names of the Big + Little  
Boggy Burn.

yours faithfully



Otago  
Regional  
Council

File No:

Date: 01 May 2002

No of Pages: 3  
(Including the cover page)

From:  
Wayne Scott

Otago Regional Council  
70 Stafford Street  
Private Bag 1954  
Dunedin, New Zealand  
Telephone (64) (03) 474-0827  
Freephone 0508-474-082  
Fax (64) (03) 479-0015

To:  
Name : The Commissioner of Crown  
Lands  
Company : C/- Knight Frank (NZ) Ltd  
Address : Land Resources Division  
: P O Box 27  
Location : Alexandra  
Fax No : 03 448 9099

**Submission: Alfaburn Tenure Review**

The Otago Regional Council's submission on the preliminary proposal for the Alfaburn Tenure Review follows.

The original of the submission will be mailed today.

pp. *W. Scott*

Wayne Scott  
Director Corporate Services

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Our reference:  
U1154

1 May 2002



The Commissioner of Crown Lands  
C/- Knight Frank (NZ) Limited  
Land Resources Division  
P O Box 27  
Alexandra

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Dear Sir

**Preliminary Proposal Alhaburn Tenure Review: Submission**

The Otago Regional Council has a commitment to improving public access to and enjoyment of the Region's waterways. In furtherance of this objective, the Council has developed a proposal to extend an existing Wanaka walking track from Waterfall Creek to Ironsides Hill, through to Damper Bay and on to Glendhu Bay. This will result in around 14 kilometres of unique walking experience from Wanaka to Glendhu Bay.

The land over which the extension to the track would cross is included within the Alhaburn Pastoral Lease, the tenure of which is currently under review.

There is no provision within the preliminary tenure review proposal that would allow for the creation of a formed track, or indeed, any access for the equipment necessary to form and maintain a track. If the proposal is accepted in its current form, then the extension of the walking track would be exclusively at the landowners' (existing leaseholders') discretion.

As, in the interests of the wider community, the Council is strongly committed to achieving the creation of a walkway through to Damper Bay and Glendhu Bay, I submit:

- i) That the Council supports the provision of public access to Damper Bay and to Glendhu Bay, on or about the alignment indicated within the proposal.
- ii) That the easements should be amended to provide for the formation and maintenance of a walking track by mechanical means.



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- iii) That the easement for the track itself be created once the track has been formed

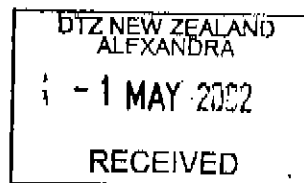
The above submission would seem to be consistent with the general tenor of the review proposal and, in particular, with the protective mechanisms of Section 40 (2) of the Crown Pastoral Land Act which provide for public access to and enjoyment of the land concerned.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Wayne Scott'.

Wayne Scott  
Director Corporate Services  
I:\shudow\typist\off\comm of cr lands.doc

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TE ARAROA TRUST INCORPORATED  
PO BOX 3106 WELLESLEY STREET  
AUCKLAND 1 - NEW ZEALAND  
VODAFONE MOBILE 021 644 663  
PHONE 09 443 0524  
FAX 09 443 0527

The Commissioner of Crown Lands  
C/O Knight Frank (NZ) Ltd.  
Land Resources Division  
PO Box 27  
Alexandra.

Dear Sir

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**Re Alhaburn Tenure Review.**

Te Araroa Trust has read the preliminary proposal on the Alhaburn Tenure Review as proposed under Section 43 of the Crown Pastoral Land Act 1998.

The Trust notes that interested parties may make written submissions on the proposal up to a deadline date of May 1, 2002, and wishes to register its vigorous support for –

- 1) An easement for public foot access over the land from Glendhu Bay to Damper Bay Recreation Reserve above the shores of Lake Wanaka and a carpark.
- 2) An easement for public foot access from Wanaka Mount Aspiring Road to Roys Peak, together with a carpark.

A brief history of Te Araroa Trust will serve to show our interest in the matter.

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#### **Te Araroa Trust history –**

The Trust was set up in 1994 with the specific aim of securing a continuous hiking through route from Cape Reinga to Bluff. In this regard, the Trust is a ginger group acting in support of a New Zealand-long track, one of the goals of the former New Zealand Walkways Commission, and still an active goal laid down in the Department of Conservation's Walkways Policy of 1995.

The Trust has energetically pursued this goal. In 1995 Jim Bolger, then Prime Minister, opened our first track, Waitangi-Kerikeri. In 1997 we consulted throughout the North Island to get consensus from local authorities and other interested parties for a North Island route, and published *Te Araroa – North Island Foot Trail*. We have since laid some 60 km of this route, have won support from over 12 regional, city and district councils, and in the present year have marshalled a budget of \$300,000 in support of walkway development in the North Island.

In December 2001 the Trust published *Te Araroa – South Island Foot Trail* which outlined a possible South Island hiking route, using DOC tracks where possible, but outlining also our needs under the Tenure Review process.

Trust policy is that the national walkway should connect townships where possible. In the immediate vicinity of Wanaka, the proposed route connects Hawea, Albert Town, Wanaka, Arrowtown and Queenstown.

#### **Proposed Te Araroa Trail and Alfaburn Tenure Review**

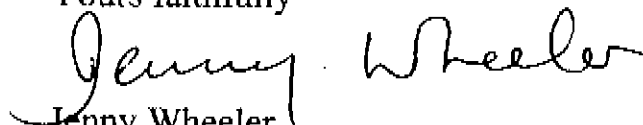
As it proceeds south, the proposed Te Araroa trail route enters Wanaka via the existing walkway up the Clutha River from Albert Town. The proposed route would exit Wanaka via Damper and Glendhu Bays, through to the Motatapu Valley. The trust is presently negotiating with farmers to secure the valley access to Arrowtown and Queenstown. We have high hopes for these negotiations, but if they fail, an alternative route is the present track to Mt Roy, then along the tops, past the Cardrona Ski-field to descend finally via Tobin's Track to Arrowtown.

Te Araroa Trust's interest in the Alfaburn Tenure Review is thus twofold.

- 1) To secure an easement that will connect the ending of the present Warburton walkway with Glendhu Bay, thus giving an attractive off-road and lakeside through-route from Wanaka township to the Motatapu Valley entrance. We also support the provision of a carpark on this route. As with many other parts of our proposed trail, walks which are linked into a national trail should also be good stand-alone day walks.
- 2) To preserve the existing track, and its carpark, to Mt Roy in order that the tops can be accessed for a possible alternative route for Te Araroa as (a) a good alternative summer route for the national trail and (b) as a back-up through-trail to Arrowtown and Queenstown should the Motatapu Valley negotiations fail in the long run.

We would therefore register our complete support for the two easements proposed under the Alphaburn Tenure Review Preliminary Proposal document and would ask to be kept closely informed of progress with this negotiation.

Yours faithfully –

  
Jenny Wheeler  
Chairperson  
Te Araroa Trust

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ROYAL FOREST AND BIRD PROTECTION SOCIETY OF NEW ZEALAND INCORPORATED

UPPER CLUTHA BRANCH

PO BOX 38  
LAKE HAWEA

RECEIVED  
DTZ NEW ZEALAND  
ALEXANDRA  
- 1 MAY 2002  
RECEIVED

28<sup>th</sup> April 2002

The Manager  
Knight Frank  
PO Box 27  
ALEXANDRA

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Dear Sir

**ALPHABURN STATION - PROPOSAL FOR TENURE REVIEW**

We thank you for supplying us with a copy of this proposal. We would be pleased if you would accept this submission from our branch of Forest and Bird.

Forest and Bird is well known throughout New Zealand for its work in protecting the environment, and the interests of the public in this respect. Our Society supports the aims of the Tenure Review process, and our branch takes particular interest in Tenure Review in Central Otago and the Upper Clutha and Wakatipu basins.

Alphaburn is a highly visible property in a world renowned area of tourism and recreation. It is also in one of the most scenic parts of New Zealand. These matters have to be taken into consideration in this review as the landscape is all important - it is of significant value.

We comment on the various aspects of this proposal as follows: The relevant parts of the CPL act we refer to are in *"italics"*

We have inspected the property with the kind permission of Mr and Mrs McRae

**(1) ALPHABURN TOPS: (3.1.1.)**

(i) We agree that these 'tops', (shown as surrounded green on map, Schedule A), comprising of the higher land, be protected for their .... *"Significant Inherent values by restoration to full Crown ownership and control"*; We believe however that the fence on the eastern faces should be below the tall tussock and be more in line with the conservation area resulting from the Hillend review (see photos 1 & 2)

(ii) However, we do not agree that the Inherent values of the two areas (shown as surrounded by yellow on the map, Schedule A) be protected .... *"By the creation of protective mechanisms"*, by way of covenants. We would prefer these areas to be.... *"restored to full Crown ownership and control"*.

Covenants can be used for protecting small areas of outstanding conservation value where they occur in predominantly ecologically sustainable reviewable land. In this proposal these two areas make up a substantial parcel of land, similar in character and almost as high as that being protected by being .... *"restored to full Crown ownership and control"*.

It is our belief that it is not ecologically sustainable to graze these two areas as depicted in the proposal - Appendix 7. This land is steep, broken and erodible and would be difficult to graze evenly. There

would be considerable transference of fertility upwards and enrichment of the sheep camps, which will in turn, cause over grazing of small areas of tussock on the ridges where the tussock is somewhat sparse, especially on the northern faces. (see photos 3 and 4)

Also, there are the significant landscape values to protect. There would be a visible margin created between the proposed conservation area and that freeholded in the Alpha Burn and the Fern Burn which would be very visible from the top of Mt Roy and the Motatapu valley respectively. The texture and the colour will be different on the areas to be covenanted than that on the conservation area.

(We would like to point out, and place on record that it is inevitable there will be a marked contrast between conservation areas, which will be de-stocked, and that to be disposed of to the holder, and... **"freed from management restraints"**. This will be especially so where the free hold land below is over sown and top-dressed and subsequently more heavily grazed). However this will not only be peculiar to Alphaburn, but will have to be accepted in some parts.

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## **(2) GRAZING CONCESSION: (3.1.2) (Appendix 8)**

This will not be required if the two areas to be covenanted as suggested in the proposal are instead, retained in... **"full Crown ownership and control"**; as we have recommended.

If the lessee, having taken everything into consideration and opted for tenure review, finds it difficult to adjust, it would be a far better arrangement to grant a grazing concession over these two areas in the Alpha burn and the Fern burn for a period of no more than five years. Five years being the approximate life of a sheep. This would allow sheep, perhaps being bred for the conditions, being phased out of the system.

## **(3) DAMPER BAY TRACK: (Appendix 8)**

We are a little confused here, and perhaps disturbed that this is being described as an easement to the Damper Bay Recreation Reserve. The Damper Bay Lakeside Recreation Reserve is a reserve that starts at the east end of Glendhu Bay and goes in and around Damper Bay to Waterfall Creek in Roys Bay. It varies in width in places and more akin to a marginal strip. It was gazetted on 11/5/2000 and is administered by the Queenstown Lakes District Council. To say that an easement is being created is a little misleading unless it is intended to enlarge the present reserve; which we would fully applaud.

No mention is made of the size of the proposed parking area at the start of the track at the east end of Glendhu Bay. We believe that far more land is required there than that required for a car park to serve a walking track. It is a very important corner of New Zealand and used intensively for viewing Mt Aspiring. It also acts as a rest area. It is absolutely essential that there be sufficient land made available for both safe car parking and passive viewing.

The rocky point on the eastern side of Damper Bay itself (see photo 5), is also a logical place for the walking easement to be enlarged to allow for passive use by the public.... **"24(c)(i) The securing of public access to and enjoyment of reviewable land"**.

This whole area north of the Wanaka to Mt Aspiring road, while considered to be ecologically sustainable for farming purposes, has significant inherent conservation values. It has stands of kowhai, kanuka, carmelchaella and other native vegetation endemic to the area. Also there are the rock formations and all the very natural features that make up the whole landscape. These features have significant outstanding landscape values. The overall landscape is one of the main reason why people come to visit, and to stay at Wanaka. All this must be protected by a covenant from any undue and inappropriate development, if the integrity of the area is to be maintained.

**(4) SCAIFES LAGOON: (Appendix 3)**

The proposal states that an area of 22 ha will be set aside as a Government Purpose Reserve for wildlife management. We fully approve of this area being reserved, although in our opinion 22 ha is not sufficient to do justice to such an important and visible wetland. There should be sufficient land available for people to walk around the lagoon and to view it from above on the north side. Also to allow for revegetation of its surrounds, and up the hill behind.

**(5) MT ROY WALKING TRACK (Appendix 5)**

It is very pleasing that this is being formalised.

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**(6) ACCESS:**

The proposal makes no mention of access up the up the Fern Burn from the Motatapu road to the western edge of that land being retained by the Crown. This omission should be rectified - it is required that a marginal strip be laid off on a stream of this size following tenure review. This access from the western side will be necessary if the Mt Roy track is closed for lambing, also for the experience of crossing the range. The remnant beech forest in the proposed conservation area in the Fern burn valley is reason enough for access, for people to visit.

The walk from Waterfall creek in Roys bay, to Glendhu bay, is a comparatively long walk. The opportunity this tenure review offers should be taken to make available an exit route from the point east of Damper bay (which we have already mentioned) to the Mt Aspiring road via the southern boundary. This will also allow people to walk around the lake then join up with the Mt Roy walking track. It is only a short walk between the two tracks so the Mt Roy car-park should be sufficient. Here again... *"Sec. 24 (2) (i) The securing of public access to and enjoyment of reviewable land"*.

Walking is part of the overall pattern of life in the Wanaka area for both the resident population and for its visitors. This review is one of the last opportunities to secure access for the future.

If this review reaches fruition, and to retain the goodwill of the occupants of the surrounding land, it is extremely important that there be ample signage present, and ample marking of all routes. The routes should be marked with stout coloured poles, not waratahs.

**(7) LANDSCAPE:**

We have already mentioned the land to the north of the Wanaka to Mt Aspiring road in this respect. The eastern and western faces below that land to be retained by the Crown are pivotal to the whole landscape of the Wanaka area. These too should be protected by an appropriate covenant from any unnecessary development in the way of earthworks and forestry.

**(8) CONCLUSION:**

Our branch sees this Tenure Review not only as a change in land use but as part of the evolution process causing a cultural and social change for the whole area as well as the lessees.

If the suggestions we have made are adopted we see this as a good tenure review.

We attach a map showing the walking easements required.

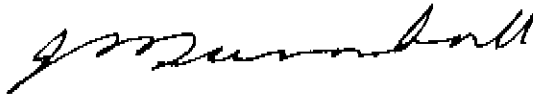
We attach photos:

-4-

- (1) Looking north from gate on Mt Roy track – showing tall tussock lower down hill.
- (2) Looking south from gate on Mt Roy track – showing tall tussock lower down hill.
- (3) The Alphaburn face and the suggested covenanted area.
- (4) The Fern Burn face and the suggested covenanted area.
- (5) The point east side of Damper bay.
- (6) General view of an outstanding part of New Zealand.

We thank you for allowing our branch of Forest and Bird this input to the process of tenure review.

Yours faithfully

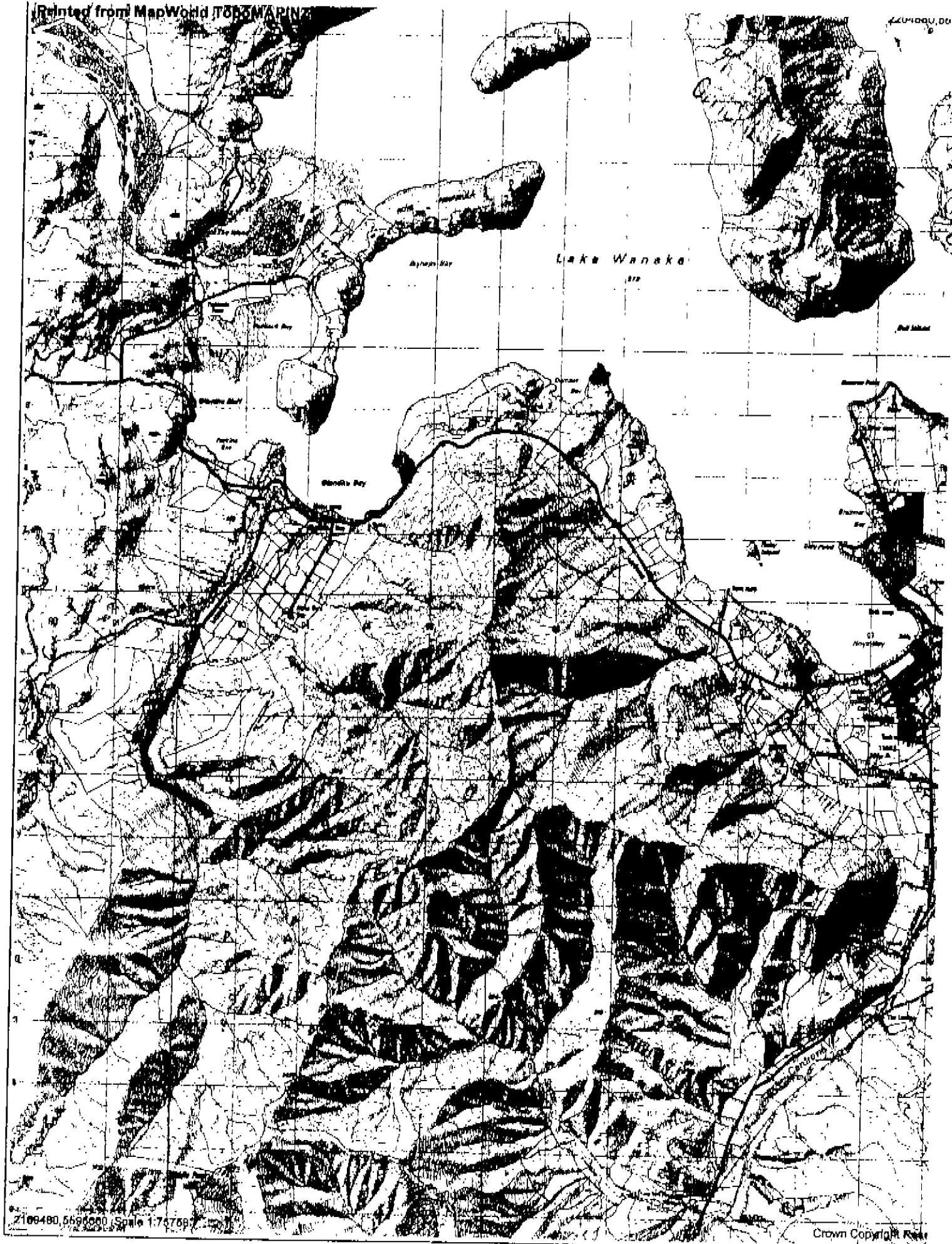


John L Turnbull

For Upper Clutha Branch

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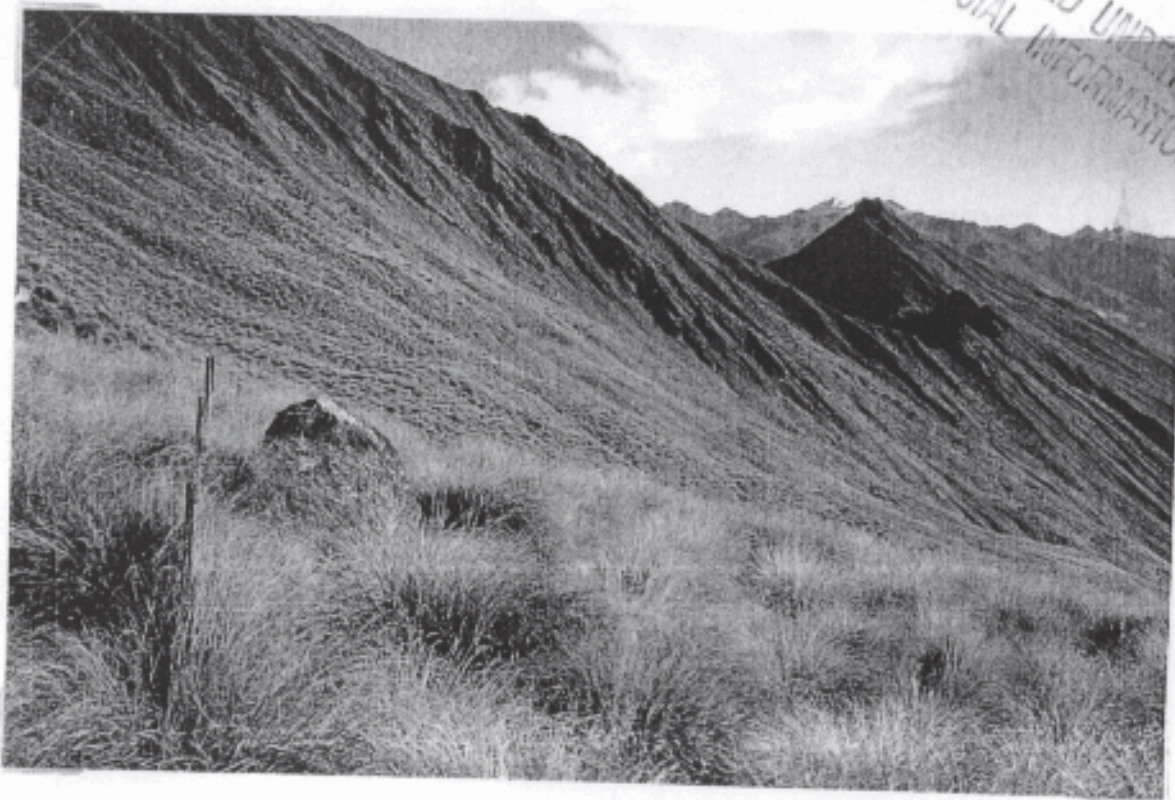


ALPHA BURN TENURE REVIEW

EASEMENTS AND ACCESS

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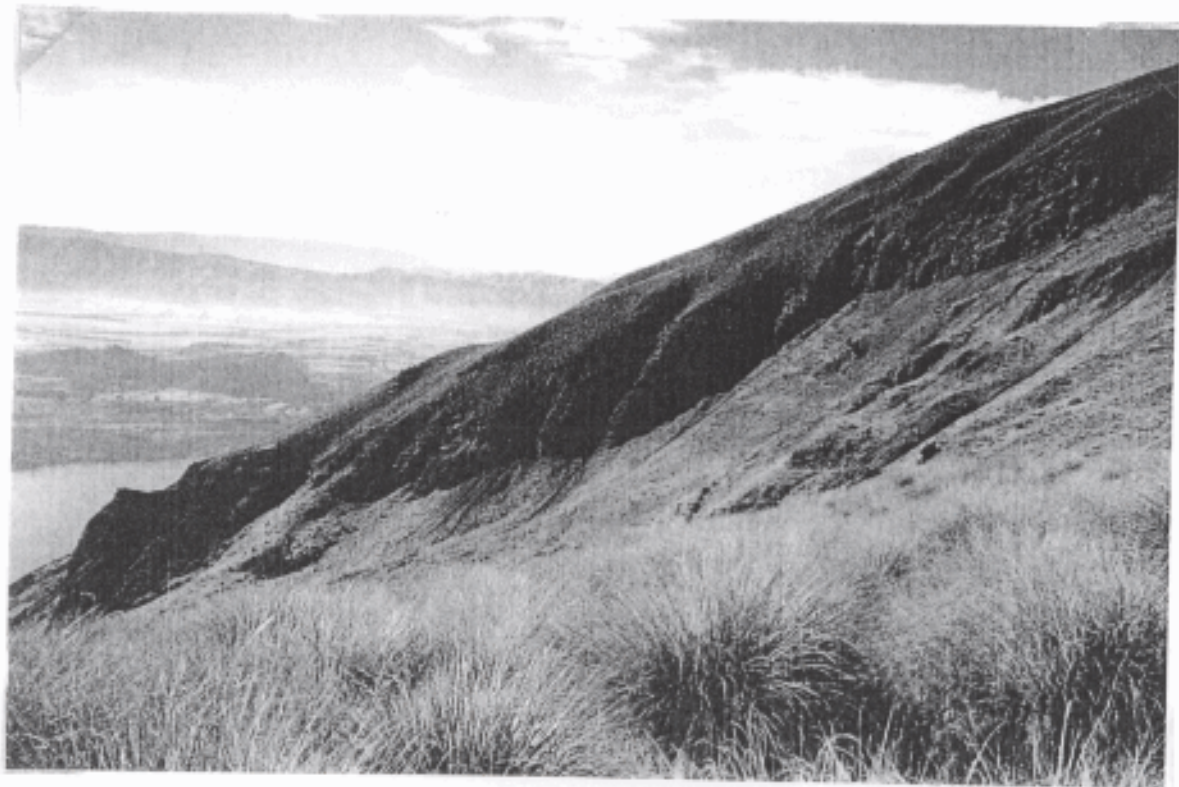
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NORTH FROM MT ROY TRACK TOP GATE

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SOUTH FROM MT ROY TRACK TOP GATE

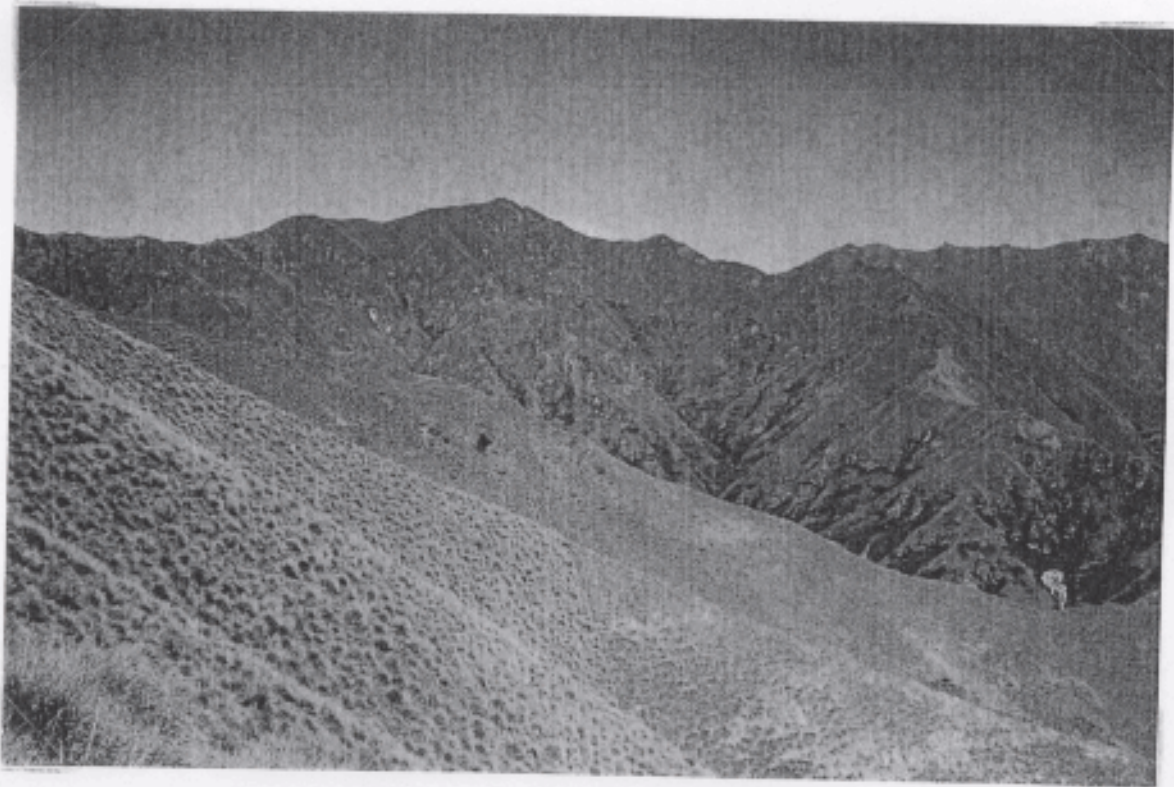
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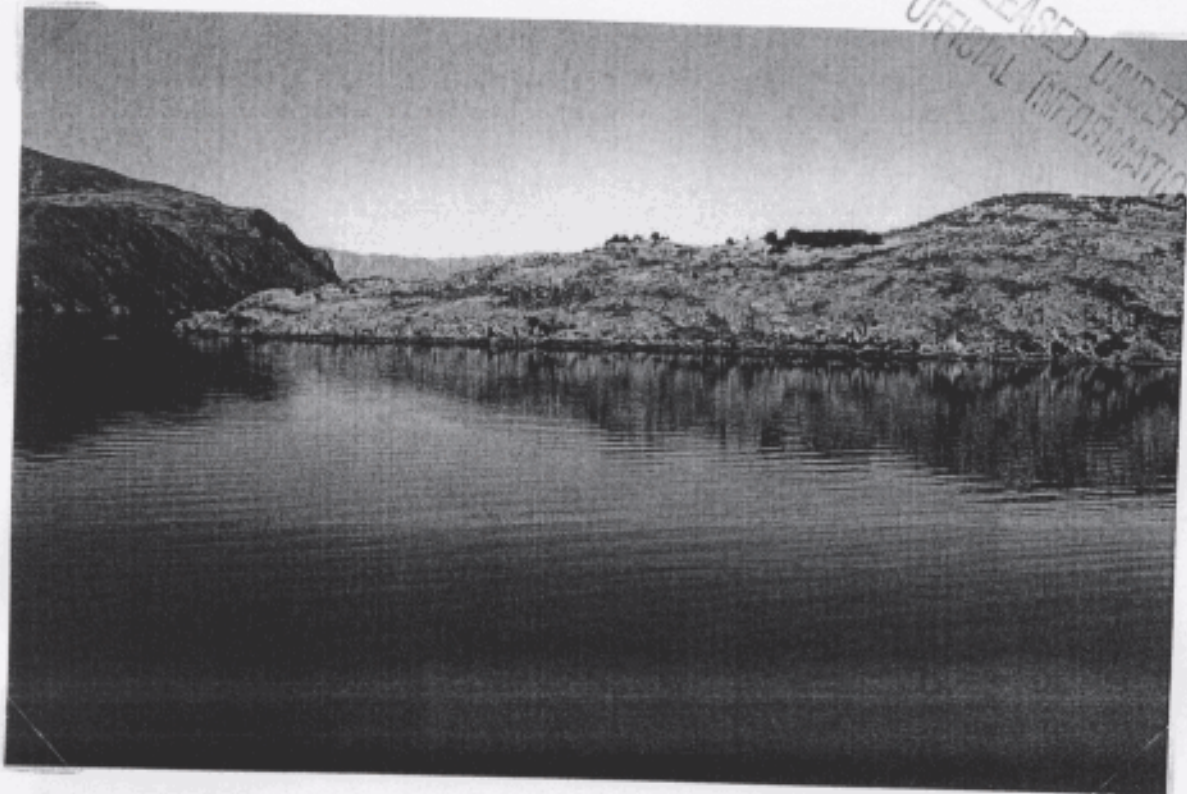
ALPHA BURN

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④

FERN BURN

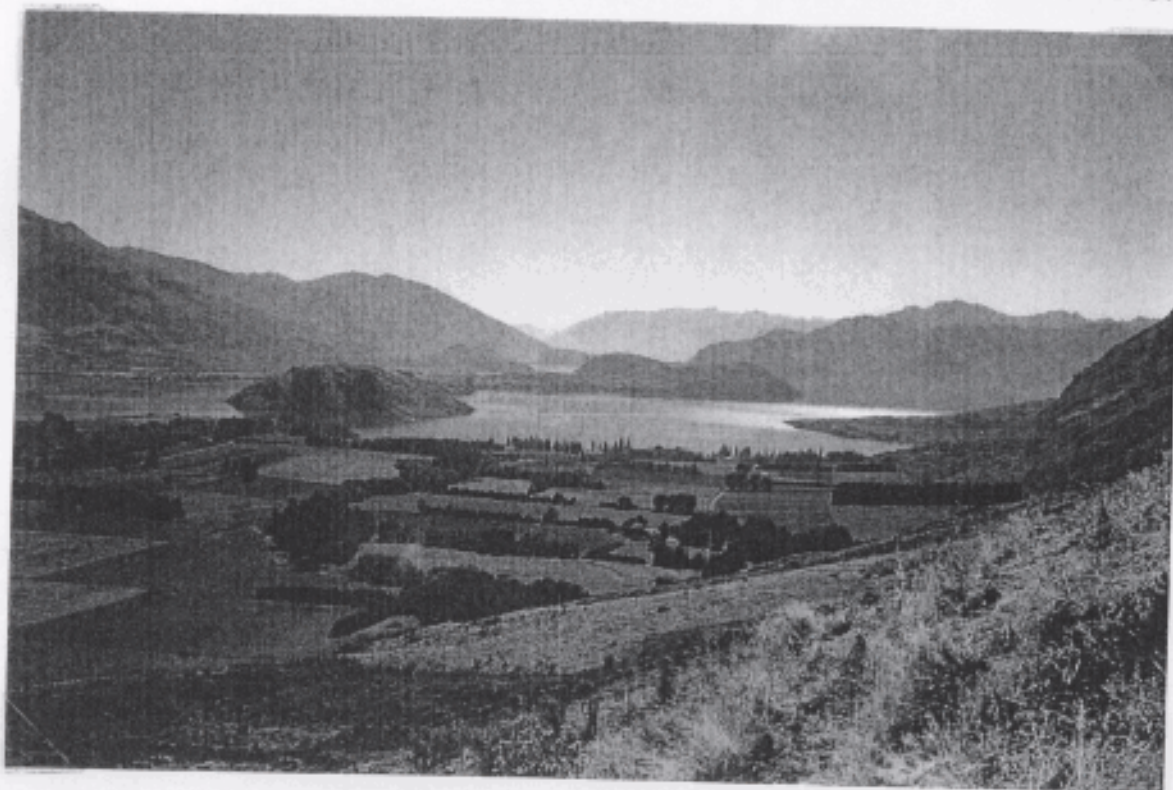


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POINT EAST SIDE DAMPER BAY

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⑥

# Public Access New Zealand

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Wednesday, 1 May 2002

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P O Box 27  
Alexandra

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## Submission on Preliminary Proposal Alfaburn Tenure Review

### Introduction

In 1997 Public Access New Zealand submitted on an earlier proposed tenure review for this property. We concluded that the proposals were seriously deficient in their provision for public recreation and should not proceed. Our concern focused primarily on the Lake Wanaka shore and the absence of public reserves and access, despite development and population pressures from Wanaka. The then proposal for landscape protection along the lower mountain faces was welcome, and partly anticipated adverse impacts from future development if no such constraints were implemented. We reluctantly accepted annual closure of the Mt Roy track for lambing, in the absence of obvious alternative measures.

Since that time there has been booming development and population growth in Wanaka and surrounds, far greater than most people could have anticipated. This growth is among the fastest in New Zealand. The pressures for development, and for outlets for public recreation are now acute. Alfaburn is only 5 km from the centre of Wanaka and occupies spectacular mountain backdrops to the lake, and provides a prominent western 'buttress' for containing urban sprawl along the hills, and most importantly, along the lakeshore. Such spectacular open space is at a premium (photo 1).

The current tenure review proposals do not recognise present-day realities of greatly intensified pressure; that the Crown, as the underlying landowner, has a unique opportunity to provide for the long-term protection of this very special area of New Zealand and for the provision of public open space and recreational opportunity.

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Public Access New Zealand is a charitable trust formed in 1992. PANZ's objects are the preservation and improvement of public access to public lands, waters, and the countryside, through retention in public ownership of resources of value for recreation. PANZ draws support from a diverse range of land, freshwater, marine, and conservation interests representing approximately 200,000 people from throughout New Zealand. We are committed to resist private predation of the public estate

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In addition to a reduction in the area of mountain lands now proposed for retention in Crown ownership, and the absence of any landscape protection over proposed freehold, the proposals fail to make provision for public reserves along the lake shore. This is the most pressing need. This deficiency is only partly offset by provision for a new walking track along the shore. While this is most welcome, the absence of generous public reserves makes this very vulnerable to being degraded by private development in its immediate environs. Recreational experience is not just about physical activity. It is the result of the environmental setting plus activity. Such settings must be protected from adverse development.

We believe that unless there are major improvements to accommodate public recreation needs, both now and in the future, this review should not proceed. The Crown should investigate other avenues for achieving this end.

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### **Addition to Damper Bay Recreation Reserve**

The current reserve is a 20m strip along the shoreline. This is too narrow to provide practical foot access along its length, or to accommodate potentially intense picnicking and other lake-shore activity. Currently the only practical public access to Damper Bay is by boat. What is needed is the equivalent to the Dublin Bay Domain. However, due to its closer proximity to Wanaka, being within walking distance, the need for such a reserve is greater at Damper Bay (we are not suggesting swapping areas). There are continuous such reserves from Wanaka to the mouth of the Clutha River, but very little to the west of the town.

DOC identified the lakeside vegetation around Damper Bay, as a "main area of conservation interest" (p1 *Alphaburn Station Conservation Resources Report*).

In DOC's 1999 revised recommendations it was proposed "that an area of approximately 1 hectare be added to the Damper Bay Recreation Reserve...The purpose of the proposal is to protect an area of manuka shrubland which contributes to the natural character of the Wanaka Ecological District and to facilitate recreational use of that setting."

This was justified on the basis that "this small remnant of native vegetation has persisted despite surrounding lands being developed into productive farmland. The remnant provides an attractive natural component to a landscape, which is otherwise pastoral. The close proximity of the shrubland to Lake Wanaka and the Damper Bay Recreation Reserve enhances the shrublands aesthetic and recreational importance."

DOC submitted that—

"In terms of the CPLA the area is of significant inherent value as it:

- Sustains the special natural quality and integrity of the High Country landscape, especially the indigenous component.
- Sustains culturally valued scenic, aesthetic, recreational and historic attributes within a natural High Country landscape.
- The land is a setting of high natural or historical value for outdoor recreational opportunities in the High Country."

The *Due Diligence Report*, p 4, recorded that "a large effort has been put into unsuccessfully negotiate withdrawal of several significant reserve areas", including Damper Bay. This indicates that this area has significance of such an order as to warrant a major official effort to protect as a reserve.

The *Report on Consultation*, p8, recorded the existence of a bach within the area of conservation interest— "Extension of the lakeside track will require planning and development, but could become a major recreational asset in the future. Damper Bay currently has a bach located within the area of proposed conservation interest. The future of this will need to be considered as part of this process."

It also recorded strong objections from the lessee to reservation of this area— "The holder had strong objections to an addition to this reserve area. This area is used by the holders during the summer holiday period for family holidays and it would have a significant impact on the use of this area."

DOC's *Amended Recommendations* of 1999, p 11, in response to the NGO view that a reserve extension is highly desirable, stated—

"Whilst from a point of view of public recreation, such a development is highly desirable, DOC management of such lands is not consistent with CPLA standards adopted by the department. The area does not contain sufficient natural values to meet criteria for incorporation into the conservation estate. A small 1 ha area which does contain natural values is proposed for incorporation in the Damper Bay Lakeside Recreation Reserve. It would be appropriate for the Commissioners agent to pursue public recreation interests with the Queenstown Lakes District Council".

In the *Summary of the Conservation Resources Report*, contained in the *Submission to the CCL* of 10 February 1995, is the statement—

"Two areas on the Wanaka foreshore - one at Damper Bay (46 ha) and the other near Glendhu Bay (5 ha) are of conservation interest. The Damper Bay area has remnant lakeshore vegetation and recreational opportunities, while the smaller area near Glendhu Bay could provide better picnicking and car parking opportunities, as well as being an exit/entry point for a possible lakeside track".

In the intervening period 1995 to post 1999, DOC has, without explanation, reduced the "area of conservation interest" from 46 ha to 1 ha. The "remnant lakeshore vegetation" extends beyond the small area of tall manuka. It extends over the uncultivated area, including the small glaciated knobs intruding into the beach (photo 2). DOC earlier acknowledged that the extent of interest was larger than a 1 ha patch—

"The vegetation around Damper Bay is mainly manuka which extends as a grove around the eastern part of the bay out on to the point", *Alphaburn Station Conservation Resources Report*, P2 (our emphasis).

We believe that the uncultivated margin up to existing fencelines qualifies as a natural resource which includes "plants and animals of all kinds" (s2 CPLA), and distinctive landscape and geological features that qualify as significant inherent values. These are ecological and recreational characteristics of a natural resource of such a nature or quality that these "deserve the protection of management under the

Reserves Act 1977 or the Conservation Act 1987" ('significant inherent value' s 2, 24 CPLA). The current provisions of the Reserves Act include a classification of Recreation Reserve (s17). This provides for "the protection of the natural environment", in addition to "providing for recreation and enjoyment of the public". Such an area could logically be amalgamated with the existing shoreline recreation reserve.

It appears that DOC's current view has been coloured not by the sudden disappearance of significant inherent values, but by the lessee's objections. "During consultation the value to the owners is recognised whereas the loss of this area to the overall proposal appeared relatively minor", *Report on Consultation* p8. The 'minor' effect is only because DOC has redefined its interest, contrary to the objects of the CPLA.

Also DOC does not have a wish to inherit this area as a reserve. This is despite it being within the ambit of legislation they administer, as well as the CPLA. The latter's considerations are about retention of Crown ownership and control, NOT about which Crown agency exercises control. This extended area should be reserved, DOC reminded of their statutory responsibilities for recreation, and all else failing, the reserve vested in the QLDC under the jurisdiction of the Reserves Act.

As indicated in our introduction, we believe that this is the most critical reservation of land that should result from tenure review. We fail to see that the Crown should be seen to be accommodating a private use, probably as an unauthorised structure on pastoral lease, to the exclusion of the public from a prime lakeside amenity area. The *Due Diligence Report* does not record any Crown authorisation for the bach; therefore it is likely to be an unauthorised use of pastoral lease. It would be contradictory for the CCL to be authorising freeholding of this area on the basis of a prior unauthorised structure, while currently refusing to act to retain similar structures on the shores of Falls Dam, also pastoral lease (Home Hills) subject to tenure review.

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### **Mt Roy walking track**

Currently Roys Peak is the main focus of recreational use on the property. This has been a long-standing unofficial walkway. Probably because of the absence of alternative energetic walks near Wanaka, this route has attracted a lot of usage.

The tenure review papers put this at "exceeding 11,000 per annum". However the lessees claim that usage is "approximately 26,000 visitors per year", *Report on Consultation*, pp 10-12.

In discussion of this amenity it was stated—

"We suspect that with other tenure reviews coming on stream, alternative access routes will become available which may take the pressure off the Mount Roy walk. We believe that the popularity of the walk is partly due to a shortage of suitable public walks within the Wanaka region", p 12.

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The principle issue, that we raised previously, was that of annual closures due to lambing.

We do not believe that the provision of 'alternative' walks in the Wanaka area will reduce pressure on Mt Roy. With connections to the adjoining Hillend and Spotts Creek properties, usage of the Mt Roy track is likely to increase, rather than decrease. Another consideration is that there is no comparable viewpoint of the Lake Wanaka environs available. Mt Iron is a valuable, but low elevation viewpoint, but not comparable to Mt Roy.

We acknowledge that public usage must be disruptive to farming operations, however we consider that on-going closures, in the face of increasing usage, will become unsustainable. The pressures for year-round access will become so great as residential and visitor numbers boom that this issue cannot be left unresolved. We believe that this matter must be addressed, now. Walking in this region is a year-round activity and, contrary to official advice to the CCL, closure during the Spring would exclude a large number of potential walkers. Most visitors would not have the option of revisiting when the track is open.

It may be that all the lower portions of the track need to be lane-fenced, and paddocks realigned for practical farm management. If this is required, this is a cost that should be borne by the Crown, with further recompense for disruption to farming operations in the financial dealings over areas offered for freeholding.

In any easement document, there should be provision for terminating the closure provision, if this remains, in the event of the track alignment no longer being used for lambing. Such a sunset clause could also extend if this part of the property is transferred to new owners.

We are concerned about the 'temporary suspension' provisions of the draft easement document. This states the—

"The transferee may close all or part of the Easement Area and suspend public access to it in the case of an easement:

- (a) Under section 7 Conservation Act 1987 if reasons of public safety or emergency require closure, or otherwise in accordance with the provisions of section 13 of the Conservation Act 1987;
- (b) under section 12 of the Reserves Act 1987 if it is necessary for the protection and wellbeing of the Easement Area, or for the protection and control of the public".

Section 7 Conservation Act is entitled 'land may be acquired and held for conservation purposes', and contains no powers of closure.

Section 13 Conservation Act only applies to conservation areas. The easement area will be private freehold. If there are genuine reasons for closure of the conservation area, that is where closures should apply. Notifying closure of the conservation area at the commencement of the easement is acceptable, however the easement itself cannot be closed under the Conservation Act.

Closure under section 12 Reserves Act for "for the protection and wellbeing of the Easement Area" is ultra vires the Minister's powers. Section 12 relates to acquiring interests over private land "for the

purposes of a reserve or for the improvement, protection, or extension of or access to an existing reserve". The Easement Area is not a reserve and the "wellbeing" of this land would relate to farming or other private uses. This is inconsistent with the Reserves Act and CPLA objectives in regard to securing public access, and must be deleted.

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### **Damper Bay access**

As a result of lessee objections, proposed public access from the Wanaka-Aspiring Road to Damper Bay was dropped.

This route was originally justified on the basis that—

"The route will provide a more direct public access route to the lakeside recreation reserve at Damper Bay than the proposed route around the lake", *Report on Consultation*, p 12.

DOC considered that "the route is consistent with criteria adopted by DOC under the CPLA for assessing public access... and that it "meets the objective of securing legal and practical public access to an existing reserve through land being freeholded where this would enhance reasonably convenient public access to such areas," *DOC Recommendations 1999*, pp 9-10.

In justifying the dropping of this access it was stated that—

"Although this is seen as a desirable additional access route, it's removal is not critical to achieving a good outcome overall for the tenure review of the property", (p 13). This comment was made in regard to the decision to drop the proposed reserve extension at Damper Bay. However DOC had earlier identified a wider role for this route—

"Foot access is also considered desirable to link the Roys Peak Track with the existing Wanaka foreshore track. This would allow walkers from Wanaka to walk via the existing track rather than use the Mount Aspiring Road, as many tend to do currently", *Alphaburn Station Conservation Resources Report*, p4.

Therefore a linkage from the Mount Aspiring-Wanaka road, in the vicinity of the Mt Roy track end, to the Lake Wanaka shoreline track would serve both safety and amenity purposes. This would allow visitors who do not have motor vehicles, to avoid walking along an increasingly busy road to the start of the Mt Roy track. A linkage would be far more aesthetic to gain access via the lakeshore to Mt Roy than via the road, and further enhance the lakeshore track by permitting a shorter one-way walk or return walk. A linkage to the road would be approximately half-way between the existing Waterfall Creek access point and Glendhu Bay. An additional linkage would greatly enhance use options for the lakeside track. Such provision would also enhance recreational opportunities in the greater Wanaka area.

The preferred route for a Aspiring-Wanaka Road-Damper Bay track would be that originally proposed by DOC, however an alternative down the eastern boundary of the property may be less disruptive to farming operations and not unduly lengthen access to Damper Bay from the road. It would also terminate closer to the Mt Roy track end.

## **Lakeshore easement**

We are pleased that there is proposed provision for a walking track to Glendhu Bay, along the length of the lakeshore within the property. This will provide a much-needed extension to the existing track from Wanaka.

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The *Conservation Resources Report* states (p 4)–

“While the foreshore east of Damper Bay is steep and rugged, a suitable track could be constructed over the headland to Damper Bay. From here, the track could lie wholly within the existing recreation reserve. Access from the Mount Aspiring Road to Damper Bay is also desirable”. However the Preliminary Proposal plan showing this route indicates that a large portion of its length would lie on the area designated for freeholding.

The *DOC Recommendations 1999* (p 9) state that–

“The route is consistent with criteria adopted by DOC under the CPLA for assessing access routes in that it provides an important linkage between areas managed or likely to be managed in public ownership”.

The draft easement document contains temporary suspension clauses that, like for the Mt Roy easement, are inconsistent with statutory provisions. PANZ objects to discretionary powers of closure. We believe such powers to be unnecessary, as adequate emergency powers lie with Police and Fire Control Authorities without these additional powers vested in a track controlling authority.

## **Glendhu Bay recreation reserve**

The *Alphaburn Station Conservation Resources Report*, p4, notes that –

“the foreshore of Glendhu Bay outside of the existing camp ground is a very popular spot and often crowded. It would be highly desirable to extend the existing recreation reserve where the road touches the lakeshore at the Mount Aspiring viewpoint, so that a larger public reserve is available for picnicking and boating and this area would also provide an entry/exit point for the lakeshore walk.

It is unclear from official documents supplied to us, to what extent, if at all, this area is incorporated within the carpark planned as the terminus of the lakeside walk. As seasonal recreational pressure on this lakeshore is extremely high, it is critically important that all areas between the road and lake be publicly reserved.

## **Fern Burn**

### **Lack of transparency for marginal strip creation**

There is a generic problem that must be addressed as a matter of priority. On 17 November 1999 the CCL instructed that all decisions relating to marginal strips are to be made by the DG Conservation's delegate for tenure review. Consequently, with all marginal strip decisions internalised within DoC, there is no public accountability for official performance. This is despite marginal strips often being intimately

related to public access easements and other public lands being proposed through the advertised tenure review process. It is a nonsense, when it is the disposition of Crown land through tenure review that is the trigger for creating marginal strips, that these actions are arbitrarily divorced from the public arena.

The *Alphaburn Station Conservation Resources Report*, p3, states—

"No marginal strips exist on the Fern Burn or Alpha Burn currently".

And the *Draft Preliminary Proposal Report and Drafting Instructions*, p 14 state—

"The Fern Burn will have a strip on freeholding".

The basis for this latter statement is unclear.

The *Instructions from CCL*, pp 2-3, state—

"the Commissioner...requests from you (Knight Frank) any advice received from DOC to support the view in the submission that a marginal strip will be created in respect of the land adjacent to the Fern Burn..."

"Furthermore, the Commissioner has previously asked Knight Frank not to address marginal strip issues".

The uncertainty arising from the CCL's position is untenable.

There must be certainty one way or the other as to the creation of marginal strips along the banks of the Fern Burn. If they are to be created it also must be ascertained if the whole of the banks outside of the proposed (high country) conservation area will qualify for strips, and if strips wider than 20m will be necessary for the creation of practical access.

If the Fern Burn does not meet statutory width criteria for creation of marginal strips, then other mechanisms for the creation of public access must be instigated. This could either be achieved by extending the conservation area downstream, or by creation of an easement or other mechanism. This can only be done during tenure review.

As DOC commented in the *Alphaburn Station Conservation Resources Report*, p 4, —

"Through probable tenure exchange deals on this and adjoining properties, some 4500 ha could become conservation land. While access will be available from key access points elsewhere, it is desirable to provide walking access into this area from an alternative direction. The Fern Burn is an obvious and attractive route. The Fern Burn crosses the Motatapu Road and could provide an easy access point. This route in the confines of the Fern Burn should not be disruptive to stock and could provide direct access to the beech forest in the Fern Burn. From here any proposed track could climb up on a terrace and link up with an old, disused farm track running up the valley. From the end of this track, the side creeks or ridges could be used to enable public access into the proposed conservation land. This access route may in time become a popular short day walk as the beech forest is a focal point and the bluffs and rock formations in the area are spectacular".

The desirability of this access was also raised by NGO's, including PANZ. We specifically commented on this in our submission of 18 November 1997 on the earlier tenure review.

We understand that any strip would terminate short of the Motatapu Road as a short section from the Alphaburn boundary to the road lies within the neighbouring Glendhu pastoral lease and no strip currently exists. However this should not be allowed to preclude strip creation, as opportunity to create these will arise if and when Glendhu enters tenure review, or in 2017 when lease renewal occurs. A long-term view needs to be taken of this process. This is the last major Crown land subdivision in New Zealand's history, and no other opportunities to negotiate access provision on favourable terms are likely to arise.

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### **Landscape protection**

DOC describes the landscape character of the property in *Alphaburn Station Conservation Resources Report*, pp 2-3, 6 -

#### **"Lakeside**

The area below Mount Aspiring road is "lumpy", ice-worn topography dispersed with low-lying alluvial flats, typical of many areas around the lake. The vegetation cover is pasture grasses, short tussock, scattered manuka, briar and matagouri. Remnant lakeshore vegetation and a large patch of manuka at Damper Bay are significant landscape features".

"Remnant manuka is important to the landscape character within the lakeside landscape type".

#### **"Visual and Scenic Values**

"The whole of Alpha Burn Station contains very high visual and scenic values and is within an area that is renowned for outstanding scenic values".

The lake faces of Roys Peak are an important landmark and backdrop view to Wanaka and the surrounding area".

"Below Mount Aspiring road the characteristic lumpy topography and remnant manuka form important foreground views to Lake Wanaka and surrounding mountains".

"Much of Alpha Burn Station is highly visible from the lake and public roads, and vulnerable to insensitive alteration such as tracking and structures".

#### **"Landscape Protection**

"A landscape covenant over any proposed freehold land viewed from Mount Aspiring Road to the Wanaka foreshore will assist in ensuring development is in sympathy with the landscape character. It will in effect ensure that farming can continue into the future, but subdivision for lifestyle units, tourist development or afforestation should be ruled out. Landscape protection over the Wanaka faces below Roys Peak is highly desirable and restrictions should ensure that any new works are handled sensitivity" (photo 3).

This assessment was adopted, in part, by the 1995 tenure review, whereby a landscape covenant would apply over the mid and upper reaches of the highly visible face below Roys Peak.

However DOC and Knight Frank changed their stance in 1999. This was their response to concerns from NGO's—

"Lower faces qualify for a covenant to protect landscape values from inappropriate developments. While there is no doubt that the lower faces have high landscape values, DOC does not support the view that it is the appropriate agency to be involved in their protection. The faces mostly comprise modified AOSTD pasture and regenerating bracken fern and retain few natural values. Current departmental policy is that only in exceptional circumstances will formal protection be entered to for inherent landscape values where natural values are not high. Protection of these faces by another mechanism (for example QE2 covenant) would be entirely appropriate". *DOC Recommendations 1999*, p1.

Knight Frank advised the CCL that—

"A recent Environment Court decision (reported in the Otago Daily Times, 9 November 1999) by Judge Jackson said the Queenstown-Lakes District Council 1998 Revised District Plan was completely inadequate in respect of landscape issues. He recommended a three way division of rural landscapes".

"In the 1995 notification of this Plan, part of Alphaburn including the front face of Mount Roy between the Mount Aspiring Road and Lake Wanaka was designated as an area of landscape importance. This restricted earthworks, tree planting and buildings (this designation was removed in the 1998 revision)".

"We propose to leave the protection of the landscape up to the local authority (QLDC) under the direction of the Environment Court", *Draft Preliminary Proposal Report and Drafting Instructions*, p13.

This change of heart is reflected by the current Preliminary Proposal which does not contain any actions for landscape protection; that is outside of the high country block proposed for public reservation. This position is contrary to the objects of the CPLA.

Section 24(b) CPLA requires enabling the protection of the significant inherent values of reviewable land—

- (i) By the creation of protective mechanisms; or (preferably)
- (ii) By the restoration of the land concerned to full Crown ownership and control;

'Enable' means authorize, empower, supply the means to make possible (*Concise Oxford*). This is an active duty; not something confined to advocacy that another body fulfills this function. This is a duty of the CCL in this and every other tenure review. Therefore it is irrelevant to tenure review that DOC considers that protection is a district planning issue or that the QE2 Trust could do the job instead of itself. It is equally irrelevant that it not current DOC policy to make provision for landscape protection on lands not under the department's control. It is the provisions of the CPLA that must prevail.

The determining question is, are there significant inherent values present?

Section 2 CPLA defines "inherent value"—

- "Inherent value", in relation to any land, means a value arising from—
- A cultural, ecological, historical, recreational, or scientific attribute or characteristic of a natural resource in, on, forming part of, or existing by virtue of the conformation of, the land, or
- A cultural, historical, recreational, or scientific attribute or characteristic of a historic place on or forming part of the land;

The Roys Peak face and lakeside areas are modified from a vegetation point of view and to this extent is "semi natural". Its predominant values are as open-space grassland, with remnant native shrublands. These attributes are cultural, historical, and recreational, which individually or collectively, qualify as 'inherent values'.

While it is understandable that DoC does not want to end up with responsibility for managing highly modified grasslands, this is not necessarily a consequence of recognising the existence of inherent values of whatever attribute and enabling their protection. In any event the meaning of 'natural resources' includes "plants ... of all kinds", so DoC's advice that this is confined to significant inherent 'natural' values is not in accord with the requirements of the CPLA, or the Conservation Act 1987, where 'natural resources' are almost identically defined.

The final matter to be considered is, are the inherent values "significant" and therefore "deserving the protection of management" under the Reserves or Conservation Acts?

S 2, CPLA—

"Significant inherent value", in relation to any land, means inherent value of such importance, nature, quality, or rarity that the land deserves the protection of management under the Reserves Act 1977 or the Conservation Act 1987.

The *Concise Oxford* defines 'significant' as meaning "noteworthy, of considerable amount or effect or importance, not insignificant or negligible".

DoC's description of landscape values cited above (a recreational attribute), at a minimum can be individually described as 'noteworthy', and cannot be dismissed as 'insignificant or negligible'. Therefore the presence of these attributes qualify as 'significant inherent values' deserving protection under the auspices of the CPLA.

The final issue is the form of protection. There are two options under section 24(b), protective mechanisms or Crown ownership. In our view, the latter is unwarranted as it is merely a backdrop of open space that needs protection, without any requirements for nature protection or public recreation within this zone, other than the lakeside reserves and access easements we advocate in this submission. We would prefer a Section 27 Conservation Act covenant as this is more secure than other options. This is deemed to be an interest in the land that requires DoC to publicly notify and call for objections if this interest were proposed for disposal. We have little faith in the adequacy or security of QE II Trust covenants. A sustainable management covenant is our second preference, however we believe that the landscape protection we advocate is within the statutory mandate for DoC and should be accepted by the department.

We note the CCL's advice to Knight Frank on 5 April 2000 concerning this tenure review that "the CPLA allows the Commissioner to address landscape issues in making decisions. This means that the Commissioner needs specific advice on this aspect...and that advice must now be provided". That requirement hasn't been fulfilled.

A landscape protection covenant should extend along the north-eastern and northern faces of Roys Peak between the Aspiring-Wanaka road and the lower boundary of the proposed high country conservation area, extending from the eastern boundary of Alphaburn to immediately east of Glendhu Bay to the lower reaches of the creek at F40 950070.

The full extent of the property between the Aspiring-Wanaka Road and Lake Wanaka, excluding reserves, should also be protected by landscape covenant.

### **Alphaburn Tops Conservation Area boundaries**

We note that the area proposed for reservation has been progressively reduced from the original proposal whereby 1850 ha was to be restored to full Crown ownership and control. 1095 ha is now proposed for reservation.

The mix of irregular boundaries, two distinct areas of freehold subject to covenants, and a grazing concession is messy. While we welcome the reservation of 1095 ha, we believe that the proposed freeholding of relatively high altitude lands with significant inherent values is reviewable in terms of compliance with the CPLA. However we see the other issues raised in this submission as requiring priority attention by officials.

ours faithfully



Bruce Mason  
Researcher & Co-Spokesman  
Public Access New Zealand Inc.

Appendices:  
3 A4 photos  
CD with submission in Word and pdf formats; 3 jpg photographs

## Asphaburn Tenure Review

Asphaburn is only 5 km from the centre of Wanaka and occupies spectacular mountain backdrops to the lake, and provides a prominent western 'fistress' for containing urban sprawl both along the hills, and most importantly, along the lakeshore. Such spectacular open space is at a premium

Wanaka

Mt Roy

PHOTO 1

25.3.2002

"A landscape covenant over any proposed freehold land viewed from Mount Aspiring Road to the Wanaka foreshore will assist in ensuring development is in sympathy with the landscape character. It will in effect ensure that farming can continue into the future, but subdivision for lifestyle units, tourist development or afforestation should be ruled out. Landscape protection over the Wanaka faces below Roys Peak is highly desirable and restrictions should ensure that any new works are handled sensitively" DoC 1995

PHOTO 3

Alphaburn Tenure Review

25.3.2002



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Council

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Our reference:  
U1154

1 May 2002

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ALEXANDRA

- 2 MAY 2002

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The Commissioner of Crown Lands  
C/- Knight Frank (NZ) Limited  
Land Resources Division  
P O Box 27  
Alexandra

Dear Sir

#### **Preliminary Proposal Alphaburn Tenure Review: Submission**

The Otago Regional Council has a commitment to improving public access to and enjoyment of the Region's waterways. In furtherance of this objective, the Council has developed a proposal to extend an existing Wanaka walking track from Waterfall Creek to Ironsides Hill, through to Damper Bay and on to Glendhu Bay. This will result in around 14 kilometres of unique walking experience from Wanaka to Glendhu Bay.

The land over which the extension to the track would cross is included within the Alphaburn Pastoral Lease, the tenure of which is currently under review.

There is no provision within the preliminary tenure review proposal that would allow for the creation of a formed track, or indeed, any access for the equipment necessary to form and maintain a track. If the proposal is accepted in its current form, then the extension of the walking track would be exclusively at the landowners' (existing leaseholders') discretion.

As, in the interests of the wider community, the Council is strongly committed to achieving the creation of a walkway through to Damper Bay and Glendhu Bay, I submit:

- i) That the Council supports the provision of public access to Damper Bay and to Glendhu Bay, on or about the alignment indicated within the proposal.
- ii) That the easements should be amended to provide for the formation and maintenance of a walking track by mechanical means.





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- iii) That the easement for the track itself be created once the track has been formed

The above submission would seem to be consistent with the general tenor of the review proposal and, in particular, with the protective mechanisms of Section 40 (2) of the Crown Pastoral Land Act which provide for public access to and enjoyment of the land concerned.

Yours faithfully

Wayne Scott  
Director Corporate Services

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Wakatipu Tramping & Mountaineering Club  
P O Box 137  
Queenstown

Commissioner of Crown Lands  
C/- Knight Frank (NZ) Limited  
P O Box 27  
Alexandra

DTZ NEW ZEALAND  
ALEXANDRA

- 2 MAY 2002

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Dear Sir,

#### ALPHABURN TENURE REVIEW


The Wakatipu Tramping & Mountaineering Club wish to support the Preliminary Proposal for Tenure Review of Alpuburn Pastoral Lease.

We agree with the boundaries and easements shown in the Preliminary Proposal, but ask that consideration be given to the following extra items:

1. That a direct pedestrian or vehicular right of way be provided to Damper Bay from Mt Aspiring Road for public access.
2. That the two covenant areas high on the west slopes of Mt Alpha be included in the land to become Conservation Estate.

Thankyou for letting us make a submission.

Yours faithfully

  
Secretary  
WT&MC

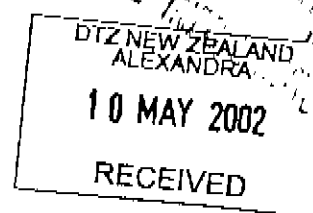
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10 May, 2002

The Manager  
Ken Taylor  
Knight Frank (NZ) Ltd.  
Land Resources Division  
PO Box 27  
ALEXANDRA



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Dear Ken Taylor

**SUBMISSION ON TENURE REVIEW OF ALPHABURN PASTORAL LEASE**

Thank you for this opportunity to comment on the Alphaburn tenure review proposals. This submission is made on behalf of the National Office of Forest and Bird.

**Introduction**

Forest and Bird made submissions to the previous proposals for this lease in 1977. In our submission we concluded that the draft proposal did not do justice to the very high conservation and recreation values of this lease. We recommended that this review not proceed unless significant improvements could be reached to:

1. Reduce the grazing term in the Fern Burn and Alpha Burn catchments to 5-6 years.
2. To align the boundary below Mt Roy with the adjacent Hillend conservation land at 1000m.
3. Provide an access to and up the Fern Burn.
4. Retain the foreshore, including Damper Bay and provide access to Damper Bay.

We are dismayed that the new proposals not only do not provide for these improvements but they reduce the area that is to be retained by the Crown, and fail to provide the earlier landscape protection for the lower altitude lands.

The current proposals fail to protect the significant inherent values that have been identified by the Department of Conservation and ourselves. We strongly urge that this proposal not proceed unless the deficiencies, which I shall detail below, are overcome.

### Summary

Forest and Bird supports the 1117ha of land to be designated as land to be returned to full Crown ownership, which includes the high altitude tops and Scaife's Lagoon. We agree these meet the criteria of significant inherent values.

We believe that the following additions are needed in order to fulfil the objects of the CPLA.

1. All that land to the north of Mount Aspiring Road, including the roche moutonnee landscape, and Damper Bay to Glendhu Bay, except for the flat cultivated land, should be retained in full Crown ownership.
2. The 210 ha in the head of the Alpha Burn, Pt Sec 1 SO 22998, that lies between two areas proposed for Conservation land, should be restored to full Crown ownership.
3. The 357ha in Section 2 SO 22998, in the head of the Fern Burn should be restored to full Crown ownership, possibly with a grazing concession for 5-10 years.
4. Practical year round public access up the Fern Burn.
5. Landscape covenant over the mid and upper reaches of the highly visible face below Roys Peak.
6. Year round public access up to Mt Roy.
7. Safe foot access linking the Roys Peak Track with the Wanaka shoreline track.

### Damper Bay and Rote Moutonnee Landscape

Forest and Bird believes all that land to the north of Mount Aspiring Road, including the rote moutonnee landscape, and Damper Bay to Glendhu Bay, except for the flat cultivated land, should be retained in full Crown ownership to protect its significant landscape, conservation and recreation values. This area was originally suggested for protection by a landscape covenant, as *subdivision for lifestyle blocks, tourist development and afforestation should be ruled out*. (Conservation Resources Report, p6). It is highly visible from the main highway, and from on the Lake.

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#### Landscape Justification

We are aware that the CPLA allows for the Commissioner to address and provide for landscape issues in making decisions, and that this is separate from the landscape considerations under the Resource Management Act 1991.

We consider the following values constitute significant inherent values:

1. The remnant lakeshore vegetation and the large patch of manuka at Damper Bay are significant landscape features according to the Conservation Resources Report, p2. This remnant manuka is important to the landscape character. Manuka is scattered along the foreshore and is present on the roche moutonnee's. Native broom and other grey shrubs, such as coprosma and matagouri are present in this community. Without grazing it is possible that the shrublands will gradually expand. The conservation resources report also notes that the characteristic lumpy topography and remnant manuka form important background views to Lake Wanaka and surrounding mountains.

2. The conservation resources report initially recommended protecting the dense manuka shrublands in Damper Bay and described several significant inherent values, which were regarded as meeting the CPLA criteria.

*Sustains the special natural quality and integrity of the High Country Landscape, especially the Indigenous component.*

*Sustains culturally valued scenic, aesthetic, recreational and historic attributes within a natural High country landscape*

*The land is a setting of high natural or historical value for outdoor recreational opportunities in the High country.*

3. An expert Landscape assessment of this area has since been carried out by Ms Di Lucas, acting as witness for the Upper Clutha Environmental Society. Ms Lucas describes the importance of this roche moutonnee landscape in understanding and appreciating the wider glacial sculptured landscape of Lake Wanaka and it's surrounds. She describes it as an outstanding landscape.

*The mountain slope-fan-trough-roche moutonnee landscape complex runs from Glendhu Bay down to Waterfall Creek. The combination in total provides a landscape of great importance particularly in terms of legibility, aesthetic and recognised values. It is an outstanding landscape with considerable natural qualities.*

4. Scaife's Lagoon is a valuable waterfowl habitat and as described in the recommendations of the Conservation Resource Report contains a number of significant inherent values. Although this area is to be protected, as an isolated area, we believe its whole catchment and outlet needs to be protected within its

landscape context. This feature and the other smaller wetland area add to the significant values of this whole landscape north of the Mount Aspiring Road.

The Due Diligence Report and Report on Consultation make it clear that although officials have recorded the significant inherent values of the Damper Bay area, it has been considered expedient to negotiate these away due to the lessee's strong opposition. Provision for family holidays is not an object of tenure review under the CPLA.

We strongly disagree with the statement in the Report on Consultation, p 8 that:

*"During consultation the value to the owners is recognised where as the loss of this area to the overall proposal appeared relatively minor."*

Damper Bay is one of the few "intimate bays" on the Lake and is a popular area for family picnics. It is very attractive with a sandy beach surrounded by craggy rock platforms and small bluffs. Currently its use is limited to those who can gain boat access. The current proposal does not provide adequate public access to and egress from this Bay, as people will still need to walk quite a distance from Glendhu Bay or from Wanaka to get to Damper Bay. Also a direct route linking the Mt Roy Track to Damper Bay would be an additional recreational attraction, as well as providing a safe public access. Such a route was originally proposed, as it is consistent with CPLA requirements for public access. However it was subsequently dropped, due to lessee objections.

#### Recreation Values

Wanaka is booming, its growth being one of the fastest areas in New Zealand. There is high demand for recreational walking in this area, as is evidenced by the numbers of people recorded walking the Mt Roy track. This is a one off opportunity for the Crown to resume control of land with outstanding recreational values. These values are not just associated with the foreshore and Damper Bay, as providing the opportunity for roaming and exploration of scaifes Lagoon and the roto moutonnees would significantly enhance the recreational attributes of the Wanaka area.

In summary we believe that this area contains many significant inherent values as defined by the CPLA. We acknowledge that it contains modified pasture, rough grassland, however as Di Lucas points out the *"roche moutonnee lands are in general highly natural in the strong natural patterning of the fascinating landforms. The roche moutonnee, the moraine dumps and the water bodies, are all identified as Outstanding Natural Features and thus warrant protection through the CPLA."* We believe the values warrant this block of land being restored to full Crown ownership and control. This would also enable an adequate carpark, direct access to Damper Bay from the Mt Aspiring Road along the most direct and practical route, and provide safe walking access from Glendhu Bay to the base of the Mt Roy track.

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#### **Fern Burn and Alpha Burn Covenants**

We are not convinced these areas can be managed for pastoralism in a way that is ecologically sustainable. For the most part they are high altitude upto 1400m – 1500m asl., steep, boney class VII and VIII lands with mountain soils which have very low natural nutrient status. Both blocks have high landscape values. The conservation Resources Report acknowledges on p3 that *"the whole of Alphaburn Station contains very high visual and scenic values and is within an area that is renowned for outstanding scenic values."*

We accept that the Fern Burn Block in particular contains little intact indigenous vegetation apart from the beech remnants, which are to be returned to full crown ownership. The area shows signs of fresh and frequent erosion.

The Alpha Burn block has more intact snow tussock, and retains a higher degree of naturalness. This block contains similar inherent values to the adjacent lands, which are to be protected. As such it warrants protection under the CPLA and as it falls between two areas that are to be returned to full crown ownership we believe a covenant is not appropriate.

We do not accept that either of these areas are suitable for freeholding, albeit with a covenant. The lessees argue that these blocks are necessary for grazing. The various reports comment upon the difficulty of fencing. We are not in a position to consider the practicalities of the fencelines, except that the need for these would be reduced if grazing was confined to the Fern Burn Block.

We consider that the objects of the CPLA would be better met if both these two blocks were to be returned to full Crown ownership and control. In order to facilitate this grazing could be provided for in the Fern Burn for 5-10 years.

#### **Access up the Fern Burn**

The proposal contains no access provisions into the Fern Burn, and there is no mention of marginal strips. The Conservation Resources Report on page 4 describes the Fern Burn as *"an obvious and attractive route."* It noted that *"this route in the confines of the Fern Burn should not be disruptive to stock and could provide a direct access to the beech forest in the Fern Burn" ... "This access route may in time become a popular short day walk as the beech forest is a focal point and the bluffs and rock formations in the area are spectacular."*

If the Fern Burn does not meet the statutory width criteria for the creation of marginal strips, then an access easement, or an extension of the proposed conservation area, must be negotiated. We recognise that it is not possible in this tenure review to achieve public access to the Motatapu Road. However this may be achievable if and when Glendhu enters the tenure review program or when lease renewal occurs. This should not preclude providing for access that is currently achievable through the Alpha Burn tenure review

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### **Need for a Landscape Covenant over the Lake Roy Faces**

The Conservation Resources report on page 3 states:

*'The Lake faces of Roys Peak are an important landmark and backdrop view to Wanaka and the surrounding area.'*

On page 6

*'Landscape protection over the Wanaka faces below Roys Peak is highly desirable..'*

The earlier advertised proposal contained a landscape covenant over the mid and upper reaches of the Mt Roy faces. This proposal has since been dropped, with DOC and Knight Frank officials variously suggesting that the landscape protection could be achieved by QEII covenant or through the Resource Management Act 1991.

However as noted above the RMA provisions are irrelevant as the Commissioner must make a decision that meets the objects of tenure review under the CPLA. This requires an examination of whether or not there are significant inherent values.

We accept that the vegetation of this landscape has been modified and is now largely dominated by bracken and rough pasture grasses. However in this case it is the dramatic highly visible massif and dominance of the landforms that create the significant inherent values.

Ms Lucas in her evidence for the Upper Clutha Environmental Society described the area as;

*"Roy's Peak specifically is also enjoyed directly from the walk on its slopes to the crest. The whole land mass of the mountain contributes importantly including in terms of natural values, legibility and aesthetic, as well as shared and recognised values."*

Forest and Bird agrees with the assessments made in the Conservation Resources Report, and more recently by Ms Lucas, that this area has high landscape values.

We prefer that these values be protected by a Section 27 Conservation Act covenant.

### **Year Round Public Access up Mt Roy**

We are pleased that this important and popular walkway is to be formalised, however we are disappointed that it will continue to be closed for lambing. We acknowledge that public use is likely to be disruptive to farming, however providing for lambing closures for ever is likely to become unsustainable with the ongoing growth of Wanaka and demand for walking tracks. Springtime closures are immensely frustrating for many. High altitude walks have been out of bounds for winter and people want to get out when the spring weather allows. The Mt Roy track is very popular and must be one of the attractions for visitors to Wanaka, and is something, which encourages people to stay longer because they want to climb Mt Roy. Springtime visitors will miss out on this opportunity and currently there are no comparable easily accessible high altitude day walks within biking or walking distance of Wanaka.

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We believe it is highly desirable that this access be open year round. If this is completely unachievable then the closure provision in the easement should contain a sunset clause in the event of the land no longer being needed for lambing, or if this part of the property is transferred to new owners.

#### Conclusion

We welcome the protection and restoration to full crown ownership and control of the high altitude areas, the protection of Scaife's Lagoon, the foreshore walkway and formalisation of the Mt Roy walkway. However these proposals do not adequately protect the extent of significant inherent values found on this lease, nor do they adequately secure public access to and enjoyment of these areas. We therefore recommend that unless these values can be protected this review should not proceed.

Please do not hesitate to contact us if you wish to discuss any of these matters further.

Yours sincerely

Sue Maturin  
Southern Conservation Officer