

Crown Pastoral Land Tenure Review

Lease name: BEN NEVIS

Lease number: PO 241

Public Submissions - Part 6

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

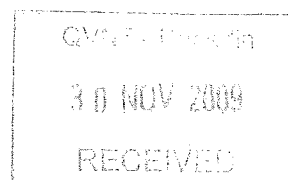
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B. Submission on Ben Nevis Tenure Review Preliminary Proposal

This submission is from:

Glenys Dickson, 68 Norton Street, Gore.

Phone 03 208 9406 email glenys.dickson@xtra.co.nz

Ben Nevis Proposals

1.1 Retention of 8,807 ha. Higher Altitude Lands to Crown Control.

(Comment: This land area is of national significance as it has stunning landscape and outstanding natural values with a number of threatened plant species present. Its retention by the Crown is appropriate subject to the proposed continuation of rights to take and convey water and recreation concession and grazing concession.) As the area is of National significance with high recreational value it would be pertinent to exclude motorised vehicles as comparable landscapes like Oldman Range and Whitecomb have been desecrated in some areas by accessible vehicle access)

1.2 Area of 950 hectares to be designated as land to be restored or retained in crown control, as conservation area.

(Comment: This land is of National significance with a number of threatened species present. This area should be retained by the Crown.

1.3 Retention of 140 ha Lower Altitude Lands to Crown Control (CA4)

(Comment: This land area is composed of lower hill slopes. It has high historic, landscape and natural values. Its retention as Crown land is appropriate subject to proposed conditions.)

1.4 Retention of 160 ha. Of Lower Altitude Lands by the Crown.(CA5)

(Comment: This land situated in the middle reaches of Doolans Creek catchment has high botanical values and landscape values. Its retention by the Crown under the conditions proposed is appropriate.)

1.5 Retention of 8 ha. of Floodplain Land by the Crown.(CA3)

(Comment: This small land area is on the Nevis River floodplain. It has high historic, landscape, public access and natural values. Its retention as Crown land is appropriate.)

1.6 Retention of 52 ha. of Lower Altitude Land by the Crown.(RI Scenic)

(Comment: This small land area is on the Nevis lower slopes and valley floor. It has high landscape, public access and natural values. Its retention as Crown land is appropriate.)

1.7 Disposal of 4,451 ha to Pioneer Generation as Freehold

(Comment: This area of land includes lower slopes and terraces and the valley floor. It has high landscape values, high historic values because goldfield sites are spread across the floodplain and up the side slopes in some areas; rare plants

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and native skinks are found on mine tailings on the floodplain, rare native fish are found in tributaries. Much of the land between the Nevis Road and the river is important for public access for recreational activities including angling and kayaking, nature and history appreciation. The valley floor is an important landscape feature which contributes to its outstanding landscape status. . It is not appropriate to freehold much of this land down towards the river)

1.7.1 Landscape Covenants (CC Landscape)

(Comment: The landscape covenant is flawed. It doesn't cover all the values present – public access rights to and along the river and generally over the lower floodplain are not mentioned. Native fish require specific protection in tributaries but are not protected. Rare plants and invertebrates are not mentioned therefore not protected from development.

Of most concern, the covenant designed to protect specified values in perpetuity has a clause in schedule 2 which requires the Minister to allow hydro development. So the covenant is valueless)

1.7.2 Public Access Easements

(Comment: There are public access easements over the proposed freehold in several locations leading to Crown land areas, some at higher altitude, to two access point on the river, and down the valley. These all deserve support where land is freeholded ...)

(Comment: I strongly opposed to free holding valley floor land with important multiple values. Even if a secure covenant was proposed it is more appropriate to protect these lower lying valley floor areas through retention in Crown ownership.)

Overview

(Comment) I do not see the relevance in free holding Crown land that is of significant National Importance and Value. I therefore do not agree with the Tenure review process's that appear seriously flawed in both Ben Nevis and Craigroy Pastrol Leases reviews.

Submitter's name Glenys Dickson

Date 30th November 2009

Southern Lakes Deerstalkers Club
SLNZDA
c/. Alan Mackie
30 Earnsclough rd.
Alexandra
23 / 10 / 09

David Paterson
Darroch Valuations
Box 215
Dunedin

RE: Ben Nevis Tenure Review

Submission on preliminary proposal

Dear Sir,

The Southern Lakes Deerstalkers club is a local member of New Zealand Deerstalkers Association NZDA with numerous members throughout Central Otago. Another club the Central Otago Deerstalkers Club whose main membership is local to this area is affiliated to NZDA

Summary

Southern Lakes Deerstalkers Club supports the proposal because this review is taking in some very important historical river flat areas. There is a lot of history to be viewed about these lower river flats. Many recreationalists will want to follow and investigate water races of which there is a number available up on the faces. The upper portion of this property has had small numbers of Red deer for well over seventy years.

Recreational Values

There will be many recreational values in this area. As long as WARO licencing remains closed in Central Otago, interest in open country hunting will continue to grow.

Public Access

We recommend public vehicle access should be made available to or as close as possible to the proposed boundary of the new Conservation area, in the lower Nevis area between Doolans and School house creek.

Reason

There needs to be vehicle access to all Conservation estate boundary's. There are enough newly created Conservation areas with long approach walkways. We do not notice them being used. But hear a lot of discontent where vehicle access leaves prospective visitors kl's short.

Conclusion

1. We support the addition of this area to the Conservation estate.
2. The proposed vehicle access needs to reach Conservation estate boundaries especially if there are formed roads present and it is more than a couple of ridges from any other vehicle access point.

Thank You for the chance to submit.
Alan Mackie

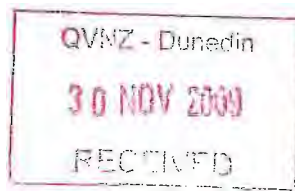
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Whitewater NZ

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25 November 2009



David Paterson
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Submissions on Craigroy and Ben Nevis Station Tenure Review

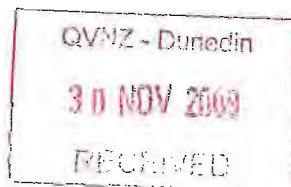
Dear David,

Please find attached Whitewater NZ's submissions on these Tenure Review Preliminary Proposals.

Glenn Murdoch
Conservation Officer
conservation@rivers.org.nz



Whitewater NZ



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Submission on the Preliminary Proposal for the Tenure Review of Ben Nevis Station

Background

18. The Nevis River is a nationally outstanding whitewater kayaking resource. The 1997 Kawarau Water Conservation Order recognises the Nevis River as having outstanding intrinsic and amenity values for recreational purposes, in particular, fishing and kayaking.
19. The Nevis River has only ever been used by kayakers, until very recently, between Nevis Crossing and the Kawarau confluence.

Over the past month there has been at least two exploratory kayaking trips into the upper reaches of the Nevis valley. These trips have revealed two more outstanding kayaking resources in the upper valley.

20. A significant component of a kayaking trip in any part of the Nevis valley is the landscape amenity that the valley offers. Research² shows that landscape is a significant driver in the recreational experience that river users enjoy, and that a significant proportion (over 80%) of river users prefer river environments with little or no human development evident.

Submission

21. **Retention of 8,807 ha of Higher Altitude Land to Crown Ownership**
This land area has high landscape and natural values and is recreationally important. Its retention by the Crown is appropriate subject to the proposed continuation of rights to take and convey water- along an established high level water race - and the grazing concession.
22. **Retention of 140 ha of Lower Altitude Land to Crown Ownership (CA4)**
This land area is composed of lower hill slopes. It has high historic, landscape and natural values. Its retention as Crown land is appropriate subject to proposed conditions.
23. **Retention of 160 ha. Of Lower Altitude Land to Crown Ownership (CA5)**
This land situated in the middle reaches of Doolans Creek catchment has high botanical values and landscape values. Its retention by the Crown under the conditions proposed is appropriate.
24. **Retention of 8 ha. of Floodplain Land to Crown Ownership (CA3)**
This small land area is on the Nevis River floodplain. It has high historic, landscape, public access and natural values. Its retention as Crown land is appropriate.
25. **Retention of 52 ha. of Lower Altitude Land to Crown Ownership (RI Scenic)**
This small land area is on the Nevis lower slopes and valley floor. It has high landscape, public access and natural values. Its retention as Crown land is appropriate.

² New Zealand Recreational River Use Survey, Galloway, 2008



26. Disposal of 4,451 ha to Pioneer Generation as Freehold

This area of land includes lower slopes and terraces and the valley floor. It has high landscape values, high historic values with goldfield sites are spread across the floodplain and up the side slopes in some areas.

The river through this land is one of the recently discovered kayaking sections which offers an outstanding Class 2, novice to intermediate kayaking amenity. See Appendix A for a definition of Class 2.

The land between the Nevis – Garston road and the river is important for public access for recreational activities including angling and kayaking, nature and history appreciation. The valley floor is an important landscape feature, which contributes to its outstanding landscape status.

The current preliminary proposal does not guarantee public access rights to and along the river and generally over the lower floodplain. Access is crucial to the continued availability of the whitewater kayaking resource in the upper valley.

Landscape Covenant (CC Landscape)

The landscape covenant is flawed and does not give effect to the requirements of the Crown Pastoral Land Act 1998.

Of most concern, the covenant designed to protect specified values in perpetuity has a clause in schedule 2 which requires the Minister to allow hydro development, therefore it is flawed and does not comply with Section 24(b) of the Crown Pastoral Land Act 1998.

The implementation of this clause in Schedule 2 will completely destroy the values outlined in Schedule 1 for the kayaking amenity in the upper valley.

Whitewater NZ is strongly opposed to the freeholding of this 4,451 ha to Pioneer Generation Ltd.

Whitewater NZ requests that public access to and along the entire length of the river be guaranteed through the creation of Recreation Reserves.



Appendix A – Photographs of kayaking use of the Nevis River



Kayakers in the upper Nevis



Kayaker in the lower Nevis gorge



Kayakers enjoying lunch in the lower Nevis gorge



Appendix B – International scale of river difficulty

Class I Rapids

Fast moving water with riffles and small waves. Few obstructions, all obvious and easily missed with little training. Risk to swimmers is slight; self-rescue is easy.

Class II Rapids: Novice

Straightforward rapids with wide, clear channels which are evident without scouting. Occasional manoeuvring may be required, but rocks and medium-sized waves are easily missed by trained paddlers. Swimmers are seldom injured and group assistance, while helpful, is seldom needed. Rapids that are at the upper end of this difficulty range are designated "Class II+".

Class III: Intermediate

Rapids with moderate, irregular waves which may be difficult to avoid and which can swamp an open canoe. Complex manoeuvres in fast current and good boat control in tight passages or around ledges are often required; large waves or strainers may be present but are easily avoided. Strong eddies and powerful current effects can be found, particularly on large-volume rivers. Scouting is advisable for inexperienced parties. Injuries while swimming are rare; self-rescue is usually easy but group assistance may be required to avoid long swims. Rapids that are at the lower or upper end of this difficulty range are designated "Class III-" or "Class III+" respectively.

Class IV: Advanced

Intense, powerful but predictable rapids requiring precise boat handling in turbulent water. Depending on the character of the river, it may feature large, unavoidable waves and holes or constricted passages demanding fast manoeuvres under pressure. A fast, reliable eddy turn may be needed to initiate manoeuvres, scout rapids, or rest. Rapids may require "must" moves above dangerous hazards. Scouting may be necessary the first time down. Risk of injury to swimmers is moderate to high, and water conditions may make self-rescue difficult. Group assistance for rescue is often essential but requires practiced skills. A strong eskimo roll is highly recommended. Rapids that are at the lower or upper end of this difficulty range are designated "Class IV-" or "Class IV+" respectively.

Class V: Expert

Extremely long, obstructed, or very violent rapids which expose a paddler to added risk. Drops may contain large, unavoidable waves and holes or steep, congested chutes with complex, demanding routes. Rapids may continue for long distances between pools, demanding a high level of fitness. What eddies exist may be small, turbulent, or difficult to reach. At the high end of the scale, several of these factors may be combined. Scouting is recommended but may be difficult. Swims are dangerous, and rescue is often difficult even for experts. A very reliable eskimo roll, proper equipment, extensive experience, and practiced rescue skills are essential. Because of the large range of difficulty that exists beyond Class IV, Class 5 is an open-ended, multiple-level scale designated by class 5.0, 5.1, 5.2, etc... each of these levels is an order of magnitude more difficult than the last. Example: increasing difficulty from Class 5.0 to Class 5.1 is a similar order of magnitude as increasing from Class IV to Class 5.0.



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Class VI: Extreme and Exploratory Rapids

These runs have almost never been attempted and often exemplify the extremes of difficulty, unpredictability and danger. The consequences of errors are very severe and rescue may be impossible. For teams of experts only, at favourable water levels, after close personal inspection and taking all precautions. After a Class VI rapids has been run many times, its rating may be changed to an appropriate Class 5.x rating.

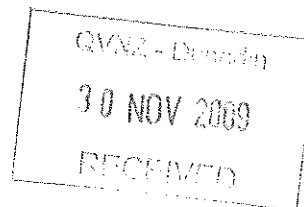


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30th November 2009

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Dear Sir,

Submission on Ben Nevis Tenure Review Preliminary Proposal

This submission is made by Clutha Fisheries Trust, PO Box 153, Cromwell 9342, cft@vodafone.co.nz.

The Nevis River and valley has a broad range of outstanding values for conservation and recreation. As far as possible those significant values should be protected through tenure review. Comments on specific proposals follow

1.0 Retention of 8,807 ha. Higher Altitude Lands to Crown Control.

This land area has high landscape and natural values and is recreationally important. Its retention by the Crown is supported subject to proposed conditions.

2.0 Retention of 140 ha Lower Altitude Lands to Crown Control. (CA4)

This land area is composed of lower hill slopes. It has high historic, landscape and natural values. Its retention as Crown land is supported subject to proposed conditions.

3.0 Retention of 160 ha. Of Lower Altitude Lands by the Crown.(CA5)

This land situated in the middle reaches of Doolans Creek catchment has high botanical values and landscape values. Its retention by the Crown under the conditions proposed is supported.

4.0 Retention of 8 ha. of Floodplain Land by the Crown. (CA3)

This small land area is on the Nevis River floodplain. It has high historic, landscape, public access and natural values. Its retention as Crown land is strongly supported.

5.0 Retention of 52 ha. of Lower Altitude Land by the Crown.(RI Scenic)

This small land area is on the Nevis lower slopes and valley floor. It has high landscape, public access and natural values. Its retention as Crown land is appropriate.

6.0 Disposal of 4,451 ha to Pioneer Generation as Freehold

This area of land includes lower slopes and terraces and the valley floor. It has high SIVs in terms of landscape values; high historic values spread across the floodplain and up the side slopes in some areas; rare plants and native skinks are found on mine tailings on the floodplain, rare native fish are found in tributaries.



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The land between the Bannockburn – Garston Road and the river on the true left is important for public access for recreational activities including angling and kayaking, nature and history appreciation as well as maintaining biodiversity.

The valley floor is an important landscape feature which contributes to the Nevis valley's outstanding landscape status. It is not appropriate to freehold land on the valley floor between the road and the mainstem river from Nevis Crossing up to Nevis Township

This area should be designated as Crown reserve such as Scenic or Historic reserve. That status will cater for the public access needs of anglers, kayakers and those interested in flora and fauna or heritage values.

In conclusion the Trust is strongly opposed to freeholding valley floor land with important multiple SIVs. Even if a secure covenant was proposed it is more appropriate to protect these lower lying valley floor areas through retention in Crown ownership

Landscape Covenant (CC landscape)

The landscape covenant proposed for this area is seriously flawed. It doesn't cover all the values present. It does not mention public access to and along the river and generally over the lower floodplain.

Native fish require specific protection in tributaries but aren't covered. Native fish in small tributaries within the freehold need specific protection by way of tailored covenants or riparian Crown reserves.

Rare plants and skinks aren't mentioned in covenants and so aren't protected by them either.

Of most concern, the covenant designed to protect specified values in perpetuity has a clause in schedule 2 which requires the Minister to allow hydro development. So the covenant is valueless.

Public Access Easements

The public vehicle access easement a-b-y-c-d down the true left of the lower gorge is strongly supported if the realignment of the existing road reserve cannot be achieved. The road reserve is mostly off the alignment of the track which currently goes through the area. That may be possible with the co-operation of Central Otago District Council

Easement y-z, for Otago Fish and Game management access to the Dell Area should become a public vehicle access easement. The Dell is a highly regarded area of the river for angling and associated recreation, and it is a common drop off and pick up point for kayakers.

A public access easement should be created from the existing public vehicle access easement y-c down the zig-zag track shown on the topographic map leading down into the lower gorge on the true left. This track which joins y-c about 2 kilometres south of Doolans Saddle is useful addition to river access.

Public access easements over the proposed freehold in several locations lead to Crown land areas, some at higher altitude. These all deserve support where land is freeholded.



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Public access easement w-x would not be necessary where the land between the road and the river on the true left became Crown reserve.

Yours faithfully

Dan Rae
Chairman
Clutha Sports Fishery Trust

CENTRAL OTAGO RECREATIONAL USERS FORUM

186 Faulks Road,
RD 2,
Wanaka 9382.
30 November 2009

The Commissioner of Crown Lands,
C/- Darroch Valuations,
PO Box 215,
DUNEDIN.

Dear Sir,

Submissions to Preliminary Proposal, Ben Nevis Pastoral Lease, PO 241

We appreciate the opportunity to submit to the review of Ben Nevis Pastoral Lease.

Central Otago Recreational Users Forum

The Central Otago Recreational Users Forum is a voice for a diverse group of user interests, representing over 60 recreational clubs, groups and individuals. We represent the interests of the recreating public to the statutory managers of public lands.

A fundamental principle guiding us is the belief that public lands should be made accessible to the general public in a reasonable way.

An associated principle in our charter is for due care and respect, to the landscape and its natural and historic values, and for the landowners whose properties have easements across them, giving us open and free access to conservation lands.

CORUF supports the objectives of tenure review as set out in the Crown Pastoral Land (CPL) Act 1998, Part 2, which include,

protecting the significant inherent values of reviewable land by the creation of protective mechanisms or (preferably) by the restoration of the land concerned to full Crown ownership and control; and subject to these, to make easier the **securing of public access to and enjoyment of reviewable land**; and the freehold disposal of reviewable land.

We also support the recently stated government objectives for the South Island High (refer to EDC Min (03) 5/3; CAB Min (03) 11/) which include,

promotion of ecologically sustainable management, protection of the significant inherent values of reviewable land by the creation of protective measures; or preferably by restoration of the land concerned to full Crown ownership and control: **the securing of public access to and enjoyment of high country land**; ensuring that outcomes are consistent with the NZ Biodiversity Strategy, and progressively establishing a network of high country parks and reserves.

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

SUBMISSION by the Central Otago Recreational Users Forum.
PO 241, BEN NEVIS PASTORAL LEASE

Recreationists find high amenity values in the Nevis Valley. We endorse the list of activities in 1.2 (i). These activities are, historic, heritage, gold panning, picnicking, camping, fishing, kayaking, walking, mountain biking, and horse trekking. The road from Duffers Saddle to Garston along the Nevis valley offers a highly popular driving and mountain biking adventure.

We add, cross country skiing, accessing the mountain conservation lands above in summer and winter, nature study, landscape photography, and the impressive quiet and natural beauty. To us the Nevis Valley is a treasure.

PROPOSAL

1.1. An area of 8,807 hectares (approximately) to be designated as land to be restored to or retained in Crown control as conservation area (labelled CA I on the Plan in Schedule A) subject to qualified designations under section 35(2)(b)(i) and section 36(1)(a) Crown Pastoral Land Act 1998.

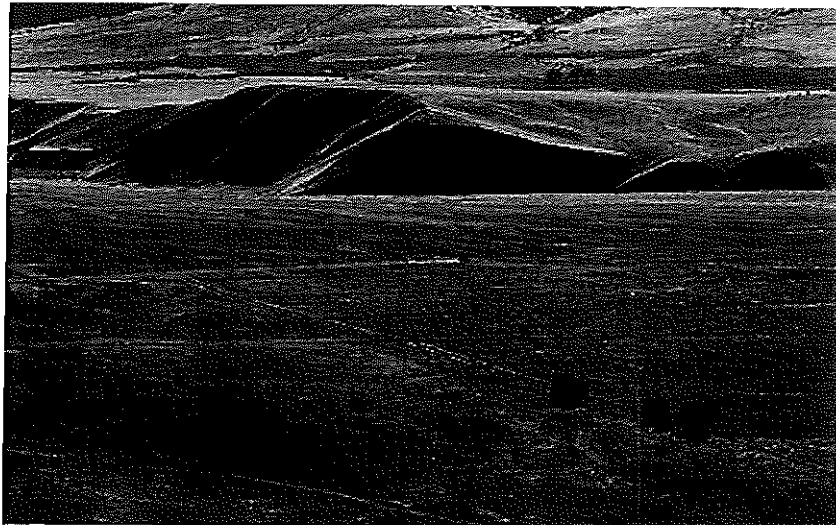
CORUF supports the retention of this spectacular area within the crown estate.

1.1.2 Heliskiing Concession: A heliskiing concession under Section 17Q(1) Conservation Act 1987 to be granted to Pioneer Generation Limited over the land in CA I on the Plan in Schedule A.

CORUF supports the continuation of this operation until its term expires.

1.2 An area of 950 hectares (approximately) to be designated as land to be restored to or retained in Crown control as conservation area subject to a qualified designation (labelled "CA 2" on Plan in Schedule A) under section 35(2)(b)(i) and section 36(1)(a) Crown Pastoral Land Act 1998.

CORUF supports the retention of this high value block as crown land in the public estate, particularly for the protection it gives to the unique landform Schoolhouse Flat (Photo 1 below.) We support the recognition the Proposal gives to the "scarcity of unmodified valley floor landscapes" in the region (and nationally), and agree that the Nevis Valley landscape is of National significance.



1.3 An area of 140 hectares (approximately) to be designated as land to be restored to or retained in Crown control, as conservation area subject to a qualified designation (labelled "CA 4" on the plan in Schedule A) under section 35(2)(b)(i) and section 36(1)(a) Crown Pastoral Land Act 1998.

CORUF is pleased to find this portion of the historic mining values on the Lease being retained in Crown control, we support the designation, and acknowledge that public access has been provided to it from two directions.

1.3.1 Grazing Concession: A grazing concession for the grazing of sheep under Section 17Q(1) Conservation Act 1987 to be granted to Pioneer Generation Limited over the land labelled CA 4 on the Plan in Schedule A.

We recommend that grazing is maintained at a low level and is monitored on a five-yearly basis: should damage to the historic mining remains occur then the levels of permitted grazing should be revisited.

1.4 An area of 160 hectares (approximately) to be designated as land to be restored to or retained in Crown control as conservation area subject to a qualified designation (labelled "CA 5" on the plan in Schedule A) under section 35(2)(b)(i) and section 36(1)(a) Crown Pastoral Land Act 1998.

We understand that the area has good shrub land which should be recognised and protected as a significant inherent value. We support its full protection

1.4.1 Grazing Concession: A grazing concession for the grazing of sheep under Section 17Q(1) Conservation Act 1987 to be granted to Pioneer Generation Limited over the land labelled CA 5 on the Plan in Schedule A.

We find the combination of native plant protection and a grazing concession, albeit for strays, to be at odds with each other and would like to see grazing eliminated. There are complex benefits to be gained from an unaltered and freely growing patch of native shrub-land, it becomes a life zone, and its reservation to a CA designation indicates that that has already been recognised. If the shrub-land can't be fenced then perhaps CC1 could be joined to it, as we understand that the CC1 designation already has a ridge-top fence.

1.5 An area of 8 hectares (approximately) to be designated as land to be restored to or retained in full Crown ownership and control as conservation area (labelled "CA 3" on Plan in Schedule A) under section 35(2)(a)(i) Crown Pastoral Land Act 1998.

CORUF supports the protection of this area of historic mining on the river bed.

1.6 An area of 52 hectares (approximately) to be designated as land to be restored to or retained in full Crown ownership and control as Scenic Reserve (labelled "R1 (Scenic)" on Plan in Schedule A) under section 35(2)(a)(ii) Crown Pastoral Land Act 1998.

CORUF supports the reservation of this area of high ecological value, a red-tussock reserve with wetlands, to full crown control as a scenic reserve.

1.7 An area of 4,451 hectares (approximately) to be designated as land to be disposed of by freehold disposal to Pioneer Generation Limited (shown edged in green on Plan in Schedule A) under section 35(3), section 36(3)(b) and section 40(i)(b) Crown Pastoral Land Act 1998 subject to protective mechanisms and a qualified designation.

1.7.1 Conservation Covenant. A conservation covenant under Section 77 Reserves Act 1977 for the purposes of protecting the natural environment of the area (marked "CC 1", "CC 2", "CC 3" on the Plan in Schedule A)

Conservation Covenant CC 1 (Doolans)

Conservation Covenant CC 2 (Nevis Burn)

Conservation Covenant CC 3 (Schoolhouse Creek) and CC 3A

CORUF submits that there is no clear reason to select out these areas for free-holding, and that all of them should be removed from freehold designation and included in adjacent CA designations, with a grazing concession over them for a determined period of time. The end result for farming would be much the same, but in the long term the land would rightfully be part of the public estate as fully protected conservation land. WE submit that that option must be retained.

This is, in all, an extraordinarily beautiful landscape, and worthy of the highest level of protection. It is Crown land now, in a swathe from mountain top to river bed, and conserving and protecting its obvious quality on behalf of the public for the future ought to be the major impetus of this Proposal. To do otherwise is to achieve the wrong balance

1.7.2 Landscape Covenant. A conservation covenant under Section 77 Reserves Act 1977 protecting the landscape values of the area shown coloured marked "CC (Landscape)" on the Plan in Schedule A.

The Proposal recognises that the landscapes in Ben Nevis pastoral lease are outstanding, referring (p. 4) to the "*internationally proclaimed*" Hector and Remarkables Mountains, and a "*quite stunning landscape*" that

"forms an integral part of the Nevis Valley Landscape that is of national and international significance."

CORUF submits that the "freehold" designation, approximately 4,451 hectares, takes in too much of the valley, it is too big. We also protest that the conditions of the Covenant do not protect the significant inherent values of the valley.

The farmable portion occupies a significant "front face" position on the valley slopes, between the spectacular tops and the complex valley flats, For that reason conditions imposed on free-holding should be tightly and permanently controlled in terms of care of the landscape, and changes that can be made.

In respect of the details of the proposed Covenants, we state that we support and endorse the submissions made by the Otago Southland Field Officer for the Royal Forest and Bird Society, and that of Federated Mountain Clubs.

CORUF submits that a public Recreation / Scenic / Historic Reserve be created to encompass the Lower Nevis river flats, running more or less from road-to-road, from the Nevis Road to the lease boundary (*and on the other side of the boundary, to the Craigroy farm road, this is addressed in regard to that PP.*)

The flats around the Nevis River are of recognisably national significance for their historic and natural qualities, and should be reserved to permanent public ownership. The Crown Pastoral Land Act objectives that give protection to the significant inherent values of reviewable land by the creation of protective mechanisms or (preferably) by the restoration of the land concerned to full Crown ownership and control, are in solid support of this Reservation.

The historical/heritage material is recognised in 1.2 (b) and (h), and in 1.7.2 para 4 page 14, but nothing has been done to give it particular protection in CC (Landscape).

The flora and fauna are nationally significant, including rare species. These have a value different from "Landscape", but no particular protection has been set aside for them in CC (Landscape).

Much of the land in between the two roads named is a complexity of old river channels, rare plants, bird life, fishing holes, a wandering river line, and historic and heritage values. We believe that this piece of land is separate in its qualities from the adjacent farming land, has significant intrinsic values, and deserves full protection through the Tenure Review process.



Photo 2, across the Nevis River flats demonstrates that the flats have more similarity than difference, and are physically separate from the more orderly farmed land adjacent.

The Craigroy farm road crosses at bottom right, Ben Nevis homestead is at centre-left in trees. Nevis Crossing bridge is at back right, at the beginning of the gorge, just behind the Craigroy trees. (Photo taken from Carrick PL.)

The remains of the Nevis Crossing Hotel on Ben Nevis, with yards fenced with Dredge cables (Photo 3 below) are in trees just right of centre. .



Photo 3.

1.7.3 Public Access and Minister of Conservation Management Purposes Easement in Gross. An easement under Section 7 Conservation Act 1987:

(i) to provide public access for persons on foot, or on or accompanied by horses, or by non-motorised vehicles powered by a person or persons, or by motor vehicle, *provided however that persons with guns and persons accompanied by dogs are permitted to use the easement area provided they have a hunting permit issued by the Department of Conservation over that part of the land shown marked as "a-b-y-c-d" on the Plan attached in Schedule A.*

CORUF is in agreement with the retention of this track from Nevis Crossing to Doolans Saddle for full public access, including motor vehicle access.

As the road bed follows the Legal Road, this is a proper outcome.

(ii) to provide public access for persons on foot, or on or accompanied by horses, or by non-motorised vehicles *powered by a person or persons, provided however that persons with guns and persons accompanied by dogs are permitted to use the easement area provided they have a hunting permit issued by the Department of Conservation over that part of the land shown marked as "c-e", on the Plan attached in Schedule A.*

CORUF is in agreement with the "non-motorised" status of this track from Doolans Saddle road west to CA1.

(iv) to provide public access for persons on foot, or by non-motorised vehicles powered by a person or persons, *provided however that persons with guns and persons accompanied by dogs are permitted to use the easement area provided they have a hunting permit issued by the Department of Conservation over that part of the land shown marked as "b-bl" "f-g-h" "g-i", "s-t", "n-n1" "u-v" and "w-x" on the Plan attached in Schedule A.*

CORUF is in agreement with the designations for the tracks "b-bl" "f-g-h" "g-i", "s-t", "n-n1" "u-v" and "w-x"

(iv) to provide access for tenants, agents, contractors and invitees of the Minister and any employee or contractor of the Director-General of Conservation *on foot, or on or accompanied by horses, or by motor vehicle, with or without machinery and implements of any kind, and with or without guns and dogs, for management purposes over that part of the land marked "a-b-y-c-d", "b-bl" "c-e", "f-g-h", "g-i", "n-n1", "s-t" and "u-v" on the Plan attached in Schedule A.*

CORUF is in agreement with that the tracks "a-b-y-c-d", "b-bl" "c-e", "f-g-h", "g-i", "n-n1", "s-t" and "u-v" be made available to DOC for management purposes.

1.8. An easement under Section 26S Conservation Act 1987 to provide access for employees, agents, contractors, honorary rangers and invitees of the Otago Fish and Game Council on foot or by motor vehicle, with or without machinery and implements of any kind for management purposes over that part of the land marked "a-b-y-c-d" and "y-z" on plan in Schedule A.

CORUF opposes the restrictions being placed on the track "y-z", we submit that there is no good reason why this accessible and much appreciated site, the Dell, at point "z", should be reserved to members of the Otago Fish and Game Council only. All of the "Dell" area is presently Crown Land. It is a much

treasured spot, for both its landscape and riverscape, and we submit that public access to it should be guaranteed.

CORUF submits that the track "y-z" be opened to full and unrestricted public use, as a walking track or as a vehicle track.

It is also evident, by way of Tenure Reviews in the Nevis Valley, that no public access at all has been provided to the Nevis Gorge. We note this as a significant omission and submit that such access should be provided for. The Gorge is a spectacular and unaltered natural landscape with very obvious significant inherent values.

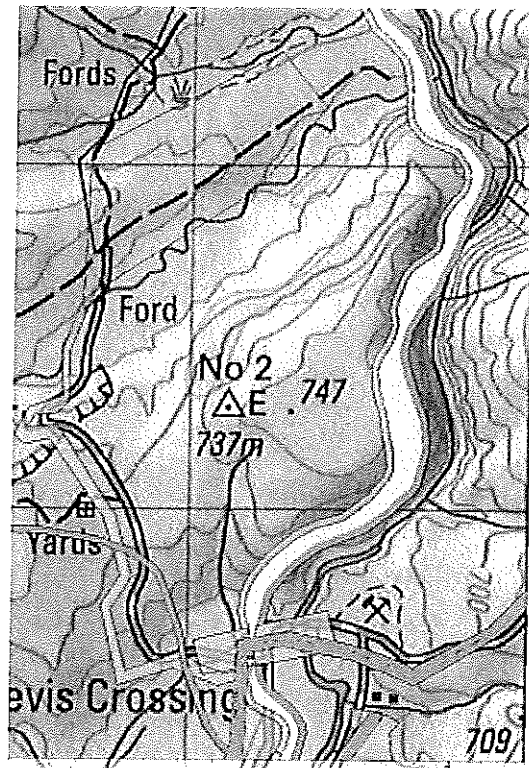
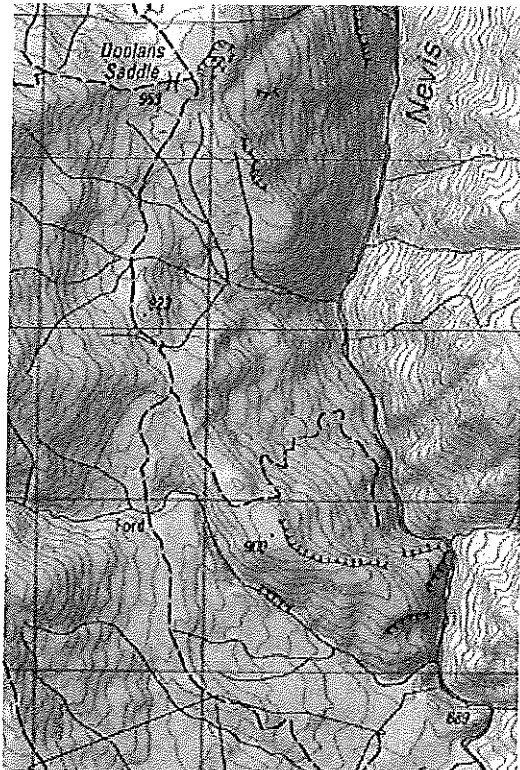
The Crown pastoral land Act has an objective

the securing of public access to and enjoyment of reviewable land,

and this is reviewable land.

With regard to Gorge access, we note on the Designation Map a zig-zag track departing from the Doolans Saddle road, "y-c", towards the middle Nevis gorge. On the map it lies between spot heights 900m and 923m (see map below, left.)

CORUF asks that this route be looked at, not as an alternative to public access to the Dell by "y-z", but in addition to that route, to provide further access to the Gorge. We understand that the New Zealand Walking Access Commission has recommended that this route be considered, and we support their submission.

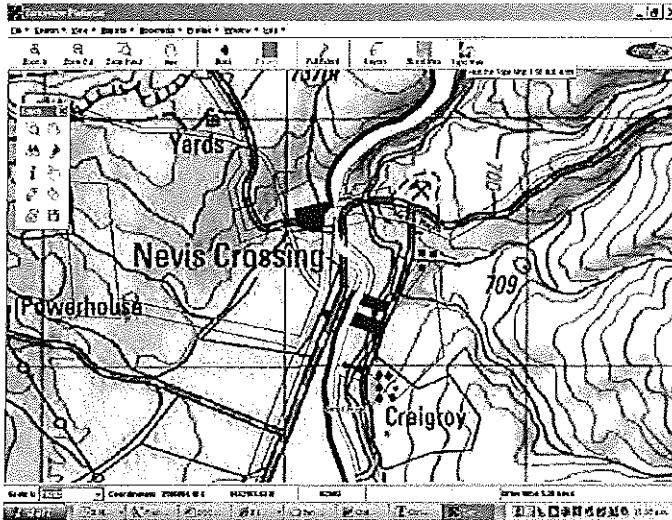


Map 1. A possible public route, the zig-zag towards the river from the Doolans Saddle Rd.

MAP 2. The problem with the location of the gorge. Map from TUMONZ vers 4. 2008, using the national data base: overlay of cadastral map onto topographic map: the

creamy strip represents the "river" with its marginal strips, the grey band below is the mapped road. The real river is to the right.

The TUMONZ mapping of the gorge is confirmed by the Terraview extract below.



The Proposal doesn't identify this disparity, nor what the case will be if the river reserve is remapped onto the river itself, what does that do to the location of the Lease boundary?

We find that we don't know, but our lay opinion is that the surveyed boundaries ought to lie where they lie, irrespective of the actual location of the river and other features.

We also find that if the misplaced River Reserve is left where it is, it offers a great public path along the west side of the gorge, and we recommend that outcome.

It is very difficult to properly discuss the Lease in the face of anomalies in the Cadastral mapping. The proposal has made no attempt to address the issue, nor does it offer any guidance on how these issues might be dealt with in terms of the Reviewable Land.

If the Survey is to be adjusted, we would have been happier to have that happen before the Proposal was advertised so that submissions we make may have a basis in accuracy.

If there is any "tidying up" of the map base by a new LINZ survey, and alterations to Lease boundaries and to the location of public land consequent on that, we request that surplus public land be added to the Reserves we have proposed. We also request that we be notified please, together with permission to revisit this Submission to assess the effects.

Finally, CORUF submits that the Nevis Road should be confirmed as a legal roadway on its present road bed.

Thank you for the opportunity to comment on this Pastoral Lease.

Yours faithfully,

Jan Kelly,

Secretary,

Central Otago Recreational Users Forum

30 November 2009.

ADDENDUM.

We protest and oppose the presence in this Preliminary Proposal of the clause 7 on of Schedule 2 to the Landscape Covenant CC, starting *"The Minister [Minister] acknowledges that ... ,"* together with the outcomes associated with that paragraph, which have served to potentially devalue the public submission process.

The Clause refers to potential hydro-electric development on the Nevis River.

We were first informed that should we even mention the contents of this paragraph in our submissions to the Preliminary Proposal, the Commissioner of Crown Lands would "throw out" our submission in its entirety. We then learned, through a report in the Otago Daily Times, that only paragraphs referring directly to the paragraph would be disallowed. There has been considerable discussion since, but we are still not certain of the status of this paragraph, nor what its intention is, or what effects it might have on the viability of submissions.

Pioneer Generation's potential plans have no reality at present because they have not been notified. If a proposal is put forward, then a normal Consent process will follow.

In addition, the River is presently under consideration by a Tribunal, to have its status reassigned within the Kawerau River Protection Order, and open discussion of outcomes is inappropriate while that legal process is being completed.

The outcome for CORUF is that this submission has been difficult to write, and we have held back on matters which we might otherwise have confidently discussed.

CORUF.

David Paterson
Tenure Review Consultant
Darroch Valuations
Dunedin

Sam G Graham
535 Bannockburn Rd. RD2
Cromwell
30/11/2009

Ben Nevis Tenure Review
Preliminary Proposal

Submission

Introduction

The Graham's have a long family history with the Nevis with my Great Grandfather mining there 1872-77 and my Grandfather was born there in 1876. The discovery of Oil Shale has been attributed to my Grandfather. My family and I have used the Nevis (general) for recreation ever since. I personally have spent considerable time on Ben Nevis especially the high country and would know it as well as any other party. I also have the material connection of the Crib referenced in Schedule 2 of Covenant under Reserves Act 1977 for Crown Pastoral Land Act 1998 of the proposal.

General Comment

I generally support the recognition and protection of conservation values on Ben Nevis but see that as operating in conjunction with and not restricting pastoralism in its present form. I have been made aware of successful symbiotic relationships in Australia and that model could work well for Ben Nevis as well as other high country properties. It is worth noting that the identification of flora and fauna plus mining history for protection has endured pastoralism from first settlement, some 140 years. In economic terms conservation whilst legitimate generally costs the state while farming provides a large block of revenue.

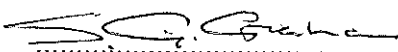
The public use of the through road and adjacent areas has significantly increased with a corresponding loss in serenity for those who choose to stay. On that basis the proposed crib relocation has merit although the associated costs would be high.

Submission

The identification of areas and their specific conditions must not impact on the ability to farm Ben Nevis economically. Recognition must be given to those who choose to do so, tenuous as this may be from time to time. The wider economic base must also be recognised, namely employment and service industries.

The same general comments also apply to Craigroy.

Yours sincerely



Sam G Graham.