



## **Crown Pastoral Land Tenure Review**

**Lease name: Braeside**

**Lease number: Po 181**

### **Public submissions**

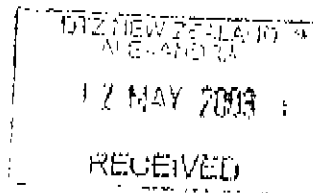
*These submissions were received as a result of the public advertising of the preliminary proposal for tenure review.*

**September 03**

**Suzanne Smith**

**RELEASED UNDER THE  
OFFICIAL INFORMATION ACT**

**From:** Brian Patrick [bpatrick@xtra.co.nz]  
**Sent:** Sunday, 11 May 2003 8:48 p.m.  
**To:** Suzanne Smith  
**Subject:** Braeside PI Draft Tenure Review



Dear Ken

please find attached my comments re the above. Please let me know if you require any further clarification or assistance.

cheers  
Brian

Brian Patrick

38 St Albans St  
Dunedin 9001  
New Zealand

phone 03 4534002

DRAFT REPORT OF TENURE REVIEW OF BRAESIDE PASTORAL LEASE

NEW ZEALAND  
ALEXANDER  
17 MAY 2003  
1360-1281

11 May 2003

Generally I support the draft results of this Tenure Review of Braeside PL as advertised. The area to be retained by the Crown is substantial and justified based on my experience in this region studying the native flora and fauna. The clean lines of the area will make management straightforward and provide buffers to development from adjacent areas.

I have one comment though;

From my experience there are substantial inherent values in the valley-floor and hill country in the northwest of the PL. That is the northern half of the area proposed for freeholding. These consist of the following features and communities:

- wetlands and flushes of copper tussock/ *Oreobolus*/ dense short herbfield containing an important autumn-emerging moth fauna that I have documented. Moth species include many with flightless females so the fauna is local and threatened because of this immobility. Moth species include *Eurthecta leucothrinca*, *Alpinotortrix* new species, *Cladoxycanus minos*, *Heloxycanus patricki*, *Asaphodes ida*, *Asaphodes sericodes* and *Scoparia apholes*.
- shrublands of *Coprosma intertexta*/ *Olearia bullata* in gullies/ alluvial flats of the hill country and wetland edges. Both shrub species also support a distinctive and specialised insect fauna.

The Maniototo Ecological District PNA Programme report (Grove 1994) is a useful guide to these values as documented under RAP AOI 1 Upper Manuherikia Valley, which is adjacent to the area in question.

In fact this area within Braeside PL assumes greater value given that similar areas within Blackstone PL were freeholded a number of years ago.

I would ask that the above values in the indicated area be investigated in detail to assess whether they merit inclusion in the area to be retained by the Crown.

Thank you for the opportunity to comment.

Kind regards

RELEASED UNDER THE  
OFFICIAL INFORMATION ACT

Brian Patrick

**Ken Taylor**



**From:** cpearson88@aol.com  
**Sent:** Tuesday, 3 June 2003 12:41 p.m.  
**To:** Ken Taylor  
**Subject:** Braeside Tenure review

Ken

I would like to send in the following submission on the Braeside Tenure review which closes June 4th. I very strongly support the proposed exchange of rights. As the document makes clear this is an opportunity for the crown to acquire a large continuous area of high alpine terrane with very high conservation values and a wilderness aspect that is rare even in Central Otago. I was also very pleased to see that provision has been made for access, including horse and vehicle access. As I am sure you are aware the remoteness of the Hawkduns make this a major issue here.

One issue I am concerned about is the public roads. I believe that these roads are formed however I am not aware as to whether the formations are on their legal alignment. If they are not then I believe that legal alignment should be changed to cover the road formation. This is particularly important in the area top be transferred to private ownership but in my view it is also important in the area that will become a DOC reserve.

Best Regards,

Chris Pearson

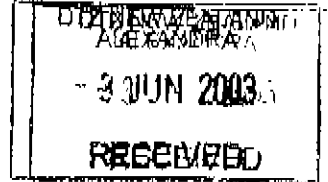
Dr Chris Pearson  
National Geodetic Survey  
Illinois Geodetic Advisor  
IDOT Admin Bldg Rm 005  
Springfield IL 62764-0001  
ph 217 524 4890  
fax 217 524 4149  
EMAIL Chris.Pearson@noaa.gov

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PS I am 2/3 of the way through a 3 year posting in the US. We will be back in about a year though and I am watching the tenure review scene.

**Ken Taylor**

**From:** Sue Maturin [suem@earthlight.co.nz]  
**Sent:** Tuesday, 3 June 2003 9:35 a.m.  
**To:** Ken Taylor  
**Subject:** Fw: Braeside Pastoral Lease - Central Otago



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

**From:** Robert P Lowe  
**To:** suem@earthlight.co.nz  
**Sent:** Sunday, June 01, 2003 6:13 PM  
**Subject:** Braeside Pastoral Lease - Central Otago

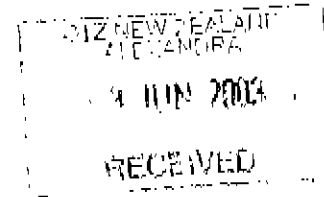
We support of the protection of low level red tussock on the Braeside property because of the rarity of remaining areas of the low level red tussock in Otago. This area is too significant to be freeholded and lost. It is insufficient in conservation terms to protect only the upper level block.

Would you please copy this email to the Commissioner of Crown Lands, Wanaka, as we do not have his email address.

R&J Lowe

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OFFICIAL INFORMATION ACT**

Safari Excursions – Wild Flower Walks  
 41 Glencarron St  
 ALEXANDRA  
 Phone 03 448 7474  
 E-mail [jdouglas\\_alx@xtra.co.nz](mailto:jdouglas_alx@xtra.co.nz)



2<sup>nd</sup> June 2003

The Commissioner of Crown Lands  
 C/o DTZ (NZ) Ltd  
 Lands Resources Division  
 PO Box 27  
 ALEXANDRA

**RELEASED UNDER THE  
 OFFICIAL INFORMATION ACT**

Dear Sir

**BRAESIDE TENURE REVIEW – PRELIMINARY PROPOSAL**

Thank you for a copy of this preliminary proposal. I would be pleased if you would accept this submission.

I run a tour operation business and wild flower walks that covers the Central Otago Area. Though the Hawkdun Range does not fall into an area I visit, I have been fortunate enough to be involved in some field research work and appreciate the significance of the Range values.

Of all reviews that I have been involved in and made submissions on so far, this particular one goes a long way in meeting most of the aims and objects of the Crown Pasture Land (ACPL) Act 1988.

It is a good outcome for the Crown and the public of New Zealand. To have this large area involved, adding to the other two areas of existing conservation land already returned to the Crown through the Tenure Review process, is most encouraging.

The Hawkdun Range with its outstanding landscape features along with its significant botany inherent values will I hope be a valuable asset as a Conservation Park. The summit comprises of alpine cushionfields and wetlands.

However I would like to comments on some parts of the preliminary proposal, which I believe should be open to further consideration. Public consultation requires willingness by all parties to discuss openly, and at times reconsider the many issues presented to them.

**1. GENERAL DESCRIPTION OF THE PROPOSAL – Runs 227B & 227C:**

1. 7922 hectares approximately, to be designated as land to be restored to full Crown ownership and control under Section (35) (2) (a) CPL Act as a Conservation Area

2. 4585 hectares approximately, to be designated as land to be disposed of by way of freehold disposal to the holder under Section 35 (3) of the CPL Act, subject to part IV A of the Conservation Act 1987, Section II of the Crown Minerals Act 1991 and the following protective mechanism under Section 40 (1) (b), Section 40 (2) (b) and 40 (2) (c) CPL Act

***Protective Mechanism:***

A Right Of Way easement for unrestricted public motorised and non-motorised vehicle access and access by foot or accompanied by horses from Home Hills Runs Road to the proposed conservation area.

**2. SOME CONCERNS:**

**Roads and Access:** The Designation Plan (Appendix 1) shows several legal roads.

In the vicinity of the confluence of Coal Gully, Pierces Creek and Johnstones Creek, there appears to be at least three, perhaps 4, if I include the road running around the water race.

***Protective Mechanisms: 2.3 last para (p6)*** "...Access will be available where the proposed legal boundary of the conservation area diverges from the existing fence line to abut the road formation on the south side of Pierces Creek...."

I believe the above statement in the proposal is far too vague. It is important that access be available at this point, but it must be legalised and before any agreement is signed

The "Home Hills Runs Road" which is maintained by the Local Authority (CODC) runs from the southern Boundary through the property to the northern boundary. The present formation no doubt diverges from the legal roads shown on the map. If this proves to be the case, then this must be rectified at the time of survey.

**Marginal Strips:** I note the marginal strips on Pierces Creek, Johnstones Creek and Hills Creek. These will have to be included in the documents at the time of surveying.

**Public Access Easement:** (a - b on the plan). That this is to be fenced on both sides meets with general approval.

**Water Race Road:** The public should also have legal access to this.

**Landscape Values:** I would like to draw your attention to:

2. 2.2. *Land to be disposed of by freehold disposal to the holders:* Page 4, second paragraph, the last two sentences:

*".....This land does not include any significant inherent values requiring protection under the review. It comprises mainly extensive rolling improved and semi improved fescue tussock grasslands with patches of matagouri and snow tussock on shady faces and moister low lying areas....."*

I find this statement rather dismissive and rather sweeping of that land between the road and the proposed conservation land in the northwest of the proposed freehold.

Also that land which includes the braided stream channels on the floor of the Hills Creek valley in a radius of 2 to 3 kilometers of Trig G, and above the above the Mt Ida Water Race.

This country I describe, has very significant inherent conservation values in its unique landscape. Although the amount of tall tussock making up the ground cover varies, there is still ample sufficiency there, to give the landscape its texture and its colour. The main ingredients, which go to make up this landscape.

Also, although it has been modified to a certain extent over time through burning and grazing the fact remains that the area is still tall tussock dominated and relatively intact. In the more open spaces amongst the tall tussock there are young tussock plants growing: a sign that if given time, a recovery to tall tussock grasslands is practicable.

These lower slopes are the foreground to the Hawkdun Range and therefore very important to the integrity of the whole scene.

3. **No mention is made in the proposal of the fact that most of the tussock concerned covering some 400 ha here, is in fact red tussock, a species of tussock that is becoming increasingly rare on the lower country of Otago, therefore for that reason alone, is worthy of protection.**

Added to that, is the fact that if this area were added to that which is to be returned to the Crown above it, it would give an altitudinal sequence of vegetation from the valley floor to the range crest. This is something that is lacking in many conservation areas coming out of tenure review.

4. The proposal states that there are "*patches of matagouri*" in the make up of the cover, but no mention is made of other woody plants present, such as *Olearia*, *Coprosma*, *Melicytus* or *Carmichaelia* species on the rolling country to the east of Trig G.



Again I believe the proposal is incorrect in stating there are only "patches of matagouri".

**Where as, matagouri is very widespread throughout this area and is by far the dominant woody plant present.**

**In 3 Discussion of Proposed Designations:** Page 4, 1<sup>st</sup> para, ".... Ecologically sustainable management will also be promoted on the proposed freehold....." "....The lower altitude and more fertile soils on this portion of the property justify inputs of fertiliser and improved pasture seed that render the land more suitable for sustainable grazing by sheep and cattle..."

We believe insufficient thought or research has been given to the ecological sustainability of this land we are discussing, with the amount of matagouri present, if it is intended to apply super phosphate to this country

When super phosphate is applied to country containing matagouri, it promotes for quick growth and spread of that plant above its natural habitat zone. When this happens, the steps to be taken to remove the plant will be detrimental to the landscape and other values.

The options are:-

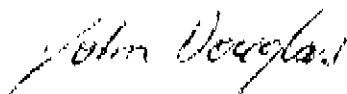
- (a) Burning. This is damaging to the other important values present, and is a very short-term solution. Burning, while a practice in the past, is not an option today.
- (b) Spraying. This is costly and there is the hard seed still in the ground, there to strike and grow at a later date.
- (c) Finally, root raking or ploughing. This will take out the tall, and in places of most importance, is the some 400 ha of red tussock.

### **3. TO MEET MY CONCERNS;**

If the landscape and ecological issues I have raised in this submission, were to be fully investigated again, and discussions re-opened on both the landscape and the red tussock, then I believe that a far better preliminary proposal would be forthcoming.

I thank you for the opportunity to make this submission.

Yours faithfully



John Douglas  
Manager

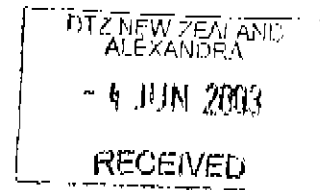
ROYAL FOREST AND BIRD PROTECTION SOCIETY OF NEW ZEALAND INCORPORATED

Upper Clutha Branch

PO Box 38  
LAKE HAWEA

4<sup>TH</sup> June 2003

The Commissioner of Crown Lands  
C/o DTZ (NZ) Land Resources Division  
PO Box 27  
ALEXANDRA



Dear Sir

BRAESIDE - Tenure Review - Preliminary Proposal

We thank you for sending us a copy of this proposal. We would be pleased if you would accept this submission on it.

Our Society is well known throughout New Zealand for its work in protecting the environment.

Our branch, as does the whole society, fully supports the aims of Part II of the CPL Act 1998. We in our branch take a particular interest in tenure review in Otago.

We have inspected the lower areas of Braeside and we wish to thank Mr AJ McKnight for allowing us to do so.

We see this proposal as a good one for the Crown and the people of New Zealand. That such a large area is to be added to the existing Conservation Area on the Hawkdun Range which has been created out of previous tenure reviews, is gratifying. The Hawkdun Range is an outstanding landscape feature and together with the other inherent conservation values on these uplands returned to the Crown argues well for the future of the area.

Apart from one critical part of the proposal; of the over 30 tenure review preliminary proposals we have made submission on so far, this particular one goes a long way in meeting most of the aims and objects of the CPL Act. We would thank the lessee and those involved.

However we wish to submit some comments on a part of the proposal which we sincerely believe should be open for further consultation and consideration. Public consultation requires a willingness by all parties to discuss openly, and at times reconsider the many issues presented to them.

**1. GENERAL DESCRIPTION OF THE PROPOSAL:**

- 1) 7922 Ha. (approximately) to be designated as land to be restored to Full Crown ownership and control under Section (35) (2) (a) CPL Act as a conservation area.
- 2) 4585 ha. (approximately) to be designated as land to be disposed of by way of freehold disposition to the holder under Section 35 (3) of the CPL Act, subject to part IV A of the Conservation Act 1987, Section II of the Crown Minerals Act 1991 and the following protective mechanism under Section 40 (1) (b), Section 40 (2) (b) and 40 (2) (c) CPL Act:

***Protective Mechanism:***

A ROW easement for unrestricted public motorised and non-motorised vehicle access and access by foot or accompanied by horses from Home Hills Runs Road to the proposed conservation area.

## 2. OUR CONCERNS ARE:

1) **Roads and Access:** The designation Plan (Appendix 1) shows several legal roads in the vicinity of the confluence of Coal Gully, Pierces Creek and Johnstones Creek: there appear to be at least three, perhaps 4, (if we include the road running around the water race). We refer you to:-

"...Protective Mechanisms : 2.3 last Para (p.5) "Access will be available where the proposed legal boundary of the conservation area diverges from the existing fence line to about the road formation on the south side of Pierces Creek..."

We believe the above statement in the proposal is far too vague. It is important that access be available at this point but it must be legalised and before any agreement is signed.

The "Homes Hills Runs Road", which is maintained by the Local Authority, runs from the southern boundary through the property to the northern boundary. The present formation no doubt diverges from the various legal roads shown on the map. If this proves to be the case then this must be rectified at the time of survey.

- 2) **Marginal Strips:** We note the marginal strips on Pierces Creek, Johnstones Creek and Hills Creek. These will have to be included in the documents at the time of survey.
- 3) **Public Access Easement:** (a - b on the plan) That this is to be fenced both sides meets with our approval
- 4) **Water Race Road:** The public should also have legal access to this similar to the above.
- 5) **Landscape Values:** The landscape values of the Hawkdun Range and surrounding foothills and countryside are extremely high. In the proposal we would like to draw your attention to:-

"...2.2 Land to be disposed of by freehold disposal to the holders: Page 4, second para, the last two sentences..."

"...This land does not include any significant inherent values requiring protection under the review. It comprises mainly extensive rolling improved and semi-improved fescue tussock grasslands with patches of matagouri and snow tussock on shady faces and moister low lying areas..."

We find this statement rather casual and dismissive and not a true description of that land between the road and the proposed conservation land to the northwest of the proposed freehold, see photo # 1; and also that land which includes the braided stream channels within a radius of 3 km. of Trig G and above the Mt Ida Water race in the east of the proposed freehold, and north of the Idabum Hills. Hatched yellow on map.

This country we describe has very significant inherent conservation values in its unique landscape. Although the amount of tall tussock making up the ground cover varies in density from place to place there is still ample there to give the landscape its texture and colour - the main ingredients which go to make up the composition of a landscape, see photos # 2,3,4 & 5.

As well as the above, although it has been modified to a certain extent over time through burning and grazing, the fact remains that the area is still snow tussock dominated and relatively intact. In the more open spaces amongst the tall tussock there are young tussock plants growing: a sign that if given time, a recovery to a tall tussock grassland is practicable.

These lower slopes are the foreground to the Hawkdun Range and therefore very important to the integrity of the whole scene.

6) **Vegetation and Biodiversity:** Through the tenure review process every effort must be made to secure for posterity altitudinal sequences of vegetation and biodiversity from valley floors - encompassing the braided stream beds and associated terraces - to mountain summits. These sequences are highly under-represented in the national conservation estate. Here in this proposal we have the opportunity, in part, to remedy this deficiency.

No mention is made in the proposal of the fact that most of the tussock here on this lower land is in fact red tussock, a species of tussock that is becoming increasingly rare in the lower country of Otago. Today only about 4000 has. of red tussock remains on land below 900m. This area on Braealde could make up about 10% of that total. For this reason alone the area concerned should be added to that above it and be returned to full Crown ownership and control for adequate protection.

The proposal states that there are "*patches of matagouri*" in the make up of the cover, but no mention is made of the other important woody plants present, such as Olearia, Coprosma, Melicytus or Carmichaella on the rolling country to the east of Trig G.

Again we believe the proposal is incorrect with regard to the amount of matagouri present. Matagouri is very widespread and is the dominant woody plant present. This concerns us when it is stated:-

*"...3. Discussion of proposed designations: Page 4, 1<sup>st</sup> Para,*

*"...Ecological sustainable management will also be promoted on the proposed freehold..." "...The lower altitude and more fertile soils on this portion of the property justify inputs of fertiliser and improved pasture seed that will render the land more suitable for sustainable grazing of sheep and cattle..."*

Given the amount of matagouri present, we believe insufficient thought or research has been given to the ecological sustainability of this land we are discussing, if it is intended to apply superphosphate to this land.

When superphosphate is applied to country containing matagouri, it promotes the growth and spread of that plant to the extent that the matagouri will become dominant, and to the extent that sheep, and to some degree cattle, will not, or cannot penetrate it. When this happens the steps taken to remove the plant will be detrimental to the landscape and the other values of the country. The methods to remove it are:-

- (a) Burning, which is damaging to the other important values present, and very short term. Burning, while practised in the past, is not an option today.
- (b) Spraying, which is costly, and then there is still the hard seed in the ground to strike and grow to replace that killed by the first spraying.
- (c) Finally, root-raking or ploughing.

Any of these methods will see the demise of the tall tussock, and in places, and most importantly, the red tussock, something which we cannot afford to do. When the tussock has gone so too have the landscape values.

### 3. TO MEET OUR CONCERNS:

In this submission we have outlined our concerns regarding some of that land, and its vegetation, at the foot of the Hawkdun Range that is to be designated land to be disposed of to the lessee. We have mentioned the landscape and its vegetation.

Red tussock was never mentioned anywhere in the preliminary proposal; nor was any emphasis placed on any inherent landscape values anywhere. As they were not mentioned we have to presume that they were never mentioned, or given any priority, in the Conservation Resource Report in the first place. If these two issues were mentioned in the conservation report however, we have to presume proper and due credence was never given to them when drawing up the proposal.

These two issues are extremely important to a satisfactory outcome to this tenure review. As they are of such importance they must be addressed by going back to the beginning, and the consultation process started up again; even if this means there would have to be another conservation survey done of the area, and another Conservation Resources Report produced.

### 4. LIST OF PHOTOGRAPHS AND PLAN:

Photo No (1) Shows the tall tussock between the Home Hills Runs Road and the snow line fence at the north west end of proposed freehold area.

Photo No (2) View of the tall tussock taken from the vicinity of Trig G looking down towards the Home Hills Runs Road. It shows the ground cover and patches of previous burns.

Photo No (3) View of the tall tussock looking south east and looking over the braided creek bed of Hills Creek. Red tussock is present throughout.

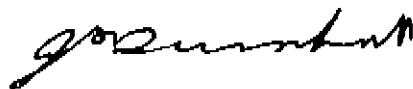
Photo No (4) View from the road looking towards Trig G.

Photo No (5) View taken from the easement towards the base of the hill. Shows some variation in the tussock cover, includes the red tussock.

Plan of the area. Area of lowland red tussock shown hatched in yellow.

We thank you for the opportunity to make this submission.

Yours faithfully



JL Turnbull

For Upper Clutha Branch Forest and Bird.



Photo (2) Tall tussock taken from the vicinity of Trig G looking towards road. Shows ground cover, and patches of previous burns.

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Photo (3) Tall tussock, looking south over braided creek bed of Hills Creek. Red tussock present throughout.

Photo (1) Tall tussock  
between road and snow  
line fence.  
North West end of run



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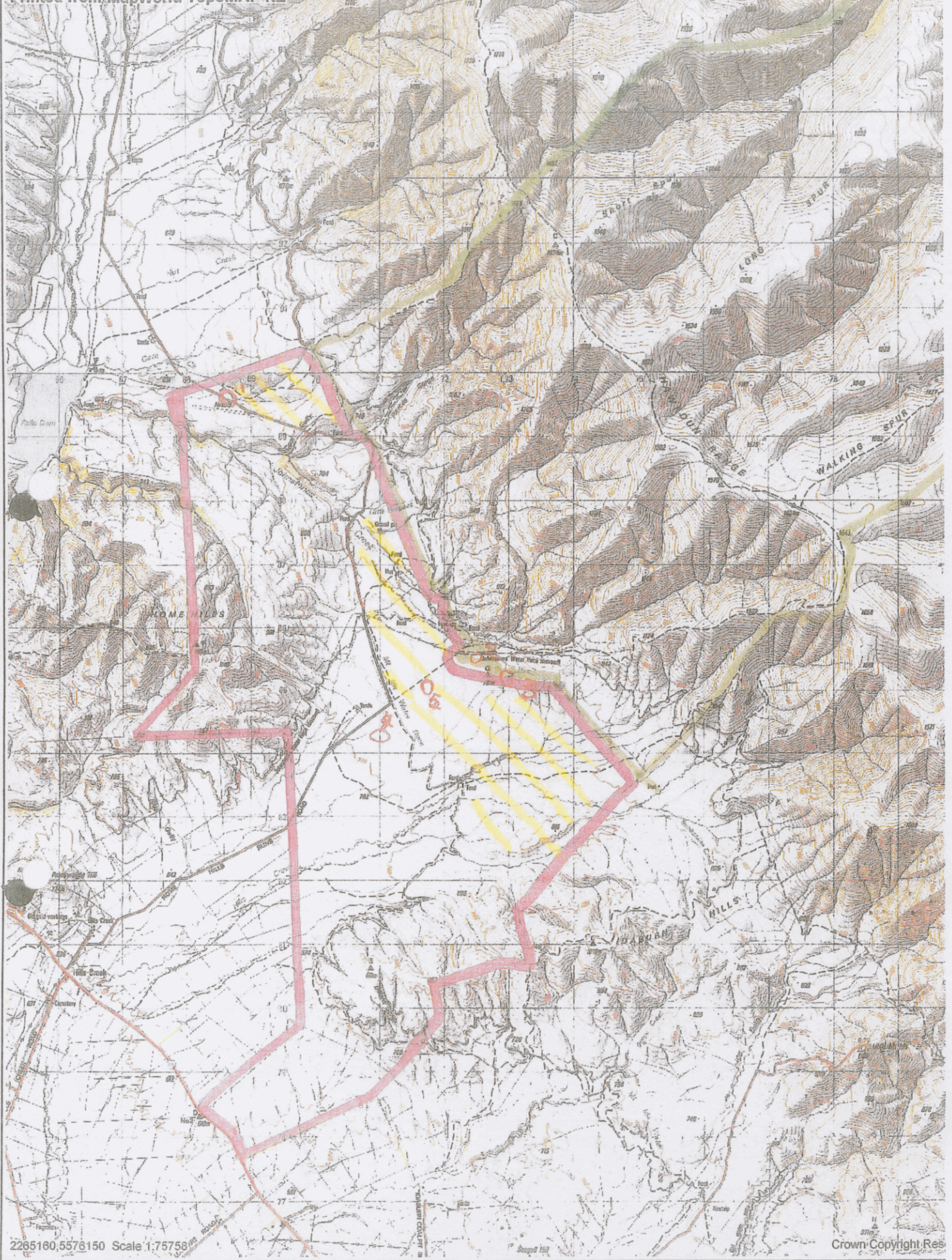
Photo (4) View from road towards Trig G

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Photo (5) View from easement towards base of hill. Shows  
good tussock cover, including red tussock





2285160,5578150 Scale 1:75758

Crown Copyright Res

BRAES IDE

Tall Tussock



Photo Pts. C

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# OTAGO CONSERVATION BOARD

Our ref: SBC-08-34

3 June 2003

FILED NEW ZEALAND  
 MAIL ROOM  
 4 JUN 2003  
 RECEIVED

Commissioner of Crown Lands  
 c/- DTZ New Zealand Ltd  
 Land Resources Division  
 PO Box 27  
 ALEXANDRA

Dear Sir

## SUBMISSION ON TENURE REVIEW OF BRAESIDE PASTORAL LEASE

Thank you for the opportunity to comment on the Notice of Preliminary Proposal for the tenure review of the **Braeside** Pastoral Lease.

The Otago Conservation Board supports the following aspects of the preliminary proposal:

- the designation of about 7922 ha as land to be restored to Crown control as a conservation area;
- the proposed easement for unrestricted public access.

The board suggests that moister, low lying areas in the land to be freeholded should be looked at again by the relevant scientists, particularly if they are not already represented elsewhere in public conservation lands.

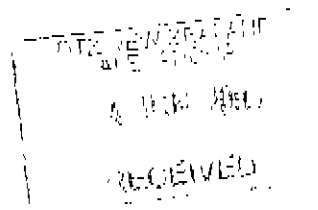
We appreciate the opportunity to provide comment on this proposal and we are willing to elaborate on any of the issues we have raised.

Yours faithfully

F F  
 Fergus Sutherland  
 Chairperson

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OFFICIAL INFORMATION ACT**

Ken Gillespie  
Glen Ida  
Main Road  
RD 2  
Otarehua  
03 444 5817 \027 2211736



3<sup>rd</sup> June 2003

Land Information New Zealand  
P O Box 27  
Alexandra

Dear Sir

#### **Tenure Review - Braeside Station**

I am writing on behalf of the Hawkdun Idaburn Irrigation Company in regards to access to irrigation infrastructure following the completion and resulting changes in land ownership and management during Tenure Review on Braeside Station.

The Irrigation Company and the current lessee have an agreement in regard to grazing management of the irrigation race and associated access tracks. This provides easy access and management of the irrigation infrastructure on this property.

The IHI Company has serious concerns as to the future arrangements for the management of these areas following Tenure Review. We would view ungrazed tussock grasslands, uncontrolled woody shrubs and other plants in and around irrigation infrastructure as a major impediment to access and to water management. There is also potential increased fire risk.

The Irrigation Company is able to accommodate agreements that limit access during winter months where access tracks can be badly damaged.

There is a possible simple solution to this access and management issue. Currently, a fenceline delineates the boundary between the current lessee and the Department of Conservation. This fenceline could be moved above the water race so that the area to be grazed under the agreement following the completion of Tenure negotiations encompasses the race.

**REFUSED UNDER THE  
OFFICIAL INFORMATION ACT**

I am more than happy to discuss alternative management agreements with the lessee and the Department of Conservation and am available to be contacted at the above address and phone number. Irrigation is key to the future of Central Otago and it is important that the irrigation company can retain the current management of the associated infrastructure.

Yours sincerely



Ken Gillespie  
Chair Hawkdun/Idaburn Irrigation Company

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OFFICIAL INFORMATION ACT

**ANDREW P. HAYES**

BUSINESS AND TAXATION CONSULTANT

19 EDEN STREET, OAMARU, NZ

P.O. BOX 188, OAMARU

TELEPHONE (03) 434-8593

FAX (03) 434-8586

Email: andrew@andrewhayes.co.nz

*Your personal professional adviser for twenty five years***FAX TRANSMISSION FORM**

5 JUN 2003

RECEIVED

<b>TO</b> : DTZ NZ Ltd	<b>YOUR FAX NUMBER</b> : (03) 448-9099
<b>FROM</b> : Andrew Hayes	<b>OUR FAX NUMBER</b> : (03) 434-8586
<b>ATTENTION</b> : Manager	<b>DATE</b> : 5 June 2003
<b>SUBJECT</b> : GM & AJ McKnight Ten Review	<b>PAGE 1 OF</b> : 2

Please advise this Office Urgently, either by fax or telephone, if all pages are not clearly received. Deliver this document immediately to the addressee. If not available, please telephone the originator.

**Brasside Tenure Review - GM and AJ McKnight**

I refer to my fax dated 14 April 2003 requesting certain information regarding the above tenure review process. I further acknowledge your interim letter dated 30 April 2003 and enclosure.

I also confirm that I had to wait until 3 June 2003 to receive the remaining information from LINZ despite a number of telephone calls from me. In my view the combined time elapses to supply all the data required from the date of my original request has not met the requirements for information delivery under the Official Information Act.

I therefore believe that this submission on the tenure review must be accepted despite it being received by you 1 day after the declared closure of submission. If you disagree with my interpretation please advise me immediately.

I formally submit to the Commissioner as follows:

1. There are legal roads through the area proposed to be freeholded that do not exist in real terms (i.e. they are unformed).
2. There are also formed roads through part of the area to be freeholded that do not conform to the position of the legal roads.
3. The parts of the road that are of concern are the formed roads that depart from the legal position of the Home Hills Run Rd.
4. It is not appropriate to freehold the property in the manner proposed without the Crown insisting that the formed road be formally surveyed and incorporated into the legal road.
5. The only other option might be some form of easement in favour of the district roading authority that guarantees the right of the public to fully transverse the legal and/or formed road for its entirety within the confines of the present leased area.
6. I have discussed my concerns with Mr Graeme McKnight (one of the current lessees) and he is entirely familiar with the particular parts of the formed road that do not conform to

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the legal road. He further confirms that this matter was part of his original submissions on issues that would require to be met to satisfy the tenure review process. Mr McKnight is also aware that I am making this submission.

7. In all other respects, but subject to my not knowing the additional detail of the proposed agreement that has been withheld to me under the Official Information Act, I have no further objection to the granting of tenure as proposed.
8. This submission is being made by me personally, and also on behalf of the "Falls Dam Huttles" group that have an interest in certain huts and the head of the Falls Dam on the neighbouring Home Hills property (Mr and Mrs Johnstone)

Signed .....



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# Public Access New Zealand

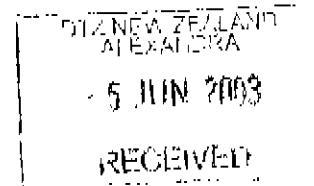
INCORPORATED

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Wednesday, 4 June 2003

Commissioner of Crown Lands  
C/- DTZ (NZ) Ltd  
Alexandra  
Fax 03 448 9099



## Submission on Braeside Tenure Review Preliminary Proposal

Public Access New Zealand wishes to comment on the following aspects of the advertised Preliminary Proposal—

1. Not all significant inherent values identified
2. Existing public roads
3. Proposed access easement a-b

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### 1. Not all significant inherent values identified

From my most cursory field inspection it was readily apparent that a substantial area of red tussock grassland exists outside of the area proposed for Crown retention. There is no mention of such in the Conservation Resources Report or in the Preliminary Proposal. There is no provision for the protection of these significant inherent values in any shape or form. While we welcome the proposed reservation of a very substantial block of high country, the reasons for omission of any official acknowledgement that inherent values exist outside of this block needs inquiry, followed by urgent rectifying action.

### 2. Existing public roads

We agree with official decisions made to regard all formed roads in the vicinity of the 'official' alignment of the Home Hills Runs Road to be public roads. There appears to be no dispute from the lease holder or the Crown that these are public roads, notwithstanding their location often far from cadastral alignments. It would appear that these substantial 'deviations' are dedicated roads in their own right. They have been thrown open as public highways with the public using such without interruption or challenge over many years. The District Council also maintains this formed road as public road within its jurisdiction.

We welcome the designation of the boundary of the proposed conservation area at Pierces Creek. This will provide the most secure access possible, directly from legal road near the northern end of the property.

We submit that at the time of survey for raising freehold title, that the currently formed alignment of Home Hills Runs Road be defined as legal road. Any subsequent action to stop unused road alignments should be left to the discretion of the Central Otago District Council.

### 3. Proposed access easement a-b

This proposed access is the key to public enjoyment of the Hawkdun Range and the substantial public lands resulting from tenure review. This route provides the shortest and lowest access on to the tops. It is essential that this access proceeds. We thank the lessors for their willingness to allow this, and in particular appreciate their initiative to offer to amend proposed conservation area boundaries so as to provide the most practical connection onto the proposed access.

We submit that—

- The proposal to create a protective mechanism over freehold for the purpose of providing public access along alignment a-b to the proposed conservation area does not fulfill the statutory requirements of the Crown Pastoral Land Act 1998 (CPLA) and must not proceed.
- Secure public access must be provided to the proposed conservation area along alignment a-b through designation of a 10 metre wide strip of land under section 35(2)(iii) for the specified Crown purpose of a "public highway". This road should be dedicated by the Commissioner of Crown Lands as a public road for all forms of public passage, with *animus dedicandi* being fulfilled by public acceptance and use.

Our grounds for these aspects of this submission are—

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#### 3.1 Failure to secure public access

The objects of Part 2 of the CPLA include a duty under section 24(e)(i), to "secure public access to and enjoyment of reviewable land".

'Securing' entails more than passive or inadequate provision of public access. Whilst no definition of 'securing' is contained in section 2 CPLA it is normal judicial practice, in the absence of applicable statutory definition, to look at ordinary dictionary interpretations for meaning. The *Concise Oxford*, Seventh Edition, defines 'secure' as "safe against attack, impregnable, reliable, certain not to fail or give way, having sure prospect of...from interruption".

We submit that in most respects, the proposed 'protective mechanism' in the form of an easement pursuant to section 80 CPLA and section 7(2) Conservation Act fails to be "safe against attack, impregnable, reliable, certain not to fail or give way, having sure prospect of...from interruption".

We refer to the express terms of the draft easement document—



Clause 2.1. Through amendment, by striking out the words "non" or "powered by person or persons", there is no provision for non-powered vehicle passage. This excludes cycles, contrary to the summary of the preliminary proposal stating that the easement provides "unrestricted...non-motorised vehicle access".

Clause 10 reaffirms that it is only motorised vehicle access being provided. The striking out of the above words from clause 2.1 is either an error or an intent to exclude cycles, perambulators, etc. There is no justification given for this exclusion. Access by all means is required. The alignment is capable of use by all vehicles, including person-powered vehicles.

Clause 4. Exclusion of schedules. Whilst the Ninth Schedule of the Property Law Act 1952 is expressly excluded from the terms of the easement, section 126G of that Act is not. Section 126G allows modification or extinguishment of easements through the courts, at the initiative of either parties to their creation or one alone. There is no ability for public notification or objection. This omission constitutes a fundamental failure to "secure" public rights of passage, as required by the CPLA.

Clause 6. Temporary suspension.

"The Transferee may, at any time in exercise of her/his powers, temporarily close all or part of the Easement Area for such period as she/he considers necessary".

PANZ has made repeated submissions on the matter of suspension of access on other preliminary proposals, challenging the legality of temporary closure powers for DOC over 'easement areas'.

'Easement areas' are not conservation areas or reserves, but freehold. While it appears that the absence of any specified powers of closure under the Conservation or Reserves Acts in this proposal may be an admission of the validity of our views, the total absence of any legal authorities for closure is of great concern. If there are lawful powers of closure applicable they must be cited. Without such there can be no accountability for DOC's future actions, and therefore no certainty of secure public access.

With DOC's current preoccupation with "relationships" with rural landowners and iwi, and associated unspecified commercial, "cultural" and institutional considerations, PANZ has no confidence that the primary purpose of "unrestricted public access" will be faithfully respected by DOC. The department is always seeking maximum discretionary powers over "it's estate", a natural bureaucratic proclivity, but one that does not serve the real owners of public lands or protects rights of access to such. Any extension of "Nanny State" controls for "safety" reasons would also amount to an abuse of the privilege DOC enjoys in managing public lands on the public behalf. As demonstrated by the recent stranding of three experienced DOC climbers on the summit rocks of Mount Cook, anyone is capable of misjudgment in the mountains. The public don't need DOC Nanny or Wet Nurse to decide what is best for them.

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If genuine reasons for closure of conservation areas to public recreation exist, these should be directly exercised over the lands concerned, and not on access ways leading such. Police and rural fire authorities have more than sufficient power of closure now without DOC attempting to extend its jurisdiction beyond land it administers. This would set a bad precedent for other bodies such as local authorities who may be less inclined to advance the public interest ahead of vested (large) local ratepayer interests. An adverse precedent from this tenure review could lead to discriminatory closures of public roads miles from alleged danger or problem areas, while a favoured few carrying on unmolested in their commercial or politically correct agendas.

Clauses 7.1 - 7.4. Dispute resolution. Despite the 'Transferee' being defined to include "any member of the public" (clause 1.5), there is no provision for public involvement in resolving any disputes between the Transferee (meaning DOC) and the freehold landowner. This means that "any member of the public" is totally

dependent on DOC to uphold the public interest. There would have to be provision for DOC being held publicly accountable for its handling of disputes if there is to be any confidence that access will not become insecure as a result of secret negotiations.

Another factor not widely known is that under the Crimes Act (section 58) the public is liable to eviction notwithstanding rights under any easement. The reality is that these are private lands notwithstanding any public privileges granted. This is in marked contrast to the protections and certain rights afforded by public roads which are wholly public property.

### 3.2 Protective mechanisms only applicable over natural resources

Section 24(b) CPLA enables protective mechanisms, such as access easements, only over lands with significant inherent values—

24(b) To enable 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

Inherent values are confined to natural resources or historic places—

Section 2 Interpretation—

“Inherent value”, in relation to any land, means a value arising from—

- (a) 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
- (b) A cultural, historical, recreational, or scientific attribute or characteristic of a historic place on or forming part of the land:

“Natural resources” means—

- (a) Plants and animals of all kinds; and
- (b) The air, water, and soil in or on which any plant or animal lives or may live; and
- (c) Landscape and landform; and
- (d) Geological features; and
- (e) Ecosystems;—

and “natural resource” has a corresponding meaning;

Therefore ‘natural resource’ cannot be extended to mean recreational attributes or desires such as public access, in the absence of natural resources. The land either side of the proposed easement area is proposed for freeholding, presumably because there are insufficient inherent values to either warrant Crown retention or some form of protective mechanism. The proposed 10 metre wide easement area has even less natural characteristics than the surrounding land, as it has been modified by the formation of a vehicle track. As well there is no suggestion in accompanying official documents for this proposal that any historic values exist within the proposed easement area. It therefore cannot qualify as a ‘natural resource’ or ‘historic place’ “of significant inherent value” to “deserve the protection of management under the Reserves Act 1977 or the Conservation Act 1987”.

### Section 2 Interpretation-

"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.

Besides, the land itself is not obtaining "the protection of management" under the Conservation Act, as it remains as freehold and is capable of modification by the owner so long as access is maintained over it. Therefore there is no protection of the land *per se* from the existence of an easement despite this being the dominant tenement over the land.

We therefore submit that the granting of this 'protective mechanism' for the purpose of public access is ultra vires the powers contained in the CPLA, and must not be implemented.

### 3.3 Retention of Crown ownership and designation as 'public highway' required

The only form of secure public access in New Zealand is public road. At common law, every member of the public has a right to assert unhindered passage at all times. Such rights are vested in the public and not the roading authority. Over many centuries, such rights have proven to be very robust, notwithstanding inadequate and at times unlawful administration by roading authorities. The existence of direct public remedies against anyone whom obstructs passage is the key ingredient for securing access. The remedies available are removal of obstructions, suing the obstructing party, or both. As noted earlier, no such remedies exist for obstructed public easements. Experience from earlier tenure reviews has demonstrated that no reliance can be placed on DOC to uphold the public interest when access easements are obstructed.

There are statutory abilities to temporarily close or to permanently stop roads, however the grounds for such are very constrained. There are public processes and a large body of case law to ensure that the exercise of such powers is not unwarranted or unreasonable. The same cannot be said of the terms of the proposed easement.

While it would appear that DOC will not want the public having unfettered access to the boundaries of land it administers, much like some private land owners, It is not DOC's wishes that must prevail in this case. It is the objects of the CPLA that must be observed. In regard to provision of public access the objects are clear - "secure access to and enjoyment of reviewable land". The 'reviewable land' is not DOC's in the first place. DOC needs to accept any 'encumbrances' on its future discretion to act, just like any private owner whom accepts freehold title subject to the constraints of protective mechanisms.

PANZ submits that secure public access must be provided to the proposed conservation area along alignment a-b through designation of a 10 metre wide strip of land pursuant to section 35(2)(iii) for the specified Crown purpose of "public highway". This road should be dedicated by the Commissioner of Crown Lands as a public highway for all forms of public passage, with *animus dedicandi* being fulfilled by public acceptance and use.

There are no legal obligations to upgrade roads - this is entirely a matter of discretion for the controlling authority. That authority could be retained by the CCL, or vested in DOC as a public highway but not as a conservation area or reserve. Alternatively if the local authority were prepared to accept the road, it could be vested in them.

The mechanism in the CPLA to enable what we propose is section 35(2)(a)(iii). Designation of land held under reviewable instrument, freehold land, and unused Crown land—

- (2) A preliminary proposal may designate all or any part of any land to which this section applies as—
- (a) Land to be restored to or retained in full Crown ownership and control—
    - (i) As conservation area; or
    - (ii) As a reserve, to be held for a purpose specified in the proposal; or
    - (iii) For some specified Crown purpose.

The specified Crown purpose should be "public highway".

If and when a substantive proposal is put to the holder, authority for this designation would continue via section 46(1)—


46. Substantive proposals may be put to holders—(1) If a preliminary proposal has been put to the holder of 1 or more reviewable instruments and notified under section 43, the Commissioner may in writing put to the holder a substantive proposal that is the same as or a modified version of the preliminary proposal.

In conclusion, while there are several options open in regard to the administration of any Crown purpose road, the CPLA provides the ability to retain in full Crown ownership and control assets which further the objects of the Act. Those assets can include roads. In this case we submit that there is an obligation for the Crown to retain ownership of the currently proposed 'easement area', but as a public road. This is the only proven means of fulfilling the CPLA's object of "securing public access and enjoyment of reviewable land". The alternatives offered to date are clearly inadequate.

**References:**

- Mason Bruce. 1991. Public Roads: A Guide to Rights of Access to the Countryside. Public Lands Coalition.  
Mason Bruce. 1994/2002. Public Roads. A Users' Guide. Public Access New Zealand.  
Mason Bruce. 2002. Proof of dedication as public road: A brief guide. Public Access New Zealand.

Your faithfully



Bruce Mason  
Researcher & Co-Spokesman

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Public Access New Zealand is a charitable trust formed in 1992. Objects are the preservation and improvement of public access to public lands, waters, and the countryside, through retention to public ownership of resources of value for recreation. PANZ is supported by a diverse range of land, freshwater, marine, and conservation groups and individuals.

PANZ is committed to resist private predation of the public estate.

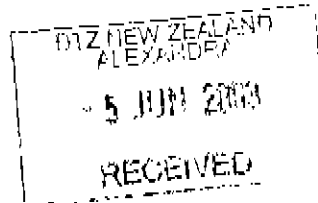


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June 3, 2003.

Manager,  
DTZ New Zealand Ltd.,  
PO Box 27,  
ALEXANDRIA

### SUBMISSION ON PROPOSED TENURE REVIEW: BRAESIDE PASTORAL LEASE

Dear Sir,

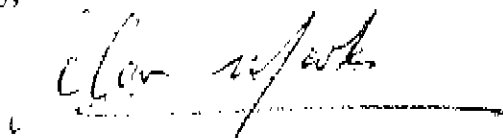
Thank you for sending me a copy of the proposal for tenure review of Braeside Pastoral Lease. I really appreciate the opportunity to comment on this proposal since I know the area very well based on my several visits for various ecological projects, most significantly the supervision of the PNA survey of the Hawkdun Ecological District by Philip Grove in 1991-92.

The separation of the property being proposed, 7922 ha (63%) for restoration to full Crown ownership and control and the balance of 4585 ha (37%) for disposal of by freehold title, superficially appears to be very satisfactory, with a clear division and a good proportion for conservation. The conservation and landscape, as well as recreational values on the area proposed for conservation are all very high and the access via legal roads is apparently also very good though opportunity should be taken to make any minor adjustments necessary to ensure that the legal roadline coincides with the formed 4WD tracks. The wide range of high-alpine vegetation types (*Chionochloa macra* tussocklands, boulderfields, cushionfields and fallfields, with occasional vegetable sheep at their southern limit), and their general condition, certainly justify their conservation, as does the range of mixed shrublands and narrow-leaved snow tussock grasslands on both the western and eastern slopes of the Range. The faunal, particularly entomological, values of these areas is also known to be very high.

What has been overlooked in terms of high conservation value, complementary to the ecosystems included in the area proposed for conservation, is the extensive foot-slope terraces of red tussock grassland and some associated shrublands, between the lower boundary of the proposed conservation land and the Mt Ida water race (to where it turns from a SE alignment to the SW) at the southern end of the property. The area I am recommending probably amounts to some 500 ha (area shown pink on the attached map). I must emphasise that, historically, red tussock grassland was a very significant component of the footslope terraces at the base of the Hawkdun Range and virtually none has been protected to date through tenure review. As the Conservation Resources Report for Braeside states, "this property is the last significant pastoral lease on the Hawkdun Range ... And will provide the remaining nucleus for a conservation park proposal on the Hawkduns." This being the case, the acquisition of this area of red tussock grassland for its conservation values, to be managed by the Crown, will be the last opportunity to include a representative area of this highly reduced ecosystem type, in this proposed conservation park. It would be a relatively small but extremely valuable part of what was a very significant component of the Hawkdun Ecological Districts's indigenous ecosystems in pre-European times.

Thank you for the opportunity to comment on this proposal, which I trust you will give your serious consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Alan F. Mark", written over a horizontal line.

Alan F. Mark.  
Professor Emeritus

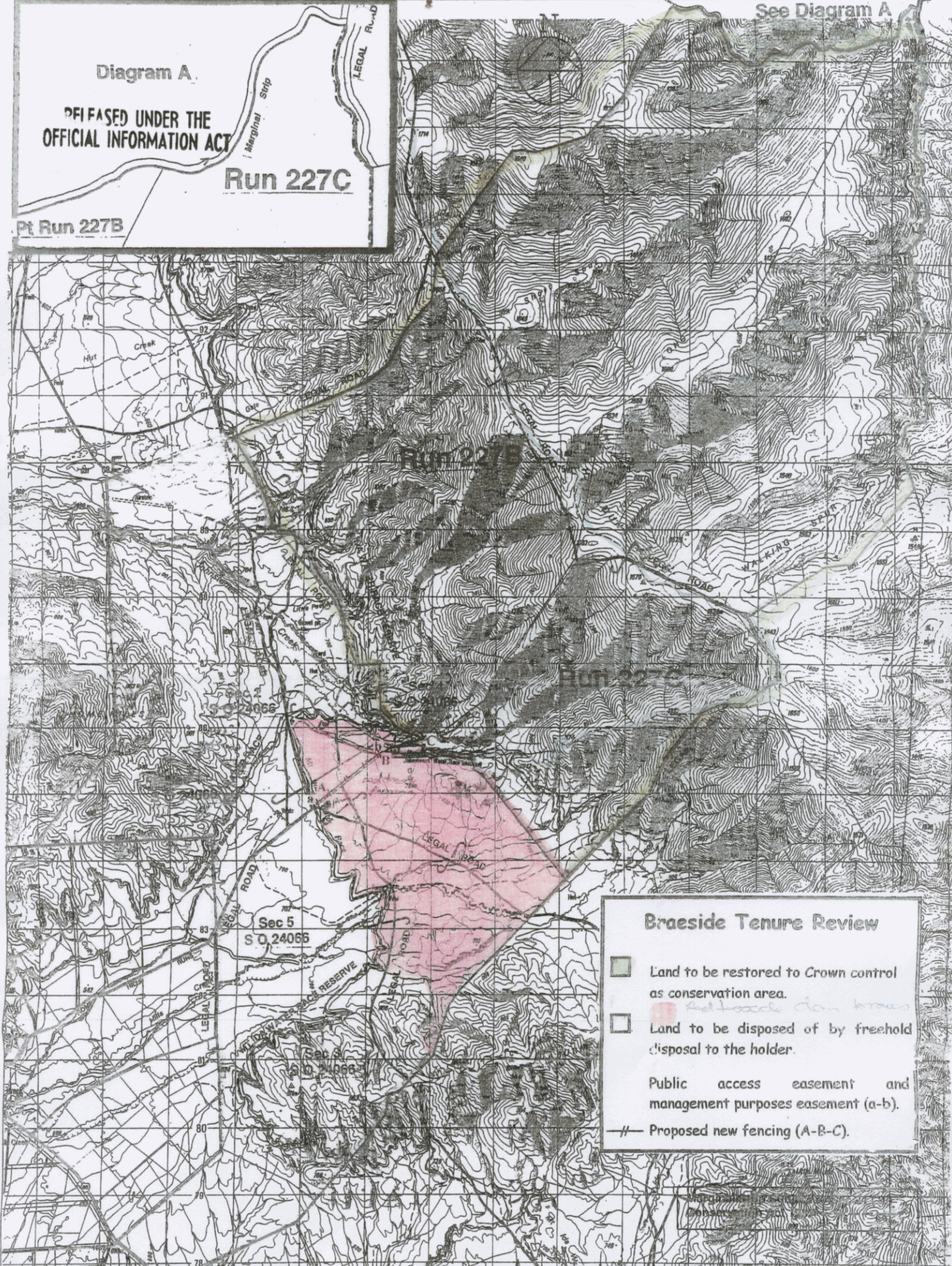
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Diagram A

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Run 227C

Pt Run 227B

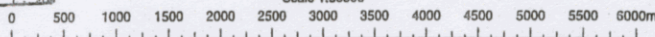


Braeside Tenure Review

- Land to be restored to Crown control as conservation area.
- Land to be disposed of by freehold disposal to the holder.
- Public access easement and management purposes easement (a-b).
- #— Proposed new fencing (A-B-C).

Braeside

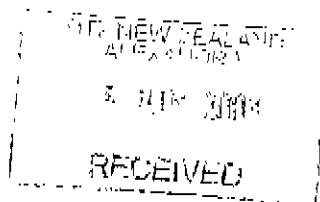
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Otago Land District	Sheet 1 of 1				
NZMS 260 H40 & H41	Date 23/9/1999				



182 Melbourne Road  
Island Bay  
Wellington  
2 June, 2003



Land Information New Zealand  
C/o Commissioner of Crown Lands  
DTZ New Zealand  
Land Resources Division  
Box 27  
Alexandra  
Otago

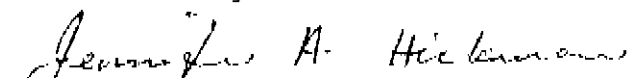
### **Braeside Pastoral Lease**

I support the proposed protection and restoration to full crown ownership of the 7,922ha of land from the base of the Hawkdun Range to the tops so that this area could become part of the proposed Oteake Conservation Park along the Hawkdun and Ida Ranges.

Please also include with this area the 400ha of red tussock grassland on the alluvial terraces, as areas of red tussock have high botanical value. Prior to European settlement red tussocks are thought to have covered about 82,000ha of central Otago's lowland areas. Today, only about 4000ha remain, ten percent of which may occur on Braeside pastoral lease. Very few areas of red tussock remain below 900m.

This would then provide a valuable altitudinal sequence of vegetation from the Manuherikia Valley floor to the tops of the Hawkdun Range.

Yours faithfully

  
Jennifer A. Hickman

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Gillian Pollock  
Dawson Road  
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7152  
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Commissioner of Crown lands  
DTZ New Zealand  
Land Resources Division  
Alexandra

#### SUBMISSION ON BRAESIDE PASTORAL LEASE

Consideration of the vertical division of a range is likely to be more appropriate than horizontal division during tenure review.

Vertical division of this pastoral lease would ensure the survival of an important area of red tussock grassland most of which has been destroyed since European times and particularly where it grows below 900m.

The upper areas of any mountain range are no more important for conservation than the lower areas, each merges into the other. Creatures which spend the warmer months at higher altitude move lower down for the winter. Many plants are specific to certain altitudes.

This tenure review of Braeside offers an opportunity to ensure the protection of the whole sequence of land form, plant life and animal habitat on the Hawkdun Range, from the alpine summit to the alluvial terraces on the valley floor and thus the red tussock grasslands.

This important part of the country should be suitably protected by remaining in public ownership.

Signed:

*Gillian Pollock*

*1 June 2003*

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**Southern Office**

P.O. Box 6230

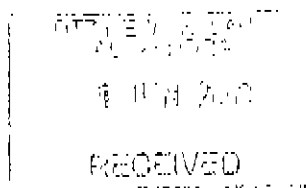
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**FOREST  
& BIRD**

ROYAL FOREST AND  
BIRD PROTECTION  
SOCIETY OF  
NEW ZEALAND INC

4<sup>th</sup> June 2003

Mr Ken Taylor

DTZ

Box 27

Alexandra

Dear Ken

**Submission to Braeside – Preliminary Proposal**

Thank you for the opportunity to comment on this proposal.

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**Introduction**

I write on behalf of the Royal Forest and Bird Protection Society, which represents over 55,000 members nationwide in 57 branches. The Society has been an active advocate of the protection and conservation of New Zealand's natural and physical resources since 1923.

We have inspected part of the lower areas of this lease and would like to record our appreciation of the Lessee's generosity in allowing us to inspect this proposal.

**The Preliminary Proposal As Presented.**

1. 7922ha (approximately) to be designated as land to be restored to full Crown ownership and control under Section 35(3) of the CPL Act as a conservation area.
2. 4585 ha (approximately) to be designated as land to be disposed of by freehold disposal to the holder under Section 35(3) of the CPL Act, subject to Part IVA of the Conservation Act 1987, Section 11 of the Crown Minerals Act 1991 and the following protective mechanism under Section 40(1) (b), Section 40 (2) (b) and 40 (2) (c) CPL Act.
3. A ROW easement for unrestricted public motorised and non-motorised vehicle access and access by foot or accompanied by horses on route from Home Hills Runs Road to the proposed conservation area.

## Summary of Forest and Bird's Submission

1. Strongly support the return to full crown ownership and control of the approximately 7922 ha as conservation area.
2. The proposal fails to meet the objects of the CPL Act and requires reassessment. In particular areas with extensive significant inherent values, being relatively intact red tussock dominated grassland on alluvial terraces, which meet standards 1, 2, 3, 4, 5 and 7, (DOC Tenure Review Manuel) have not been identified in the Conservation Resources Report (CRR), or the Preliminary Proposal, (PP). In order to fulfil the objects of the CPL Act these warrant protection and return to full crown ownership and control.
3. Support PANZ submission recommending designation of the access route A-B as land to be restored to full Crown ownership and control to be held for a specified Crown purpose – namely "public highway"

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## Recommendation

As neither the Preliminary Proposal (PP) or the Conservation Resource Report (CRR) mention the red tussock dominated grasslands, they are inaccurate. This means that the PP as notified is neither a true nor an adequate description of the area, and the public have been misinformed. Such an oversight in the review should mean that the process be required to start over, so that the area is properly assessed and reported on, and a new Draft Preliminary Proposal prepared which incorporates protection of these significant inherent values and a new PP notified. However given the circumstances, we submit that a detailed ecological assessment of the area be carried out, and a new DPP and PP be drawn up. We submit that those people who have made submissions on this PP should then be given a further opportunity to make submissions.

We are disappointed to have to make such a recommendation, but it is important that the official documents accurately reflect the conditions on the ground. The public must be able to have faith in the notified Preliminary Proposal documents. We appreciate that it is easy for some areas to be missed given the often-severe time constraints for ecological surveys. However the Braeside case is rather a large omission in our view.

## Proposed Conservation Area

The Society concurs with the CRR, and acknowledges that this area will be a very valuable and much appreciated addition to the Conservation Areas already established on the Hawkduns.

### Land Proposed to be freeholded

Due to inclement weather we did not get to inspect all of the area that is proposed for freeholding. A map showing our route is attached. However it is clear from the area that we saw, that there are extensive areas of moderately dense red tussock dominated grasslands on fertile alluvial terraces and fans, which must qualify as having significant inherent values. (See attached map and photographs).

This area (which I have termed the Braeside flats is outlined in pink on the attached map) is proposed for freeholding and is described in the PP (page 4) as "*not including any significant inherent values requiring protection under the review. It comprises mainly extensive rolling improved and semi improved fescue tussock grasslands with patches of matagouri and snow tussock on shady faces and moister low lying areas.*"

Then on Page 6 the PP states that: "*Under this proposal all the significant inherent values identified within the lease will be protected by designating approximately 7922 ha of the reviewable land as land to be retained in full Crown ownership and control as conservation area.*"

The CRR does not mention any red tussock grasslands on the Braeside flats, which are described as containing "*...a mosaic of native plants interspersed amongst pasture grasses, but largely the area is highly modified with the inter-tussock species having been replaced with pasture grasses.*"

The results of our inspection suggest that these reports are both inaccurate and misleading.

The Braeside Flats, between 700m – 850m are extensive alluvial flats, which have been cut into a series of well-defined terraces southeast towards Hills creek and northwest towards and along Johnstones Creek. These are covered in red tussock dominated grasslands, interspersed with snow, fescue and silver tussocks. We estimate the coverage of red tussock to vary between 40% to 90%. The inter tussock herb flora is quite diverse and includes; *Ranunculus spp*, *Wahlenbergia spp*, the grassland sedges *Carex breviculmis*, *Carex wakatipu*, the scabweeds - *Raoulia subsericea*, *Scleranthus uniflorus*, the woodrush - *Luzula rufa*, *Poa colensoi*, the ground orchid - *Leucopogon fraserii*, *Colobanthus spp*, and *Leptinella pectinata*. Coral broom, *Carmichaelia petriei*, *Coprosma intertexta*, *Melicytus alpinus* are scattered amongst the grasslands, and matagouri - coprosma dominated shrublands occur along the riparian margin of Hills Creek, and other more disturbed areas.

Hills Creek is a braided stream, and contains indigenous riverbed vegetation similar to parts of the Manuherikia.

Previous botanical studies (1985)<sup>1</sup> have identified red tussock grasslands just north of Braeside as having high botanical values in themselves as well as being part of an important altitudinal sequence of vegetation types from the Manuherikia Valley floor to the tops of the Hawkdun Range.

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<sup>1</sup> Chapman, Hazel 1985. Botany of the Hawkdun, Benhar and Ashers-Waituna Study Areas for Liquid Fuels Trust Board.

The lower part of Braeside falls in the Maniototo Ecological District. This district has not been properly surveyed under the Protected Natural Areas Programme. However a desktop exercise was carried out by Grove 1994.<sup>2</sup> Grove reported on the work carried out by Chapman (1985)<sup>3</sup> just north of Braeside, and recommended Chapman's Hawkdun Study site for protection. Grove commented that this "*area represents the best example of red tussock and fescue tussock grassland and associated wetlands, tussock lands and shrublands to be found on such a landform (low river terraces and hills) in both Central Otago and neighbouring Waitaki Ecological regions.*"

From our inspection of Braeside, I consider that the area of red tussock dominated grassland on Braeside has botanical values similar to or higher than Chapman's study site and are worthy of protection and restoration to full crown ownership and control.

Red tussock grasslands are described as being regionally rare and regionally threatened. Prior to European settlement red tussocks are thought to have covered around 82,000ha of central Otago's lowland areas. Today only about 4000ha remain, ten percent of which may occur on Braeside pastoral lease. Very few areas of red tussock remain below 900m.

### **Opportunity for an Altitudinal Sequence**

The Braeside terraces form part of an important altitude sequence, from the Manuherikia Valley floor, with yellow-grey earths on the terraces and fans, through the upland and high country yellow brown earths on the lower hills up to the tops of the Hawkdun Range. Grove<sup>4</sup> recognised the importance of such sequences. In discussing the Chapman Study site, he stated:

*"A detailed ecological reassessment of the whole area (Upper Manuherikia Basin) is essential to fully document existing values in anticipation of future tenure changes and ongoing pastoral modifications. Ideally, a protected area should be established that is continuous with and complementary to recently acquired conservation land on the Hawkdun Range thereby securing a sequence from high alpine mountaintops to montane valley floor. A reserve here, containing examples of what are now regionally rare red tussock and fescue tussock grasslands, wetlands and shrublands would be of immense conservation, scientific and scenic value."*

The earlier tenure reviews on Two Mile and Blackstone Hill failed to protect such a sequence. Some of the values may exist on Home Hills, but our cursory look through binoculars indicates that they are now significantly more degraded than the tussock grasslands on Braeside.

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<sup>2</sup> Grove, Phillip 1994. Maniototo Ecological District – A Survey Report for the Protected Natural Areas Programme. Department of Conservation – Dunedin

<sup>3</sup> Chapman, Hazel 1985. Botany of the Hawkdun, Benhar and Ashers-Waituna Study Areas for Liquid Fuels Trust Board.

<sup>4</sup> Grove, Phillip 1994. Maniototo Ecological District – A Survey Report for the Protected Natural Areas Programme. Department of Conservation – Dunedin

The Geology map indicates that there is an area of Manuherikia Group fine grain sediments, thought to have been deposited during the Miocene in a lake basin that covered much of Central Otago. These to the best of my knowledge are not well represented in existing conservation areas. Mike Pole found conifer remains in such Miocene sediments at two nearby localities at Muddy Creek and Mata Creek. The CRR makes no mention of having investigated the potential importance of the area within Braeside.<sup>5</sup>

### **CPLA Objects and Standards for Assessment of Significant Inherent Values**

Forest and Bird submits that the area outlined in pink on the attached map has significant inherent values that meet standards 1, 2, 3, 4, 5 and 7, (DOC Tenure Review Manuel) warrant protection and return to full crown ownership and control, under the CPLA. Failure to achieve this will mean that this tenure review does not meet the objects of the CPLA.

The Braeside flats, being predominantly red tussock dominated grasslands with diverse inter-tussock flora and patches of indigenous shrublands sustain the special natural quality and integrity of the High Country landscape. They are a natural continuum with the land above Johnstones Water Race, which is to be conservation area. The 360° view from trig G (see photographs) is one of a sea of tussocks, there are few obvious human intrusions. This is a significant and very scenic landscape feature, worthy of protection. Such views of tussock covered terraces and fans are now rare in the Manuherikia valley. Accordingly the Braeside flats sustain valuable scenic attributes, and they are particularly valuable as part of a natural high country landscape. (Standards 1+2).

It is clear that had a Protected Natural Area survey been undertaken the Braeside Flats would have been selected as a priority natural area, (Standard 3), as it is of similar or higher value than the Chapman Study area, which was identified by Grove<sup>6</sup> as an Area of Interest (AOI). AOI's are areas that are considered to have conservation values but have either not been documented in detail or have no definite boundaries at this stage. It is obvious from the CRR that no intensive fieldwork or ecological assessment has been undertaken of the Braeside Flats. This tenure review must not proceed until it has.

The Braeside flats contain habitat for the shrub, *Coprosma intertexta* that is listed as category *Sparse* on the threatened plants list for Central Otago. The red tussock dominated grasslands are also described as being regionally rare. These ecosystems are now uncommon in this ecological district. Chapman describes the red tussock

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<sup>5</sup> Pole, Mike; 1997. Miocene conifers from the Manuherikia Group. *Journal of the Royal Society of New Zealand, Volume 27, September 1997, pp 355-370.*

<sup>6</sup> Grove, Phillip 1994. Maniototo Ecological District - A Survey Report for the Protected Natural Areas Programme. Department of Conservation - Dunedin

grasslands, just north of Braeside as being near the southernmost limit of its distribution.<sup>7</sup>(Standards 4+5).

The red tussock dominated grasslands on the Braeside flats are also significant as they are an extensive area of relatively intact indigenous vegetation that links with the proposed conservation area to ensure a functioning natural ecosystem. They form the lowland part of a whole catchment and should be protected to ensure the ecological integrity of the proposed Hawkdun Conservation Area. (Standard 7).

### **Access**

We support the proposed access A-B as this is the shortest and most practical route to the proposed conservation area. We also appreciate the thoughtfulness of the lessees for their initiative to amend the proposed conservation area boundaries to create a more practical access. The Society concurs with the PANZ submission that secure public access must be provided and we submit that creating a protective mechanism is not secure. We endorse the PANZ proposal to designate the access alignment under Section 35(2)(iii) for the specified Crown purpose of a "public highway".


We note that reconsideration of the current proposal to include the significant inherent values of the Braeside Flats would obviate the need for such a move as we believe this area should all be returned to full crown ownership and control.

There is potential for a further public access route, which would be especially good for mountain biking at the lower end of the Braeside Flats, marked in green on the attached map. This would enable greater public enjoyment and access through the significant inherent values of the Braeside Flats.

### **Conclusion**

We seek the Commissioner of Crown Land's assurance that further ecological investigations of the Braeside Flats will be carried out and we look forward to further opportunities to comment upon any new proposals arising out of such an investigation.

Yours sincerely



Sue Maturin  
Southern Conservation Officer

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<sup>7</sup> Chapman, Hazel 1985. Botany of the Hawkdun, Bonhar and Ashers-Waituna Study Areas for Liquid Fuels Trust Board.



Broeside Flats beside accessway A-B from (just above  
mt 9da water race at @ 720m - looking towards the proposed  
Conservation Area.



John Turnbull - upper Clutha Forest & Brook beside a  
large red tussock. Tussocks the size of are relatively common  
on the Broeside Flats.



Broeside

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Broeside Flats looking northwest along Johnstons creek  
towards Home Hills



*Ceprosia intertexta* - described as "sparse" on the threatened  
plant list for Central Otago

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Brosie Flats looking north west towards Home Hills  
from H41 724857.



Brosie Flats - looking south towards the yards from  
H41 724857



Broeside red tussock dominated alluvial flats and terraces,  
taken from trig G. Above - looking east towards Long Bully.  
Below looking south east towards Hills Creek.



Brasida

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OFFICIAL INFORMATION ACT



Riparian malgeviri-ceprosinia shrubbed on the banks  
of Hill Creek at the 'Ford' H4.1 723835.



frack  
granite  
north  
west of  
Lead  
Creek  
Boeside

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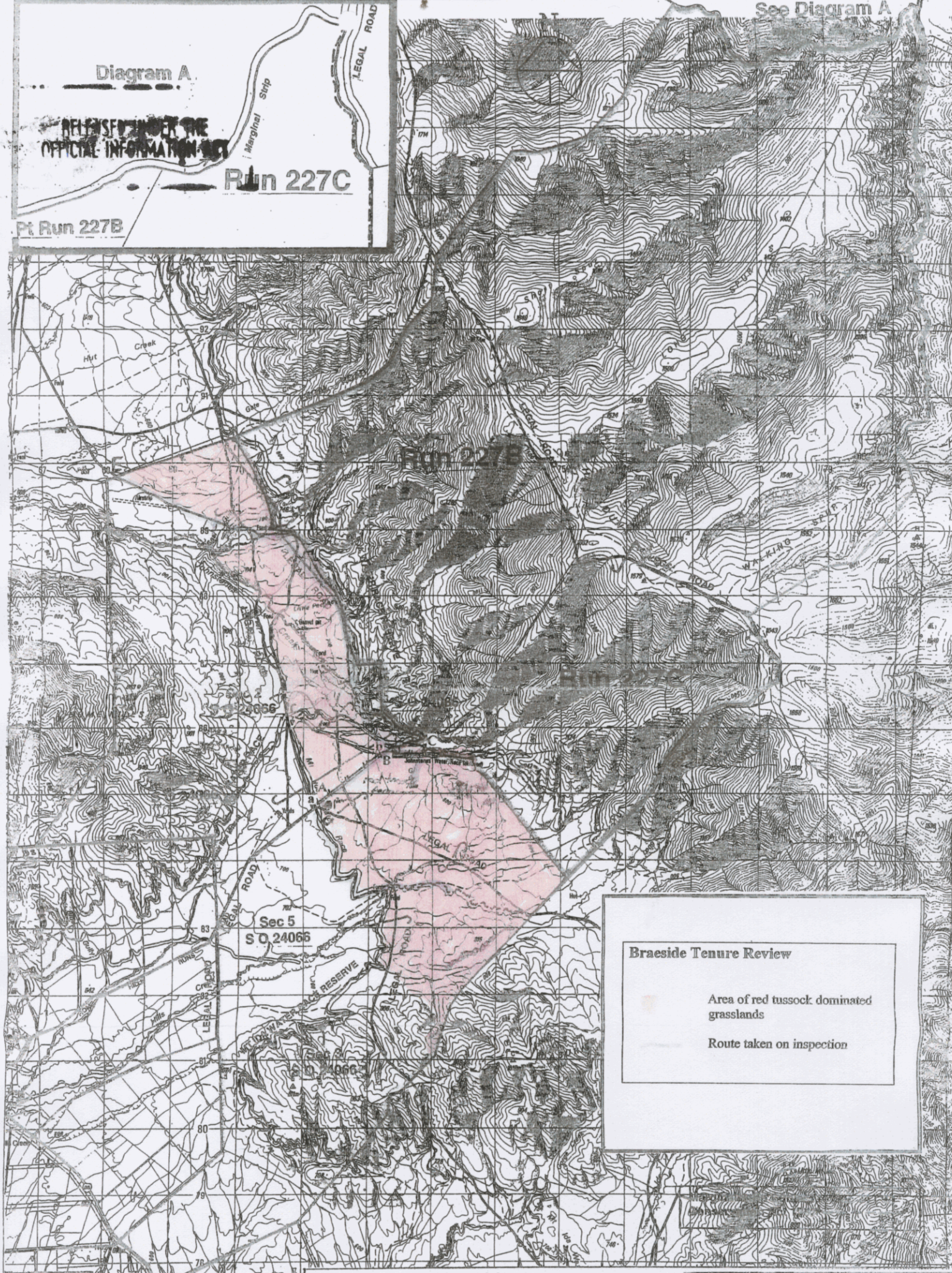
See Diagram A

Diagram A



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Run 227C

Pt Run 227B



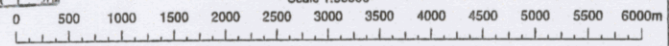
**Braeside Tenure Review**

-  Area of red tussock dominated grasslands
-  Route taken on inspection

Sec 5  
S O 24066

**Braeside**

Scale 1:50000



Version	1	2	3	4	5
Otago Land District	Sheet 1 of 1				
NZMS 260 H40 & H41	Date 23/9/1999				



**Ken Taylor**

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**From:** Bruce Mason [panz@es.co.nz]  
**Sent:** Wednesday, 11 June 2003 9:44 p.m.  
**To:** Ken Taylor  
**Subject:** Correction to PANZ Braeside submission



Hi Ken

I have just noticed three typos in the PANZ submission on Braeside (it was finished rather late at night).

References to section 35(2)(iii) CPLA should read section 35(2)(a)(iii).

Also the paragraph under 3.3 should read-

"While it would appear that DOC will not want the public having unfettered access to the boundaries of land it administers, much like some private land owners, it is not DOC's wishes that must prevail in this case. It is the objects of the CPLA that must be observed. In regard to provision of public access the objects are clear - "secure access to and enjoyment of reviewable land". The 'reviewable land' is not DOC's in the first place. DOC needs to accept any 'encumbrances' on its future discretion to act, just like any private owner whom accepts freehold title subject to the constraints of protective mechanisms."

Please correct our submission accordingly.

If you are confused by all this, the corrected submission is on the PANZ web site.

Cheers

Bruce

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A stamp with the text "RELEASED UNDER THE OFFICIAL INFORMATION ACT" in a bold, sans-serif font. The stamp is slightly tilted and has a distressed, ink-like appearance.